



Northern Ireland
Assembly

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

Volume 112

(1 February 2016 to 19 February 2016)

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Official Report (Hansard)

Assembly Sitings

Northern Ireland Assembly

Monday 1 February 2016

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

Members observed two minutes' silence.

Assembly Business

New Assembly Member: Mr Alastair Patterson

Mr Speaker: I wish to advise the House that I have been informed by the Chief Electoral Officer that Mr Alastair Patterson has been returned as a Member of the Assembly for the Fermanagh and South Tyrone constituency to fill the vacancy resulting from Mr Neil Somerville's resignation. Mr Patterson signed the Roll of Membership and entered his designation in my presence and that of the Clerk/Chief Executive on 27 January 2016. The Member has now taken his seat. I welcome him to the House and wish him every success.

Question Time: Standing Order 20(8A)

Mr Speaker: I want to return to the point of order raised by Mr McCarthy after last Tuesday's Question Time. Standing Order 20(8A) is very clear that answers to questions may be no longer than two minutes. For a Minister to continue to exceed that time in the face of repeated reminders is discourteous to the House and unacceptable. Ministers may, from time to time, need more time to provide answers on complex issues, and the Deputy Speakers and I will regularly accept requests for additional time in those circumstances. However, filibustering or waffling is not in order, and, if we find that Ministers persistently slip beyond their time, we will intervene and move on to the next question. I hope that that is clear.

Standing Orders 10(2) to 10(4): Suspension

Ms Ruane: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 1 February 2016.

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 1 February 2016.

Mr Speaker: As there are Ayes from all sides of the House, and there is no dissent, the motion is carried.

Committee Membership

Mr Speaker: The next item on the Order Paper is a motion regarding Committee membership. As with similar motions, it will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That the Ulster Unionist Party Assembly Committee membership be changed in accordance with the proposals laid in the Assembly Business Office by the party on 27 January 2016. — [Mrs Overend.]

Ministerial Statements

North/South Ministerial Council: Tourism

Mr Bell (The Minister of Enterprise, Trade and Investment): With your permission, Mr Speaker, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding a meeting of the North/South Ministerial Council (NSMC) in tourism sectoral format. The meeting was held in Armagh on 2 December 2015. Minister Carál Ní Chuilín and I represented the Northern Ireland Executive. The Irish Government were represented by Paschal Donohoe, Minister for Transport, Tourism and Sport. I chaired the meeting. The statement has been agreed with Minister Ní Chuilín, and I make it on behalf of us both.

Ministers noted the current position of the EU funding programmes that may be of assistance to the tourism sector and agreed that the relevant tourism stakeholders in both jurisdictions will continue to monitor closely developments at EU level to ensure that tourism may benefit from all suitable collaborative funding opportunities. The chairperson, Mr Brian Ambrose, informed Ministers of the work of the Tourism Ireland board since the previous meeting, including delivering the 2015 business plan and developing the 2016 business plan, as well as progress on implementing the corporate plan for 2014-16. Ministers also learned of the progress in delivering Tourism Ireland's performance goals for 2015 and the development of the 2016 goals.

Ministers received a presentation from the CEO, Mr Niall Gibbons, on Tourism Ireland's performance throughout 2015. It contained highlights of Tourism Ireland's marketing campaign throughout the year, with particular regard to the Wild Atlantic Way and Causeway coastal route; the global greening campaign; Game of Thrones; the Irish Open; the British-Irish visa scheme; and overseas publicity.

Ministers received a performance overview of the 2015 season and were informed of emerging promotional themes for 2016, in particular, Ireland's Ancient East; Northern Ireland's Year of Food and Drink 2016; the Wild Atlantic Way and Causeway coastal route; and Dublin — A Breath of Fresh Air.

The NSMC welcomed the strong growth in visitor numbers from all main markets to Ireland and Northern Ireland. Ministers noted the current position of the 2016 business plan and the intention to bring it to the next available NSMC meeting for approval. The plan has since been approved at the NSMC Special EU Programmes Body (SEUPB) meeting on 11 December 2015.

The joint work to develop a compendium report on tourism statistics was noted. The study is expected to be finalised shortly, and a detailed report will be made available to Ministers at their next meeting. Ministers noted that work is progressing on the preparation of an all-island cruise tourism strategy in consultation and collaboration with key stakeholders and that it should be completed in early 2016.

The NSMC noted the ongoing work by relevant Departments in Ireland and Northern Ireland to host the Rugby World Cup in 2023 and the preparations in hand in both jurisdictions to host the Women's Rugby World Cup in Belfast and Dublin in August 2017.

The NSMC noted Tourism Ireland's annual report and accounts for 2014. It consented to the grant of right of

way over the Royal Canal towpath at Kilbrook, County Kildare, to Cathal Fitzsimmons and to the deed of transfer and grant of right of way between Waterways Ireland and Bord Na Móna Energy Ltd for lands at Begnagh, County Longford.

Ministers also consented to the transfer of lands to Waterways Ireland and a 20-year licence to Longford County Council. That is to facilitate the development of the shared pedestrian and cycle route along the Royal canal from the junction of the Longford branch at Cloonsheerin to the Westmeath county boundary at Cloonbrin for a distance of 28.2 kilometres.

The Council agreed to meet again in tourism format in spring 2016. I commend the statement to the Assembly.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas leis an Aire as a ráiteas. I thank the Minister for his statement. He stated:

"the relevant tourism stakeholders in both jurisdictions will continue to closely monitor developments at EU level to ensure that tourism may benefit from all suitable collaborative funding opportunities."

Will the Minister provide detail on what those developments are, which stakeholders will be monitoring them and the nature of the monitoring that is ongoing?

Mr Bell: Essentially, we are working with all our partners. I regularly meet directly with the leadership of Tourism Northern Ireland and Tourism Ireland. In fact, I am just back from a very successful meeting, not in the EU but in the United States, specifically in relation to the EU programme. We know that, in our work with our EU partners, our tourism figures are up. They are up in Northern Ireland and up across Ireland. Indeed, it is almost the case, which we want to encourage, that that rising tide does lift all boats. I am pressing to ensure that we maximise every opportunity that we take with our EU partners. I have asked the groups that are working directly with our partners in Europe to look specifically at all the funds to ensure that we sweat all the assets to make sure that the trajectory of upward tourism numbers is supported by every resource that is available to us from the European Union.

Mr Dunne: I thank the Minister for his statement. Can he give us some assurances that Tourism Ireland is promoting Northern Ireland across the world as a visitor destination and not just promoting Ireland as one unit, with Northern Ireland losing out?

Mr Bell: I am pleased to see the work that Tourism Ireland has taken forward. It has set itself very ambitious targets for growth in 2016 from Great Britain and from all the main overseas markets. They have been set together in the 2016 business plan. I can reassure the Member that the targets have been set in the business plan and that it has been agreed.

Mr Dunne is absolutely right. Northern Ireland has a unique distinctiveness, and it has a very important role to play in attracting overseas visitors. We have stressed to Tourism Ireland — it accepts and understands the point — that one of my key priorities is to see standout specifically for Northern Ireland. To help Northern Ireland achieve its tourism potential, I have highlighted the importance of the market or the event lending itself to the potential

visitor being able to see positive specific messaging about Northern Ireland. A great programme has been put together by Tourism Ireland across the United States on the Northern Ireland Year of Food and Drink. I was in a packed hall — I mean packed — in New York, and there was a tremendous amount of energy and goodwill among dozens of tourism providers, who were all taking a specific interest in Northern Ireland and telling me of their specific plans not only for the Year of Food and Drink but for the Gobbins cliff path; the Causeway coastal route; Titanic Belfast; the huge success that we can offer in golf; the expansion of the Waterfront Hall to bring business tourism in; HMS Caroline coming online; and city breaks to Belfast and Londonderry. All that has a specific Northern Ireland standout, and I compliment the work that Tourism Ireland is doing to ensure that that standout gets as wide a market as possible.

Mr Ó Muilleoir: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom fosta buíochas a ghabhail leis an Aire agus fáilte a chur roimhe ar ais go hÉireann ghlas. I thank the Minister for his statement. I welcome him back from his successful tour of the United States. It is 4.00 am in California and so, if the Minister yawns, he has an excuse.

12.15 pm

I suppose that I have two questions, Minister, about this successful engagement with Tourism Ireland. The first is, before we all go on our way and seek election, those of us who are standing again in May, can we perhaps get the air development route fund up and running? I think that it would make a difference. As you know, tourism is 9% of GDP south of the border and 6% up here. Closing that gap would be enormously helpful to our airports. I think also, of course, of the States and the great wish that Belfast and its sister city of Boston could be united by an air route. Additionally, Minister, welcome back.

Mr Bell: There is an important point to be made about air access. I congratulate both of our airports, which I notice have seen an increase in numbers. I also met City of Derry Airport about proposals that it has. We met in its boardroom and looked at what we can do there. I notice that Belfast City Airport and Belfast International Airport are reporting increased numbers of visitors and travellers, which shows that we are on the right trajectory.

The answer to your question is yes, we hope to get an air route development fund out within the financial year so that people could be aware of that. The purpose is to develop the connectivity, as the Member says, between business destinations and look at those inbound routes that have tourism potential. I am thinking of key destinations such as Germany and Scandinavia, and city destinations such as Munich, Madrid and Milan.

The Northern Ireland fund has to meet the requirements not only of Northern Ireland but also of European Union state-aid rules. It is also under the constraints of whatever the Executive can afford. I will do all that I can to ensure that I can announce the way forward in respect of air route funding before the end of the financial year.

Mr Cochrane-Watson: I welcome the Minister back from the United States. I welcome the statement. I am keen that the 2023 World Cup is brought to Northern Ireland and the Republic of Ireland. Tourism from sport is attractive to us all.

There is a huge imbalance between Dublin Airport and Belfast International, in my constituency, particularly in north Atlantic travel. It could be as much as 12:1, United being the only north Atlantic carrier out of the International. Is there any way that Tourism Ireland could promote the benefits of Belfast International and help you and others in attracting more inward travel? One aspect attractive to the traveller is that entry and customs can be cleared at Dublin Airport. I appreciate that the volume of travellers is probably not there, but it would be a huge benefit to Belfast International if the volume was there and we could do that at Belfast before travel.

Mr Bell: I appreciate both points that the Member makes. In support for the Rugby World Cup bid, there is considerable work going on to ensure that it goes ahead. A director has been put in place, work is ongoing in progressing the bid, and both Administrations and agencies are fully behind it. We are trying to guide the bid preparation with an overview group, and we have set up interdepartmental groups in both jurisdictions. They have agreed the terms of reference for the groups, and Deloitte consultants will meet key government representatives to discuss several issues over the coming weeks.

There is real potential for a number of Rugby World Cup games. I met former Tánaiste Dick Spring in my offices in Netherleigh. I have been down to the Aviva. The First Minister and the deputy First Minister were recently at Kingspan to try to make sure that that bid goes ahead. The potential that we have is for hundreds of thousands coming here onto the island for up to eight World Cup games and a quarter final. Moreover, the fact that we could get key rugby international nations to base themselves here would be tremendous for spend, hotel beds and everything else.

We will be throwing our work fully behind that, and we are well supported by the likes of Brian O'Driscoll and other key ambassadors who have key influence in the rugby community. If I can use a pun, with Brian O'Driscoll and others, we will stand shoulder to shoulder, and let us hope that the selectors select Ireland for 2023 and we answer the call.

On access, funding is already provided via Tourism Ireland. It is working with the Northern Ireland airports to provide the cooperative marketing that is aimed at inbound tourism performance on new and existing routes. We will continue to look, with both airports, at how we can maximise the potential. There is a debate on this. I am pressing the UK Government on air passenger duty, and I do think that, as we have said, it does unfairly impact on Northern Ireland. I want the UK Government to address that and to deal with it and, ideally, to abolish it. I have to say that we do not seem to be getting a lot of traction back from the UK Government on that, but we will continue to press that case.

There then becomes an issue locally as to whether we take the financial hit and do it ourselves. As the Member knows, we commissioned the Northern Ireland Centre for Economic Policy at Ulster University, which informed us that it was a weak financial tool. An additional report was brought to us to challenge that, and we asked the expert economists to look at that additional report. Again, they came back to us and said that the cost to the public finances in Northern Ireland would be so high that it would be a weak economic tool. So we are looking at what we can do, which is the air route development fund.

I congratulate the Member's constituency and Graham Keddie and his team, and I want them to continue to challenge us. I want to be challenged, as long as people understand that I have to take that money out of the public finances somewhere along the line to justify it. I also have to justify it against expert advice that is saying to me that this is a weak financial tool. I will continue to work with all of our airports to maximise the potential that is coming through there, and I do believe that, in Tourism NI and Tourism Ireland, there is the willingness to do so.

Mr Dickson: Thank you, Minister, for your statement. Minister, you may not have heard the statement made yesterday by Mr Howard Hastings, who I think most of us will agree is an expert on tourism in Northern Ireland. How do you propose to assuage his concerns and the concerns of other experts in tourism in Northern Ireland that not enough is being done to market Northern Ireland and that there is a disproportion in the way that funds are allocated to deliver that marketing of Northern Ireland? Very briefly, you made reference to the Rugby World Cup and other events and also to food and drink. Will the Minister agree that the time is right now to alter our licensing laws to make those events more friendly and amenable to that legislation as well?

Mr Bell: I will answer those points in order. I thank Dr Hastings for the work that he does. He regularly gives up time and comes in, almost as an official adviser, to some bodies of mine, and he has put in a huge amount of intelligence and energy and used a wonderful network from an earned reputation for excellence in tourism that the Hastings group has to help us going forward. I am not sure that there is a single Minister who has not been challenged to spend more in any particular area. The House will be aware that my Department has invested significantly in tourism in the last number of years. We have put over £100 million into the tourism infrastructure, and tourism budgets are still healthy. We have allocated £30 million to our two tourism bodies, and we need to be smart with the resources that are available. I know that both of our tourism bodies are looking to maximise the marketing opportunities that Howard has challenged us to look at, specifically through the use of some digital marketing. Tourism Ireland has specific expertise in the digital marketing sector.

With £100 million having gone into infrastructure and £30 million having gone into both tourism bodies, our tourism figures are up. We will certainly want to keep being challenged by the industry on specific areas that it thinks that we should put more money into.

I understand the specific position on the licensing laws. I understand the difficulties, particularly for craft breweries and distilleries where, if people are visiting, you can give them a bottle, but you cannot sell them one. To a certain extent, you have to say, "Look, you can't buy it here, but if you go 300 yards or 2 miles down the road, you can buy the product". There is a difficulty there, and the Executive have agreed to look at it. I think that we want the change to maximise the economic potential of Northern Ireland commensurate with our responsibilities on alcohol.

Mr McKinney: I am sure that, like me, the Minister will welcome the announcement that Northern Ireland will host the Commonwealth Youth Games in 2021. Can he reflect on the benefits to the economy of the Commonwealth Youth Games, as well as the costs, infrastructural

implications and marketing? What discussions are being had with Tourism Ireland about how it will be involved?

Mr Bell: First of all, I want to congratulate the Northern Ireland Commonwealth Games Council (NICGC) on its winning bid for the 2021 Commonwealth Youth Games. It has significant potential in Belfast. It is an opportunity for our young athletes from the Commonwealth family to take part in international competition. It also offers spectators the chance to see the sports stars of the future in action. DETI officials, Tourism NI and the Commonwealth Games, with responsibility specifically for Belfast for Tourism NI, are working together to ensure that the necessary business case is in place. I am working on that business case specifically to see how the event can be hosted. There is a lot of work involved with the business case. I hope to see both Tourism NI and Tourism Ireland maximising the potential of the project.

Mr Givan: Thank you, Minister, for your statement. The Minister will be aware of the loss of the Troon ferry service. Is he able to comment on that and on what actions, if any, can possibly be taken by DETI to ensure not only that air access into Northern Ireland is enhanced but that our sea ports are a way for people to access and come to Northern Ireland?

Mr Bell: The Member raises a very important point. The decision by P&O Ferries to cease operating its Troon to Larne service was and is disappointing. However, the ferry companies operating Irish Sea services are private commercial entities and, as such, decisions regarding the viability of specific routes are commercial matters for those companies. I can tell the House and the Member specifically that no jobs will be lost due to withdrawal of the Larne to Troon service, because the staff will be redeployed to other routes.

The Member raises a key point. The sea links with Great Britain are essential for business, for tourism and for the growth of the Northern Ireland economy. I and my predecessor, the First Minister, have met ferry operators on a number of occasions. The Larne to Cairnryan service operates year round, with up to seven daily sailings each week, and additional passenger capacity will be added to the service in the coming months. Tourism Ireland will continue to work with P&O Ferries and Stena Line to promote holidays to Northern Ireland via the Irish Sea routes, including the Cairnryan to Larne service.

North/South Ministerial Council: Trade and Business Development

Mr Speaker: That went so well that the Minister wishes to make another statement.

Mr Bell (The Minister of Enterprise, Trade and Investment): You are not giving me a break this afternoon, Mr Speaker.

I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding a meeting of the North/South Ministerial Council (NSMC) in trade and business development sectoral format. The meeting was held in the offices of the North/South Ministerial Council, Armagh, on Wednesday 2 December 2015. The Executive were represented by me, in my capacity as Minister of Enterprise, Trade and Investment, and by Carál Ní Chuilín, Minister of Culture, Arts and Leisure. The Irish Government were represented by Richard Bruton TD, Minister for Jobs, Enterprise and Innovation. This statement has been agreed with Minister Ní Chuilín, and I am making it on behalf of us both.

12.30 pm

Ministers received a joint presentation by the Northern Ireland Independent Retail Trade Association (NIIRTA) and Retail Excellence Ireland (REI) on their joint study of the retail sector across both jurisdictions. The Council noted the summary findings of the NIIRTA/REI joint 2014 survey of the retail sector, including that the two retail agencies intend to establish a retail forum comprising representatives from both jurisdictions.

The Council received a presentation from Martin Cronin, the Chairperson, and Thomas Hunter McGowan, the CEO, on InterTradelreland's performance and business activity against 2015 business plan targets. Ministers noted that, during the first 10 months of 2015, InterTradelreland had delivered the following: assistance to 65 first-time innovators; assistance to 44 first-time exporters; 4% efficiency savings; a total jobs impact of 916; and the delivery of a total business value of £67 million or €84 million.

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

Ministers were advised that there was strong demand for InterTradelreland programmes in 2015. Business and economic research activities carried out by InterTradelreland included continued production of the InterTradelreland quarterly business monitor; a report on 'SMEs, Credit Constraints and Growth', which is a cross-border study relating to access to finance; and, most recently, 'Mapping the Potential for All-Island Sectoral Ecosystems', which examines the opportunities for developing the potential of clusters across both jurisdictions. Ministers noted the current position of the 2016 business plan and that officials continued to engage in discussions on the plan. The Council noted InterTradelreland's annual report and accounts for 2014, which had been certified by the Comptrollers and Auditors General and laid before the Northern Ireland Assembly and the Houses of the Oireachtas.

Ministers received a presentation by officials from the Department of Enterprise, Trade and Investment and the Department of Jobs, Enterprise and Innovation, previewing the implementation of the research and innovation theme of the new INTERREG Va programme for the period 2015-2020.

Ministers noted a paper prepared by InterTradelreland providing an update on the Horizon 2020 programme and the early results for the period January 2014 to May 2015. Twenty-two collaborative projects, involving 64 applicants, have been successful to date. They have secured €29.67 million in funding, and, of that total, Northern Ireland partners have secured €14.24 million and partners from Ireland have secured €15.43 million. The average award per partner is €463,500.

Ministers welcomed the wide range of activities organised by InterTradelreland to encourage engagement to date. They included a total attendance of 486 participants at 'Focus on' events; the hosting of a range of conferences; the organisation of advisory service workshops; and the provision of financial assistance for scoping out partnerships and proposal opportunities.

Ministers also noted that InterTradelreland had identified and will undertake additional promotional and awareness-raising activities in conjunction with the Horizon 2020 all-island steering group. That will utilise the contact point networks in each jurisdiction to drive delivery of the €175 million target. The work by InterTradelreland with Horizon 2020 applicants to identify further resubmission opportunities was also noted.

The Council agreed that the next trade and business development meeting should be held in the spring of 2016. I commend the statement to the Assembly.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mo bhuíochas leis an Aire as a ráiteas. Thanks very much, Mr Principal Deputy Speaker. I again thank the Minister. In his statement, the Minister referred to the:

"strong demand for InterTradelreland programmes in 2015"

and welcomed:

"the wide range of activities organised by InterTradelreland to encourage engagement".

I fully endorse that. Its work has been tremendous, and its support of the SME sector in particular has been phenomenal.

Although I welcome the additional funding allocated to InterTradelreland in January monitoring, it should be noted that the additional funding does not contribute to the baseline for future InterTradelreland budgets, leaving it very vulnerable to further cuts in future budgets. The budget for InterTradelreland continues to decline in the face of what the Minister rightly referred to as growing demand right across the island of Ireland. Despite increased demand for its services, the budget remains at 30% below the 2008 level. Therefore —

Mr Principal Deputy Speaker: I ask the Chairperson to come to his question.

Mr McGlone: I am coming to it right now. Thank you for your indulgence.

In the face of growing demand for its services and in recognition of the very positive impact that InterTradelreland has on economic growth and development across the island, what assurances can the

Minister give that its budget will not continue to be eroded at that level?

Mr Bell: Let me take the first part. I welcome the very positive commitment given to the work undertaken by InterTradelreland. I will pull out some of the highlights of 2015 that I have seen. The Acumen programme stimulates cross-border business for SMEs. In 2015, there were 134 applications, resulting in 103 approvals. The Elevate programme was put together to focus on helping microenterprises to take the first steps in exporting and to explore opportunities in a new cross-border market. During 2015, the programme received 514 enquiries from SMEs and 139 applications, which resulted in 80 of those companies being approved for support. The FUSION programme is the flagship technology transfer programme that provides support to companies with new product or process development needs. There was a staggering result from that programme, with over 80% of FUSION graduates being offered jobs. The point that you initially made about the work that is going ahead was well made and is endorsed by me.

The business plan for 2016 remains subject to approval. For 2016, I decided to maintain InterTradelreland's 2015 baseline. That is a reasonable outcome, given the current budgetary pressures across the Department. I have discussed the matter in some detail with Richard Bruton TD, and, as with Tourism Ireland and other arm's-length bodies, I have advised InterTradelreland that it can make bids as part of the monitoring round process. In connection with that I am pleased to report, as I said to Mr Ó Muilleoir in response to a question for oral answer in recent weeks, that we were able to bid for £206,000 of additional money for 2016 as part of the January monitoring round. I am pleased to report that all parties, including the InterTradelreland board and officials and the two co-sponsor Departments, have agreed to that additional funding. That gives an idea that I have not only maintained the budget from 2015, but, where there are specific programmes that deliver jobs and opportunities in Northern Ireland and help to take our businesses to new levels of sales, exports and graduate employment, I will do my level best to get funding where I can.

Mr Dunne: I thank the Minister for his detailed statements. We are all very aware of the need to support businesses in research and innovation, especially our SMEs. Will he give us an update, in some detail, on the progress of INTERREG Va, the programme for 2015 to 2020?

Mr Bell: I welcome the allocation of €71 million to research and innovation activities in the 2014 to 2020 INTERREG Va programme. That investment will support increased cross-border research and development competence-building in the life and health science and renewable energy sectors. A further key objective is to grow the number of small to medium-sized enterprises across the region that engage in research and innovation activity on a cross-border, collaborative basis.

We want to establish and are establishing robust and comprehensive governance arrangements to underpin an efficient programme implementation.

That is the key focus for my Department, and we continue to liaise with our colleagues in DFP, SEUPB and the Republic of Ireland to this effect.

Calls for applications are being publicly announced and managed by the SEUPB, in its role as the programme managing authority. Following a call for projects under the "business investment in research and innovation" (R&I) priority, which closed on 21 October, successful applications were approved by the programme's steering committee at the end of November to proceed to full development of the business case. A call for projects under the "enhancing research and innovation" priority is scheduled to open on 22 February this year.

Mr Murphy: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his statement. He may or may not be aware, due to his travels, that the Assembly's Enterprise Committee went to Dublin last Thursday and met with its counterpart in the Oireachtas. We attended the launch of this report on the all-Ireland economy. I commend it very much to the Minister and, indeed, to his senior officials and those in Invest NI. We also had the opportunity, at a joint Committee session, to hear from InterTradelreland. I very much welcome the fact that he secured additional funding for InterTradelreland and that he has extolled the virtues of a lot of the work that it is doing.

The Minister mentioned in his response to our Chairperson that there is an opportunity for an in-year monitoring bid. But does he accept that, when running programmes like this with a long lead-in, it is not ideal for a body such as InterTradelreland to have to rely on moneys that may become available and then spend that very quickly? Will he continue with his commitment to the fight to secure additional funds in the baseline budget for InterTradelreland? Because you can see quite clearly, from this and its own report that it released recently, that, for a modest investment, there is a very significant return in business development right across the island.

Mr Bell: What comes through clearly from the reports is that not only have hundreds of jobs that were potentially at risk been secured but new jobs and the promotion of potential further new jobs have been gained through this programme. My strategy is that anything that brings jobs to Northern Ireland will have my full and unequivocal support, and I accept the point that for this amount of money there is quite a high performance level. This is evidenced in the fact that I can give you examples where some 80% were successful, in the number of programmes that are going through and in the demand for the service.

There was big pressure on me, as Minister, and the Department. There are competing demands in the Department. Tourism will make a demand, as stated earlier. It is difficult to manage with a limited amount of resources, and when you get a plan coming through, the psychologist in me believes in B F Skinner's theory of classical conditioning: you should always try to reward good behaviour so that it is increased. In reality, the behaviour, industry and energy of InterTradelreland in bringing jobs to Northern Ireland, securing jobs for Northern Ireland, bringing additional jobs to Northern Ireland and giving our graduates an enhanced programme, as well as its success rates, is very clearly something that I want to reward. So, I did not make the cut, as some proposals were made, to its 2015 budget. I maintained that against other competing needs, and I said that — both myself and Mr Richard Bruton — where possible, we can bid for additional resources and probably need to put

additional energy into monitoring rounds. At our first go at it, we had another £206,000 into the budget. Of course, it would be better to always give people money up front, so that they can plan for the period. Given the fact that I have maintained the budget as it was from the previous year, and sought successfully to get additional money into the budget, demonstrates not only ministerial endorsement of the programme but my encouragement for them to go ahead. I will not waste any opportunity, in terms of monitoring rounds, to try to get additional finance to get more jobs into Northern Ireland.

Mr Cochrane-Watson: I thank the Minister for his statement. Like others, I attended the joint Committee, and I fully endorse and support the work of InterTradelreland and would be very supportive of any efforts to maintain and enhance its budget.

As outlined in the statement today, the establishment of the retail forum comes on the back of extensive surveying and research by NIIRTA and its partners. One of the main issues raised through that was the impact of rates and the instability that excessive rates bills can add to microbusinesses, particularly those in our town centres. Will the Minister work with his Finance and Personnel colleague to look at opportunities, through rates relief perhaps, to support SMEs or small businesses, particularly those in the retail sector in our town centres?

12.45 pm

Mr Bell: There are vital points to be made about rates, and the Member has made some of them. I will certainly have further discussions with him and also Minister Storey about how we can continue to support rate relief. What we have tried to do to keep rates low, through specific initiatives, has been one of the success stories of devolved government. If the Member has additional specific proposals that he wishes to make, I am willing to hear them and take them to the Minister of Finance and Personnel.

Overall, when we look at our economic conditions, we can genuinely say that there are signs of improvement. Almost 40,000 additional jobs have been created since 2012 and, today, more than 26,000 fewer people are claiming unemployment benefits than did so in February 2013. In 2015, real earnings increased for the first time since 2009. I will discuss specific proposals that Mr Cochrane-Watson may have, to see how we can get the trajectory of additional jobs, fewer people claiming unemployment benefit, and real earnings increases, particularly in the retail sector which, I agree, has not only valiantly supported Northern Ireland through very difficult economic conditions but continues to support the lifeblood of our town centres.

Mr Dickson: I thank the Minister for his statement. Does he agree that he, his Department and the Assembly need to send out a very clear message that Northern Ireland is better in Europe and that the development of programmes such as InterTradelreland depend on us remaining in Europe? Will he also tell the House what contingency plans he has should the UK Government decide to withdraw from the European Union?

Mr Bell: There are very important matters to consider when we look at the issue of Europe. My Department has sought to provide people with the most informed choice they can make in relation to Europe. We asked for the best

advice that we could get; we asked Oxford Economics to give us specific advice — which will be available in the coming period — in relation to a potential exit from the European Union, the potential of the status quo, and the third potential, which we do not know about at the moment, which is whatever reforms could be given by the European Union to the British Prime Minister. We will have to look at those very carefully.

We have also asked to look at other models. There is the Norway model, the Swiss model, and the Turkish relationship in terms of customs union. The best thing we can do is look very carefully at the expert evidence and see what the British Prime Minister brings back from his negotiations with the European Union. I believe that there needs to be change and that the status quo is not an option. We will look very carefully at what the British Prime Minister brings back and we will examine it against the best evidence we have in order to make an informed decision when we know what the referendum question, which is due before the end of 2017, is going to be. When we know the question and the plan, we will examine them against the evidence and give more definitive news then.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Buíochas arís leis an Aire. I thank the Minister for the statement on cross-border economic cooperation. I want to commend him on managing to find the £206,000 for InterTradelreland because, of course, Minister Bruton was able to double that and put £600,000 into InterTradelreland at this time when there is so much momentum behind the work that it is involved in.

I want to follow up on what Conor Murphy said about the visit to the Dáil last week and the report on the all-island economy. We are sometimes critical of unionist Ministers for not doing enough for the all-island economy. This is the first report on an all-island economy since the Oireachtas came into being, so the criticisms and blame can be shared.

It is very relevant to what you said today, Minister, that one of the big proposals is for one economic and enterprise agency on the island. Will you ensure that your officials work proactively, in a professional and systemic fashion, with the IDA on corporation tax harmonisation and reduction, because it has been there, done that, got the T-shirt. It has shown that it can maximise the full benefits of a reduced level of corporation tax. I would be really pleased, Minister, if you could come back at some stage and tell Members that Invest NI is having regular dealings with the IDA and ensuring that it is getting all the information and knowledge that it has, so that that is also brought to bear north of the border when corporation tax is harmonised across the island, as we hope and trust will happen if it is affordable.

Mr Bell: The Member is right: we have an enormous opportunity in that, on 1 April 2018, our corporation tax will be at 12.5%. We will be able to compete for business across the world, as I was competing for several businesses in San Francisco and New York in the past week. I hope to see fruit flow in jobs and investment from those, given that Northern Ireland now has a unique opportunity because our business costs are estimated to be 85% of those for the rest of the United Kingdom and about 95% of those in the Republic of Ireland. You can add to that the talent of our people, a very young population and the excellent work that the Department

for Employment and Learning has undertaken in bespoke training and tailor-made initiatives to support business.

Allstate said that it came to Northern Ireland for the costs but stayed for the people. Companies such as Citi came in with 369 jobs and has now created some 2,000 jobs. Here is another interesting fact: 80% of all foreign direct investment to Northern Ireland has subsequently reinvested. At Invest NI, we try to get those businesses to tell their story about why, when they come here, they subsequently reinvest. That foreign direct investment comes from companies such as Baker and McKenzie, Citigroup, Allen and Overy, Allstate — a whole list that created thousands of jobs. So we have the best foreign direct investment proposition; more foreign direct investment per head than any other part of the UK; the lowest costs; and now we can add corporation tax.

I will certainly talk to Invest Northern Ireland about ensuring, with the IDA, that all opportunities are maximised. Invest Northern Ireland has done an absolutely spectacular job. When we sat as an Executive, we set it an initial target of some 20,000 jobs. At the Programme for Government meeting in 2011, that was increased to 25,000, and, to date, it has delivered some 44,000 jobs. Before the Assembly is dissolved, I hope to make additional job announcements on the back of a programme that Invest NI has done. In many cases, it has done that in very difficult conditions against a backdrop of a falling euro, the strength of the dollar and everything else.

If the Member is asking me to ensure that we maximise every opportunity and look at maximising every opportunity to harness the economic power across the two jurisdictions to deliver jobs and success, my answer is: absolutely.

Mr McKinney: I thank the Minister. Will he update the House on the status of INTERREG's EU monitoring committee? Will he assure the House that everything possible is being done to maximise the drawdown of funding across INTERREG's range of funds?

Mr Bell: Yes, I can assure the House that we have the maximum drawdown. All my information to date is that we are on course to meet all the targets that we have set ourselves, but I will continue to keep those targets under effective scrutiny, monitoring and evaluation to ensure further success.

Mr Allister: Briefly reverting to Mr Dickson's question, may I say that I look forward to the Minister coming off the fence on the issue of the EU and joining the ranks of those who want to liberate our great trading nation from its shackles?

His statement is clear that the 2016 business plan for InterTradeIreland has not yet been approved. Will he explain to the House how ongoing expenditure is lawful when the business plan has not been approved?

Mr Bell: The business plan is set to be approved at the next meeting of the North/South Ministerial Council, and I am advised that no expenditure reflects what the Member says. There is no unlawful expenditure.

I say to the Member, too, that it is easy to make a point — he is a learned QC — about coming off the fence. As I stand here today, we do not know what the referendum question is.

Mr Allister: We do.

Mr Bell: We do not know. Through you, Mr Principal Deputy Speaker, we have not been given the terms of the referendum question. Will it simply ask whether we wish to leave the European Union? In that case, I imagine that the Member will say yes. However, if the question is whether we wish to remain in the European Union, I imagine that the answer from the Member will be no. In the absence of knowing the exact nature of the question, it is a very, very foolish person who answers it.

As I have said, there are concerns — some businesses, including international businesses, have reflected them to me — about how, were the UK to come out of the European Union, the potential loss of a market of some 500 million people would impact jobs and investment. Equally, I have been advised that, were we to come out, there is the potential for new trade agreements. The volume of trade between the EU and the UK is so significant that new trade arrangements could be put in place, and there is the possibility that we could look towards other markets in Asia, and specifically at things that we could do there that we cannot do now.

I say to the Member that the best thing that anybody in Northern Ireland can do is to take the most informed decision that they possibly can. That is why we have commissioned work from Oxford Economics to look at what a Brexit could mean and what the status quo could mean. Earlier, I said to the Member, in words as strong as I can use in the House, that I do not believe, as my parliamentary leader and our Member of the European Parliament said, that the status quo is an option.

We have to see what the Prime Minister achieves in the negotiations. It would be foolish and would not serve the people of Northern Ireland well if we made decisions when we do not know what the UK Prime Minister has negotiated. At the end of the day, it will be the decision of the people of Northern Ireland. They will look at the economic advice and at all the different models — the Norwegian, Swiss, Turkish and other models that could be followed — to get the best information on staying in or coming out. Give the people of Northern Ireland the best information, let them examine it against the reforms that the Prime Minister brings back and let them decide how to vote on the basis of facts. That is the most sensible and intelligent way to proceed.

Mr Principal Deputy Speaker: That concludes questions —

Mr Allister: On a point of order, Mr Principal Deputy Speaker. Should the Minister mislead the House to suggest that we do not know what the question in the referendum is? Section 1 of the European Union (Referendum Act) 2015, which already has Royal Assent, sets out the question:

“Should the United Kingdom remain a member of the European Union or leave the European Union?”

Why does the Minister pretend to the House that we do not know the question, when the law of the land states what it is? A couple of weeks ago, he did not know what the unemployment rate was. He told us that it was at a third of European and Republic of Ireland levels.

Mr Principal Deputy Speaker: Order.

Mr Allister: He was wrong about that, and he is wrong about this.

Mr Principal Deputy Speaker: Order. The Member has his point on the record. I am sure that the Speaker will note it.

Mr Bell: May I reply, Mr Speaker —

Mr Principal Deputy Speaker: No. Time is up.

Mr Bell: On a point of order, Mr Speaker. The latest unemployment statistics given to me were 6% in Northern Ireland, 8.9% in the Republic of Ireland and a European Union average of 9.3%. I thought that the difference between six and nine was three.

Mr Principal Deputy Speaker: That concludes questions on the Minister's statement.

1.00 pm

Executive Committee Business

Departments Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I call the junior Minister, Mrs Emma Pengelly, to move the Further Consideration Stage of the Departments Bill.

Moved. — [Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister).]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments — amendment Nos 1 and 2 — dealing with a technical issue relating to the references to the Ombudsman (Northern Ireland) Order 1996 in the Bill. We will debate the amendments in turn. Once the debate on the group is completed, the second amendment in the group will be moved formally as we go through the Bill, and the Question will be put without further debate. If that is clear, we will move on.

Clause 2 (Consequential amendments and repeals)

Mr Principal Deputy Speaker: We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment No 2, which is consequential. I call the junior Minister, Mrs Emma Pengelly, to move amendment No 1 and to address the other amendment in the group.

Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move amendment No 1:

In page 2, line 7, leave out subsection (1).

The following amendment stood on the Marshalled List:

No 2: In page 3, leave out schedule 2.— *[Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister).]*

Amendment No 1, together with amendment No 2, makes a technical adjustment to the Bill that does not change its substance or affect the policy behind it. The Bill, as drafted and as it now sits, takes account of the current law, including the legislation that covers the operation of the statutory office of the Assembly Ombudsman, the Ombudsman (Northern Ireland) Order 1996. That Order specifies the remit of the ombudsman by referencing the names of individual Northern Ireland Departments. Given the nature of the ombudsman's role, the Order is frequently accessed by the public. Consequently, when the Departments Bill was being drafted, it was considered that it would be helpful to make specific textual amendments to the Ombudsman (Northern Ireland) Order 1996 to reflect the Departments after restructuring in May 2016. That would have been achieved through the amendments reference in clause 2(1) and listed at schedule 2 to the Departments Bill. However, with the Departments Bill in its concluding stages, it is necessary now to take account of how it interacts with another Bill currently before the Assembly, namely the Public Services Ombudsman Bill,

sponsored by the Committee for the Office of the First Minister and deputy First Minister.

In my introductory speech at Second Stage on 8 December, I referred to the possible need for a technical amendment to this Bill at a later stage, pending the progress of the Public Services Ombudsman Bill. That Bill would establish a new combined Public Services Ombudsman in place of the existing and separate offices of Assembly Ombudsman and Commissioner for Complaints. It is now expected to complete its Assembly stages next week. It will establish the new Public Services Ombudsman position with effect from 1 April 2016, and, on that date, the Ombudsman (Northern Ireland) Order 1996 will be repealed and the office established under that legislation will cease to exist. This means that clause 2(1) of and schedule 2 to the Departments Bill will be superseded. Consequently, they will be redundant and can now be removed from the Bill.

Amendment No 1 would remove from the Bill clause 2(1), which references the amendments to the Ombudsman (Northern Ireland) Order 1996 contained in schedule 2 and consequential on clause 1. Clearly linked to that is amendment No 2. It would remove schedule 2, which details the consequential amendments, all of which relate to citations of Departments in the Ombudsman (Northern Ireland) Order 1996. These are technical amendments that will improve the Bill by removing provisions that will become redundant as a consequence of the Public Services Ombudsman Bill and its anticipated progress in the course of the next week.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):

The Committee noted the amendments before the House today when we met on 27 January. As the junior Minister pointed out, our Public Services Ombudsman Bill is nearing the end of its passage; indeed, the Committee is seeking an Exceptional Further Consideration Stage late today. We hope to bring the Final Stage to the House next week. When that Bill comes into operation, the Ombudsman (Northern Ireland) Order 1996 will be repealed. On that basis, it seems nothing other than logical to make these changes to the Departments Bill at this stage. I support the amendments.

Mr Hazzard: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. As has been outlined by the Minister and the Chair of the OFMDFM Committee, these are logical amendments to redundant provisions — clause 2(1) and schedule 2 — which need to be removed as the Public Services Ombudsman Bill progresses. I support both amendments.

Mrs Pengelly: I thank Members for their contributions and support in relation to the technical amendments. As I said at the outset, the amendments make small technical adjustments to the Bill that do not change its substance or affect policy. They are necessary as a result of the progress of the Public Services Ombudsman Bill and its anticipated repeal of the Ombudsman (Northern Ireland) Order 1996. They remove references to the 1996 Order, which will become redundant on the coming into operation of the Public Services Ombudsman Bill. I should say at this point that the Bill does not need to be reflected in the text of the Public Services Ombudsman Bill, as that Bill refers generically to Departments rather than listing them by name in the way that the Ombudsman (Northern

Ireland) Order 1996 did. The Departments Bill is important legislation, and I am glad to see it progressing through the Assembly today.

Amendment No 1 agreed to.

Schedule 2 (Amendments)

Mr Principal Deputy Speaker: Amendment No 2 is consequential to amendment No 1.

Amendment No 2 made:

In page 3, leave out schedule 2.— [*Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister).*]

Mr Principal Deputy Speaker: That concludes the Further Consideration Stage of the Departments Bill. The Bill stands referred to the Speaker.

Rates (Amendment) Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I call the Minister of Finance and Personnel, Mr Mervyn Storey, to move the Further Consideration Stage of the Bill.

Moved. — [Mr Storey (The Minister of Finance and Personnel).]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration.

The amendments have been grouped for debate in my provisional grouping of amendments selected list. There are two amendments, which will be debated in a single group. Both amendments deal with the entitlement to rates reductions. I remind Members intending to speak that they should address their comments to only the amendments. If that is clear, we shall proceed.

We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment No 2. I call Mr Daithí McKay to move amendment No 1 and address the other amendment in the group.

Mr McKay: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I beg to move amendment No 1: In page 1, line 8, at end insert

“(5B) Without prejudice to the generality of paragraph (5A), prescribed cases in regulations under that paragraph shall include, subject to such conditions as may be prescribed, where a hereditament is occupied by a community amateur sports club.

(5C) The first regulations under paragraph (5A) shall be no later than 30 September 2016.”

*(b) in paragraph (6) insert at the appropriate place —
““community amateur sports club” means a registered club within the meaning of section 658(6) of the Corporation Tax Act 2010;.”*

The following amendment stood on the Marshalled List:

No 2: After clause 1 insert

“Specified recreations: pigeon racing

1A. *In the Schedule to the Rates (Recreational Hereditaments) Order (Northern Ireland) 2007 (list of specified recreations), where appropriate insert “Pigeon Racing”.— [Mr Cree.]*

Amendment No 1 is a straightforward amendment. At last week’s debate at Consideration Stage, I gather that there was consensus on the need to make regulations within a fixed timescale. The thrust of the amendment is to ensure that the first regulations under paragraph (5A) be made no later than 30 September 2016. It is also useful to put community amateur sports clubs (CASCs) in the Bill.

I take this opportunity to thank the Minister for his engagement with me on this issue last week. I, of course, would have preferred it if we could have dealt with the issue of CASCs with bars with licensed premises as part of the extension of the rates relief, but the Assembly ruled otherwise. Nonetheless, I hope that the Department will take the opportunity, ahead of the introduction of the regulations, to find a solution or an option for those clubs. My primary concern is that there is a greater disincentive

for clubs with bars to build further facilities for their communities and associations. I say that particularly as a rural representative. Of course, on the other hand, clubs without bars will no longer have that disincentive, so, if they decide to build a new pitch or hall, there will be no added rates burden.

The Finance and Personnel Committee has heard of possible options, including assessing according to the different levels of turnover, changing how club bars are rated etc. The Department now has an opportunity to consider the options more fully. I hope that it will bring forward recommendations that represent a step forward for those clubs. All community amateur sports clubs play a vital role in our community. That point has been laboured at other stages of the Bill, so, hopefully, that will be the case.

In regard to amendment No 2, put forward in the names of Mr Leslie Cree and Mr Robin Swann, Sinn Féin has no issues with the pigeon-racing amendment. There are many and a very wide variety of recreations on the list of sports already. Some might argue that some of them are lesser sports than pigeon racing, and some may have a contrary view. I see no reason why that should not be included as well. No doubt, if it is passed by the Assembly today, it will give Mr Swann something to tweet about — or should that be coo about? I give my support to amendment No 2.

Mr I McCrea: My comments will be very short, as we have discussed and debated this a number of times over the last couple of weeks. The Member, to be fair, as I have said before and will say again, has been to the fore of trying to promote this issue. It was unfortunate that we had to go down the route of bringing it forward in the Minister’s name and not his, but we are where we are. The Member brought forward his amendment last week, which, unfortunately, did not go through. We had a quick chat about it. In respect of my conversation with the Minister, the fact that the Member took up the offer to consult with the Minister and figure out a way forward on this gives a wee bit of assurance that, when these things happen, things can move forward.

1.15 pm

In that sense, it is a wee bit unfortunate that, in respect of the amendment from the Ulster Unionist Party, consultation has not really happened with the Minister. We had an issue with Mr McKay’s amendment last week because consultation had not taken place. However, it now has, and we are therefore able to support it. Unfortunately, that consultation with the Minister has not happened with the Ulster Unionist amendment, and there are still some questions around pigeon racing. I have nothing against it; I have some such clubs in my constituency, although, as far I am aware, they do not have premises that would benefit from this rate relief. I am not saying that I do not sympathise with them, but we do not have enough information to be able to support the amendment from the Ulster Unionist Party.

However, as the Minister outlined the last time we debated the Bill, his door is open for a conversation with Mr Swann. Mr Swann has flown off to America, which may be why we have not had the consultation. Who knows what might happen between now and the end? We are content to support the amendment from Mr McKay, but unfortunately we cannot support the amendment from the Ulster Unionist Party.

Mr Cree: I rise to speak primarily to amendment No 2, although we support amendment No 1.

I start by noting that it was my colleague Robin Swann who drove amendment No 2 forward. As has just been said, he did fly off to America. It is interesting that we have not heard a tweet from him since, but it will be a good test to see if he can home his way back. *[Laughter.]* Unfortunately, he is unable to be here, and I am only too happy to take this forward on his behalf.

The issue was raised at the Bill's Second Stage by Mr Swann, and I want to expand on three points: why the Bill is an opportunity to pursue this, why pigeon racing should be included as a prescribed recreation by Land and Property Services (LPS) and how pigeon racing can meet the requirement to satisfy the definition of a sport.

The first clause of the Bill refers to the 1977 Order, and it is that Order that is the parent legislation for the Rates (Recreational Hereditaments) Order (Northern Ireland) 2007, which sets out the prescribed definition of recreations, as recognised by Land and Property Services. I believe this Bill is the best vehicle for correcting an oversight, whereby pigeon racing is excluded from the LPS list of prescribed activities. As Mr Swann stated at the Second Stage, that would give the Minister an opportunity to be a trailblazer and a champion for pigeon men and women across Northern Ireland. Mr Swann asked me to make sure I put that in.

In previous exchanges with officials and special advisers, it was implied that pigeon clubs as registered charities were the answer. However, that is not the case, and it is an easy cop out because it would place a disproportionate burden on clubs that have the ability to take up the opportunity, against any benefits that they might achieve. The application process via the Northern Ireland Charities Commission is daunting in itself, never mind the financial cost of obtaining and retaining certification, and likely would outweigh any benefits that clubs might accrue through rate relief. The inclusion of pigeon racing in the list of prescribed activities will allow it to avail of the 80% rate relief, despite what happens in other clauses.

At Consideration Stage, the Minister made reference to:

"article 31 of the 1977 Order, which details prescribed recreation."

He quoted it as stating:

"'prescribed recreation' means a recreation, whether conducted indoors or outdoors, which in the opinion of the Department demands an appreciable degree of physical effort and which is of a kind specified".

At that stage, my party highlighted what it believed to be an irregularity, because it is disingenuous that some recreation sports are listed under the 2007 prescribed activities list but are not recognised as sports by Sport Northern Ireland.

The Land and Property Services list of prescribed recreations, which is predicated on the Rates (Recreational Hereditaments) Order (Northern Ireland) 2007, includes camping; model power boating; recreational walking; paddleball; bicycle polo; and power boarding. All those sports or, perhaps more accurately, recreations can avail themselves of the rates relief that can be obtained

through the current legislation, never mind what may be possible through any future legislation.

What makes those activities different from the other 125 that are named as "prescribed recreations" is that they are not recognised by any of the UK sports councils as disciplines of other sports or on a stand-alone basis. That has been confirmed by Sport Northern Ireland. I believe the premise to exclude pigeon racing due to a perceived lack of physical activity of the pigeon man or pigeon woman to be misguided. In any event, if the Department or LPS were to be exact in that stipulation, how could they and the UK sporting bodies explain — I will give you another list — ballooning, model aircraft flying, gliding, which is a special case, wildfowling, yoga and rambling as activities that require a greater degree or level of physical activity than that involved in pigeon racing? In fact, to refuse to treat pigeon racing equally in the rates legislation with those non-sporting activities is wholly discriminatory and should not be condoned by the House.

There is a lot of work being undertaken to get official recognition for pigeon racing as a sport. When that is achieved, LPS will have to amend the list anyway, so it may as well do it now when it has the chance. The arguments being put forward will demonstrate that a significant amount of physical activity is undertaken by the pigeon owner in preparation for and during pigeon races. We are not putting forward an argument regarding the physical activity of the pigeon owner to be recognised solely on the basis of a race. When you take the definition of "sport" as laid out in the Council of Europe's European sports charter of 1999, you see that it states:

"'Sport' means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels."

It is that definition that is recognised in law, and that is crucial to the argument. For the purpose of the debate, I will break the definition down. It states:

"physical activity, which, through casual or organised participation"

It cannot be denied that pigeon racing is organised through the Royal Pigeon Racing Association, the Irish Homing Union, Northern Ireland Provincial Amalgamation, Ulster Federation and East Down Combine. The rules and regulations in place, especially for dispute resolution and anti-doping, leave many sports trailing in their wake. The definition also states that "sport" means all forms of physical activities that:

"aim at expressing or improving physical fitness and mental well-being".

How can it be argued that the 25 to 30 hours per week of physical activity that is undertaken by pigeon men and women ranging in age from 10 to 90-plus do not improve physical fitness? It can and will be shown that the amount of physical activity undertaken by the pigeon man or woman as part of one pigeon race is greater than the combined activity of more than 10 athletes at an athletic meeting. How many 80-year-olds actively compete in athletic events?

Where “mental well-being” is concerned, it can be shown that pigeon men and women need to have significant mental capabilities to participate in the sport. Striving to be the best requires mental toughness, the ability to deal with stress and excellent memory capacity.

Turning now to “forming social relationships”, I will say that that is a lot of what pigeon racing is about. Pigeon racing was breaking down political, religious and class barriers long before anything or anyone else. In what other sport can you compete against the pensioner next door and the Queen of England on the same day? Pigeon clubs provide the only social contact for some older pigeon men and women and an opportunity to meet friends on a weekly basis. Given that the majority of pigeon men and women are over 60 years of age, such social contact is, we argue, essential for their physical and mental well-being.

Mr McNarry: Will the Member give way?

Mr Cree: Yes.

Mr McNarry: I am intrigued by the debate, never having raced a pigeon in my life. I am wondering whether communications in my old party are still carried out by pigeon carrier. On a more serious note, can the Member inform the House of the training element that goes into pigeon racing and the physicality that he is talking about, which I think is a good point? Can he maybe give us an insight as to how long it takes to train a pigeon and what that entails? Are other pigeons involved in that or is it purely human contact?

Mr Cree: Thank you very much for the question. It is an interesting one.

Mr McNarry: I just want an answer.

Mr Cree: I have to say that it is not just the actual pigeon racing: you have to feed the birds and clean them out every day. Indeed, there is a lot of toing and froing. I am no expert on pigeon racing, but my father kept pigeons. He, in fact, had us doing a lot of the work. Not only was he doing sufficient recreation, working at them every day, but he had us doing it as well. It is one of those things that perhaps you do not fully understand unless you are involved in it directly. There is all that ongoing treatment; looking after the birds, doing small runs, taking them out, letting them free and hoping that they come back. There is quite a lot of work in it.

Moving back — I am almost finished — I was talking about the mix of people and the social interaction. Nowhere is this more evident than in the annual charity pigeon shows in Dublin, Lisburn and Blackpool, where pigeon men and women in their thousands gather together, as it says here — I was going to say flock together — to meet friends and colleagues to compare experiences and simply enjoy one another’s company once again. The opportunity to put something back into society through the millions of pounds given in charitable donations is something that all pigeon men and women can rightly be proud of. Pigeon clubs are also an excellent source of education for younger members. They learn discipline; respect for their fellow members, especially the older members; and a sense of fairness and honesty. Trials in America using pigeon racing as a means of breaking down gang culture in inner cities have proved very successful; something that we could all learn from here. We would draw similarities —

Mr Lyons: Will the Member give way?

Mr Cree: I will if the Member is short and to the point.

Mr Lyons: I cannot guarantee that. I thank the Member for giving way. He has been very informative. I did not know that pigeon racing has helped to break down gang culture in the United States. Is it not the case that, although what he is saying and trying to achieve is worthy, he is going about it the wrong way? There should be legislation to change the list of prescribed recreations rather than doing that in the way in which he is trying to go about it.

Mr Cree: I thank the Member for his intervention. Clearly, we are where we are. Mr Swann raised the issue at Second Stage. Not a lot of consultation was carried out. That does not make it right that these people should be overlooked. As I said at the start of my presentation, that has to be addressed sooner rather than later.

Getting back to the gangs issue, we would draw similarities in a lot of respects to boxing clubs in Northern Ireland. Again, many Members here will have experience of the good work that they have done in breaking down these sorts of barriers.

Although it is not strictly required in the definition, pigeon races can be and are competed locally, regionally, nationally and internationally. They are competed at club level; regional level, with the nine counties of Ulster being divided into 11 geographical regions; and nationally across the whole of the nine countries of Ulster. In addition, the King George V Challenge Cup is competed for by members across the whole of Ireland. That is why Mr Swann has been working with the excellent Northern Ireland Pigeon Association at a Northern Ireland level and through the Royal Pigeon Racing Association at a UK level to have pigeon racing designated as a sport. The Minister of Culture, Arts and Leisure has been in support of that.

I will conclude by urging Members to support amendment No 2.

Ms Hanna: I will speak briefly on these, because we have covered them at length. Amendment No 1 is, I suppose, a softening of the previous amendment. We remain supportive of that. Amendment No 2 deals with the new clause. I will try to kill two birds with one stone and address them both. In the context of the other activities that are outlined, we think that it is compatible. In the target demographic that the Member has outlined who participate in the sport, we think that it is appropriate. There is a relevant social benefit. We will let this one fly. We think that the policy does have wings and that those clubs should get their rates cheap, cheap.

1.30 pm

Mr Storey (The Minister of Finance and Personnel):

Thank you to the Members who spoke about the two amendments. I will try to resist using some of the analogies that were used already during the debate.

Mr McNarry: Are you a hawk or a dove on this issue?

Mr Storey: I do not want to enter into the internal workings of UKIP and whether it uses pigeon carriers or whatever it is. That is entirely an issue for the Member’s party.

On amendment No 1, I advise the House that I met Mr McKay to discuss the new amendment and agree a form of words that would develop the amendment that he tabled at Consideration Stage. At that stage, I highlighted that

there were elements of his proposed amendment that would have been acceptable to me and that would fall within the stated aim of the Bill, as it was introduced, and my preferred policy position for further consultation. The present amendment complies with those standards, and, although I am not convinced that it adds material value to the Bill, it certainly does not conflict with its aims as agreed at Executive level when it was originally introduced.

As I stated last week, I have no difficulty committing my Department to making the first set of regulations by the end of September. That requirement is again encompassed in the amendment being considered at present, and I am content to endorse it. Likewise, I am happy to include a reference to community amateur sports clubs in the Bill now that such a requirement no longer affects the generality of the new enabling power brought forward in the Bill. The change also avoids the enabling power being pinned down too tightly and should help allay the concerns raised by Mr Cree at Consideration Stage in that it will allow the consultation process to take place without artificially confining the enabling power for the enhancement. It is important to underscore and underline that. I can, therefore, endorse the second part of the amendment.

On the outworking of the revised clause, I will make a number of points in relation to the next steps. Now that the Bill has taken its final shape, my Department will undertake a targeted consultation on the use of the clause in the coming days and weeks. That consultation will present my preferred policy that unlicensed community amateur sports clubs get the enhancement of 100%. Given the law of unintended consequences, I think that it is wise and logical to have a starting point for developing policy in that area.

I have taken heed of the views of other business sectors, which were reiterated and well articulated in front of the Finance Committee just before Christmas, and I think that it is safe to say that any club with a successful bar can already count itself lucky in comparison with commercial bars in their area and that getting a minimum of 80% relief on their sporting facilities could not exactly be deemed unreasonable. Ms Hanna made a valid point on that issue at Consideration Stage. I accept, having met Mr McKay last week, that policy can and should evolve over time and that this support measure can be refined in due course. While the preferred policy will take the starting point of enhanced relief in the sector, there is the case of community amateur sports clubs that operate a small bar that serves a few pints to members and visiting teams after a match. I and, I am sure, my successor will be happy to review that issue at a later stage.

We have a review of the whole system of business rates running at the moment, and that is asking some difficult questions about the way reliefs are targeted. That includes the rules around the existing 80% scheme for amateur sports clubs and whether that needs changed. I do not think that there is a way that we can develop a balanced, sound, effective and working policy to allow some clubs with bars to get 100% rate relief and for the regulations to be taken through the Assembly by September.

I would like to put on record that I am happy for such matters to be looked at further in light of the outcomes of the specific consultation exercise on that area and in the fullness of time when we have looked at the whole issue of

reliefs in the round following the wider non-domestic rating review.

Incidentally, that review highlighted the differences in valuation treatment of clubhouse bars and restaurants compared with normal licensed premises. In the final analysis, the valuation method is normally left to the courts to decide and is not something that anyone would normally legislate for. It is, however, a factor in considering future rate relief policy and the competition issues that make this policy area so complex. To understand how complex it is, I recommend that Members review the evidence sessions organised by the Finance Committee before Christmas, which will give them some indication of those complexities.

Should amendment No 1 pass, I am content with the final form of the clause and endorse the wording brought to the House by Mr McKay following our meeting.

I thank the proposer of amendment No 2 for his commitment to the issue. Mr Swann is out of the country, so I thank Mr Cree for meeting us this morning and having a discussion, albeit we would have preferred an opportunity for a longer discussion prior to the amendment being tabled, which created a difficulty and challenge for us. I underscore the commitment of Mr Swann — he has been a strong advocate on the matter — and his colleagues. Unfortunately, I am still in a position of being unable to support the amendment. The proposer will be aware from recent responses to questions for written answer from my predecessor and my response to him during the Second Stage debate that such an amendment is untenable. It is more appropriate that the change proposed in the amendment be in the subordinate legislation that lists prescribed sports and recreations. In response to his amendment, part of the usual standard for revision of the list of sports and recreations is a compulsory requirement for consultation with sporting bodies and representatives of local councils under article 31(6). Members will note that such a consultation process is not in evidence for this amendment.

Leaving aside the appropriateness or otherwise of the amendment, it is legally unworkable in practice as it expressly refers to a statutory rule, the Rates (Recreational Hereditaments) Order (Northern Ireland) 2007. The use of the express legislative reference in the amendment means that, if that statutory rule were to be replaced, the provision inserted by the Member would have no effect and would fall into disrepair.

I am happy to undertake a review of prescribed recreations for the Member, should he think that that would be of benefit. Such a process could, however, go both ways. The proposer of the amendment has, understandably, pointed out anomalies in the existing list — those were well listed by Mr Cree — such as model powerboating, model airplane flying and wildfowling. I agree with the Member that those pursuits are not exactly in keeping with the principle enshrined in the governing primary legislation that the activity should involve:

“an appreciable degree of physical effort”.

I estimate that the inclusion of those anomalous activities has no practical effect because no rateable premises are associated with them, so their removal from the list would be a straightforward tidying-up exercise, which I am sure the Member would support. Hopefully, a commitment for

further review in this area will provide some reassurance to the Members who tabled amendment No 2.

Mr McKay: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I will keep my comments relatively short. I thank the SDLP, the Ulster Unionist Party and, indeed, the DUP for giving their support to amendment No1. I fully take on board the Minister's comments that he felt that this work would be carried out anyway by the Department, but I think that it is worthwhile that the Assembly gets the assurance that, whoever the incoming Minister may be, there is pressure to ensure that it is done for community amateur sports clubs.

The Minister commented on the work of the Finance Committee, and it was quite interesting to hear the different views and options that were put before the Committee. I welcome the commitment from the Minister and the Department to review the issue of community and amateur sports clubs with bars. This is a complex area. There are different rates for different bars, and perhaps the Department could put forward proposals to bring some clarity. I do not envy it in that task, but I think that it is very worthwhile that we look at the issue and see what we can do for clubs that are not covered by the 100% exemption.

As I said earlier, we support amendment No 2. Mr Cree put forward the argument that other sports already included do not require much exertion at all, so adding pigeon racing to the list should not be a big ask. We will support amendment Nos 1 and 2.

Amendment No 1 agreed to.

Amendment No 2 proposed:

New Clause

After clause 1 insert

"Specified recreations: pigeon racing

1A. *In the Schedule to the Rates (Recreational Hereditaments) Order (Northern Ireland) 2007 (list of specified recreations), where appropriate insert "Pigeon Racing".— [Mr Cree.]*

Question put, That amendment No 2 be made.

The Assembly divided:

Ayes 55; Noes 29.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Durkan, Dr Farry, Mr Flanagan, Mr Ford, Mr Gardiner, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Ms Maeve McLaughlin, Mr McMullan, Mr McNarry, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Alastair Patterson, Mr Rogers, Ms Ruane.

Tellers for the Ayes: Mr Cree and Mrs Overend.

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Lyons, Mr McCausland, Mr I McCreagh, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Noes: Mr I McCreagh and Mr G Robinson.

Question accordingly agreed to.

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

As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then.

2.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Speaker: We will start with listed questions. Questions 1, 4, and 6 have been withdrawn.

Social Investment Fund: East Belfast

2. **Mr Newton** asked the First Minister and deputy First Minister for an update on social investment fund projects in East Belfast. (AQO 9495/11-16)

Mr M McGuinness (The deputy First Minister): A Cheann Comhairle, with your permission I will ask junior Minister McCann to take the question.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): The social investment fund is a growing success story. It is at the heart of the Executive's Delivering Social Change framework, making life-changing differences to people in communities facing disadvantage. Twenty-five projects, valued at £37 million, have now commenced, with 10 operational and more in the pipeline. In addition, over 600 participants are benefiting from projects in areas such as early intervention, employment and childcare. We can expect these numbers to ramp up significantly as delivery continues.

Belfast East allocated £8 million to employment, education and capital projects. Good progress has been made on the capital side with two of the capital projects — Best of the East and Bryson Street Surgery — due to complete construction by 31 March 2016. Also, letters of offer have been issued to the approved components of the zone's capital cluster project. We are working to expedite approvals for the remaining three revenue projects.

Mr Newton: I thank the junior Minister for her answer. I do not think I have to spell out just how important the revenue projects are, but I ask the junior Minister if she will take on board the need to push forward, in particular, on the employment and education revenue initiatives. Does the junior Minister agree with me that, in addressing capital investment, it is much better to take a strategic approach in an area — I suggest the Clarawood estate — rather than a piecemeal approach to the development of any capital projects.

Ms J McCann: I totally agree with the Member's last comment. I think we learned the lesson, through the Urban Villages programme, that you have to make a connection with the council, particularly in terms of community planning. It is very important with capital projects that you are not doing one thing in central government and another in local government. These projects, particularly those relating to the social investment fund, were ones where the community came together and decided who would be in the steering groups. They were the ones who decided which projects were the most important going forward.

You are totally right about the early intervention and employment projects. In other areas, the other junior Minister and I have been at launches, and, from talking to people who have participated in the programmes, we know that they have been quite successful in the way they were rolled out.

Mrs D Kelly: Thank you, Mr Speaker. I scarcely recognise the description of the social investment fund as one of the most successful programmes of the Executive, given that we are so far behind in delivering it. Does the Minister not agree with me that, five years into the Programme for Government, we should be doing post-project evaluations and not trying to get letters of offer out? What will happen to the money that is unspent? Does the Minister anticipate that it will run into the next Programme for Government? Will it be another five years before it is spent?

Ms J McCann: I understand that everybody was frustrated that the programme took a while to be rolled out, but I remind the Member that £58 million has been committed since 22 January. A further £22 million of the £80 million has been allocated to projects that are in the approval process. There are about nine revenue projects that are in the process now and have started. Five capital projects are at the construction stage, two are due to be completed, as I said, by 31 March, and one has already been completed in Coleraine.

You have to understand that revenue projects are not just projects that you spend money on right away. Some of the revenue projects will be over a two or three-year period, so you do not just spend it right away anyway. They will have to be given money as they go along. We have to remember that this was a new programme. We are now in a position where £58 million has been committed and £22 million has been allocated to projects that are in the approval process. In my opinion, that is progress.

T:BUC: Rural Areas

3. **Mr McCarthy** asked the First Minister and deputy First Minister to outline the progress made in implementing Together: Building a United Community in rural areas. (AQO 9496/11-16)

Mr M McGuinness: The actions and commitments within the Together: Building a United Community strategy will impact on all areas of our society, including rural areas. Under the United Youth programme, 13 pilot projects have commenced, providing around 360 places. Young people from all areas can avail themselves of those, and one of the pilots is being delivered by the Rural Development Council in Mid Ulster. Of the five shared neighbourhoods under construction, two are in rural areas — Crossgar Road, Saintfield, and Burn Road, Cookstown. The three shared education campuses announced to date are located in rural areas: Limavady, Moy and Ballycastle. One hundred and one summer camps have been delivered in 2015 involving around 4,200 children and young people, mainly from rural areas.

The Department of Culture, Arts and Leisure is also considering the expansion of its cross-community youth sports programme into a rural area. As with all other Departments, the Department of Agriculture and Rural Development is represented on the ministerial panel and the good relations programme board. Under the strategy, DARD has committed to working with rural community

organisations to encourage increasing openness and accessibility and to reduce the chill factors and fears that prevent open access. Contracts are in place with lead service providers for the delivery of a rural community development support service, which is promoting and supporting work in a number of areas, including community relations.

Mr McCarthy: I thank the deputy First Minister for a detailed response. He will know that, in some rural communities, divisions can often be subtle and less visible than elsewhere. Has his Department any separate or special regeneration plans to tackle that where they see that it may arise?

Mr M McGuinness: Quite obviously, the ministerial panel is consistently keeping under review how the programme is being delivered. Thus far, we have made good progress on it, not least in the allocation of £60 million through the Fresh Start Agreement over the next five years. If the Member has a concern about a particular area, my door is open and we are willing to have a conversation about it. I think that we are very focused on the need to ensure that all rural areas are included and that the programme is delivered in a very inclusive way.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. I am sure that the deputy First Minister will agree with me that community safety is at the core of cohesive rural communities. I invite him in his role as a joint leader with the First Minister comment on the situation developing in my community of West Tyrone, where in the past week five Masses have been targeted for car break-ins and thefts. I am really emphasising the importance of community safety in rural communities by making our communities cohesive and safe.

Mr M McGuinness: First and without hesitation, the First Minister and I would unreservedly condemn the actions of those who are involved in such criminality in or around any place of worship. There is obviously a huge responsibility whenever there is an outbreak for the local community, working in harmony with the Police Service, to ensure that it is combated as effectively as possible. Obviously, somebody out there knows that this is happening, and there are people with information. I encourage anybody with any information to pass it on to the police.

Mr Speaker: Congratulations to the Member for that imaginative use of his question.

Mr McCrossan: What progress has been made on implementing T:BUC in my constituency of West Tyrone?

Mr M McGuinness: We are very focused on ensuring that the delivery of the Together: Building a United Community project is implemented successfully in every single constituency. The detail of your constituency is something that I will write to you about.

Obviously, it is a very exciting programme. It is one that we are prepared to put a tremendous amount of funding into because it is absolutely vital that we ensure that we bring our community together. It is also important to recognise the huge responsibility that politicians have, not just to deliver the programme but to lead by example. We must also ensure, however, that we are not just bringing people together at a grass-roots level. The people at grass-roots level have to be able to see that the politicians here in the Assembly are prepared to work together for the common

good. That it is why the negotiation of the Fresh Start Agreement prior to Christmas was so vital, as it showed the community that decisions can be made that will improve their lives. Of course, a whole range of decisions was made at that negotiation.

West Tyrone is a very important constituency, as are all the others. The programmes are being rolled out effectively, and we will write to you about what is happening in West Tyrone.

Mrs Overend: I wish to ask the deputy First Minister what the total spend has been, and how much of that is additional. How much would have been spent anyway?

Mr M McGuinness: We have allocated £10 million for this financial year. We agreed, as I said in my earlier answer, to put aside £60 million over the next five years, and that is extra money that we have budgeted for. We believe that the programme is worthy of not just one year or two years but an extended period of something like five years, as it will have enormous benefits in bringing our community together. In short, the answer is that the £60 million is new money.

Active Ageing Strategy

5. **Ms Ruane** asked the First Minister and deputy First Minister for an update on the delivery of the active ageing strategy. (AQO 9498/11-16)

Mr M McGuinness: With your permission, a Cheann Comhairle, I will ask junior Minister McCann to answer this question.

Ms J McCann: The Executive's active ageing strategy was published on the Department's website on Tuesday 26 January. The purpose of the strategy is to transform attitudes to, and services for, older people. It is important that we fully acknowledge the enormous contribution that older people make to our society and that we challenge the negative stereotyping of them. The strategy will provide direction for Departments' policies; make connections between strategies; and lead to the improvement of services for older people.

In developing the strategy, we worked closely with the former Commissioner for Older People, Claire Keatinge, and the ageing strategy advisory group, which included as members older people and people working for organisations that represent older people. The strategy sets out a vision for an age-friendly region, in which people, as they get older, are valued and supported to live actively to their fullest potential, with their rights and dignity protected. The strategic aims of the strategy are based around the UN principles for older persons. There are 18 of those, which are grouped under five themes: independence; participation; care; self-fulfilment; and dignity. The strategy's vision and strategic aims will be implemented by those Departments and agencies with the resources, expertise and specific responsibilities for key programmes and services that improve the lives of older people.

Ms Ruane: Gabhaim buíochas leis an Aire as a freagra. I thank the junior Minister for her comprehensive answer. I wonder whether she will outline the next steps in the active ageing strategy, especially given the number of older people in our society.

Ms J McCann: The next steps will be to monitor progress against the outcomes set out in the strategy, and we will

consult on the draft indicators as well. Junior Minister Pengelly and I were at an event earlier today, called Dignity Action Day, which was organised by the National Pensioners Convention. Basically, we signed up to what was called a “dignity charter”, if you like. At that event, it was very clear that people’s dignity and rights need to be respected throughout their life. Just because someone gets older does not mean that they have any less of a contribution to make to society. When we were looking at the strategy, we were saying that it was a very live strategy. It is not just about the strategy; it is about how the strategy and those services are rolled out, and how those rights are protected and that respect is given to older people. Certainly, that is the way that we will be monitoring and progressing it.

2.15 pm

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Mo bhúochas leis an Aire as an fhreagra. The active ageing strategy, in common with a number of other strategies included within the role of OFMDFM, will be transferred to the Department for Communities in the next mandate. Will the Minister outline what level of communication and discussion has taken place to ensure that that transition is as smooth as possible?

Ms J McCann: Obviously, there has been some discussion at Executive level on where different areas of policy responsibility should sit. The Member will be aware that, over the next period, we will have time in the Assembly to discuss the different functions that go into the different Departments. We have tried to keep that fit as well as it can be kept. The important thing for a strategy such as the active ageing strategy is that it is an Executive strategy, not an OFMDFM one. It is a strategy for which all Departments are accountable. They fulfil their responsibilities when they are caring for older people in society. That is done right across the board, in services or whatever. It is an Executive responsibility, as opposed to an OFMDFM one.

Commissioner Appointments

7. Mrs McKevitt asked the First Minister and deputy First Minister why they plan to retain in the new Executive Office the power to appoint commissioners, including the Commissioner for Older People for Northern Ireland and the Northern Ireland Commissioner for Children and Young People. (AQO 9500/11-16)

Mr M McGuinness: ‘A Fresh Start: The Stormont Agreement and Implementation Plan’ confirms the reduction in the number of Departments from 12 to nine, from May 2016, along with detailed proposals for specific aspects of implementation for which the Executive are responsible. That will reduce the number of Ministers, special advisers, permanent secretaries and staff working in central support functions.

As part of the agreement, it was proposed that the Department for Communities should assume sponsorship responsibilities for the Commissioner for Children and Young People and the Commissioner for Older People, with the exception of the appointment of the respective commissioners. In putting forward this proposal, it was considered that the roles of the two bodies were a more natural fit within the Department for Communities, given

its focus on issues affecting citizens here. However, while the proposal provided a better alignment of roles and responsibilities, it was also recognised that the postholders in these significant posts should have the confidence of both the First Minister and deputy First Minister. This will also help to ensure that the important work that these bodies carry out will receive the appropriate cross-party support to ensure that they deliver on behalf of the community. These public appointments are, of course, subject to open competition, with appointments based on merit, and the process is subject to regulation by the Office of the Commissioner for Public Appointments.

Mrs McKevitt: I thank the joint First Minister for his response. Given that the commissioners will be under the new remit of OFMDFM, how do you think communications are going to work? You are the employer, yet they are under the remit of a different Department. Has there been any discussion of that?

Mr M McGuinness: Obviously, we think that it will work. The decision has been made that these important agencies will transfer to the Department for Communities. The responsibility that the First Minister and I have is an overarching one for the work of the Executive. I do not think that there will be any difficulty whatsoever in us working with whoever is the new Minister in that Department to ensure that there is continuity of service to the public.

Mr Cochrane-Watson: It is clear that the functions of the Executive Office have moved radically since they were first announced last March. It seems to me that it will now retain delivery functions and has moved away from the more coordinating role that was first envisaged.

Mr M McGuinness: Is that a question or a statement?

Mr Cochrane-Watson: It is a question.

Mr M McGuinness: What is the question?

Mr Cochrane-Watson: Will the deputy First Minister comment on that? It seems to me that it is now retaining delivery functions. Initially, the new Executive Office was to have more of a coordinating role. Why has that move taken place?

Mr M McGuinness: The decisions that have been made in relation to the reduction in the number of Departments and the transfer of various services to what will be, effectively, a new Department are part of a very natural process for us to be involved in. It is all about ensuring that we have proper delivery for the benefit of citizens. The First Minister and deputy First Minister, being in the lead in the Executive and representing the two largest parties, have a duty and responsibility for the work of the Executive, including coordination but also ensuring that all Departments in the Executive deliver in the context of the changes that have been made as a result of the decisions to reduce the number of Departments. It is about effective delivery against the backdrop of ‘A Fresh Start’, and I think that we are off to a good start in ensuring that we continue to deliver for citizens. We can do that as long as all parties in the Executive — there will be a new Executive after the election — recognise that the demand of the people is that we continue to work together for their benefit.

Mr Speaker: Mrs Judith Cochrane is not in her place.

T:BUC: Leadership

9. **Mr Campbell** asked the First Minister and deputy First Minister how they are showing leadership in progressing the Together: Building a United Community strategy. (AQO 9502/11-16)

Mr M McGuinness: Achieving our vision of a united community based on equality of opportunity, the desirability of good relations and reconciliation requires collective commitment and effort from everyone. Government must work alongside statutory, voluntary, community and private sector partners to achieve the shared vision and aims of the strategy. We acknowledge that continuing political leadership is crucial to the effective implementation of this strategy, and we will continue to give the leadership and drive forward this important agenda. Much wider than this, however, is the need to have a collaborative approach across society: everyone in society has a role in progressing this work, and everyone can make a contribution to achieving positive good relations outcomes and to building a united, shared and reconciled community.

Mr Campbell: The deputy First Minister indicated that everyone has a role to play, and that is welcome. How does he feel, while trying to show forward thinking and leadership to bring the community together, about the former terrorist who, when questioned by police in the Republic on Friday, followed his lead by declining to give any information about a person, still alive, who had been involved in the Birmingham pub bombs — given that the deputy First Minister took exactly the same stance when he was in the box at the Saville inquiry by refusing to name anyone involved in terrorism with him?

Mr M McGuinness: Sometimes, I think that this particular Member does not understand that he is asking a question of the Office of the First Minister and deputy First Minister. I am here to answer on behalf of the First Minister and deputy First Minister. I do not believe that his question is in any way appropriate.

Mr Campbell: It is like you to refuse to answer the question.

Mr Speaker: Order. I call Mr Chris Lyttle.

Mr Lyttle: I thank the deputy First Minister for his answer. Why, three years on from the publication of the Together: Building a United Community strategy, has the Department failed to introduce an enhanced good relations impact assessment for all Executive policies to ensure sharing over separation in all policies?

Mr M McGuinness: Huge progress is being made on the Together: Building a United Community policy strategy. The very substantial funds that we have allocated over five years are a clear indicator of our absolute belief in the need to ensure that good relations are regarded as a priority for the Executive. On the particular strategy that the Member mentioned, the delivery mechanisms that are now in place under the auspices of the ministerial panel are about putting in place not just the pilot projects but the very proactive structures and strategies that are required to ensure the ongoing bringing together of our community. If there is a particular aspect of that that concerns the Member, we are quite willing to meet him and discuss it.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. What is the funding situation with the implementation of this strategy?

Mr M McGuinness: In my earlier answers, I clearly indicated that very substantial funds are available for the programme. Building a United Community represents a key building block of the Programme for Government. In recognition of this, £10 million revenue funding was made available in the 2015-16 Budget to aid implementation of the strategy, supplementing other good relations funding provided by OFMDFM. In addition, £1.27 million of capital funding was secured to enable Departments to progress work on the headline actions. Following ministerial approval of proposals, the subsequent allocations enabled officials to progress with the headline actions as well as various funding programmes.

As I indicated, the recent Fresh Start Agreement committed to the provision of £60 million over five years in support of the Executive's delivery of confidence- and relationship-building measures within and between communities contributing to the creation of a shared future. We are working with other Departments to identify their financial requirements, which will enable consideration in 2016-17 of proposed allocations of the £12 million available to us.

Mr Dallat: As Building a United Community is the responsibility of the Office of the First Minister and deputy First Minister, I hope that the children were all safely in their classrooms and did not hear the exchanges between Mr Campbell and the deputy First Minister. Does the deputy First Minister agree that this is the most serious subject, because children are our greatest asset, and the present generation do not deserve to be lured into the terrible deeds of the past? Does he also agree that summer camps on their own are only a beginning and that much more needs to be done?

Mr M McGuinness: I absolutely agree with the Member about the importance of the strategy. I agree that the huge priority in all this is the future of our young people. In the Assembly today, we have had young people involved in politics from three schools: two in Enniskillen and one in Omagh. Some of them were here for the early stages of this session. The Member is absolutely right. All of us have a duty and a responsibility to recognise the importance of building a better future. Unfortunately, a tiny number of Members are only really interested in recrimination and are not interested in reconciliation. That is very sad.

I spoke about this at the weekend at the Kinsale Peace Project in County Cork in a hugely well-attended conversation between me and people who are interested in what is happening here, particularly in the peace process. During that engagement, a man stepped forward and informed the audience that he is a former member of the Grenadier Guards. He was very generous in his remarks, and we shook hands. Encouragement comes from the fact that many people in our society were previously at odds with one another but recognise the need to be involved in this sort of work. The others, we can leave behind.

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

2.30 pm

North-west Ministerial Subgroup

T1. **Mr Diver** asked the First Minister and deputy First Minister, given today's OECD findings, which, unfortunately, indicate that some of our students are

struggling with literacy and numeracy, and given the particular level of disadvantage suffered in the north-west and in the Foyle constituency, which is not immune to the skills challenge, why the north-west ministerial subgroup, which has been tasked with dealing with disadvantage in the north-west area, has met only on two occasions, the second of which was a meeting that was called with 24-hours' notice, and to state what he hopes the subgroup will achieve in 2016. (AQT 3401/11-16)

Mr M McGuinness: There have been, as the Member said, two meetings of the ministerial subgroup that came about as a result of a conversation between the previous First Minister and me. The present First Minister has clearly shown her intention to continue what is important work. Last year was very much taken up by negotiations, and that presented a huge difficulty. However, action has flowed from the conversations that took place, and that resulted in an allocation of £130 million in the recent Budget for improvements to the A6, which was a big demand in the north-west. Funds were also put aside for the first stage of the A5. There have been important conversations in recent times about how we can advance the situation in Magee university. That is without mentioning the fact that hundreds of millions are being spent on turning Altnagelvin into a state-of-the-art hospital for the north-west. What disappointed me about the events of the latter part of last year was the fact that the SDLP voted against the Budget that allocated those funds for the north-west. The SDLP needs to explain that.

Mr Diver: I will take the deputy First Minister's answer in relation to the other matters that he listed, but it did not address the point that I made about disadvantage and the lack of skills among our young people. It is a matter of very serious concern. I would like to know what the Executive will do to battle that.

Mr M McGuinness: The Member does a disservice to schools in the north-west and the city where he lives. I am proud that I was the Minister who took the decision to build the new St Mary's Primary School, the new St Cecilia's College and the new St Patrick's Primary School in Derry. They are first-class schools, as are all the other schools in the area. They provide first-class —

Mr Diver: [Interruption.]

Mr Speaker: Order.

Mr M McGuinness: People can heckle from the sidelines if they want, but I work on the basis that the people heckling really do not want to hear the answer, which is that huge progress is being made, with first-class schools being provided for the people of Derry and the north-west.

On skills, we need to do work in relation to Magee university, and great work is happening at the North West Regional College even as we speak. We need to ensure that people have the skills so that, when we are successful in bringing in foreign direct investment, we have people with the ability to take up those vital jobs.

Brexit Referendum: June/September

T2. **Mr Ross** asked the First Minister and deputy First Minister, following speculation over the weekend that the Prime Minister is likely to look at a referendum on the European in-out question in early June, whether they share the concern that an early European referendum,

rather than one in September, could cause difficulties with the Assembly election, given the possible danger of confusing the two messages. (AQT 3402/11-16)

Mr M McGuinness: I absolutely share that concern. It is obvious that we are not the only people concerned about that. I listened — I think that it was last weekend — to the First Minister of Scotland expressing her disagreement with such a referendum being held in such close proximity to their elections. It is an important matter, but even more important is what will be put to people in that referendum. Over the next, probably, two days, further important meetings will take place between David Cameron and senior representatives of the European Union, the outcome of which will probably decide what will be put to a referendum. It is no secret to anybody that I have huge concerns that the strategy that has been adopted by David Cameron is sleepwalking all of us into an exit from Europe.

Mr Ross: The debate around our membership of the European Union is important, and, in order to make sure that we have a proper debate, it is important that we have enough space between the Assembly election and the European referendum. What discussions has OFMDFM had with other devolved regions across the United Kingdom or, indeed, our national Government on the timing of the referendum and whether there is scope for negotiation on a September date rather than a June date?

Mr M McGuinness: The point made by the Member is important. Up until now, although there have been conversations, because of the inability to work out exactly when the referendum will be, it has been difficult to zero in on how we take things forward. On account of it being flagged up that there could be a referendum in June, it is important that the First Minister and I engage with David Cameron and others, including the devolved Administrations in Scotland and Wales, about the issue.

It is all on public record. The First Minister of Scotland has put it on public record, and it will come as no surprise to anybody that we share concerns about the close proximity of a referendum to the Assembly elections. We have not even dealt with the arguments on the merits of staying in or leaving. One thing we all need to bear in mind is how it could economically affect us in the North, particularly when you have, for example, the Confederation of British Industry in the North saying that over 90% of its members are against an exit.

Brexit: Financial Implications

T3. **Mr G Kelly** asked the First Minister and deputy First Minister to expand on the financial implications of Britain exiting the European Union, given that this region is a net beneficiary of the EU. (AQT 3403/11-16)

Mr M McGuinness: The financial implications are absolutely massive for us, not least for our farming community. The North of Ireland is a net beneficiary of the European Union. We have received significant support from the EU through a number of funding programmes to which, in the event of a Brexit, we would no longer have access. They include structural and regional development funds, comprising the European regional development fund, the European social fund, INTERREG and the Peace IV programme, which are worth €982 million over the period 2014-2020. Loss of that funding would be severely

detrimental to society here and would be devastating for our local economy.

We would also lose access to funding under the common agricultural policy, which is worth approximately €2.5 billion in the 2014-2020 period. That represents a massive investment in the sector. We all recognise the importance of the agriculture sector to our economy and our rural communities, and CAP funding has been vital to its sustained growth and development for years. Furthermore, there is the potential loss of access to competitive EU funding, which, in the period 2011-12 to 2014-15, amounted to over €95 million. That would be a huge blow, particularly to the business sector and research and development, which are central to developing the economy.

Mr G Kelly: Gabhaim buíochas leis an LeasChéad-Aire as a fhreagra go dtí seo. I thank the deputy First Minister for his answer. Given what he said, does he feel that the British Government have kept the devolved regions up to date on the negotiations and involved them in them?

Mr M McGuinness: I cannot say that they have. My answer to the previous question addressed the issue; the British Government have informed but not involved or consulted OFMDFM on their negotiations on EU membership.

That is probably true of Scotland and of Wales.

Mental Health Spending: Barnett Consequential

T4. **Mr Nesbitt** asked the First Minister and deputy First Minister whether the £1 billion of spending to enhance mental health services in England, which was announced by the Prime Minister three weeks ago, has a Barnett consequential for Northern Ireland. (AQT 3404/11-16)

Mr M McGuinness: If he made the announcement in the context of it being for England, we need to explore whether it will have a Barnett consequential for us. I have no doubt that when such announcements are made the Department of Finance and Personnel will explore how we can benefit from them.

Mr Nesbitt: I thank the deputy First Minister. As he said to Mrs McKeivitt a few minutes ago, he has an “overarching” responsibility for the working of the Executive. It is on that basis that I asked that question and that I ask the follow-up question: will he support me in saying that if there is a Barnett consequential that money should be ring-fenced for mental health provision in Northern Ireland? I ask that because, while it is fine to build roads, create jobs and enhance skills, it is meaningless for the one in four of us who suffers from poor mental health and well-being, because of the debilitating nature of the illness.

Mr M McGuinness: I absolutely agree with the Member: if there is a Barnett consequential flowing out of that announcement, I believe that it should be ring-fenced, because I accept, absolutely, the argument that he has made consistently about the need to vastly improve our services to those who are affected by poor mental health.

Social Investment Fund: UUP Proposals

T5. **Mr I McCrea** asked the First Minister and deputy First Minister whether, if we had taken on board the Ulster Unionist Party's suggestions as part of its Budget

proposals for the last financial year, which were to use up the money from the social investment fund, we would have been able to deliver the projects that we have been able to deliver. (AQT 3405/11-16)

Mr M McGuinness: Rather than focusing on what other people do, whether in relation to a party voting against the Budget, or parties not voting against the Budget but uttering criticisms of it, we prefer to focus on what we are doing: constructively and positively delivering for communities. Of course, the social investment fund has a bottom-up approach, in which local communities identify their priorities. We have been happy to go with that. There have been criticisms in the House about delay, but the delay is about getting it right. These are huge amounts of money, and we need to be sure that they are being spent properly in the interests of all of our people.

You can clearly see from the projects that are being rolled out that they are having, and will have, a very positive effect in communities. I remember an SDLP Member for West Belfast, at the beginning, when the social investment fund was being spoken about, trying to make out that it was a slush fund for paramilitaries. I think that the working out of all of this, and the very careful nature of how it is dealt with, has proven that statement to be totally and absolutely wrong. The social investment fund is bringing, and will continue to bring, huge benefits to local communities. It is they who have made the decisions, and all the projects that have been put forward thus far are highly creditable.

Mr Speaker: Ian McCrea for a very quick supplementary.

Mr I McCrea: Obviously, the £1.4 million investment from the social investment fund into my constituency is something that I welcome. I take it from the deputy First Minister's answer that he does not want to get into the, “He said, she said” aspect of those who were for and against it. Does the deputy First Minister believe that those who would oppose such a measure, or who intend or propose an alternative use for it, are, in essence, saying that they do not believe that these projects are good projects and that the Executive should re-prioritise their Budget?

Mr M McGuinness: There has been criticism from the party that the Member has identified. I think that that criticism was wrong-headed. Clearly, these projects, whether in mid-Ulster or elsewhere, will bring enormous benefits to local communities. It ill behoves anybody in the House to try to undermine projects that we are funding on foot of communities having identified for us developments in their areas which would bring them enormous benefits.

2.45 pm

Regional Development

Structural Maintenance Resurfacing

1. **Ms Ruane** asked the Minister for Regional Development for her estimate of the level of structural maintenance resurfacing in the 2015-16 year. (AQO 9508/11-16)

Miss M McIlveen (The Minister for Regional Development): As the House may be aware, structural maintenance includes structural drainage, patching and surface dressing as well as resurfacing. I can advise

the Member that, in respect of resurfacing, the current projected expenditure for 2015-16 is estimated at just over £21 million. It has been a challenging year for capital funding for resurfacing compared with previous years, and it is an area where I have had discussions with industry representatives to listen to their concerns.

I sought and obtained additional funding for structural maintenance in the November monitoring round. The Executive allocated an additional £5 million. I am aware that this was very much welcomed by the construction industry. The overall structural maintenance budget for 2015-16 is estimated to out-turn at around £44 million against the independently assessed requirement of £141 million. That is a significant shortfall for this year, but has to be seen in the context of an investment of £454 million over the last four years. I would like to assure the Member that I will continue to make strong bids for additional structural maintenance funds at every opportunity.

Ms Ruane: I am very concerned about the Minister's answer. As she will be aware, the annual average is £70 million, so there is an enormous gap. Obviously, that has led to deterioration of the roads. I would just like to let the Minister know that the Tamnaharry Hill road in Hilltown has subsided. I would welcome an update — in writing, if she does not have the answer today — on when it will be dealt with.

Miss M McIlveen: I thank the Member for her question. Obviously, the structural maintenance budget for 2016-17 is estimated to start at some £46 million. Compared with 2015-16, that is a much better starting place than where we were last year. While I appreciate the Member's concerns, I hope that she understands that I share those concerns about investment and will continue to call for additional money to be spent on the roads infrastructure. She has been very specific in relation to the Hilltown area. I will write to her with regard to that scheme.

Mr Weir: I thank the Minister for her answers so far. While there has been a welcome improvement in Transport NI's dealing with street lighting and potholes in north Down, there is obviously still quite a considerable backlog with regard to potholes. What is Transport NI's inspection process for potholes and the criteria that would apply for roads services?

Miss M McIlveen: I thank the Member for his question. My Department does have a duty of care to maintain all public roads in a reasonable condition. Irrespective of budgetary constraints, the Department still has been trying to meet that legislative requirement. Transport NI regularly inspects all road networks and defects are prioritised for repair depending on their severity. Earlier in the year, although roads were still being inspected as normal and defects prioritised for repair at that stage, there has been a build-up of a considerable backlog, as the Member said, of patching and other routine maintenance works.

Thankfully, as part of November monitoring, I sought and was successful in securing the additional £50 million of resource, which was prioritised by the Executive for road maintenance. That has allowed external contractors to be re-employed in many areas. I am hopeful that Members will actually see that work is being carried out quite quickly in their areas — certainly much more quickly than before. I am keen for the public to see the difference quickly, but I also ask for understanding from Members with regard to the fact that there has been a backlog.

Mr Dallat: Far be it from me to suggest that we are going back into the Dark Ages when those wonderful Roman roads all but disappeared due to lack of maintenance, but the situation is now so radical and so serious that some roads are not due for resurfacing for 102 years. Does the Minister agree with me that, for the sake of the ratepayers, taxpayers and contractors, there has to be a new approach to how we maintain our roads?

Miss M McIlveen: I thank the Member for his question. I am of the same mind in that a stitch in time saves nine, and we should look after the roads that are currently part of our infrastructure. There has been a major consequence of reduced funding, and maintenance costs are likely to increase the longer we leave our roads without increasing the amount of patching and so forth. I am of a similar vein to where the Member is with regard to that. I see that as a priority, and it will continue to be a priority for me while I am in the Department. I will certainly be lobbying for additional moneys if and when they become available.

Mr Speaker: Before we move on, I inform Members that question 7 has been withdrawn.

Sea Defences: Antrim Coast Road

2. **Mr Lyons** asked the Minister for Regional Development what action her Department has taken to prevent landslide risk and improve sea defences along the Antrim Coast Road. (AQO 9509/11-16)

Miss M McIlveen: I can advise that, over the past five years, extensive maintenance work has been undertaken to prevent landslides and rockfalls and to improve sea defences along the A2 Antrim Coast Road. In the last two years, Transport NI has delivered a £950,000 structural maintenance programme to repair and strengthen sea defences and minimise landside risk. The required work had been identified following detailed inspections by Transport NI staff. As you will be aware, in a recent visit to the area, I witnessed the ongoing challenges faced by my Department through storm damage and coastal erosion. I was also able to see at first hand the crucial engineering works that are being carried out to address the engineering problems and maintain the integrity of that key route.

In light of the severe storms and heavy rainfall this winter, a further detailed inspection of the sea defences and slopes will be undertaken this spring with a view to identifying further work and funding required along that strategic part of our road network. In the meantime, Transport NI engineers will continue to monitor the road closely and will carry out temporary and/or permanent repairs as appropriate in a bid to keep that vital transport corridor open.

Mr Lyons: I thank the Minister for her answer. She will be aware of how important the coast road is to the promotion and development of tourism in the wider east Antrim area. She obviously notes its importance as a route, so, further to her answer, can she give more detail on the nature of the structural maintenance that has taken place and outline what areas specifically are most at risk of landslide?

Miss M McIlveen: I thank the Member for his question. I can advise that the majority of the work entails strengthening of the sea defences or construction of new sea defences where existing structures were damaged

beyond repair. Other work includes the construction of landslide-retaining walls at Glenarm, soil nailing of slopes at Carnlough and construction of new roadside parapet walls in the vicinity of Ballygalley.

With regard to areas at risk, I am advised by officials that, due to the soil conditions along the A2 coast road, it is extremely difficult to predict where or when a slope may fail and cause a landslide. Efforts are being focused on active areas where slides that affect the road occur, and remedial works are undertaken to minimise further deposits affecting the road in future. Unfortunately, with the current levels of rainfall, slopes are susceptible and there could be failures. Those are inevitable, and they may present future funding issues for my Department. I recently visited the area and am very conscious of the challenges there. I pay tribute to the engineers who work very hard to keep that road open and to keep it safe.

Mr Beggs: If additional work is required, improving the sea defences along the coast road could involve a range of agencies: the Department of the Environment in planning; the Northern Ireland Environment Agency (NIEA) in the environment; the Rivers Agency at river mouths; and the Department itself has responsibility for roads. Whether it involves protecting the public road or private property that is being endangered, how can all those groups be coordinated to allow speedy decisions to be made and speedy results to emerge so that the necessary work, by Roads Service or to a private property that needs additional defences, can occur?

Miss M McIlveen: I thank the Member for his question. He will understand that I, too, represent a coastal constituency and am very aware of the issues. Sometimes, putting in defences is not necessarily the right thing, and there may be alternatives.

He will be aware that I coordinated a group before Christmas. I brought together representatives from councils, the Rivers Agency and the National Trust to discuss exactly what he described. It is about looking towards a lead Department, which, until this point, has been absent in this place. The conversations are ongoing, and I hope to have another meeting within the next few weeks to set in place a strategy for the incoming Minister to take forward. I accept the point that he made. The issue is being recognised and, hopefully, can be dealt with.

A5: Draft Order

3. **Mr McAleer** asked the Minister for Regional Development when she will agree the draft order to enable the A5 project to advance to its next stage. (AQO 9510/11-16)

Miss M McIlveen: The Member will be aware that included in the Fresh Start Agreement is a commitment by the Executive to advance the A5 western transport corridor project. The Irish Government have made a commitment to contribute £75 million match funding towards the project. That funding commitment is intended to ensure that, subject to the successful completion of statutory procedures, construction of the New Buildings to Strabane section can commence in 2017, with an estimated completion date of 2019.

In December, I invited landowners to meet me. That was an open and frank discussion, and I have since followed

up on concerns that they raised. Work on the new draft statutory orders and environmental statement is now complete. The next step is their publication, and I hope to make an announcement on that shortly.

Mr McAleer: Go raibh maith agat. I thank the Minister for her answer. I understand that signing off the draft orders will trigger a six-week public consultation. I know from questions to your predecessor that there will be public exhibitions on the back of that. Can the Minister give us any clarity on when those will be signed off and when the six-week consultation will start?

Miss M McIlveen: The Member will be aware that I have been doing considerable work on this. That is in addition to the announcement that I am looking to introduce a land acquisition and compensation Bill to assist landowners as we move through the process. That, accompanied by work that I have been doing in relation to land agents, is part of the preparation that I wanted to complete before moving on to any announcement. I am hopeful that an announcement will be made quite shortly.

Mr Clarke: I thank the Minister for her answers. I welcome the article in 'Farming Life' at the weekend that referred to enhanced compensation for those losing their land to vesting. I welcome that announcement, but why was this or something like it not announced or done sooner in this mandate?

Miss M McIlveen: I thank the Member for his question. To be honest, I cannot answer that, other than to say that I really do not know. Since coming into post, I have made it my business to have conversations to see what the issues have been with the A5 and A6. As I said in answer to a previous question, I met land agents, who highlighted a number of concerns, one of which was about land acquisition and compensation.

I have sought and am seeking Executive approval on the introduction of a land acquisition and compensation Bill. I will be seeking accelerated passage for this Bill to bring compensation levels into line with the rest of the United Kingdom, particularly England and Wales, around compulsory land purchase. This is a clear anomaly, and I want to ensure that landowners in Northern Ireland are treated fairly and equitably. That is the purpose of the request around this Bill.

3.00 pm

Mr McCrossan: Will the Minister agree that there is a serious legacy issue relating to infrastructure in the north-west? What additional funding or financial backing will be allocated beyond this point, given that the draft Budget for 2016-2021 does not allow for major investment in infrastructure in the north-west?

Miss M McIlveen: I thank the Member for his question, although I am a wee bit perplexed by it given that the flagship projects for the A5 and the A6 have recently been announced in the Budget statement. This will significantly help the connectivity around the north-west. If the Member has other projects that he thinks would be of significance and would assist with all of this, I am more than content to meet him to discuss his concerns.

Mr Allister: With eight miles of this stage having to be constructed through a floodplain, why is her Department not able to say how much that will add to the cost of

this project? Does cost not matter when it comes to this project? Is cost only an inhibitor when it comes to fixing our potholes?

Miss M McIlveen: I thank the Member for his question. Obviously, cost does matter. In relation to this particular scheme, a considerable amount of work and research has been undertaken to find the appropriate route. Once the announcements are made, the Member will see what that is.

Belfast Bicycle Network

4. **Mr Lyttle** asked the Minister for Regional Development for an update on the Belfast bicycle network. (AQO 9511/11-16)

Miss M McIlveen: The Member will be aware of my recent announcement about three bicycle routes in Belfast that are under construction. Work started on these last week, and Members who have been in the city centre may have seen the activity in Alfred Street. I expect these to be completed by Easter. These routes will link existing cycle tracks from the west and south of the city to the city centre and will provide greater protection for people who choose to make journeys in the city by bicycle. The schemes will also support the successful Belfast bike share scheme and help more people gain the confidence to use the bicycle as an enjoyable sustainable mode of transport. For example, the Alfred Street scheme will link the two docking stations at the Gasworks with the docking station behind Clarence Court in Alfred Street and the docking station in Arthur Street.

These schemes are three of the five schemes consulted on last summer. Designs for the other two schemes, which will link the east of the city to the city centre, are still being considered, taking account of comments from the information days held as part of the consultation process. Those schemes will complete a 2.5-kilometre route from the Westlink shared foot and cycle way through the city centre to Titanic Quarter station and on to the Ballymacarrett Walkway, the Connswater Community Greenway and the Comber greenway.

Mr Lyttle: I warmly welcome the investment that the Minister has outlined. Adequate investment is essential to delivering safe cycle routes in Northern Ireland. The DRD cycle strategy aims for £10 to be spent per person, and the DRD/Sustrans Bike Life report shows that Belfast residents support a £25 per person spend on cycling. Given that the spend in 2014-15 was £4 per person and in 2015-16 is £3 per person, does the Minister think that that is an adequate level of investment? What will her allocation be for cycling in the 2016-17 budget?

Miss M McIlveen: I thank the Member for his question. Obviously, I have been quite active, in the short period that I have been Minister, in relation to cycling, and I hope to continue that in the coming weeks. This year, it is anticipated that the Department will spend £2.4 million on cycling. This includes expenditure on the Active School Travel programme. In 2014-15, a total of £7.5 million was spent on cycling. That included quite a significant amount of capital for active travel demonstration projects. Other Departments also contribute to the spend on cycling. It is very difficult, then, to calculate exactly how much there is from the Executive overall.

I am aware of Sustrans's manifesto and plans. You will be aware that my Department is undertaking to develop

a bicycle network plan for Belfast that will guide the development of infrastructure around the city for the next 10 years. I also have plans for a greenway strategy, and I am hopeful that any incoming Minister will see the benefits of both those plans when allocating funding.

Mr Douglas: I welcome the Minister's answers today. Since the 2014 Giro d'Italia, there has been a big increase in cycling. Will the Minister outline what steps her Department is taking to promote and foster cycling in east Belfast?

Miss M McIlveen: All politics is, obviously, local. The Giro d'Italia was a wonderful showcase event that focused on a remarkable interest in cycling, not just in east Belfast but across Northern Ireland. Cycling is, of course, an important, healthy and sustainable way of travelling for everyday purposes. As I have said, to support and promote the growth of cycling, we are taking forward elements of the 2015 bicycle strategy, which includes a number of flagship schemes in Belfast city centre, the development of the Belfast bicycle network plan and the strategic plan for greenways. Those are all very relevant to east Belfast where we have seen the development of a number of excellent greenways, which I am keen to improve and extend, where possible. I am particularly keen that the Comber greenway joins the Connswater Community Greenway as a first-class facility.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. Can the Minister give an update on the usage rates of bicycles in the Belfast scheme?

Miss M McIlveen: I thank the Member for his question. I am delighted to say that there have been 150,000 journeys to date through the bike share programme, and that is in just nine months. I am also really pleased that the Belfast Trust and Belfast City Council are working to further expand Belfast bikes across three Belfast hospital sites. I understand that a decision on those schemes is due to be taken at the council today, and they are expected to be in place by Easter 2016. It should include a link from the Royal Victoria Hospital site into Belfast city centre, and that will give people more confidence to be able to make journeys by bicycle. I think that the announcement is very timely given the ongoing works that my Department is undertaking in order to provide a safer space for bicycles in the city centre.

A6: Dungiven Bypass

5. **Ms Maeve McLaughlin** asked the Minister for Regional Development following the commencement of the Moneynick section of the A6, will the Dungiven bypass be her next priority. (AQO 9512/11-16)

Miss M McIlveen: The A6 Londonderry to Dungiven dualling scheme, which includes a bypass of Dungiven, is well advanced in its development. It has been through a public inquiry, and the inspector has produced a report embracing various recommendations. My officials have prepared a report addressing the recommendations arising from the public inquiry and are reviewing the extent of the scheme, which can be built with the funding allocated in the December 2015 Budget statement. Once I have received those reports and considered them in full, I will make a decision on how the scheme should proceed.

The indicative allocations for the 2017-18 to 2020-21 period will allow my Department to construct elements of the A6 Londonderry to Dungiven scheme, which will include a bypass of Dungiven. Subject to making statutory orders, approval of the final business case and successful procurement, it is possible that the first phase of the Londonderry to Dungiven scheme could commence in the latter part of 2018-19.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for that and, indeed, for the commitment to address the issues coming from the public inquiry, but I am probably going to pursue this a bit harder.

Will she provide any more detail on timelines? I think specifically about the Dungiven-Claudy, Claudy-Drumahoe and Drumahoe-Maydown sections.

Miss M McIlveen: I thank the Member for her question and for her perseverance. At this stage, I cannot give any specific timeline, other than to say that any announcement will include the Dungiven bypass. I am hopeful that an announcement on the scheme will be made in the coming weeks, once I have received all the final reports and been able to set in place a timescale for delivery.

Mr G Robinson: Does the Minister agree that the completion of the much-needed road project will enhance the tourist and economic potential of this large area of Northern Ireland, including smaller towns such as Magherafelt, Dungiven and Limavady?

Miss M McIlveen: I thank the Member for his question. I am conscious of the areas that he represents. It is a key corridor, and the scheme has been on the cards for a long time. I feel privileged to be in a position in which I will be able to make an announcement shortly and to see the area open up and be able to fulfil its tourist potential.

Mr Diver: I thank the Minister for her responses so far. Does she agree that it is shocking and bitterly disappointing that we are still discussing the issue half a century after the initial decision was made to bypass Dungiven?

Miss M McIlveen: I thank the Member for his question. I share his frustration — probably not quite as much, as the area is not in my constituency — but I have travelled that road many times to see its condition and the time it takes to get to Londonderry through Dungiven, and I share his concerns. However, as I said, I should be able to make an announcement on it very shortly.

Mrs Overend: Will the Minister provide an update on her Department's work with landowners on the Moneynick section of the A6? Do any outstanding disagreements need to be resolved? What action is in place for that?

Miss M McIlveen: I thank the Member for her question. I understand that officials are liaising with landowners, but, if there is something of a particular nature that, the Member feels, needs to be resolved, I am more than content to meet her and the said landowners.

Structural Maintenance Underspend

6. **Mr Milne** asked the Minister for Regional Development for her assessment of the Quarry Products Association's assertion that the £97 million underspend on structural maintenance in 2015 has cost the local economy a further £122.2 million and 650 jobs. (AQO 9513/11-16)

Miss M McIlveen: I am acutely aware of the pressures facing the local industry as a result of budgetary pressures on capital funding for structural maintenance. I met a delegation from the Quarry Products Association on 30 November to discuss the impacts that budget pressures are having on jobs, the loss of skills in the industry, the need to work across the water and the impact that that has on families.

You will appreciate that I have been in this role for a relatively short time, but I have been active in that time. Structural maintenance is one of my highest priorities, although I am conscious, as I am sure the Member is, that there are many competing priorities at departmental and Executive level. The structural maintenance budget for 2015-16 is estimated at £44 million, leaving a shortfall of £97 million when compared with the independently assessed annual funding requirement. However, that has to be seen in the context of a £454 million investment over the last four years.

I do not doubt that budgetary pressures are impacting on jobs. I met the Minister of Finance to discuss the funding arrangements for structural maintenance. It has to be recognised that the Executive have invested in many high-profile capital road projects over a number of years, which has been a significant boost for the local industry. I am pleased to say that the starting position for structural maintenance in 2016-17 that was announced in the recent Budget is £46 million. I will continue to make strong bids for additional funds as we move through the process.

3.15 pm

Mr Speaker: Thank you. I am afraid that we are out of time for listed questions. We now move to 15 minutes of topical questions.

Rail Link: Belfast International Airport

T1. **Mr Lunn** asked the Minister for Regional Development for her assessment of the prospect of a rail link to Belfast International Airport. (AQT 3411/11-16)

Miss M McIlveen: I thank the Member for his question. I imagine that he is talking about the Knockmore to Antrim branch line, which is maintained by Translink.

The DRD investment prioritisation strategy for Northern Ireland, which was published in May 2014, sets out a vision for future railways over the next 20 years. There is obviously an economic benefit relating to the Antrim to Knockmore line, and there are opportunities to establish a rail link to Belfast International Airport, although my understanding is that the usage of the airport would need to increase to around 10 million passengers to make that rail link viable. I suppose that, in some ways, it is aspirational, but if we were able to open such a line again it would be seen as very positive for Northern Ireland.

Mr Lunn: I thank the Minister for her answers so far. The economic case for reopening the Knockmore line, with the link from the Dublin line to the north of the country and the airport, is fairly obvious, although it would be expensive. Does she not agree with me that Ryanair coming to Belfast International Airport will obviously produce a major uplift in the number of passengers? Do we really need to wait until we have 10 million plus one passengers before we do

something about it, or can we not anticipate what is liable to happen in the next few years?

Miss M McIlveen: I thank the Member for his question. Sustainability is obviously key in everything that we do, particularly in relation to our public transport routes. You need only speak to colleagues in East Antrim about the Larne line and Members from Newry about the services that they have. We need to look at cost. That is also key to where we are. The Member also needs to be aware that we have a very good bus link from the international airport to the city centre.

Park-and-ride Facility: Portadown

T2. **Mr Anderson** asked the Minister for Regional Development for an update on the proposed park-and-ride facility in Portadown, along with the potential costings for the project. (AQT 3412/11-16)

Miss M McIlveen: I thank the Member for his question. Translink has appointed a design team that has very advanced plans for a 340-space park-and-ride facility beside the rail station in Portadown. Several very successful meetings have been held between Translink and Transport NI, which owns the site. I have met other Members about this, and our next step is a pre-planning meeting with the council, in the hope that a planning application will be put in place somewhere in mid-2016, with the project commencing somewhere around 2016-17.

Mr Anderson: I thank the Minister for her answer. Are any other park-and-ride facilities proposed for the Upper Bann area?

Miss M McIlveen: I thank the Member for his supplementary question. I meant to say that the cost of the project in Portadown is in the region of £3 million. I understand that areas in and around Lurgan and Banbridge are also being considered for park-and-ride facilities. Those are obviously in his constituency.

York Street Interchange: Update

T3. **Mr G Kelly** asked the Minister for Regional Development for an update on the York Street interchange project. (AQT 3413/11-16)

Miss M McIlveen: I thank the Member for his question. My officials are reviewing the inspector's report on the public inquiry into the scheme that was held towards the end of last year. I have not been updated on that at this stage, but I hope to receive that very quickly, hopefully in advance of going into purdah, so that we can make a decision on the way forward. I expect that to be with me in the next few weeks. Subject to a satisfactory outcome, the notice to proceed and the designation order will be published.

Mr G Kelly: Gabhaim buíochas leis an Aire le haghaidh a freagra go dtí seo. I thank the Minister for her answer. Is this project eligible for TEN-T funding or any other EU funding?

Miss M McIlveen: I understand that the interchange scheme has already received £1.2 million of EU funding as part of the development and is one of very few schemes to be pre-identified for future funding. The proposed construction programme of November 2017 to December 2020 aligns the funding profile expected for the next call. Therefore, the scheme will be in a pretty good place to

have a good strong bid. The project lies on the North Sea/Mediterranean corridor in the TEN-T network. Officials have successfully negotiated for the interchange's inclusion as a pre-identified project in the corridor work plan.

Enniskillen Bypass: Update

T4. **Ms McGahan** asked the Minister for Regional Development for an update on the Enniskillen bypass. (AQT 3414/11-16)

Miss M McIlveen: The preferred alignment for the A4 Enniskillen southern bypass was published in June 2015. Further progression of the project, through the statutory procedures to construction, are dependent on the availability of finance. Should finance become available, it would take around 18 months to two years before work could start. So it is still some time off.

Ms McGahan: Go raibh maith agat. I thank the Minister for her response. Does the Minister agree with me that, following the capital funding for the A5 and the A6, it is vital that this bypass becomes a priority?

Miss M McIlveen: I thank the Minister for her question. Obviously, this matter is a priority in Fermanagh. However, the pace of the development of all major road schemes is very much dependent on financial resources and, at this time, the Executive's priority is being given to the A5, A8, A6, A26 and the Magherafelt bypass. So, while it is a priority, it has other projects ahead of it.

Roads: Flood Damage

T5. **Ms Ruane** asked the Minister for Regional Development for an update on her Department's plan to deal with roads damaged by flooding in South Down, given the severe weather conditions, the lack of investment and the deteriorating effect that that is having on our roads. (AQT 3415/11-16)

Miss M McIlveen: I thank the Member for her question. The severe weather has taken its toll on all our roads, not just those in South Down. We have a duty to keep all public roads in reasonable condition, and, despite budgetary constraints, the Department has been trying its hardest to keep roads open and in good condition. I ask the Member to contact me if there are particular roads in her constituency that she feels need to be attended to. I will certainly look into it and give her a response.

Ms Ruane: I thank the Minister for her response. I certainly will write and let you know the names of the roads. I told you of one earlier: the Tamnaharry Hill road in Hilltown. Can the Minister outline how much of the £1 million earmarked for flood-hit roads will be spent in the South Down constituency?

Miss M McIlveen: At this time, the priority has been in Fermanagh and in areas around the A1 and Portadown. I will get back to you about South Down.

Derry to Coleraine Rail Line: Completion

T6. **Mr McCartney** asked the Minister for Regional Development whether she has a completion date for phase 2 of the Derry to Coleraine line, including the halt at Bellarena, which featured on a Radio Foyle news broadcast this morning. (AQT 3416/11-16)

Miss M McIlveen: I thank the Member for his question. I visited the halt at Bellarena to see the progress on it. I understand that it is on schedule to be substantially completed by the end of this year.

Mr McCartney: Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer and for visiting the site. Having seen that work, does she have an update on progress on phase 3 and the sort of capital investment that will be required for it?

Miss M McIlveen: My understanding is that phase 3 will take place in and around 2020 or 2021. The project would have to be established in order to take phase 3 forward, and it would be after phase 2 is complete. That is still on the cards to be looked at.

Woodburn Forest: Exploratory Drilling

T7. **Mr Ross** asked the Minister for Regional Development, given that she will be aware that DETI has granted an exploratory drilling licence for Woodburn forest in the East Antrim constituency, where Northern Ireland Water owns a portion of the land, what plans are in place to allow that exploratory drilling to take place. (AQT 3417/11-16)

Miss M McIlveen: I thank the Member for his question. Northern Ireland Water owns the land at Woodburn forest, and it has agreed to lease a small portion of the forest for the drilling of the well. This work will be undertaken by an independent company under a licence, which, as the Member said, has been awarded by DETI. Planning functions, as he is aware, transferred to local government with effect from 1 April 2015, and the issues of permitted development rights and any requests for a certificate of lawful use of development are the responsibility of the local council planning department. In this instance, the council responsible is Mid and East Antrim Borough Council. I understand that all work will be subject to the approval and agreement of the council, DETI, and DARD's Forest Service, which owns the trees and manages the land as a forest.

Mr Ross: The Minister will be aware that any time drilling is involved, there is, quite rightly, concern among the public around safety issues, particularly around water supplies. Has she assessed whether there is any risk to the water supply following on from the exploratory drilling?

Miss M McIlveen: I thank the Member for his question. My understanding is that the exploration project at Woodburn has been designed to prevent liquids on site from soaking into the ground below it, thereby protecting the local water courses and ensuring that there will be no adverse impact on the Woodburn river and the dam's catchment. Northern Ireland Water, as the licensed public drinking water provider, has a duty under drinking water quality legislation to assess all potential risks to drinking water sources in the catchments and to put in place appropriate sampling and, where required, any possible mitigation measures. Northern Ireland Water has advised that it is satisfied that the proposed work will have no detrimental impact on the impounding reservoirs or the public water supply.

Blue Badges: Application Delays

T8. **Mr McCrossan** asked the Minister for Regional Development, given that she will be aware of the considerable delays felt by new applicants and those who

are renewing their applications to the blue badge scheme, whether current badge holders who are awaiting renewal can use their outdated badge. (AQT 3418/11-16)

Miss M McIlveen: I thank the Member for his question. I am more than aware of the issues around delays in processing blue badges. The blue badge unit has been given additional staff to help deal with the backlog of applications, and I am pleased to say that the backlog has reduced quite considerably from over 8,000 applications to 4,602 at present. Staff are dealing with assessed applications that were received in early December 2015 and the automatic eligibility applications that were received on 30 December 2015. At present, the new application can be completed online. I also want to assure the Member that my understanding is that those badges are still valid while the new badges are being processed.

Mr McCrossan: I thank the Minister for her answer. She has, more or less, answered my supplementary question. I just wanted some details on how the new scheme will be rolled out, and the time frames for it.

Miss M McIlveen: I thank the Member for his question. A project is ongoing to modernise the blue badge application process, and that is similar to the system that is available in the rest of the United Kingdom. This should make the application process much easier and less susceptible to fraud, and it will make all aspects of application easier with regard to renewal and duplicate requests being available online. This is all good news moving forward.

3.30 pm

Mr Speaker: Mr Daithí McKay is not in his place, and nor is Mr Sammy Douglas. I congratulate the Minister on a very busy and brisk Question Time; well done. The House will take its ease while we wait for the next Minister. Thank you.

Executive Committee Business

Housing and Planning Bill: Legislative Consent Motion

Mr Bell (The Minister of Enterprise, Trade and Investment): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in the Housing and Planning Bill dealing with enforcement of the estate agents legislation.

The Housing and Planning Bill was introduced in Parliament on 13 October 2015 by the Department for Communities and Local Government. The overall purpose of the Bill is to make changes to the law in England and Wales concerning housing, rent charges, planning and compulsory purchase. In addition, the Bill was considered to be a suitable legislative vehicle to introduce changes that the Department for Business, Innovation and Skills considered necessary to make to the UK-wide Estate Agents Act 1979, which I will refer to as the 1979 Act. These changes relate only to the 1979 Act's enforcement responsibilities.

Before outlining these changes, I will give a brief history of these enforcement responsibilities and provide some information on the scope of the 1979 Act's provisions. The 1979 Act is largely limited to regulating the activities of estate agents in selling property on behalf of their clients. When it was enacted, the then Office of Fair Trading — the OFT, as it was commonly known — had certain responsibilities under the 1979 Act, most notably the power to ban unfit persons from carrying out estate agency work.

The 1979 Act also contained other enforcement responsibilities that were carried out by local authority trading standards departments within their respective areas in Great Britain and by my Department in Northern Ireland. The responsibilities falling to trading standards departments include requirements relating to the handling of clients' moneys, and ensuring that requirements to provide vendors with certain information are complied with. Essentially, all complaints about estate agents under the 1979 Act were investigated and assessed by trading standards departments, who referred the most serious complaints to the OFT to consider, with a view to warning or banning an estate agent. In 2007 the OFT was given additional responsibilities following the amendment of the 1979 Act by the passing of the Consumer, Estate Agents and Redress Act 2007. These amendments gave the OFT powers to approve consumer redress schemes for complaints concerning estate agents, and the power to require estate agents to join such a redress scheme.

In 2011 the UK Government consulted on proposals to reform the consumer protection landscape in Great Britain. These proposals included a review of the OFT's functions under the 1979 Act and, in particular, whether these functions could be more effectively carried out by a trading standards department. The responses to this consultation supported the proposal to transfer the OFT responsibilities under the 1979 Act to a trading standards department. Consequently, in 2014, the UK government decided to appoint Powys County Council as the lead enforcement authority for the 1979 Act. This transfer of functions involved both an order made under the Public

Bodies Act and a tender process involving a contract for a three-year term.

In September 2015, the Secretary of State for the Department for Business, Innovation and Skills (BIS), the Rt Hon Sajid Javid MP, wrote to me concerning the proposed amendment of the 1979 Act's enforcement arrangements. The Secretary of State asked for my agreement, in principle, to seek the consent of the Assembly for those amendments to extend to Northern Ireland. The UK Minister was seeking to amend the 1979 Act because the contract awarded to Powys County Council to carry out the role of lead enforcement authority will expire in 2017. Furthermore, there is no scope in the Public Bodies Act to carry out a further transfer of the responsibilities of the lead enforcement authority under the 1979 Act.

Without the proposed amendment of the 1979 Act, Powys County Council would continue to be named as the lead enforcement authority after its contract to provide the role expires in April 2017. Therefore, an amendment to the provisions dealing with the 1979 Act's enforcement arrangements is necessary so that a new lead enforcement authority could be appointed in the event that Powys County Council should no longer be considered best placed to provide the role, and to ensure the continued effective enforcement of the Act's provisions. A failure to amend the 1979 Act could result in unfit and fraudulent estate agents being allowed to continue to operate. That would cause increased harm to consumers and prevent compliant estate agents operating on a level playing field.

The proposed amendment of the 1979 Act would allow the Secretary of State for the Department for Business, Innovation and Skills, or a person whom they have appointed, to take over the role of lead enforcement authority for the UK. The person chosen by the Secretary of State could be any local authority trading standards department in GB or the Department of Enterprise, Trade and Investment in Northern Ireland. In effect, the provision will allow the Secretary of State to appoint a new lead enforcement authority for the 1979 Act from time to time as necessary.

The proposed amendments of the 1979 Act deal with a transferred matter, as they enable the possible appointment of DETI as the lead enforcement authority for that Act. Such a change to departmental functions falls within the definition, in Standing Order 42A, of a devolution matter requiring a legislative consent motion. The inclusion of DETI in this provision will necessitate a minor amendment to the generic set of enforcement powers for consumer legislation in the Consumer Rights Act 2015. That amendment would allow DETI to use the enforcement powers in part 3 of schedule 5 of the Consumer Rights Act for the purposes of the 1979 Act, in the event that DETI might at some time in the future be appointed as the lead enforcement authority for the UK.

Although it is difficult to envisage a scenario in which my Department would seek to be appointed as the lead authority for the 1979 Act, the same assessment could be made of many of the approximately 200 trading standards departments across the UK, which, because of their size, for example, may not wish to put themselves forward for the role. However, it is appropriate that my Department should also be in a position to be considered for the role of lead authority in the same way as any of the

existing enforcement authorities in the UK. Therefore, my Department should be included in these proposals.

I commend the motion to the Assembly.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Cheann Comhairle. On 9 October 2015, the Minister of Enterprise, Trade and Investment wrote to the Committee to advise that the Secretary of State for Business, Innovation and Skills had informed him that proposed provisions to amend the Estate Agents Act 1979, which are included in the UK Housing and Planning Bill, were required to enable the Secretary of State for BIS to appoint a new lead enforcement authority, as necessary, by means of a tender process. The enforcement authority could be any trading standards department in GB, as the Minister said, or DETI in Northern Ireland, through the Trading Standards Service.

The Committee noted that, although BIS carried out a broad-ranging consultation in 2011, which included Northern Ireland, there were no responses from Northern Ireland to the proposal. It was unclear from the information provided by the Department whether DETI would apply to become the new lead enforcement authority.

The Committee asked the Department if, when the legislation is changed, it is envisaged that the Trading Standards Service would respond to a tender for the appointment of a new lead enforcement authority for the UK. The Department responded that it considers it unlikely that DETI would respond to any tender to become the lead enforcement authority but that, on balance, DETI should be included in the proposed amendment of the Estate Agents Act 1979, so that it is treated on an equal footing with all the other existing enforcement authorities in the UK and Northern Ireland.

Having fully considered the proposals, the Committee supports DETI in seeking the Assembly's endorsement of the legislative consent motion.

Mr Dunne: I, too, support the legislative consent motion. It is important that we allow the Secretary of State for Business to amend the Estate Agents Act 1979. I believe that the LCM is the most appropriate means of legislating in this area and will ensure that Northern Ireland is brought into line with the rest of the United Kingdom. This is a very important area of work, and it will lead to greater accountability within the estate agent sector, which will ultimately improve the sector for the agents and the public. It will also allow for the possible appointment of DETI as the lead enforcement authority for the Estate Agents Act.

As this is the most effective means of updating the legislation, I am happy to lend my support to it. I welcome this motion, and I am happy to commend it to the House.

Mr Bell: I thank both Members for their supportive and helpful contributions. I also thank my colleagues in the Executive and the Enterprise, Trade and Investment Committee for considering the matter in such a timely manner, which has allowed the debate to take place today. The brevity of the Chairman's remarks does not reflect the seriousness and professionalism with which his Committee addressed the matters. By carrying out the role in the way that it has become known for — scrupulously and fairly — it allowed the motion to come to the House today. I personally thank the Committee and the Chair.

I hope that, from both the responses that we have had today, Members know why we should vote for the consent motion. By passing the motion, the Assembly will ensure that consumers and businesses in Northern Ireland continue to benefit from the effective enforcement of the Estate Agents Act 1979. I commend the motion to the Assembly and thank all Members for their support.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in the Housing and Planning Bill dealing with enforcement of the estate agents legislation.

Housing (Amendment) Bill: Consideration Stage

Mr Speaker: I call the Minister for Social Development, the Lord Morrow of Clogher Valley, to move the Consideration Stage of the Housing (Amendment) Bill.

Lord Morrow (The Minister for Social Development): Thank you, Mr Speaker. I beg to move amendment No 1. This is one of three amendments that —

Mr Speaker: Thank you for coming in by accelerated passage. We are just taking your proposal for Consideration Stage at this point. Will you just confirm for me that the stage is moved? That is all we need.

Moved. — [Lord Morrow (The Minister for Social Development).]

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 is a single group of three amendments that deal with the criteria for information disclosure. Once the debate on the group is completed, any further amendment 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 that is clear, we shall proceed.

No amendments have been tabled to clause 1. The Question is that clause 1 stand part of the Bill. All those in favour say Aye.

Some Members: Aye.

3.45 pm

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 —

Clause 1 ordered to stand part of the Bill.

Clause 2 (Disclosure of information relating to anti-social behaviour)

Mr Speaker: We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 and 3. These amendments deal with the criteria for information disclosure. I call the Minister for Social Development to move amendment No 1 and address the other amendments in the group.

Lord Morrow: I beg to move amendment No 1: In page 3, line 4, leave out subsection (4).

The following amendments stood on the Marshalled List:

No 2: In page 4, line 1, leave out "or 3".— *[Lord Morrow (The Minister for Social Development).]*

No 3: In page 4, line 2, leave out from "(convictions" to end of line 3 and insert

"(conduct and convictions) (whether or not the order is also sought on other Grounds);".— [Lord Morrow (The Minister for Social Development).]

Amendment No 1 is one of three Government amendments that were discussed in some detail during the Social Development Committee's clause-by-clause scrutiny of the Bill. I am pleased that the Committee was able to support the amendments, and I thank its Chair and members for their constructive scrutiny. The amendments all relate to clause 2, which provides that certain information relating to antisocial behaviour may be disclosed to the Housing Executive and registered housing associations for certain purposes. The amendments are being dealt with in a single group.

I should first explain that the Housing Executive or a registered housing association can apply to the court for an order for possession of a secure tenancy where certain statutory grounds apply. Ground 1 relates to breach of a tenancy agreement. Ground 2 relates to conduct causing nuisance or annoyance and convictions for certain offences. Ground 3 relates to acts of waste, neglect or default that have caused the condition of a property to deteriorate.

Clause 2, as introduced, would have allowed any person to disclose to the Housing Executive or a registered housing association information relating to behaviour that would be grounds for possession under grounds 1, 2 or 3 where the information is disclosed for the purposes of applying for, or deciding whether to apply for, orders for possession on those grounds. The purpose of clause 2 is to facilitate the disclosure of information to the Housing Executive and registered housing associations to enable those landlords to take appropriate action to deal with antisocial behaviour.

The clause therefore made specific provision that, in relation to applications for orders for possession on ground 1, information could be disclosed only where the breach of tenancy agreement involved behaviour causing annoyance or nuisance. However, the Social Development Committee took the view that any application for an order for possession that relates to any description of antisocial behaviour can be made under ground 2, and that it is not necessary for clause 2 to provide for the disclosure of information relating to any other grounds. I accept this view and have therefore tabled amendments that would remove the references to grounds 1 and 3 from this clause.

Amendment No 1 would remove the provision that information that indicates or suggests that the condition of a dwelling has deteriorated owing to acts of waste by, or neglect or default of, certain persons is "relevant information" that may be disclosed to the Housing Executive or a registered housing association.

Amendment No 2 would remove the provision that applying for, or deciding whether to apply for, an order for possession on ground 3 is a "relevant purpose" for which information may be disclosed to the Housing Executive or a registered housing association.

Amendment No 3 would remove the provision that applying for, or deciding whether to apply for, an order for possession on ground 1 is a "relevant purpose" for which information may be disclosed to the Housing Executive or a registered housing association, while ensuring that applying for, or deciding whether to apply for, an order for possession on ground 2 will still be a "relevant purpose" even if the order is also being sought on other grounds.

Mr Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a

Cheann Comhairle. I thank the Minister for moving the Consideration Stage this afternoon and for his comments so far. The Committee for Social Development welcomed the Bill and noted that it encompasses three key areas, as the Minister outlined.

They are the sharing of information relating to empty properties; the disclosure of information relating to antisocial behaviour; and the registration as a statutory charge of certain loans. During the briefings and evidence sessions, stakeholders and members raised a number of issues about the Bill.

We have voted on clause 1, so I move swiftly on to clause 2, "Disclosure of information relating to anti-social behaviour". The Committee report deals with a number of issues on the clause, and I will deal with a couple of them now. The Committee considered stakeholders' concerns on the appropriateness of the information-sharing provisions that relate to antisocial behaviour and related definitions in the Bill. The Bill will introduce new powers for information sharing for the purpose of pursuing possession action in accordance with grounds 1, 2 and 3 of schedule 3 to the Housing (NI) Order 1983. The Committee agreed with the Housing Rights Service, which said in oral evidence that it believed that the definitions of "relevant information" and "relevant purpose" went beyond what was necessary. The Committee discussed that issue at length with the Department. Ultimately, the Department stated that, while the Minister did not believe that the references to grounds 1 and 3 went beyond what was necessary, if the Committee requested their removal, he would accept that in order to ensure the Bill's timely progress through the Assembly. The Committee very much appreciated that commitment from the Minister. At its meeting on 10 December, the Committee agreed that references to grounds 1 and 3 in clause 2 should be removed by way of an amendment provided by the Minister.

The second key issue that I will deal with today is the fact that private landlords will not be included under the information-sharing provisions of clause 2. The Committee was concerned that that created an imbalance and that tenants engaging in antisocial behaviour could be pushed into the private sector. While the Committee believed that there was a legitimate argument to include private landlords, it recognised the serious concerns about individual landlords being equipped or not equipped to handle personal data in accordance with data protection legislation. The Committee, therefore, decided against amending the legislation to include an enabling clause for information sharing with private landlords. Crucially, the Committee welcomed the fact that the issue had been well discussed with the Department and had been included in the recently launched discussion paper 'Review of the Role and Regulation of the Private Rented Sector'. In other words, members and others had concerns about this being a missed opportunity and a gap being left in the regulations process, but, given that it will be dealt with in the 'Review of the Role and Regulation of the Private Rented Sector', the Committee was content to leave the situation for now. The Committee, therefore, is supportive of the Bill and the amendments tabled by the Minister.

Ms P Bradley: I support the amendments as listed by the Minister for Social Development. As we heard, the Bill has three aspects. While it is relatively short, it was not without debate, especially on clause 2, "Disclosure of information

relating to anti-social behaviour". As MLAs, we should all be acutely aware of the impact of antisocial behaviour on our communities. The Northern Ireland Housing Executive and registered housing associations already have a duty of care to protect their tenants from antisocial behaviour as well as a duty to protect other people from antisocial behaviour caused by tenants of social housing. During 2013-14, the Housing Executive received and processed 3,206 reports of antisocial behaviour, the most common of which was noise.

As I said, the effects of antisocial behaviour have a great impact on our communities. Those who suffer most are often the most vulnerable, including older people. It most certainly causes added strain to those with poor mental health. From my constituency, I know that those living in areas where antisocial behaviour exists suffer great fear and intimidation. When I was planning to speak at Consideration Stage today, I thought about information sharing. It is good that it is becoming information sharing at this level because we already have information sharing in many social housing areas. I know, as will many MLAs here who are actively part of their community and working in their social housing areas, that a lot of information is already being shared, and they often know who people are and their background even before they move in. It is good to see that becoming an official practice instead of just being down to the jungle drums in our social housing areas.

Turning to the amendments from the Minister, I welcome the removal of clause 2(4). In Committee, we heard from many stakeholders, in particular Housing Rights, who felt that the clause could lead to persons with poor mental health being unduly penalised. It is not just about the penalties that could be imposed; there is a need for sensitivity in the disclosure and sharing of information. In conclusion, I welcome the Bill and the amendments and hope that it can lead to a difference in our social landlord areas.

Mrs D Kelly: I will be brief, given that colleagues have covered most parts of the Bill and said much of what needs to be said. Ms Bradley eloquently talked about the issues facing us as MLAs. Antisocial behaviour is, without doubt, one that comes across our desks day and daily.

I welcome the amendments and thank the Department for having listened to and worked with the Committee to produce a better Bill that reflects the concerns that have been raised by a number of stakeholders. I support the amendments and look forward to the Bill progressing.

Mr Beggs: I and my Ulster Unionist colleagues also continue to support the Bill, recognising the benefits that it can bring in addressing community issues that arise as a result of empty homes and antisocial behaviour. Sharing information on vacant properties between the Department of Finance and Personnel, the Department for Social Development and the Housing Executive will, I hope, mean that antisocial behaviour can be headed off at an earlier stage and that concerns can, therefore, be addressed, minimising disruption to neighbours.

The sharing of specific information on antisocial behaviour will help to better manage such situations and hopefully address issues earlier. There was a situation in the Monkstown estate a few months ago that could have been addressed earlier if the information had been shared. The Bill will, when it comes into effect, bring about some practical benefits.

Clause 2 deals with the disclosure of information relating to antisocial behaviour, particularly the sharing of information between the Housing Executive and social landlords. I would have thought that sharing that information should enable social landlords to be better aware of difficulties that have caused annoyance and a nuisance to neighbours, such as where a tenant had previously been involved in a dwelling that was being used for illegal purposes or had allowed or incited others to engage in antisocial activity. I welcome and support that aspect of clause 2.

As others have indicated, there was some discussion of how widely the information should be shared. In principle, it should be widely shared so that private landlords are aware of what they might be taking on. However, it was pointed out to us that there were issues regarding data protection and data security, because information falling into the wrong hands could endanger individuals. That being the case, I am content with the general wording of clause 2.

Amendment No 1 would take out clause 2(4). The Housing Rights Service expressed concerns and asked whether it was necessary or went beyond what was necessary to address antisocial behaviour. We are dealing with a Bill that is trying to address empty homes and antisocial behaviour. The Committee relayed the concerns of the Housing Rights Service to the Minister, who has, ultimately, tabled the amendment. Having reflected further on this area and on clause 2(4), I ask the Minister what is wrong with sharing key information if someone has carried out an act of waste or has damaged public property, whether it is a Housing Executive property or a housing association property.

I think that if a tenant is moving to a different landlord, it would be appropriate, where there has been a difficulty, to pass that information on with a constructive mode in mind so that the new social landlord will know that they will need to take particular care of the tenant to ensure that no further acts of waste might occur in the new social housing property. I seek an explanation from the Minister as to why he thinks that it should be removed. He and his officials have not made much of a defence of that area when questions have been posed. It would be helpful if we could have that.

4.00 pm

I turn now to amendment Nos 2 and 3, which refer to clause 2(8). Again, if those amendments go through, it will remove the ground 1 and ground 3 aspect of transferring relevant information. That is another area on which the Housing Rights Service expressed concern. If you wanted to put it under a heading of "antisocial behaviour", I can see how it may not be seen as antisocial behaviour that is affecting others, but it is certainly antisocial behaviour affecting a publicly owned property. I seek an assurance from the Minister that if he moves amendment Nos 2 and 3, resulting in the removal of this area of information that can be transmitted, he is satisfied that adequate powers will remain to ensure that those who damage public property will be identified, and that that warning signal will be transmitted to the new landlord so that more regular inspections can, perhaps, occur to allow a new tenant to get off to a positive start in their new property, not be

carrying any legacy from the past and making sure that previous difficulties will not be repeated.

Other than that, I am generally satisfied with the Bill; it has brought about improvements elsewhere. The registration as statutory charge of certain loans is new to Northern Ireland and may enable further innovative forms of support that might not otherwise be available. I am supportive of the rest of the Bill and the clauses.

Mr Dickson: I too support the Bill and, indeed, welcome it back to the House. As Members have heard, it is a short but important piece of legislation. I note that most of the information-sharing has been limited to the Housing Executive. Although, on principle, that does not present me with concerns, it is important that there are synergies between the relevant parties and the property users to ensure that those who need, and should have, access to such information can obtain it in an easy, timely and efficient manner. That includes working effectively with housing associations and local government, which is, unfortunately, often forgotten in a top-down process. The Bill will also create a duty to do so.

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

I note with interest that DSD intends to work with councils to provide information, where possible. However, without meaningful regeneration powers, the role of local government is rather limited. It is disappointing that the Department decided to drop the entirety of the Regeneration Bill. Most of this information will originate from DFP, but, at Committee Stage, it was suggested that utilising the resources of Land Registry could provide considerable benefits with regard to information collected. We were told that DSD would explore that option, so perhaps today the Minister could provide us with further information on whether that may be a viable way forward and whether he would require further legislation in that respect.

As others said, antisocial behaviour is a very difficult issue and is a scourge on many communities. The Bill is a step forward, although I think that I have to share some of the concerns voiced by the Housing Rights Service to the Committee regarding the relatively wide scope of incidences in which disclosure could be made. The Alliance Party is generally content to support the Bill at this Stage. We look forward to its coming back.

I apologise to the House and the Minister because I have another meeting to attend and will not be able to remain for the remainder of the debate.

Lord Morrow: I am grateful to Members for their contributions to the debate on the amendments. As I explained in my earlier remarks, the amendments had been agreed by the Committee and will ensure that clause 2 is focused on conduct that constitutes antisocial behaviour as the term is generally understood. I noted that some Members focused on the antisocial behaviour aspect. It is right that that should be done. Some have also noted that, while this is a small, short Bill, it is nevertheless a very necessary one. I welcome those remarks.

In response to the question that Mr Beggs posed regarding information about acts of waste being shared between social landlords, I will just say that the Housing Executive's role in allocating all social housing and assessing individual eligibility for such housing means that the issue would be addressed when tenants are transferring to other

social landlords. I hope that that goes some distance to reassuring him.

I will close my remarks by, again, thanking the Committee for its work on the matter and all those Members who have spoken today.

Amendment No 1 agreed to.

Amendment No 2 made:

In page 4, line 1, leave out “or 3”.— [*Lord Morrow (The Minister for Social Development).*]

Amendment No 3 made:

In page 4, line 2, leave out from “(convictions” to end of line 3 and insert

“(conduct and convictions) (whether or not the order is also sought on other Grounds);”.— [Lord Morrow (The Minister for Social Development).]

Clause 2, as amended, ordered to stand part of the Bill.

Clauses 3 to 5 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker (Mr Dallat): That concludes the Consideration Stage of the Housing (Amendment) Bill. The Bill stands referred to the Speaker.

Committee Business

Standing Order 39(1) and Standing Order 37A(1), (2) and (3)(b) & (c): Suspension

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):

I beg to move

That Standing Order 39(1) and Standing Order 37A(1), (2) and (3)(b) & (c) be suspended in respect of the Exceptional Further Consideration Stage of the Public Services Ombudsman Bill [NIA Bill 47/11-16].

The purpose of the proposed suspension is to enable an exceptional Further Consideration Stage of the Public Services Ombudsman Bill to take place. Standing Order 37(A) makes provision for an exceptional Further Consideration Stage, but it does so only in strictly limited circumstances where a provision of a Bill is outside legislative competence or a Bill has a serious technical defect as a direct consequence of an amendment made to the Bill, which is not the case at this time.

The Committee has agreed to seek to amend clause 50, which provides for non-disclosure notices, in response to a concern raised by the Attorney General that it might be outwith the Assembly’s legislative competence. However, that concern does not arise from any of the minor amendments to clause 50, and, accordingly, Standing Order 37A, as it stands, would not facilitate a further amending stage. The Committee sought the advice of the Speaker on the appropriate procedure to bring the matter before the Assembly, and, in light of that advice, the Committee agreed to submit today’s motion to suspend in part Standing Order 37A and Standing Order 39(1).

The House will recall that some Members and parties have consistently opposed the non-disclosure notice power in clause 50 but, notwithstanding that, have been willing to support the Bill in the round as a reforming measure and, to that end, the pragmatic way forward that the Committee is proposing by way of this motion and the amendment to clause 50. Approval of the motion would remove the requirement that the issue of legislative competence arises from an amendment to the Bill. The suspension is limited to the Exceptional Further Consideration Stage of the Ombudsman Bill. Subject to Members’ approval of this motion, that will be the next scheduled item of business and will provide the House with the opportunity to consider the Committee’s proposed amendment.

Mr Deputy Speaker (Mr Dallat): 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 39(1) and Standing Order 37A(1), (2) and (3)(b) & (c) be suspended in respect of the Exceptional Further Consideration Stage of the Public Services Ombudsman Bill [NIA Bill 47/11-16].

Public Services Ombudsman Bill: Exceptional Further Consideration Stage

Mr Deputy Speaker (Mr Dallat): I call the Chairperson of the Committee for the Office of the First Minister and deputy First Minister, Mr Mike Nesbitt, to move the Bill.

Moved.—[Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Mr Deputy Speaker (Mr Dallat): A single amendment has been tabled for debate. Members will have received a copy of the Marshalled List, which provides details of the amendment. The amendment deals with a reference to public safety. I remind Members who intend to speak that they should address their comments only to the amendment. If that is clear, we shall proceed.

Clause 50 (Disclosure contrary to public interest)

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I beg to move the following amendment: In page 20, line 2, leave out from “the safety” to “United Kingdom” on line 3 and insert “public safety”.

The Committee agreed to bring the amendment to address a concern that was raised by the Attorney General that clause 50 was outside the legislative competence of the Assembly. Prior to exercising the power in clause 50 to issue a non-disclosure notice, a Northern Ireland Minister or the Secretary of State must form the opinion that disclosure of a document or information would be prejudicial to the safety of Northern Ireland or the United Kingdom or otherwise contrary to the public interest. The Attorney General’s concern arises from the reference to the “United Kingdom” in clause 50, which he considers may mean that the clause would be outside the legislative competence of the Assembly because of section 6(2)(a) of the Northern Ireland Act 1998.

Section 6(1) of the 1998 Act provides that:

“A provision of an Act is not law if it is outside the legislative competence of the Assembly.”

Section 6(2) states:

“A provision is outside that competence if any of the following paragraphs apply—

(a) it would form part of the law of a country or territory other than Northern Ireland, or confer or remove functions exercisable otherwise than in or as regards Northern Ireland”.

The Attorney General considers that conferral of the power to issue such a notice would take clause 50 outwith legislative competence because of the inclusion of the term “United Kingdom”. It might be used where the danger in disclosing the document relates to, for example, only Wales and not in or as regards Northern Ireland.

4.15 pm

While the Committee does not agree with the Attorney General, it was mindful that referral by the Attorney General to the Supreme Court would inevitably delay Royal Assent and create uncertainty about commencement and implementation planning.

Accordingly, the Committee engaged with the Attorney General’s office and the Northern Ireland Office to see whether a pragmatic solution could be found. That solution is reflected in the amendment before the House.

In essence, it replaces the reference in clause 50(1)(b):

“prejudicial to the safety of Northern Ireland or the United Kingdom”

with the words:

“prejudicial to public safety”.

A Northern Ireland Minister or the Secretary of State would, therefore, have to form the opinion that disclosure of the information or document in question:

“would be prejudicial to public safety or otherwise contrary to the public interest”.

The Attorney General and the Northern Ireland Office are content with that amendment.

While some Members and parties have consistently opposed this type of power in principle, they have, nevertheless, consistently supported the Bill as a whole as a worthwhile measure of reform and have recognised the need for the amendment to progress the Bill. The Committee is mindful that this power has existed in our ombudsman legislation since 1969 and, so far as anybody knows, has never been exercised here.

I commend the amendment to the Assembly.

Mr Lyons: The Chair of the Committee set out the reasons why we have had this Exceptional Further Consideration Stage. Obviously, the Attorney General had an issue with clause 50. The Chair is absolutely right in saying that we have found a way to combat that, even though there were disagreements about the effect it might have. However, we came to a consensus, you could say, by the fact that we have this amendment. I think nobody wanted to see the Bill derailed at this stage. That is why we have the amendment and why I am more than happy to give it my support.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. The Committee Chairperson alluded to the fact that a number of members on the Committee, as a matter of principle, consistently voted against the provisions in the Bill that would provide for non-disclosure, as was described by, I think, the term “national security”.

Obviously, our party has been consistent in this matter. We see absolutely no need whatsoever for such a provision in the Bill and in the role of the ombudsman, presently to be the NIPSO. We have made that very clear on the record since the Bill was tabled.

We were content to support the suspension of Standing Orders to have an Exceptional Further Consideration Stage. However, I put on the record on behalf of Sinn Féin that we still see no need whatsoever for any provision relating to what is called “national security” in the NIPSO Bill. We will vote against the amendment, but we will not push the Assembly to a Division.

Mr Attwood: I acknowledge the role of the Assembly structures and the Speaker in allowing this Exceptional Further Consideration Stage. This is a very rare moment in the life of the Assembly. I think it might have arisen once before in this mandate, although I will stand corrected on

that. It is a proper interpretation of the role of the Assembly and the processes on legislation that this Exceptional Further Consideration Stage has been enabled to deal with this outstanding matter, not least because of the reasons the Chair outlined.

This is a worthwhile measure of reform that has been in gestation for probably as long as some of us have been Members and certainly longer than some others have been Members. Therefore, having got to this stage of creating an office of some authority — time will tell whether its authority is all that it should be — and given that the legislation has got this far after this long period of time, it would be unfortunate if it was derailed.

As the Chair indicated, there were members of the Committee — maybe all the members, although I will stand corrected on that — who might differ from the Attorney General's interpretation of things. That is healthy, because the Attorney General may have a particular role in respect of the law in Northern Ireland under the relevant legislation, but he is another lawyer, and people can accept or reject legal advice. The view of many people, maybe on other issues beyond this one, is not to accept the advice of the Attorney General. Certainly, my view on this matter is that the Attorney General may be false in his interpretation and may be in a different place from many other interpretations on this legislation.

It is curious, of course, that, as the Chair read into the record, the references to issues of disclosure now refer to those that are prejudicial to public safety or otherwise contrary to the public interest. They are very wide words, and, therefore, they themselves could be interpreted in different ways and, indeed, be open to abuse. They do not refer to the issue of national security, although that may well be captured or, in the view of some, will certainly be captured in those words. It is curious that, when we come to legislate, we do not refer to those words even if other words are meant to capture that particular issue. I think that it is better of us to do it in that way than to rely upon these highly charged words of "national security", which is in the gift of the British Government and exclusively interpreted by the British Government. I think that it is good that we are not using their language, even if those words may be very extensive. Given the narrative and the history around all this legislation, our party, in line with Mr Maskey's comments, will not support this particular approach, but we will not force a Division in the House on this occasion.

Mr Nesbitt: I thank the three Members who contributed. Mr Lyons was content. I acknowledge again that Mr Maskey and his party had deep concerns and expressed them consistently and rightly the whole way through the debate or certainly the part of it that I was around for. As Mr Attwood said, this has been in gestation for longer than some of us have been Members of the House. In fact, in my case, it has been in gestation for more than twice as long as I have been a Member. It has taken 11 years to get to this point. I can put it no more starkly than to say that, when the passage began, few if any of the Members of the House had ever heard of Barack Obama, and we will just get this into law before he completes his second and final term as president of the United States.

As I said, I think that there has been an entirely pragmatic approach by all to this legislation, which will improve services and, particularly, the ability of our citizens to

complain when they believe that they have been let down by public services. I commend all the members of the current Committee and thank them for their cooperation and their pragmatism in getting us to the stage where we will back, I hope, next week for the Final Stage of the Bill.

Amendment agreed to.

Mr Deputy Speaker (Mr Dallat): That concludes the Exceptional Further Consideration Stage of the Public Services Ombudsman Bill. The Bill stands referred to the Speaker.

Adjourned at 4.24 pm.

Northern Ireland Assembly

Tuesday 2 February 2016

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

Members observed two minutes' silence.

Executive Committee Business

Insolvency (Amendment) Bill: Royal Assent

Mr Speaker: Before we proceed to today's business, I have some announcements to make. I wish to inform the House that the Insolvency (Amendment) Bill received Royal Assent on Friday 29 January 2016. It will be known as the Insolvency (Amendment) Act (Northern Ireland) 2016.

Food Hygiene Rating Bill: Royal Assent

Mr Speaker: The Food Hygiene Rating Bill received Royal Assent on Friday 29 January 2016. It will be known as the Food Hygiene Rating Act (Northern Ireland) 2016.

Assembly Business

Public Petition: Development Proposals to Discontinue Little Flower Girls' School and St Patrick's College, Bearnageeha

Mr Speaker: Mr Alban Maginness has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Mr A Maginness: Thank you very much, Mr Speaker. It is my honour to present to you this petition in relation to education in north Belfast; in particular, the proposals put forward by the Council for Catholic Maintained Schools (CCMS) and the Education Authority to discontinue Little Flower Girls' School and St Patrick's College — development proposal Nos 440 to 442 — and to amalgamate both schools.

The petition is a spontaneous and genuine expression by concerned parents, particularly at Little Flower Girls' School. The parents have read the proposals and believe that they should be given the option of a single-sex girls' school and, indeed, a single-sex boys' school in the Catholic sector in north Belfast. They feel very strongly about that. They went about obtaining signatures, of which there are now 1,617, and those continue to flow in.

There could be many more signatures, such is the strength of opinion. They are saying that, for girls in particular, it is advantageous to have a single-sex school. They believe that the Little Flower school has had an excellent performance and, in the recent past, it has had excellent inspection reports. Indeed, no later than Friday, the headmaster of the school, Mr Jim McKeever, won the best principal award given by Blackboard. That is some achievement.

They also look at the grammar-school sector and see St Malachy's College, which is single sex, and the Dominican College, which is a single-sex girls' school. They also look at the controlled sector and see that the Boys' Model School — an excellent school in north Belfast — is single sex, as is the Girls' Model School. They look at the cooperation and partnership between St Patrick's College in north Belfast and Little Flower Girls' School. It is a wonderful cooperation and a wonderful partnership, particularly at sixth-form level, and they say, "If it ain't broke, why fix it?" They are saying very strongly to the Education Authority and to CCMS, "Let's leave this alone". So, I am pleased to bring to the Table the petition against the development proposals.

Mr A Maginness moved forward and laid the petition on the Table.

Mr Speaker: Thank you very much, Mr Maginness. I will forward the petition to the Minister of Education and send a copy to the Committee.

Executive Committee Business

Assembly Members (Reduction of Numbers)

Bill: Consideration Stage

Mr Speaker: I call the junior Minister Ms Jennifer McCann to move the Bill.

Moved. — [Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister).]

Mr Speaker: One amendment has been tabled. Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendment deals with bringing into operation the reduction in the number of Members per constituency by May 2016.

Mr Lyttle: I beg to move the following amendment: In page 1, leave out subsection (2) and insert

“(2) The amendment made by subsection (1) comes into effect on or before 28 March 2016; and has effect in relation to the Assembly elected at the poll on 5 May 2016 (the Assembly election) as well as its successors.”.

I welcome the opportunity to move the amendment. We had a robust debate on the proposed reduction in the number of MLAs at the Second Stage of the Assembly Members (Reduction of Numbers) Bill. The Alliance Party has long supported the principle of the reduction of the number of MLAs in line with the proposal from 108 to 90; that is, from six to five MLAs for each of the 18 constituencies. Indeed, every political party appears to support that principle.

Today, therefore, is about granting every MLA in the Assembly the opportunity to deliver and vote for that change that everyone agrees with in principle in time for the 2016 election, rather than delay for another five years and waste possibly as much as £11 million on this issue.

Everyone appears to agree that this is the right thing to do. Why do they agree that it is the right thing to do? We can look at over-governance in Northern Ireland and compare it with other regions in these isles. It is my understanding that Scotland has one MSP per approximately 40,000 people, Wales has one AM per approximately 50,000 people, but, here in Northern Ireland, we have one MLA for 16,000 to 17,000 people. That is a drastically different ratio by any assessment.

Secondly, we would save around £11 million over five years. Those may seem like modest savings to some, but, to put it into some perspective, the OFMDFM childcare budget alone for 2011-15 was approximately £12 million. That £11 million is a significant amount of public money that could be redirected to other vital front-line services that are in need of investment at this time.

Thirdly, the change is also in line with wider, ongoing Assembly reform. We are taking through the Assembly reasonably significant changes in the reduction, renaming and transfer of functions within Departments in Northern Ireland and through the introduction of an opposition, all with the aim of creating more efficient and effective Executive and Assembly processes. We, therefore, believe that it is the right time to include the reduction in the number of MLAs in that wider reform. There has been a lot of mention of wanting to see delivery and to have less talk and more action on those issues in the Assembly.

Today, Mr Speaker, we are presenting all MLAs with the opportunity to vote in favour of action on this issue, rather than delay.

One of the arguments that was made most notably and emotively at Second Stage was about inclusion. I asked this question at that stage, and I will ask it again today: how will the impact of the change on inclusion be different in 2016 than in 2021? I genuinely do not understand that argument, and I hope that people have perhaps reflected on it.

As I said, Alliance is granting every party in the Assembly the opportunity to deliver the change, which they all agree with in principle, now in 2016, rather than to delay for another five years until 2021. We hope that the amendment will be supported.

Mr Frew: I will speak on the legislation and on the amendment that has been moved by the Alliance Party. I will again put on record our support for the legislation and the welcome change that it will bring with the reduction in numbers of MLAs, as well as the reasons why that is the case. Of course, we rehearsed those at the last debate, and we will not need to go over the same ground — hopefully.

I also welcome the change in stance by the Alliance Party. I very much welcome that it is now on the same plateau as us in the DUP. It is a pity that it has taken all parties so long to get on the same wavelength as us and to get an agreement on a reduction of numbers. I again welcome that we have finally reached agreement, albeit painstakingly, year in and year out, and then, of course, during the days of negotiations that led to the Fresh Start Agreement.

It is only a small part of the Fresh Start Agreement to have a Bill that proposes a move from six MLAs per constituency to five. Of course, we would like to have gone further. We wanted to reduce more MLAs per constituency, and we would like to have done that before now. In fact, as I said the last time, we would like to have done it yesterday. This party, the DUP, has been campaigning on such a move since 2002. We rejoice that we are here today at this stage of the Bill and that we will get agreement that will see that aim of this party finalised, agreed and realised for 2021.

We wish that we had done it sooner and that we had it now, but we could not do it. We realise that through the agreement that we have made.

One thing that we do in this party is honour the agreements we make. It is not everything we want. Of course we want more. We will keep going until we get more but we will bank the progress we have made and will continue to bank it when we can every time that we can.

10.45 am

I do welcome the change in stance and policy of the Alliance Party.

Mr Lyttle: Will the Member give way?

Mr Frew: Yes, I will.

Mr Lyttle: Will the Member clarify the stark difference that he is attempting to set out in the different timescales of support in relation to this particular policy between the DUP and Alliance? This has been a long-standing policy position of the Alliance Party. My only regret today is that the DUP is unable to stand behind its own policy position in relation to this issue.

Mr Frew: I thank the Member for his contribution. Again, it comes back to the very point that I made the last time we talked about this: we negotiated an agreement. We signed the Fresh Start Agreement and, within that, we banked the progress that we had fought for for so long. The Member talks about his party having this policy for so long. It is a shame that, even as recently as the Stormont House Agreement, the Alliance Party could not support the DUP in its position of reducing the number of MLAs in each constituency to four. Through the Chair, I ask the Member why that is the case. The Stormont House Agreement was only a number of years ago, and the Alliance Party, along with all the other parties, could not support the DUP in going to four per constituency. Mr Speaker, I will gladly give way on that point.

Mr Lyttle: I thank the Member for his contribution. Why, then, is the Member from the DUP not bringing forward proposals for a reduction to four MLAs in this legislation? We have brought forward constructive proposals that we are debating here on the Floor of the Assembly. I do not see any from the DUP of the nature to which the Member refers.

Mr Frew: The Member will know fine well about bringing any amendment to the Floor of the House without having first sought out the other parties' views on it, spoken to them and negotiated with them to see where they stand on it. He will know fine rightly that the majority of amendments like that will fail, especially when we were all party to the Fresh Start Agreement, which actually settled this point in this mandate and was agreed by the very MLAs who were elected in this mandate.

The Member will know fine well that this amendment of his could be construed as an election stunt. I hope that it is not and that the Alliance Party will stick to this policy, even in the next mandate, when we see this agreement come to fruition. I hope the Member and his party will stick with us in working towards an agreement to reduce it to four Members per constituency. That is where we want to get to, and we will keep going, we will keep working, we will keep influencing and we will keep negotiating with all parties in this House, come what may, after this election in order to achieve that. That is how progress is made.

The DUP could have brought a raft of amendments to this Bill, but we have already agreed what could be agreed as part of the Fresh Start Agreement. We pushed for more, we got what we got and we are going to bank it. Why would any party that agreed the Fresh Start Agreement bring forward amendments? That could well unravel —

Mr Lyttle: Can the Member give way?

Mr Frew: I will in a minute.

It could well unravel or jeopardise the Fresh Start Agreement — not only this aspect of it, but the whole agreement. The Member will know full well the issues and problems that we had before the Fresh Start Agreement. Does the Member want to go back to those days? Does the Member want to go back to the days when nothing was agreed, government and politics stagnated and the hard decisions were not made for our people? Does the Member want to go back to those days? I worry that amendments like these, which can be seen as stunts, could well unravel and jeopardise the very agreements that we have made through painstaking negotiations.

I will give way, if the Member still sees fit.

Mr Lyttle: I thank the Member for giving way. I ask him to clarify his contribution, which painted a picture that every MLA in this House somehow agreed with the Fresh Start Agreement. As far as I am aware, there are two particular parties that stand behind the Fresh Start Agreement.

I am also becoming increasingly frustrated, Mr Speaker, at being told that MLAs in this Chamber are not allowed to use the Assembly due process of Consideration Stage to bring forward perfectly legitimate amendments to legislation that is coming through the Assembly. That is our job. The other parties are perfectly entitled to respond robustly to those amendments, but the DUP argued vociferously that the public support this position and want to see it happening. If it is an election stunt to bring forward sensible and legitimate amendments that are in the interest of the common good and the public, perhaps the DUP could bring forward some of those types of amendments.

Mr Frew: I thank the Member for his intervention. If the Alliance Party were so keen to see this amendment through — they are speaking passionately on it now, and I am glad that the Member acknowledges that I am trying to challenge the party robustly — why has it come so late in the day? Why was it not in the Fresh Start Agreement? Why did they not stand side by side with us when we wanted these changes? Why did they not speak up in the Stormont House Agreement? Why did they not push this view then, when we could have got agreement on this and could well have had it settled? Maybe we could have got what the Member now wishes for, which is a change at this election.

We are where we are, and we have the Fresh Start Agreement. Again, I ask the Member this: why would we jeopardise that good work and that agreement? Why would this party jeopardise that when we can see that it will help to move this country and our people forward?

Mr Dickson: Will the Member give way?

Mr Frew: I will give way.

Mr Dickson: I invite the Member to expand for us his concerns about jeopardising the Fresh Start Agreement. Surely any reasonable person would understand and accept that a saving of some £11 million to the public purse is something that we should be moving towards as quickly as possible. There does not seem to be any justification for not supporting the amendment in respect of a reduction in numbers from six to five Members in constituencies. It is a simple matter of an instruction to the electoral authorities that that is the number of Members that the Assembly wishes to return to the next mandate.

I also ask Mr Frew to explain why he would consider using the word “rejoicing” in delaying until the mandate beyond the next one for these changes to take place. It does not seem to be a matter for rejoicing but a matter for regret.

Mr Frew: I thank the Member for his contribution, albeit a wee bit downbeat in demeanour. I apologise for that; I try to rejoice every morning when I wake, and I try to be forward-thinking and positive in my outlook.

Mr A Maginness: I agree with that.

Mr Frew: Mr Maginness acknowledges that and agrees with it, just for the benefit of Hansard.

Mr A Maginness: Every day is a bonus, especially when you are 65.

Mr Frew: Every day is a bonus. I thank the Member for his contribution. That is the way that we should come to politics. That is the way that we should come to the table. We should not be regretful or negative. I would say to Mr Lyttle that, if it is about saving money, why not have in his amendment a reduction to four Members per constituency? That would be more meaningful and it would suit our agenda and our aims and objectives much better. It is not just about simply saving money. I want to sprinkle some of my rejoicing over the way in order to get the Bill passed, get it banked and make progress for the good of all our people.

I have said enough at this point, Mr Speaker, so thank you very much for the time that you have given me.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. I will not detain the House any longer than necessary, so I will not be taking any interventions, thank you.

As the Member who proposed the amendment made very clear in his earlier submission, this matter has been well rehearsed. I reiterate, on behalf of Sinn Féin, that we support the Bill as tabled. That is, to reduce the number of MLAs from six to five per constituency before the elections in 2021. We entirely acknowledge that there is a significant public perception that there are too many MLAs, but that is not a position that we accept at all. We remind people of the original discussions that brought us to the Good Friday Agreement, which wanted to enshrine inclusivity and to maximise participation in a fledgling democratic process.

I think that the events of the last number of months very much underline the need for such prudence, given the fact that we have been, to some extent, alienated from the general public. Perhaps a lot of people feel disaffected towards the Assembly, and that indicates that vehicles are still needed that bring people closer to the political process, so we support the Bill as tabled.

We remind people, as we did in the last debate, that, when we talk about over-governance and we compare here with Scotland or somewhere else, this is not Scotland. Thankfully, Scotland did not experience some of the situations that we have had to deal with here. It is not comparing like for like, so there is a need for continuing, greater inclusivity. Neither I, nor Sinn Féin — or anyone else — knows whether the political process will be more inclusive in 2021 than it is now. I hope it might be, but I do not know. We are certainly prepared to begin the process of reducing the number of MLAs from six to five per constituency, and we do that heartily and gladly.

As I said, we oppose the amendment for that reason, and I would remind people that, when we talk about over-governance, we still have fewer than 200, and more than 150, quangos. Some of those, such as tribunals and other bodies, are very important and need to be in existence, given the nature of them. There are some very professional people providing public service on many of those bodies, but there are also a lot of quangos that should no longer be in existence. They were only ever really there when we had direct rule, when we had a very clear democratic deficit. There is no justification, in our view, for retaining quite a number of those bodies. That is where we need to start making a real difference in reducing the democratic deficit, because, let us remind ourselves, a lot of those bodies discharge a significant amount of public money. They also discharge quite a

number of public services, and, as far as Sinn Féin is concerned, we need to look at the existence of a number of those bodies and remind ourselves that we have over 2,000 persons appointed to those bodies. We talk about the number of elected representatives, but there are a lot more non-elected people involved in discharging public services here and discharging a lot of public largesse, if you like. They are not elected and they are less accountable. On that basis, Sinn Féin supports the Bill and opposes the amendment.

Mr A Maginness: Thank you very much, Mr Speaker. The SDLP opposes the Alliance amendment, and it is right and proper for us to oppose it, as indeed do the DUP and Sinn Féin, as I understand it. There a number of reasons why, in fact, this amendment should not be supported. It is important to remember that we come out of a very terrible history, where this society was engulfed in political and sectarian violence. We suffered appallingly and we arrived at a political agreement called the Good Friday Agreement or the Belfast Agreement. Through that agreement, we worked out a new political system. It might be imperfect — it might not be to everybody's liking — but at least everyone in this Assembly is engaged in it. We brought about a degree of peace, stability and political progress of which we can be rightly proud. I say that as someone who has gone through the whole process, from 1998 until now. Indeed, beyond that, I was involved in all sorts of negotiations.

11.00 am

I am old enough to remember the old Stormont Parliament, a model that did not serve the people of this region well. We should congratulate ourselves on the progress that we have made. Everybody in the House, from every political party, or perhaps most political parties, would say that the involvement of people at the highest possible level in government is very important. The principle of inclusivity, which was referred to by Mr Frew and Mr Maskey, is very important. We must involve our people in order to get greater engagement and build on the peace that we have achieved. That peace should not be taken for granted. If we take that peace for granted, we are on a perilous road. I am absolutely certain that that is not what is intended by the Alliance Party, but, unfortunately, I think that that party is taking for granted the peace, this institution and the considerable progress that we have made. I do not think that we should do that.

The reduction in the number of MLAs set out in the Bill is, I think, a suitable compromise. We are on a political journey, and politics are organic, not static. We are on a journey to try to improve what we have. We, in the SDLP, buy into the principle of that improvement. The Bill allows for a development in the numbers in the next five years. As Mr Maskey says, he does not know whether there will be greater inclusivity by 2020 or 2021, but we hope for it, and there is consensus in the House on that and on the Bill. As Mr Frew said, we have achieved an agreement, and it was not an easy agreement to reach. The Stormont House talks 1 and 2 were very difficult, but we achieved agreement.

I take it that the Alliance Party amendment is well intentioned. I am not certain that I buy into the point that Mr Frew made — that it is an election stunt. I take it that the

amendment is well intended, but the road to hell is paved with good intentions.

Mr Lyons: — positive.

Mr A Maginness: I did not quite hear what my DUP colleague across the Chamber said.

Mr Lyons: Be positive.

Mr A Maginness: I think that the amendment is well intended. However, it misses the point that we have achieved a lot but cannot take things for granted. If we change the number of MLAs for the May election, we will undermine what we have achieved, and it is no mean achievement. The postponement of the reduction to 2020 or 2021 is not unreasonable. A period of four or five years is not too long in our history.

I want to make one further point. It is one that Mr Maskey also raised and it is important. We cannot compare our ratio of representatives to population with that in other jurisdictions in these islands — Scotland, Wales or the Republic.

The reason for that is that we are a society with many different and significant points of view, and they should be articulated. There should at least be the opportunity to articulate them through election to the Assembly. It is up to the people. I do not know what the people will do in May; none of us in the Assembly knows. The commentators might know, because they tend to know more than any of us. However, I believe that it is within the gift of the electorate to decide, and they are not stupid. They will make their decision wisely.

In five years' time, what will the people be thinking? They may think quite differently, and there may be different political formations. We cannot predict the future. Politics is an organic process, and humankind makes different decisions. We know now that we have a period of imperfect stability and progress. To use Mr Frew's term: we should bank it. It is important for us, therefore, to support the Bill as it stands and to reject the Alliance Party amendment.

Mr Allen: I apologise for coming slightly late to this important debate. The amendment was tabled by the Alliance Party because it was unable to secure agreement in the talks. The Ulster Unionist Party supports the reduction in numbers at the Assembly as part of the wider measures in the Programme for Government to bring about a more streamlined public administration that is more effective and efficient, and delivers better government for all our people. That is what we should all strive for. It is not about whether it should be six, five or four Members; it is about delivering effective, streamlined and efficient government for all our people, making sure that they are represented to the best of our ability. When I was offered the chance of coming into the Assembly, I thought long and hard about it. What made me come in was my passion and desire to deliver a better Northern Ireland for our people.

We need to make sure that the Assembly is diverse and inclusive, which is why the amendment is too important to get wrong and why we in the Ulster Unionist Party will not support it. We would love to have been able to support it, but we believe that it has been brought in too late in the day. We want government that delivers the best for our people.

Mr Lyons: I welcome the opportunity to take part in today's debate. It is good that we are at another stage along the process to cut the number of MLAs and, hopefully, to make our government more efficient and effective.

The amendment tabled by Alliance Party Members has come forward for one of two reasons: either it is a genuine attempt to cut the number of MLAs in time for the 2016 election, or it is a case of political grandstanding. I think that it is political grandstanding. If the Alliance Party wanted to cut the number of MLAs in time for the May election, it might have taken a different approach in the talks. Perhaps, both at Stormont House and during the Fresh Start talks, it would have brought the issue forward and tried to convince the other parties. It would have tried to gain consensus with other people. Of course, the Alliance Party would pride itself on trying to get consensus and agreement among parties before anything is pushed forward. It would never want to push any amendment through if a wider consensus could first be agreed.

The reason why I think that this is happening only because we are in the run-up to an election is that it did not bring forward these proposals at an earlier stage. Indeed, when this was discussed at the Stormont House talks and the DUP asked the other parties who wanted to go for four MLAs in 2016, not a single party put its paw up. They did not want to agree to that at all. So, as much as the Alliance Party talks about wanting to save money and all the great things that can be done with that, it is a shame that, earlier in the process, it did not agree to a cut that would have taken place sooner and —

Mr Lyttle: I thank the Member for giving way. I appreciate that the DUP is attempting to find a fig leaf to cover its lack of immediate delivery on this issue by introducing the idea of four MLAs and all the rest of it at this stage. What is a more genuine approach to delivering on an issue than by interacting with the legitimate legislative processes of the Assembly?

Mr Lyons: I completely agree that the Member has every right to bring amendments here. It is a good thing for people to use the democratic process that we have in the Assembly. However, the system in which we operate requires consensus and the support of more than one party, so, of course, this was the right way to bring this forward. We have a Bill in front of us, for goodness' sake. We are using the proper legislative processes in the Assembly to bring this forward.

Mr Frew: I thank the Member for giving way. Is the Alliance Party comparing the work that it has put into what will be a failed amendment with the progress that this party, the DUP, has made over those years in securing the agreement, banking it in this mandate, and ensuring that this will come to pass? Is it comparing that work and energy with an amendment that is clearly going to fail in the House?

Mr Lyons: That brings me to a very important point. We know that we need to get proper support in the Chamber if anything is to pass. To be fair to the Alliance Party, it brought it to the Assembly in a private Members' motion. In fact, Mr Dickson was very exercised with the Deputy Speaker at that time because it did not even go to a vote in the Lobbies as it was not able to get enough support. The fact that it proposes an amendment at this time demonstrates even more that it is an election stunt. The

Alliance Party brought it to the Floor within the last few months and was not able to get the necessary support.

I have another query for the Alliance Party. I have 'A Fresh Start' here, an agreement that the Alliance Party did not sign up to. It quotes from the 'Stormont House Agreement', which it did support. It says very clearly:

"The number of Assembly members should be reduced to five members per constituency, or such other reduction as may be agreed —"

— which could have been four —

"— in time for the 2021 Assembly election".

I did not hear any opposition 12 months ago; I did not hear any complaints from Alliance Party Members. However, it is coming up now, and I think that that is grandstanding because we are in the mouth of an election. Although it is the DUP that has been championing reform of this place for well over a decade, the Alliance Party is trying to jump on the bandwagon now, get some of the plaudits, and make themselves be seen as great reformers.

I do not agree with all that Mr Alban Maginness said, but he is right that this has been a process. It takes time. There are a number of concerns that need to be taken into consideration when we talk about adjusting the structures of this place. I think that we are doing it in the right way. To be very honest, I would be more than happy to see the number of MLAs reduced for the election this year. I have no objection to that, and that is well known.

Mr Dickson: Support it.

Mr Lyons: Mr Dickson asks why I will not support the amendment. I will not support it, first, because, as I said, I believe that it is nothing other than political grandstanding.

The second reason is that we have an agreement. We worked at it and negotiated it. It was long — very long — and difficult. A lot of work went into it. Perhaps we would like to see a few changes. Perhaps there are some things that we might like to see happen sooner. But the deal was made. It was agreed, and we are going to stick to it.

11.15 am

I welcome the Alliance Party's desire to see the reform of government. I hope that this debate can be taken up again in the next mandate and that we can go further. Cutting the number of MLAs does not necessarily mean that we will have the most efficient or effective government, but, hopefully, it will help and will be a move towards it. Let us have that discussion and debate. In the meantime, as my colleague Mr Frew said, we have made progress and we are banking it.

Mr Frew: I thank the Member for giving way. It is important that we acknowledge the movement that the Alliance Party has made to come on to our ground. We hope that it will stay there and will work with us in the new mandate to make even greater progress.

Mr Lyons: I certainly agree with the comments that Mr Frew made. Indeed, there is great rejoicing in heaven over a sinner who repents.

The Alliance Party may say, "Oh, we've been calling for this for a long time". We have been calling for it since at least 2002, if not before. The Alliance Party has joined

us late, but we welcome that very much indeed. It has obviously proposed the amendment because it wants to cut in 2016. We want to stick to the agreement that we made. I do not know; maybe there is some fear on behalf of the Alliance Party and it wants to stop the march of the Green Party, or it is fearful of increased support for —

Mr Lyttle: Will the Member give way?

Mr Lyons: I will give way to Mr Lyttle.

Mr Lyttle: It is my understanding that the Green Party supports this policy, but it can clarify that for itself. Maybe we should welcome the new-found agreement and cordiality between the DUP and Sinn Féin. The Member is, in effect, saying that he is blocked from supporting his party policy on this today because of a deal that he has with Sinn Féin.

Mr Lyons: Not at all. We have made an agreement. We are getting towards where we want to be. It is going to happen in 2021. Could we have had that sooner? Yes, but we are where we are. We have a deal, and we are going to stick to it.

The time has come for me to finish my remarks. I am very pleased that we have this Bill. It should proceed unamended. I think that it is a significant change that we have guaranteed overall in what we are doing. Yes, the reduction of MLAs is important, but I think the changes happening with Departments will be where the real efficiency is.

Mr Dallat: Will the Member give way?

Mr Lyons: Of course I will give way to Mr Dallat.

Mr Dallat: I realise that the Member is coming to a conclusion. Before that, will he perhaps agree with me that, given the very nature of Northern Ireland and its history, we need the broadest possible representation? That is something that we should always put at the forefront in the representation in the House and in the wider community. I regret that the Civic Forum has been, apparently, buried. We cannot function without as inclusive a body of people to support this place as we can get.

By way of finishing, I express amazement that the Alliance Party is so worried about reducing the number of Members when, for the last decade or so, it has enjoyed having two ministerial posts with eight Members when my own party, with 14 Members, has only one.

Mr Dickson: That is called sour grapes.

Mr Dallat: Apparently, that is called sour grapes. It might also be called hypocrisy.

Mr Lyons: I thank the Member for his intervention. I am not going to get involved in any spat between the SDLP and the Alliance Party.

The Member made a point about making sure that people feel included and that there is proper representation. I welcome the SDLP support for the Bill. I understand why it is making some of the points that it is making. I think there should be an awful lot of concern for people if we were moving to a first-past-the-post system. However, we are going to continue to have a PR system. There may be fewer MLAs in the Chamber, but it will be a PR system, which means that the Chamber will roughly reflect the population. I think that is why the Bill has broad support.

It is not as though you are saying, "Right. We are going to get rid of 10 or 12 Members. We will get rid of the SDLP Members." The system will still be a proportional one, which I think is to be welcomed.

As I said, reducing the number of MLAs is part of a wider package of reforms. It is not just about reducing the number of MLAs and the number of Departments; it is about making sure that functions are located within the right Department. That is why I will support the Bill as it makes its way through the House and why I will be unable to support the Alliance amendment.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): Go raibh maith agat, Mr Speaker. I oppose amendment No 1, which is the only amendment tabled. The purpose of the amendment is to have the proposed reduction in the number of MLAs returned from each constituency come into effect in time for the May 2016 election, rather than in 2021. That has been subject to lengthy discussion and debate over the last few weeks and months, most recently last week during the Second Stage debate.

The time that the Bill's provisions should take effect was first raised in the Chamber on 23 November last year, less than a week after the publication of the 'Fresh Start Agreement' and the Executive's agreement to the Bill. At that time, a private Member's motion from Alliance Party Members, whose party tabled the amendment today, was debated. That motion, in common with the proposed amendment that we are discussing today, called on the Executive to ensure that the proposed reduction in the number of MLAs applies to the 2016 election. Following a full debate, that proposal was resoundingly defeated without even the need for a Division.

Next, we had consideration of the Bill by the Assembly and Executive Review Committee on 19 January, when my colleague junior Minister Pengelly and I explained to the Committee why the Bill needed to progress by accelerated passage. During that discussion, all but one of the Committee members supported the provisions of the Bill, including the proposed timescale for them to take effect.

Consideration of the matter continued during last week's accelerated passage and Second Stage debates, when, once again, a significant majority of Members demonstrated clear support for the Bill, including its effective date. It is therefore the case that there has emerged a clear majority agreement on a specific point of timing, and the Assembly, including even Members from the Alliance Party, might have reasonably concluded that it was now a settled matter.

In spite of that level of agreement and evidence of overwhelming support for the Bill taking effect for the Assembly election after that in May this year, the Alliance Party still considers it necessary to pursue the matter through this amendment. After all the debate that has taken place and the arguments that have been aired, it is difficult to do anything other than reiterate that, while we respect the position of the Alliance Party that we should move almost immediately to a reduction in the size of the Assembly, the view of the other parties is that that should be moderated by a period in which the Assembly and the parties represented in it can consider and address the implications for equality and inclusiveness that have

also been raised and that are equally valid to the Alliance Party's urgent desire for downsizing.

Therefore, I ask Members to join me in voting against the amendment.

Mr Dickson: We have had an interesting debate this morning on the matter. Indeed, on occasion, it has been somewhat jovial, but it is a serious matter, and I think a serious response is therefore required to the comments that have been made.

This is not a political stunt, and it is not about grabbing headlines. This is genuinely about trying to deliver efficient and effective government for all the citizens in Northern Ireland. If we do not start in this place, I think it will be very difficult for us to start anywhere else.

First, I will comment on the words of Mr Frew. I will describe them as mañana politics. He is quite happy for the change to take place but not now. It seems to me that that is a difficult argument for the DUP and Mr Frew's colleague Mr Lyons, who was not even an MLA when much of these discussions started, to make.

It seems to me that the DUP wants to support the amendment that we are proposing but cannot because it is tied to its so-called Fresh Start Agreement with Sinn Féin. My colleague has already described the words that have been used as a "fig leaf". I think that that perhaps is exactly what the DUP is attempting to achieve for itself today. On one hand, it is trying to compliment us for our move — a genuine move — to try to provide for better government in this place but, at the same time, it has to stick with the agreement that it has made with Sinn Féin. I simply cannot understand what will change between now and 2021.

Mr Maskey made reference to the fact that much of the public feel alienated from this place and many of the people who act as representatives in it. I do not disagree with him in any way. However, I throw the challenge back to him. How better to re-engage with that alienated public than by us taking a bold and strident initiative to reduce the numbers in this place and to provide for an effective connection with those people who elect us and expect us to do a job for them?

I have a great deal of time and respect for the comments of Mr Maginness, and I wholeheartedly accept and respect the journey that he and his party and, indeed, many of us in the Chamber — I ask him to include the Alliance Party in that — have taken. We all have made that journey to peace together. I respect the comments that he made about his caution in respect of these changes but, equally, I say to Mr Maginness that change is difficult and that perhaps the time has come for us to face up to that change. There are those who are reluctant to face change, and there are those of us who wish to eagerly stride forward and take ourselves into that area of change. While I certainly have respect and understanding for the journey that the SDLP has made, together with many of us in the Chamber, I cannot accept that we must always be looking backwards. The time has come for us not to be afraid of change, to grasp it and to grasp it now. I assure him and those who thought that our amendment may not be well intentioned — I assure every Member — that it is well intended; it is intended to deliver good government for all citizens in Northern Ireland.

Mr Lyons: I thank the Member for giving way. He has said that this is well intentioned and genuine and that he thinks it would be a very positive development for the House to take. Perhaps he could let us know when he consulted with the other parties, how he tried to build consensus and what meetings he has had. Before bringing this to the Floor, and giving us all a few days' notice, what attempts did he or his colleague make to ensure that there would be the necessary support for it to pass?

Mr Dickson: As I intimated, Mr Lyons perhaps is not au fait with all of the discussions that have taken place over an extremely long period. If he checks the records of Fresh Start, Stormont House and many of the discussions and meetings that have taken place, which Mr Maginness has made reference to, he will see an acknowledgement by the Alliance Party of a need to provide not only inclusivity in this place but effective and efficient government. That is an argument that my party has long made here and in all of those meetings that have taken place outside the Chamber.

I note Mr Allen's comments regarding the Ulster Unionist Party's support for the reduction but I do not understand why, like others, it cannot do it today. Perhaps that is the attitude of a party that seems to have checked out of this place quite some time ago.

It is important that we balance the arguments. Others have made reference to the skills of the Alliance Party in attempting to build consensus. Despite the type of debate that we have had today, that is exactly where the Alliance Party sits in respect of this matter. We are trying to build that consensus. We did not achieve that through all the talks and events that have taken place and which have brought us to where we are today in respect of this agreement between Sinn Féin and the DUP.

11.30 am

However, there are times when it is important for us as a political party to step up to the plate for ourselves and say, "This is what we in the Alliance Party believe is important to deliver for the electorate." I understand Mr Lyons's need to stick to his agreement with Sinn Féin, but, clearly, he and his colleague Mr Frew have indicated very strong support for the change and reduction in numbers, and I think that, in that respect, they have clearly failed in their Fresh Start Agreement. For me and my party, and for many people out there, that is and should be a matter of regret.

I listened carefully to the words of the junior Minister and her reference to debates in the Chamber and also to the so-called Fresh Start Agreement. I respect the mandate of the Chamber and that I failed to gain even a vote in that debate, but what cannot be denied is that the debate took place and that our voice was heard in it and by the public outside. Certainly, it is what we want. For me, it is all about delivering equality and fairness in the Assembly; it is all about giving space to every voice in the community that can deliver a political mandate to sit in the Chamber. Perhaps the junior Minister wants to reflect on the inequalities that her party seems to have delivered in one constituency in the selection of its candidates for Fermanagh and South Tyrone.

On that point, I will leave the debate. I predict the outcome as a further defeat for the amendment. Nevertheless, it

reflects, in my view, the failure of the Assembly to embrace change. I encourage the Assembly to embrace that change.

Question put, That the amendment be made.

The Assembly divided:

Ayes 9; Noes 43.

AYES

Mr Agnew, Mr Allister, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Dickson and Mr Lyttle.

NOES

Mr Allen, Mr Attwood, Mr Beggs, Mr Cree, Mr Dallat, Mr Diver, Mr Easton, Mr Eastwood, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Alastair Patterson, Mr Rogers, Ms Ruane.

Tellers for the Noes: Mr McCartney and Ms Ruane.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir.

Question accordingly negatived.

Clause 1 ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Assembly Members (Reduction of Numbers) Bill. The Bill stands referred to the Speaker.

Departments Bill: Final Stage

Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move

That the Departments Bill [NIA Bill 70/11-16] do now pass.

This is a very short Bill, consisting of only three clauses and two schedules. Yet, it is a Bill that will have significant implications for the way that our institutions do business in the future. In moving the Bill at Second Stage, I spoke about how, at the heart of 'A Fresh Start: The Stormont Agreement and Implementation Plan', there is a common commitment to a better way of doing business together. One of the ways that the agreement aims to achieve that is by progressing the reduction in the number of Departments from 12 to nine in time for the 2016 Assembly election.

Of course, reform of the structures of government here has been an issue for a long time. In 2012, the Assembly and Executive Review Committee produced a report on the reduction in the number of Departments that identified areas of commonality broadly comparable to the departmental restructuring now being put in place. The policy proposals underpinning the Bill were the subject of detailed consideration during the process that led to the Stormont House Agreement in December 2014. That agreement determined on a nine-Department model to be established in time for the 2016 election, with the future allocation of departmental functions to be agreed by the parties. The Executive discussed departmental restructuring on several occasions in early 2015 and decided on the names and responsibilities of the future Departments. Those names are reflected in the current Bill.

In a statement to the Assembly on 2 March 2015, the First Minister announced the decisions that had been reached by the Executive on the new departmental structures in consequence of the Stormont House Agreement. He set out a future model of nine Departments with all the powers, functions and services of the current 12 Departments. The allocation of responsibilities was further refined during the talks process that led to the publication of 'A Fresh Start' on 17 November 2015.

'A Fresh Start' offered a way forward on a range of challenging issues and enabled us to look forward to a period of greater cooperation.

With institutional reform, it reaffirmed the commitment to reduce the number of Departments from 12 to nine in time for the 2016 Assembly election and provided greater clarity on the functions of the nine future Departments. It also committed to having a Departments Bill introduced in the Assembly by the end of November 2015.

In fulfilment of that commitment, the Departments Bill was introduced in the Assembly on 30 November 2015. Its purpose is to create a statutory framework for the new model of nine Departments. It sets out the names of the future Departments and makes necessary changes to the Departments (Northern Ireland) Order 1999, which provides the basis for the current departmental system. However, important provisions of the 1999 Order on the legal status of Northern Ireland Departments generally and on the exercise of their functions were not affected by the Bill.

As I said, it is a short Bill that now consists of three clauses and two schedules. Clause 1 renames seven

existing Departments and dissolves three Departments — DEL, DCAL and DOE — as required to establish the new structures. There is no reference to the Department of Education and the Department of Justice, which are not affected by the Bill. It applies the Departments (Northern Ireland) Order 1999 to the new set of nine Departments.

Clause 2 references schedule 2, which contains essential repeals. Clause 3 gives the title of the Act and arrangements for the commencement of clauses 1 and 2 on a day or days to be appointed by the First Minister and deputy First Minister.

Clauses 1 and 2 are likely to be commenced very shortly after the election in May 2016. Schedule 1 lists all nine future Departments under the titles that they will carry from 2016. Schedule 2 repeals provisions in the Departments (Northern Ireland) Order 1999, as subsequently amended, and in two other Acts that added the names of the Departments to the Departments Order. It has the effect of removing references to the outgoing 12-Department model.

On 8 December 2015, a motion for the Bill to be progressed by accelerated passage was debated in the Assembly, with junior Minister McCann and I having previously attended and gained the support of the Committee for the Office of the First Minister and deputy First Minister to the request. During the accelerated passage debate, it was recognised that progression of the Bill, as with other Stormont House Agreement matters, became possible only as a result of the consensus that had been reached on 'A Fresh Start' a few weeks previously. We had moved immediately to have the Bill introduced in the Assembly, consistent with the commitment to do so by the end of November 2015. There was only limited Assembly time available before dissolution in March 2016. The Bill has to complete its passage in sufficient time for statutory processes, including the debate and affirmative motion relating to the separate transfer of functions order, so it was necessary for us to seek accelerated passage. The Assembly agreed and voted with cross-community support to allow the procedure.

The accelerated passage debate was followed by the Bill's Second Stage on the same day. That suggested that there was broad support for the principles of the Bill. No amendments were tabled at the Bill's Consideration Stage on 19 January 2016, and the Bill's clauses and schedules were voted unopposed to stand part of the Bill.

The Bill's Further Consideration Stage was taken yesterday, when two ministerial amendments were agreed. Those were purely technical adjustments that were needed to maintain consistency with the Public Services Ombudsman Bill, which has now reached its concluding stages in the Assembly.

I take this opportunity to thank all those who have contributed, through their support and through constructive debate, in getting the Bill to this point. It will help to put into effect the decisions taken by the Executive on restructuring. The Bill will create the framework for the most extensive reorganisation of the departmental system since 1999. Its passage at this time will help to ensure a leaner, more streamlined and efficient administration from the outset of the new mandate. I commend the Bill to the Assembly.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. I apologise on behalf of the Chairperson and the Deputy Chairperson of the Committee for the Office of the First

Minister and deputy First Minister. They are unable to attend this morning, and I have been asked to speak on behalf of the Committee on the Final Stage of the Departments Bill. I thank the junior Minister for her opening remarks and welcome the Final Stage of the Bill.

At its meeting on the 30 November last, junior ministers McCann and Pengelly briefed the Committee on the Departments Bill and the rationale for seeking to progress it through the accelerated passage procedure. As has been said, during that meeting we heard that the reduction in the number of Departments from 12 to nine will provide for a leaner, more streamlined and efficient Administration. For example, there will be fewer Ministers, departmental hierarchies, as they have been described — those are not my words — permanent secretaries, central management units and press offices.

12.00 noon

The dissolution of three Departments will involve the reallocation of their existing functions, and there is to be some additional rearrangement of the functions of others. Members will be aware that those details are not dealt with by the Departments Bill. Instead, the reallocation of statutory functions will be provided for in a separate transfer of functions order. The Committee received a briefing on that draft order from departmental officials at its meeting on 27 January. As a Committee, we will give the matter further consideration at our meeting, along with comments from other Statutory Committees. The Committee aims to convey its views on the proposed order and, indeed, the views expressed by other Committees, to OFMDFM by 12 February, as requested.

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

The Bill before us for Final Stage is, therefore, simply about dissolving three existing Departments and renaming some others. Whilst some Members expressed concern at the lack of time to scrutinise the Bill, it is fair to say that there was general support for its principles. On behalf of the Committee, I support the Bill.

Mr Frew: I, of course, support the Departments Bill. As I have said before, I think that it is a good move and a great thing for the Assembly, the Government and the people of Northern Ireland, as it will go some way to streamlining government. I hope that it will go some way towards breaking down the silo mentality that we have in some of our Ministers and parties and lead to a more streamlined, focused Government all going in the one direction, as opposed to what we have sometimes witnessed and experienced, whereby parties go their own way on solo runs.

It will not happen without Ministers making hard decisions. I share many of the frustrations of other Members, and, over the last number of years, we have seen at first hand that all our people suffer when Ministers do not make hard decisions. We are in the House and Ministers are in the Executive to make hard decisions, and I would like to see that happening more quickly and efficiently.

I hope that the Bill will not be the end. My party has fought hard and struggled long to get a reduction in the number of MLAs and a reduction in the number of Departments. We would like to go further, but we will bank what we have in this mandate and move on accordingly. We will not let up, and our energy will not reduce in trying to meet the aims

and objectives of the DUP in that regard. We will push on to get to a point at which we have a voluntary coalition with a proper opposition. I will leave it there. I welcome the Bill.

Mr Allen: The Ulster Unionist Party supports a reduction in the number of Departments. We want to see a more effective, efficient and streamlined Administration in Northern Ireland in order to deliver real change and make a positive difference to the lives of the people. We are content to support the Bill, which will reduce the number of Departments from 12 to nine and which will be the biggest restructuring since 1999.

It is a short Bill, but it will be far-reaching in its implications and consequences. Its passage through the Assembly should be relatively uncontentious and the real meat will no doubt be at a later stage when we come to debate the transfer of functions and decide what the exact responsibilities of each Department should be. That, however, is for another day, and we are content to support the Bill.

Mr Lyttle: The Alliance Party has a long-standing manifesto commitment to supporting the reduction in the number of Departments, on this occasion from 12 to nine, in time for the Assembly election in 2016.

We support the Bill and welcome its progress to Final Stage, hopefully, because it will introduce more efficient, effective government and will allow us to make savings that we can invest in better-resourced public services for the good of everyone in Northern Ireland. We also believe that we need to see further legislation that could better mandate cooperation and collaboration between all Departments. Ultimately, as other MLAs have mentioned today, we need to see more collaboration and better will between Ministers so that we can have a truly effective power-sharing Government for the common good of everyone in Northern Ireland.

A number of MLAs have mentioned the importance of the transfer of functions order, which will deal with the specific transfer of functions in addition to what we are dealing with today, which is the number of Departments and the naming of Departments. I realise that is not up for debate today, but I would like to put on record my concern about the time given for consideration of the order, which a number of MLAs have consistently mentioned as being the most significant part of this change. The OFMDFM Committee was presented with the draft order on Wednesday 27 January, giving us a little over two weeks to respond by the deadline of Friday 12 February. This relates to something that a number of MLAs have referred to as the most extensive reorganisation of government in Northern Ireland since 1999. As MLAs, we are being given a little over two weeks to consider the detail of the transfer of functions order. I do not think that is acceptable. It is an extremely short time, and there has been no public consultation on the order. MLAs and relevant Committees have a serious task ahead to respond robustly to that transfer of functions order, which will be laid in the Assembly as an affirmative resolution. We will be given the opportunity only to yea or nay the order. That is not good government or a fresh start to government.

We need to see changes to allow the Assembly and its Committees to properly scrutinise something of such significance. However, we welcome the reduction and

the process at this stage of the Bill, and we will support it today.

Mr Principal Deputy Speaker: I am happy to call Mr Alex Attwood, but he was not in his place when he ought to have been. There will be a concession this time.

Mr Attwood: I thank the Deputy Speaker for that concession, and I apologise to the House. I was delayed upstairs at another meeting. I will just make three or four points.

First, as everybody will acknowledge, a reduction in Departments is only a reduction in Departments. It is nothing more or less. It does not follow from the reduction in Departments that we will have efficient and effective government. What we will have is fewer Departments with more functions. You hope that, because of that and because of the evolution of our democratic structures generally, they will end up being more efficient and effective, but it does not follow that what we are doing today leads to anything, unless the evidence is there to back it up in the next mandate.

With the reduction of MLAs, whenever that happens, the reduction in Departments, which is now happening, and, we hope, on the far side of this afternoon's debate, a move further towards having in law an opposition in the Chamber, we need to ensure that we manage the internal democracy of the Good Friday Agreement in a way that does not put some of the reasons why we had the Good Friday Agreement in jeopardy. Whilst we may be changing systems and structures in government, this is not the time to go further down the road in the way that some suggest. We will touch on that this afternoon and in subsequent debates.

Another point of caution based on my experience of government is that there is potential for the people who populate the higher levels of government and will lead the new Departments to argue that, as we now have larger Departments with more functions, we have to leave that to bed in. There is a risk that — I am picking this up already — the bigger Departments could lead, in the short term, to a degree of paralysis as those Departments settle themselves and embed into the wider life of government. While there are many good officials, there is a tendency at some levels of government management to err on the side of caution and conservatism. As I said, I make that point because I am picking it up that, in some places in government, at a senior management level the scale of what senior managers are about to undertake in terms of having wider functions in fewer Departments is already being used as an argument to tread slowly, when the people of Northern Ireland are looking for government to tread boldly. Too often, in too many Departments, that has not been the character of devolution over the last 10 years.

I concur with Mr Lyttle's point. It will be difficult to make this point, because it is not really that relevant to today, but it is a related matter. When the transfer of functions order comes to the House, it will be by way of affirmative resolution, which means that you take it or leave it and you will not have the opportunity to change it. There are issues around the transfer of functions order when it comes to individual Departments that, on the face of it, do not make much sense, yet we will not have the opportunity to amend it. That is the nature of the democratic processes of the House, but we will not have the opportunity to amend it. Indeed, when OFMDFM officials brought the processes around this to the attention of the OFMDFM Committee

last week, as Mr Lyttle indicated, the Committee agreed, as far as I can recall, that individual parties rather than Committees would be given the opportunity to respond to what may or may not be in the transfer of functions order. That is inevitably the consequence of doing all this work very quickly as we run down to the end of the mandate, but what does that mean?

We have a situation now arising — this was touched on at Question Time yesterday — where significant functions of OFMDFM are going to the Department for Communities, but OFMDFM will retain the power of appointment of the heads of the public bodies that will be part of the responsibilities of other Departments — to name two, the Commissioner for Older People and the Children's Commissioner.

Mr Dallat: Will the Member give way?

Mr Attwood: Yes.

Mr Dallat: Does the Member agree that, in dismantling what is called the scaffolding of this place, there is a danger that we dismantle the structures that were embodied in the Good Friday Agreement, which sought to give ownership of this place to the wider community through the Civic Forum and other institutions? Does he also agree that Stormont is not Wales, Scotland or England, where democracy is quite different, and we still need to embrace the widest possible support for these institutions, which, to some degree, are still in their infancy?

Mr Attwood: I very much agree with what Mr Dallat said. People should listen to Mr Dallat. He is about to leave the Chamber, and he is one of the wisest, most experienced and longest-standing politicians in Northern Ireland. Those points should be taken fully on board, not least because the reasons, the sentiments and the principles behind the structures of the Good Friday Agreement that were, in our view, falsely changed at St Andrews and then further changed with the devolution of justice were born of decades of bad experience, bad politics and a denial of democratic standards to too many people in this part of Ireland. That is why those structures were created. Given that they were born as a consequence of decades of misrule, we should be careful about how far we go and how quickly we go in changing the structures born of that experience, unless we are convinced that the current experience of our people of parties, of government and of democracy in Northern Ireland is such that they should be changed.

12.15 pm

To go back to the point that I was making before Mr Dallat's intervention, this Chamber cannot change the transfer of functions order. Therefore, we will have to take it or leave it that, when functions go to one set of Departments, OFMDFM retains the power of appointment for those senior public personnel. At the Committee, the officials could only name one example of why that was the case. Indeed, it was me who had to prompt the officials to remind them that there was actually at least one other case — namely, the appointment of Victims' Commissioner — where OFMDFM had that responsibility. Why keep the power of appointment over the Older People's Commissioner and the Children's Commissioner when you give every other responsibility in that area of our life lock, stock and barrel to a different Department?

You would wonder why that one power is retained by one office, when everything else is given to the Department for Communities — mindful, of course, that in the abortive negotiations on legacy matters, which the junior Minister will be very familiar with, if there was something that seemed to emerge, it was that OFMDFM would not appoint the Historical Investigations Unit (HIU) director. On one hand, it seems that OFMDFM, or the DUP and Sinn Féin, are moving away from having power of appointment in those negotiations but, when it comes to the transfer of functions, they retain it. I do not understand what that is all about, so maybe the junior Minister, or her officials, might want to explain it sometime or other because, to me, they did not seem to give a very convincing explanation when they were at Committee.

Mrs Pengelly: I am grateful for the contributions that we heard today and I will deal with those before making my final remarks about the Bill. I will attempt to clarify any queries that have been raised, but I should highlight that I do not intend to get into the substance of the transfer of functions order issues, as those matters have the option to be aired in the Chamber in due course.

Regarding Mr Alex Maskey's comments on behalf of the Committee for the Office of the First Minister and deputy First Minister, I welcome the Committee's support. I also welcome the remarks by Mr Andy Allen about his support for further streamlining. I am very pleased to be able to stand here today to confirm the delivery of these measures that will help to support better streamlining of our Departments.

A range of other matters was raised by my colleague Mr Paul Frew, Mr Chris Lyttle and Mr Alex Attwood. Turning first to Mr Frew's comments; I absolutely agree. This is a significant step but it will only work with dedication and hard work. We need to break down the silos within Departments, and we need to push forward for a better way of working.

Mr Lyttle echoed many of the sentiments of the comments from Mr Frew and Mr Attwood. We absolutely agree that these measures are welcome and necessary but they will not resolve everything. We have been very clear: we want to see better processes; we want to see better collaboration and cross-departmental, cross-policy working; and we want to see an increased focus on outcomes, ensuring that all we do focuses on improving people's lives. We also want a focus on delivering excellent public services for all. Today, this piece of legislation and the reforms that we are bringing in are a critical and important step in making that happen.

On his specific points about the transfer of functions order, as I said, I am not going to get into the detail of that. I understand that it was sent to the Committee on 19 January, not 27 January, for consideration, and I highlight to him that, although there is considerable detail in that order, it has been clear that there are only a small number of issues on which people have a range of different views. I suspect that the Committee will focus on that small range of issues in due course. Certainly, the organisations involved in those, should they be arm's-length bodies or others, have communicated their concerns and issues and have already brought about some changes in relation to them, up to the point of the transfer of functions order.

In relation to the specific comments by Alex Attwood, I can confirm to the Member that this work must happen. I know that from my experience of working with a couple of key policy areas, as special adviser and, now, as junior Minister. Those two examples are the Delivering Social Change agenda and the social investment fund. Both of those big policy areas were cross-departmental. They have a number of different policy objectives, touching on a number of different Departments and agencies, and they were incredibly difficult to bring about because of that. We have faced this in the Office of the First Minister and deputy First Minister. We are convinced that, in order to find a new way of working and to bring about better outcomes and changes, this work must happen. It is worth the difficulties that we face but it requires a change of culture for officials, for the way that Departments do business and also, perhaps, in the way that Ministers speak to, and work with, one another in bringing forward collaborative policies and initiatives with, perhaps, collaborative working on funding.

I thank Members again for their contributions to the Final Stage debate on the Departments Bill and for the issues they have raised. It is only a short Bill, but it is one that will have significant implications for how our institutions do business in the future. Reform of the structures of government here is overdue. It has featured as a Programme for Government commitment since 2011. The Assembly and Executive Review Committee carried out a review in 2012 and identified areas of commonality broadly reflective of our current proposals. Together with the reduction in the number of MLAs, which we are also legislating for, this shows our commitment to a leaner and more efficient structure of government here. This is a good day for government in Northern Ireland. This a good day for a better way of doing business, and it is a good day for delivery.

Question put and agreed to.

Resolved:

That the Departments Bill [NIA Bill 70/11-16] do now pass.

Rates (Amendment) Bill: Final Stage

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

That the Rates (Amendment) Bill [NIA Bill 75/11-16] do now pass.

Before providing Members with a recap of the content of the Bill in its final form, I will briefly take the opportunity to thank Members for the support that has been shown for the passage of the Bill through the Assembly and the Finance and Personnel Committee for all the work that has been undertaken to date. I look forward to continuing that working relationship.

Yet again, we have an example of a piece of legislation that has come through the House with good practice in the relationship between the Committee, which has a statutory responsibility to scrutinise legislation, and the Members of the House, who have a duty to ensure that they are content with the legislation brought forward.

As I said in earlier debates on the Bill, I, along with many other Members, would have preferred that it had been possible for the Bill to have been progressed by normal means. However, factors outside my Department's control contributed to the need for accelerated passage. I thank Members for the efficiency with which they have conducted affairs at this busy time for the House.

As I have already explained during previous debates, and as Members will be aware from their consideration, the Bill is short, and I trust that that has facilitated Members' consideration. I see the Bill as the conclusion of a series of fundamental changes to the rating system since devolution was re-established.

The House can be proud of its work on rating matters, including the delivery of an Executive review of rating that implemented a series of critical measures between 2008 and 2010; the implementation of intervention measures during the economic downturn; a non-domestic revaluation; and adjustments to respond to the reorganisation of local government. The non-domestic review will ensure that the new Executive continues that work with a renewed evidence base, which is vital.

I turn to the detail of the Bill, which makes some final adjustments in respect of commercial rating. First, there is the sport and recreation provision, which I have already mentioned. By amending the article 31 sports and recreation exemption in the Rates (Northern Ireland) Order 1977, the final version of the Bill provides a power for the Department to provide full rate relief for many sports clubs, subject to conditions. The conditions that I have in mind are that the club in question should be unlicensed and registered as a community amateur sports club. Following the outcome of further consultation, I will set these out in regulations, subject to affirmative resolution, after assurance was sought that they would be brought to the Assembly.

This approach recognises the competition issues that have already been raised with my Department and the Finance Committee by the hospitality sector. I know that this does not satisfy everyone in the House and that many sports clubs with bars feel that they are disadvantaged by the measure. We also need to be mindful of business interests when we take forward policy in this area. Aside from this being the right thing to do, I also need to protect

the Department from the risk of challenge should we wish to adopt a more lenient policy. That said, I know that there are community amateur sports clubs that operate a small bar for members and visiting teams after a match, and I am sure that my successor will be happy to review that issue at a later stage. I do not think, therefore, that there is any way we can develop a balanced, sound, effective and workable policy to allow some clubs with bars to get 100% rating relief and for the regulations to be taken through the Assembly by September, as I noted in my comments at Further Consideration Stage. Policy may well develop in this area over the next mandate, informed by the ongoing review of rating policy.

There is one other point that I would like to make about rating relief for sports clubs, and that concerns the amendment carried yesterday, which at a stroke extends the list of prescribed sports to pigeon racing — the issue almost had us all in flight. There are lessons to be learned on due process in policymaking from the short but eventful journey of this Bill. One is starting to discern that Members do not apply the same standards to private Member's Bills and tabled amendments as they do to Bills from Departments. That leads to poor policy, and Members need to remember that rates revenue pays for vital public services; there is a knock-on effect where that revenue is reduced; and some standards need to be brought to bear on taxation policy. My party took the exceptional step of opposing the private Member's Bill with a petition of concern during its passage through the Assembly. That was on the grounds that proper consultation had not taken place and that there was an alternative, and more appropriate, legislative vehicle available for changing policy.

On the face of it, the pigeon racing amendment is probably a worthy measure, but it could and should have been subject to consultation and taken forward through a change in the regulations containing the list of prescribed sporting activities — not as part of this primary legislation.

Everyone outside my party voted for the amendment because, of course, no one wanted to appear to be against it. That is all too easy, and, forgive me for saying it, but it is not the way that we should be making laws. We need to reflect on what has happened, but, as the saying goes, we are where we are.

12.30 pm

The second policy contained within clause 2 came as a result of a suggestion from the business community. Thankfully, this amendment has proved a lot less problematic. This provision will ensure that, where shopfronts or shop-window displays are used in empty retail premises, the shop owner will effectively continue to receive 50% empty property relief. This measure is novel and unique to Northern Ireland. For this reason, it is time bound within the primary legislation but can be easily extended if the policy proves successful. I thank Members, in particular Ms Hanna, who recognised the innovative nature of this measure, which builds on other positive policies delivered during this mandate, such as the empty shops rates concession.

In summary, this is a short Bill that helps amateur sports clubs and shopping areas by providing further rates concessions. I look forward to Members' support in ensuring that the Bill clears its Final Stage. I commend the Bill to the House.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. If I can, I will make some personal comments and comments from a party perspective before speaking on behalf of the Committee. I first undertook to introduce legislation to reduce the rates burden on amateur sports clubs three years ago. The end result after the regulations are introduced, three years and two Bills later, will be a better deal for amateur sports clubs. I would not say that it is a fair deal, but it is a better deal. I welcome the fact that we will see the new regulations in place in the coming months.

Community and amateur sports clubs without bars will benefit to the tune of a maximum of £750,000. That will cover pitches, clubrooms, storage facilities and sports club stands. The clarity provided by Brian McClure on that is very welcome. From the consultation that I carried out for the private Member's Bill, I know that there is a lot of confusion amongst clubs about what is rated, what is not rated, and what relief is applied in the present system, so that clarity is very welcome. I look forward to the targeted consultation that will take place in the coming weeks regarding amateur sports clubs rates. I welcome the commitment from the Minister and the Department to review the issue of clubs that run a small bar to serve a few pints and operate on a much smaller scale than some of the cases that were highlighted to the Finance Committee by Pubs of Ulster. Again, I thank the Minister for his cooperation with me in recent weeks during the passage of the Bill.

As for the Committee perspective, I welcome the opportunity to briefly reflect on the work of the Finance Committee in relation to the Bill. Admittedly, because of the absence of a Committee Stage, the scrutiny has been fairly cursory in nature. Nonetheless, I believe that the work of the Committee prior to the introduction of the Bill has facilitated stakeholders in airing some key issues for consideration. This was especially so in the evidence sessions with the sporting bodies and hospitality sector in relation to the provisions in clause 1. This work has, in turn, helped to inform the subsequent passage of the Bill through the House. Whilst, ideally, a Committee Stage would have enabled some of the policy issues to be bottomed out at this point, the Finance Committee recognised the merit of ensuring that the passage of the Bill is completed before the end of the mandate. With that in mind, and having received the necessary assurances from the previous Minister, the Committee gave its unanimous support to accelerated passage.

Turning specifically to the envisaged regulations under clause 1 to provide enhanced rate relief to prescribed sports clubs, I welcome the enabling power in the Bill and believe that it will result in tangible benefits for the wider community. Given the complexities around the issues to be considered on the scope of the enhanced relief, it will be important for the various stakeholders to input to the forthcoming consultation on the regulations. There will also be a need for the successor Finance Committee to actively engage in this process, with a view to helping inform and influence the development of the regulations that will flow from clause 1.

The provisions under what is now clause 3, which applies a disregard to the commercial use of window displays, are seen by Committee as a positive and innovative initiative

given the challenges facing the commercial sector. In more general terms, we, as a devolved Assembly, must continue to look for innovative measures that help to support and nurture businesses in and around our towns. Therefore, I welcome the review of the non-domestic rating system and look forward to the outputs from that and seeing how those will translate into concrete proposals that will benefit the wider economy. In so doing, we will, of course, need to ensure that the revenue-raising potential of the rating system is utilised judiciously for the benefit of the public.

The new clause 2, in regard to pigeon racing, has not been considered by the Committee, and it does not have a view on it. However, I take the opportunity to congratulate Mr Cree and Mr Swann on what has turned out to be a bit of a coup in terms of the amendment. On behalf of the Committee, I support the Bill.

Mr I McCrea: In respect of the Bill and the work of the Committee, alongside that of the Minister and his officials, if nothing else, it has certainly been evidenced that, where people are of a similar mind, we can get business done and deliver something of benefit to our community. A lot of debate and discussion has happened around amateur sports clubs with the sector and officials and whatnot in the Committee. Whilst the Chair does not believe it to be a fair deal, when it is realised and put into practice, the benefits that the community amateur sports clubs will see as a result of the change in legislation will be welcomed.

Carrying on from the Member's final remarks, I think we got a lesson yesterday on pigeon racing; I learned things that I never knew. I learned that pigeons are used as a means of dealing with gang culture in America. If that is the case, whilst we maybe do not have the gang culture that they have in some parts of America, who knows what this will do for the future of pigeon racing in Northern Ireland and the benefits that it will have in combating criminal gangs and whatnot? Maybe we will see them all going out of business. Maybe they should have introduced this some time ago and we would not have had the struggle in Northern Ireland over the last 40 years. Nonetheless, maybe we will see a pilot scheme happening at some stage soon in Northern Ireland. Hopefully, it will deal with the culture of crime and whatnot that we have. In respect of the community amateur sports side of things, it is to be welcomed.

The provisions on window displays and the 50% rate relief is a good news story that the Assembly will send out today. I think that Claire Hanna said in a previous debate that we should not want this type of measure and that we should be trying to ensure that our shops are filled and we do not need to provide this rate relief for empty shops. However, it is trying to show the business community, which has struggled over the last number of years, that the Assembly is listening and will do what it can, where possible, under the constraints that it has financially, to help that community. It is certainly something that will be welcomed across our town centres.

For a number of years, I was on Cookstown District Council, which successfully marketed our town with the "Cookstown, Looking Good, Looking Great" slogan. This legislation will bring even more benefits than that strategy. For example, with empty shops, if there is some form of advertising on the windows and the owners receive the 50% rate relief, it will help. All in all, I commend the Minister for bringing the Bill through the House. He had

little to do with it in its early stages, but he certainly had plenty to do with it as it went through. It is good legislation, and people will see the benefits as soon as it is introduced.

Mr Diver: I welcome the opportunity to contribute to the debate at the Final Stage of the Rates (Amendment) Bill.

As has been outlined, there are two substantive clauses in the Bill, and the SDLP is supportive of the Bill in general. My colleague Claire Hanna made a significant contribution to the debate and referenced the use of accelerated passage. We are content with the use of accelerated passage, but we urge caution on its use generally, as, in our considered view, it does not give legislation the scrutiny that we should aim for in the House.

The Bill had two clauses when it was first introduced in the House. We had the addition of clause 1A yesterday to include pigeon racing, and we flocked to support it when it was voted on. Perhaps we will all end up being amateur ornithologists after this.

The first clause provides for a power to enhance rates relief for community amateur sports clubs. That is subject to criteria that will be prescribed in subordinate legislation and subject to affirmative resolution in the Assembly.

The second clause enables commercial window displays to be disregarded from occupation for rating purposes. As we heard at Committee Stage, that clause was mainly proposed by the business sector. I agree with other Members that its inclusion shows that the Assembly is responsive to the needs of the business community and that the Department has made some efforts in that regard. The measure is untried anywhere else in the UK, and it is time-bound in the new clause until 31 March 2017, with the potential for extension. Obviously, we hope that it will be successful.

The law on rates already provides for 80% relief in the case of charitable purposes. The Bill proposes to extend that to community and sporting clubs, and we welcome that. A private Member's Bill was introduced during this mandate, the thrust of which was that community and sporting clubs should have 100% rates relief. The SDLP supported the principles of that Bill and the proposals in the Bill before us today.

The hospitality sector raised competition issues with the proposals in the private Member's Bill. Those concerns were over the fact that any proposal to enhance sport and recreation relief to 100% could place licensed sporting clubs, particularly those with an alcohol licence, in a very advantageous position. The train of thought was that that advantageous position would have a large effect on other businesses working in that sector. Those concerns were outlined to the Committee on a number of occasions. The issues over the sale of alcohol and profitability should not be a barrier to the progression of relief. It is for that reason that we supported the Sinn Féin amendments at Consideration Stage and Further Consideration Stage.

As was referenced at Second Stage, in England and Wales registered community amateur sports clubs receive 80% relief on the rates for premises that are wholly or mainly used for the purposes of that club. In Scotland, mandatory rates relief is given to registered charities and registered community and sports clubs where the premises are wholly or mainly for charitable or club purposes. It is right and proper that we too extend rates relief, and I welcome the fact that the Bill has reached its Final Stage.

In reference to clause 2, it is a good idea that we will help owners plagued by vacancy. The measure will not regenerate the local economy with sweeping effect.

However, it is a small part of the range of measures that we need to bring forward in the House and that will need to be adopted to help our businesses, many of which are struggling at this very difficult time with the state of the economy. Vacancy rates are still much too high and profitability rates too low.

The SDLP has been supportive of this legislation since it was introduced. It will provide good relief and assistance to organisations whose purpose is not financially driven. I hope that the outstanding issues around the sale of alcohol and profitability will be resolved in the coming mandate.

12.45 pm

Mr Cree: At this stage, everything has been said. I was pleased to be able to help Mr McCrea with his knowledge of things in the west. He certainly needs to get out more, but, again, I will help any time that I can.

This is a good example of where democracy works. There are problems with accelerated passage, but I think that we have demonstrated that democracy, despite what some people may think, is still alive and well in the House. The Chairman covered all of the points in depth. It has been a good example of where a Committee has worked with the Department and produced a good result from both ends. I hope that that will continue. We are happy to support the Bill, as amended. Again, I thank the Minister for the undertaking that he has given us this afternoon.

Mr Storey: I thank the Members who have made a contribution on the Bill this afternoon. I want to make a number of brief comments.

I want to touch on the point that was made by Mr Diver. Obviously, he made a point about his concern about using accelerated passage and how there was no opportunity for the House to give the scrutiny that was due. However, he and his colleagues went through the Lobbies yesterday to vote for an amendment on which there had been no consultation or due consideration. Even the Chair said that he was not going to comment on the issue.

That brings us back to the issue of pigeons, which were much to the fore. I have to say that I smiled when I noticed that, in a new survey, Northern Ireland ranks as the happiest place in the United Kingdom. The "Top of the morning" feeling peaks in Fermanagh and Omagh. I do not think that that has anything to do with the fact that we will pass legislation in the House today in relation to pigeon clubs; it might have more to do with the fact that we now have a First Minister who is from Fermanagh. I am glad that that has brought happiness to the people of Northern Ireland.

In closing, I want to take the time to thank the Speaker's Office and the Bill Office as well as the Assembly staff and all who have done so much to facilitate the passage of the Bill. I also note and place on record our thanks to the Office of the Legislative Counsel and the staff in the legislative programme secretariat in OFMDFM for their work in supporting my Department through the passage of the Bill. I also thank my officials who have worked tirelessly on the preparation of the Bill and on the extensive deliberations they have had with the Committee. I want to ensure that they are thanked for the work they have done. I also commend the work of the Finance and

Personnel Committee. Mr Cree made a valid point: this is an example of how, for all the deficiencies, Bills can come forward in the House, there can be agreement and we can find a solution, even when there are difficulties. I conclude by thanking all who have been involved in the process and everybody who has helped us to bring the Bill to this stage. I commend the Bill to the House.

Mr Principal Deputy Speaker: Before we proceed to the Question, I remind Members that the Bill requires cross-community support at Final Stage.

Question put and agreed to.

Resolved (with cross-community support):

That the Rates (Amendment) Bill [NIA Bill 75/11-16] do now pass.

Mr Principal Deputy Speaker: As there are Ayes from all sides of the House and there are no dissenting voices, I am satisfied that cross-community support has been demonstrated. The Rates (Amendment) Bill has passed.

Public Service (Civil Servants and Others) Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

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

That the draft Public Service (Civil Servants and Others) Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 be approved.

Schedule 13 to the Pensions Act (Northern Ireland) 2015, introduced in June 2015, now provides for the abolition of contracting out by way of amendment to the Pension Schemes (Northern Ireland) Act 1993. The 2015 Act modifies the definition of cessation date and introduces a specific date of 6 April 2016 for the abolition of contracting out for salary-related schemes.

Members should note that the regulations relate specifically to the Northern Ireland Civil Service pension scheme. However, as Finance Minister, I should inform you that, following my Department's instruction and that of Her Majesty's Treasury, this change to the Pension Schemes (Northern Ireland) Act 1993 will apply to all public-sector pension schemes in Northern Ireland. Indeed, Members will be aware of the debate that took place on 19 January 2016 on the Police Pension (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016, which were affirmed without issue.

The changes are technical in nature. They ensure provision for the continued protection of increases in guaranteed minimum pensions for employees who were contracted out of the second state earnings related pension scheme between 6 April 1978 and 5 April 1997. The draft regulations before the House were the subject of a targeted four-week consultation that ended on 16 November 2015, and no responses were received. The regulations were subject to an equality screening exercise, and no equality issues were identified.

On 13 January 2016, the Committee for Finance and Personnel agreed that it was content with the draft regulations. It is with its support that I bring the draft regulations before the House. I therefore commend these modifications to the House.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Minister has outlined the purpose of the regulations. These are subject to affirmative resolution because they modify provisions in the primary legislation.

The Committee considered the proposal to make the statutory rule at its meeting on 9 December 2015. Noting that, in response to DFP's short, targeted four-week consultation, the representative trade unions had no objections, the Committee agreed that it was also content with the policy implications of the regulations. The formal statutory rule that is before the Assembly was subsequently considered at the Committee's meeting on 13 January 2016, together with the accompanying report from the Assembly's Examiner of Statutory Rules. The Examiner raised no issues by way of technical scrutiny. The Committee therefore agreed to recommend that

the Public Service (Civil Service and Others) Pensions (Consequential Provisions) (Amendment) Regulations (NI) 2016 be affirmed by the Assembly. On behalf of the Committee, I support the motion.

Mr Storey: Maybe this should be the duration of most debates on changes to legislation. I thank the Chair for his comments and want to place on record my appreciation for the help given when the issue was brought to the Committee for Finance and Personnel. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the draft Public Service (Civil Servants and Others) Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 be approved.

Mr Principal Deputy Speaker: The Business Committee has arranged to meet at 1.00 pm. 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 12.54 pm.

2.00 pm

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

Oral Answers to Questions

Social Development

Mr Deputy Speaker (Mr Dallat): Members, questions 13 and 14 have been withdrawn.

Supporting People Review

1. **Mr McAleer** asked the Minister for Social Development to outline the work his Department has undertaken following the publication of the final report of the supporting people review. (AQO 9523/11-16)

Lord Morrow (The Minister for Social Development): The Supporting People review final report included 13 recommendations for improvements to the efficiency and effectiveness of the Supporting People programme. My Department has established an implementation steering group to drive the implementation of the 13 recommendations while working with key partners. I will publish an action plan in March of this year setting out implementation scales for my Department and for our delivery partners, including the Northern Ireland Housing Executive and the Department of Health, Social Services and Public Safety. My aim is to have the implementation process largely complete by March 2018.

Mr McAleer: Go raibh maith agat. I thank the Minister for his answer. What measures will his Department be taking to implement the recommendation of the Equality Commission report?

Lord Morrow: In keeping with all recommendations of the report, my Department will apply itself to all the recommendations. As far as it lies within it — I hope that it is in totality — it will be implementing that aspect of it completely.

Women's Centre Childcare Fund

2. **Mrs D Kelly** asked the Minister for Social Development, given that it provides 88,000 childcare places, to outline how he will ensure the future of the women's centre childcare fund, which is due to end on 31 March 2016. (AQO 9524/11-16)

Lord Morrow: The women's centre childcare fund was introduced as a temporary emergency funding package, pending the implementation of a coordinated childcare strategy for Northern Ireland. It was established in April 2008 following on from the children and young people's fund as part of an emergency departmental response to ensure that key childcare services provided in women's centres were kept open, pending an Executive decision about their future funding. The fund supports 14 women's centres across the region at a cost of approximately £850,000 per annum.

My Department stepped in over the last number of years to provide funding in a way that has ensured continued delivery of the women's centre childcare fund. I remain committed to that position. My predecessor Minister Storey

indicated last year that, in terms of the Budget process, this would be the last year. However, given that we have an OFMDFM childcare strategy that will not come into operation until 2017, there is the issue of what we do in the interim. To that end, my officials recently submitted a bid for funds to DFP; unfortunately, however, it was rejected. This issue remains a priority for me, and I have to work now to ensure that we have a transition that, as far as possible, is not detrimental to the delivery of the service.

Mrs D Kelly: I welcome the Minister's commitment, but the people, particularly women, who work in the sector and those who depend upon the service that it provides need some surety and guarantee. We are, after all, in the month of February, and people will be getting redundancy notices shortly. I am sure that the Minister will agree that the service provided promotes social inclusion etc. In exploring other funding options, given that the social investment fund has been unable to spend its money, might that be a source that the Minister could tap into at least to assure women's centres of funding for the year ahead?

Lord Morrow: I thank Mrs Kelly for her question. Let me assure her that I am totally committed to that matter. She mentioned the social investment fund. I am not quite sure whether that can be applied there or not, but I assure her that no stone will be left unturned. I accept what she says about the staff all being on their exit notice. That brings a degree of uncertainty. I hope that I will be able to get gap funding, but, at the moment, I cannot give any guarantee, except that I will do my best. I hope that, in this instance, my best is good enough.

Ms P Bradley: I thank the Minister for his answers so far. I agree with Mrs Kelly on the essential need for more information. I welcome the Minister's commitment to do his utmost to secure that funding for women's centres, but what is his assessment of the work that is supported by the women's centre childcare fund?

Lord Morrow: My Department recently commissioned an evaluation of the women's centre childcare fund, which has been an emergency measure since 2008, as I said. The evaluation concluded that the programme provided a wide range of positive impacts in relation to the development and well-being of children and in supporting parents to access services and opportunities.

Before I came into the Department, I was totally committed to this scheme. Now that I am in a position to do something about it, I can assure the Member, and the previous Member who asked the question, that this is something we are going to move — well, not literally heaven and earth, but we are going to make strident moves to ensure that it does not collapse.

Mr Beggs: The Minister will be aware that childcare provides an essential service to enable many to move from welfare into employment. In many areas, there may be under-provision of childcare facilities. Does the Minister acknowledge that the staff involved, and the parents currently being supported, will get little comfort from the thought that there is a strategy to be implemented in 2017? What is going to happen before then?

Lord Morrow: I thought I answered that. The present scheme has been receiving year-on-year funding from 2008. We are now in 2016 and funding has been available, and is continuing. I am very hopeful that I can continue that funding for a further year. By then, hopefully, the childcare

strategy will have kicked in, but that will be a new situation and will be for the Minister at that time. However, I am determined that 2016-17 will be funded, and I hope that I have not overstated that.

Girdwood Community Complex

3. **Mr G Kelly** asked the Minister for Social Development to outline the timescale for further progress on the Girdwood community complex in North Belfast (AQO 9525/11-16)

Lord Morrow: I would like to confirm my Department's ongoing commitment to the delivery of the agreed master plan conceptual framework in its entirety. My Department is finalising the site infrastructure at Girdwood Park, which has facilitated the delivery by Belfast City Council of its flagship community hub, and the provision by Apex Housing Association of 66 new houses. As the Member will be aware, the Department's infrastructure project includes the provision of a new multisport pitch.

My officials have already been engaging with other statutory bodies and stakeholders in the wider community to take forward important preparatory work for an indoor sports facility and mixed-use economic facilities. Delivery of those elements of the master plan conceptual framework will, of course, be subject to satisfactory business cases and the availability of budget. I am pleased to note that Belfast City Council has set aside £6 million for the development of the indoor sports site, and I am confident that, with cross-party support, the Executive will be able to commence the next phase of delivery in the spending review period beginning in April 2017.

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers up to now, and welcome that the Department is still committed to the entire project. Does he have any comment to make on departmental engagement with local communities on the management of the facilities?

Lord Morrow: My Department is investing £6 million in essential infrastructure, including roads, services, landscaping and a synthetic pitch to support the wider development at Girdwood Park. This is in line with the agreed conceptual development framework.

This work is scheduled to be complete by March 2016. The infrastructure works will support the Belfast City Council community hub, which recently opened new social housing units by Apex Housing Association that are due to be available around May 2016, and the future development of the remaining sites.

Mr Anderson: I thank the Minister for his answers so far. He may have touched on this. What plans are there for future housing development on the Girdwood site?

Lord Morrow: In line with the agreed conceptual framework, an area of land along Cliftonpark Avenue has been identified for housing. The site is currently not listed for development due to lack of demand. Following the allocation of a social housing scheme on the nearby Oldpark Road by Choice housing association, demand in the area will be reviewed in the coming months. It is envisaged that affordable homes will be delivered on this site.

Mr A Maginness: I thank the Minister for his interesting reply, and I congratulate him on his appointment. I did

work with him before in various guises and I know that he brings a lot to this position. As you know, housing on the Girdwood site has been a contentious issue. How soon will the review that the Department intends to undertake on housing take place, and what progress does the Minister feel might be made in augmenting the proposals for housing on the site?

Lord Morrow: I thank the Member for his comments and, as I am aware that it is not his intention to return to the Assembly, I wish him all the best for the future, wherever the future takes him.

On the future of this site, I have to say that, as I am sure he will readily agree, this has been a matter for some debate and discussion over recent times. It has still some distance to go, but my Department is totally committed to the development of the site and the review. I hope to be in a position to come back very soon or whoever is the Minister then should be coming to this, certainly within this calendar year.

Regeneration Powers: Transfer Timescale

4. **Mrs Overend** asked the Minister for Social Development for an update on the timescale for the transfer of regeneration powers to local government. (AQO 9526/11-16)

Lord Morrow: The decision to transfer regeneration and community development powers to local government ultimately rests with the Executive. The new Department for Communities (DFC) will have a much wider range of responsibilities. In this context, it would be prudent to wait until the new functions have been assimilated in the DFC and then the Executive can determine when any of those responsibilities would best be delivered at a local level. The timing would be subject to the successful completion of the legislative process. The fundamental aim of the reform programme remains the same: to transform local government, putting decision-making on local matters in the hands of locally elected representatives. Ultimately, the Executive will decide the way forward in the context of the newly formed Department for Communities.

Mrs Overend: I thank the Minister for his response. Will he agree that, while there is ambiguity about the timescale for the transfer of these powers to our local councils, they will remain in some sort of limbo and that there should be some sort of commitment to a timescale for the transfer of these powers in the Programme for Government?

Lord Morrow: I do agree with the sentiments expressed by the Member that it is important that the uncertainty is dealt with as quickly as possible. I do accept that it is important that we come to this situation as quickly as humanly possible. We had hoped that we would be coming to it in 2016, but the truth of the matter is that we will not be. However, we can look then to 2017 and, hopefully, we will be. I assure the Member that I and my party are totally committed to this, and we will be making every effort to ensure that it happens in as short a timescale as possible.

2.15 pm

Mr Campbell: Will the Minister outline whether the resources originally envisaged to be allocated to local authorities for the important duties that will be transferred across will be reflected in reality?

Lord Morrow: Councils had been advised of the budgets anticipated to transfer to them should the Regeneration Bill have successfully completed its legislative passage. Unfortunately, we know that that will not be the case. However, as this is no longer the case, there will be no specific allocation to councils to deliver services to tackle deprivation in 2016. That responsibility remains with my Department.

Mrs McKevitt: I congratulate the Minister on his new position; this is my first opportunity to do so.

Mr Campbell has already touched on the resources. Will the budget for the delivery of that function also transfer to local government? What guidance is his Department giving to, and what discussions is it having with, local government in order for it to be ready?

Lord Morrow: I thank the Member for her kind remarks and well wishes to me for the future in this Department.

I think that there would be something very amiss if the budget were not transferred at the same time. It has to be, otherwise it will not be an effective form of government. Given that the Executive have only recently agreed the final Budget for 2016-17, I now need to consider the impact that the settlement will have across my Department's remit. Yes, the budget is a very important factor. If it does not go with the powers, why should powers transfer at all?

Independent Advice Centres: Funding

5. **Mr Lyttle** asked the Minister for Social Development for an update on funding for independent advice centres. (AQO 9527/11-16)

Lord Morrow: Through its community support programme, my Department provides £1.6 million of funding to front-line advice services each year. That is supplemented by approximately £1.9 million from local councils, which then commission front-line advice centres for their local areas. Additionally, my Department provides funding of £1.3 million annually for regional support services for front-line advisers. Budget allocations for 2016-17 have not yet been agreed.

Mr Lyttle: I thank the Minister for his answer. Does he agree that independent advice services provide vital assistance to ensure that people in our community receive the social security assistance to which they are fully entitled? In my constituency of East Belfast, the independent advice centre works on a shoestring budget of £70,000 per year and generates multi-million-pound take-up, to which people are fully entitled. Is the Minister, therefore, willing to follow up on a commitment given by his predecessor to meet the Northern Ireland independent advice service sector and me to ensure that advice centres have adequate resources to achieve what they are able to achieve?

Lord Morrow: Mr Lyttle talks about the advice centres having limited resources. I can rub thumbs with him on that: I have a finite budget also. However, I am quite prepared to meet with him and those who provide the service to discuss the issue in the future. As Mr Storey has already given that commitment, I am prepared to stand by it.

Mr Diver: Will the recommendations from the recent Evason panel regarding funding for advice centres be

implemented in full? Can people have assurances that they will have high-standard advice on an ongoing basis?

Lord Morrow: I thank the Member for his question. I also wish him well, having recently come in to the Assembly in place of, I think, Mr Ramsey.

Professor Evason's report recommended additional funding for front-line advice services of £1.25 million per annum for four years. The Executive have now agreed the implementation of the recommendations, and I have asked my officials to consider how best to take them forward.

Mrs Cameron: I thank the Minister for his answers so far and welcome him to his new role as Minister for Social Development.

When will the funding for front-line advice services be confirmed?

Lord Morrow: I thank my colleague Pam Cameron for her well wishes.

The Budget allocations for 2016-17 have not yet been agreed. Front-line advice providers and local councils will be advised as soon as is humanly possible.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for his answers thus far and also congratulate him on his new role.

I, like others, had intended to ask the Minister about the additional resources, but he has already answered that. How confident is he that vulnerable people will be well served in the new arrangements?

Lord Morrow: I thank the Member for her well wishes. As for attending to, looking after and providing a service for vulnerable people, I believe that society owes it to them and, as one who has an advice centre, like many others in this Chamber, we deal with those sorts of issues on a daily basis. They are very close to my heart and, if it is down to me to do it, I assure you that it will be done, and there will be no gap in that service.

NIHE Dwellings: East Londonderry

6. **Mr McQuillan** asked the Minister for Social Development how many Northern Ireland Housing Executive dwellings in East Londonderry are inhabitable. (AQO 9528/11-16)

Lord Morrow: The Housing Executive has 4,444 properties in the East Londonderry constituency area, which all meet the standard.

Mr McQuillan: I thank the Minister for his answer and congratulate him on his elevation to the Front Bench. What investment is being made in Housing Executive properties in East Londonderry?

Lord Morrow: I thank Mr McQuillan for his well wishes. I suspect that this honeymoon period will end some time, but I will enjoy it while it is happening.

In line with the interim investment planned, the Northern Ireland Housing Executive has five schemes already under way or planned to commence in the next year in East Londonderry worth a total investment of approximately £1.483 million. Further necessary investment has been made in properties in East Londonderry and continues to be made through planned and response maintenance, with

around £21 million committed to schemes during the last two and a half years.

Mr Deputy Speaker (Mr Dallat): Mr Chris Hazzard is not in his place.

Equality Obligations: DSD

8. **Mr McKay** asked the Minister for Social Development, following the recent publication of the Equality Commission's investigation report on the Department for Social Development's compliance with its equality scheme commitments, to outline the progress that has been made by his Department on meeting its equality obligations. (AQO 9530/11-16)

Lord Morrow: My Department is continuing to work with the Equality Commission for Northern Ireland to take forward the four recommendations that were made as a result of its investigation. The breaches related to the Department's 2001 equality scheme. No breaches were identified against the current equality scheme. As recently as 22 January, a meeting was held with representatives from the Equality Commission to ensure that the Department was addressing the concerns raised.

On a general note, my Department adheres to its equality scheme and received positive feedback from the Equality Commission on our section 75 annual progress report, which set out the work undertaken to meet our equality obligations in 2014-15.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I also congratulate the Minister on his appointment.

Is he satisfied that the current legislative and policy framework on procurement of housing support services in relation to Supporting People is delivering the required outcomes?

Lord Morrow: I thank the Member for his well wishes, too. He has asked a very direct question; he asked whether I am satisfied. The answer is as direct, and it is yes.

Mr Douglas: I thank the Minister for his answers so far. Will the Minister outline the current position of the Department's equality scheme work and the work on the housing strategy?

Lord Morrow: The Department has published the final version of the housing strategy, alongside a midterm update on the 33 actions in the housing strategy action plan and an updated equality screening exercise. The midterm updates show that 27 screenings had been completed to date. The action plan update shows that the strategy is delivering on its vision to ensure that everyone has the opportunity to access quality housing at a reasonable cost

Social Housing: Funding

9. **Mr Diver** asked the Minister for Social Development to outline the funding his Department will provide to increase the building of social and affordable housing. (AQO 9531/11-16)

Lord Morrow: I have just approved the Housing Executive's new social housing development programme for the three-year period 2016-17 to 2018-19. Budgets for the 2016-17 social housing development programme

and beyond have yet to be agreed. However, the Housing Executive has based its indicative programme for 2016-2020 on delivering 8,000 new starts over that period.

The Northern Ireland Co-ownership Housing Association continues to be my Department's main delivery partner for affordable housing. My Department has secured nearly £95 million of financial transactions capital (FTC) loan funding for the co-ownership scheme for the period from 2015 to 2018-19. It is anticipated that that funding, in conjunction with its private funding, will permit the Northern Ireland Co-ownership Housing Association to deliver over 2,600 additional affordable homes across Northern Ireland.

Mr Diver: I thank the Minister for his assurances. Anybody on the housing list will welcome the fact that new homes are being built. There is debate and consultation about housing associations potentially acquiring former Housing Executive properties. If there is such a policy decision, can current Housing Executive tenants be assured that they will not be detrimentally affected by that process or change?

Lord Morrow: I want to be fair to the questioner. That is a question that I want to look at before I give a definitive answer. I think that I am right when I say that that is the case. However, I will come back to you on that and provide a full answer because I recognise that it is an important issue, not only for Members but for tenants and those who are hoping to buy their own homes one day.

Mr G Robinson: I congratulate the Minister on his elevation to his new post. How is housing need calculated?

Lord Morrow: I thank the Member for his well wishes, too. It is good that so many are wishing me well, right around the House. I hope that, in the months to come, it will also be that way and that, when I have maybe not delivered something for them in their area, they will still be prepared to wish me well. I suspect that that might not be the case.

Housing need is calculated through a process. As someone who has been a long-time councillor in his area, as I was in mine, the Member will know that that is a subject that keeps coming up. I assure him that there is a very fulsome and robust method that determines how that is done. I will send the Member the exact details. I think that he will be convinced, as I am, that it is a true and trusted method that ensures fairness and equality in the whole scheme.

Mr Deputy Speaker (Mr Dallat): I call Mr Phil Flanagan for a very short supplementary question.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I will dispose with wishing the Minister well, if that is your intention.

Can the Minister provide us with an update on how his Department and the Housing Executive are trying to overcome the barriers faced by people who are trying to develop social and affordable housing in rural places like Ederney in Fermanagh, where the waste water treatment plants are full and no further development can be connected?

I genuinely do wish the Minister well; I was only joking.

Lord Morrow: I thank the Member for his well wishes, too. He has raised an issue about rural areas that I, too, am concerned about. I am not sure whether he was at the

latest development in Fivemiletown the other day, where we have upgraded the sewage treatment works.

Those are the sorts of scheme that we want to see developed. I accept that the infrastructure in certain places prohibits development in rural areas. If the Member knows of an area of great concern to him — he mentioned Ederney — he can contact my office, and I will look into it in person to see how we can ensure that homes are provided for rural communities. Rural communities are as entitled to homes as urban ones.

2.30 pm

Mr Deputy Speaker (Mr Dallat): I am sure that it is superfluous for me to assure the Minister that I did not wish to deprive him of good wishes. *[Laughter.]* The time is simply up for listed questions, and we will now move on to topical questions. Topical question 1 has been withdrawn.

Bangor Town Centre: Regeneration Update

Mr Dunne: I too welcome the new Minister and thank him for his recent visit to north Down. We are looking for a lot of good things from him.

Mr Deputy Speaker (Mr Dallat): Is there a question?

T2. **Mr Dunne** asked the Minister for Social Development, while recognising work to date by DSD, for an update on the regeneration of Bangor town centre, including the long-awaited Queen's Parade development. (AQT 3422/11-16)

Lord Morrow: I thank Mr Dunne again for his good wishes. He is right: I spent a very good day in Bangor last Thursday. It was good to see the sparkle back in Bangor, something, as I said on that day, that had been missing in earlier years. In response to the Member's question, let me say that, over the last three years, my officials have been working in partnership with the council to design, develop and deliver a major £8 million public realm improvement scheme for Bangor. Significant progress has been made to the works programme, and these are due to be completed three months earlier than expected, on 31 March 2016. It is not often that you hear something like that. During my recent visit to Bangor to officially open the YMCA's new premises on High Street, I saw for myself how this substantial investment is already beginning to inject renewed vibrancy into the town centre, making it a modern place to visit and spend time in.

Significant progress has been made on Queen's Parade since my Department stepped in and took direct control of the scheme. In March 2015, my Department obtained planning approval for a scheme that would provide for in excess of 25,000 square metres of floor space. The new development includes a mix of residential, retail, commercial and hotel accommodation, restaurants, cafés, a courtyard plaza and public open space for marine gardens. The plans will complement the public realm works and restore the area as an attractive, vibrant and inclusive place for everyone to enjoy. It will also enhance the town's reputation as a key tourist and shopping destination.

Mr Dunne: Thank you, Mr Deputy Speaker. I am assured that your visit has already paid off, but can the Minister clarify the actual start date for Queen's Parade? We would prefer it in writing, Minister. The project has gone on so

long, and we would like to see work begin on site as soon as possible.

Lord Morrow: I do not know about the writing aspect, but I suspect that whatever I say now will go down in Hansard. I am not sure whether that is enough to satisfy the Member.

The granting of planning permission in March 2015 was a key step in the development process. The next major step is to complete site assembly. The majority of the property is now in the ownership of DSD. My officials have been negotiating with the three remaining property owners for over 12 months to achieve agreement by mutual consent. I do not know whether the Member can assist us with that or not. Negotiations are ongoing. However, it is unlikely that agreement will be reached for all the properties, and the Department has issued notices of intention to vest the remaining properties. My Department has requested a public inquiry into the decision to adopt a development scheme for Queen's Parade and the issue of vesting notices. That is set for 3 February 2016. A final decision on the making and enacting of the vesting order will be made following the public inquiry. My Department is working closely with the council and hopes to appoint a private sector development partner in September 2016 to take forward the proposals. It is estimated that the groundwork will commence about 12 to 18 months after the appointment of the developer.

Mr Deputy Speaker (Mr Dallat): I call Mr Adrian Cochrane-Watson, who has just got to his place.

Mr Cochrane-Watson: Is this a topical question? Question number 2, Mr Deputy Speaker.

A Member: We are on topicals.

Mr Cochrane-Watson: I apologise, Mr Deputy Speaker. I have been away all morning at a hospital appointment. I do not have a question.

Housing Benefit Fraud

T4. **Mr Lyons** asked the Minister for Social Development what action his Department is taking to deal with housing benefit fraud and what progress has been made. (AQT 3424/11-16)

Lord Morrow: The issue of fraud, whether it is housing benefit fraud, social welfare fraud or whatever, is one that my Department and I take very seriously, as should every MLA. I assure the Member that it is very high on our list of priorities because the money taken away by fraud means that there is less to go to those who really deserve it. I assure the Member that, like him, I am concerned about the scale of fraud. Whether it is at a low or a high level, it has to be tackled, and I assure him that it will be tackled.

Mr Lyons: I thank the Minister for his answer. A specific case brought to my attention was that of the resident of a Housing Executive property. She abandoned the property but continued to claim housing benefit and left her dog there to starve to death. Obviously, that is not acceptable on a number of levels. Can the Minister assure me that his Department will take every action possible to ensure that people claiming housing benefit are entitled to it? Will he also assure me that his Department will continue to invest so that action can be taken against housing benefit fraud? As the Minister rightly says, any welfare money that

is spent on those who do not need it is taken away from those who do.

Lord Morrow: I thank the Member for his question. Frankly, I found the story that he related absolutely horrendous. I say to him and everyone else within the sound of my voice that, if they are aware of any of this sort of behaviour going on, we all have a moral and civic responsibility to report it to the authorities to ensure that it is stamped out immediately.

The estimated level of benefit fraud has reduced from £60.9 million of public money back in 2001 — I took up the conversation in 2001 when I was last in DSD — to an estimated £25.2 million in 2014, with a further estimated £18.4 million lost through housing benefit fraud. My Department has a dedicated team of fraud investigators who work right across Northern Ireland, so there is no let-up on that, Mr Lyons, I assure you. The incident that you reported is horrendous. If you have any information that can help my Department or the police, please speak to us.

Private Rented Sector: Review

Mr G Kelly: Go raibh maith agat, a LeasCheann Comhairle. In continuance of the warm glow around you, Minister, I add my best wishes as you take up your responsibilities in the Department.

T5. **Mr G Kelly** asked the Minister for Social Development to outline the areas that will be covered in his Department's recently announced review of the regulation of the private rented sector. (AQT 3425/11-16)

Lord Morrow: I thank the Member for his well wishes. The review that he speaks of will be very comprehensive. It will take in all aspects and, if there are areas that the Member has concerns about or he feels that he could feed into and would like to see considered, we are ready to listen to him and hear what he has to say on this issue.

Mr G Kelly: Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for his answer and, indeed, his offer to feed into the review. He said that it would be comprehensive. I ask for some assurance that the antisocial behaviour issue is looked at. As he knows, there are some regulations in the social housing sector that give the ability to deal with that when it happens. At times, perhaps not often, that can destroy a whole street or area. If we could look at that in the private sector, it would be very helpful.

Lord Morrow: Antisocial behaviour comes up constantly as one of the big issues that public representatives get through their door, with complaints virtually on a daily basis. I think that the message that antisocial behaviour is not acceptable in this day and age still does not seem to have got out. I want to make it very clear that, as far as my Department and me are concerned, antisocial behaviour has to be tackled head-on. Sometimes, that means putting our heads above the parapet, but that has to be done. I will ensure that, in this review, which, as I have already said, will be comprehensive, antisocial behaviour will be one of the issues looked at from every angle to see how it can be reduced. It would be better if it could be stamped out altogether.

Holylands: Regeneration

T6. **Mr Ó Muilleoir** asked the Minister for Social Development about an issue that he would remember from his last stint as Minister, which was the Holylands, where there are continuing efforts to create a family friendly and vibrant community, and, given that, as he knows, the city is changing, with up to 5,000 purpose-built units for students, would he consider revisiting the efforts to regenerate the Holylands as a vibrant community. (AQT 3426/11-16)

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liomsa fosta tacú agus tréaslú leis an Aire as a cheapachán. I also congratulate the Minister on his appointment. Your predecessor tells me that he left a little note for you to deal sympathetically with my questions, so I hope you received that, Minister.

Lord Morrow: I did not understand part of the Member's question, but I did take from him that it was well wishes, too. One thing that has struck me since the First Minister appointed me to this Department is the number of people there who remember me. I thought that there was nobody still living to remember me there, it was that long ago. [Laughter.] Now that you speak of the Holylands, I do remember, and I have some memories of that. However, I do not remember the details, to be truthful. I think that, if I am going to come up to speed on that one again, you should bring it to my attention, and we will certainly have a look at it. I have listened to it in the news in the past, and I know that there are some quite unsavoury things that have been going on there. Those things need to be looked at and tackled.

Mr Ó Muilleoir: Thank you very much, Minister, for your response. I did not mean to spring that on you. I suppose it is topical because St Patrick's Day is coming round, and you will remember that that is always a very tough time for the families and residents of the Holylands. Perhaps, Minister, in the time remaining before Parliament breaks up, I could invite you to come back to the Holylands. Maybe you will visit south Belfast and meet some of the residents. In short, Minister, I presume that you would like to see a vibrant, family friendly community that does not have the sort of antisocial behaviour that we have seen on St Patrick's Day in previous years.

Lord Morrow: Yes, I think it would be very good if we could avoid what has happened on St Patrick's Day in previous years. I am not sure whether I can be there before St Patrick's Day. I suspect that, even if I were there, it may not totally influence what is going on or what might go on. Suffice it to say, let us hope that the behaviour that has been witnessed there in the past is not a feature this year, and that people show respect and regard for others.

Housing Executive Maintenance Delays

T7. **Mr Frew** asked the Minister for Social Development whether Housing Executive maintenance and capital delays are unique to the North Antrim constituency, where there have been massive delays over the last number of years, some of which have lasted for over a year and a half and counting, including roofing schemes in Ballykeel and Harryville and some external works in Cullybackey and Ballymena north; and whether he will investigate these delays. (AQT 3427/11-16)

2.45 pm

Lord Morrow: I do not think that those delays are unique to North Antrim. Having said that, I do not say that they are on a par with everywhere else. If the Member wants to come and talk to me, write to me or send me a question about it, I will get a look at it and see exactly what is going on in the North Antrim constituency that he cherishes so much. If there is something unique about the delays in North Antrim, we will take action to change it.

Mr Deputy Speaker (Mr Dallat): Time is up. I remind Members to keep their questions short and then, perhaps, more people will have an opportunity to ask questions.

Agriculture and Rural Development

Mr Deputy Speaker (Mr Dallat): Questions 1 and 9 have been withdrawn.

Farming: Administrative Burden

2. **Mr Cochrane-Watson** asked the Minister of Agriculture and Rural Development by how much her Department has reduced the administrative burden on farmers and agrifood businesses since 2007. (AQO 9538/11-16)

Mrs O'Neill (The Minister of Agriculture and Rural Development): A well-regulated industry is vital in underpinning trade and, increasingly, it is a strength that the agrifood industry is exploiting in securing new export markets.

Following a joint DARD/DOE review of better regulation in 2009-2010, DARD implemented an action plan, taking forward 61 recommendations, to reduce the administrative burden on the agrifood sector. By 2013, a 10-4% reduction had been achieved. Since 2013, we have continued to make good progress. Most notable is the recent achievement of official brucellosis-free status, allowing the relaxation of controls and leading to savings in compliance costs for the primary production sector of £7 million per annum, as well as £8 million in savings for the taxpayer. Another area where we have progressed is in completion of land eligibility inspections by remote sensing, using satellite imagery rather than by on-farm inspections. In 2015, DARD completed 86% of basic payment scheme inspections using remote sensing.

Despite my desire for a simpler CAP regime, the new schemes are greater in number and more complex to administer. However, my officials are working to ensure that they are as easy as possible to understand, with information and tools available to help farmers and others comply with the least amount of bureaucracy attached as possible. I have also made a separate approach to Commissioner Hogan in Brussels in an attempt to make the penalty regime applied in cases of over-declaration in some schemes as simple as possible. I am pleased that there has been some movement on this with the latest announcements from the Commissioner.

I want to continue to focus on ensuring that complying with rules and accessing services is further simplified. The continued roll-out of enhanced digital services with appropriate support will speed up processing and help customers' businesses to succeed.

Mr Cochrane-Watson: I thank the Minister for her response. However, many farmers will be sorely disappointed that there has been an abject failure by the Department to reduce its own administration costs. Previous targets, such as those contained in the 2007-2011 Programme for Government have now been abandoned. Does the Minister feel that it is acceptable that the total DARD administration bill is now over £45 million centrally in this financial year, as supplied by DFP, compared to a reduction of £5 million five years ago?

Mrs O'Neill: I note that your party has taken up this issue and run with it in the media, using figures that it has manipulated for its own benefit to try to pull a headline out of it. I am very happy to explain to the Member the difference in the figures that we are talking about. If he is asking me whether I am apologetic for putting more resources into services that help us to deliver farmers' payments, I am not.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. I note and welcome that, in the Minister's response, she expressed a desire for less bureaucracy and more simplification. In that context, will she consider making provision for part payments?

Mrs O'Neill: We all recognise that it has been an extremely difficult year for all sectors across the farming industry. I will do anything I can. A lot of these things are commercial matters and lie outside my Department's control, but some things are within my control and one of them is ensuring that we pay the maximum number of people. Year-on-year, we have seen improvements in the number of people we have been able to pay in December. I want to put on record that I give credit to all the staff, who, in comparison with all other paying agencies on these islands, have outperformed by ensuring that we have paid 96% of people at this stage. I think that all credit is due to the staff involved in delivering that work.

I also indicated, as the Member said, that part payment is an issue that the industry has consistently asked me to look at, and my focus initially was on making sure that we maximised the payments and increased the numbers inspected with remote sensing. Now that we have been able to do that, I have told officials that my intention is to make sure that we can get to a position where we will make part payments, up to 50% of direct payments, on 16 October, following submission of the single application form. That option, as I said, has not been available until now. I think it is good news for the industry going forward that we will be able to come to the scenario where we will be able to make advance payments to about 80% of eligible farmers in October.

That said, us being able to deliver on that promise will very much come down to working with the industry itself. I need more farmers to apply online. The application process for this year is coming up very shortly. My clear message to the industry is this: help me to help you. The more applications we receive online, the better. Ideally, we would want over 70% to be made online. Last year, there was a significant improvement; I think the figure was over 40%. If we can increase that again this year, the Department will be in a position to deliver those part payments in October.

Mr Deputy Speaker (Mr Dallat): I call Mr Declan McAleer. I am being too generous. I call Mr Jim Allister.

Mr Allister: If the Minister's blind enthusiasm for the EU permits her, will she undertake to publish a schedule of all the administrative burdens and regulations placed upon the farming community and identify which originate in the EU and which originate in her Department? Will she undertake to do that or would that come too close to exposing the hideous burden that the EU puts upon our farmers?

Mrs O'Neill: That is not even a problem. I do not have a problem setting out very clearly what legislation we work under within the EU, but I also do not have a problem with publishing the benefits that our industry receives from the EU, particularly the single farm payments, the rural development programme, the Peace programmes — the list goes on. I am very happy to publish all that information because it is important that you look at the situation in the round.

There are diktats from Europe that we find very difficult to administer and that we find are very difficult for the farming industry in particular. Is there room for improvement? Absolutely. It is our job to do that; we are elected to do that job, and our MEPs are elected to do that job. We have a job of work to do in reforming the EU. Let us take on that challenge, and let us not rob our rural industry and agrifood sector of much-needed support.

If you look at the most recent statistics on farm incomes, you will see that, without the subsidy and support, farmers would have been in a negative situation. There would not have been one penny of profit; there would have been a negative loss-making scenario. I think that, when we look at the future within Europe, we need to look at it in the round and at the benefits that are there for our local industry.

Mr Beggs: The Minister was unapologetic about increased administrative costs. With a reducing budget and the efficiency savings that we are hearing about, one would expect the administrative burden to go down. Does she accept that farmers expect to get a higher percentage of the funding, rather than it being absorbed by administrative burdens?

Mrs O'Neill: Farmers and the rural community at large can be very confident in knowing that I have delivered the largest ever rural development programme that has been seen in the North. I think that in itself speaks volumes about my commitment and about how I deliver for farmers and rural dwellers.

Where the admin costs are concerned, I am very happy to provide a breakdown of the figures that have been set out and the £5 million that your party is referring to. It is not as simple as subtracting one figure from another, as your party has done. I am very happy to explain the difference in the baseline figures and the figures that they were compared with. I will provide the stats to you in writing, rather than go through them now, but I can give you the headline figure of £2.5 million for depreciation in Land and Property Services valuation. It is very simply explained. I stand over my point that I am not apologetic about putting in more admin resources to make sure that we paid the maximum number of people their single farm payment in December. We delivered on that, and now 96% are paid as a result of my refocusing and making sure that I had enough people on the front line to be able to deliver the money.

Brexit: CAP Contingency Plans

3. **Mr Lunn** asked the Minister of Agriculture and Rural Development what discussions she has had with her counterparts in London and Edinburgh concerning contingency plans in the event of the withdrawal of payments to farmers under the common agricultural policy should the UK vote to leave the European Union. (AQO 9539/11-16)

Mrs O'Neill: First, a referendum in favour of Brexit would be disastrous for agriculture and rural development in the North because it would hinder access to vital EU markets and lead to reduced agricultural support. That is a point I have made consistently in the House.

As for contingency planning, if there were a Brexit scenario, notification would be submitted to the EU. It would take up to two years following that for a withdrawal to be complete, and I am told that that number of years can be extended. The period between the decision to withdraw and the withdrawal actually taking effect would be used to negotiate the terms of withdrawal from the EU. It would also be used by the Assembly to negotiate with the British Government on what contingency plans might be developed to replace existing EU rules and financial support systems following EU withdrawal.

Over the 2014-2020 EU budget period, pillar 1 payments to our farmers would amount to €2.3 billion. In addition, €228 million of EU funds is devoted to our rural development programme, resulting in a total planned expenditure under CAP of €2.53 billion. Importantly, the Assembly could not maintain this level of funding unless additional funds were provided by the Treasury. The British Government have consistently pushed for reductions in the support going to farmers and rural development under the CAP. They do not regard that spending as value for money, so I believe that the Treasury would be unsympathetic to our calls for some of the money saved from withdrawing as a member state from the EU to be used to maintain support to farmers and rural communities. A significant reduction in direct support would leave many of our farmers in real and long-term financial difficulty. A reduction of funding for farmers and rural communities would have knock-on effects for the environment.

Mr Lunn: I thank the Minister for that answer. Frankly, she has more less answered any supplementary that I might have come up with. However, for the benefit of others who are present, does she agree with me that this would be an absolute disaster for Northern Ireland and that the British Government would have neither the will nor the ability to replace the payments like for like?

Mrs O'Neill: Yes, I totally agree with that. As I said, we are talking about €2.53 billion of supports for the agrifood sector and rural communities. The current Tory Government have no intention to replace that. We have seen cuts to our block grant year on year. If those are the projections for the future, I do not hold out much hope with the Tories, who have an ideological position opposed to subsidy. They have been trying to reduce year on year. They voted against the financial package in Europe. They voted to reduce the payments that go to the farming and rural sectors. I am not confident about what they would bring into place.

I have consistently said that the biggest concern that the industry has is that there are so many uncertainties. We do not know what the future holds. We do not know what a post-Brexit situation would look like. Without all those certainties, it is hard for anybody to make a rational choice going forward. However, €2.53 billion is significant and speaks volumes on what it means to our local economy, what it means to the agrifood sector and what it means to everybody: if farmers are not subsidised to produce food, all consumers will pay more for food that we will have to import from other countries. Where do we get that from if we cannot trade openly and freely in Europe? We need to consider a number of significant challenges in terms of where we are and how things will be in the future in a Brexit situation.

Mr Campbell: Does the Minister not agree that talking about nightmare situations in the context of a Brexit position does not help the discussion, which should be a rational discussion of whether the UK and Northern Ireland as part of the UK stay in Europe or leave it? The uncertainty about the financial assistance that may be on offer to our farming communities, which she rightly talked about, exists equally whether we stay in Europe or leave it.

Mrs O'Neill: I have made my position clear: we need to have a rational discussion. We need to up the ante in having the debate. We have had this discussion at each of my last two or three Question Times. We need a real and meaningful debate around our future, but €2.53 billion of investment in our local economy speaks volumes. Agrifood is the mainstay of our local economy. It is one of the main drivers of growth. The stats around farm incomes that were published towards the end of last week clearly point to the fact that, without that subsidy and that payment going to farmers and rural people, they would be in a negative situation. We need to be serious about what this means.

I think that we all can agree that Europe needs to be reformed — absolutely. We can all stand and say that there is room for improvement of some of the regulations, the red tape and everything that goes with it, but we were elected to do that job. It is our job to make sure that we challenge where things are not right and could be made better. I was able to successfully challenge on CAP reform for some simplification around greening, so we can point to examples of where we have been able to make a difference. I am elected to do a job. I am the Minister of Agriculture and Rural Development. I will fight my corner for the local industry in Europe. That is what I should be doing. That is the job that I concern myself with. I am 100% concerned, as are the industry and the business community, about what a post-Brexit situation would mean. If we take it purely in terms of the agrifood sector and the rural economy, it would be a significant blow if we were to withdraw from Europe.

3.00 pm

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answers thus far. What is the current level of trade between the North and other EU regions?

Mrs O'Neill: The latest available figures indicate that 73% — again, this points to the significance of trading in Europe — of our agrifood and drinks-processing sector trading was to destinations outside the North of Ireland. In terms

of exports from the North, 60% of exports of all goods and 90% of food and drink exports go to other EU countries. Therefore, it is no exaggeration to say that the EU markets are critical for the North's agrifood industry.

As well as the trade in processed food products, there are high levels of live animal and raw milk trade across the border with the South. In 2015 alone, almost 28,000 live cattle came North, while 332,000 sheep and around 20% of milk produced in the North went South. When you look at the stats, even those that have been very quickly put together, you see how important the implications for trade will be in a post-Brexit situation. Our level of trade in the EU is so significant to our local industry. Those are the factors that we need to take into consideration when it comes to deciding on our future.

Wind Energy

4. Ms Maeve McLaughlin asked the Minister of Agriculture and Rural Development for an update on her plans to use the forest estate for the development of wind energy. (AQO 9540/11-16)

Mrs O'Neill: A strategic outline case to support the work of Forest Service to commercialise its wind potential has already been approved. I am pleased to report that the next stages of business case work will be presented to me shortly for consideration. It will inform how best to commercialise the potential that exists on the forestry estate. There have been significant policy changes in the renewables area throughout 2015 locally and at Westminster, which has led to inevitable delays as Forest Service considers how best to integrate the changes into its proposals. The proposals coming forward now have taken the changes into consideration. Clearly, revenues for my Department or, indeed, communities will be dependent on sites becoming operational. I am sure that you would all welcome, as I do, the opportunity to generate revenue from public assets, particularly given the current budgetary situation that we find ourselves in.

Mr Deputy Speaker (Mr Dallat): Before taking a supplementary, I appeal to Members to check their mobile phones, please. There is significant feedback, and that, of course, affects the recording equipment.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for her answer. Specifically in light of policy changes, how does the Department now intend to manage the environmental impacts of wind farm developments?

Mrs O'Neill: Obviously, wind farm development is subject to robust planning assessment by the councils or DOE, depending on the scale of the development. Planning consideration is against robust planning policies, and each proposal on the forest estate will be subject to a full environmental impact assessment. As with any planning application, interested parties have the opportunity to raise concerns or objections. Wind energy development on the forest estate is likely to involve some felling of trees in the immediate environment of turbines to accommodate the installation of wind farm infrastructure. Any of our proposals will be assessed against environmental standards and the planning standards that already exist for wind farms. In assessing the forest estate for wind energy potential, my Department has shown leadership. As part of its process, Forest Service has excluded environmentally

designated areas such as special protection areas, known as SPAs.

All-island Animal Health and Welfare Strategy

5. Mr G Kelly asked the Minister of Agriculture and Rural Development to outline the achievements of the all-island animal health and welfare strategy. (AQO 9541/11-16)

Mrs O'Neill: I welcome the progress to date of the all-island animal health and welfare strategy, which has the wide support of industry on the island and is an excellent example of what can be achieved if we take a joined-up approach. It provides a valuable forum that enables discussion and practical cooperation on a wide range of animal health and welfare issues. Positive outcomes include cooperation on contingency planning for exotic disease outbreaks; agreement on a common chapter in the respective epizootic contingency plans for foot-and-mouth disease, avian influenza, African horse sickness and bluetongue; cooperation on testing regimes for TB and brucellosis in border areas; cooperation in relation to the exchange of data to facilitate trade in bovine animals, following the lifting of the BSE export ban; the development of a largely similar system of sheep identification; and the introduction of a BVD programme that will require herdkeepers to tag and test all new born calves for BVD in the North.

That will put herdkeepers here on an equal footing with those in the South, where a BVD eradication programme is already in place.

Officially brucellosis-free (OBF) status was approved by the EU Commission, which means that OBF status has been achieved in both jurisdictions. Attaining OBF status has allowed me to further relax our testing regime in the North.

All of those examples demonstrate that there are considerable benefits resulting from the strategy in animal health and welfare on the whole of the island. Those can help to protect us from disease outbreaks that may have serious consequences for trade and public health. There is an ongoing and active work programme in place, supported by close cooperation from officials, to help ensure the delivery of the strategy.

Mr G Kelly: Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answer, which was very comprehensive. Will she elaborate on the ultimate aim of the strategy that she just outlined?

Mrs O'Neill: The ultimate aim of the strategy is to develop policies that will facilitate free movement of animals across this island. In implementing the strategy, both Administrations are guided by a number of key principles, including the achievement or maintenance of consistently high standards of animal health and welfare, improved public health and effective capacity to deal with emergencies within a policy framework. To work towards that aim, three key strategic areas have been identified: partnership; further cooperation on trade, animal identification and movement policies; and further cooperation on developing disease control and animal welfare policies.

Mr Irwin: The Minister talks about an all-Ireland animal health strategy. Does she accept that the Irish Republic has reduced TB to a much lower level than that in Northern Ireland

through a badger cull and a deer cull? Have the Minister and her officials looked at how the Irish Republic has been able to reduce TB levels? Will she take the same action?

Mrs O'Neill: The levels in the South are different to our levels, but they are not consistent across the board so, depending on the area you are looking at, there might be higher or lower levels.

The Member knows that there is no simple solution to TB. There is no quick fix, because if there were I would have done it long before now. Looking towards all our neighbours and across Europe, nobody has a simple solution.

We are working our way through a number of areas of work, and you will be well aware of the work of the TB strategic partnership group, which is looking at TB in the round. It is looking at all the contributory factors, including the wildlife issue and the issue of compensation. That group will report to me; it has reported on an interim basis and it will report to me again in the next number of months in relation to a firm strategic approach.

We all share the same aim of eradicating the disease. We have been very successful with brucellosis, and I hope to get to the stage where we are as successful in relation to TB. The strategic approach that we are adopting as a result of the work of the partnership will be key to us being able to deliver.

Mrs McKeivitt: I thank the Minister for her answers thus far. In your answer to the substantive question, you said that the strategy is a fine example of what can be achieved by using a joint approach. What discussions are under way to merge other areas of agricultural policy on an all-island basis?

Mrs O'Neill: We have the North/South Ministerial Council, which recently met, and we look at a number of key areas where we can cooperate. Animal health and plant health are obviously key areas, and we also look at the implications for trade, our engagement with Europe and marketing. One of the new bodies being established under the Going for Growth strategy is the new marketing body, which will have very close links with Bord Bia to work together on getting what we have to offer into new markets. Whether a calf is born in Tyrone or Cork, it is a high-quality product that we can market across the world together.

There are quite a number of areas where that collaboration is ongoing, particularly in plant health in relation to some of the challenges that we have with plant disease. There is quite a broad range of work being done, and I want to continue working with the Department in the Twenty-six Counties to find new areas of cooperation. It is fair to say that we have very strong links. Particularly in relation to research, there are really good opportunities with the Agri-Food and Biosciences Institute (AFBI) and the College of Health and Agricultural Sciences in the Twenty-six Counties, which we are exploring.

Mr Lyttle: Will the Minister provide an update on the review of the Welfare of Animals Act?

Mrs O'Neill: That is not really relevant to the substantive question, but I can give the Member an update. As he will be aware, I have corresponded with Minister Ford on the sentencing issue. He has agreed to take that forward, so we are progressing some of the main asks from the review. A number of recommendations were put forward, and I think that we can deliver on all of those. It is important that we send the very strong message that we will not

tolerate animal cruelty, that we have some of the strongest legislation on these islands and that there are proper deterrents in place. I believe that the initiative that Mr Ford and I have taken will lead to that situation.

Rural Development Programme

6. **Mr Dunne** asked the Minister of Agriculture and Rural Development when the rural development programme will be open for applications. (AQO 9542/11-16)

Mrs O'Neill: The European Commission has approved our proposals for a rural development programme (RDP) worth up to £623 million. That is an increase in funding of almost 16% from the current programme and gives us our largest ever RDP.

We are rolling out the programme in a staged and coordinated way. Two months ago, I launched several major programmes within the RDP. The first phase of the farm business improvement scheme — the business development groups scheme — opened in November 2015. Over 3,000 applications were received. The farm business improvement scheme will be a package of measures aimed at knowledge transfer, cooperation, innovation and capital investment, and it will help to support sustainable growth in the sector. The first phase focuses on knowledge transfer. With a funding allocation of £28 million, it is intended to help farmers to identify their needs clearly ahead of any capital investment and to make informed decisions about developing their business.

The LEADER programme, which includes £70 million of funding to support rural communities, is also under way. Opening for applications under LEADER is a two-stage process. The first stage is for local action groups (LAG) to hold funding workshops. Those events have already started and will increase over the next month.

Up to £17.4 million has been allocated for forestry grant schemes, which I also launched last November.

I shall also make available £10 million for a rural tourism scheme. A business case for the scheme is under way, and we are working to ensure that we open our first call for applications in March or April. We are continuing to develop the business case for further schemes, including the capital investment schemes and the environmental farming scheme. I hope to announce the timetable for opening further RDP schemes before the conclusion of the current mandate.

Mr Dunne: I thank the Minister for her answer and the information that she has given today. Does she recognise the need for prompt action on the programme, given that farmers who are desperate to gain financial support see it as an opportunity to diversify and, in many ways, develop their supporting business?

Mrs O'Neill: Yes, as I said in the conclusion of my answer, I have already launched a swathe of funding opportunities for the wider agrifood and rural sector, particularly the grants. The first phase of the farm business improvement scheme is under way, and I hope to be in a position to launch the scheme itself over the next short while. I know that farmers keenly await its launch, but it is not the only scheme. It is very important that we open up the LEADER scheme as well. I hope to be able to support the LAGS in opening their call for applications so that they can go live

over the next number of weeks. We would certainly like all LAGS to have opened up for calls by mid-March.

Quite a large number of schemes have been opened. It is the most significant and largest rural development programme that we have ever achieved. My priority is making sure that we get the spend on the ground as quickly as possible.

Mr McCarthy: What provision has the Minister made for increasing the availability of shared space in the rural development programme?

Mrs O'Neill: There will be opportunities under the rural development programme through the LEADER approach. It will look at basic services and shared services, and at how those applications have a grass-roots, bottom-up approach. The Department does not tell communities what they need; the beauty of the rural development programme is that the community identifies a project or something that they want to take forward and applies to it. There will be lots of opportunities in all the measures within the programme for shared space projects to come forward.

Young Farmers' Scheme

7. **Mr Flanagan** asked the Minister of Agriculture and Rural Development for an update on the success of the young farmers' scheme. (AQO 9543/11-16)

Mrs O'Neill: The young farmers' payment is providing young farmers with a valuable incentive to take full responsibility for a farm business. In 2015, the number of applications received demonstrated the commitment of the sector to the regeneration and development of the local industry.

The young farmers' payment attracted 2,086 applications. I can confirm that 1,776 applications have been processed and decisions issued. Over 80% were successful. Applicants who were not successful can seek a review of the decision or make a fresh application this year. Approximately 500 young farmers are undertaking the level 2 qualification with the College of Agriculture, Food and Rural Enterprise (CAFRE), which shows that there is still significant interest in the young farmers' scheme going forward into next year, even for those who did not succeed this year.

3.15 pm

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answer. Can she elaborate on the comment she made about the review, which is open to appeal, and when it will conclude? Can she also provide an update on the processing of outstanding applications with regards to the discrepancies with active farmers?

Mrs O'Neill: Yes. With the review, young farmers have an opportunity to go through a two-stage appeal. They all take different lengths of time. I could not give a definitive length of time, but suffice it to say we know how important it is for their payments to be processed in as speedy a manner as possible.

Where active farmers are concerned, letters were issued to just over 3,000 businesses giving a deadline of 3 August last year to produce evidence, I suppose, to clarify that they were, in fact, active farmers. Two hundred and forty-nine businesses that did not respond to the active farmer

letter were subsequently rejected for not providing any type of evidence of activity. Administrative and technical assessments of the responses are ongoing. All businesses that received a request for additional evidence must have submitted it by 29 January. We had a significant number of people do that by last week, and we hope to have those all turned around and payments made by March.

Mr Deputy Speaker (Mr Dallat): Order. Time is up for listed questions. We now move on to topical questions. Mr Edwin Poots is not in his place.

Rural Needs Bill

T2. **Ms Ruane** asked the Minister of Agriculture and Rural Development what difference her rural proofing Bill will make to our rural communities. (AQT 3432/11-16)

Mrs O'Neill: Absolutely, and I am so delighted that we will be able, hopefully, to get the Bill to Final Stage before the end of the mandate. It is a significant Bill, in that it aims to promote a fair and inclusive rural society by ensuring that the consideration of rural needs is embedded in government policymaking and service delivery. The Member will know that the legislation places a duty on public authorities to take into account rural needs when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services. Whilst I think that all Departments have been signed up to rural proofing since 2002, the Bill goes that stage further and makes sure that it compels all Departments to give due consideration to policy or strategic changes that will have an impact on the lives of people in rural areas. Going forward, we want to make sure that rural people can be assured that the Executive and Departments will prioritise and make sure that they take proper account of their needs. For me, this legislation has been a priority in safeguarding the rights of rural communities.

Ms Ruane: Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer. Will she outline when she expects the Bill to have completed the legislative process?

Mrs O'Neill: Some considered amendments have been put forward by the Committee for Agriculture and Rural Development that further reaffirm the Bill's broad principles. I am seeking the Executive's support to include them in the legislation. With Consideration Stage and Further Consideration Stage being proposed for February, I expect that the Bill will complete its passage in the Assembly by the start of March. I am certainly looking forward to being able to say that we have delivered it to protect the rights of rural dwellers.

Mr Deputy Speaker (Mr Dallat): Question 3 has been withdrawn.

Rivers Agency Headquarters: Construction Progress

T4. **Mr I McCreá** asked the Minister of Agriculture and Rural Development for an update on progress on the Rivers Agency headquarters at Loughry, following her announcement in July 2015 that the contract had been awarded to QMAC Construction, with the hope that, as she has loads of notes and Post-its, she will have an answer to this constituency-based question. (AQT 3434/11-16)

Mrs O'Neill: I am delighted that the project is going full steam ahead. The old premises were demolished and building work is starting. It will deliver 80 public-sector jobs into the mid-Ulster area. It is obviously part of my wider project to decentralise the Department. That means the whole of the Department, with the headquarters going to Ballykelly, Forest Service going to Fermanagh, fisheries going to Down and Rivers Agency headquarters going to Loughry. I was delighted that, as a result of the tender process, a local company also achieved the work. That will create local employment and bring ongoing benefits, such as increased footfall in the Cookstown area. All those benefits, I think, are brilliant. It gives more people an opportunity to access a public-sector job, because we are taking a whole Department out of Belfast.

Mr I McCrea: Is the Minister therefore content that everything is going according to schedule and that there will not be any slippages? I had a conversation with her regarding Gas to the West. Has the Department or the construction company had any contact with either DETI or the people involved with the Gas to the West project to ensure that the heating system is up to standard when gas passes that way?

Mrs O'Neill: All those things are taken into consideration when you are designing a new build. I will confirm that for you in writing, but I am quite sure that it has been a factor. Gas to the West will benefit not just Rivers Agency headquarters but all businesses in the area that are struggling. The sooner we can get it, the better, but it is a number of years down the line. As with any new build, we will build in flexibility so that we are able to adjust when we have gas in the west.

Food Produce and Meat: All-island Label

T5. **Mr McElduff** asked the Minister of Agriculture and Rural Development whether we are any closer to developing an all-island label for food produce and meat. (AQT 3435/11-16)

Mrs O'Neill: Yes. To set it out clearly, farmers across this island produce a product, and its quality, traceability and high standards are recognised worldwide. When we go out to seek new markets, we can always stand over that very high quality. The Member will remember the issue of nomadic cattle, which pointed out, in the first instance, the issue of labelling. I have focused on resolving that issue since EU country-of-origin labelling began to take effect on this island. That had a major implication for all-island trade of cattle, due to the penalties being imposed on beef processors in the North. Since then, the regulations have been extended to other produce, including lamb, pork and poultry, and that is having a specific impact on the North/South trade in lamb. I have met the marts, processors and farmers who have been impacted and have made representations to Minister Truss, the Minister for Environment, Food and Rural Affairs in London, Minister Coveney in Dublin and Commissioner Hogan in Brussels. Minister Truss and Commissioner Hogan recognise the impact that the regulations are having on the island of Ireland, due to the anomaly of partition, and have offered their support in us securing a resolution with our colleagues in the South by way of an island-of-Ireland food label.

Mr McElduff: I thank the Minister for her answer. How would she characterise Minister Coveney's attitude to the debate? Might the North/South Ministerial Council provide further opportunities to pursue the matter in the future?

Mrs O'Neill: Yes. It has been disappointing, to say the least, that we have not been able to resolve the issue more speedily. It certainly has not been for the want of trying by me. Given that we have DEFRA and the European Commissioner on board, it is unfortunate that Minister Coveney has not got on board and shown leadership with me in assisting the industry to deliver an all-island label. The island-of-Ireland food label that I referred to in the initial answer would solve the issue for the beef sector and other sectors that are impacted as a result of country-of-origin labelling. So I hope that Minister Coveney will join me in showing that leadership and in trying to resolve an issue that has had, and will have, an impact across all sectors.

We have a traditional trade pattern on this island, whether it be for beef, poultry, pork or dairy. All sectors have a traditional trade pattern. That has been going on for a considerable time. It is important that we remove any barriers to trade, whether that be North/South or South/North. I hope that Minister Coveney will join me in accepting an invitation that we received recently from the South's key farming representatives — the marts, the processors and the farmers— because that will be an opportunity for us to jointly show leadership and to jointly press the need for the issue to be resolved. I believe that there is a solution to it. It is just about having other Ministers involved in taking it forward.

Transatlantic Trade and Investment Partnership

T6. **Mr Ó Muilleoir** asked the Minister of Agriculture and Rural Development to spell out the implications of the transatlantic trade and investment partnership (TTIP) to the agricultural industry across the island. (AQT 3436/11-16)

Mrs O'Neill: I have always said that I have grave concerns about how those negotiations have been advanced. They have been taken forward in a secret nature that runs contrary to democratic transparency. More importantly, there are potential threats to agriculture here and across Europe. The net impact of TTIP is likely to be in favour of US farmers, especially on beef, if tariffs are fully removed and if there are significant reductions in non-tariff barriers.

There are also anticipated risks for the pork and poultry sectors. Furthermore, TTIP has the potential to lower production standards. Some agricultural organisations have consulted their members on issues such as the use of chemical rinses and sprays in the decontamination of meat, which are currently banned in the EU.

That highlights the growing pressure that farmers feel to decimate their standards. Farmers fear that they will be backed into a corner — degrade their product now or risk being frozen out of the market later. Therefore, I have to question the potential impact of that trade deal on food safety and on the EU's quality From Farm to Fork policy. The first-class reputation that we have will be severely impacted on as a result of a TTIP negotiation, particularly one done in secret and not in a transparent manner.

Mr Ó Muilleoir: Go raibh maith agat. Mo bhuíochas fosta leis an Aire as an fhreagra sin. Minister, you have been a formidable advocate and battler for the fishing industry and the dairy industry, but what can you do to oppose the Transatlantic Trade and Investment Partnership as a Minister in this small part of the world?

Mrs O'Neill: It is an issue that is regularly discussed with myself and other Ministers in these islands. I recently met Martina Anderson, our own MEP, to discuss her concerns on the significant impact that she and I believe TTIP would have if implemented. I also recently raised the issue with DEFRA and with Liz Truss, the agriculture Minister, to set out my concerns about TTIP. I took up the issue with Commissioner Phil Hogan to highlight the concerns that we have in relation to the environment, workers' rights, consumer confidence and public services.

Whilst it is unlikely that a TTIP deal will be concluded any time in the near future, we need to continue to monitor developments and exert our influence from an early stage and make sure that we use all avenues open to us to lobby on our behalf.

Beef Prices

T7. **Mr Beggs** asked the Minister of Agriculture and Rural Development, given that beef prices being offered to local farmers are considerably less than those being offered to farmers in Scotland, which is literally a few miles away across the Irish Sea, what actions she and her Department are taking to reduce that disparity and to improve the income of local farmers. (AQT 3437/11-16)

Mrs O'Neill: It is sometimes hard to compare the prices that our farmers receive with Scotland or even the South. That can be for a combination of reasons, such as exchange rate factors or supply and demand issues. A lot of those are outside my control in that they are commercial matters.

For my part, my role is to deliver where I can. That is making sure that we get single-farm payments out as quickly as possible and looking for new market opportunities, which we have been successful in doing over the last number of years. We will continue to do that because part of our strategy for the industry to be sustainable and grow is looking for new market opportunities. Price volatility will always be an issue. The most significant thing that the Executive can do to help the industry is to open markets, which creates more opportunities and guards against volatility.

Alongside that is to work with farmers on their individual efficiency. We have a farm business improvement scheme coming online, which will help us to support farmers to become more efficient on-farm, thereby reducing their costs and, hopefully, adding to their profits. There is a combination of issues, and a combination of ways that we can help the industry, not just the beef sector but all the other sectors that are struggling.

Mr Beggs: One issue that I have heard referred to has been discontinuity of supply. Are the Minister and her Department talking with the farming industry and food processors so that there is a better supply chain to enable them to reach UK mainland prices, which have generally been the highest of this region, and that we do not just

look South but where there is the highest return for local farmers?

Mrs O'Neill: I think that I just addressed the issues that you raise. It is about looking for new markets, helping people to be more efficient, and fairness in the supply chain, which is one of the issues that you touched on. I have been the champion of making sure that there is fairness in the supply chain. The cornerstone of the Going for Growth strategy to help the industry is recognition that there is only one supply chain. To that end, I established a supply chain forum, which is about challenging the relationships, forward thinking and planning, and communication from the farmer to the processor, the retailer and the big chains. Without that proper conversation and ongoing forward planning with farmers, we will always find ourselves in a challenging situation. Alongside opening up new markets, helping farmers to be efficient, providing advice, establishing business development groups and all our investments in rural communities, it is important that we continue to challenge that relationship and work with the industry — initially, it is an industry issue — on making the supply chain effective so that all its elements get to enjoy the risk and the benefits.

3.30 pm

Mr Deputy Speaker (Mr Dallat): I call Mr Chris Lyttle for a very short topical question.

Cairn Wood

T8. **Mr Lyttle** asked the Minister of Agriculture and Rural Development whether she would be willing to meet him to discuss the potential transfer of Cairn Wood to DARD's Forest Service. (AQT 3438/11-16)

Mr Deputy Speaker (Mr Dallat): Minister, can you make that equally short?

Mrs O'Neill: Yes.

Mr Deputy Speaker (Mr Dallat): Members, before we move on to the next item of business, you will want to take your ease while we change the top Table.

(Mr Speaker in the Chair)

Private Members' Business

Assembly and Executive Reform (Assembly Opposition) Bill: Consideration Stage

Mr Speaker: I inform the House that a valid petition of concern has been received in relation to clauses 13 and 21 and schedule 1. I must, therefore, advise the House that today's proceedings on the Bill will stop after the Question that clause 12 stand part.

The group 1 debate may proceed as normal, after which the Question on the amendments and the clauses stand part will be put until we reach clause 13. At that point, today's proceedings on the Bill will conclude.

Members will understand that there is clear procedural precedent for considering Bills in a strict sequential order. Tabling a petition of concern is a significant matter and has consequences if tabled on the day that a vote is scheduled to take place. I will therefore ask the Business Committee to reconvene at an appropriate opportunity to consider the scheduling of business as a consequence. I will move on.

Mr Allister: On a point of order, Mr Speaker. Can you clarify, in relation to the delay in the vote, which I understand is specified, whether 24 hours have to pass from the lodging of the petition until the vote takes place, or can it happen the next day, even though that is less than a 24-hour gap?

Mr Speaker: That is exactly the question that I asked as well. There is clear precedent for operating on the basis of the next day. The Business Committee can consider that in terms of how we proceed from this point onwards. So, it does not have to be 24 hours, and there is precedent in that respect.

We are at the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill. I call the sponsor, Mr John McCallister, to move the Bill.

Moved. — [Mr McCallister.]

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 two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 29 and on opposition to clauses 1 to 24 stand part, which deal with proposed arrangements for an opposition contained in the clauses of the Bill. The second debate will be on amendment Nos 30 to 40, which deal with the content of an Assembly and Executive reform motion contained in the schedule to the Bill.

I remind Members intending to speak that, during the debates on the two groups of amendments, they should address all 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 will be put on each without further debate. The Question on stand part will be taken at the appropriate points in the Bill. If all that is clear, we shall proceed.

Clause 1 (Purpose)

Mr Speaker: We now come to the first group of amendments for debate. Mr Raymond McCartney has signalled his intention to oppose the Question that clause 1 stand part of the Bill. With that Question, it will be convenient to debate amendment Nos 1 to 29 and the opposition to clauses 2 to 24 stand part. These amendments relate to the proposed arrangements for an opposition, opposition to an Assembly and Executive reform motion and a Budget Committee.

I point out that amendment No 1 is mutually exclusive with amendment Nos 2 and 3, amendment No 5 is mutually exclusive with amendment No 6, amendment No 14 is mutually exclusive with amendment No 15, amendment No 27 is mutually exclusive with amendment No 28, and amendment No 8 is mutually exclusive with clause 5 stand part. I will remind Members at that point.

Question proposed, That the clause stand part of the Bill.

The following amendments stood on the Marshalled List:

No 1: In page 1, line 16, leave out subsections (2) and (3) and insert

"(2) The Opposition may be formed by one or more qualifying parties,

(3) A qualifying party is a political party—

(a) whose members comprise 5% or more of the total number of members of the Assembly, and

(b) which does not contain a member who is a Minister."— [Mr McCallister.]

No 2: In page 1, line 17, leave out from second "or" to end of line 18.— [Ms P Bradley.]

No 3: In page 2, leave out lines 5 to 7.— [Ms P Bradley.]

No 4: In clause 3, page 2, line 11, leave out subsection (2).— [Mr McCallister.]

No 5: In clause 3, page 2, line 22, leave out subsection (3).— [Ms P Bradley.]

No 6: In clause 3, page 2, line 22, leave out

"by one or more technical groups".— [Mr McCallister.]

No 7: In clause 3, page 2, line 28, at end insert

"(4) The Opposition may also be formed within one month of this section coming into operation."— [Mr McCallister.]

No 8: After clause 5 insert

"Dissolution of the Opposition

6.—(1) Standing orders must make provision for the dissolution of the Opposition in accordance with this section.

(2) If all Ministers cease to hold office in accordance with section 18(1) of the Northern Ireland Act 1998, the Opposition is dissolved.

(3) Where the Opposition was formed by one qualifying party only, and that party subsequently contains a member who is a Minister, the Opposition is dissolved."— [Mr McCallister.]

No 9: In clause 6, page 3, line 6, leave out from “offices” to “Opposition” on line 7 and insert

*“offices in the leadership of the Opposition.”—
[Mr McCallister.]*

No 10: In clause 6, page 3, line 10, leave out “Opposition” and insert “Non-Executive Party”.— *[Mr McCallister.]*

No 11: In clause 6, page 3, line 11, leave out “Opposition” and insert “Non-Executive Party”.— *[Mr McCallister.]*

No 12: In clause 6, page 3, line 14, leave out “Opposition” and insert “Largest Non-Executive Party”.— *[Mr McCallister.]*

No 13: In clause 6, page 3, line 16, leave out “Deputy Leader of the Opposition” and insert

“Leader of the Second-Largest Non-Executive Party”.— [Mr McCallister.]

No 14: In clause 6, page 3, line 17, leave out subsections (4) and (5).— *[Ms P Bradley.]*

No 15: In clause 6, page 3, leave out from line 17 to “Opposition.” on line 20.— *[Mr McCallister.]*

No 16: In clause 6, page 3, line 20, at end insert

*“(5) Standing orders may provide for alternative names for the offices in the leadership of the Opposition.”—
[Mr McCallister.]*

No 17: In clause 7, page 3, line 32, leave out “Leader and Deputy Leader of the Opposition” and insert “leadership of the Opposition”.— *[Mr McCallister.]*

No 18: After clause 7 insert

“Speaking rights in the Assembly
8. Standing orders must make provision that speaking rights in the Assembly are allocated on the basis of party strength.”— [Mr McCallister.]

No 19: In clause 8, page 3, line 38, leave out “15” and insert “10”.— *[Ms P Bradley.]*

No 20: In clause 8, page 3, line 39, at end insert

*“(3) After the formation of an Executive and an Opposition, enhanced speaking rights for the Opposition shall be calculated as rights enhanced by 20% at the expense of Executive speaking rights.”—
[Mr McCallister.]*

No 21: In clause 9, page 4, line 5, leave out from “Leader” to “Opposition” on line 6 and insert

“Leader of the Non-Executive Party, Leader of the Largest Non-Executive Party”.— [Mr McCallister.]

No 22: In clause 9, page 4, line 7, leave out from “Deputy” to “Opposition” on line 8 and insert

*“Deputy Leader of the Non-Executive Party, Leader of the Second-Largest Non-Executive Party”.—
[Mr McCallister.]*

No 23: In clause 16, page 5, line 15, leave out from “to” to end of line 19.— *[Mr McCallister.]*

No 24: In clause 17, page 5, line 21, leave out from “, where” to “parties,” on line 22.— *[Mr McCallister.]*

No 25: In clause 18, page 5, line 31, leave out from “Leader” to “Opposition” on line 32 and insert “leadership of the Opposition”.— *[Mr McCallister.]*

No 26: In clause 19, page 5, line 36, leave out from the beginning to “1998” on line 37 and insert “budget committee”.— *[Mr McCallister.]*

No 27: In clause 19, page 5, line 37, at end insert

*“(2) That committee may—
(a) scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998,
(b) review the delivery of the budget, for example by matching spending against outcomes,
(c) examine the financial memorandum of each Bill introduced into the Assembly,
(d) examine the implications of any changes to powers to raise taxes.”— [Mr McCallister.]*

No 28: In clause 19, page 5, line 37, at end insert

*“(2) The Budget Committee will consider quarterly budget forecasts, reports estimates and oral evidence collated from all departments and presented by a bespoke unit in the Department for Finance and Personnel dedicated to servicing the requirements/ supporting the scrutiny work of the Committee.”—
[Mr Eastwood.]*

No 29: In clause 22, page 6, line 28, leave out from “and” to end of line 29.— *[Ms P Bradley.]*

Mr Speaker: I call Caitríona Ruane to address opposition to clause 1, the amendments and the opposition to clauses 2 to 24 stand part of the Bill.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Sinn Féin believes that the Fresh Start Agreement, published on 16 November 2015, makes provision for parties elected to the Assembly to form an opposition. These provisions do not impinge upon the principles of equality, inclusiveness and representativeness underpinned in the Good Friday Agreement (GFA) and, subsequently, in the St Andrews and Hillsborough agreements.

The provisions for an opposition outlined in the Fresh Start Agreement do not require, in our view, any legislative change. We have heard in the media and will, no doubt, hear today from some parties that they want to be in opposition, yet they still have their seats in the Executive. Some would say that that is abdicating responsibility. Sometimes, the debate around the need for opposition is anchored or based in majority rule or majoritarianism. Any structure of governance depends on the circumstances. We have the arrangements in place that best suit our needs, and we are a society coming out of conflict. The safeguards in the Good Friday Agreement are there for very good reasons.

I believe that my colleague from South Down John McCallister came to this with good intention, but the outworking of his Bill could lead to majoritarianism and the potential undermining of the Good Friday Agreement. Sinn Féin would like to put on record that we have engaged with John at every step of the way. There are many things that we can support in his Bill, but we do not believe that we need legislation to do them. In fact, the vast majority can be done through Standing Orders. The Assembly Business Committee today agreed to put a motion from the Executive Committee for a statement from the Office

of the First Minister and deputy First Minister of proposed entitlements of an official opposition.

In the Assembly and Executive Review Committee, we listened to evidence from a wide range of sources, and many academics and experts queried and raised concerns about aspects of the Bill. I will use one example, and that is from Professor Coakley. In his evidence to the Assembly and Executive Review Committee, he said:

"The result risks being some kind of Frankenstein's monster with key principles in the majoritarian model grafted onto a body that is essentially consensus based or consociational in conception."

To conclude, we believe that the Fresh Start provisions for an official opposition are the best and most appropriate approach on the issue. Sinn Féin, therefore, supports the provision for an official opposition, as set out in the Fresh Start Agreement.

In relation to the Assembly Opposition Bill, throughout Committee Stage, Sinn Féin outlined its concerns that aspects of the Bill can and do impact on the principles of equality, inclusiveness and representativeness, as set out in the GFA. As Sinn Féin supports the provisions for opposition in the Fresh Start Agreement, we do not support the Assembly Opposition Bill. We will vote against it, and, in particular, we have lodged petitions of concern, along with the SDLP, to clauses 13 to 21 and also the schedule, because of our view that they could undermine the principles of the Good Friday Agreement.

Ms P Bradley: I rise to speak initially on behalf of the Assembly and Executive Review Committee, and then I will make some remarks in my capacity as a member of my party. During Committee Stage, the Committee considered written evidence from 25 organisations, including the Secretary of State, political parties represented here in this Assembly, the Speaker of the Assembly, the Human Rights Commission, as well as a number of academics from the UK and Ireland.

The Committee undertook six oral briefings, and our deliberations were further informed by papers prepared by the Assembly Research and Information Service. I would like to take this opportunity to thank the stakeholders who provided written and oral evidence to the Committee. I assure all stakeholders that we studied their views and suggestions carefully and greatly valued their support at the Committee Stage. I also thank the Bill's sponsor, Mr John McCallister, for attending a number of oral sessions and for providing clarification and written responses to Committee queries on quite a tight timescale.

With your indulgence, Mr Speaker, before dealing with the amendments, I will make a few general remarks on a number of issues that arose during the Committee deliberations. As highlighted in our report on the Bill, the Committee debated whether legislation was, indeed, required for the formation of an official opposition in the Assembly. In some cases, the Bill instructs that changes be made to Standing Orders, and, in others, the Bill allows for an Assembly and Executive reform motion to be submitted to the Secretary of State asking for changes to be made to the Northern Ireland Act 1998.

The fact that many provisions in the Bill could be introduced in the Assembly via means other than legislation was raised by a number of stakeholders in their

responses to the Committee. The Committee considered the views of a number of academics on the matter and, in turn, considered the arguments for legislation put forward by the Bill's sponsor, Mr John McCallister.

The Committee also considered the concerns raised by a number of stakeholders regarding the legislative competence of certain provisions in the Bill and, in particular, the schedule.

The Committee sought and considered its own legal advice and was content that those concerns were unfounded.

Finally, the Committee considered the concerns raised by a number of stakeholders that certain provisions in the Bill and the schedule potentially depart from d'Hondt and the cross-community principles of the Belfast Agreement and its further iterations in subsequent negotiations. The Committee used its oral evidence sessions to explore those issues further with academics and the Bill sponsor.

3.45 pm

Group 1 covers a range of amendments, some of which were not considered by the Committee. I will confine my remarks to those amendments that the Committee considered either partially or in full.

The Committee had previously considered part of amendment No 1 that relates to the criteria for a qualifying party but not the amendment to exclude technical groups from forming the opposition. The Committee divided on the sponsor's amendment to the criteria for a qualifying party and agreed by vote that it did not support it.

The Committee did not have sight of the sponsor's proposal in amendment No 1 to exclude technical groups from forming an official opposition. However, it considered in some detail the views of stakeholders who considered that the Bill's proposal for technical groups to be able to form an official opposition was disproportionate and ill-advised. The Committee recognised the role of technical groups in other Parliaments and examined, in particular, the operation of technical groups in the Dáil. The Committee heard that, whilst there may be merit in making provision for the formation of technical groups in the Assembly, it was not advisable to extend those arrangements to allow technical groups to form an official opposition.

I now turn to proposed amendments to clause 3, namely amendment Nos 4, 6 and 7, which relate to the timing of the formation of the opposition. The Committee divided on these amendments and agreed by a majority vote that it was not content that they be made.

Amendment No 8 proposes a new clause 5A that relates to the dissolution of the opposition. The Committee notes that the wording of that new clause is broadly similar to the wording of an amendment to clause 5 that was proposed by the sponsor. The Committee divided and agreed that it was not content with this amendment.

I now turn to the sponsor's 10 amendments that deal with alternative titles for the offices in the leadership of the opposition; in particular, amendment Nos 9 to 13, 16 and 17, and 21, 22 and 25. The Committee noted the comments made by a number of academics that the Scottish Parliament and Welsh Assembly do not have such formal titles but use the more flexible designation of leader of each party not in the Executive. The Committee

noted the sponsor's explanation that these amendments are intended to address the concerns raised by the stakeholders and the Committee. The Committee divided on these amendments and agreed by a majority vote that it was not content for them to be made.

With respect to amendment Nos 17 and 20 concerning enhanced speaking rights, the Committee noted the views that were expressed by a number of stakeholders regarding the implications of these enhanced speaking rights for the operation of the Assembly and the speaking rights of Back-Benchers. The Committee divided on these amendments and agreed by vote that it was not content for them to be made.

Clause 19 provides for the establishment of a Budget Committee in the Assembly. Although the Committee did not have sight of amendment No 26, it considered amendment No 27, and both amendments broadly reflect the views of the sponsor that were discussed during the Committee Stage of the Bill. The Committee noted the purpose of the proposed Budget Committee as set out by the sponsor but also noted the conclusions of an inquiry that was undertaken by the Committee for Finance and Personnel into the role of the Northern Ireland Assembly in scrutinising the Executive. The Committee noted the conclusions set out in the third report of that inquiry that the proposal to establish a centralised Budget Committee should be reconsidered in the future if the proposed reforms to processes and procedures fail to deliver. The Committee noted that work on a draft memorandum of understanding between the Assembly and the Executive to deliver those reforms is still ongoing. The Committee divided on the wording proposed in amendment No 27 and agreed by vote that it was not content for this amendment to be made.

Finally, I wish to address the opposition to the clauses in the Bill. The Committee divided and agreed that it was content with clause 1, which sets out the purpose of the Bill, but divided and was not content with clauses 2 to 24 as drafted.

I will make a few comments as a DUP member of the Committee. I personally thank Mr McCallister for all his labours and resilience in trying, at every stage, to find a suitable agreement within Committee. He has to be commended for that.

As you are aware, we tabled several amendments in group 1, and we will be opposing many of the other clauses. We will be supporting the first clause, because we believe in the general principles of the Bill and also, as set out in the Fresh Start Agreement, its proposals for an official opposition. That said, there are areas of the Bill we cannot agree with, one of which is technical groups. You will note that many of our amendments will remove them from the Bill. I know that, in amendment No 1, Mr McCallister has removed technical groups from clause 2, which is on the formation of the opposition, but we are still not entirely comfortable with the lower limit of 5% for a qualifying party to form an opposition. That could be something that the Member might wish to consider at Further Consideration Stage.

Mr McCallister: I thank Ms Bradley for taking an intervention. Would she and her party colleagues look at that more favourably if it were set slightly higher, at, say, 8%?

Ms P Bradley: Thank you, Mr McCallister. I cannot give you a definite answer, as I am not here to make that

decision on behalf of the party, but I think that would be more like what we have in mind.

Moving on to clause 5 and to amendment No 8, we are happy to support the amendments. I have got to the stage, Mr Speaker, where I cannot read my own writing. As I said on behalf of the Committee, there are several amendments in the group that look at the difference in the wording between the phrases "leader of the opposition" and "leader of the party in opposition". Those are amendment Nos 21, 22, 25 and amendment Nos 9 to 13. We do not have any major concern with any of those amendments. Amendment No 14, which is to clause 6, is on the removal of technical groups, which Mr McCallister addresses in amendment No 15. We support that clause if amended.

We also support clause 7 with amendment No 18. We cannot support Mr McCallister's amendment on speaking rights as set down in amendment No 19. We are happy to support clauses 9 through to 15, with the exception of clause 12. We will be opposing clauses 16 and 17, which, again, deal with technical groups. We will also be opposing clause 19, as well as all associated amendments. We will be opposing clause 20, and, as Members know, we have tabled a petition of concern to clause 20. We know that, earlier today, it was agreed that OFMDFM will be called the Executive Office.

In conclusion, we will be opposing clause 21 and supporting clauses 22 to 24. I know that other Members of my party will be speaking on this, and I will leave them to speak further on our amendments.

Mr Attwood: Thank you Mr Deputy Speaker. I intend to speak to amendment No 28 and to the other amendments in the group.

I share the comments made by others about Mr McCallister's work on this Bill, private Member's business and Bills in general. The range of his interest is demonstrated by the fact that, on one hand and extreme, he has sponsored and seen through a Bill on caravans, and on the other hand, he may, by the end of this mandate, have seen through another piece of legislation on opposition. So, from caravans to opposition, Mr McCallister has demonstrated the range of his interest and his contribution. If you look at Lord Morrow's Bill and other legislation before the Chamber, or historically that which has been sponsored by private Members and become law, you will see that it is a reflection of the person and the power of one. On the far side of all that, good legislation is being achieved. For all those reasons, Mr McCallister deserves a lot of acknowledgement.

He has attempted to put into law that which now seems to have been accepted and practised by everybody and all parties over time. It bemuses me that, while so many of the structures and processes of the Assembly are established in law, we would not establish opposition in law. Putting things in law creates more certainty, avoids doubt and creates more authority, whatever the nature of the matter that is being put into law. It is inconsistent to rely on the words of a document — in this case, the 'Fresh Start' false start — and not elevate the issue to the point of putting into law the principle that is being accepted by all parties on opposition.

As was said in the debate earlier today on reducing the number of MLAs, the problem with government in Northern Ireland is not its structures and systems. That is not at the

heart of the view of a growing number of people. Whether or not we like it — it is a comment on all of us — the problem is the politics, the parties and the persons rather than the processes that govern the conduct of government and the Assembly. Anybody who thinks that there is a fix to the public detachment from the Chamber or the doubts about the good authority of devolution should not consider that new systems, even a system of opposition, will somehow turn the corner on any of that.

Failure of government is in people's hearts and minds when it comes to their concerns and anxieties about whether this model of devolution is living up to people's ambitions and expectations. Whatever new management and engineering there might be for Departments, the number of Members, petitions of concern or the idea of opposition, the fundamentals will not be addressed. Ministers knowing the difference between being in government and being in power is not addressed by having an opposition. Ministers in all parties being fully committed to all the arrangements arising from the Good Friday Agreement and other agreements is not resolved by having an opposition. Living up to the values of equality, parity of esteem, reconciliation and healing is not addressed by having an opposition. Those issues are dealt with in the hearts and minds of parties, people and politicians, and will not be dealt with or properly addressed by a further re-engineering of the current structures and systems of government.

Since 2012, the SDLP has been on public record as saying that there should be legislative provision for an opposition in the Assembly in the next mandate. In the summer of 2012, the then Secretary of State undertook a consultation that asked parties and people in the North what provisions should be included in a miscellaneous provisions Bill in Westminster on the governance of the Northern Ireland Assembly. People might have forgotten that, but, at that time, the questions covered the date for an Assembly election, the size of the Assembly, fixed terms and dual mandates. The Secretary of State consulted the parties on all those matters and on opposition. When the consultation document was published, the SDLP outlined its views on all those matters and on opposition. The SDLP made the following comments, which governed our thinking then and continue to do so now.

4.00 pm

These were the points that the SDLP made at that time to the British Government, which they chose to ignore. They took forward some of the issues on which they were consulted, but the British Government, at that time, chose to ignore the argument that the SDLP made about opposition. In making the argument, the SDLP said:

“Power-sharing, and its provisions, as an essential element of the Good Friday Agreement should endure. The analysis outlined in the SDLP document ... confirms why this approach is necessary and right in the current, more volatile environment. This means that FM/DFM are elected by cross-community vote”.

I will come back to that point, because the SDLP — and I flag this up for Mr McCallister — might yet table amendments at Further Consideration Stage that revert to the pre-St Andrews Agreement process of election on this Floor of the First and deputy First Ministers, rather than the degradation of the Good Friday Agreement and the

philosophy that informed it. It came through at St Andrews, was consented to by Sinn Féin, but pushed by the DUP that the process for appointing the First Minister and deputy First Minister should be by way of nomination rather than by election from the Floor.

In addition to the First Minister and deputy First Minister being elected by cross-community vote, ministerial offices are allocated on the basis of a democratic mandate and the principle of D'Hondt. We then argued:

“The creation of any structure, and material support for an opposition in this architecture of the Assembly is without prejudice to the existing entitlements of any party under D'Hondt, and the right of any party to claim that entitlement.”

Then, we concluded:

“It is in this context, the SDLP concludes that an opposition option should be built in to the structures of the Assembly in a future mandate. It would not be 'mandatory' that an opposition is formed. Parties would be guaranteed their D'Hondt entitlement under powersharing arrangements if a party chooses to claim that entitlement. FM/DFM would be elected by cross-community vote to ensure a government of the political traditions ... The SDLP believes that this approach ... both protect the architecture and requirements of the Agreement and enable the evolution of democratic politics in a balanced manner going forward.”

That was our view in 2012, in writing, and those principles, and that view, informs our approach to the principles that underpin this Bill from Mr McCallister. For those reasons, whilst I will make comments about our own amendment, and other clauses and amendments to the Bill, we support the principle of this Bill, and we look to seeing it pass in this mandate and receive Royal Assent thereafter, subject to the comments and concerns that I am about to raise.

I will deal first with the substantive content of the Bill, with our amendment No 28 that deals with the proposal for a Budget Committee. The SDLP has long argued, and has probably produced proposals in this regard, that the budgetary arrangements for democratic oversight by the Assembly are lacking; they have been lacking for many's a long day. As far as I am aware, we are the only government institution in these islands that does not have an annual budgetary process. The option that is chosen here is for a Budget that is revised quarterly with monitoring returns. We believe that there should be an annual budgetary process with ongoing budgetary oversight by the Assembly. That informs amendment No 28.

The SDLP feels vindicated in that argument, because look at how the budgetary process has been handled for the 2016-17 Budget that will be debated in this Chamber over the next few weeks. Accelerated passage, on the one hand, with Ministers being given very little time to engage with DFP in bringing forward their departmental spending proposals and ambitions.

The experience even of the last two months should warn us that, in future years, we should have a more rigorous budgetary process. We hope that, on the far side of this mandate, for example, in the negotiations around the Programme for Government, parties recognise that, as part of a Programme for Government, you should build into the architecture of government greater budgetary

oversight in order to ensure that those matters are properly addressed.

That situation will be made more acute by the fact that we will have new Departments and the Statutory Committees of the Assembly will be stretched even more than they have been in this mandate. Therefore, in a situation where you have a smaller number of Departments, with a smaller number of scrutiny Committees but a wider range of functions to consider, when everybody has an ambition for better politics and good governance, it seems to us that we should build into the Assembly better budgetary oversight. There will be a need for it. Two of the mechanisms for doing that are in relation to the budget on welfare and the Budget generally. The Budget generally is the issue that we try to address in amendment No 28, where we call for a dedicated Budget Committee that would, as the amendment says:

“consider quarterly budget forecasts, reports, estimates”

and so on. We say that, given the change in the number of Departments and the additional pressures that may likely fall on the Committees of the House, having a Budget Committee, in the absence especially of an annual budgetary process, seems to us a sensible and wise arrangement.

We also made that argument in relation to the welfare issue. In this month last year, we tabled an amendment in the House that we should borrow from the example of the Scottish Parliament, which has a dedicated Welfare Reform Committee. It is separate from the other Committee oversights of the Departments of the Scottish Government and is dedicated to the oversight of welfare reform. Just last Friday, the SDLP held a welfare seminar for our staff on Eileen Evason's proposals for mitigation and the coming programmes of welfare reform. People from the welfare advice sector were making the argument that the Welfare Reform Committee in Scotland was more and more showing good authority on a cross-party basis in order to intervene in what was happening on welfare reform. We should borrow from that experience. It is a matter that the SDLP intends to return to, given that in this House last year the proposal for a welfare reform Committee was voted down.

Mr McCallister: I am grateful to the Member for giving way. Does he also accept, in his support for improving our budgetary process, that this becomes even more important if we devolve the power to vary corporation tax? If we seek to follow other regions of the UK and have other tax-varying powers devolved, we really need to lift our skills in dealing with the Budget process.

Mr Attwood: Absolutely. If there is to be any enhanced function for the Northern Ireland Government and Assembly — in this case, two years away, when it comes to corporation tax — surely it follows that the responsibility falling to Members and parties in the House to have better democratic accountability and oversight is becoming more urgent.

There is a danger that, in the rush to devolve corporation tax, we are not working through the requirements of all our regions in order to benefit from a reduced corporation tax percentage. Working that through means working through the skills and infrastructure that are necessary in order

to ensure that foreign direct investment is attracted to all regions of Northern Ireland. A situation may well arise over the next period where, because of the infrastructure and skills cluster around the greater Belfast area, FDI benefits the greater Belfast area. Whilst that would be welcome to all of us who live in Belfast, represent Belfast or look for work in Belfast, it does not benefit those outside the greater Belfast area. The experience of the Southern economy is that, while FDI is attracted by lower corporation tax, interest in investment has been sustained because of access to the European market, because of skills and because of the infrastructure. The Assembly should have a dedicated Budget Committee to, for example, interrogate the loss to the block grant of £300 million or more on the far side of the devolution of corporation tax. We could then see what that will mean for the overall Budget and what we do to deal with the FDI conundrum, which is that greater Belfast has the skills and infrastructure and other parts of the North, because of the failure of government, not least over the last 10 years, do not have sufficient of either. I therefore urge Members to consider that approach for the reasons I have outlined.

I will now comment on some other matters related to clauses 1 to 24, the subjects of this group of amendments, in no particular order — in fact, probably starting at the end. First, I confirm that the SDLP will support clause 20, the renaming of the Office of the First Minister and deputy First Minister. It is a declaration of what is self-evident: it is an office of equal First Ministers, whatever their titles. It is curious that the petition of concern lodged by the DUP isolates the matter, as I understand it, and that Sinn Féin, while not petitioning it, intends to vote it down. I remember Sinn Féin Members in the Chamber openly referring to joint First Ministers — I think it was Ms Ruane who would, on occasion, proudly claim that it was an office of joint First Ministers.

Mr McCartney: Will the Member give way?

Mr Attwood: Yes, I will.

Mr McCartney: Just to inform the Member, we are standing in opposition to all the clauses. It is not that we are singling out one over another.

Mr Attwood: I accept that you are standing in opposition to all the clauses, but you are standing in opposition to something that your Member has declared to be her view, namely, that it is an office of joint First Ministers.

Mr Allister: Will the Member give way?

Mr Attwood: I will in a second.

If you claim that it is a self-evident truth, then, even if you oppose every other clause, you should not oppose this one. I will give way to the Member.

Mr Allister: Patently, it is a joint office. Even the deputy First Minister contradicted the opposition that his party has tabled by his utterances on television not so long ago, unless they were simply for the optics, when he said that he would offer to change the title of the positions to Joint First Minister. From one side of their mouth, Sinn Féin says that they are happy with the title of the office as it is in law and in fact — joint First Ministers — while, on the other hand, they come to the House to block that.

Mr Attwood: The Member, as is often the case, is accurate when he says that the inconsistency of Sinn Féin

spokespersons extends from their Whip in the Chamber to the joint First Minister. That said —

Mr McCartney: Will the Member give way?

Mr Attwood: I will in a second.

That said, the contradiction that Mr Allister referred to does not surprise me. In this year, the 100th anniversary of the Easter rising, when people began to assert the independence of Ireland, the independence of this part of Ireland has been surrendered to the British Parliament by the surrender of welfare powers to a Tory austerity Government and all that will follow on the far side of the Welfare Reform and Work Bill that is going through the Chamber.

So, contradiction in what Sinn Féin says and does is everywhere to be seen, not least in relation to that matter. I give way to Mr McCartney.

4.15 pm

Mr McCartney: First, on the particular clauses that we oppose, I have already said that we are opposing all the clauses to be consistent in our approach. On contradictions, it is interesting that you use the 1916 rising, which was asserted in arms, because the SDLP is on record as saying that there is absolutely no justification for the use of arms. Where is the contradiction there?

Mr Attwood: I am very keen to answer that question, Mr Speaker, and, if you are not going to stop me, I intend to proceed.

Mr Speaker: Do not tempt me. *[Laughter.]*

Mr Attwood: I will not press you very far on this one, Mr Speaker. Let us be clear about it for Mr McCartney. Whatever circumstances arose in 1916 or with a war of independence that had a democratic endorsement and the support of the people of Ireland, that is a million miles — *[Interruption.]*

Mr Speaker: Order.

Mr Attwood: It is a million miles from what transpired in Northern Ireland for 30-odd years.

Mr McCartney: That is not the point. We are talking about the contradiction.

Mr Speaker: Order.

Mr Attwood: Let me explain. The difference is that, in 1916 —

Mr Speaker: You should return to the debate now, I think.

Mr Attwood: — the people of Ireland believed that they had no alternative but to revert to arms whereas, for 30 or 40 years in the North, difficult though it was, there was a constitutional and democratic way forward.

Mr Speaker: Please resume your seat for a second. He invited you to comment on that and I permitted you to comment on it, but I think that it is now time to return directly to the debate.

Mr Attwood: I agree, but, given that I was being interrupted from a seated position, I will say that the conditions were objectly different. There was a democratic alternative. Those who took up arms after 1968 and 1969 had a margin of support in the people of Ireland and so on and so forth.

Mr Speaker: Did you hear me?

Mr Attwood: I will defer to the Speaker in that regard.

I will deal now with clause 21, "Departments to be single legal entity". This is a clause that we have petitioned against. I think that Sinn Féin has petitioned against this clause as well. We have done that because, in the Good Friday arrangements, we negotiated the good authority of Ministers. This clause moves or adjusts the good authority of Ministers and the separate bodies corporate that currently exist, namely ministerial Departments, into a single body corporate stretching across all Departments. We believe that that compromises the authority of Ministers and, for that reason, we oppose that clause.

We will support clauses that give particular authority to those who might want to form an opposition. Whilst there are some issues to be determined in respect of the threshold for a qualifying party, we support proposals that there be a leader and deputy leader of an opposition made up of the qualifying parties. We support the proposals in respect of topical questions and enhanced speaking rights for an opposition. We very much support the proposal for an opposition's right to chair the Public Accounts Committee. Whilst experience in other democratic chambers in relation to who chairs a Public Accounts Committee is different, we believe that that is a good principle and one that has served the people of Ireland well in Dáil Éireann. We also support the proposal that the opposition should have a member on the Business Committee of the House.

We do not support the proposals for financial assistance and salaries for office holders of the opposition. We think that that crosses a bridge that should not be crossed at this stage. However, in all other ways, if there is going to be an opposition, we believe that it should be subject to the threshold matter. We believe that it should have structures and substance to do the work that it will be expected to do. Save for those comments, we are prepared to see the Bill proceed, subject to those matters that we have indicated on record that we will oppose through a petition of concern, as well as other matters that we will oppose by way of vote only.

Mr Kennedy: I am pleased to speak on behalf of the Ulster Unionist Party on this private Member's Bill. I join with others in acknowledging the amount of work that the Member has put into the measure. He may well feel that some of that work is unravelling before his very eyes, but such is politics and such is the politics of the Assembly. I also thank the Chair and members of the Assembly and Executive Review Committee for their scrutiny of the Bill, and the present Clerk and her officials for their guidance.

From memory, I was a member of the original Assembly and Executive Review Committee charged with looking at these matters, but that was way back in a previous mandate, when the expectation was that the Executive would bring forward suitable legislation to improve the structures of the Assembly, including measures to provide for an opposition. Frankly, the more things change, the more they stay the same; we are some time away from that.

Given the significant number of amendments and proposed changes to the Bill at this stage, including petitions of concern, it is clear that the two largest parties in the House are not key supporters of the Bill and prefer to see limited changes being made using the mechanism

of Standing Orders and other procedures of the House, as outlined in Fresh Start. That has become increasingly apparent, not only at the Committee but through the course of this debate.

Such are the changes to the Bill intended by the largest parties that they confirm my view that private Member's Bills have little or no chance of progressing to the statute book unless they are sponsored by Members of the two largest parties. That conclusion supports my view, and that of my party, that these changes would best be brought about by using Westminster legislation. What suits parties today to change by Standing Orders can easily be amended in the future by amending Standing Orders and, basically, allowing dominant parties, whoever they may be, to dictate changes on their terms. Therefore, I am deeply —

Mr Campbell: I thank the Member for giving way. Is he seriously suggesting that some of us are not concerned about the mechanism by which we arrive at the destination, as long as we arrive there? Is he seriously suggesting that, if the Assembly and Executive arrived at a conclusion via Fresh Start, whatever he thinks about it, about establishing an opposition, then at some point beyond that the Executive parties, large or small, having established an opposition by whatever means, would then row back from that? Surely he is not suggesting that?

Mr Kennedy: I am grateful to the Member for his intervention. I am simply conveying to the House my view that the methodology being used by the two largest parties presently in the House is one that undoubtedly suits their requirements set out under Fresh Start. The other parties and Members are right to be cautious about accepting that wholesale change.

I am deeply disappointed to see that a petition of concern has been tabled against a clause of the Bill that could have made Westminster legislation a reality. I understand that there may have been concerns about proposals to remove community designation, but I think that, at this stage, the baby has been thrown out with the bathwater. I can only imagine the disappointment and concern of the sponsor of the Bill.

I see no party or individual in the House wanting to go back to majority-style rule when it comes to the structures of the House. Everyone has to be realistic about that and, in some cases, finally accept it. I say that particularly to the nationalist and republican parties in the House. I hear no one advocating such a position. I think that the concerns about community designation are something of a misrepresentation and are almost an invention by people who are trying to persuade themselves that there are parties here who want to do them down on traditional lines. There was an amendment tabled to remove that section that would have received the support of my party. It is frustrating that the debate has not really properly taken place, meaning that there has not been a proper chance for those fears to be allayed without the need for a petition of concern, which will remove the entire schedule.

We thought that amendment No 1 from Mr McCallister was pragmatic. We gave thought to the issue of whether the opposition should be available to those who are eligible for Ministries or whether it should include anyone who is not in government. To us, the amendment strikes a balance, providing for parties that are not in government and acknowledging the prospect of larger parties taking up places there. Given that the Assembly is evolving and

should continue to do so, that proposal will go towards future-proofing any opposition arrangements. It potentially gives space for any future changes in the size or make-up of the Assembly. I heard the sponsor of the Bill saying that he is open to increasing the threshold, and we await developments on that issue at Further Consideration Stage.

We welcome the changes made on technical groups. We had been concerned because, although we were looking to create measures to enhance democracy in the Assembly, the prospect of a group of individuals being able to come together to gain the same rights as a party elected with a considerable mandate seemed to work against that aim. We heard the examples of the existence of technical groups in other Assemblies, Parliaments and legislatures, but we are concerned that we could be trying to run before we can walk. We are beginning to reshape structures that were set up to support a very fragile society, so it is important that we move at a pace that allows us to grow and evolve but does not undermine confidence.

We welcome the amendments regarding leaders of the non-Executive parties. We have never been convinced of the need for formal titles within the opposition and prefer that it be more relaxed. A more rigid set of titles does not necessarily work in an Assembly such as ours, and we point to the Scottish Parliament's use of titles as what we should aim for. The mix of identities and the nature of this Assembly mean that it would not necessarily be workable to have one leader of an opposition. We think that what is proposed in the amendments reflects that better.

We think that the proposals to afford enhanced speaking rights to the opposition strike a reasonable balance. Ultimately, we want to see a good, steady flow of legislation passing through the House rather than the endless motions that we too often see on the Floor. We think that giving a minimum of 15 business days to the opposition, taking into consideration its ability to be made up of more than party, does not hinder the legislative timetable and allows opposition parties a fair opportunity to have their voice heard. The 20% enhancement for opposition speaking rights also seems pragmatic, given that it will be based on party strength.

4.30 pm

Mr Attwood's speech included discussion of a Budget Committee. If we are moving away from the coterminous model of Committees matching Departments, there could be other possibilities. There could, for example, be a Committee looking at our relationship with the European Union and how we benefit or could do better from that. Others in the House may have other ideas, and it is not hard to see how that could run on.

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

The other big factor for us is that the Fresh Start Agreement outlines that the Executive plan to establish an independent fiscal council for Northern Ireland. It is early days, but, given that we are told that the council will prepare annual assessments of the Executive's annual review streams and funding proposals as well as of the sustainability of the Executive's public finances and the effectiveness of long-term efficiency measures, we need to tease out what the proposed relationship would be between the two bodies.

We will oppose clause 12. We simply do not believe that it is appropriate that, a time when we are looking at how we can lessen the expense of the Assembly to the public purse, we should provide salaries for newly created positions, even within the opposition. You do not go into opposition for a salary; you are there to provide scrutiny of the Government and to offer yourselves as an alternative to the present Government. That is very much the view of the Ulster Unionist Party.

On balance, the sponsor, Mr McCallister, is entitled to feel disappointed by the amount of political manoeuvring that is now rife around his Bill. However, when the smoke clears and the Bill emerges from the various amendments, petitions of concern and Fresh Start proposals, we will look closely at the nature and shape of it. At that stage — the next stage of the Bill — we will give it further consideration.

Mr Lunn: I will start with the point that Mr Kennedy finished with: we will wait and see what happens after the various political machinations, manoeuvres, petitions of concern and people taking dogmatic opposition to the entire Bill. We will look, at Further Consideration Stage, at what comes out of this wreckage, when we will have a clearer idea of what is being proposed.

The Bill represents an enormous amount of work by Mr McCallister and his team. It was a worthwhile attempt to upgrade, modernise and improve the structures and procedures of the Assembly. It is extremely disappointing that, after all that work, we find ourselves in the position that we now do. Mr McCallister must be almost in the position of somebody with an elderly relative who is very, very ill — still hoping that they will recover. To me, however, this has the look of a basket case, but we will see.

Sinn Féin indicated its intention to kill the Bill by opposing every clause at the AERC. The Acting Chair, Ms Bradley, said today that the Committee divided on this, and it did. The Committee divided on every clause, but only because I voted in favour of every clause. That is the AERC for you, frankly.

There are so many contradictions around what is going on here that you really have to smile.

Mr Attwood highlighted the position of Sinn Féin on the naming of the Office of the First Minister and deputy First Minister. He is absolutely right: senior members of Sinn Féin have supported that regularly, but now, because of their total opposition to the Bill, they have to oppose it. It is a difficult position to start from if you say that you will oppose every aspect of this by voting against every clause, even though there are bits of it that surely even Sinn Féin could support. It is a strange scenario that we find ourselves in.

The argument is, of course, that 'A Fresh Start' will take care of all this and we do not need the Bill. Frankly, you would need to have more confidence in 'A Fresh Start' than I have at this time. If it goes the way of other fresh start agreements that have been round this place since I came here in 2007, we will just have to wait and see. The jury is out on what is possible. Mr Campbell is smiling; he has heard me at this before. Really, time will tell.

I would have thought and I still hope that the better parts of the Bill, on which we could perhaps agree, will not be killed by Sinn Féin and that we may be able to produce something from the wreckage. Mr Campbell is indicating support. I hope that that is the case. I would say that the

DUP abstained from the vote on just about every clause in the AERC.

Mr Campbell: Not them all.

Mr Lunn: I tell a lie: you did not abstain on every clause; you opposed some of them, along with Sinn Féin. I forgot about that.

We are glad that the Bill is receiving some sort of scrutiny today. We will see what arises from the ashes.

As far as the amendments and clauses are concerned, I will not comment on all of them. Sinn Féin has given notice of intention to oppose various clauses, which I understand to be 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20, 21, 22, 23 and 24. We will not support the Sinn Féin attitude to those clauses.

I will look at the other amendments very briefly. Amendment No 1 relates to the qualifying parties for opposition. The amendment mentions 5%. There is talk of a qualification level of 8%. Earlier, somebody behind me said, "Fix". Well, it is a political compromise. Either way, we would support that. We have no problem with amendment Nos 2, 3 and 4. We intend to oppose amendment No 5. I will not even bother giving reasons, Mr Speaker. We support amendment Nos 6, 7, 8, 9, 10, 11, 12 and 13. We oppose amendment No 14. We support amendment Nos 15, 16, 17, 18 and 19. As you can probably tell, our support for the Bill was actually quite wide-ranging, and it still is. I am sorry to the sponsor, but we intend to oppose amendment No 20.

Sorry about this, Mr Speaker. It is just as well that we are not time-limited. I will have to come back to one of them.

We are OK with amendment No 23. We will support amendment Nos 24 and 25. Amendment No 26, along with No 27 and the SDLP amendment, No 28, relates to the Budget Committee. Keen observers will probably remember that that is the one amendment that I voted against at the AERC. I am now persuaded to be a bit more open-minded about it. I have listened to Mr Attwood's explanation of what he would like to see and what happens in other jurisdictions, and I do not believe that we would oppose the amendment at this time.

I am really sorry about this, Mr Speaker; I have got my papers in the wrong order. Amendment Nos 2, 6, 14, 15 and 17 and clause 17 relate to the technical groups. We are happy with some of those proposals but are less keen on those that allow a technical group to enter opposition or the Executive. We think that this is a change, in principle, to the power-sharing arrangements, which specify that it should be done on the basis of party strength. While we might be prepared to see a technical group get some speaking rights and, perhaps, Committee positions, we do not think that it should include entry into a formal opposition or into government. As I said earlier, frankly, we will wait to see what comes out of this. We will look at it at Further Consideration Stage and see where we are.

The petition of concern on clause 13 effectively renders the schedule meaningless, so we will probably have to talk about that at some stage. It does seem to be particularly perverse to render the entire schedule to the Bill meaningless at this stage. It took the support of some members of the SDLP to make that petition worthy. I do not understand why on earth the SDLP would support a petition that renders meaningless its own very worthy

amendment — amendment No 30 — which is to do with petitions of concern and qualified majority voting. If Mr Attwood wants to intervene, I will be happy to let him. It seems particularly, to use the word again, perverse to deny a carefully thought-out amendment that we would have supported. I think we can still debate it at some stage, but it does not mean a thing because the petition that your guys signed has rendered it useless. Do you want to intervene?

Mr Attwood: I am not straying into the second debate, but the substantive issue is the content of the schedule, which introduces the concept of weighted majorities. That is the substantive point that we have difference with, in addition to a series of particulars in respect of the schedule. Clause 13 refers to that. There may be ways in which the schedule can be substantially reworked so that it is consistent with the Good Friday Agreement, in which case something more appropriate might be agreed. I am prepared to look at that, but that is the thinking. The schedule does violence to the agreement. Clause 13 is only consequential to that.

Mr Lunn: I thank Mr Attwood for that, and I wish him luck. If there is some way to bring the amendment to which I refer into the ambit of the Bill again before it is too late, we would certainly be inclined to support it. If it is along the lines of what is already written down, it looks good to us. I am not sure that it would receive the backing of the House because, frankly, it really does not matter what we do in these circumstances as the decisions will be made by the two larger parties. I will conclude here. We will see what comes out of the debate today and have another look at the issue in the cold light of day on a future date.

Mr Allister: Given that this institution parades itself as a democratic legislative Assembly, I still find it amazing that we are at the point of talking and dithering over whether this democratic institution should have an opposition.

4.45 pm

Ask any class of 12-year-olds to identify three or four key components of a democratic legislature, and I guarantee that in the top three every time will be the existence of an opposition — it is so elementary. Yet, here, that basic proposition is provoking all the contortions of so many to try to deny the import of that.

We have one party that would just block, if it could, the entire Bill. Of course, we know that there is a tradition with some that the way to deal with opposition was a bullet in the back of the head, but this is supposed to be a democratic institution, and it beggars belief that within a democratic institution there should even be debate about whether you need, and should permit, an opposition. Yet that is the pitiful situation that the House, after all these years, is still in. What an indictment of this place that the matter still has to be debated and decided upon. It is so self-evidently an indictment of the House that, really, I find it staggering that it takes this debate to allow the subject even to be ventilated, never mind the intent of some to kill it off.

Of course, Mr McCallister, who has done a huge amount of work on this, has had all these supercilious compliments today from the very people who are about to kill his Bill, insofar as they can kill it. The reeking insincerity of some speaks for itself.

Mr McKay: Will the Member give way?

Mr Allister: I will, indeed.

Mr McKay: The Member's point about opposition suggests that we are in a unique position. However, in Scotland, there is no official opposition; in Wales, there is no official opposition. We are not in a unique position. This is the type of Assembly that we have. It is not a mini-Westminster.

Mr Allister: The Member deludes himself if he thinks that the Conservatives, for example, in Edinburgh are not in opposition, or that the Labour Party is not in opposition to the SNP Government. Of course they are, and of course they are facilitated and provided with time, proper respect and positions in order to facilitate that opposition. Of course all the other devolved institutions have an opposition.

The Member might aspire to a system that would operate in somewhere like North Korea, but, really, it is Northern Ireland, and quibbling over whether we should have an opposition is quite astounding. The answer of some — the answer of Sinn Féin and the rather more cloaked but probably similar answer of the DUP — is that we have the Fresh Start Agreement. Let us think about Fresh Start and its approach to opposition.

It took this Consideration Stage debate on the Bill to get the Executive into gear — yesterday — to produce a motion. It took two and a half months after Fresh Start supposedly embraced opposition for the Executive even to bring something to the House on that concept. I sit on the Committee on Procedures, and, at every meeting since Fresh Start, I have asked, "Is there any suggestion that maybe we, the Procedures Committee, should be looking at Standing Orders to facilitate the supposed commitment to Fresh Start?". No — nothing.

I seriously question the sincerity of the commitment in Fresh Start to an opposition, and, of course, no steps have been taken to lay the groundwork and prepare. Here we are within weeks of the end of this mandate, and there is not a cheep to the Committee on Procedures about drafting Standing Orders — not a cheep. The threshold that Fresh Start sets for opposition is pitched as high as they can pitch it: you get into opposition only if you have made the sacrifice of declining the offer to sit in government with those who will deign to give you the right to be in opposition. Only if you meet that threshold will they even contemplate for you lesser mortals the possibility of recognising an opposition.

Fresh Start is a poor and pitiful proffering in respect of opposition. What about 'A Fresh Start' and the sincerity of that document? Fresh Start has something to say about petitions of concern: it tells us that there is a new dawn for petitions of concern. They will be used only in — wait for it — "exceptional circumstances". When they are used, page 53 of 'A Fresh Start' solemnly states:

"where a Petition of Concern is tabled, this should state the ground or grounds upon which it is being tabled and the nature of the detriment which is perceived as arising from an affirmative vote on the matter".

That is the Fresh Start pledge. What did the people who made that pledge do today? They produced three petitions of concern. Not one of them sets out the grounds as to why a petition of concern is necessary. Not one of them says what the nature of the detriment is that the petition

is seeking to prevent. Even the signatories and those who laud Fresh Start, by their actions, depart from and ignore their Fresh Start commitments and give us three petitions of concern that defy the very content of Fresh Start on that subject. They give us three petitions that simply name the clause, with no explanation that they are going to petition and oppose. I seriously question the bona fides of those who tell us that, under Fresh Start, all these things will evolve and happen when, on the very day that it is first put to the test for petitions of concern, it distinguishes itself by defying those very tenets that are set forth.

We then have the idea that technical groups must be killed off. Sinn Féin is obviously determined to kill off the idea of technical groups. The DUP is determined to kill off the idea of technical groups, which is really rich coming from the DUP, given that, for 34 years — more than one third of a century — its MEP has sat as a member of a technical group in the European Parliament.

Yet, when it comes to this House, what is good for the DUP in Strasbourg is to be denounced in Stormont. It is not do as I do, it is do as I say, as far as the DUP is concerned. For 34 years, it has been the beneficiary of sitting in a technical group. Some of the benefits of that are, of course, that members of a technical group get a proportionate share of speaking time. Its MEP has only ever got to speak because she is a member of a technical group and gets a share of that speaking time.

(Mr Speaker in the Chair)

Mr Campbell: It is more than you did.

Mr Allister: I hear someone, from a sedentary position, who is still with us, apparently. I think that his party would like to know whether he is going or staying, but he seems to be with us still. He says that it is more than I did. I may not be very proud of it, but I would remind the Member that, for three years, I was that MEP in the technical group from the DUP. Yes, I did take advantage, and in the hundreds of times that I spoke in the European Parliament, I spoke on the basis of being a member of a technical group.

Mr Campbell: Bullseye.

Mr Allister: His party's current MEP can speak in the European Parliament only by virtue of being a member of a technical group.

It does something more: it gives you an input into the business committee of the legislature. In the European Parliament, they call it the Conference of Presidents. Mrs Dodds, by virtue of being a member of the technical group called the Non-Inscrits or the Non-Attached, was the technical group's representative on that business committee for a couple of years. Yet, the very thing that the DUP has been prepared to take advantage of — and is right to take advantage of, because it is right that it is there — is the very thing that it would now deny to the House. Such seems to be the paranoia about this short corner Bench that it is determined that it will cut off any oxygen that enables this Bench, lest it should be more effective. So there is gathering of vested interests to make sure that the idea of a technical group in the House is killed off.

I raised this as a member of the Committee on Procedures a couple of years ago. I pushed the proposal, and every one of the other Members from all the parties of the Executive voted it down. So it is quite clear that there is

a calculated determination to extinguish the very idea of a technical group, which some parties take advantage of elsewhere. What are they scared of? What are the big parties of this House scared of from a technical group? My goodness, are Steven Agnew, John McCallister and the rest of us who sit here so terrifying that you cannot even have a technical group to give us the opportunity to dare, as six Members of the House — think of it — to have any input into the business of the House and to dare to have a representative sit on the Business Committee? To think of it: that these jumped-up individuals who are members of some technical group should dare to have a basis of equality with the rest of us — very important Members of very important parties. Who do these people think they are that we would allow them to have a technical group so that we would have to listen to them in the Business Committee — the Business Committee? Who do they think they are? That is the attitude, and it is one that speaks more about those who hold that attitude than it does about those they hold it about.

5.00 pm

Some of the practical consequences are that you cannot, in this corner of this Chamber, ever get an Adjournment debate in this House unless some of the bigger parties give away one of their places, because they are allocated only to those parties on the Business Committee. I might have the most pressing of constituency issues that would lend itself readily to an Adjournment debate, but it is not possible because Members in this corner are treated as the second-class Members of this House. That is the way that the rest want it. That is why they do not want to afford the opportunity of a technical group that might be empowering for the collective influence of the six or whatever number it would be in the future who occupy these Benches. I really wonder what it is they fear. Obviously it is something sufficient to cause them to be prepared to suppress the very idea of a technical group in a House where the attitude seems to be that, if you are not in the Government, you do not count.

In fact, as Mr Maskey almost told us one day in this House, if you are not supporting the Government, you should not really be here. That seemed to be the attitude. I am sorry, but technical group or no technical group, there will be voices raised in opposition in this House. It is a matter for the greater number as to how they facilitate that. They can seek to suppress it as much as they like, but that voice will be heard. They should do the decent thing and allow a technical group. They should allow equality of opportunity, and they should allow parity of esteem in that regard.

To return to the DUP petition of concern, it is interesting and informative that it was used about the clause that would blow away the pretence that there really are two separate offices of First Minister and deputy First Minister. It was ordered to maintain their own self-delusion that, somehow, the First Minister is different from and better than, and has more powers than, the deputy First Minister. The DUP has tabled that petition of concern because it knows, but does not want the public to know, that, in law and in practice, it is one office politically joined at the hip — one unable to even sign a letter without the other. Of course it is a joint office, and it is a joint office by design. The DUP thinks that, if it can table a petition of concern, it will help to delude itself and conceal from the public the

reality that it is a joint office when, every day of the week, it operates it as such.

Ms Ruane said that Sinn Féin was opposed to the Bill because it would allow the creation of a Frankenstein model. Has she ever looked at this House? Has she ever looked at what this House does, sucking the blood out of basic democratic principles by denying the —

Mr Kennedy: That is Dracula.

Mr Allister: A close relative of the same ilk — *[Laughter.]* — sucking the blood out of normal democratic practices by denying the people who are meant to matter — the voters — the very fundamental democratic right to vote a party out of government, to change the Government and now to even have an opposition? The party that would do all that and does all that raises the spectre of creating a Frankenstein model. What do you think you have got? You have got a model that is held in increasing disdain by the general public because the consequence of its dysfunctional, unworkable nature is that it cannot, and will never, deliver good government in Northern Ireland.

That is why the barometer of public opinion is at an all-time low, and will continue to be there so long as the structures continue as they are.

Mr McCallister's Bill is not all that I would have wanted to see, but, my goodness, he has bent over backwards to get as much support as he can. All that he has got is a knife in the back from those who are going to try to kill his Bill. Even the modest component parts of the Bill are, it seems, too much for those with a vested interest, who are quite happy to carry on propping up the most dysfunctional, undemocratic, unworkable system of government anywhere in the western world. You had a chance with this Bill to be seen to do some tinkering to help, but it seems that the attitude of that vested interest is "not even that will we allow." Hence the conspiracy and desire to kill the Bill and to use petitions of concern where necessary. In itself, that is all a commentary on this House.

Mr Agnew: Our priority should be good governance. That is certainly what the electorate want. There has been debate in the Chamber today about the balance of power within the House and within our systems of government. We have done a lot of work collectively to improve delivery from the Assembly. I welcome the Departments Bill, which will reform the number of Departments, hopefully to make a more efficient system and get better joined working between Departments. The Children's Services Co-operation Bill, which was the result of my private Member's Bill, was very much about getting that joined-up working. The transition in the number of Departments, and that Bill, which will require Departments to work together for children, can help us change the culture of governance in Northern Ireland. Coming down the line, we will have a reduction in the number of MLAs. Collectively, those send out a message that we are looking to improve governance in Northern Ireland.

Mr Campbell: I thank the Member for giving way. He is alluding to the private Member's Bill that he introduced and, of course, there were other private Member's Bills that Members in that corner in particular were able to get, contrary to what we just heard in the rant from Mr Allister. He is now elaborating on some of the further progress that we need to make. Does he agree with me that, whatever about the degree and the rate of progress, we are going in

the right direction — when some said that we would never get there?

Mr Agnew: I thank the Member for his intervention. I always articulate my view of how far we have come in Northern Ireland as being proud of how far we have come since 1998 and frustrated that we have not gone further faster. It is important to remember both aspects, but it is the frustration that drives me towards seeking change and improvement.

It is concerning that we may simply dismiss the Bill out of hand. It is important. It is a complex piece of work, and credit to Mr McCallister for tabling it. It is important that we have amendments and that, from people's different perspectives, serious attempts have been made to improve on it. To simply dismiss the Bill altogether and oppose all its clauses would be an opportunity wasted to really show that, collectively, we are working together to improve these institutions. The institutions have been effective in delivering peace. They have not been effective in delivering good governance, and, ultimately, that should be where we now seek to get to. If 1998 was about peace and stability, to a large extent that objective has been achieved, although of course there are still problems within many of our communities. In 2016, we need to look at good governance and good delivery for the people who elect us.

Moving away slightly from the power debate between opposition and the Executive, I think that one of the key clauses in this Bill is clause 21, which is about collective government. I am not in the Executive, but when the Executive lose credibility, people do not always make a distinction; for example, I get stopped in the street and asked, "What are youse doing up there?". So, when we have a situation in which one Government Minister takes another Government Minister to court, we do harm to all of these institutions and our governance.

It should not be a big ask that our Executive act as a single corporate entity. We have a coalition in Northern Ireland and have seen the difficulties faced by the Conservatives and Lib Dems. However, we saw both those parties stand up and speak in favour of things that, privately and behind the scenes, they were not entirely happy with, but they spoke as one Government. We see it in the Republic of Ireland, which continuously has a coalition Government, where the Government speak as one and take the criticism as one.

Mr Allister is fond of saying that we have no opposition here. Sometimes my problem is not that we have no opposition but that everybody thinks they are in opposition. As soon as a decision is made that is unpopular, every party steps out and says, "That was not my party; it was them-uns. We stood up and argued". We are very fond of doing that in Northern Ireland politics.

Are you a Government? Are you an Executive? Are you a collective? Or are you just a collection of parties in the Executive? If we are to be taken seriously in Northern Ireland, and if we are serious about reforms towards good governance, it is essential that we have collective decision-making and corporate governance in the Executive. I cannot understand opposition to clause 21. I think it is fundamental in terms of the changes which should, in my view, lead to an improvement in the performance of the Executive and the accountability of Executive parties.

As regards membership of the opposition and who should be permitted to be in opposition, we are told that 'A Fresh Start' is the way forward. I remember reading 'A Fresh Start' with incredulity. I saw great provision for opposition. I thought that it was a step forward that had been agreed. Then I read the detail and saw that it effectively says that, in order to be a member of the opposition, you have to first be a member of the Government. I read it again because I thought that I had it wrong, but that is what it said: you must first qualify to be in government, then you can decide to be in opposition. So only the Government could be in opposition. I thought that, clearly, this was not a serious proposal and attempt to move towards an effective — sorry, I will not say effective, because I think we have an effective opposition — but to have a recognised and formal opposition in this Assembly.

Let us rewind back to when the Ulster Unionists took their seat in the Executive; that was a time when we had no opposition. It seems to me that, given our current circumstances, we can still have that situation.

We could still implement, through changes to Standing Orders, the rules to have an opposition, but the parties who qualify for government might say that they are happy enough in government and do not need an opposition. They can continue suing each other, working together when it suits them and in opposition to each other at other times, but effectively they still take the ministerial portfolios. They can still say that they are in government when good decisions are being made, and when bad decisions are being made, they can blame the other parties.

5.15 pm

Amendment No 1, in Mr McCallister's name, sets a reasonable threshold. I do not hope for my party that it will forever have one MLA; I hope that, on the other side of May, we will be a stronger party, comprising more than 5% of the number of MLAs. That is something that we should campaign for and aspire to, so I think that it is reasonable to set a threshold. I do not think it should simply be a case of, "I'm here and I want". I have to grow my party if I want it to have increased influence in the Assembly. I have no problem with that but saying, "No, you must qualify for government but if you choose not to be in government then you can be in opposition" means that we can have a situation — I do not think it is good governance — where we move between having an opposition and not having an opposition, depending on the decisions of individual parties on whether to take ministerial seats.

The Fresh Start proposals on opposition are poor, and we have an opportunity here to have a credible and resourced opposition. I take the points on salaries. I have no problem with the leader of the opposition etc not being salaried differently from those of us on the Back Benches, but it is important that support resources and access to research and drafting are in place to ensure that the opposition can fulfil its functions as the opposition does in other chambers.

We on these Back Benches are often referred to as the "naughty corner". It is probably a badge that some of us wear with honour. Why are we tagged with that? We sit at the back of the class, and that is maybe part of the reason, but we cause trouble for the authority — the Executive — because we provide challenge. We do not accept what we are told, and we will not be talked down to. It is clear from the opposition that Mr McCallister has faced to his

proposals that there are those who do not like that scrutiny or that challenge or the fact that, despite our small numbers, we make a big difference and a big noise in the Assembly. We should be confident in our democracy, and a confident Executive would welcome a well-resourced and formal opposition. The three of us who are here right now have, through the private Members' Bills that we have brought in, made a contribution. We are not simply making up the numbers. We can make a difference, but it is important that we have provisions in place. At the moment, we do it in spite of the structures of the Assembly not because of them. In that regard, we should facilitate a stronger opposition to ultimately achieve that aim of better governance.

Mr McCallister: First, in responding to the debate, I thank the Committee for its report and all the parties, not only for contributing to today's debate but for their engagement over a number of months and maybe even longer than that. That engagement has been useful in developing the process and, in listening to that, it will not have been lost on many of you that some of the amendments that I have tabled have been very much a reflection of listening to what has been said in Committee and to some of the evidence from outside, shaping the thinking that we need to do.

What are the changes to opposition that I want to see? When you mention the word "opposition", many people think that it has to look like Westminster. We are different from Westminster, primarily because we use a different electoral system to Westminster. That is one of the key things, and it is a system that I think is good. It will give you a coalition Government no matter what. The Republic of Ireland uses the same electoral system, and I do not think they have had a majority Government since roughly 1977 — a long number of years. I do want to tackle one of the comments made at the outset by Caitríona Ruane on the move and the quote from Professor Coakley about majoritarianism.

In his evidence, Professor Coakley said that there were basically two types of parliamentary system. There is the majoritarian model of Westminster or the Dáil or the more consociational model like Belgium or Switzerland. Those are two examples that he gave. We do not have either. Professor Coakley said:

"It accepts that democracy requires rule by a majority, but it goes further in suggesting that democracy also needs to be inclusive"

The key line is:

"The logic of that system is based on the pursuit of compromise"

We are not good at pursuing compromise, particularly in this Executive. We stall everything. The fact is that, instead of seeking compromise, we use the petition of concern.

In response to a question from Mr Kennedy about whether he could think of another consensus-based model that had a mandatory coalition, Professor Coakley stated:

"I cannot immediately think of any examples of mandatory power-sharing. The closest might be Belgium, but it is not mandatory all-party power-sharing there. There is provision in the constitution that the Government must consist of an equal number of Dutch-speaking and French-speaking Ministers but the Dutch-speaking and French-speaking Ministers

can be drawn from any of the three traditional political families”.

We do not fall neatly into that. Our system here was designed to deal with and help us to address our historic divisions. What I have put forward in the Bill in no way damages how we might address those historic divisions. It does not move away from d'Hondt — much to the disappointment, I am sure, of others. It does not move away from that; it stays very firmly with it. In no way would it move us back. You have two safeguards there. D'Hondt cannot be changed, and there was no attempt to change it. D'Hondt is your key to government. Our electoral system — a proportional representation system — also means that you cannot change it.

I listened to the evidence at Committee Stage from academics who talked about needing to maintain stability. In the almost nine years that I have been a Member of the House, it has almost collapsed on numerous occasions. Virtually every year, we have a chat about there being an election before the autumn, before the spring or before the summer — every year. What do we have to do? This is where, I think, Mr Agnew nailed it: we have to get to the point where we deliver good governance.

People out there are crying out for good governance and leadership. Yes, they want safeguards, but neither the Bill nor any of the amendments does any damage to those safeguards and that protection. We should have the confidence, 18 years after the agreement, to move forward and change this.

People say that this is maybe moving too much, but do not forget that we put through a Departments Bill that reduces the number of Departments from 12 to nine. Nearly everyone in the House welcomed it as a good thing, but that Bill changes the d'Hondt calculation slightly; that ups the bar for meeting the d'Hondt calculation. People seem to have missed that. When you reduce the number of Assembly Members from 108 to 90 — and, if during the next five years, we lose two Westminster seats and that reduces the number further to 80 — that changes the chances of some parties being included in the d'Hondt calculation. Those two things change that, and it is almost as though some of the debate and commentary around the Bill ignores that. Those changes are important, and I welcome them, but it is important to note that at no point has anyone suggested that we move away from this and towards some type of majoritarianism. Some of the commentary, certainly at the Committee Stage, was incredibly ill-informed on that, instead of people actually reading what the Bill said.

I turn to the groups of amendments. I accept that Sinn Féin Members oppose all the clauses, but I thank them for their engagement across the process. It now looks as though we will pass a Bill in some form, so that is why I am not incredibly downbeat today because we are going to get a Bill that, for the first time, puts opposition into primary legislation. I think that we will, over the next few stages, get a Bill that does that. I accept that we have a petition of concern to the schedule and to clause 13. That debate is for another occasion. It is slightly ironic that a petition of concern has been used to petition of concern changes to the petition of concern. I would like to have seen those changes.

Looking at what is left in the Bill, there are still significant opportunities in it to create space for an opposition. I

welcome the possibility of going beyond just saying that it has to be a d'Hondt party that forms the opposition. I think that, otherwise, you lessen the chance of getting an opposition. Why would someone choose to go into opposition when they can have all the trappings of the Government? Mr Agnew made the point of asking this: why would you go into opposition when you can be the internal opposition in the Government? That is the problem. I said it at Second Stage, and I say it again: that has bedevilled us now for years. We have a Government and an opposition, but they are just all the one people. They are the same Members. Government and opposition need to be separate and distinct roles.

Look at the amendments that I have tabled on the changes of title. That was done in order to consociationalise much more the names of the title. In response, Mr McKay made the point about Scotland and Wales in an intervention to Mr Allister. I would say on that subject that we should not confuse not having the title “leader of the opposition” with being in opposition. I do not think that Mr McKay's party colleague Mr Adams has the title “leader” or “deputy leader of the opposition”, but I suggest that he considers himself very much in opposition in Dáil Éireann, and will possibly continue or might be in the Government in a few months. But those are changes.

5.30 pm

In the Scottish Parliament, as Mr Allister rightly pointed out, the Conservatives, Labour and the Lib Dems are all in opposition to the SNP Government. The Labour Government in the Welsh Assembly are opposed by the Welsh Conservatives, Plaid Cymru and the Lib Dems. So, do not make that mistake. That is why I listened to some of the evidence in Committee and said, “Look, I am prepared to move on these titles and to ask whether that is something that people might feel more comfortable with”. I am perfectly comfortable with the titles “leader of the opposition” and “deputy leader of the opposition”. I think they bring clarity, but if others were more comfortable with changing those to “leader of the largest non-Executive party”, which would be more reflective of what happens in Scotland, I am comfortable with that. I have no doubt what it means.

Mr Agnew: Will the Member give way?

Mr McCallister: Certainly.

Mr Agnew: I appreciate the point he is making. I made reference in my speech to the lack of understanding that there perhaps is of the difference between our Executive and our Assembly. Surely the language of government and opposition is much more familiar to people.

Mr McCallister: I take Mr Agnew's point. It is much more familiar, and we are used to it. That is probably a simple reflection of our coverage of Westminster, and it gives that familiarity. If that is voted through when the Question on clause 6 standing part of the Bill is put, I will happily not move the amendments. By simply tabling them, I wanted to give the Assembly the opportunity to say that it preferred the other titles or, indeed, to make space and provision in Standing Orders for those other titles. I think that is something worth looking at.

Before turning to all the amendments, I will make a few key points. The first is on my amendment No 1, which will create qualifying parties. I think that is a very important amendment. I am prepared to not move it today but to

come back at Further Consideration Stage with more or less the same amendment but with the figure changed to 8% from 5%. For that reason, I will not move amendment No 1, and I think that amendment No 3 is the other one that is linked to those changes.

Mr Allister: Will the Member give way?

Mr McCallister: Yes.

Mr Allister: I am sure the Member has considered all the ramifications. Could he advise the House what difference accepting 8%, which, I think, would equate to nine MLAs, is likely to make to the qualifying threshold for a place in government under d'Hondt?

Mr McCallister: I am grateful to the Member. D'Hondt is just a mathematical calculation, and it can depend, of course, on where all the parties are. For example, in 2011, had the Ulster Unionists one more Member, the Alliance Party would have been outside the d'Hondt process, and that would have knocked it about. My best guess is that you are probably looking at a d'Hondt calculation requirement of 12 or 13 MLAs for one Minister. It might reduce down to that somewhat, although it might be higher. Do not forget that there will be nine Departments, so that is why the number will be up slightly. But it again depends on where other parties come. This will reduce it and will give the option to smaller parties if they grow and are more successful. Indeed, the Alliance Party is currently very near that level; if they were to turn down the tempting offer of Justice, perhaps, in the next mandate.

That is why I think it is important. There are several things. It is not only about being a d'Hondt party but about asking parties to come out of government. I have concerns about the wording in Fresh Start that says that parties have to declare whether they are going into government before they are permitted to take part in the Programme for Government negotiations. That might cause some difficulties in how the process would be managed. That is what I propose to do with amendment No 1. I hope to get agreement from across the House when it comes back at Further Consideration Stage.

I turn to the broad issues of technical groups and the Budget Committee. As Mr Attwood said, the Budget process has been very unsatisfactory for a long time. A full five years ago, at the end of the last mandate, the Finance and Personnel Committee did its own report examining legislative provisions to allow for a Budget Committee to be established and whether an amendment to legislation is required, and considering the potential membership of a Budget Committee and whether there would be the possibility of a conflict of interest if you were to sit on it and on another Statutory Committee. There was also to be a memorandum of understanding signed between the Assembly and the Executive. I think that I am correct in saying that that has not been signed yet — a mere five years after the fact. I will quote from the Committee's conclusions:

"a scrutiny model which included a central budget committee warranted more consideration in the future, and stated 'In the longer term, there is a case for the Assembly considering how its financial scrutiny system, including committee structures, could be reformed for enhanced effectiveness' ... the idea of reforming the Assembly financial scrutiny system to establish a more powerful central budget committee

should be reconsidered in the future, if the proposed reforms to processes and procedures that are set out in this Report fail to have the desired outcome."

It is fair to say that the desires of that report have not materialised, so it is now time that we look seriously at our Budget process. As I pointed out in an intervention to Mr Attwood, if we are serious about devolving more powers to this House and about being at the forefront of the larger conversation and debate that is going on across the UK about what powers devolved regions of our nation have, and, if some parties like Sinn Féin are serious that they want their hands on more of the fiscal levers that operate this — that is something that I am supportive of, but devolving corporation tax powers or certain income tax powers comes with its own difficulties — we need to lift our game significantly.

We would then become more than just an Assembly and Executive that spends money without thinking about the consequences for how you raise money or cuts corporation tax without thinking about how you fill the gap in skills funding. We would have to deal with all the questions that flow from that. We would need to look at our economic data. If we are getting the Northern Ireland fiscal affairs council to tie in with that and have that scrutiny where it belongs in our representative democracy here in the Assembly, that is very much in need of reform. I encourage Members to support changing that. I hope that, even though Sinn Féin opposes the clauses, it will look at amendments like that and, even at this late stage, recognise that there is likely to be a Bill passed and try to shape some of it.

I accept that, during the work on the Committee report, the issue of technical groups vexed many Committee members. I can tell you that there was a look of fear when the very idea of Steven Agnew being some sort of leader of the opposition assisted by Jim Allister was mentioned; that was just too much to bear.

I accept, from the Committee report and process, that I have, through amendments, stripped technical groups of the right to form an opposition, but technical groups are very much in line with many other Parliaments that make up our United Kingdom and these islands. I gave some examples to the Committee. The European Parliament was mentioned by Mr Allister, who is a former Member of it. He took advantage of being in a technical group. Its threshold is 3.3% to qualify for a technical group. In Dáil Éireann, it is just over 4%. In the Scottish Parliament, it is five Members out of 129, which is 3.9%. That does not prevent other parties doing that. In the Republic of Ireland, there is a huge tradition of independents. I think that, as the research carried out during the Committee Stage showed, there were 21 members of the Dáil technical group. That is one more than the largest opposition party of Fianna Fáil, but the technical group does not get the rights; Fianna Fáil does. The technical group gets the speaking rights, which is right and proper. I was happy to concede that my original thinking of technical groups was that they could form an opposition if no one else was willing to step into that role.

Technical groups would make a useful addition. They would have very limited additional rights, but perhaps they could have the right to have a seat on the Business Committee. At the minute, we have no way of tabling motions. We cannot even table an Adjournment topic,

as has been said before. The Democratic Unionist Party has eight Members, or 1.2% of the seats, in the House of Commons, and yet it is allocated some Opposition Day debates. Nigel Dodds, as DUP leader in Westminster, gets picked fairly regularly to ask a question to the Prime Minister. I am glad that it has the rights to do that. Let us have some rights for the affectionately named "naughty corner" here. Over time, this corner has played an important role in bringing forward and pushing for legislation. Sometimes, it is almost like the children's fairy tale: somebody has to say that the emperor has no clothes in this place. The Government are not always right on things. They need to be told that and held to account, but that should not come from inside the Government; that makes our Government look, to use Peter Robinson's phrase, "dysfunctional". It means that we become a laughing stock outside. The case for technical groups — I accept that they are stripped of the right to form an opposition — is very strong. I encourage Members to support that proposition.

Some of the costs are very modest; there is actually a saving. We are about to get rid of three Departments. That means that we will go down by three Committees as well, which saves over £500,000. Even if we were to have a budget committee, we would still be about £300,000 better off. Even if we were to hold a review of financial assistance to political parties and give some more support to opposition, we would still be in a position to save money. If we looked beyond that, at why the Assembly pays all ministerial salaries, you could save more money from that as well. This Assembly's Budget is beholden to the Executive arm of government, which is a problem that needs to be addressed. So implementing all the changes could be cost-neutral because of the change in the Committee structure.

5.45 pm

Others have questioned the need for salaries. In Scotland and Wales, leaders of opposition or non-Government parties get a salary, regardless of whether they take it or use it to employ people. I am relatively relaxed about that. However, I made the point at the Committee that, when it comes to an opposition holding the Government to account, if you have even four parties in a coalition, you end up with nearly 100 Members from governing parties, with all the financial assistance that that brings. You end up with Departments that have a total of 25,000 civil servants working for them, and you end up with 18 or 19 SpAds. Yet, somehow, people are fearful of an opposition of nine or 10 Members or a technical group in the corner that does not get opposition rights but gets modest funding.

We want to get to a point where we have scrutiny, deliver good governance and deliver for the people who send us here to represent their interests. It is an enormous privilege to do that.

Before I go through the amendments, I will set some context by outlining what was said in the debate. Ms Ruane made a point about majoritarianism, and I nailed that myth: there was never — in any of my plans, in this Bill or in any of the amendments that have been tabled — any attempt to do that. I want to see, and I have always said this, genuine power-sharing and people working for the common good, not this shared-out power. That is worth looking at.

Ms Bradley talked about the technical groups, which I have dealt with.

If the Assembly votes to accept clause 6, which would create a leader and deputy leader of the opposition, the change of titles in amendment Nos 9, 10, 11, 12, 13, 17, 21, 22 and 25 would probably become unnecessary.

There are several points that I want to make in response to Mr Attwood. I agree with him that this is a chance to put this into law. There is a chance to do that, which will make it difficult for future Executives to take it away. That is a point that Mr Kennedy made at Second Stage: enshrining it in law was a good thing. He said:

"Our preferred option has also been to enshrine the right of the opposition in legislation because we believe that simply changing Standing Orders leaves the future existence of the opposition in the hands, potentially, of the largest parties in this or any future Assembly. Let us not forget that the Stormont House Agreement promised formal opposition structures by March 2015; here we are in October and still there are no opposition rights for parties that are not in the Executive." — [Official Report (Hansard), Bound Volume 108, p103, col 1].

Here we are in February — I almost said "January" — and still there are no opposition rights. I very much agree with Mr Kennedy's point.

Mr Attwood also talked about OFMDFM being elected. I warn him that petition-of-concerning clause 13 may leave it difficult for him to table the amendment on electing the Office of the First Minister and deputy First Minister. He could have petition-of-concerned the schedule and not clause 13 and still left such an amendment as a viable option. Clauses 13, 14, 15 and the schedule sought to trigger debate on issues that we could not deal with. The SDLP might have just killed that part of the Bill off.

There is one point on which I disagree with him strongly. He made a comment about the authority of Ministers and the rationale of power-sharing. I take a contrary view, because, by doing it in the way that we do it, we end up, as Eoin O'Malley, who gave evidence to the Committee, said, with a situation in which:

"Northern Irish ministers and departments operate almost as dictators within their own portfolio, not subject to the requirement to have cross-community support in areas that don't require primary legislation. This seems at odds to the purpose of the institutional structures set up in the Belfast Agreement."

That is an important point. The thread throughout the Bill about the single unitary government, which Mr Agnew talked about, collective Cabinet government and agreeing a Programme for Government before you run d'Hondt — all those measures — have been seeking to drive us down a road where you are forced to build consensus and look like a Government that are going in the one direction and know roughly where they are going, instead of pulling in many different directions, with Ministers, as Dr O'Malley said, able to act like "dictators" in their own wee fiefdom. That seems very much at odds with the spirit and principle of the Good Friday Agreement.

Yes, Mr Kennedy seemed to be making the argument about legislation, but what he really meant was legislation

at Westminster. I will point out what Lord Empey proposed to bring in the House of Lords. He wanted the opposition to have speaking rights; that is in my Bill. He wanted it to have supply days; that is in my Bill. He wanted it to have Chair and Deputy Chairperson of the Public Accounts Committee; that is in my Bill. He proposed that those be allocated in a manner that is appropriate to their status in the Assembly; that is in the Bill. He also proposed that the Speaker should determine what is proportionate, and that that be set out in Standing Orders. Again, it is in the Bill that we would work that. Furthermore, Westminster legislation would determine that we only change Standing Orders. That is exactly what this is doing. We have the competency to do it here; why would we not do it here? Why would we let Westminster do it? I also point out that Lord Empey set the number for opposition at the very low level of just one Member, which might be good news for colleagues in a party here.

Mr Kennedy: I am grateful to the Member for giving way. Mr McCallister's problem is that, whilst all of that is in the Bill at the moment, will it stay there? I think that events today, and the manoeuvres that are ongoing, make that very uncertain. Hence, Westminster legislation gives better protections from the sheer political ambitions of the big power blocks here at present.

Mr McCallister: I am grateful to Mr Kennedy, but he should consider that, since the Good Friday Agreement, Westminster has changed, at St Andrews, things like the way in which the First Minister and the deputy First Minister are elected or appointed, and the fact that we never formed an Ad Hoc Committee to look at the likes of petitions of concern. His party has probably suffered from the debate about the First Minister and the deputy First Minister situation. I warn him: he might want to be careful about what he wishes for from his friends in here, but maybe he should not get too excited about what he will get from his friends at Westminster. I agree that it is better to have it based in legislation, as you and Mr Attwood said. I think that it is important that it stays, and why the Bill is here.

I am not as downbeat about the Bill as Mr Kennedy or Mr Lunn are.

I think that there are still many measures in the Bill that we have the competence to deal with here. We can and should deal with them. People are debating the principle of having an opposition. The fact that the SDLP and others accept the principle of opposition — even Sinn Féin, while it wants to do it by a different way — is a huge advance from where we were three or four years ago. When I started this process and the debate about opposition, not many to my right would even have mentioned the word instead of making it up. It may have been longer ago for Mr Attwood; he is not as recent a convert.

I have dealt with the important issues around Mr Allister's points on the technical groups, from his experience both at the European Parliament and his time here, and the difficulties in doing that. I agree with him. I know that it has certainly been problematic. Sometimes, when you seek certain rights, it can be batted about between the Business Committee and the Committee on Procedures, with nobody quite wanting to make a decision. Again, that comes back to why the Bill is so important. Over the next few hours and possibly next Monday, Members have to make a decision on what they are voting for. That is why the Bill just cannot go the way of another report.

You cannot just say, "Well done, everybody. That was a fascinating read". This has to be voted on. People have to say yes or no. They have to show the colour of their money. That is very important.

I just want to deal with a couple of Mr Agnew's points. I agree entirely with his point that we have been good at the peace process but we need more than government by peace process negotiation. We need to do better than to simply say, "We have hit a crisis so we'd better ring David and Enda to see if they can come and help us out", and then say to them, "Can you come and gently nudge us through? And don't forget to bring the chequebook with you". We need to do better than that — everyone here — as parties that are working and investing in actually developing the policies, ideas and politics of aspiration for the people we serve. Otherwise, why are we here? Why is this institution here? What are we seeking in politics?

I genuinely believe that most people come into politics to pursue noble causes and better the lives of the constituents in the areas that they live in and represent. I have no doubt about the motivations of most people in the Chamber, but you want to get on and deliver that. Sometimes, I see Ministers who want to get on and deliver some type of reform but cannot do it. We are four and a bit years into Transforming Your Care. How much of it have we delivered? I might not like the direction of travel of some Executive policies — that is fine — but if, at least, the Executive were agreed on them and were going in that direction, I could understand that and respect it. When the Executive hit a difficult decision and everyone runs for cover, it makes you look dysfunctional. It is not the way to conduct government.

It is about getting good governance that is held to account by an opposition that provides the voting public with an alternative at a future election. We are in the politics of zero consequences, politics where elections do not really matter that much. We might change a few faces here and there, but, overall, the same numbers will come back. Think how different it might have looked in the autumn, when we were in crisis, had there been a viable opposition challenging the lead parties in the Government. There might have been a real fear factor about having an election. It might have been a real motivator to sort out the problems. That is the difference. That is why we need to get that.

It is true that we all get tarred with the one brush. Many a time, I am asked, "What are youse all doing up there?". People do not see delivery. They see an economy languishing behind the rest of the UK, never mind behind the Republic of Ireland. They see hospitals and the health service in difficulty and do not see reform coming. They see limited reform on education. We see all that right across government. The Bill is all about driving us to a point at which we build consensus between government parties and have negotiations and government parties then sort their internal problems behind closed doors, present a policy and a united front and stand by that policy rather than all heading for the hills when something gets slightly difficult and they are pushed to uncomfortable places. That is not what governing is or should be about. We all lose credibility.

6.00 pm

The Tories and Lib Dems were pushed to uncomfortable places: the Lib Dems over tuition fees and the Conservatives over House of Lords reform. We read bits

and pieces about it, but the Government did not collapse. They did not need somebody to come in from Europe to sort out their problems or a former US senator to help them through the difficulties. Look at the difficult decisions that the Republic of Ireland has had to make over the last eight or nine years. That is why a single unitary Government and a collective Cabinet make such a difference to the way in which they do their business. That is why I put it in. You have the authority of Ministers acting here, but it is acting in a shared-out way and saying, "There is so much for you, and there is so much for you". We need government to act, speak and deliver as one unit. That is what I call genuine power-sharing. It is genuine power-sharing based firmly on the principles of the Good Friday Agreement and genuine power-sharing that will deliver for the people of Northern Ireland. On some of the amendments —

Mr Kennedy: Will the Member give way?

Mr McCallister: Certainly.

Mr Kennedy: I am interested in what the Member has just said, but quite profound ideological reasons have separated parties, even around the Executive table. His remarks do not seem to take full account of that.

Mr McCallister: I accept that there are ideological differences between parties, but it is up to them to agree what they can agree and to start to deliver. Our big difficulty is that they barely deliver even on the stuff that they agree on. That is the problem. That is probably difficult because you have five parties in government, and it is difficult to negotiate.

Mr Kennedy: Four.

Mr McCallister: Sorry, four parties now. It will probably be back to five after the election.

We are not the only place in western Europe that has to address these issues. We are not the only place in western Europe that uses a system of PR and has coalition Governments. Our ideological divides might be quite profound, but the Belgians can do it. In one case, they took a long time to get agreement on forming a Government, but they got agreement, formed a Government and governed, whereas we just use the system, get into government and then think about what we will do. We have to get beyond that, or the voting public will not be interested in coming out to support any of us, never mind with any enthusiasm. So many of our young people are now more interested in Westminster politics than in what happens here, even though the Assembly has huge powers over every aspect of their lives.

I will do a quick run-through on the amendments. I will not move amendment No 1 and will bring it back at Further Consideration Stage with the figure changed to 8%. Amendment Nos 2 and 3 are about taking technical groups out of the Bill. Amendment No 4 is probably unnecessary if others are made. Amendment Nos 5, 6 and 7 deal with technical groups.

I will probably not move some in that sequence, and the eight or nine amendments on changing titles. Amendment Nos 9, 10, 11, 12 and 13 are about changing titles, so I will wait and see what the House decides on that matter.

The next set of amendments removes technical groups. Amendment No 16 is important in that we should, at least, allow Standing Orders to provide for different names or

titles — or, indeed, no title — for the equivalent of leaders of the opposition.

Amendment No 18 is important because it commits to speaking rights. Mr Kennedy and others alluded to it being important that that issue stayed. Amendment No 19 is, again, around speaking rights. Amendment No 20 states that after a Government is formed, speaking rights for the opposition will be enhanced by 20%: if we have an opposition.

Amendment Nos 21 and 22 are, again, about the names of opposition leaders or positions. My amendment Nos 23 and 24 relate to the right to allow a technical group. I appeal to Members to consider it. I have pared them way back to allow us just to have technical groups in here. It is a recognised right. It was a right used in the Dáil by Sinn Féin before they exceeded the seven seat threshold. So, it is a right that they used, and we should have it here, if so desired. That technical group would also have access to the Business Committee.

Amendment No 25 is, again, about opposition names and may not be moved. Amendment Nos 26 and 27 are about the Budget Committee. These are hugely important amendments and add significantly to the Bill because of the way our Budget process has been handled. I do not think that anyone looks on the way that our Budget is done with a great sense of pride. We need a better system and we need to do it much better. Amendment No 28, from the SDLP, is about that issue. It might be worth looking to see whether the party would consider an independent fiscal council for Northern Ireland at Further Consideration Stage and if that would be a useful addition. I am supporting amendment No 29, which is a DUP amendment about the removal of technical groups.

That concludes my remarks at the end of the group 1 debate.

Some Members: Hear, hear.

Mr McCallister: Are you wanting more? *[Laughter.]*

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Thank you very much, Mr Speaker.

I would like to put our position on the Bill on the record. It is founded on the fact that the Fresh Start Agreement of last November made provision for an official opposition to be put in place by administrative means and not requiring primary legislation because it is an excepted matter. We feel that that position is the way that can deliver the need and demand for opposition in the Assembly.

Today, as part of the commentary, we were accused of being inconsistent over a number of clauses. The clause that Members talked about most was clause 20, and that somehow because we might be in favour of it, that we were being inconsistent or, perhaps, that we should be voting for it. I would rather be here to defend a consistent position than one of inconsistency, because I can well imagine that if we had stood in opposition to all clauses except clause 20, then people would have been pointing out that inconsistency. So, that is the basis on which we have done this.

There is no doubt that the case for an opposition has been accepted. That is why it has taken root in the Fresh Start Agreement. Members have talked about the slowness of bringing those proposals to the Assembly, and, yesterday, the motion was tabled, and I suppose that we are seeing some movement on that. Bear in mind that two other

aspects of the Fresh Start Agreement on changing the architecture of the Assembly have already been put in place. Those are the Departments Bill and the Assembly Members (Reduction of Numbers) Bill. I think that we all accept that it will be a number of weeks before this Bill, which tries to set up an opposition, can get assent, so it not as if we need this Bill through to ensure that we have opposition next Monday or Tuesday. We are not getting that. Sometimes, the criticism of the Fresh Start is nearly because people are lukewarm about it, and that is fine. I think that most Members are suggesting that the need for an opposition is for the next mandate, and I have absolutely no doubt that it should be in place for that.

One thing that I suppose is common to a number of pieces of legislation is that, when you bring it into Committee Stage, you get a better sense of what people are trying to achieve. Other people, particularly experts and academics, come to the table and start to talk about this. One of the common features, which I accept was a bit of a surprise to me, is that a lot of oppositional models are not brought about by primary legislation. Indeed, the academic and research papers that we got at Committee Stage said that there is nearly an absence of legislation in setting up oppositional models in many parliamentary systems across the world. The route to it, in many ways, is by convention or, if you like, political maturity or political demand. I see Fresh Start as the way of doing that. Sometimes, when people speak about oppositional models, they feel that there is a perfect model. Sometimes they look to Westminster and try to create the image that somehow that is locked down in legislation and immutable.

Mr McCallister: I am grateful to the Member for giving way. Will he accept that Westminster is significantly older than this Assembly by a huge number of years? As I said in Committee, this Assembly is a creature of statute. It is set up by statute. Effectively, the 1998 Act is our constitution, and that is why I think that it was important to give confidence in doing that in Standing Orders. The debate that has resulted from the Bill having been tabled has literally all been done in public session. It has been good that that has been done, and people know exactly what they are signing up for. That is why I think that putting it in primary legislation is so important.

Mr McCartney: I understand the point that the Member is making, but what I am trying to say is that Fresh Start and most of the clauses in your Bill, particularly those dealing with this aspect of it, make a demand that this has to go through procedures and Standing Orders, so it shows that the Assembly can affirm it. That public debate, which obviously was part of the Committee Stage, can also take place in the Procedures Committee and allow us to do that.

I want to reflect back, because I think that we have to ask the question. We have certainly asked ourselves whether there is a need for legislation to bring about an opposition. I think that the answer is very clearly no. This can be done, and we have seen many models in many other different places. I have heard, maybe here in the Chamber but certainly in the public airwaves, the idea that it is somehow not democratic that the Chair of the Public Accounts Committee is from a party that is in the Executive and that the Chair must be a Member from a non-government party or, indeed, an opposition party. When the academics presented to the Committee, they took 21 examples from across the world. Personally, I was waiting for them to say

it was 21 out of 21, because, let us face it, everybody told us that that the perfect model was that the PAC Chair had to be in opposition. It was actually the opposite; it was only three out of 21. The idea that there is a perfect model that we have to follow blindly is, in my opinion, wrong. This Assembly came out of a particular set of circumstances, therefore we have to be mindful of that.

Many Members have talked about the need for an opposition. In fairness to Alex Attwood, he talked about the SDLP talking about it as far back as 2012, I think he said. However, there was not much talk about it in 1998.

From 1998 up to a few years ago, there was not much talk about opposition. You often wondered and asked yourself why that was case, and I think that people have to be honest about that.

6.15 pm

The way John McCallister has come at this has been informative. From his discussions with the Committee and with our party when we met him a number of times, nobody doubts the genuineness of what he is trying to do. However, when he talked today about other things, there was this idea that, if we had an opposition, all else would flow. I do not think that that is the case: that, all of a sudden, whatever criticisms people have of the Assembly, whether it is dysfunctional or whether it does not work as well as it should, will be addressed. I think that Danny Kennedy was right when he pointed out that there are big differences across the Executive. It is right that those should come out and that, every now and again, there should be blocks to progress because there is an ideological difference. On the idea of opposition equalling perfection, equalling all our ills being cured, I think that, if you went to England, for example, people there would say the exact same thing: all that lot up there are useless. Sometimes, they will not make the distinction between people in Government and people in opposition. As a matter of fact, you have heard people talk time and again about the change in Government — Tweedledum to Tweedledee. So, again, this idea of the perfection of opposition can be overstated.

Jim Allister — I notice that he is not in his place — gave us a lecture about going into a classroom full of 12-year-olds who would tell you, "Here are the basic tenets of democracy: a democratic institution has to have the following or else they will not recognise it as a democratic institution." I do not know if that is true, but you could ask the same 12-year-olds this: is it right to have a one-party state; is it right to have gerrymandering; and is it right to skew elections and not give people equal franchise? I think that all those 12-year-olds would say no. That is one of the reasons why we have this model, why we are very guarded and why, in all our discussions here, at Committee and in private conversations with you, we have always pointed that out. We are not going to allow this House to slip or sleepwalk into the idea of majority rule being better or Westminster being better so let us try to creep towards that. That is not going to happen.

Jim Allister obviously misquoted Caitríona Ruane when he tried to give the idea that she said that what you are proposing is somehow "Frankenstein's monster". That came from one of the academics who very clearly said that, in his opinion, grafting one system onto the other is "Frankenstein's monster". I think that he has good

credibility to say that. You can see the desire, and you can see where people are trying to do it with community designation, that it is well intentioned, but the reason why it is in is firmly rooted in the reason why the type of democratic institution that we have here is necessary. It is the same with weighted majorities.

On the issue of — I know that this is for the next set of amendments — petitions of concern and an Ad Hoc Committee, there was an Ad Hoc Committee on welfare reform. It was very clearly down on one particular position, but then there was a vote and the vote overturned the working out of the Committee. So the idea that you have a Committee that might scrutinise something, but if it comes down to weighted majorities, sometimes you can have the wrong result because people vote along party lines, political lines and ideological lines. That is why you have a weighted majority and the mechanisms to ensure that minorities are protected. In my opinion, anything that undermines that principle is —

Mr McCallister: I am grateful to Raymond for another intervention. There were a couple of things throughout his comments. First, the World Bank recommends that opposition parties chair a public accounts committee. Moreover, there is nothing in the Bill that points to a “Frankenstein’s monster”. Our electoral system and d’Hondt are all your guarantees into Government. On moving away from designation to a weighted majority, a weighted majority still protects people, and you can set it at whatever level you think appropriate. I agree that all those protections should be there.

However, you cannot then start to complain when others use the petition of concern. It is part of the system, and that takes away your right to complain when others use it against equal marriage, for example. It would have been a huge sacrifice by the DUP because it could have triggered a weighted majority vote. However, unless the DUP gets about 45 seats after an election, it does not have the numbers to block it.

Mr McCartney: Thank you for that point. I suppose that the discussion about the petition of concern is for the next stage.

I want to finish on this point: if, on behalf of Sinn Féin, I was making the case that this idea was like “Frankenstein’s monster”, I would understand why you said that. However, we did not say that; it was said by someone who had cast a cold eye on the Bill. They warned you, and cautioned us, not to do this because it tries to blend two different models, and one model, the one that we have here, was set up for particular reasons. Those reasons still exist, and any tampering with that model could lead to a slide. That is why we oppose this aspect of the Bill. We fully support opposition as designated by the Fresh Start Agreement.

Mr Speaker: Before I put the Question, I remind Members that we have debated Mr McCartney’s opposition to clause 1, but the Question will be put in the positive as usual.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 61; Noes 24.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke,

Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Allister and Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff and Mr McKay.

Question accordingly agreed to.

Clause 1 ordered to stand part of the Bill.

Clause 2 (Formation of the Opposition)

Mr Speaker: Amendment No 1 has already been debated and is mutually exclusive with amendment Nos 2 and 3. I call Mr John McCallister to move formally amendment No 1.

Amendment No 1 not moved.

Amendment No 2 made:

In page 1, line 17, leave out from second “or” to end of line 18.— [Ms P Bradley.]

Amendment No 3 made:

In page 2, leave out lines 5 to 7.— [Ms P Bradley.]

Mr Speaker: Before I put the Question, I remind Members that we have debated Mr McCartney’s opposition to clause 2, but the Question will be put in the positive as usual.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 61; Noes 24.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson,

Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff and Mr McKay.

Question accordingly agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Timing of formation of the Opposition)

Amendment No 4 not moved.

Amendment No 5 made:

In page 2, line 22, leave out subsection (3).— [Ms P Bradley.]

Mr Speaker: I will not call amendment No 6 as it is mutually exclusive with amendment No 5, which has been made.

Amendment No 7 not moved.

Mr Speaker: Mr McCartney's opposition to clause 3 standing part has already been debated.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 60; Noes 24.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff and Mr McKay.

Question accordingly agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 disagreed to.

7.00 pm

Clause 5 ordered to stand part of the Bill.

Mr Speaker: I will not call amendment No 8 as it is mutually exclusive with clause 5, which stands part of the Bill.

Clause 6 (Leader and Deputy Leader of the Opposition)

Amendment No 9 made:

In page 3, line 6, leave out from "offices" to "Opposition" on line 7 and insert

"offices in the leadership of the Opposition".— [Mr McCallister.]

Amendment No 10 made:

In page 3, line 10, leave out "Opposition" and insert "Non-Executive Party".— [Mr McCallister.]

Amendment No 11 made:

In page 3, line 11, leave out "Opposition" and insert "Non-Executive Party".— [Mr McCallister.]

Amendment No 12 made:

In page 3, line 14, leave out "Opposition" and insert "Largest Non-Executive Party".— [Mr McCallister.]

Amendment No 13 made:

In page 3, line 16, leave out "Deputy Leader of the Opposition" and insert

"Leader of the Second-Largest Non-Executive Party".— [Mr McCallister.]

Mr Speaker: Amendment No 14 is mutually exclusive with amendment No 15.

Amendment No 14 made:

In page 3, line 17, leave out subsections (4) and (5).— [Ms P Bradley.]

Mr Speaker: I will not call amendment No 15 as it is mutually exclusive with amendment No 14, which has been made.

Amendment No 16 made:

In page 3, line 20, at end insert

"(5) Standing orders may provide for alternative names for the offices in the leadership of the Opposition".— [Mr McCallister.]

Mr Speaker: Mr McCartney's opposition to clause 6 stand part has been debated.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 60; Noes 24.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff and Mr McKay.

Question accordingly agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 (Topical questions from Leader and Deputy Leader of the Opposition)

Mr Speaker: I call Mr McCallister to move formally amendment No 17. Will Members sit down, please? *[Interruption.]* I do not know what you said. I call Mr McCallister. Order. I had to try to read your lips.

Amendment No 17 made:

In page 3, line 32, leave out "Leader and Deputy Leader of the Opposition" and insert "leadership of the Opposition".— *[Mr McCallister.]*

Mr Speaker: Mr McCartney's opposition to clause 7 stand part has already been debated.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 61; Noes 25.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Ford, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray,

Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff and Mr McKay.

Question accordingly agreed to.

Clause 7 ordered to stand part of the Bill.

New Clause

Amendment No 18 made:

No 18: After clause 7 insert

"Speaking rights in the Assembly

7A. Standing orders must make provision that speaking rights in the Assembly are allocated on the basis of party strength.".— *[Mr McCallister.]*

New clause ordered to stand part of the Bill.

Clause 8 (Enhanced speaking rights for the Opposition)

Amendment No 19 made:

In clause 8, page 3, line 38, leave out "15" and insert "10".— *[Ms P Bradley.]*

Question, That amendment No 20 be made, put and negatived.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 61; Noes 25.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff and Mr McKay.

Question accordingly agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (Opposition right to chair Public Accounts Committee)

Amendment No 21 made:

In page 4, line 5, leave out from "Leader" to "Opposition" on line 6 and insert

"Leader of the Non-Executive Party, Leader of the Largest Non-Executive Party".— [Mr McCallister.]

Amendment No 22 made:

In page 4, line 7, leave out from "Deputy" to "Opposition" on line 8 and insert

"Deputy Leader of the Non-Executive Party, Leader of the Second-Largest Non-Executive Party".— [Mr McCallister.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 56; Noes 25.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan and Mr McKay.

Question accordingly agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Question put, That clause 10 stand part of the Bill.

The Assembly divided:

Ayes 44; Noes 37.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Mr Durkan, Mr Eastwood, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane.

Tellers for the Noes: Mr Boylan and Mr McKay.

Question accordingly agreed to.

Clause 10 ordered to stand part of the Bill.

Clause 11 (Financial assistance for Opposition parties)

Mr Speaker: *Mr McCartney's opposition to clause 11 has already been debated.*

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 56; Noes 25.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

*Mr Boylan, Mr Flanagan, 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, Mr Murphy,
Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd,
Mrs O'Neill, Ms Ruane.*

Tellers for the Noes: Mr Boylan and Mr McKay.

Question accordingly agreed to.

Clause 11 ordered to stand part of the Bill.

Clause 12 (Salary for office holders of the Opposition)

Mr Speaker: The opposition of Mr McCartney, Ms Bradley and Mr Kennedy to clause 12 has already been debated.

Clause 12 disagreed to.

Mr Speaker: As I explained earlier, a valid petition of concern has been received in relation to clauses 13 and 21 and schedule 1. I must, therefore, advise the House that today's proceedings on the Bill will now stop. The Business Committee has scheduled the remaining part of the Consideration Stage for Monday 8 February.

The last item, and the most popular item of the day, is the adjournment.

Adjourned at 8.02 pm.

Northern Ireland Assembly

Monday 8 February 2016

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

Members observed two minutes' silence.

Assembly Business

Mr Cochrane-Watson: On a point of order, Mr Speaker. Do you agree that the place to make announcements is in this House? I refer to the announcement made after 6.00 pm on Friday by the Enterprise, Trade and Investment Minister on his proposal to close the Northern Ireland renewable heat incentive. That will have a very detrimental effect on jobs and local business. Do you agree that the Minister should have brought such an announcement to the House, prior to releasing it in the press?

Mr Speaker: I am aware that a question for urgent oral answer on that same topic was not accepted. I draw it to the Member's attention that points of order should not be used in that way. I have urged Ministers to bring forward their statements in the way that is most accommodating for Members' interests as well. However, ultimately, at the end of the day, when to issue a statement is a matter for the Minister, not the Speaker.

Committee Deputy Chairperson Appointment

Mr Speaker: Before we proceed to today's business, I have some announcements to make. I wish to inform the House that I received correspondence from Mr Dominic Bradley, resigning his position as Deputy Chairperson of the Committee for Finance and Personnel with effect from 4 February 2016. Furthermore, the nominating officer for the SDLP has informed me that Ms Claire Hanna has been nominated as Deputy Chairperson of the Committee for Finance and Personnel. Ms Hanna accepted the nomination, and I am satisfied that the requirements of Standing Orders have been met. I can confirm that the appointment took effect on 4 February 2016.

Standing Orders 10(2) to 10(4): Suspension

Mr Dickson: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 8 February 2016.

Mr Speaker: Before we proceed to the Question, I remind Members that this 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 8 February 2016.

Committee Membership

Mr Speaker: The next item on the Order Paper is a motion regarding Committee membership. As with similar motions, it will be treated as a business motion and there will be no debate.

Resolved:

That Mrs Dolores Kelly replace Mr Seán Rogers as a member of the Committee for Education; that Mr Alex Attwood replace Mr Patsy McGlone as a member of the Committee for Justice; and that Mr Patsy McGlone replace Ms Claire Hanna as a member of the Committee for the Environment. — [Mrs McKeivitt.]

Private Members' Business

Assembly and Executive Reform (Assembly Opposition) Bill: Consideration Stage

Debate resumed.

Clause 13 (Assembly Executive and Reform Motion)

Mr Speaker: Order. Last Tuesday afternoon, a valid petition of concern was tabled to clause 13 during the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill. That meant that, under Standing Order 28, the Question on clause 13 stand part of the Bill could not be taken at that time and would be required to be taken on a cross-community basis. Members will also note that valid petitions of concern have been tabled to clauses 20 and 21 and to the schedule. Each will therefore require a cross-community vote.

We will now move on to the Question on clause 13. Mr McCartney's opposition to clause 13 stand part has already been debated. Before I put the Question, I remind Members that clause 13 requires cross-community support due to a valid petition of concern.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 47; Noes 35.

AYES

Unionist:

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Other:

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Nationalist:

Mr Attwood, Mr Boylan, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Unionist:

Ms Sugden.

Tellers for the Noes: Mr McAleer and Ms McCorley.

Total Votes	82	Total Ayes	47	[57.3%]
Nationalist Votes	34	Nationalist Ayes	0	[0.0%]
Unionist Votes	40	Unionist Ayes	39	[97.5%]
Other Votes	8	Other Ayes	8	[100.0%]

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Swann.

Question accordingly negated (cross-community vote).

Clause 14 (Tabling of Assembly and Executive Reform Motion)

Mr Speaker: Mr McCartney's opposition to clause 14 has already been debated.

Question put, That clause 14 stand part of the Bill.

The Assembly divided:

Ayes 66; Noes 26.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McAleer and Ms McCorley.

Question accordingly agreed to.

Clause 14 ordered to stand part of the Bill.

Clause 15 (Reports by the AERC)

Mr Speaker: Mr McCartney's opposition to clause 15 has already been debated.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 70; Noes 26.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McAleer and Ms McCorley.

Question accordingly agreed to.

Clause 15 ordered to stand part of the Bill.

Clause 16 (Formation of technical groups within the Opposition)

Amendment No 23 proposed: In page 5, line 15, leave out from "to" to end of line 19.— [Mr McCallister.]

Question, That the amendment be made, put and negatived.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 21; Noes 73.

AYES

Mr Agnew, Mr Allister, Mr Attwood, Mrs Cochrane, Mr Dallat, Mr Diver, Mr Eastwood, Dr Farry, Mr Ford, Ms Hanna, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Ms Sugden.

Tellers for the Ayes: Mr Allister and Mr McCallister.

NOES

Mr Anderson, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney,

Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McAleer and Ms McCorley.

Question accordingly negatived.

Clause 16 disagreed to.

Mr Speaker: Order. I have had complaints from some Members that they cannot hear the results or the announcements from the Chair because of the background noise.

Clause 17 (Membership of Business Committee for technical groups)

Amendment No 24 proposed:

In page 5, line 21, leave out from "where" to "parties," on line 22.— [Mr McCallister.]

Question, That the amendment be made, put and negatived.

Question, That the clause stand part of the Bill, put and negatived.

Clause 17 disagreed to.

Clause 18 (First topical question to Minister from chairperson of statutory committee)

Amendment No 25 made:

In page 5, line 31, leave out from "Leader" to "Opposition" on line 32 and insert "leadership of the Opposition".— [Mr McCallister.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 63; Noes 26.

AYES

Mr Agnew, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr McCallister and Ms Sugden.

NOES

Mr Allister, Mr Boylan, Ms Fearon, Mr Flanagan, 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, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Lynch and Ms McCorley.

Question accordingly agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19 (Establishment of Budget Committee)

Amendment No 26 proposed: In page 5, line 36, leave out from the beginning to "1998" on line 37 and insert "budget committee".— [Mr McCallister.]

Question, That the amendment be made, put and negatived.

Mr Speaker: Amendment No 27 has already been debated and is mutually exclusive with amendment No 28. Amendment No 27 proposed:

In page 5, line 37, at end insert

"(2) That committee may—

(a) scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998,

(b) review the delivery of the budget, for example by matching spending against outcomes,

(c) examine the financial memorandum of each Bill introduced into the Assembly,

(d) examine the implications of any changes to powers to raise taxes."— [Mr McCallister.]

Question, That the amendment be made, put and negatived.

Amendment No 28 proposed:

In page 5, line 37, at end insert

"(2) The Budget Committee will consider quarterly budget forecasts, reports estimates and oral evidence collated from all departments and presented by a bespoke unit in the Department for Finance and Personnel dedicated to servicing the requirements/ supporting the scrutiny work of the Committee."— [Mr Eastwood.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 19; Noes 72.

AYES

Mr Agnew, Mr Allister, Mr Attwood, Mrs Cochrane, Mr Dallat, Mr Diver, Mr Eastwood, Mr Ford, Ms Hanna, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness.

Tellers for the Ayes: Mr McCrossan and Mrs McKeivitt.

NOES

Mr Anderson, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke,

Mr Cochrane-Watson, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr Lynch and Ms McCorley.

Question accordingly negatived.

Question, That the clause stand part of the Bill, put and negatived.

Clause 19 disagreed to.

Clause 20 (Renaming of the Office of the First Minister and deputy First Minister)

Mr Speaker: Before I put the Question, I remind Members that clause 20 requires cross-community support due to a valid petition of concern.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 20; Noes 60.

AYES**Nationalist:**

Mr Attwood, Mr Dallat, Mr Diver, Mr Durkan, Mr Eastwood, Ms Hanna, Mrs D Kelly, Mr McCrossan, Mr McGlone, Mrs McKeivitt.

Unionist:

Mr Allister, Mr McCallister, Mr B McCrea, Mr Nesbitt, Ms Sugden.

Other:

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Mr Lunn.

Tellers for the Ayes: Mr Diver and Mr McCallister.

NOES**Nationalist:**

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Unionist:

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea,

Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Boylan and Ms Fearon.

Total Votes	80	Total Ayes	20	[25.0%]
Nationalist Votes	34	Nationalist Ayes	10	[29.4%]
Unionist Votes	41	Unionist Ayes	5	[12.2%]
Other Votes	5	Other Ayes	5	[100.0%]

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Allen, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mrs Overend, Mr Patterson, Mr Swann.

Question accordingly negated (cross-community vote).

Clause 20 disagreed to.

Clause 21 (Departments to be single legal entity)

Mr Speaker: Before I put the Question, I remind Members that clause 21 requires cross-community support due to a valid petition of concern.

Question, That the clause stand part of the Bill, put and negated (cross-community vote).

Mr Speaker: I recorded only one vote No, so I am satisfied that cross-community support has been demonstrated.

Mr Weir: Do you mean only one Yes?

Mr Speaker: Only one Aye.

Clause 22 (Interpretation)

Amendment No 29 made:

In page 6, line 28, leave out from "and" to end of line 29.— [Ms P Bradley.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 66; Noes 24.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan and Ms Fearon.

Question accordingly agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Mr Speaker: I ask Members to take their ease briefly while we change the top Table.

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

Clause 23 (Commencement)

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 64; Noes 23.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan and Ms Ruane.

Question accordingly agreed to.

Clause 23 ordered to stand part of the Bill.

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

Clause 24 (Short title)

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 67; Noes 23.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan and Ms Ruane.

Question accordingly agreed to.

Clause 24 ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): Question Time begins at 2.00 pm. I propose, therefore, by leave of the Assembly, to suspend the sitting until then.

The debate stood suspended.

2.00 pm

Oral Answers to Questions

Culture, Arts and Leisure

Casement Park: Adjacent Houses

1. **Mr McCausland** asked the Minister of Culture, Arts and Leisure when and how she first became aware that it might be necessary to purchase and demolish houses adjacent to Casement Park to provide adequate emergency exiting. (AQO 9552/11-16)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): I thank the Member for his question. It has been alleged that I and departmental officials were aware of a suggested need to purchase and demolish houses adjacent to Casement Park as far back as the summer of 2012. That is utterly untrue and unworthy of belief. As the design team for the project was not formally appointed until 3 September 2012, there would not have been any design information, even preliminary sketches, available for discussion prior to its appointment. I understand that designs were first considered by the safety technical group (STG) on 11 February 2013.

As previously stated, I was unaware of allegations in relation to concerns around emergency exiting at Casement Park prior to Paul Scott's appearance at the Committee for Culture, Arts and Leisure on 30 April 2015. Indeed, I made that point clear in my evidence at a subsequent Committee appearance on 21 May 2015. I still stand by that statement.

Mr McCausland: I thank the Minister for her answer, but, with respect, it is not a full answer, and that is a matter we will return to. Will she acknowledge that she should have been aware of the serious issues around emergency exiting when the then chief executive of Sport Northern Ireland, after one year in post, had a full-page interview in the 'Belfast Telegraph' in which she referred specifically to serious issues about emergency exiting? Was the Minister not aware of those concerns at that early stage?

Ms Ní Chuilín: All those allegations have been countered by a sequence of independent reports. That article has been referred to on at least two other occasions. I would assume, as the Member, indeed all Members, should assume, that anyone working with the Department, particularly around these alleged safety concerns, really should have brought them to my attention, and they did not. I say again that the first I was made aware of this was when Mr Scott appeared in front of the Committee on 30 April last year.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Minister, did Sport NI's chair, board members or staff at any stage raise any concerns with you regarding emergency exiting at Casement?

Ms Ní Chuilín: I thank the Member for his supplementary question. The answer is no. No one at Sport NI — not the previous or current boards, chief executives or chairs — made me aware at any stage of any concerns that they had around emergency exiting at Casement Park. For the

information of the Member and other Members, Sport NI also sits on the stadium programme sponsor board, which I chair. If people have concerns, that is the place for them to be raised, and they never raised any issues around emergency evacuation. As I said — and I say again — the first I was made aware of any such allegations or concerns was when they were raised by Mr Scott at the Culture, Arts and Leisure Committee in April 2015.

Mr Deputy Speaker (Mr Beggs): Question 2 has been withdrawn.

Archery

3. **Mr McMullan** asked the Minister of Culture, Arts and Leisure to outline the departmental support and opportunities available to athletes competing in archery. (AQO 9554/11-16)

Ms Ní Chuilín: I thank the Member for his question. In the three years until March 2016, Sport NI will have awarded almost £50,000 from its athlete investment programme to the NI Archery Society towards costs in implementing a training and competition programme for targeted athletes. In the same period, Sport NI invested £75,000 in the society from its own performance focus programme. The investment relates in particular to talent identification and development. I am content that that support helped to provide opportunities for athletes from across the North to achieve considerable success at various international and national archery competitions during the past year. It is remarkable that four individuals won a total of 14 medals and that two teams won a gold and silver medal respectively. I take this opportunity to congratulate each and every one of them on that fantastic achievement.

Mr McMullan: I thank the Minister for her answers to date. What is the Minister's Department doing to help all athletes in general who wish to compete in the 2016 Olympics in Rio?

Ms Ní Chuilín: I thank the Member for his supplementary question. It is quite important that all Members be aware that Sport NI is doing everything that it can to provide support to athletes from other sports who intend to compete in the 2016 Olympic and Paralympic Games. The performance focus programme, which also supports the employment of expertise in sports and development in the high-performance systems, has been very beneficial for athletes and, indeed, their governing bodies in the past. As well as this, the athlete investment programme provides assistance towards costs incurred by athletes to undertake the required training and competition programmes and in support of elements of the athletes' living costs, which I know the Member has raised previously. Those programmes also provide planning, sports science and sports medicine services, which have been serviced by the Sports Institute.

Mr McCausland: The Minister referred to support for the NI Archery Society, which I assume refers to the Northern Ireland Archery Society. I welcome the support for a Northern Ireland-focused organisation. Will she also therefore be supportive of the Northern Ireland boxing association in its efforts to secure recognition and support from Sport NI?

Ms Ní Chuilín: I am absolutely not supportive of a separate boxing association, as the Member will know. In fact, I feel that not only the Chair of the CAL Committee

but his colleagues and others have ended up putting some of the athletes under terrible pressure in a year in which they will be competing in the Rio Olympics. I think that that is disgraceful.

Mr Deputy Speaker (Mr Beggs): Patsy McGlone is not in his place.

Football Stadia: Funding

5. **Mr Weir** asked the Minister of Culture, Arts and Leisure when she will announce funding for the subregional football stadia. (AQO 9556/11-16)

Ms Ní Chuilín: I thank the Member for his question. In March 2011, the Executive endorsed an investment of £36 million for subregional stadia development for football as a priority in the next comprehensive spending review period. The subregional stadia programme for soccer has a 12-week consultation, which commenced on 30 November 2015 and will run until 22 February 2016. Once the stakeholder consultation exercise is complete and the programme has been finalised, I expect it to be open for applications. That will be later in 2016, and my officials will be available to offer advice and support to potential applicants throughout the process.

Given our growing reputation and ability to attract large-scale events for sports and entertainment, there is a need for the provision of international-standard facilities capable of hosting major events. The provision of subregional training facilities suitable for hosting major events such as the Rugby World Cup is also essential. It is my intention to submit a bid for funding for a second phase of the subregional programme to meet the needs of soccer, Gaelic and rugby in the next comprehensive spending review.

Mr Weir: I thank the Minister for her response so far. The Minister said that, whatever emerges, her officials will be available for advice and support to football clubs. Obviously, it is likely that, whatever the final announcement, it will have some element or cocktail of matched funding being required. Can the Minister give a particular assurance that there will be assistance to the clubs from her officials in helping to find that matched funding?

Ms Ní Chuilín: It is not my officials' job to find matched funding, but it is their job to try to give them assistance with information. Through discussions that I have had personally with local government and the councils and, indeed, with some clubs, I know that this is a difficulty for them. Some clubs are looking at what they can do on a geographical basis to try to make sure that there is a facility in an area. As I said, this is still open for consultation. It is important that, once clubs have established that they can apply and that they meet all the criteria, it is our officials' job to signpost them to information regarding other potential sources of funding but not to make their applications for them.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Is Derry City FC eligible to apply for funding? Can the Minister give an update on the Daisyfield project?

Ms Ní Chuilín: In short, yes, it is eligible to apply for funding, and I anticipate that it will do so. I also confirm that the commitment I made to secure funding of £2 million to invest in Daisyfield playing fields, which is part of the

project being taken forward by Derry City and Strabane District Council to redevelop the Brandywell Sports Centre and, indeed, the adjacent Daisyfield playing fields, will be assistance that will cover some of the costs of refurbishing of a full-sized pitch. Certainly, my officials, Sport NI and, indeed, the council have been working very closely together, and I understand that the council is considering its options for the location of the facility, which will be subject to council approval and, indeed, full planning permission.

Mr Cree: I thank the Minister for her replies so far. Minister, just for clarification, the cost of this project for the stadia appears to be £9.75 million. Is that figure ring-fenced, and what proportion of that project cost is available for the subregional football stadia programme?

Ms Ní Chuilín: There is £36 million for the subregional programme. As I said in response to Mr Weir, clubs are already in discussions not only with each other but, indeed, with other potential sources of funding to try to ensure that they get every opportunity. I already know that there is not enough money in this to meet all the needs out there. I do not think there is ever enough money in anyone's Department to meet all the needs, but that is certainly the case with this. That is why I anticipate a third level of subregional funding to try to ensure that groups, particularly grass-roots groups, get better access to better facilities, because, to be honest, a lot of the clubs run on a voluntary basis do not have the professional wherewithal but provide vital services and support to keep young people fit, healthy and safe. I anticipate that clubs like that will need to get additional support, and I am looking at the options for what other support we can give to them, but those will not become real until the consultation closes.

Mr McCarthy: I thank the Minister for her answers. Can she give the Assembly a cast-iron guarantee that, when the money comes to being divided out, it will be done fairly and squarely and that there will be no preference for either of the two major parties — Sinn Féin and the DUP — in selected teams, grounds or whatever?

Ms Ní Chuilín: I think what the Member is really suggesting is that we and the DUP would box clubs off — that is basically what he is suggesting. I would like to use this opportunity to completely refute that. It is public money, as the Member will know, and it needs to be scrutinised. That includes the decisions about how the money is spent. I anticipate that the process, which is completely open and completely transparent, will be scrutinised. Hopefully, that gives some assurance to the Member.

Voluntary and Community Organisations: Funding

6. **Ms Lo** asked the Minister of Culture, Arts and Leisure, in light of the recent Budget and the cuts to be made to her Department, whether she is planning to offer any level of protection to voluntary and community organisations funded by her Department. (AQO 9557/11-16)

Ms Ní Chuilín: I thank the Member for her question, and I wish her a happy new year. As she will know — I have said this repeatedly, but it is worth repeating — the Tory Administration have, once again, imposed massive cuts on our block grant and, indeed, on our community, and my job is to try to allocate funding and to work against the worst impacts on service provision. I am content that my Department and its arm's-length bodies (ALBs) are taking

every step to minimise the impacts on front-line services, particularly and including those provided by the community and voluntary sector, which does a massive amount of work, by extracting as many savings as they can from administration and overhead costs.

As the Member will appreciate, that work is ongoing, and I hope to bring it to a conclusion once I have settled on budgets by the end of this month. I am, of course, keenly aware of the work carried out by the community and voluntary sector. It is not enough for me just to give those assurances. I will certainly have to justify the budget that I settle on at the end of the month, but I want to give the Member as much assurance as possible that I will look at every opportunity to try to reduce costs so that maximum spend happens within the community and voluntary sector.

2.15 pm

Ms Lo: First of all, Mr Deputy Speaker, I wish you and Members of the House a happy Chinese new year today.

Mr McCarthy: Hear, hear. What is that all about?

Ms Lo: Time does not allow me to expand on that.

Mr Deputy Speaker (Mr Beggs): Can we have a question?

Ms Lo: I thank the Minister for her response. I know that she really cares about funding for the community and voluntary sector, and I thank her for her very positive comment. What steps has the Minister taken to ensure that when DCAL goes into the big, new Department — the Department for Communities — the priorities for culture, arts and leisure will be high up on the agenda of the new structure?

Ms Ní Chuilín: The Member will be aware that the consultation on the overarching arts and cultural strategy for 10 years will close this week. When I leave the Department, it is crucial that, for the first time ever, there will be an overarching strategy, and Departments will have their role to play in the delivery, investment and funding for arts and culture going into the next 10 years. I believe that that is critical, because it has been missing, and, frankly, I could never understand why there was not an overarching strategy for arts and culture in the same way that there is for sports.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. My apologies for earlier. Things seem to have proceeded a lot faster than expected, and I missed my question, so apologies for that.

In light of the important input of the community and voluntary sector, what level of engagement has there been between the Minister and senior representatives from her Department around that particular sector with a view to identifying sources of funding in the Department or to facilitating it to identify alternative sources of funding elsewhere?

Ms Ní Chuilín: I thank the Member for his question. If he wishes, I will try to get to him in writing the answer to the previous question that he missed, so that he can have that. In the response that I gave to Anna Lo, and I am sure that it will come up again, I said that I have been using the consultation period to engage very actively and proactively with members from the arts and cultural sectors right across the board. My officials have been there as well, and they will respond to the consultation. I have not settled on the budget yet, but I intend to at the end of the month. Already, we are asking the ALBs, where possible, to look

at how they can make savings in order for us to try to get it out to the voluntary and community sector.

The Arts Council has been very proactive in trying to secure other sources of funding or give information in particular around council areas but also in Europe and some of the trusts. I believe that NICVA has also been very proactive, as well as some of the area partnerships. So, I believe that as much as can be done has been done.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. Guim Bliain Úr faoi mhaise d'Anna fosta. I wish to express a happy new year to Anna. Anna, you are too diplomatic to mention that it is the year of the monkey where the media can insert their own joke.

One of the great difficulties of the Fresh Start was that we did not get the budget that we wanted from London. What particular steps has the Minister taken to offset the impact of those Tory cuts? I think in particular of Outburst Queer Arts Festival, which launches tomorrow. That is a newer festival in the city and a great arts event looking for funding. I wonder what steps can be taken generally to offset the impact of the Tory cuts.

Ms Ní Chuilín: I thank the Member for his supplementary question. Some of what I have answered to Anna Lo and to Patsy may have gone some way to answering his question, but it is worth repeating that, in subsequent Budgets, statements and Budget settlements, we have received ongoing cuts from our block grant by the Tory Government. That will have an impact on delivery. It is quite shocking, given the level of need, support, development, inspiration and aspiration that the cultural and arts sector have provided; they help to regenerate the economy and keep people well and safe and healthy. It is really important that we use the last days of the consultation to make those arguments for additional money for arts, because it has proven not only to be money well spent but that it can help to generate money.

I met Outburst festival, and I wish it all the best, but there is an example of where you put a small investment in and there will be a big return for the host city or town.

Mr B McCrea: Minister, many of the ALBs are working to budget cuts of 5-7%. Do you envisage changing that so that, for example, Libraries NI might get a lower reduction and the Arts Council might get a bigger reduction?

Ms Ní Chuilín: Basil, I am not dodging your question. I am sure that you know that I have never dodged your questions, or anyone else's for that matter. I am still actively considering those budgets, and it would be completely inappropriate for me to indicate what the settlement will be for each ALB at this stage, particularly as I am still getting in the information. I will happily keep the Member, and not only members of the CAL Committee but Members of the House, posted when those decisions have been made.

Irish Education and Learning: Demand

7. **Mrs Overend** asked the Minister of Culture, Arts and Leisure what the source of the figures for the growth in the demand for Irish-medium education and adult learning of Irish was, as quoted in her written ministerial statement of 24 January 2016. (AQO 9558/11-16)

Ms Ní Chuilín: I thank the Member for the question. The source is the Department of Education's school census figures for 2010-11 to 2014-15, which show a remarkable 24% growth in the numbers in Irish-medium education in just five years. A similar trend applies to adult education in Irish.

The 2013 Economic and Social Research Institute (ESRI) survey is the most comprehensive and authoritative source of information about Irish in the 21st century. The survey indicates strong and increasing support for the Irish language, North and South, and that there is an expectation that government should do more to promote the language. My Department's initiative to promote Irish, *Líofa*, has been exceptionally successful, with over 17,000 people already signed up. That increase in demand for Irish and increasing public expectations that the Irish language will be properly promoted and developed by government form an important backdrop to my decision to take forward work within the framework of the Irish language academy.

Mrs Overend: I thank the Minister for that. The figures that she referred to were quoted percentages, which are relative. What were the actual figures for the Irish language academy?

Ms Ní Chuilín: I am sorry, but I did not hear the Member's last point. Is she asking for the actual figures?

Mrs Overend: Yes.

Ms Ní Chuilín: I will get the actual figures for the Member. I will get them for each of the percentages that I quoted. I see that the Member is turning her face up. If there is something that she wants to add, she can do so in writing, and I will happily respond to her.

Mr Campbell: The Minister has outlined the genesis and source of the Irish language percentages and numbers. Does she agree with me that the pursuit of any language can often be thwarted and stunted whenever people see the politicisation of that language, such as has been done by her colleagues in Sinn Féin inside and outside the Chamber on numerous occasions?

Ms Ní Chuilín: The Member really stretches it beyond belief. The only people that I have ever heard politicising a language, stretching a language and causing offence to people who use that language are you and your party colleagues, and some others. If I thought, for one minute, that the Member was genuine about trying to find out what we can do as a community to work with people who have or want to have Irish as their first language; what we can do as a community not to assault and cause offence to children who are learning Irish and who are educated through the medium of Irish language; and what we can do as a community to try to get over the petty, bigoted sectarianism that they have perpetuated —

Mr Campbell: I thought that you could not answer the question.

Mr Deputy Speaker (Mr Beggs): Order.

Ms Ní Chuilín: — in the House against a language that belongs to everyone —

Mr Campbell: From somebody who said that she does not answer questions.

Ms Ní Chuilín: If the Member has any questions, I would like to hear what they are.

Mr Campbell: Does not avoid questions.

Mr Deputy Speaker (Mr Beggs): Order.

Mr Campbell: She is avoiding that one.

Mr Deputy Speaker (Mr Beggs): Order, or the Member shall be named.

I ask the Minister to continue with her answer, if she has anything further to say.

Ms Ní Chuilín: Thank you. I think that I have answered the question.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her responses so far. She will obviously be very aware — her Department has been a contributor — that the Cumann Ćluain Árd in my constituency has seen its biggest investment in maybe 50 years. That has been the cradle of Irish language learning for many people for many decades. Will the Minister congratulate those Irish language learners in my constituency and perhaps give examples of others?

Ms Ní Chuilín: I certainly congratulate Cumann Ćluain Árd, which, when I was a girl growing up in North Belfast, was seen as one of the authorities in learning and developing the language, particularly during the decades when it was not easy. Thankfully, there are many other organisations that not only have the experience of Cumann Ćluain Árd in Belfast but are growing right across the North and right across the island. In the survey that it produced last year, Foras na Gaeilge showed that a lot of people have taken up the formal learning of Irish. They are learning in places like Ćluain Árd. I was absolutely delighted to make an investment in that. The Member is also lucky enough to have Ceathrú na Gaeltachta in its own constituency, the Gaeltacht Quarter. I made an investment in that through Forbairt Feirste, which is the secretariat of Ceathrú na Gaeltachta. It will be taking forward a scoping exercise around an Irish language academy.

Mr McCrossan: I thank the Minister for her answers so far. Will the Minister outline when the House can expect the outcome of the assessment to determine levels of economic and social development and employment opportunities in relation to the Irish language? Can those levels be developed within the framework of the Irish language academy?

Ms Ní Chuilín: The first scoping study that we did around some of the topics that the Member raised highlighted the need for a purpose-built, stand-alone academy. That would not just be for the Irish language but would look at the some of the same things in Ulster-Scots culture and heritage. However, it was very academically focused and actually missed the point that the Member has raised. Therefore, taking into account some of the parts of the first scoping exercise, another exercise was developed to look into not only economic regeneration, development and job creation, but learning the language and how it can be blended in. One of the big and growing gaps in the first exercise was the question of what can be done for children and young people who are leaving the post-primary sector and not going on to third-level education.

We also need to make sure that, wherever adults go to learn the language, be it classes in Strabane, Ćluain Árd or anywhere else, they get the same standard and same level across the board. I am also looking forward to the results

of that scoping study because, at the end of the day, the Irish language is regenerating the economy. Irish language activists are ratepayers and taxpayers too. They have rights, and I want to ensure that, collectively, we not only protect those rights but do so with an open heart.

Arts and Culture: EU Funding

8. **Ms Hanna** asked the Minister of Culture, Arts and Leisure for her assessment of the importance of EU funding to the arts and culture sector. (AQO 9559/11-16)

Ms Ní Chuilín: I thank the Member for her question. I believe that it is of significant importance for my Department and its arm's-length bodies to raise their profile in Europe and expand European engagement, including maximising potential funding sources. DCAL, through the Arts Council, has a dedicated resource in place to help artistic, cultural and creative organisations access competitive European funding, mainly through the Creative Europe funding programme.

During the previous funding round, the Arts Council facilitated the drawdown of an average of £300,000 a year to organisations in the arts and culture sectors. Since Creative Europe was established in 2014, a number of events have been delivered by a dedicated European engagement officer to the audiovisual and creative and cultural sectors across the North, with more than 1,000 participants attending. In addition, since that time, comprehensive support has been provided to 15 projects submitted to the Creative Europe programme. To date, the Arts Council and Foras na Gaeilge have secured funding from the Creative Europe funding stream.

Ms Hanna: I thank the Minister for her answers. I agree that the EU has been an important catalyst not just in funding terms but in the increased audience for our art and the less tangible benefits around diversity. Has your Department done any planning for how that funding deficit would be met in the unfortunate event of a UK withdrawal from the EU?

Ms Ní Chuilín: As the Member has pointed out, there is a lot of concern and anxiety around the whole Brexit argument. My Department is, along with others, looking into what the implications of that would be. I think that the sectors and the community should be heard. I heard some of the debates among the business community both in England and here, and 80% there and 90% here are for us not withdrawing but staying as we are. I think that, if you were to apply that same question across culture, arts and leisure and the community and voluntary sector, the figures would be similar. We are still trying to work through potential scenarios and look at how any gaps that are created can be met, if at all.

2.30 pm

Mr Deputy Speaker (Mr Beggs): That ends the period for listed questions. We will now move to topical questions.

Salmon Nets Licensees

T1. **Mr Swann** asked the Minister of Culture, Arts and Leisure for an update on what steps her Department is taking to buy out or close down salmon nets, given that,

in response to a recent question for written answer, she told him that she had paid over £300,000 to a salmon nets licensee. (AQT 3441/11-16)

Ms Ní Chuilín: As the Member will appreciate, this has been an elongated process, particularly for the families concerned. This business has been in families for generations, and we want to be as fair as possible within the guidelines for spending public money. I do not have any definitive response about what to do about the remaining salmon net owners. I will respond to the Member in writing, but I will give him as robust an answer as I possibly can because I am aware that he is working with some of them in his constituency.

Mr Swann: I thank the Minister for her open answer. She is well aware of the work that was done on salmon fisheries, especially with regard to catch and release. If that amount of money has been attributed to the nets owners, and there is still more money outstanding to be paid to them, will she advise us whether she has any sort of counterbalance to give to angling clubs, which voluntarily took up catch and release at the start in order to drive the conservation of salmon.

Ms Ní Chuilín: Like the Member, I commend the angling clubs because they have enthusiastically and genuinely not only helped with the mandatory catch and release as it is now, but continue to act as guardians of the waterways. I understand that there is some concern, given the level of protections that they are engaged in, that some of the netsmen seem to be unwilling to engage in that process. I understand the sensitivities around the issue, but, notwithstanding that, I will try to get the Member the answers that he has asked for as quickly as I possibly can. I definitely hear what he is saying.

Scéim Pobal Gaeilge

T2. **Ms Ruane** asked the Minister of Culture, Arts and Leisure for an update on the Scéim Pobal Gaeilge programme. (AQT 3442/11-16)

Ms Ruane: Go raibh maith agat, a LeasCheann Comhairle. An dtig leis an Aire eolas a thabhairt dúinn faoin dul chun cinn atá á dhéanamh i Scéim Pobal Gaeilge?

Ms Ní Chuilín: I thank the Member for her question. This is something that remains fairly topical in communities. The new arrangements for Scéim Pobal Gaeilge, which will see an increase in the number of groups from 19 to 25 to 27, will happen after July this year. I am thankful that the work that I have done with my counterparts will ensure not only that the scheme is extended but that there will be an increase towards some of the running costs. If you are looking for an example of what works on the ground, helping people who are learning Irish but also helping families and communities to get services through the medium of Irish, it is Scéim Pobal Gaeilge.

Ms Ruane: Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer. What approach are her counterparts, Ministers McHugh and Humphreys, in the South of Ireland taking in relation to Scéim Pobal Gaeilge?

Ms Ní Chuilín: We agreed the revision of the scheme, so they are happy with that. We are still looking at what additional money we can get for Foras na Gaeilge, specifically for this scheme. We are looking at ways in which the groups that applied to the scheme can access

other funding from Foras na Gaeilge and perhaps an increase in some of the running costs. Some of the running costs that have been awarded by Foras na Gaeilge to the groups will, potentially, inhibit them from operating, and that was not the original intention. We are having discussions and, hopefully, we can conclude this before we leave our respective offices. I know that officials in both Departments are working very closely on this as we speak.

Casement Park: Alternative Venue

T3. **Mr Weir** asked the Minister of Culture, Arts and Leisure, in light of some of the problems that have arisen with Casement Park, whether the GAA is seeking an alternative venue. (AQT 3443/11-16)

Ms Ní Chuilín: I am not aware of any alternative venues, and there should not be any. The Member and some others in his party are in the awful position of lobbying for the 2023 Rugby World Cup bid, and there are other Members who are anti-GAA, anti-Casement Park and anti-west Belfast, and they do not want the investment going into that area. Not only am I completely unaware of any other venue, but if it is not Casement Park it is not anywhere.

Mr Weir: It is good to see that a wide range of alternatives is being considered. In light of some of the difficulties, what actions are being taken by her Department to find a solution and resolve the issues between local residents and the GAA?

Ms Ní Chuilín: There are several residents' groups. I know that the Member's party is working with the Mooreland Owenvarragh Residents' Association (MORA), as it is perfectly entitled to do. I met with MORA in the past, and I met with other residents' groups, and, indeed, other businesses in the community whose premises have been on the doorstep of Casement Park for generations. I will ensure that, when the pre-consultation period takes place in March, anyone with concerns will have them heard by the Ulster Council and, where appropriate, they will be rectified before any formal planning application is submitted.

Easter Rising Commemoration: DCAL Funding

T4. **Mr Humphrey** asked the Minister of Culture, Arts and Leisure how much funding she has allocated to the commemoration of the Easter rebellion. (AQT 3444/11-16)

Ms Ní Chuilín: A package of funding was made available by my Department for the decade of centenaries. I will get the Member a figure for this year, for the Easter rising and the Somme, as it is 2016 that we are talking about. I will get him a figure for how much is being spent, and what some of my Department's ALBs are doing as regards exhibitions, talks and discussions. Given the opportunities we had to go to lectures and events in other commemorations, I would like to ensure that all Members from all parties feel that they can go to, for example, the Linen Hall Library or the Ulster Museum, or whatever the case may be, to hear about certain aspects of the Somme or the Easter rising at first hand. I will get the Member those figures in writing.

Mr Humphrey: I thank the Minister for her answer, and I look forward to getting the figures; I will be interested in them. Given the rebellion's divisive nature, its attack

on the state and democracy, and the fact that it had little or no support across Ireland, in particular in what is now Northern Ireland, is this the best use of public money?

Ms Ní Chuilín: The Member has his own perspective on history. From my perspective, I believe that the Enterprise, Trade and Investment Minister — and now the Member's party leader — and I entered into support for a decade of centenaries that included them all. There are certain aspects of the Member's history, and that of his community, that I feel are not palatable; I certainly do not feel that they were democratic. However, I am big enough to recognise that we need to celebrate and commemorate these events from the position of respect, and of dealing with facts, and a position from which we hope to regenerate — and generate discussions to, hopefully, build — good relations. Hopefully, the Member will have that in mind when he asks the question about something like this, because I have had feedback from the community — not just his, mine too — and it is up for this.

Dungiven Sports Complex

T5. **Mr Dallat** asked the Minister of Culture, Arts and Leisure, who said at the beginning of Question Time that she is coming to the end of her reign in the Department, whether she agrees that the recent controversy about the sports complex in Dungiven was shameful and should never have happened and whether she is satisfied that the money now set aside for that project is ring-fenced and that a future Minister with responsibility for culture, arts and leisure will not unravel it. (AQT 3445/11-16)

Ms Ní Chuilín: I am content that the money has been ring-fenced. Just to make sure, I will repeat that again: the money is ring-fenced for my Department for a sports facility. I think it is incredible — and that is as much as I will say — that, in 2016, we still have people who would rather cut off their nose to spite their face. I think it is ridiculous that, with public money, we are still looking at an us-and-them situation rather than at addressing need. I believe that the investment in Dungiven will benefit the people of the town and the outlying areas. The people I met came from across that community and the Member's constituency of East Derry. If there is any hint, or any saying of funny business, or that nothing is going to happen, that will not happen with my money.

Mr Dallat: I thank the Minister for her very positive answer. As someone who spent 33 years in Coleraine — the same time that our Lord spent on this earth — it was heartbreaking to see the performance that went on. Does the Minister agree that, 18 years into an Assembly, we should have matured beyond this sniggering at each other's misfortunes and beyond putting energy and synergy into trying to deprive a community of a space that it needs?

Ms Ní Chuilín: I agree with the Member that, 18 years after the Good Friday Agreement, there is an expectation that things should have moved on. Sometimes, when you look at issues or events that have happened, it is a real flashback to perhaps even further back than 18 years ago. People who want to go back to the past are severely deluded. There is no going back; we are all going forward. Some may need to be dragged forward, but forward they will go. At Dungiven, as with any other sports facility, it is

about need, not creed. The days when people invested in facilities and then tied up the swings are well gone.

CAL Budget: Stakeholder Consultation

T6. **Mr Allen** asked the Minister of Culture, Arts and Leisure, given that the timescale for this year's Budget process is very tight and will not allow for the usual consultation, whether she has any plans to seek comments from key stakeholders. (AQT 3446/11-16)

Ms Ní Chuilín: I thank the Member for his question. Two fairly big consultations are under way in my Department: one on the subregional programme for soccer; the other on an overarching 10-year strategy for arts and cultures. They have been very beneficial, and people did not talk just about those subjects. Those who attended the meetings were from the community and voluntary sector. They represent a wide range of needs and used the opportunity to raise other concerns. As I said in answer to previous questions, that process has not been completed. It will be complete at the end of this month. My aim for the process will be consistent with the position that I have adopted in my Department: I will protect people, particularly the vulnerable, as much as I can.

Mr Allen: I thank the Minister for her answer. Does she anticipate any reduction or ending of school and community engagement programmes as a result of budget cuts?

Ms Ní Chuilín: I am not aware of the specific programmes that the Member has in mind. If he puts his concerns in writing, I will try to have them responded to. I repeat: my job is to try to protect people, particularly those who have had difficulty in the past in accessing front-line services. Through DCAL and its arm's-length bodies, I will try to make them a priority as best as I can.

Enniskillen Library

T7. **Mr Flanagan** asked the Minister of Culture, Arts and Leisure for an update on Libraries NI's proposals for the redevelopment of the library in Enniskillen. (AQT 3447/11-16)

Ms Ní Chuilín: The Member is aware that we are in the final stages of looking at the proposals for that. I hope that that exercise will be completed, if not by the end of this month, by the beginning of next. I will keep Members informed.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. The Minister may be aware that, in Cookstown, the South West College campus is co-located with the library, which presents obvious synergies for the community and the student population. Does she accept that such synergies could be generated in Enniskillen, with the co-location of the Enniskillen library on the site of the proposed South West College at the old Erne Hospital site in the town?

Ms Ní Chuilín: Without coming down on a preferred site — the Member has been very detailed on his preferred option — I accept his point: to ensure the best use of public services, they should, as far as possible, be developed in parallel, if they are not to be neighbours. We have that in mind. In fact, Libraries NI, one of the ALBs in DCAL, has gone a long way not only with users of its service but with other Departments in having libraries as a focus and making them venues in which people can access other services that they find difficult or are reluctant to access

elsewhere. In that way, we can maximise public investment and make a bigger return for ratepayers, taxpayers and people. In so far as we can do that, I am open to looking at it, but it is not appropriate for me to comment on the specific proposals that the Member mentioned.

Mr Deputy Speaker (Mr Beggs): I call Gordon Lyons to ask his question quickly, as we are running out of time.

Libraries

T8. **Mr Lyons** asked the Minister of Culture, Arts and Leisure, given that she will know that last week was National Libraries Week, when he had the pleasure of visiting Whitehead library, and that libraries are more than just places to go to to borrow books, what action her Department is taking to ensure that people are aware of the different services that are provided and to ensure the sustainability of local libraries. (AQT 3448/11-16)

Ms Ní Chuilín: The Member is aware that, in the past, I have given a higher level of protection to libraries than to other ALBs in my Department because the services offered in libraries have an overarching aspect. They are about more than borrowing books. Information and generating awareness are key, and libraries have been very good at that. Not only have they brought in additional people who have become members, but they have brought in people who did not even know that the services were there in the first place.

Mr Deputy Speaker (Mr Beggs): Time is up.

2.45 pm

Education

GCSE Grading System

1. **Mr Kennedy** asked the Minister of Education for his assessment of the effect his decision not to implement the numeric GCSE grading system will have on the ability to compare local GCSE results with those in other parts of the United Kingdom. (AQO 9566/11-16)

2. **Mr Dallat** asked the Minister of Education, given his decision to maintain a letter-based GCSE grading system, to outline the steps being taken to ensure that students are not disadvantaged by being restricted to CCEA examination entries only. (AQO 9567/11-16)

13. **Mr B McCrea** asked the Minister of Education whether he plans to change the GCSE grading systems to match the system proposed for England from 2017. (AQO 9578/11-16)

14. **Mr Anderson** asked the Minister of Education for his assessment of the implications of the decision by the AQA and OCR examinations boards to withdraw from GCSE examinations in Northern Ireland. (AQO 9579/11-16)

Mr O'Dowd (The Minister of Education): With your permission, Mr Deputy Speaker, I will answer questions 1, 2, 13 and 14 together.

I believe that it is in the best interests of learners here to continue with the well-established grading using letters. Requiring all GCSEs here to be graded in that way will avoid unnecessary complexity. It is very disappointing

that some organisations are choosing to put commercial interests ahead of the needs of our young people and will no longer offer their GCSE qualifications here. I assure pupils and parents that our young people will continue to be able to access a wide range of subjects and courses from CCEA, WJEC and other awarding organisations.

My Department has written to schools with initial guidance, including arrangements for pupils who are already working towards 9-to-1 GCSEs in maths and English literature provided by awarding bodies that have now decided to leave us. Further guidance will be provided shortly on the alternatives available to fill the gaps that emerge in the range of GCSEs on offer as a result of their decisions.

It is, of course, important, that qualifications offered here are relevant and appropriate for our young people and our economy. It is also vital that qualifications offered here continue to be recognised by universities and employers across these islands and beyond. Systems are already in place to allow comparisons to be made between exam outcomes here and in other jurisdictions across these islands and beyond. My decision on GCSE grading does not change any of that.

Mr Kennedy: I listened closely to the Minister's answer. A key selling point for the Northern Ireland education system is that, traditionally, our pupils get better A-level, AS-level and GCSE results than their compatriots in England and Wales. Does the Minister agree that we should protect that record, and does he agree that it is essential that we should compare and benchmark our performance against other parts of the United Kingdom, especially in key subjects?

Mr O'Dowd: Yes and yes, but none of the decisions that I have made to date will change that. We will still be comparable to England, Wales, Scotland and the South of Ireland. None of the decisions that I have made negates or does away with such comparability across these islands. It is vital that we measure our education system against those of our nearest neighbours or other jurisdictions. It is also vital that we are able to measure our education system against the leading education systems in the world. While I fully understand — it is only natural — why we compare our results at the summer awarding time with England's, we have to move beyond that. That is nothing to do with this decision, I have to say. We have to compare with the leading education systems across the world and ensure that our students match them.

Mr Dallat: I listened carefully to the Minister's answers. Does he agree that it is bad enough having two examination systems on this small island without introducing a third one? Does he also agree that, when employers assess people for jobs, they may not be as knowledgeable about the grades as the Minister is or as I am as a former teacher?

Mr O'Dowd: The reality is that we have two qualification systems on this island, and we now have divergence in GCSE grading on these islands. Wales has maintained the alphabetical awarding system, as have I. As you are aware, England has moved to a 9-to-1 system, and Scotland has its own qualifications. That is the reality of the situation and the reality of devolved government. Devolved institutions will make decisions that they believe are in the best interests of their students.

Employers now deal with qualifications from across Europe. The debate about Brexit and our relationship

with Europe is relevant here, because, with the influx of European workers into our economy, employers — particularly major employers — deal with qualifications from a range of European countries. Our universities deal with a range of qualifications not only from Europe but from around the globe, and all manage perfectly well.

Mr Anderson: Minister, what discussions did you have with teachers and their representatives on this issue before you made your decision on the grading change?

Mr O'Dowd: Consultation on this matter took place over a 12-week period. There were consultation responses from teachers, teachers' organisations, parents and pupils, the business sector and other sectors. As with many consultation responses, there was a variety of opinions, whether among teachers or other professionals, about how you maintain qualifications and score those qualifications. However, the key message coming from the consultation responses is that we want to maintain, and ensure that there is no confusion around, the publication of examination results with a variety of numbers and alphabetical scoring on the one awards sheet that is given to pupils.

Mr Weir: In addition to the general concerns that have been raised on this matter by myself and others, I ask the Minister to comment specifically on the computer science GCSE. At the weekend, Professor Crozier of Queen's University expressed a concern about the removal of the more technical computer science GCSE, which is currently provided by the English boards, and that the current CCEA ICT computer science one is less technical and will leave Northern Ireland students at a disadvantage. What assurance can he give that a computer science GCSE that matches what is there from England will be put in place?

Mr O'Dowd: CCEA is developing a new GCSE in ICT. Importantly, CCEA is developing it in conjunction with local employers and industry leaders. The way forward in qualifications is to develop them in conjunction with employers and leading academics in the subject. I am confident that the new GCSE that will be introduced by CCEA will have the same rigour and fortitude as the one that the professor commented on over the weekend. We also have a very rigorous A level in ICT that is recognised by universities and others. I listened carefully to the concerns raised over the weekend, but I am satisfied that the course of action that we have taken will not put our students at a disadvantage in any subject, including computing.

Mr Allister: The Minister must have known when he made his decision that English boards were not going to establish a separate marking system for Northern Ireland students. Therefore, he knew — and presumably wanted — that the outcome would be to reduce the choice for schools and pupils in Northern Ireland. Is his agenda not as obvious as it is political?

Mr O'Dowd: No, it is not political — it is educational. I note that no one who has presented me with questions thus far has presented me with an educational argument not to take this decision. You have chosen a political question rather than an educational question to confront me about my decision, but I await someone challenging me for educational reasons. It was an education decision based on sound data, consultation and the needs of our local students. It would be a very unfortunate position for any Minister to start making decisions based on the commercial needs of companies that provide services to

Health, Education or any other Executive Department. We have to make decisions that we believe are in the best interests of our young people. If commercial enterprises wish to follow, well and good. If they do not, so be it.

Post-primary Schools: Enniskillen

3. **Mr Flanagan** asked the Minister of Education how he will ensure the views of the local community are taken into consideration in relation to proposals by the Council for Catholic Maintained Schools (CCMS) on the future of the four post-primary schools in Enniskillen. (AQO 9568/11-16)

Mr O'Dowd: CCMS has a statutory duty to promote and coordinate, in consultation with the trustees, the planning of effective provision of Catholic maintained schools. The statutory development proposal process facilitates extensive consultation and has two distinct stages. Prior to publication, the onus is on the proposer, in this case CCMS, to consult the boards of governors, teachers and parents of the affected schools. The Education Authority also has a duty to consult all other schools likely to be affected. Once a development proposal is published, a two-month objection and comment period begins, during which anyone can make their views known directly to my Department. I endeavour to engage with concerned or interested parties during this stage to listen to their views on a proposal before I decide whether to approve it.

The 2015 strategic area plan for post-primary schools states that the trustees recommend the phased development of two large single-sex schools in Enniskillen. The statutory development proposals to support that intent have not been published. Until they are, neither my Department nor I have any role.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answer. This issue affects people across Fermanagh, not just Enniskillen. The four schools in question — St Michael's, St Joseph's, St Fanchea's and Mount Lourdes — all provide excellent education to the students who attend them. At what stage will the Department and the Minister, whether he or his successor, become involved in the process to ensure that the views of the local community are heard on the matter and that a decision in the best interests of the young people of Fermanagh is reached?

Mr O'Dowd: The only point at which I or the next Minister will become involved is when development proposals are published in relation to the plans outlined by CCMS in one of its documents. At that stage, it is opened up to two months of consultation, where the Minister will engage with locally interested parties, including the schools and others, on the issue and take on board evidence, verbal and written, from the various parties on the matter. Only after that two-month consultation can a decision be made.

Mr Patterson: The Minister will probably be aware that there is a widely held view across Fermanagh that schools in the controlled sector have been treated very differently from those in the maintained. The controlled post-primaries in Kesh, Ballinamallard and Lisnaskea have all been closed, with the promise of a new build in Enniskillen, which, in reality, is some way off. Does he understand the frustration when local people see what is clearly an unfair approach taken with other valuable schools, such as the one in Brollagh?

Mr O'Dowd: I do not accept your view on that matter. I have been involved in wide-scale consultations with a cross-section of the community in Fermanagh over my tenure as Minister. I was the Minister who brought forward the new build for Devenish College, and I was the Minister who defended that new build when representatives from Fermanagh told me that it would never happen. I am sure that it was very desponding for the board of governors of Devenish College to hear elected representatives in the Chamber tell me that a build would never happen. The build is happening. Devenish College will rise up as a new school in the near future. Work is already taking place on site to deal with the difficult lay of the land in that area.

The delay in dealing with and improving educational facilities in the controlled sector in Fermanagh has as much to do with those who refuse to accept the need for change as it has with those who want to promote change. The judgement last Wednesday or Thursday shows that the decision that I made in relation to Portora and Collegiate was the correct one. The judge rejected 29 of the, I think, 32 original points of appeal, several of which were dropped during the case. The judge rejected every point of appeal brought forward and said that the Minister's decision was correct and rational. We now have the programme for change that is needed in the controlled sector, and I am determined to back it up with investment in new schools for the controlled sector in Fermanagh.

Mrs D Kelly: On the principle of shared education, have you, Minister, added any caveats or conditions that schools must comply with to avail themselves of shared education funding, such as having to participate in Key Stage 3 assessments?

Mr O'Dowd: I welcome the Member to her role as education spokesperson; I look forward to locking horns with her. This is an issue that goes back several months. I have included the caveat that schools should report on levels of progression. Why would I not? Why would I not insist that schools report on levels of progression when we are talking about a significant investment of public funds in a scheme that is about shared education and ensuring that it not only creates changes in our society but delivers high-quality education?

Several of the unions objected. I engaged in great detail with them, and we have now come to a compromise position; we are working our way through the levels of progression. Engagement with the unions will continue. That will be only for the betterment of creating levels of progression that all schools and unions are comfortable with. It will also ensure that the Education Department, the Executive, the Assembly and all the others tasked with looking after public money can be satisfied that it is well invested.

3.00 pm

Mr Deputy Speaker (Mr Beggs): Paul Girvan is not in his place.

Easter Rising: School Commemorations

5. **Mr McElduff** asked the Minister of Education for an update on any plans his Department has to support or facilitate schools in marking the centenary year of the 1916 Easter rising. (AQO 9570/11-16)

Mr O'Dowd: Since 2013-14, my Department has cooperated with the Department of Education and Skills in the South in running an all-island history competition for schools to commemorate the decade of centenaries. As part of the Ireland 2016 programme to commemorate the events of 1916, of which the Easter rising is one, three all-island schools' competitions will be held this year in history, drama and art. The cross-curricular nature of those competitions provides opportunities for pupils to learn about that important period in our history. Additionally, the Council for the Curriculum, Examinations and Assessment (CCEA) is working on a 1916 mutual understanding programme for schools, with the objective of providing curricular support and materials for teachers and learners that will allow them to explore the history and legacy of events associated with the 1916 year of centenaries, including the rising and the battle of the Somme. I have agreed to provide funding of up to £45,000 for that work by CCEA in 2016-17.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. In commemorating 2016 as a year of centenaries, with its important milestones and historical anniversaries, can he assure us that schools will feel as comfortable about looking at the 1916 Easter rising as they might about looking at the First World War?

Mr O'Dowd: The all-Ireland competition we are running with the Department of Education and Skills in the South and the funding I am providing to CCEA are to ensure that schools can look at both significant events of 1916, with the centenaries of the rising and the battle of the Somme. There are schools that will choose to look at both events, and there may be schools that will choose to look at one or the other.

I know that, with my children, the conversations around the dinner table range from the 1916 rising to the First World War. I think that is very interesting. In fact, one of my sons asked me whether I was around during the First World War, and I had to convince him that I was not. There are opportunities for schools to look at both the major events of 1916 going through 1916 or to look at singular events. I encourage them to look at both.

Mr Hussey: Does the Minister agree that great care must be taken to not glorify the mistakes of history? For example, in the Easter rising, one of the first killed was a Dublin Metropolitan Police officer who was killed in cold blood.

Mr O'Dowd: Events in history are issues that there are always differences of opinion on. It is clear that death occurred on the streets of Dublin, as it did around the banks of the Somme. There are many studies and views on whether either of those battles was necessary and whether the great loss of life, be it in the First World War or the Easter rising and the proceeding war of independence, was inevitable or necessary. I want to ensure that schools have an informed debate, are comfortable in that debate and engage with each other. Yes, we should learn from the mistakes of history, but it is not only schoolchildren who need to do that: adults in the Chamber would do well to learn from the mistakes of history too.

Mr McCausland: I thank the Minister for his answer. In Ulster in 1916, there was no rebellion. The rebels gathered in Tyrone, and, apart from two of them shooting themselves when their guns went off accidentally, they simply went home on the train afterwards. Will the Minister

assure us that that information will be incorporated into the same material?

Mr O'Dowd: The history of the rising will be interpreted by and taught through schools. I do not provide the material to schools and say, "You must teach it in this way". The information they get is open to interpretation by the schools.

The Member will be aware that there was a rebellion in the Six Counties: the UVF was still armed to the teeth. They still had the guns they landed in 1913 and were still threatening war against the British state if home rule was, in their words, imposed or if partition did not take place. So, there was a rebellion. It was a rebellion on the other side of the argument, perhaps, but there were certainly those who were hoarding guns — *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order.

Mr O'Dowd: There were certainly those who were hoarding guns; there were those who were planning an armed uprising; and there were those who were threatening to carry out violence against the king and his forces. The Member may want to write that out of history; I do not.

History does not scare me. Learning about history does not scare me. Learning about the mistakes of history does not scare me. Learning about other people's perspectives on history does not scare me. What scares me is when we make the mistakes of history.

Schools: Budget 2016-17

6. **Mrs Overend** asked the Minister of Education when schools will receive notification of their budget for 2016-17. (AQO 9571/11-16)

Mr O'Dowd: Following the Executive's agreement of the 2016-17 Budget on Thursday 17 December 2015, which was subsequently passed by the Assembly on 19 January 2016, I am working through the impact of the Budget 2016-17 outcome on the education sector and have not yet come to any final decisions in relation to that. The budget settlement for education is challenging, partly as a result of the real-terms reduction to the Executive's resource budget by the Westminster Government. However, the position for education is significantly better than previously anticipated. My aim is to have reached final decisions on my Department's budget allocations within the next number of weeks to allow for early notification to schools.

Mrs Overend: I thank the Minister for his answer. The Minister will be aware that schools work to a three-year budget cycle and that, as it stands, they do not know what their budget will be for the 2016-17 year. Has he given any consideration in the five years in which he has been Minister to doing something about that and to change it?

Mr O'Dowd: Perhaps my memory is playing tricks on me, but do I recall the Ulster Unionist Party challenging the Executive over their four-year CSR Budget and calling for a year-on-year Budget settlement, rather than producing a four-year Budget at the start of the mandate? I think that the Ulster Unionist Party and, I believe, your colleagues in the SDLP opposed a four-year Budget at the start. We are in a one-year Budget cycle because we are facing into an end-of-mandate election. There will be an election in May; there will be a new mandate; and there will be a new Executive. It will be up to the new Executive, if they so wish, to approve a Budget period over four years. Schools

will then have certainty around what their budget will be like for the coming period on the three-year plan. We are in a unique position. As I said, the election is coming. We have to set the Budget, and there is nothing we can do about it at this stage.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister give us a little more information on what impact the increased capital budget will have on schools in the 2016-17 financial year?

Mr O'Dowd: The increase in the capital budget is a good news story for Education. We have seen a significant increase in the capital budget for the Education Department both in normal capital and the injection of money from the Fresh Start Agreement, which committed £50 million per annum for shared and integrated education and, indeed, shared housing. Hopefully, we will be able to work our way through a significant part of the minor works backlog that has built up this year. We are moving ahead with a significant new school build programme and a school enhancement programme (SEP). Indeed, I hope to be in a position in the coming weeks to announce several more projects that will move onto site shortly.

Schools: Heating Systems

7. **Mr Clarke** asked the Minister of Education what consideration has been given to replacing oil-fired heating systems with gas-fired systems in schools. (AQO 9572/11-16)

Mr O'Dowd: I am committed to ensuring that the schools estate plays its part in reducing greenhouse gas emissions and improving energy efficiency. I, therefore, continue to consider investment in gas conversions, within the budget available to me and within the availability of the natural gas network. In the 2014-15 financial year, I invested £10 million on a range of energy efficiency projects across the schools estate, including the conversion of oil-fired to gas-fired heating in 16 schools.

Mr Clarke: I thank the Minister for his answer. I welcome the fact that he is looking at energy efficiency in our schools. I had a recent meeting with Firmus Energy, which is a provider in the south Antrim area. I was alarmed to find out the number of schools that had not converted to gas. Given that we hear, quite often, in the headlines about schools from which oil has been stolen, I appeal to the Minister to do more in areas where gas is available. What assurance can the Minister give that he will do more for the schools in each of the constituencies where gas is available to give them security of supply?

Mr O'Dowd: I note the Member's comments on security of supply, but, at the moment, given that oil prices are so low, I suspect that many schools are quite happy to continue with oil-fired central heating. I also note the comments made on green energy, energy efficiency, and so on. As he will know, energy markets fluctuate. Gas is also at a reasonable price at the moment. World affairs can have a major impact on gas prices as well, so, as regards predicting future prices, it is a topsy-turvy sort of economy. My Department works with the Education Authority and the other managing authorities on conversions. Moving forward, we will make budgets available as we can to ensure that our schools have the most up-to-date energy systems.

Mr McMullan: Can the Minister tell us the number of schools that currently operate with gas-fired heating?

Mr O'Dowd: Currently, 739 sites in the education estate are connected to the natural gas network. Those include schools, school meals accommodation, youth clubs and administration buildings. I will provide the Member with a full breakdown in writing of the schools involved.

Transfer Tests

8. **Mr McAleer** asked the Minister of Education for an update on the number of schools that are continuing to use transfer tests for year 8 admissions. (AQO 9573/11-16)

Mr O'Dowd: For transfer in 2016, 62 post-primary schools are using children's results in unregulated tests as a basis for year 8 admissions. Although some schools appear to be wedded to the outdated notion of testing children for admission, an increasing number of grammar schools have chosen to abandon academic selection.

St MacNissi's College dropped selection in March 2010 when it amalgamated with two other County Antrim schools to become St Killian's College. Loreto College in Coleraine has been operating successfully as a non-selective grammar school since September 2012. St Patrick's Grammar School in Armagh has abandoned academic selection. St Ronan's College in Lurgan, which opened in September 2015, operates as a non-selective grammar school.

More Catholic grammar schools have announced that they are exploring the possibility of moving in the same direction. Loreto Grammar School in Omagh and Omagh Christian Brothers Grammar School have signalled that they wish to move away from academic selection on a phased basis, while plans are being developed in Fermanagh that could lead to the end of academic selection at Mount Lourdes Grammar School and St Michael's College in Enniskillen. St Louis Grammar School in Killeel is also exploring the possibility of moving away from academic selection. Furthermore, I will shortly be making a decision on a development proposal for the phased ending of academic selection at Dominican College in Portstewart.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to a number of schools in the Omagh area that have forwarded proposals to move away from academic selection. Can he outline the impact that he believes that will have on educational provision in the local area?

Mr O'Dowd: Given that those development proposals are live, in the sense that there is now pre-consultation, after which they will move to publication, it would be inappropriate of me to comment on them specifically, but I note that, in other areas where academic selection has been brought to an end, schools and the educational outcomes of their young people continue to prosper. That proves that you do not require academic selection to have a high-quality education system for our young people.

Mr Diver: I thank the Minister for the information provided on those schools that are trying to move away from the transfer test. Specifically, however, what support is being given to schools that are attempting to move away from the practice of transfer tests?

Mr O'Dowd: It will depend on the case and on whether it was an amalgamation or a closure and the beginning of a new school. It will depend on how the schools move away from academic selection. It is noted that the schools that have taken that step forward have not seen the predicted decline in numbers or in support from the local community. They have not seen the predicted decline in academic results or, indeed, educational results of young people. I encourage the boards of governors out there that are not considering ending academic selection to sit down and have a real conversation about how they believe they are contributing to the educational well-being of the entire community, not just some in the community, because I believe that those schools that have taken that step forward have shown the doubters that world-class education can be and is provided in the absence of academic selection.

Mr Deputy Speaker (Mr Beggs): That ends the period for listed questions. We now move on to topical questions.

3.15 pm

Schools: Wasted Money

T1. **Mr Dallat** asked the Minister of Education what he plans to do about the millions of pounds that have been wasted by boards of governors that have, against the background of teachers unable to find jobs, overcrowded classrooms and bad maintenance, rather than create posts, suspended teachers for up to three years, only to bring 99% of them back into service. (AQT 3451/11-16)

Mr O'Dowd: We have an education system and education legislation that devolve a significant amount of power to boards of governors. Boards of governors are the employing authority of schools and deal with their day-to-day management. The management of staff in schools is the responsibility of boards of governors. Therefore, it is the responsibility, first, of the managing authorities, whether it be the Education Authority or the Council for Catholic Maintained Schools (CCMS), and boards of governors to ensure that suspensions are dealt with as quickly as possible and that the rights of staff who are suspended and the rights of those who have made allegations against staff are respected and protected. Once you get into that, you can end up with quite significant delays in dealing with sometimes very complicated accusations against staff, or vice versa, and that is when you end up with lengthy suspensions. I believe that more can be done to shorten the length of suspensions. That would improve the morale of the staff who are suspended and, for those who have made accusations, would ensure that the issue is dealt with quickly. It would also save money for the public purse.

Mr Dallat: Mr Principal — sorry, Mr Deputy Speaker — you might be Principal Deputy Speaker in the next Assembly.

I am not sure if I am hearing the Minister right but, attempting to be positive, is he telling us that the monitoring of this was totally deficient in the past and that he will ensure that there is monitoring of all schools? I understand that many schools are not monitored at all. Will he convince the world at large that the squandering of £4.2 million in the past five years will not be repeated?

Mr O'Dowd: I wonder whether the Member has ever made any representations on behalf of a suspended teacher.

Mr Dallat: Yes, you know I have.

Mr O'Dowd: Right, OK. Therefore, you accept and defend the right of suspended teachers to be treated fairly and equally under employment legislation and under the rules that govern their school. Where do you draw the line with the £4.2 million that you say has been wasted? Is it that the money was not wasted on the staff you represented but that it was wasted on the staff you did not represent and on that side of the argument? Where do we draw the line?

I am being told by schools that they have to go through these procedures and that they are honouring the rights and entitlements of the teacher or member of staff, and honouring the rights and entitlements of the person who made the complaint. Once you get into all that technical stuff, it can end up being very protracted. Was it monitored properly in the past? I think that it could have been monitored more closely. I have asked my officials to bring forward more proposals on how we ensure that monitoring goes on and how we support schools and boards of governors to ensure that they have all the information and support at hand to deal with these matters as quickly as possible, but the bottom line is that people have rights and entitlements under the law and, when it comes to suspensions, you will find that they quite rightly use them.

Mr Deputy Speaker (Mr Beggs): I ask that all remarks are made through the Chair so that Hansard is able to pick everything up appropriately.

Approved Schools: Enrolment Figures

T3. **Ms Lo** asked the Minister of Education why approved school enrolment figures are not included on the Department's Schools + website. (AQT 3453/11-16)

Mr O'Dowd: I do not know. That is the honest answer. We provide data through the Education Authority and give a school profile on every school. That should provide enrolment numbers at schools, their budget position, the number of children entitled to free school meals etc. That is available through the Education Authority's website.

Ms Lo: I thank the Minister for the confession that he does not know. I ask him to check on that website as soon as possible. Such very important information should be listed on the website.

Mr O'Dowd: I certainly will check for the Member. It may be that we are relying on the school profiles that, as I said, are published for every school on the Education Authority website, but I will follow the matter up.

Mr Deputy Speaker (Mr Beggs): Alastair Ross is not in his place.

NI Students: OECD Report

T4. **Mrs Overend** asked the Minister of Education to comment on the BBC headline news story, "NI students 'among poorest skilled' in developed world countries", which referred to an OECD report, albeit wrongly interpreted. (AQT 3454/11-16)

Mr O'Dowd: The Member has answered her own question in many ways. I believe there was a printing error or other mishap in relation to the report and the details that were given to the media. The media, quite rightly, reported the information that they were given, but that was wrong, and it did present our students in a very dim light, which was

unfortunate and unacceptable. I have already received a letter of apology from the OECD in relation to this matter, but it should never have happened in the first place.

Mrs Overend: I thank the Minister for that. I appreciate that OECD sent the Minister an apology, but the damage may be already done as regards how far this story has gone across the world. It was on the BBC UK website. How far has that gone? What has the Minister done or what does he plan to do to get the message out across the world that Northern Ireland students are highly skilled, because that report really could be damaging to the Northern Ireland economy?

Mr O'Dowd: I am not always a great defender of the media, but as soon as the BBC was made aware of this matter, it published the OECD's retraction on its website. I published a statement welcoming the clarification around the qualifications and abilities of our young people and expressing my severe disappointment with OECD in relation to the publication of the figures.

It did make headlines, thankfully for only a 24-hour period. However, the correction is now in place, and we will be able to allay anyone's fears or investors' fears in relation to that matter. The figures that OECD provided were completely wrong and did a great disservice to our young people. The apology that I received from OECD is not necessarily to me but to our young people and students, who performed so well in their studies. At any opportunity I have, I will certainly ensure that anyone's misconceptions about our education system will be corrected.

Schools: Refurbishment/Capital Rebuild

T5. **Mr Campbell** asked the Minister of Education for an update on the progress being made on major refurbishment and capital rebuild projects in primary and post-primary schools across Northern Ireland and particularly in East Londonderry. (AQT 3455/11-16)

Mr O'Dowd: As I said in previous answers, we have a significant building projects going on in capital and school enhancement programmes. There are a number of programmes in the Member's constituency. We have Rossmar School, a special school in Limavady. We have Our Lady of Fatima, formerly Craigbrack, Listress and Mullabuoy primary schools in Derry. Those are the two projects that are jumping out at me at the moment. If there are any more, I will certainly inform Mr Campbell in writing.

Mr Campbell: I notice that the Minister was looking down his list with increasing concern that he was not getting any more than the ones that were there. He did not seem to have difficulty in getting capital sums to support capital works in Dungiven for three local children for an Irish language school in East Londonderry, so can the same vigour and concern apply to the maintained and controlled sectors as was applied there, and with much more relevance and poignancy for the numbers of pupils and parents concerned?

Mr O'Dowd: With regard to investment, I could stand here and read out the list of projects that are being built across the North, and the Member will find that there is equality and fair play for everyone. In relation to the Member's constituency, perhaps he would like to inform me which schools he has been lobbying for and which I have turned

down. I do not recall the Member lobbying that strongly for any schools in his constituency, and that may be the case.

When we come to a capital announcement, I go to the previous education boards, the CCMS and other managing authorities and ask them to bring forward a list of priority schools under their management. We will then run that through the system and match the schools that come out the other side with our budget at that time. We have made a significant investment in the various schools across the North over the last number of years, and we will continue to do so. Perhaps the Member would like to write to me in relation to the schools he feels have been left behind in his constituency.

Mr Deputy Speaker (Mr Beggs): William Irwin is not in his place.

Wind Turbines: School Estate

T7. **Mr Attwood** asked the Minister of Education, given that an earlier question referred to conversion from oil to gas in greening the school estate, and the fact that a great school in west Belfast, St Mary's Christian Brothers' Grammar School on the Glen Road, has a wind turbine, whether he is aware of any other conversions within the school estate to wind energy and away from fossil fuels. (AQT 3457/11-16)

Mr O'Dowd: No, not off the top of my head. A number of schools have been very innovative in their energy consumption and preserving energy. Our new-build programme, I have to say, is very energy-conscious and very energy-efficient in ensuring that schools are able to monitor the amount of energy they are using, and that they are even able to reduce energy consumption over that period of time. I do not have, at hand, a list of the schools that have converted to wind energy.

Mr Attwood: That is very understandable. DOE runs a scheme whereby virtually every primary school in Northern Ireland is an eco-school. Given the challenge of climate change and the greening of the public estate generally in Northern Ireland, is it not time that there are interventions to encourage schools to seek planning permission and build wind turbines as part of their contribution to environmental change?

Mr O'Dowd: As you said, the vast majority of our primary schools have the eco flag flying from them. Schools are very active in relation to these matters. If the Member is suggesting that the Department should take it on as a project, it would mean that we would have to let go another project somewhere else. It would also require investment in those matters, which means that we would have to let something go somewhere else. All of these are competing priorities. I believe, at this stage, that the best way forward for our school estate is in relation to investment in its capital upgrade and its building infrastructure upgrade, and we are having quite good success in relation to that.

Little Flower Girls' School

T8. **Mr Humphrey** asked the Minister of Education whether he will commit to meet the parent representatives and board of governors from Little Flower post-primary school in North Belfast, who recently met with him and his colleague Nigel Dodds, in light of the fact that the board of governors is united that the school should be retained,

with a petition recently presented to the Assembly, albeit that, sadly, however, CCMS refused to meet the parent representatives and the governors. (AQT 3458/11-16)

Mr O'Dowd: If the Member cares to write to me on the matter, I will certainly take it under consideration. There are proposals around a development proposal for that area. It may not be the case, but, if my memory serves me right, the consultation for that area may have closed around 19 January. If that is not the case, we can facilitate a meeting if the Member writes to me.

Mr Humphrey: I thank the Minister for that response, and I will certainly endeavour to do that. It is my understanding that the parents of pupils at Little Flower and those of pupils at St Patrick's are keen on the retention of both as single-sex post-primary schools in north Belfast. He should be aware that this is a viewpoint that is widely held across the community in north Belfast and, obviously, in particular, by the parents of the pupils attending both schools.

Mr O'Dowd: I take the Member's comments on board. Changes in the school estate can often result in a keen interest from the community, which is a good thing. I always take on board the views and commentary of local parents and local representatives in regard to that matter.

Mr Deputy Speaker (Mr Beggs): That is the end of our time for topical questions. I ask Members to take their ease for a few minutes.

3.30 pm

Private Members' Business

Assembly and Executive Reform (Assembly Opposition) Bill: Consideration Stage

Debate resumed.

Mr Deputy Speaker (Mr Beggs): We now come to the second group of amendments for debate. With amendment No 30, it will be convenient to debate amendment Nos 31 to 40 and Mr McCartney's opposition to the schedule. Amendment No 32 is mutually exclusive with amendment No 31. Amendment No 33 is consequential to amendment No 32 and mutually exclusive with amendment No 31. Amendment Nos 35, 36 and 37 are mutually exclusive with amendment No 34. I call Mr Alex Attwood to move amendment No 30 and to address the other amendments in the group and the schedule stand part.

Schedule (Content of Assembly and Executive Reform Motion)

Mr Attwood: I beg to move amendment No 30: In page 7, line 7, at end insert

"Petition of Concern Reform

3. The motion may request that upon the tabling of a valid Petition of Concern under section 42 of the Northern Ireland Act 1998, voting be postponed and an Ad-Hoc Committee on conformity with Equality Arrangements, exercising the powers in section 44 of the Northern Ireland Act 1998, be established within the Assembly to scrutinise the effects on human rights and equality of the proposal in question. If this committee should report adverse findings to the Assembly the vote on the matter should require cross community support as defined in section 4(5) of the Northern Ireland Act 1998. However if the committee should report no adverse findings the petition shall be deemed to be invalid and the vote shall proceed on a simple majority basis."

The following amendments stood on the Marshalled List:

No 31: In page 7, leave out paragraphs 3 to 6.—
[Mr Eastwood.]

No 32: In page 7, line 16, leave out from "and," to end of line 17.— [Ms P Bradley.]

No 33: In page 7, line 19, leave out sub-paragraph (2).— [Ms P Bradley.]

No 34: In page 7, leave out paragraphs 7 to 14.— [Ms P Bradley.]

No 35: In page 7, line 28, at end insert"(aa) that the Deputy Speakers be elected in a secret ballot under a weighted majority vote,".— [Mr McCallister.]

No 36: In page 7, line 28, at end insert"(ab) that at least one of the following must be female—

(i) *the Speaker,*

(ii) *a Deputy Speaker,".— [Mr McCallister.]*

No 37: In page 8, line 30, leave out "four" and insert "two".— [Mr Kennedy.]

No 38: In page 8, line 31, at end insert

"Legislative timetable

13A. The motion may request that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year.".— [Mr McCallister.]

No 39: In page 8, line 33, leave out paragraph 14 and insert

"14. The motion may request that the function of statutory committees becomes to scrutinise Ministers and to advise and assist Ministers in the formulation of policy.".— [Mr McCallister.]

No 40: In page 8, leave out paragraph 15.— [Mr Eastwood.]

Mr Attwood: In starting, I should probably advise the House that there are two pieces of good news. First, I do not intend to detain the House very long in debating this group.

A Member: Hear, hear.

Mr Attwood: Thank you for that.

Secondly, in the previous group, there were, I think, 23 separate votes in opposition to each clause; whereas, this time, at least there will be only one vote in opposition to the schedule.

One vote that we will have is on amendment No 30, which relates to the petition of concern reform. All who signed up to the Good Friday Agreement, in whatever way they chose to do so — some of the ways were a bit ambiguous, vague, cryptic or delayed, but we will put all that aside — should sign up to amendment No 30 because it is sourced in the words of the Good Friday Agreement at paragraphs 11, 12 and 13, which are the particulars of the agreement that deal with strand 1 issues.

Mr McCallister: I am grateful to the Member for giving way. I am supportive of and have no issue with his amendment, but he does realise that, even if his amendment is made, his petition of concern would remove it.

Mr Attwood: Yes. Obviously, I am fully aware of that. Therefore, as I will indicate later in my contribution, the SDLP is working with others — hopefully, others in the Chamber; certainly, others in the Building — to produce a new clause 13, which is the procedural device, to bring matters to the Floor of the Chamber. Those matters would then be referred to in a new schedule, and that new schedule will, I have no doubt, anticipate the points that I am about to make on the reform of the petition of concern.

I will go back to the substantive point about the reform of the petition of concern. Those who endorsed the agreement should endorse that proposal because the amendment reflects faithfully that which is in paragraphs 11, 12 and 13 of the Good Friday Agreement. Those deal with strand 1, and paragraph 11 states:

"The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights."

If only we had a Bill of rights. Paragraph 11 continues:

"The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report

of the Committee and can determine the matter in accordance with the cross-community consent procedure."

Paragraph 12 states:

"The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis."

Paragraph 13 concludes:

"When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed."

As is clear, the words of the Good Friday Agreement are replicated in the words of the amendment. I encourage people who are faithful to the Good Friday Agreement to go back to its words and to endorse the amendment.

Since the agreement, a failure and fault line in Assembly processes has been that people have not availed themselves of the procedure or it was not fully legislated for in Standing Orders when it came to the business of the House. Although it is unlikely, for reasons that I will explain, that we could have been in a different place with the use of and reliance on a petition of concern, if, in the early days of the Assembly, people had relied not on a petition of concern per se but on the procedure for establishing a special Committee — an Ad Hoc Committee of the House — to determine whether there are equality or human rights dimensions for a matter that is subject to a petition of concern.

If we are not to reduce a petition of concern to a mutual veto on anything that moves in the Chamber, it is better to source the use of a petition of concern on equality or human rights matters and to have a process to define those issues, take evidence, interrogate and make a judgement. If that process and procedure had been in place, the widely perceived and, indeed, wider truth of the abuse of a petition of concern may not be the shadow on the Assembly that it has been. There are occasions when you have to deploy a petition of concern, which is why, with so much of the schedule, the SDLP and others have decided to do so. We are trying to reform the petition —

Mr Allister: Will the Member give way?

Mr Attwood: I will in a second. We are trying to reform the petition of concern, and I think that it is the broad view of Members that it should be reformed. In various negotiations and proposals that have emerged from those negotiations, there have been some moderate proposals, including a protocol to encourage best behaviour. This, however, goes further than best behaviour by creating a structure to mainstream best practice on the use of a petition of concern and to have it and issues therein grounded in human rights and equality matters. I will give way.

Mr Allister: To give the amendment as good a wind as I can, I will ignore the fact that the Member is relying so heavily on the Belfast Agreement as his birth parent. Will he explain what timescale he anticipates for this procedure? Take the petition of concern that he tabled

today — we are in the dying weeks of this Assembly — would its effect not be to kill off legislation because it would take so long for an Ad Hoc Committee even to reach a view? Would it not slow down the interminably slow processes of the House even further?

Mr Attwood: I will not draw conclusions from the bad practice of so much legislation coming before the House in the last days of this mandate as an argument against a procedure that could apply, subject to the will of the Assembly when appropriate, in every month and year of a mandate.

Yes, there are time pressures now; yes, that is unfortunate; yes, that could see a negative outcome in the form of legislation that comes forward at the end of a mandate. However, a mandate is not two months or four months; it is four years and could be longer. In all those circumstances, the issue should be whether that is an appropriate mechanism that can be deployed in the life of an Assembly, even if, at the end of the life of the Assembly, it might be a mechanism that could be deployed for negative reasons. I understand the points that have been made, and I welcome the fact that Mr Allister said that he will give it a wind. To be fair to Mr Allister, I think that it was a fair wind. The correct point that he made about the potential negative consequences of using the device at the end of a mandate should not influence people definitively about its use in every other month and year in the life of the Assembly.

The more fundamental point that he might have made is whether legislation could be derailed by interminable delay in relation to this device. That will happen. I am sure that Sinn Féin will also make the point, when it enters the debate, that it could also be derailed by the fact that there are too many examples when matters go to a Committee and it is as clear on the nose on your face what that Committee should be thinking and judging in relation to that matter, only for the weight of numbers to prevail. Whatever the evidence and whatever the equality or human rights consequences, there are examples in Committees in the House when it is very clear what actions should arise, not least in relation to Members of the House, and it ends up that weight of numbers or party position seek to derail what should be the right outcome in favour of the wrong outcome. Unfortunately, even this proposal — this is why I say that Sinn Féin might —

Mr Ross: Will the Member give way?

Mr Attwood: I will in a second.

That is why I say Sinn Féin might touch on that. The proposal is vulnerable to being abused by the members of an Ad Hoc Committee, who might take a view that is partial rather than one that is consistent with equality and human rights standards.

Mr Ross: I thank the Member for giving way. It is a bit of an odd debate, given that we will probably remove the whole schedule even if people support his amendment, but he has just highlighted one of the issues with his proposal. If his logical position is that the Assembly cannot be trusted to make those decisions, and therefore it has to be looked at from a human rights perspective, would it not be more sensible or logical for an outside body or individual to be tasked with determining whether the petition of concern should be used? Would a more sensible and radical approach to the problem of petitions of concern not be to move to weighted majority voting, which his party seems to oppose in other elements of the Bill?

Mr Attwood: We should be very precious and protective of the powers of the House and the rights of Members of the House to determine their affairs. For example, we should have been very precious before one or two parties in the House decided to surrender welfare powers to London. When we have achieved a political and governmental purpose in the powers of the House, after the history of this part of Ireland, we should be very protective and keep our powers. Whether it is about giving powers to the London Parliament or, as the Member suggested, to somebody outside the Building, those decisions, having been given to politicians, should be jealously guarded. In jealously guarding them, we should not then systematically abuse them. Whilst this is not a perfect model, it is a better model to try to create some discipline in law and practice when it comes to petitions of concern.

To go further and to answer the Member's point, the Committee would be an Ad Hoc Committee; it would not be a standing Committee of the House. That would indicate to the House that this is not something to rush to when the opportunity presents itself. It should be relied on when it is appropriate to rely on it and, by keeping it ad hoc, you create the perception and, hopefully, the reality that it is not meant to be something that people should routinely rely on.

To go back to the Member's point, the Committee would take evidence. Who would you take evidence from on the European Convention and equality legislation but the specialists and experts in those matters in Northern Ireland. It might be stretching the point, but you would like to think, on the far side of taking evidence from equality and human rights experts, when the petition of concern has been discredited because of its abuse and overuse, and people are looking to the next mandate to show better authority, then the advice from an Ad Hoc Committee looking at the equality and human rights implications of any particular matter, would be taken, rather than it being, unilaterally and for sectional reasons, ignored and derailed.

3.45 pm

Mr McCallister: Will the Member give way?

Mr Attwood: Yes.

Mr McCallister: I know that our colleagues who sit on the Assembly and Executive Review Committee will have heard from the Human Rights Commission with regard to this. I suggest that the Member read what it actually says, and I will be reading it in my contribution to the debate. It is very much about questioning whether our designation system is compliant with the European convention, with it coming to the firm conclusion that it is not.

Mr Attwood: I will read that and listen to it. I heard those arguments about the Patten proposal of 50:50: that, somehow, it would be implicitly discriminatory against one section of the people of Northern Ireland. In those circumstances it was not compatible. Yet the European authorities gave a dispensation that —.

Mr Allister: A dispensation?

Mr Attwood: Yes. As far as I recall, it may have taken a dispensation, but it was nonetheless granted. That was because there are particular circumstances in which interventions that might be presented as discriminatory are necessary in order to achieve a general good and wider purpose. Whilst I will hear what the Human Rights

Commission has to say, there are examples, even in our own recent history, where that which may be viewed as in conflict with human rights requirements is ultimately seen to be on the right side of those requirements. I hope that Members will hear that.

We can either trundle on with a protocol around a petition of concern, relying on people's good intentions, even when history has demonstrated too many bad intentions, or we can, in addition to a protocol, build into the life of our institutions a structure sourced in the Good Friday Agreement. Whilst it has been, in our view, adjusted and changed in a negative way, the great body of the Good Friday Agreement has stood the test of time in terms of our past and present history — although I know where Mr Allister will come in this. It would be timely to revisit the relevant paragraphs of strand 1 of the Good Friday Agreement in regard to the petition of concern.

I will now touch upon the content of the schedule and the amendments visited upon it. The SDLP is having conversations at the moment as regards trying to redraft a schedule for Further Consideration Stage. Despite the 23 votes, where people tried to vote the Bill down clause by clause, the Bill should primarily have been about opposition. Other matters have been captured in Mr McCallister's draft of the Bill and in the various clauses, especially the schedule, but the Bill should be, and primarily is, about opposition. The substantial body of clauses 2 to 12 confirms that fact. We are very concerned to protect the clauses that create an opposition because we believe that that is a better model than relying on the non-legislative approach, some of which we will hear about later this afternoon.

We have not petitioned the Bill because we believe that the principle of opposition is a valuable one that is consistent with the standards of power-sharing and the entitlement to d'Hondt, further to a democratic mandate. In any case, in our view, the schedule — this is why we petitioned it — goes beyond issues of opposition and even the issues identified in it. Let me give you an example. Paragraph 1 of the schedule says that any motion coming forward to the Chamber:

"may include, but is not limited to, the provisions set out in this Schedule."

That could end up in a free-for-all, meaning that a motion could come forward on anything that touches on the life of the Assembly and the Executive. We think that better and tighter drafting is to name in the schedule the matters that come forward and only the matters that can come forward. In any matters that come forward, we oppose paragraphs 3 to 6 of the schedule, which replace cross-community support with a weighted majority.

Previously in the Chamber, the SDLP outlined its belief that there is a need for various reforms in areas of institutional life arising from the Good Friday Agreement: a reduction in the number of MLAs; a reduction in the number of Departments; and procedures for the petition of concern or just some expressions of that. There are roads that we should not travel down —

Mr Agnew: Will the Member give way?

Mr Attwood: I will. One of those roads is replacing cross-community support with weighted-majority voting. In this phase of the life of the institutions, even though it is nearly 20 years since the Good Friday Agreement, there is a far, far longer road that should be travelled before we ever get

near to thinking about replacing cross-community support. I will give way.

Mr Agnew: In his scope of reforms that he believes are needed to the institutions, does he agree that the situation whereby the so-called cross-community vote excludes cross-community parties is one of the areas that is very much in need of reform?

Mr Attwood: We are prepared to hear what the Member has to say on that, but, fundamental to the Hume thesis, which drove the political analysis of parties and governments, which is outlined in the opening language and paragraphs of the Good Friday Agreement and which he outlined in 1979 in the American magazine 'Foreign Affairs', was the contention that the conflict in Ireland in its expression at that stage was between two political traditions; those who were unionists, who called themselves British and who valued the link with the Crown and the Union, and those who had a different tradition, who called themselves Irish, who wanted to share in the life of the rest of the island and who were nationalist.

That analysis, which was radical in thinking in politics at that time, became the analysis that, over time, was shared by more parties and by all governments, and it became the template against which to judge political outcomes. That was the assessment. I recognise that people's sense of identity, of being cross-community, or Northern Irish, is changing and evolving, but the political analysis that Hume outlined and that then became the orthodoxy of political progress and that was at the heart of everything he did, eventually became the heart of everything that the two Governments, endorsed by the American Government, did. That analysis remains enduring in our politics and in the life of these institutions. Given how some in the Chamber still try to lord it over the other in justifying what they did in the past, holding to those provisions remains the right course.

Mr Ross: I thank the Member for giving way. I am just a little bit confused when he says that we are not in a place yet where we can move towards weighted majority voting because we need to maintain cross-community voting. How is weighted majority voting not cross-community voting? It depends on the weight that you set to it, but in any utterance that I have heard from any party that proposes weighted majority voting, it will be set at a level that requires — of course it would require, by its very nature — cross-community support, but what it does is to remove a veto from a single party and give it to a community. Surely that is progress, rather than what the Member says, which is about some sort of return to the past?

Mr Attwood: If that is the case, maybe, when he comes back to speak during the conduct of the debate, he will explain the DUP position on the petition of concern. Maybe he will explain to the House why, if we are in this new order of things where the Member believes that we can begin to adjust these mechanisms, the only issue in the entire Bill tabled by Mr McCallister where the DUP tabled a petition of concern was what? It was to resist the notion that there were joint First Ministers. *[Interruption.]* No, it is important — *[Interruption.]* It is important.

Mr Deputy Speaker (Mr Beggs): Order. Order. Can all remarks be directed through the Chair?

Mr Attwood: The Member makes an argument about weighted majority voting and that that is a model of

cross-community and that we are in a moment in our history where these matters can now be interrogated and changed. Why then is it that, when it came to the interrogation of the clause on the joint First Ministers, the Member did not just vote it down but actually tabled a petition of concern about it? There is an inconsistency there. We know why, of course, the Member's party voted against joint First Ministers. It was because it would remove from the DUP, as it would remove from Sinn Féin, an issue to beat their chests on when they come to the doors in the election: "Make us the biggest, because we will then be First Minister." Well, you cannot be the biggest if you are joint First Ministers, which is, in fact, the case. So the Member, on the one hand, says let us go down these roads, because it will demonstrate evolution of our politics and maturity in the House, yet he is not prepared to put into law that which is, in fact, the case, and which should be self-evident to everybody: that there are joint First Ministers, and that this argument about who is the First Minister is actually a false one that is perpetuated for narrow political and electoral reasons. That is another reason why discretion on some of these issues, rather than a headlong rush, is the right course.

Mr Ross: I thank the Member for giving way. I am more than happy to go on to that issue when I make my own contribution, but it was this very simple question that I posed to the Member: how is weighted majority voting not, by its very definition, requiring cross-community support in the Chamber?

Mr Attwood: I am not saying that it is not. I am just saying that we are not in a situation where the institutions and the conviction in relation to the conduct of parties in this Chamber is such to move in that direction.

Mr Allister: Will the Member give way?

Mr Attwood: I will in a second. On the role of the Speaker, there are issues that deserve interrogation: the issue of how he or she is elected; the issue of why people needed the protection of being Principal Deputy Speaker, rather than being an ordinary Deputy Speaker; the issue of the Speaker's independence; the issue of whether the Speaker should contest subsequent Assembly elections. There are issues about it. We oppose the proposal for a weighted majority in that regard as well. The issues about the Speaker, save for the narrow deals done by the DUP and Sinn Féin, have curiously not been the subject of much discussion in the political negotiations that have been held over the last number of years. We would welcome a conversation on the issue of the Speaker, to see that role, the election of the Speaker and ancillary matters to all that be further investigated.

Sorry, I will give way to the Member.

Mr Allister: I want to take the Member back to when he was displaying his blind allegiance to all things Belfast Agreement and telling us about the immutability of Mr Hume's vision and, of course, the manifestations of that in the Belfast Agreement.

4.00 pm

He may be one who, from time to time, will rebuke some others for living in the past, but is that not exactly what he is doing? Would he not be better and more progressively occupied if he were to take the advice of a successor of Mr Hume's and set about dismantling some of the "ugly

scaffolding” of the Belfast Agreement, which, today, he is clinging to and trying to keep in place? Would not qualified majority be an excellent move in beginning to diminish and remove some of the ugly scaffolding of the Belfast Agreement that is not working?

Mr Attwood: I welcome the fact that the Member referred to the immutability of the Hume vision.

Mr Allister: Your vision. Your immutability.

Mr Attwood: No. Those were the words that the Member used. I very much welcome them. It seems to be the first expression of that conviction from the Member.

Mr Allister: I was speaking of you, not me.

Mr Attwood: In any case, I very much agree with the principle, even if he does not, about the immutability of the Hume vision, because, after years in which the conflict was defined by interference in Irish affairs and resistance to the democratic will of the people of Ireland, the nature of the conflict was redefined. Thousands of people died or were injured, and all our people lost immense opportunity in the period when the small number resisted the immutability of the Hume vision, because, having established his thinking in the run-up to 1979 and thereafter, it was nearly 20 years before those who endorsed the Good Friday Agreement endorsed that vision in the opening words of paragraph 1 of the Good Friday Agreement. Therefore, I certainly welcome that.

As to the Member's reference to “ugly scaffolding”, I note that a Member from Sinn Féin used the exact same words during a debate on Assembly reform two weeks ago. Whatever about the nature of the words, we have been looking at the architecture of the Good Friday Agreement. That is why we have endorsed various interventions that rework that, but in a sensible and moderate way, not in a way that could have fundamental consequences for the character of power-sharing, d'Hondt entitlements, and so on.

I made the point about the renaming of the positions of First Minister and deputy First Minister. We note what the schedule states about collective responsibility, but it is not defined. Those are very important principles and concepts. Therefore, in the absence of further detail in that regard, we are cautious about signing up to words that might have all sorts of consequences when they are not defined in the legislation.

We note, for example, what Mr McCallister says about the Programme for Government. That will be an acute matter, because, in ‘A Fresh Start’, the DUP and Sinn Féin say that parties have to commit to an Executive in advance of a final Programme for Government being agreed, after which — when it is agreed — d'Hondt will run, the First Minister and the deputy First Minister will be nominated, and other parties inclined to go into government will take their choices.

I need to be careful what I say here, because it could be slightly unparliamentary. That is coach before horses, or words to that effect, when it comes to the Programme for Government. You have to commit to entering a Government before you conclude negotiations on what the Programme for Government will mean. That is what the Fresh Start Agreement says: you have to take this great leap into the unknown about a Programme for Government as a basis of being permitted to enter the Executive.

Is there any parliamentary institution, certainly on these islands, that says, “You have to commit without knowing what you are committing to”? That is what Fresh Start says. Those who are most loyal to Fresh Start — we have heard from them during the debate — really have to explain themselves. If you had had to commit yourself to the outcome of the St Andrews, Hillsborough or Good Friday negotiations before discussions about the detail could be concluded, people would have said that it was not a very democratic or inclusive way to proceed. Yet, here we are, 18 years after the new political order was established, and we are being told — this is not the proposal from Mr McCallister — that you commit in advance, take what you are given, and then you choose what Ministry you might be entitled to under d'Hondt. It is a very strange version of democracy but, sure, we have seen some very strange versions of democracy over the last period.

As with the other arguments, we are resistant to the fundamental surgery that would arise from the schedules in respect of the threshold for nomination to Minister, the simple majority for Budget approval and other matters. I will reply to the debate, so I will listen attentively to all that people have to say.

Mr Deputy Speaker (Mr Beggs): I call Paula Bradley, who will be contributing on behalf of the Assembly and Executive Review Committee.

Ms P Bradley: Of the amendments in the second group, the Committee considered only the four amendments tabled by the Bill sponsor. Amendment Nos 35 and 36 concern the election of the Speaker. The Committee acknowledged the importance of independence and impartiality in the role of the Speaker but queried whether legislation was required to further enshrine the existing conventions. The Committee also had concerns about the election of the Speaker by secret ballot. The Committee noted the point raised by some academics that the existing system provides the Speaker with some kind of cross-community legitimacy in carrying out that role. Although the Committee discussed the matter at length during its deliberations, it did not reach a definitive Committee position with regard to the election of the Speaker.

The Committee also considered the provision in the schedule that the Executive set out a Programme for Government at the outset. The Committee noted the concerns raised by stakeholders about the possibility of gridlock should the Executive fail to agree a Programme for Government and Budget outlines within the specified period. The Committee noted the response of the sponsor that the four-week period allowed in the Bill is more generous than the two-week period provided under ‘A Fresh Start’. The Committee also noted the sponsor's amendment that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year. The Committee divided on this amendment and agreed by vote that it was not content for it to be made.

With respect to the role of Statutory Committees of the Assembly, members considered the response provided by a number of Statutory Committees. In particular, members considered the response and amendment proposed by the Committee for Enterprise, Trade and Investment. The Enterprise, Trade and Investment Committee considered that, although there is a role for Statutory Committees to scrutinise Ministers, they should retain their ability to

assist and advise Ministers to ensure that they continue to have a broad remit. The Assembly and Executive Review Committee noted that the Bill sponsor supported this view and agreed to bring forward an amendment. The Committee divided on this amendment and agreed by vote that it was not content for it to be made.

The Committee divided and agreed by vote that it was not content with amendment Nos 35, 36, 38 and 39. The remainder of the amendments to the schedule have been tabled since the close of Committee Stage and, therefore, the Committee has no view on them. With respect to opposition to the schedule, the Committee divided on all 15 paragraphs of the schedule and agreed by vote that it was not content with them as drafted.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. In the debate on the first group of amendments, Caitriona Ruane and I laid out on behalf Sinn Féin our belief that the Fresh Start Agreement says that there is no requirement for legislation to create an opposition. We are very much of that view, and that has informed our position on the schedule. Some aspects of the schedule cannot be carried out by the Assembly, but other aspects of it should and could be. That is our broad position.

We broadly support what Alex Attwood said on behalf of the SDLP in relation to paragraphs 3, 4 and 5 of the schedule. The SDLP had an amendment down to stand part, and we would have supported that. There is now a petition of concern around the whole schedule, and we are comfortable with that idea as well.

Mr Attwood spoke about amendment No 30. The Fresh Start Agreement laid down the provision that there should be an examination of the petition of concern. That is something that we could all contribute to. I think that all of us know and accept that the petition of concern, a concept that was designed all those years ago, has been brought to the Floor in ways that are not what it was designed for or how it was laid out initially. Mr Attwood said that he foresaw some of the reservations that we would have with the amendment. In many ways, he is right that the commentary can be found in the Good Friday Agreement, but the last sentence of his amendment states:

“However if the committee should report no adverse findings the petition shall be deemed to be invalid and the vote shall proceed on a simple majority basis.”

Even if the schedule had not been petitioned, we would not have been in support of the amendment on those grounds. He said that the petition of concern was vulnerable and had been abused. In the past, there have been Ad Hoc Committees that have heard expert witnesses, but, as he said, political priority or party political interests lead people to vote in a particular way. Whereas the intention of this may be good and one could say that it is well intentioned, in our opinion it is premature. We believe that the record of voting would show that, if a majority had one political position, even though the report might give rise to the petition being valid and the vote proceeding with cross-community support, party political lines would dictate otherwise. We do not believe that that is the way to go. We think that that is a lessening of the principles of the Good Friday Agreement in protecting minorities. Therefore, we will not support the amendment. We are satisfied that the SDLP has joined us in supporting a petition of concern

to ensure that paragraphs 3, 4 and 5 of the schedule, in particular, fall.

I want to stress a point that I made on the first group of amendments. No one doubts the intention of John McCallister on the need or, indeed, the demand for an opposition. I see commentary this morning that the Ulster Unionists and the SDLP have already entered into some sort of negotiation around how they can take this forward. In fairness, the SDLP has denied that anything took place, but we will maybe work that out for ourselves as we proceed. The need and demand for an opposition is there. There will be a discussion later this afternoon about how the Assembly can lay provision. People genuinely feel that there is a need for an opposition, but Standing Orders, the convention that we spoke about in the first group of amendments and much of the evidence that we heard at the AER Committee lead me to believe that, despite the feeling that is projected by some that all other parliamentary systems have opposition locked down in legislation and every aspect of it is there in statute, the opposite is the case. Most models of opposition come about through convention and political maturity or political growth. I agree with Alex Attwood's contention that we are just not there yet on some aspects of this. However, we certainly support the idea of the need for an opposition, and we will fulfil the terms laid out in the Fresh Start Agreement.

4.15 pm

Mr Kennedy: I think I am grateful for the opportunity to contribute to the debate, even though I have a sense that much of the discussion has already been predetermined by petitions of concern and their impact on the private Member's Bill tabled by Mr McCallister. Of course, many parts of the schedule are aspirational, but they are too much too soon for many. However, we should aspire to evolve as a society and as a democratic institution. There are many parts of the schedule that will, at least, spark constructive debate for the future.

I will touch on a number of the amendments, but the debate seems futile given that a petition of concern has been lodged against the schedule. It is extremely disappointing and frustrating that four petitions of concern have been lodged, especially that against clause 13, which would have seen a request made for the opposition to be legislated for. The Ulster Unionist Party believes that this is extremely important in safeguarding the future of any opposition structures or status in the Assembly. Therefore, the Ulster Unionist Party has decided to abstain on votes on clauses that have petitions against them — we did that earlier today — given the futility of those votes.

I come to that petition of concern and the non-debate around amendment No 30. The SDLP is seeking support for an amendment that it, in turn, scuppered because of the use of the petition of concern. I hope that people at home are following this closely; it is jolly interesting. We recognise the need for reform of the petition of concern to avoid it being used as a one-party veto. Some of the uses of the petition that we have seen could not be further away from the original intention. It is a shame that some in the House have not been able to show restraint during this term. However, we are not convinced that the amendment provides the solution. I listened closely to Mr Attwood. We welcome what was a constructive contribution from the SDLP. I do not think that anyone would deny that that party

is anything but passionate about preventing the misuse of the petition. However, we are concerned that an Ad Hoc Committee populated by the party or parties causing the blockage through the petition would not do anything to resolve matters. We are also concerned about the lack of a time frame for that Committee to come up with a resolution of these matters. We will look at any new schedule indicated by Mr Attwood at Further Consideration Stage.

In terms of community designation and amendment No 31, it is largely aspirational. It is a place that we hope society can get to. It is desirable that, one day, we will be in a place where community designation is not required, but we do not believe that we are there yet. We should remember that it was a long, hard journey to arrive at what we did in 1998. We should always strive to see the institutions maturing and changing positively, but we have to be realistic: we cannot run before we can walk. Official opposition will be something significant that the Assembly in the new mandate will need to adapt to. That, again, will provide its own challenges. As with other parts of what is currently proposed in the schedule, we recognise that this is where we would like to move to, but, in the context of Northern Ireland, we must always be mindful of ensuring maximum public confidence in the institutions.

On amendment No 34 and the position of the Speaker, we were not convinced by the proposals for re-election, particularly the fact that someone running for election would never represent the people who elected them. Equally, we were not convinced by the proposal that the Speaker not be allowed to stand at the Assembly election subsequent to their taking up post.

The proposal that relates to the First Minister and deputy First Minister does not get to the root of the problem. A name change, without something to differentiate between the two roles, could serve just to make things even more dysfunctional. Given the already dysfunctional nature of the office, that move could bring about further stalemate. A return to the original method of joint election, which comes from the 1998 Act, will be the only way to curtail the political jostling that goes on.

In terms of amendment No 37, if the requirement to establish a Programme for Government is to remain part of the schedule, we want the time frame brought down to two weeks, as outlined in the past two agreements that came out of Stormont House. A two-week deadline as opposed to a four-week one would help to concentrate minds. We have long cited agreement on a Programme for Government before the running of d'Hondt as a game changer. That would allow a blueprint to be drawn up for the mandate before Ministries are taken up and the famous silo mentality settles in.

The legislative timetable seems pragmatic, and it should be common practice. We have seen the huge build-up of legislation over the mandate and the amount going through via accelerated passage this year — there is a bit of a rush to the gate as we approach May. Laying a legislative timetable would allow for a more normal passage of legislation, maximising, therefore, the time for scrutiny.

The idea of a simple majority for Budget approval, as referred to in amendment No 40, has, in the Northern Ireland context, the potential to undermine confidence. It is an aspiration to one day be in a position where a Budget could be passed by a simple majority, but I do not think

that anyone thinks that we are at that stage yet. A Budget passed on a cross-community basis is still required.

Overall, we await and will assess the outcome of the decisions made today, the decisions made in the aftermath of last week's debate and the votes on the amendments that will be put to the House tonight. The statement later today by the First Minister and deputy First Minister will have a considerable impact on the prospects of this private Member's Bill becoming meaningful legislation.

We will, therefore, look at the issues again at Further Consideration Stage, but I have a suspicion that, ultimately, the two big parties in the Executive will do what they want to do and what they think is the way forward, particularly for them.

Mr Lunn: As others have said, there is an element of shadow boxing and, as Mr Kennedy said, futility about the proceedings this afternoon. Like him and others, we will probably have to wait until the next stage to see what emerges from all this. That sounds suspiciously like what I said last week, but that is the way it is. I will run through the amendments briefly as if we were going to vote on them and that the votes would matter.

Amendment No 30 from the SDLP relates to petitions of concern. We have the same concerns, if I can put it that way, about petitions of concern, as will the other smaller parties. The amendment means that you would have to set up an Ad Hoc Committee every time a petition of concern was lodged. In this mandate, which is about to finish, we are approaching 150 petitions of concern. The Ad Hoc Committee, as, I think, Mr Kennedy hinted at, would have to reflect the balance of the parties in the Assembly. How would that take us forward? It could be that such a Committee would occasionally decide that a petition of concern was frivolous and did not need to be proceeded with, but, frankly, I have my doubts.

At the time of the welfare reform considerations, an Ad Hoc Committee was set up for the House, which I had the privilege to chair. We went across to London to talk to the Westminster version, which is a Standing Committee. It is not a standing ad hoc committee, as I am inclined to say, but a Standing Committee on human rights and equality issues. It scrutinises everything that goes through. If we are to have a Committee to scrutinise each petition of concern, something like a more permanent Standing Committee might be the answer.

Amendment No 31 relates to cross-community votes versus qualified majority votes. We are long-standing opponents of anything to do with petitions of concern, although I must admit that I recently spoiled my record by signing one. Hopefully, that will never happen again. We certainly favour majority weighted voting, if such a thing could be achieved.

Amendment No 32 is a requirement that a petition of concern be signed by people from three or more parties. Given that we do not want them in the first place, I will not comment on that.

Amendment No 33 relates to the requirement that independents are counted as separate parties. We have some sympathy with that idea. It would bring the residents of the so-called naughty corner more into play, perhaps, but, as I said, we will have to wait and see what emerges

from all this by way of the SDLP's revised schedule, when it appears.

Amendment No 34 is wide-ranging, deleting everything from paragraphs 7 to 14 of the schedule. The motion may request:

"that the Speaker be elected in a secret ballot under a weighted majority vote."

We support that — absolutely. It may also request that:

"the Speaker ceases to be a member of all political parties".

The Speaker is supposed to be above politics, so there would be no harm in that, and it would probably be a good thing. The motion may also request that:

"the Speaker ceases to be the elected representative for the constituency for which the Speaker was returned,".

This is revolutionary stuff, but it sounds like good sense, as does paragraph 7(d), which states that the nominating officer for the party which he no longer belongs to could nominate somebody else in his place. That has not been brought up before, but it sounds worthy of consideration. Paragraph 7(e) states that the motion may request:

"that the Speaker not be subject to the direction or control of any political party or any person in the Assembly,".

I am sure that that would flow naturally from the other conditions that I mentioned. Paragraph 7(f) states that the motion may request:

"that the Speaker is not eligible to stand for election in the next Assembly elections subsequent to becoming Speaker,".

I disagree completely. You would probably end up with a succession of Speakers who were in their last term in the Assembly. In other words, it is very likely that you would never get a young Speaker.

Mr Allister: You would be in with a chance. *[Laughter.]*

Mr Lunn: No. Paragraph 7(g) means that the Speaker is invited back to the beginning of the new Assembly, perhaps to conduct the business of electing a new Speaker or to be elected Speaker again. I am not sure about that.

Right now, frankly, it does not really matter much, does it? When we get to the last vote, are we going to torpedo all these things?

(Mr Speaker in the Chair)

4.30 pm

"The motion may request that the First Minister and deputy First Minister are renamed as the First Ministers."

Well, they are First Ministers; everybody knows that. Why do we continue to make something out of that? They are joint First Ministers. If they are annoyed by the titles of First Minister and deputy First Minister, perhaps we can do something about it.

"The motion may request that the Ministerial Code ... includes provision that Ministers uphold the principle of collective responsibility."

That would be a revolution, would it not? That is a given, but, if we have to ask Westminster to enshrine it in legislation for us, that is no bad thing.

"The motion may request that a political party must have a minimum of 16.6% of the total number of members of the Assembly before that party is eligible to nominate a person to hold Ministerial office".

That is far too high, clearly. The principle that we run the d'Hondt system right through for Ministers, Chairs and Deputy Chairs, all in one operation, seems perfectly sound to me. I think that Mr Kennedy's party has suggested reducing the period from four weeks to two weeks to give political parties time to establish a Programme for Government and Budget outlines. Two weeks is possibly long enough. Four weeks is perhaps comfortable. Maybe we will come back with an amendment for three weeks. It is a valid idea. As to whether it is two weeks or four weeks, the jury is out.

"The motion may request that the function of statutory committees ceases to be to advise and assist Ministers in the formulation of policy and instead becomes to scrutinise".

Frankly, I do wonder what is the difference. I think that we are playing with words a wee bit here. The word "criticise" is not mentioned there, but that is actually what Committees frequently do. We will see what new suggestion is brought forward.

As regards the simple majority for Budget approval, we wonder why one of the major decisions that the Assembly has to make every year should suddenly become the subject of a simple majority vote when so many other — perhaps even less important — matters would ideally be the subject of a weighted majority vote. Frankly, we would not go with that at all.

As I have said, there really is an element of shadow-boxing in all this, given that the very last item on the list is the opposition to the schedule, which has been brought forward by Sinn Féin with the help of a petition of concern. That kind of negates everything that we are saying. We will go through the process and take the votes. Something will emerge from the wreckage, and we will come back and consider it next time it is due.

Mr Ross: I will use this opportunity to apologise to you, Mr Speaker, for missing my topical question today. I meant no disrespect to the House or the Speaker. It was an unfortunate oversight on my behalf. I will endeavour not to do it again.

It is an interesting debate. Other Members — every Member, I think — have acknowledged that it is a bit of an odd debate given that opposition to the whole schedule has been tabled and a petition of concern is there. Nevertheless, some interesting areas have been put forward by Mr McCallister. Interesting debate took place in the Committee around some of them as well. It is worthwhile having debate or discussion on them even though they are doomed to failure.

On the first amendment in the group, amendment No 30, Mr Attwood took some time to outline the rationale behind the proposal. In fairness to him, at least he acknowledged that he is also trying to petition-of-concern it and that, even if the House supported it, he would seek to remove it from the schedule. That was strange, but at least he was upfront about it in his initial comments. I think that it is fair to say that everybody acknowledges that the petition of concern is not perfect. I think that, at one time or another, everybody has misused or abused the petition of concern. Nobody's hands are clean. Indeed, even Mr Lunn acknowledged the fact that he has signed a petition of concern. He seemed quite ashamed by the fact and endeavoured not to do it again. It is an issue. Sometimes, it has a legitimate use; at other times, Members will question the legitimacy of it. When petitions are tabled, I often hear people say, "That is not in the spirit of the intention behind it" and all that sort of stuff. The fact is that it is there in legal language in the Northern Ireland Act and you cannot have a spirit behind a legal text that is in that Act. If it is there, parties will use it. I think that the Fresh Start Agreement has tried to make parties think a little bit more about whether we can get to a position where it is used less often by having take-note debates or something like that. That is a positive.

Mr Allister: Will the Member give way?

Mr Ross: Yes.

Mr Allister: He refers to what A Fresh Start says about the petition of concern. The proponents of A Fresh Start hold it up as the way forward on the subject. It now requires grounds to be given in support of a petition, yet the Member and his party and the other chief proponent of A Fresh Start, Sinn Féin, have tabled petitions on this Bill that do none of those things. They do not even live up to the putative expectations of A Fresh Start. Is there even any bona fides with what lies behind the contention that things will change under A Fresh Start when the practice post-Fresh Start is that nothing has changed?

Mr Ross: The Member will know that the protocol in A Fresh Start is a voluntary one agreed by all the parties. It is about how we can move forward in our debates in the Chamber and about moving away from private Members' motions where the use of petitions of concern is most problematic, because there is no legal authority behind those motions, and towards take-note debates. With legislation that will actually be implemented, the use of petitions of concern is slightly different and there is more rationale behind their use. That is how we have used it today — I will go on to explain that — and I think that it can be appropriate. Many of those who are most critical of the petition of concern and its use are those who cherish it most closely. I picked that up from Mr Attwood's contribution earlier. Indeed, Mr Attwood talks about human rights abuses and how it is used to protect against those, but it is very questionable whether his party's use of the petition of concern against the Welfare Reform Bill was valid, in his language, in the spirit of the POC.

I do not want to spend too long on this because I realise that we have quite a bit on the agenda today. Mr Attwood acknowledged some of the issues with his amendment. Mr Allister made the point about slowing up the process. If you table it, you have to create an Ad Hoc Committee, and that might take another week to get through the Business Committee. You then elect your Ad Hoc Committee and it

will meet and appoint a Chairperson. Mr Attwood said that the Ad Hoc Committee would then take evidence. That takes time as well, because you would take another week before you invite interested bodies to come. It might take another couple of weeks before you get through all the evidence. So, you are adding an awful lot of delay to the process. That is one of the issues with creating another layer of bureaucracy around the use of the petition of concern.

Mr Lunn made the point about the reflection of community strength on an Ad Hoc Committee, as, invariably, you would have a unionist majority on it. I am not sure that that is what the SDLP would necessarily want, because a unionist majority could vote down any use of the petition of concern by nationalists. That seems to go against the argument that Mr Attwood made on protecting the community. I am not sure that it is a particularly logical thing to do. I am not advocating that we give power to someone outside the Assembly to make decisions that we should be taking ourselves; I was simply trying to make the point that it seems more logical to me that, if an individual outside the Assembly were to determine whether or not it was a legitimate use of the petition of concern, it may make it more practical in its outworking than it would be to have Assembly Members, with their party strength, making the decision on that Ad Hoc Committee.

I will move to amendment No 31. I made the point to Mr Attwood that I believe that we need to get towards weighted majority voting as a stepping stone towards normality rather than as a backward step, as he seems to see it. I made the point to him that it is getting away from a party veto towards a community veto that is a cross-community vote and which gives the protections for both communities and normalises politics somewhat as well. Weighted majority voting is where we need to get to in the future. As a party, we have held that position for quite some time.

Amendment Nos 32 and 33 are from our party, and Mr Lunn referred to them. It is the idea that parties are somehow more important than individuals. I think that individual Members are just as important as parties, also in reflecting that people from smaller parties do not have more authority or should have more say than those from larger parties. If you have the requisite number of signatures, it does not matter how many parties are represented on that.

Amendment No 34 is, again, on the issue of the Speaker. That is one of the areas that I think provoked most debate within the Committee, and there were some very interesting and radical proposals from Mr McCallister on it. There are difficulties, and I do not think that we all bought in to what he was proposing in this part of the Bill.

On the idea that you would cease to be a member of a political party, I do not think anybody has accused the current Speaker — I recognise who is in the Chair at the moment — of being party political in their role in the Chair, and I do not think anybody accused the former Speaker of the House of being party political when he was in the Chair either, so it is not an issue that I heard has caused concern amongst anybody. I certainly think that the public perception of the Chair is that they are independent whilst fulfilling their function. I do not think it is necessary that you would be required to cease to be a member of a political party. That does not happen elsewhere, as far as I

understand. If a Chair was to be party political in that post, there are ways in which the House would vote to remove that individual. There are safeguards there, and I just do not think it is necessary to do that.

As for the idea that you would then replace a Speaker with another Member, the thrust of debates in the House in the last number of weeks has been how we reduce the number of Members. What we would be doing is creating an additional Assembly Member. The point that I made to Mr McCallister in the Committee and that I still hold is that one of the strengths of having a Speaker is that they are from the Back Benches of that Chamber. They are there to represent Back-Benchers in making sure that they hold the Executive to account. Therefore, I think it is important that the Speaker is from the elected body. I do not think we need to —

Mr Lunn: Will the Member give way?

Mr Ross: Yes.

Mr Lunn: On the point about whether the Speaker should be replaced by another member of what was his party, would you not agree that that could help parties to make their decision on whether to allow a Member to become Speaker, given that it would preserve the balance of the parties as they were? The Speaker is supposed to be above politics anyway, as they always are, of course.

Mr Ross: Where voting is concerned, that may well be the case, and it may put off smaller parties from putting forward names. It was an issue that particularly exercised the Alliance Party because in previous terms there always had to be an Alliance Member to try to get the support of the House. Obviously, with a smaller party, that impacts on its numbers. But I do not think it is a real concern amongst the body of the Assembly. Again, it does not seem to be a real problem; therefore, I do not think we need to try to find some sort of phoney fix to it.

I will make this point again, and this is the strongest point: it is important that the Speaker is from the body that has been elected and is there as a representative of that Assembly. That is the same as elsewhere.

Mr Lunn made the point about having to resign after your term of office. Again, I do not think it is necessary to put that into legislation, because convention dictates that a Speaker will move on. I doubt that the current Speaker will want to take up a position in the House of Lords, but convention is that it may well be offered. That may be a huge step forward and very progressive, but I do not think it is a problem because convention means that Members do not run again as party representatives. It would be difficult for them in some circumstances to go back to the Back Benches and reintegrate into their parties, so I do not see it as a specific problem.

Mr Lunn made the point that no young Members would be Speaker again. Convention would dictate that a Speaker tends to have the respect of the House; therefore, you will have been there a little bit longer. Perhaps if you are a younger Member put forward by your party, they are looking to shuffle you out, so you would be cautious about that, but again, I do not think that these issues are real concerns that need to be legislated for.

There is an idea about renaming the First Minister and deputy First Minister to joint First Ministers. We have opposed that. People make the argument that they

have the same legal powers. Of course, we know the requirement of cooperation between the two offices — everybody knows that — but to say that there is absolutely no difference is wrong.

The larger party being reflected as First Minister and the second largest party as deputy First Minister is a difference. People may not recognise that difference in here, but internationally when there are protocols and when meeting international guests and chairing meetings, there is a difference between the First Minister and the deputy First Minister. Of course, Mr Attwood criticised the Democratic Unionist Party for holding that position, but it is he who has put a veto down on making that change, because he has petition-of-concerned the schedule, which refers to changing the names. He argues for changing the names, but he has put a petition down to make sure that that does not happen.

4.45 pm

Mr McCarthy: I thank the Member for giving way. I will give this example to indicate that there is very little difference between the First Minister and deputy First Minister. While I was the chair of the sports development committee in Ards, I invited Peter Robinson as First Minister to come to our sports awards evening. We had to wait some time, and, finally, we got a letter back to say that, unfortunately, he could not attend. The letter had to be signed by Peter and Martin. There we are. A simple act of responding to a request for the First Minister to grace Newtownards with his presence could not be done without the signature of the deputy First Minister.

Mr Ross: I am quite sure that it was their loss that they were not able to go to that event. There is a difference between the First Minister and the deputy First Minister. Perhaps the Member meant their legal authority.

Mr Allister: Will the Member give way?

Mr Ross: I will give way.

Mr Allister: Is the Member trying to obscure the legal reality that it is a single office incapable of its functions being exercised unless it is done mutually by both of them together? The First Minister or the deputy First Minister do not have a single free-standing function or power. They only have power within the single office when they exercise it together. Why is he trying to muddy the waters and pretend that it is otherwise?

Mr Ross: I am not trying to pretend anything. I think that there is an importance and a distinction between the two posts in the wider community. I think that there is a distinction in the wider international community as well, and I think that the larger party should be recognised as having the First Minister over the deputy First Minister. I just think that that is something that most people will appreciate.

Paragraph 9 of the schedule talks about collective responsibility, and Mr Lunn said that it should be a given that of course we should have collective responsibility. There was an element of this that took place in the debate last week around Mr McCallister's notion that we should have a single legal identity of the Executive. The difficulty, of course, with that is that our mandatory coalition form of government here is not like other Governments that are formed elsewhere, where the First Minister or Prime

Minister has the ability to hire and fire members of their Cabinet or is able to speak on behalf of their Cabinet colleagues. That does not happen here, so there is a difficulty there. Of course, you will have collective responsibility around the Programme for Government, but other issues will come up where everybody will not be on exactly the same page. Therefore, if Ministers step out of line, I think that it is important that Ministers have the ability to sort that out by taking legal action in the courts against them if they have failed to live up to their responsibilities and their functions. That may move away from his notion of collective responsibility, but I think that it is the real world in which we live and, therefore, it has to be borne in mind as well.

Mr Agnew: I thank the Member for giving way. I hear his point, but, obviously, we have coalitions continually in the Republic of Ireland, and we have recently had a coalition in the UK. Surely, it has been a failure of our governance that we do not have collective responsibility, not a necessary consequence of it.

Mr Ross: Nobody is arguing against the point that we want to have collective responsibility. I am simply highlighting the reality that, in the situation that we have in Northern Ireland, from time to time, we will have fundamental differences between Ministers from different parties. Therefore, enacting collective responsibility as a single legal identity, as Mr McCallister was trying to do in another part of the Bill and this is reflective of that, is not something that, I think, is possible or would be advisable. I think that it is important that, if Ministers do take a decision that they should not have taken and have not brought it to the Executive, Ministers should be able to challenge that decision in the courts, as we have seen with successful challenges in the courts in the past when Ministers have failed to live up to their functions.

I think that Mr Lunn was the only Member who mentioned running the appointment of Chairs and Deputy Chairs as a single process. If you decide not to take up your Executive posts, you should not benefit from getting additional Committee Chairs. Again, Committee Chairs in most other jurisdictions are reflective of the strengths of parties in the election that preceded the appointment. I think that that is something that we should not be moving away from either.

There are a number of other amendments. Mr McCallister tabled amendments around the election of the Speaker. I do not think that there is a real issue with the current system, and we do not need to change it. The Speaker should be there on merit. The idea that one of the Speaker or deputy Speakers should be female is, I think, moving away from that merit principle. We have, of course, had a female Speaker here in the past. As a member of a party that has a female leader and a female First Minister who is there because she is the most capable person to lead the party and the most capable person to be First Minister, I do not think that we need any lectures from anyone on having quotas.

I think that we would always fiercely resist the idea of putting in quotas anywhere, because quotas show disrespect to females who are capable of fulfilling a function, whether that be as First Minister or as Speaker. I am sure that we will have a female Speaker again, and we will not need to legislate for it.

I am not particularly hostile to Mr Kennedy's amendment. At present, I think that the law dictates that the Assembly

has to meet one week after the election. The Assembly then has two weeks to appoint its First Minister and deputy First Minister, so maybe three weeks would be more appropriate. Where there is an issue is not so much around getting a Programme for Government as getting a Budget through in that time. I do not think that that is possible, because the Budget tends to come in the autumn. That may be one area in which it would not be practically possible, but I understand the point that Mr Kennedy is trying to make.

I have no issue with amendment No 38, which is on the legislative timetable. It is actually a positive step. Mr Kennedy made the point that it would be useful to try to timetable how we get legislation through the House. We have seen Bills introduced very late in the mandate; indeed, this is the fifth year of what should have been a four-year mandate. When Ministers present something in the fifth year, you ask whether it was ever their intention to introduce it. Therefore, our own version of the Queen's Speech may be a useful thing to add annually. That would allow Members an opportunity to debate what they see as their priorities for the year ahead, and I think that there is great value in that.

Amendment No 39 corrects the way in which the Bill was drafted to ensure that Committees are there not just to scrutinise but to assist their Minister. It is an important amendment, and I know that the ETI Committee made that point. Much of the work that we have done in the Justice Committee with our innovation seminars has shown our initiative in policy development. If we were restricted in doing that, the Department would be in a worse position. We have been able to look at policy areas and make proposals to the Department, some of which have been utterly ignored, but that is not to say that we do not find value in trying to push our own agenda. Of course, in the past, many Committees initiated inquiries of interest in a particular policy area, and I would not want to see anything preclude them from doing that.

Of course, as other Members said, much of this is largely academic, given that there has been a petition of concern tabled, but I at least recognise that Mr McCallister has given us plenty of interesting areas to debate. It is unfortunate, not least for Mr McCallister, that much of it is doomed as a result of the petition of concern, particularly given the work that he has put into the Bill.

Mr Agnew: When we debated the first group of amendments, I focused very much on the need for good governance. It is fair to say that the petition of concern mechanism has been a stumbling block to getting good governance and to change being made by the Assembly. Mr Allister said that you could not talk about the spirit of the legislation, but I certainly think that the intention of those who came up with the idea of the petition of concern has been lost. It has become a tool of power rather than one of protection, which seemed to be its original intent.

In 'A Fresh Start', we have a proposed voluntary agreement on how the petition of concern should be used. As Mr Allister pointed out, that has already gone by the wayside, which shows you the stock that you can put in a voluntary agreement in politics. We have already had petitions of concern tabled since the Fresh Start Agreement and, as yet, have not seen one being tabled alongside the rationale for tabling it. I have criticisms of how 'A Fresh Start' tackles the issue anyway, but,

given that the parties that signed up to it have already reneged on part of that agreement, we should be wary of a purely voluntary approach. We need a legislative approach, and we have an opportunity for change and to get agreement on this today. I would rather have seen alternative proposals come forward, as the SDLP did with amendment No 30, rather than a simple petition of concern to block the whole schedule. It has not been lost on many that proposals to amend the petition of concern have themselves been subject to a petition of concern. Again, that does not lend itself to the idea that what we have here is good governance or an Assembly that is able to come to an agreement to legislate for change. That, of course, is subject to a proposed rewritten schedule from the SDLP, and I will wait to see that. However, as things stand, Mr McCallister's good work in pulling together the schedule has been referred to, and we should be debating the individual merits of each paragraph rather than what we are doing, which, ultimately, is voting on whether or not to have the schedule.

There are two proposals, and there are three options. There is the status quo. There seems to be consensus that the status quo has been dysfunctional and has called into question the integrity of the Assembly. We have the proposal outlined by the SDLP in amendment No 30, and we have Mr McCallister's proposals for a weighted majority. My attraction towards a weighted majority is that we can get rid of community designation. It is time that we took that step. We talk a lot about normalising politics in Northern Ireland, but it is not normal to designate on signing in beyond the designation of your party to designate as "unionist", "nationalist" or — a completely unsatisfactory term — "other". I am not an "other". I stand for many things; I am not simply apart from unionism or nationalism. Indeed, I argue that those parties in the Chamber have more to say and more to define them than simply their position on the constitution. In the Good Friday Agreement, it is enshrined that the constitutional status of Northern Ireland will not change unless that is requested by the majority of people of Northern Ireland. It is not even really a matter for this House, so why are we designating as "unionist", "nationalist" or "other" on the day of our signing in?

I referred to the protection of the petition of concern and community designation. I do not see why we cannot achieve that through weighted majority, and I go further and challenge the SDLP and Sinn Féin on that. We have been asked to move forward as a society in many ways, and, indeed, unionism has been asked to adapt and to move away from majoritarian rule, share power and accept the new dispensation, the changes to policing and everything that has come with it. That was right, and those were things that I supported, but there needs to be a degree of trust from nationalism and republicanism in accepting, in working with the parties across the Chamber, that nobody wants to go back to unionist rule or simple majoritarian rule. There is a genuine commitment to sharing power and to working for all the people of Northern Ireland.

I listened to Claire Hanna talk today on the radio, and she spoke very well about the need to normalise our society in relation to bonfires. She said that it is not normal that you can simply build a bonfire unchallenged on someone else's land without their permission. I listened and thought, "I have a lot of sympathy with that". She asked why we

did not have the normal rule of law in Northern Ireland in relation to those issues.

She spoke very well, and I was compelled by her arguments. I would apply the same rationale to the way that we do things in the Chamber. Why do we not seek to normalise things? Why do we not move away from designating as unionist or nationalist? If we want to move away from divided communities — I believe that all of us in the House will, at least, say that that is what we want — why do we continue to divide our politics by using the language of two communities and others? If we are going to use that language, I would much rather that we were referred to as single-identity parties and cross-community parties, but, to be honest, I would rather get away from the use of that language altogether. That would be a major step forward and would send a signal to society that our politics is willing to change and that our society should change with it.

5.00 pm

A weighted majority would give adequate protections to allow that step to be taken and to move away from petitions of concern and community designation. We should have an argument about whether we should set it at 60% or whether it needs to be a bit higher. We should have that debate. We should not be afraid of the move, afraid to take that step. It is not about those details, and we should not say that we must forever have that protection. It harks back to the past, and it is preventing us from further normalising our institutions. That would be my preference. That said, I see in the SDLP's amendment an alternative option. It is a smaller step perhaps, but it is, at least, a step away from our current provisions for petitions of concern.

I made a point when Mr Attwood was speaking, and I will make it again. Any reform of petitions of concern that retains the principle but seeks to reform it must reform out the iniquity that is a cross-community vote that excludes cross-community parties.

My argument is that, rather than my vote and the votes of the Alliance Party not being counted and being excluded in a weighted majority, and those who elected me not having their voices heard, they should be counted in both tallies. I represent unionists and nationalists. Indeed, there are unionists and nationalists in my party. That is the nature of cross-community parties. It is not about being other or neither of those things. It is about being those things and more. It is about saying that I may be a unionist or a nationalist, or I may not choose to define myself in that way.

Our politics is about more than those two stances in one part of our politics. It is about reflecting a much broader politics. I would like to get rid of designation, but, if we are to maintain it, we should recognise that a cross-community party can represent the interests of nationalists and unionists and the votes of a cross-community party should be split between the unionist and nationalist totals.

We can do better than that and can take a bigger step. We can and should remove community designation. It is clear that, with the petition of concern, that opportunity will be wasted today. Should we come back at Further Consideration Stage with an alternative schedule, in reflecting on the options, we can perhaps come back with the greater step of a weighted majority vote and get agreement on what that should look like.

Mr McCallister: All the work on the Bill, the group of amendments and, indeed, the proposals that are contained in the schedule has been about how we drive a consensus into our Executive arm of government. How do we get them to function and look and feel like a Government that have purpose and direction, with a vision and an appetite for where they are going, as well as the ability to deliver?

The difference we have at so many turns is that when our Executive fail, our Assembly fails. When our Executive hit the buffers, they look dysfunctional because they are dysfunctional, so much so that when the then First Minister used the word “dysfunctional” no one batted an eyelid. If the Prime Minister said that about his Government, or the Taoiseach said that about his Government, it would be a fairly big news story. Yet, we accept it in Northern Ireland, because it is terribly difficult to get everybody to agree on things. As I have said in the House before, when you look at policy initiatives you see that they read like a set of football results; with one in favour, four opposed, three in favour, two opposed, and this means that you cannot deliver on any policy.

I want to tackle a phrase that has been used about the Bill throughout the debate. It is the idea that the Bill is being used as a secret vehicle to get back to majoritarianism. I have not heard anyone, apart from Sinn Féin Members, speak seriously about majoritarianism, because no one is advocating for majority rule. Every single party has talked about how you can build a consensus and have a Government that work, are functional, and are held to account by a robust opposition. That goes right to the very heart of it.

Sometimes you think of Bertrand Russell's phrase about how, if you create fear, that drives us into a herd mentality. I want to quote from Professor Coakley, who gave so much useful evidence at the Committee. He compared some of the systems that are in place. The nearest one that we seem to be comparable to is that of the Belgians. In the Belgian system, you only need to have the same number of people from the two main communities in place. But there is no way of predicting what a future Belgian Government might look like. Here, we can roughly predict the numbers in what the Government will look like after 5 May. I also point to Professor Coakley's line stating that:

“The logic of that system is based on the pursuit of compromise.”

That is where we have to get to. There is an idea that, somehow, unionism could dominate in some way. Professor Coakley's own phrase indicated that unionism is much more fragmented, yet every unionist in here who has spoken is much more at ease with changing things. Even though there are five unionist parties and a couple of independents here, unionism, in our broad tribal definition, is much more fragmented than nationalism. That said, unionism seems quite relaxed as to how it might deal with that, and indeed the need to move away from those sorts of labels and designations. Weighted majority voting gets you to the point of being cross-community and addresses our historical divisions. Professor Coakley also makes the following point:

“to be fair to those who drafted the Bill, they introduced a figure of 16·6%, but that need not be the figure.”

He was talking about the d'Hondt threshold. That need not be the figure, as he goes on to say; it could change. You can move it in the same way that, at Further Consideration Stage, we are hoping to move the level at which you would qualify for opposition rights. So, all these things build in an answer to any question of moving to majoritarianism. There are so many inbuilt mechanisms here. One of the biggest is our system of election: proportional representation.

To move to anything like that, we would need a seismic shift in voting patterns. Broadly across the Assembly, some of the faces might change after 5 May, but I suspect that the seat numbers will not be much different. You cannot change things; the PR system of election and d'Hondt are built-in protections. Whether some parties know it or not, you have started to change some of the arrangements around d'Hondt in that you have reduced the number of Departments. You will run d'Hondt on eight Departments and elect a Justice Minister. That changes the level at which you qualify for d'Hondt. When the number of Members is reduced — to 90, 80 or 75 — that will make a big difference. All those things — the Departments Bill, the Assembly Members (Reduction of Numbers) Bill — make a change.

At least this Bill has been through all the processes, and all the arguments have been put out in the press. I have engaged with all parties, and I am grateful to you all for that engagement. However, the Departments Bill and the Assembly Members (Reduction of Numbers) Bill are going through by accelerated passage and have not had the same robust scrutiny. I am in favour of scrutiny because I think, having listened to the discussions and comments from Members, parties and academics, that my Bill is a better one for having had that scrutiny. We have to find a way to move from the binary tribal argument of “Them and us”. This is one way that we can continue, not by being naïve but by recognising that we need to address the historical divisions that, at times, dominated our past but we are moving away from that.

Many of us talk about how we might draw a line and change things from 10 April 1998. I say to Mr Attwood that I was and am a supporter of the Belfast Agreement. I voted yes and have never changed my mind. However, I recognise, like his former leader, Mr Durkan, that some of the ugly scaffolding needs to be taken down, albeit very carefully. We need to change and move on. We are getting further away from those times.

Many Members mentioned the situation pre 1972. I was a six-week-old baby when this place collapsed in 1972. I have no memory whatever of what this place was like back then. Northern Ireland is a changed place. Our population has changed; we now use a PR system; and we have d'Hondt and all the safeguards that go with it. What this has all been about is trying to drive consensus into the Executive that they work out the policy direction. As Mr Kennedy said, you have talks and negotiations, you get a Programme for Government, and the Government set about how they might deliver that. That makes perfect sense to every democracy, and it should be no different here. There should not be the idea that Ministers can go about doing whatever they think is right at the time.

I want to read a quotation that deals with elements of collective government. The strongest view probably came from Dr O'Malley:

“The argument is that the doctrine gives an Executive a great deal of power to get things through that they might otherwise find it hard to get through if divisions were exposed. Collective Cabinet responsibility is therefore often seen as important for stable government”

— something that we do not have —

“and to enable policy decisions that might not be terribly popular but are seen as necessary. We can see, then, that these rules, which apply in most parliamentary democracies, tend to provide stability.”

He goes on to highlight the major differences in Northern Ireland:

“you have the d'Hondt system, which enables everybody to get into government once they have a certain number of votes. That is probably necessary, given Northern Ireland's history. It means that in the Cabinet government system there is no need for Ministers to agree or for unanimity, confidence or confidentiality. That would be fine except for the fact that in Northern Ireland power tends to be shared out rather than shared. Ministers become dictators in their fiefdom. That is one of the difficulties that one might see with the current arrangement, in which Ministers have a great deal of power within their own area, especially when, as is increasingly the case, most legislation is by way of statutory instruments rather than primary legislation. The current arrangement therefore gives a great deal of power to individuals who are not sharing power across communities. As far as I can see, that is one of the areas that might need to be addressed in any reform of the current system.”

That is why I have consistently said throughout this process that you need to move away from sharing out power to genuine power-sharing. To me, that is one of the absolute key principles of the Good Friday Agreement: sharing power not shared-out power. It was never envisaged in the Belfast Agreement that we would share out power — “There's so much for your lot and so much for your lot” — and not look at the policy implications of that. That is not where the Belfast Agreement wanted us to go and is not where a great many people thought we would go: to a place where an Executive and Ministers collaborate on policies. This is laid bare in Transforming Your Care, which contains policies that are difficult to get right. The Minister of Health is, effectively, left carrying the responsibility for that, with no support from ministerial colleagues when things get difficult. University vice chancellors are talking about funding, but can we get a decision on that? We talk about education delivering on reform and a skills agenda, but we have set aside £105 million in the Budget for welfare reform and £5 million for skills: is that really the policy that the Executive want to follow?

For nine years, we have been told that the economy is our number one priority. If we went into the centre of Belfast and asked businesses whether they felt that the economy was the number one priority of the Executive, I am not sure that we would get that answer. All those policy areas fall foul of the dysfunctionality of the Executive. When we talk about —

5.15 pm

Mr Allister: Will the Member give way?

Mr McCallister: Certainly.

Mr Allister: Does the Member not think that you arrive at that point of dysfunctionality because of a simple situation: if you do not have to be agreed about anything to be in government, parties are even less likely to agree when they are in government. Whereas, if a weighted majority was the requisite threshold for parties that could agree a Programme of Government and command the requisite majority of a weighted majority, they would be agreed before they got into government, so you would have stability. Is a weighted majority not, in fact, the passport to stability rather than the present system, which guarantees the dysfunctionality that evidences day and daily?

Mr McCallister: I am grateful to Mr Allister for that. Agreement is probably the passport to stability, which we are struggling to get. The only part of that on which I disagree with the Member is that I think that we have to stick to d'Hondt. He and I disagree on that. On collective Cabinet government, many in the House have a longing to be in an all-Ireland republic, but I will quote article 28 of the Irish constitution:

“The Government shall meet and act as a collective authority, and shall be collectively responsible for the Departments of State administered by the members of the Government.

The confidentiality of discussions at meetings of the Government shall be respected in all circumstances save only where the High Court determines that disclosure should be made in respect of a particular matter”.

I quoted Eoin Daly at Second Stage, and this goes to the very heart of the issue:

“Collective responsibility of Government is not simply a political convention but rather a legal principle enshrined in the Irish Constitution. While article 28 of the Constitution states the government must be collectively ‘responsible’ to Dáil Éireann, it also stipulates that it shall ‘meet and act as a collective authority’. This means that observance of the rule is not simply a matter of political convention, as in Great Britain – in theory, it is legally binding and justiciable at least in some instances ... it prevents government by faction, and ensures that executive power is located in a single accountable authority. For government to be effectively responsible, it must first be a collective – a single unit – rather than a cluster of undisciplined factions. Indeed, the principle first developed in Great Britain as a means of wresting executive power from King to cabinet.”

The key phrase in that is:

“a single unit – rather than a cluster of undisciplined factions.”

Mr Allister: Will the Member give way?

Mr McCallister: Yes.

Mr Allister: I suggest to the Member that he has a rather simplistic view of collective responsibility if he thinks that it fits like a glove with mandatory coalition. The very nature of d'Hondt mandatory coalition is, as I say, that you do not have to be agreed about anything. Therefore,

collective responsibility is not the natural complement to places as of right in Government. However, if you make your entry point into Government the need to agree on what you are going to do in Government, and make the cross-community hedge the qualified majority, then you only get in Government, whoever they are, those who are agreed on the fundamentals about health and everything else. Then collective responsibility fits like a glove, as it does in voluntary coalition, but it never fits like a glove in mandatory coalition because that idea is totally incongruous with collective responsibility.

Mr McCallister: I am grateful to the Member for that. As we know, coalitions are difficult to negotiate for any group of parties. After the last election, it was a five-party mandatory coalition with fairly diverse views — and not just on the constitutional position.

What I seek to do is this. Look at the direction of travel as set out, not only by this Bill, but by other agreements such as the Fresh Start Agreement. That is the direction in which they are moving. Whether parties here realise it or not, that is the direction of travel that you move in when you reduce the number of Departments and when you move to a single Executive Office that is going to coordinate. That is where this is going in other pieces of legislation, so that is why it is important to have it debated and looked at in this Bill. That is the direction, whether or not Sinn Féin or the SDLP fully accepts it. That is the direction of travel with the reduction in the number of MLAs, the reduction in the number of Departments, and OFMDFM changing to the Executive Office, getting rid of its departmental responsibilities and moving to a coordinating role. All that is designed to move you much more in the one coordinated direction that the Government are meant to be going. Whether or not it entirely moves in that direction, I think very few Members or parties in the House disagree with the idea that we should have an agreed Programme for Government after the election and before d'Hondt is run. That seems now to have entered into the main thinking of every party. Not that many elections ago — certainly when I was elected here almost nine years ago — that was not talked about. It was just as he said: you qualified under d'Hondt, you took your seats in Government, and, effectively, we left it to the Civil Service to write the programme and decide what Ministers were going to do. That is why, I think, this has to change and why all these reforms, taken together, point in that direction.

I would like to look at the issue around replacing designation. Eighteen years after the Belfast Agreement, we really ought to be at a stage where we are ready to move away from that.

I remind Members — I jotted this down while Mr Agnew was speaking — that we did not, almost two years ago when legislating to reform local government, write designation into local government, even though much criticism had been made that our boundaries reflected splits between orange and green. Two council areas in south Down exemplify the difference. The largest in geographical terms is Newry, Mourne and Down, which has something in the order of 41 or 42 councillors, almost 30 nationalist and from the SDLP or Sinn Féin. The other council area, which I live in, is Armagh, Banbridge and Craigavon — I almost put my former council at the top of the list — with about 41 or 42 councillors. Probably close on 30 are unionist, from the DUP and UUP, with maybe some from UKIP and one from the TUV. However, we

did not write it into the legislation that councillors, when elected, would have to designate. We had the confidence, and most of us, including me, made speeches arguing that the last thing that we needed to do in local government was to devolve our own dysfunctionality. That is why we did not do it. Not many argued for it; they wanted to leave that to councils and to stay away. I know that councils have their call-in mechanism, based on a weighted majority vote mechanism, that they can use in areas of concern and were very much moving to that.

I quoted briefly from the Northern Ireland Human Rights Commission's response to the Bill. It said, at some length:

"The Commission advises the Committee that the cross-community vote mechanism may be open to legal challenge under ECHR Article 3 of Protocol 1 taken in conjunction with Article 14. The Commission further advises that, while it considers that the mechanism is compliant with the blackletter of the law in light of the 'broad latitude to establish constitutional rules on the status of members of Parliament' given to the State, it questions whether the mechanism meets the spirit of the Convention taking account that the provisions of the ECHR are 'living' to be interpreted in light of present day conditions. The Commission therefore advises the Committee that the Bill affords an opportunity to scrutinise the proportionality of the current cross community vote mechanism. Establishing a reasonable and objective justification requires continuous review. The Commission also advises the Committee that it should consider whether or not the proposed weighted majority voting mechanism is a more proportionate way of achieving the same aim which is ultimately directed at safeguarding community interests."

We are left in this strange place. I am broadly content to support Mr Attwood's amendment — amendment No 30 — on setting up an Ad Hoc Committee to look at the human rights implications of petitions of concern. We talk much in the House about human rights and the Equality Commission, yet, when our Human Rights Commission, set up in Northern Ireland to safeguard human rights, warns us that our designation system, mainly because it is not based on ethnicity — unionism or nationalism is not an ethnic identity — and does not fit easily with the European Convention, we choose to ignore it. We should be looking seriously at how to change that. Therefore, to those who want to hold on to designation, I say that weighted majority gives us all that protection.

5.30 pm

The whole schedule, as a mix, says two things. First, you should have a collective Cabinet Government. Why would the Government use petitions of concern against their own policies? Only in a place this dysfunctional would you have a petition of concern against the Government's own policy but, of course, that can, and may continue to, happen. On the issue of the petition of concern, some have said that Fresh Start gives us all the cover. All that Fresh Start tells us is, "As long as you do not table something that offends me, I will not petition-of-concern it." We are supposed to say, "Well, that is all very good", but I do not feel that it is going to get us where we need to go on these issues.

In both this and the threshold debate, to use Professor Coakley's line, 60% need not be the level. It is about establishing the principle that we move to cross-community vote. I will give Members some idea of the numbers. At 60%, with 108 Members, it is 65 Members. If you raise it to 65%, you go to 70 Members. If you hit 70 Members, on today's terms, you would need the equivalent of every designated unionist, the SDLP and three independents or the Alliance Party to vote to get you to that level. There is your guarantee of cross-community vote; or, if you do not like those labels, you could be counted in that as well. At no point and in no way could anyone ever accuse any of this Bill of majoritarianism. All the protections are built into it: that you negotiate; that you drive consensus into the Executive arm of government; and that you build on the principles of the Belfast Agreement about including people in genuine power-sharing and in a properly funded working opposition that is included in the political process.

The Human Rights Commission spoke against the cross-community vote. However, a weighted majority vote gives all of that protection. The changes that I proposed around the petition of concern, with 30 signatures from three different parties required, simply mean that you have to get more of a consensus. It urges the Government to think again about a policy direction, which is what it was always intended for. That is much more like the system that we devolve down to councils. It could be a recall system or something to get into a weighted majority vote. That is all that that is about. Dealing with all of that is the direction in which this is moving.

As I have said, the threshold could quite easily have been moved up to what Members are more content with. That may have needed to be 65%, 66% — some votes in the US Senate need a two thirds majority — or 70%. My warning about putting it too high was that, if the numbers here change at some point, a Government might not be able to get its business through. You want to be careful what you wish for. You could also let each new Assembly determine what that cross-community vote should look like. It certainly seems very strange that the eight Members of the Alliance Party and Mr Agnew and the Green Party, as Members from cross-community parties, do not count. They do not even count to run an event here. You still have to have a unionist or a nationalist signing up to that. Those are the changes.

Mr Speaker, on your role, I would not suggest that, at any time, there was anything wrong with how you did your job, but I would just want to make sure about it in future. I am grateful for your contribution to the Bill. I will quote from some of that contribution:

“only those who have had the privilege of being Speaker have experience of how difficult it is to balance the role of Speaker with that of a constituency representative during an active Assembly. The responsibilities of Speaker often restrict your time and take you away from the constituency. While Ministers may always be inclined to respond to requests for meetings, you do not have the same tools that are available to other Members to pursue an issue such as speaking on the floor of the House or tabling motions or questions. Neither do you have the ability of a Minister to pursue issues through your influence within the Executive. Similarly, you have to be careful about

becoming involved in issues which you may end up presiding over on the floor of the Assembly and the nature of any constituency meetings you attend. The amount of media activity you can take to highlight an issue is limited particularly if it is critical of existing provision by a department or agency.”

I am grateful to Mr Ross for at least acknowledging some of the ideas and thinking around changes relating to the Speaker. There seems to be a great concern about what a retiring Speaker would do. Given the fact that he is Lord Alderdice, you do not have to guess where he went to; Eileen Bell retired from the Assembly; Lord Hay went to the House of Lords. I am not sure whether the Speaker will take up his peerage, if offered, but most people do. It is the pinnacle of somebody's career to get to be Speaker of the Assembly.

The idea of replacing the Speaker in their constituency means that it does not upset the balance of that constituency. The current Speaker is the only elected Sinn Féin nationalist in the South Antrim constituency. The previous Speaker, Mr Hay, was the only unionist in the Foyle constituency. We are not ready to do it exactly the same as the Dáil, where we would drop South Antrim in May to a five-seat constituency and automatically return a Speaker. That causes its own problems. There is certainly a difficulty for a Speaker in attracting media attention. If they sought re-election, they would have to be selected by their party and get elected without having had the same constituency visits as others.

Mr Ross: I thank the Member for giving way. That was the point that I was trying to make. Convention dictates that the Speaker is somebody with that kind of respect in the community and in their party; they are somebody with such experience that it means that that is not a problem. In the case of Speaker Hay, he was re-elected after a term as Speaker even though he did not have the profile on constituency issues, because he is held in high regard in his constituency and party. Is it not the case that we do not need to legislate for that because convention shows that the type of person we will have as Speaker will not need that support or help because they are held in high regard and will have no difficulty should they wish to stand for office again?

Mr McCallister: In Lord Hay's seat, that was probably easier to do. If Mr Ross, for example, was Speaker — I know that he may feel that he is 30 years too young for such a role, but, if he were to be asked, he might accept it — and stood in his constituency of East Antrim, where he is competing with candidates from not only other parties but, I suggest, his own party, he might find it slightly more problematic to be selected and elected having not visited all the things that his colleagues would be able to visit. That is why the Speaker should be treated differently.

A secret ballot is what happens in the House of Commons, and Dáil Éireann seems to be moving to it. Some members of Sinn Féin were critical of the Taoiseach for not doing it before the election, but it seems to be heading that way after the election. That seems to be a better way of ensuring that the role of Speaker is truly viewed as a gift of the Assembly and not of any parties or a deal between parties.

That is why we should be looking to move to that system. I accept some of the arguments against, but, over time, we need to be moving to that type of system. Plus, it

changes the numbers. When the current Speaker was elected, it made it slightly harder for Sinn Féin to get a petition of concern. When the Alliance Party held the post of Speaker, its number of Members was reduced, which is particularly difficult for a smaller party to deal with.

The amendment that I tabled for the Deputy Speakers to be elected in the same way pretty much reflects the contribution from the Speaker on the Bill. It makes perfect sense to elect the Speaker in that way, and we should also aspire to have at least one female Deputy Speaker, if not a female Speaker. It is something that we should be looking at.

I have touched on the issue of collective responsibility.

On the threshold for the nomination of Ministers, I will take paragraphs 10 and 11 together. Again, 16·6%, or 18 Members, need not have been the figure. It could have moved down if Members thought that it was too high or moved up if they thought that it was not high enough. That idea and of d'Hondt running in one line from Ministers through to Chairs is about starting to drive the consensus into the Executive arm of government: with a smaller number of parties in government, it is easier to reach agreement on various policy issues.

Mr Ross said that he was opposed to running d'Hondt in that way because a party below the threshold would get an extra Chairperson. However, that party would be excluded from getting a Ministry. His party might get an extra Ministry that it did not have a d'Hondt entitlement to, so it would be right, on the opposition side, for the parties outside of government to get an additional chairmanship instead of a Minister's role. That is where the measure would work. It would be another incentive to go into opposition and take on the role.

On the issue of agreeing a Programme for Government, whether it is two weeks, three weeks or four weeks — under the Good Friday Agreement, you were allowed about six weeks to form the Government — it will take about two days to count the votes and a few days for people to recover before they get into meaningful Programme for Government negotiations. Those negotiations have to be meaningful, and two weeks would be a pretty tight timetable. Listening to Mr Lunn, he reckons that the answer lies somewhere between two and four weeks. I am relatively relaxed, however, if people think that they can do it in two weeks.

I am concerned by Mr Attwood's point about the Fresh Start provisions for the Programme for Government, which mean that you have to decide whether you are definitely going into government before you enter the negotiations. It would be a huge mistake to force that on people, and it would be very difficult to do.

On the changes to Statutory Committees, I accepted the ETI Committee's recommendation. That was a useful intervention. I note Mr Ross's comments on that and on the work that the Justice Committee has done to help on policy.

I move on to the reasons for having a simple majority vote for the Budget. Who are we kidding when, for the past few Budgets, two of the government parties voted against them? At the most recent debate on a motion about the Budget, two of the four government parties voted against. In the 2011 Budget process, four out of the five parties in the Government voted against it. I am not sure whether the SDLP has voted for the Budget since it held the

Department of Finance and Personnel, yet it stays in the Government and gives that pretence.

5.45 pm

It seems to me that moving to a more collective government, a reduced number of Departments, an Executive Office and an agreed policy between those in government would be a natural progression towards starting to normalise things, taking away the pretence. Effectively, it allows smaller parties in government off the hook to know that the two big parties have the numbers to carry the Budget, so it is easy to vote against. This place might look very different if one of the smaller parties in government could collapse the Budget process, because that would have serious implications for where the Government were and what they would do. There is nothing much more fundamental than voting against your own Government's Budget. It is fine for the so-called naughty corner to do it. I do not get the great privileges of being a Minister and carrying that burden of responsibility but, if I did, I would want to vote for my own Government's Budget, whereas people here do not need to face that responsibility; they can vote against it. That, again, feeds into the dysfunctionality.

I will touch briefly on some of the comments that were made. I appreciated Mr Attwood's summary on hoping to bring back something of clause 13 at Further Consideration Stage and his willingness to work on that. I am certainly open to working with him to do anything that I can in that regard. I appreciated his comments around the speakership. I also appreciated the comments of Ms Bradley, who spoke on behalf of the Committee. Mr McCartney talked about the Fresh Start Agreement and the reform to the petition of concern. The reforms to the petition of concern in the Fresh Start Agreement and the working out of a protocol are very lightweight. We need to do something better, whether that is upping the number of signatures or putting more diversity into those signing it. Something has to change, because the petition of concern is probably the one thing, in respect of this Building, that I tend to hear most criticism of when I am out in my constituency. People say that it has to change and that it has to move on.

Mr Kennedy talked about aspirational change, and I agree with that. I think we need to be moving and setting an aspiration. We are 18 years on from the Belfast Agreement. It is not going to be too many years until we are an entire generation on from the first ceasefires. That is a considerable length of time. We need to start to change and not be devolving our dysfunctional make-up, continuing to cry out on the tribal headcount and seeing everything through the prism of unionism or nationalism. We do that on every issue. The welfare reform debate looked like unionist versus nationalist even though there were many other points of view about the implications of that. I have no doubt that an EU debate will end up looking a bit like unionism versus nationalism. We should have the confidence to do it. I accept that Mr Kennedy has long had reservations around the speakership changes. I suspect that, if he thinks that I am being a bit aspirational on the OFMDFM name change, he is being very aspirational if he thinks that we are going back to what is in the 1998 Act. I wish him well on that journey. I accept his view but I disagree with him on changing it. I agree with his use of "dysfunctional". Who gets to be First Minister has been one

of the instruments used to beat up his party at elections. That is something he should be keen to change.

Mr Lunn was supportive of the changes in respect of the Speaker — that is good — and OFMDFM. He thought that 16.6% was too high. As Professor Coakley pointed out and all Members know, that could have been changed quite easily. He was less supportive of a simple majority with regard to the Budget.

Mr Ross pointed out that everybody had abused the petition of concern. I would point out that, in the nine years that I have been a Member, I have never signed one.

Mr Kennedy: You are a saint.

Mr McCallister: A saint. I hope that Mr Kennedy follows that up with something. I am not sure whether, if I tell you that Mr Allister has never signed one, he would say the same about him. He seems a little more hesitant, Mr Speaker. *[Laughter.]* The petition of concern has been used —

Mr Kennedy: To be fair, he would not be advocating sainthood for himself.

Mr McCallister: Just for clarity, Mr Speaker, I was not advocating sainthood for myself, but it is always nice to be mentioned in the same phrase. If I were awarded it, I am sure that I could share it with Mr Allister since Mr Attwood kept mixing the two of us up.

The petition of concern being used against welfare reform caused us huge problems. It almost brought the Assembly crashing down. Meanwhile, two of the three parties that signed it were in government, implementing with mitigation measures their own policy and torpedoing their own policy. That is the type of thing that looks dysfunctional. To be fair to Mr Agnew, he is not in government and does not carry that burden.

On the issues around OFMDFM, it was a valiant attempt, Mr Ross, to continue to maintain that there is a difference between the offices of First Minister and deputy First Minister. I am not sure that many out there see it. It raises the question of whether you would take the deputy First Minister's job if your seat number came behind another party. Indeed, if you did not, would you then try to negotiate to have them made the same? It just looks to me like unionism is getting itself in a bind about that, when it would be safer just to say that it is an equal and co-joined office and that one practically cannot order a cup of coffee without the other. We should call it what it is.

The Member talked about court challenges and collective Cabinet government. It probably goes to a point that Mr Allister also made, which was that the two do not always fit neatly hand in glove. I would say that it is the direction of travel that his party, Sinn Féin and other signatories to 'A Fresh Start' have put in place: you are moving more towards this system. Having court challenges between Departments makes us look — to use the D-word — dysfunctional. As I have mentioned before, running d'Hondt would get you an extra ministry and an opposition party would get an extra Chair. The two would balance out. That builds inclusion into the political process.

A legislative timetable is a very good idea, considering the amount of business that we have over the next few weeks. Again, Mr Ross welcomed the amendment.

Mr Agnew talked about the weakness of the Fresh Start Agreement around the petition of concern. Whatever comes out of this on the schedule and what we come back with at Further Consideration Stage, we have to find a mechanism that more accurately reflects the votes here. Not only is it unfair that the votes of Alliance and Green Party Members do not particularly count in a cross-community vote, it is unfair to the people who vote for those parties. That is why it is important. It is why a weighted majority vote made so much sense to me — because of that need to normalise and change. The irony has not been lost on me that a petition of concern has been used to block reform of the petition of concern.

I am happy to support the SDLP amendment No 30, although I suspect that it will not be made, and other amendments. I wish that they had not used the petition of concern on the schedule, but, hopefully, we can find some mechanism to move forward and get some of this. If not, it has been a useful and necessary debate to set out ideas and outline an aspiration of how we might change and how this place needs to change. I can tell you that, when we get through an election, Members are returned and we hit problems a year in, the old bugbears of collective responsibility and how we get a Government working as one when the wheels start to come off and difficult decisions on policies need to be made will come back. We have to get to a more normalised policy-based programme. It has to be bigger than "The Brits should send us more money". It has to be more than that, because, when I speak to people in South Down and across Northern Ireland, their one cry is that they want, need and deserve good governance. The driving force behind all the work that I have done on the Bill has been how we can address our historical division but deliver good governance and build in protections. I think that I have achieved that balance, but the overriding aim of this has to be to deliver good governance for the people of Northern Ireland.

Mr Attwood: As I said in my opening remarks — I probably did not honour it — I do not intend to detain the House long, save to make a small number of points.

Mr McCartney: Please do not promise.

Mr Attwood: I can reassure Mr McCartney that this will not take that long.

Earlier, Mr Lunn said that there was a sense of shadow boxing around the debate. I would rather use the terms that there has been probing and interrogation of what is in John McCallister's Bill to see where we may create positions of strength that can earn the confidence of the House and become law on the far side of the Final Stage. That is the process that I think we are in. It is not shadow boxing but more assessing, at this stage in the evolution of the Assembly, what we can achieve and what is beyond even the reach of Mr McCallister in the clauses he has drafted.

A number of things are pretty clear about the political response of various parties to the Bill. I am not saying this in any hostile way but by way of commentary. Sinn Féin puts all its eggs in the Fresh Start basket, in that the proposals therein are the shape of what it thinks should be achieved and no further than that. Whilst we have agreed with Sinn Féin on one or two matters, it has attempted to stop every clause of the Bill during Consideration Stage. The DUP appears to have a slightly hybrid position in that, whilst it put a lot of its eggs in the Fresh Start basket,

it also recognises that it may be necessary to put some things in law. In that way, it is a hybrid between what is outlined in 'A Fresh Start' and the clauses of the Bill that it has endorsed during the day. We will see if that position is held at Further Consideration Stage and Final Stage.

The SDLP has taken the approach of trying to gather around the principle of opposition in law, creating processes around how that might be realised and, at the same time, taking the opportunity to address a small number of issues. Any amendments that we table at Further Consideration Stage will have as part of their narrative those three principles. Gathering around opposition in law will go further than 'A Fresh Start' and, in that way, will be very sympathetic to the body of the Bill that Mr Allister — Mr McCallister, I correct myself — has outlined.

6.00 pm

Then, through an amended clause 13, we have processes for how to bring those matters to life. At the same time, in the schedule, we try to outline a small number of matters that might win the confidence of the House and not be blocked. All of that is subject to the call of the Speaker because these clauses were subject to a petition of concern at Consideration Stage. Therefore, we intend to try to shape them in a way that wins the confidence of the Speaker in their being brought to the House at Further Consideration Stage and, on the far side of that, the confidence of the House generally.

I want to make only three or four points on the substance of the debate. Whatever way the issues fall today or after today, it is curious that a lot of them were not dealt with in our rolling negotiations over the last number of years. Certainly, some were dealt with in the reform agenda for petitions of concern, the number of Departments and MLAs, and opposition. However, the other matters that Mr McCallister's Bill touches upon, in the schedule in particular, have not been part of the body of the negotiations. That may well be because they were viewed by some parties as being beyond the reach of those negotiations, but, given their absence, the matters that Mr McCallister has included in the schedule to his Bill have been very useful in informing the mind at a political level and outside the Chamber.

I will make only two or three points, simply to see whether, in probing them, there might be some opportunity to get a better position through Further Consideration Stage. The first point is on the Programme for Government. There is a view, as touched upon by Mr Kennedy, by Mr McCallister in the schedule and by the SDLP, that the model outlined in 'A Fresh Start' is not the most desirable. I will remind Members of what it says at paragraph 61:

"After the Assembly meets following an election and before the FM-DFM are selected and the d'Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government."

Maybe for probing reasons or maybe for material reasons, we will table an amendment at Further Consideration Stage on how the First Minister and deputy First Minister are elected as opposed to selected. It is a blunt instrument to say to parties that may or may not wish to go into the Executive that, in advance of resolving a Programme for

Government, they have to confirm their intention to do so. It may well be that the people who support that approach are saying that, on the far side of the election, and before the First Minister and deputy First Minister are selected and d'Hondt is run, there will be so much backroom work between the parties that people will have a very good idea of what the Programme for Government might look like, and it is at only the very last minute, before a draft Programme for Government is resolved, that parties have to confirm their intention to go into government. We do not know — it is open to interpretation.

One way of resolving that is an amendment in the schedule that lays down the pivot point — whether it is two, three or four weeks — of when people go into the Executive or not. The SDLP view is that only after the election and Programme for Government negotiations can a judgement be made by any party, including the SDLP, on whether or not the ambition of going into government, which should be the ambition of all parties and is certainly the ambition of the SDLP, can or cannot be realised. That matter could be usefully looked at at Further Consideration Stage.

Secondly, nearly everybody's view on petitions of concern is informed more by worst fears than best hopes. Given the experience of the last number of years, people rely on and cling to the current model of petitions of concern and look to moderate their operation only by way of protocol because of worst fears about what other parties or blocks in the Assembly might want to achieve. Even the good intentions of a protocol amount to little and cannot be relied on in the event that others in the Assembly want to rely on the existing model in order for their views to prevail.

Mr McCallister: Will the Member give way?

Mr Attwood: I will, but, before I do, the same can be said about the SDLP's model of creating a structure for an Ad Hoc Committee. With an Ad Hoc Committee, you can still have a situation of worst fears whereby the views of one group or tradition in the Ad Hoc Committee could prevail, contrary even to the advice of specialists brought in to advise on equality and human rights. Nonetheless, a structural approach seems to us to be an advance on relying on a protocol and best intentions, which, as we know, might amount to very little.

Mr McCallister: I will make two points briefly. First, changing the voting mechanism from a cross-community vote to a weighted majority vote is quite a concession from the DUP, in that it would give up its automatic right or ability to block things. It might be able to lodge a petition of concern, but it would not be able to block something as it does not have 40% of the seats. That is quite a change. Secondly, on the idea of having a Committee system, one of the difficulties that I see is that it will be a micro version of the Assembly.

Mr Attwood: Yes, the potential is that the sins of a large number of people in the Chamber are visited on a small group of people, except that the structure would be established in law. At least on the face of it, that would have to measure itself against equality and human rights standards. That would be tested by bringing in experts who would be able to advise on equality and human rights standards. The process could be materially different from the one on the Floor at the moment, when no expert is brought in to advise. No one states what the equality and human rights issues might be, and simple numbers can

prevail. Whilst there are risks with either, it seems to us that there are potential benefits in one over the other. I urge Members to think a bit further in the event that amendments are proposed at Further Consideration Stage and accepted by the Member.

Thirdly and finally, as I was saying, some of these issues have not had a full hearing for a long time. Let us be honest about that. Weighted majority and whether the DUP is given a concession or whether —

Mr McCartney: Will the Member give way?

Mr Attwood: I will in a second. The Bill has been interrogated in the Chamber as opposed to elsewhere. Mr McCallister makes a fair point that, when local government was reorganised, options for models of power-sharing or cross-community voting or thresholds to mitigate abuse were left. They had to choose from a menu of options, but they had to choose. In that way, you could argue that there is tension between where we are here and where we are elsewhere.

It all comes down to a matter of judgement. I will let Mr McCartney come in shortly. We are going through what is, by Mr McCallister's own admission, a significant re-engineering of government, because reducing the numbers of Departments and MLAs has consequences for entitlements and for the shape and look of government. Given that we are already undertaking significant government reform that can work itself through with significant changes in the character of what government looks like and who is or is not there — that is separate from the issue of opposition — a judgement has to be made about where we are with the evolution of our architecture and what is the right way to recalibrate it at this stage.

I will give way to Mr McCartney.

Mr McCartney: You have moved on from the point, but in relation to how the issue of weighted majorities and some of the other issues were addressed, that was carried out at Committee Stage. Perhaps that is the more appropriate place to debate it, rather than here on the Floor.

Mr Attwood: The point I was making is that, on the party political government side, a select range of issues were being interrogated in those negotiations, and Mr McCartney will be fully aware of that. Yes, other issues were being interrogated in a separate stream, if you like, in here, and I think that that has been very healthy, but it is curious that it has not been washed over to the wider political negotiations. That is the only political observation that I was trying to make.

Given that we are already past our teatime, Mr Speaker — never mind that it is very long until our bedtime tonight — I will leave it there. We are intending to bring forward amendments to reconfigure clause 13 and the schedule. I have shared some of the thinking on that with the Chamber in response to the debate.

Question, That amendment No 30 be made, put and negatived.

Mr Speaker: Amendment No 31 has already been debated and is mutually exclusive with amendment No 32.

Question, That amendment No 31 be made, put and negatived.

Amendment No 32 made:

In page 7, line 16, leave out from “and,” to end of line 17.—
[Ms P Bradley.]

Mr Speaker: Amendment No 33 has already been debated and is consequential to amendment No 32.

Amendment No 33 made:

In page 7, line 19, leave out sub-paragraph (2).—
[Ms P Bradley.]

Amendment No 34 made:

In page 7, leave out paragraphs 7 to 14.— [Ms P Bradley.]

Mr Speaker: I will not call amendment Nos 35 to 37 as they are mutually exclusive with amendment No 34, which has been made.

6.15 pm

Amendment No 38 made:

In page 8, line 31, at end insert

“Legislative timetable

13A. *The motion may request that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year.*.—
[Mr McCallister.]

Amendment No 39 made:

In page 8, line 33, leave out paragraph 14 and insert

“14. *The motion may request that the function of statutory committees becomes to scrutinise Ministers and to advise and assist Ministers in the formulation of policy.*.”.— [Mr McCallister.]

Amendment No 40 proposed:

In page 8, leave out paragraph 15.— [Mr Attwood.]

Question put and negatived.

Mr Speaker: Mr McCartney's opposition to the schedule has already been debated. Before I put the Question, I remind Members that the schedule requires cross-community support due a valid petition of concern.

Question put, That the schedule be agreed.

The Assembly divided:

Ayes 45; Noes 36.

AYES

Unionist:

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Weir, Mr Wells.

Other:

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Mr Lunn, Mr McCarthy.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Nationalist:

Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McMullan and Mr Ó hOisín.

<i>Total Votes</i>	<i>81</i>	<i>Total Ayes</i>	<i>45</i>	<i>[55.6%]</i>
<i>Nationalist Votes</i>	<i>36</i>	<i>Nationalist Ayes</i>	<i>0</i>	<i>[0.0%]</i>
<i>Unionist Votes</i>	<i>39</i>	<i>Unionist Ayes</i>	<i>39</i>	<i>[100.0%]</i>
<i>Other Votes</i>	<i>6</i>	<i>Other Ayes</i>	<i>6</i>	<i>[100.0%]</i>

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Allen, Mr Cochrane-Watson, Mrs Dobson, Mr Hussey, Mr Kennedy, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Swann.

Question accordingly negatived (cross-community vote).

Schedule 1, as amended, disagreed to.

Long title disagreed to.

Mr Speaker: That concludes the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill. The Bill stands referred to the Speaker.

6.30 pm

Ministerial Statement

Court Estate: Rationalisation

Mr Speaker: The Minister of Justice wishes to make a statement.

Mr Ford (The Minister of Justice): I wish to make a statement on my decisions following the consultation by the Northern Ireland Courts and Tribunals Service (NICTS) on proposals to rationalise the court estate. Looking to the future, Northern Ireland requires a court estate that is capable of providing appropriate access to justice for its people and that has the capacity and flexibility to manage the changing landscape of court business, including the changes in business volumes. A rationalised court estate must be one that can be maintained and that, where possible, improves the facilities and services for court users by focusing available funding on a reduced number of venues. It must also be affordable in the long term. It is with those objectives in mind that the consultation was launched and that I made the decisions that I am announcing today.

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

The consultation process, which was extensive, began 12 months ago and involved seven public events and a series of meetings with council delegations and other elected representatives. Ninety-seven written responses were received by NICTS, many of them expressing concern at the possibility of closing a local courthouse. I thank all those who took the time to provide their views on the proposals. I am also grateful for the constructive input from the Justice Committee as we sought to develop and refine the proposals.

At the outset, I acknowledge the proposals' sensitive nature and the concerns about the potential impact that closures will have on court users. I also wish to stress that rationalisation of the court estate is part of a wider process of modernisation, which involves NICTS assessing not only where it delivers court and tribunal services but how those services are delivered. The objective is to make greater use of technology; to provide courtrooms and other facilities for victims, witnesses and other court users that are fit for purpose and can operate in a way that meets people's needs; and to ensure that working practices efficiently deliver access to justice for all our citizens.

I have taken extensive time to consider my decisions. In doing so, I have sought to balance the concerns expressed by local stakeholders against the facts, including the unprecedented financial pressures facing my Department, the clear evidence that many of our courts are underutilised because we have too many of them and business volumes are falling, and the pressures in the Courts and Tribunals Service as a result of falling staffing levels in the context of wider public-sector reform.

In common with other public-sector organisations, the Department of Justice has seen very significant budget reductions in recent years. Those reductions have had, and will continue to have, a significant adverse impact on the entire justice system, including the Courts and Tribunals Service. I previously indicated that, in allocating resource

budgets, my priorities are to protect, as far as possible, front-line policing; to ensure that the PSNI has adequate security funding; and to protect, as far as possible, other front-line areas across the Department, with the aim of protecting outcomes for the public. Consistent with those priorities, my Department has delivered a proportionately higher level of financial savings than the front-line justice agencies for which it has responsibility. Notwithstanding the steps I have taken to protect the front line, the amount of money that is available to the Courts and Tribunals Service has significantly reduced.

Since 1 April 2014, the NICTS funding allocation has reduced by £4.5 million, or 10.8%. In addition, its income from court fees has reduced by £2.9 million due to falling business volumes. As a result of the Department of Justice's Budget allocation, the NICTS budget will be reduced again significantly in the incoming financial year. NICTS has made significant efforts to deliver savings to minimise the impact on service delivery. Over the past two years, NICTS has reduced the number of staff posts by 77, or 10.5%, relocated the Coroners Service, the Enforcement of Judgements Office, the Tribunal Hearing Centre and the Parole Commissioners from leased premises to other existing accommodation; reduced the size of its senior management team; streamlined its corporate services function; and reduced the costs associated with contracted services. However, those measures alone will not be sufficient to allow the service to operate within budget in future years.

Given that operating and maintaining the court estate alone accounts for £9 million a year, it is no longer feasible to continue to manage the estate in its current form. In the context of the financial pressures facing the public sector and in line with the Executive's commitment to public-sector restructuring and reform, NICTS launched a three-year modernisation programme, the objective of which is to:

"deliver an Agency which is structured and resourced to provide efficient and effective service delivery to users; and to have a workforce that is equipped to work in a new and increasingly challenging environment."

One element of that programme is focused on the rationalisation of the court estate. The objective is to ensure that NICTS serves the community in buildings that are capable of hearing the full range of court business while allowing the agency to focus diminishing resources on a smaller number of venues. The decision to consult on the rationalisation of the court estate was not taken lightly, and the process has not been rushed. I have thought long and hard about what is needed in the context of business need, service delivery and affordability. Even if NICTS were not facing the financial constraints that I have described, it has to be acknowledged that we simply no longer need the number of courthouses currently in operation in Northern Ireland.

In his recent report on the adequacy of the court estate, the Chief Inspector of Criminal Justice has highlighted the inefficiencies in the Courts and Tribunal Service, noting that court business volumes are falling and that many court buildings are underutilised. Utilisation rates are measured on the basis of actual sittings against maximum sittings available in a venue. In 2014-15, the utilisation

rates in the courts under consideration for closure were as follows: Armagh, 29.6%; Ballymena, 38.8%; Enniskillen, 42.8%; Limavady, 23.3%; Lisburn, 59.8%; Magherafelt, 20.7%; Newtownards, 62.6%; and Strabane, 29.7%. The Chief Inspector of Criminal Justice summarised the position when he commented that:

"The cost of maintaining a significantly underused court estate has hastened the closure of some courthouses and more must follow, particularly those where the facilities do not reach the current standards."

The reality is that Northern Ireland does not need the number of courthouses that we currently have and we can no longer afford to retain and operate them. I have carefully considered the views that were expressed during the consultation, both in the formal responses received and at the public meetings. In reaching my decisions, I have sought to take account of the concerns that were raised. While it is simply not feasible to maintain the status quo in regard to court accommodation, I have sought to limit the overall impact and to consolidate our estate into the larger or more modern buildings. Consequently, I have concluded that, in addition to the closure of Limavady courthouse, which was announced in 2012, the following court venues should be closed: Armagh, Ballymena, Lisburn, Magherafelt and Strabane. Having listened to the strong arguments advanced in relation to Enniskillen, I have decided that it should be retained and that it should become a hearing centre. This means that Enniskillen courthouse will remain open on the days when a court is sitting, generally two or three days each week. On the days when there is no court sitting, the office will be closed.

The consultation paper outlined a proposal that would have involved the closure of Lisburn and Newtownards courthouses and the creation of a family justice centre in the Old Town Hall building. While creating a family justice centre remains an aspiration, the capital funding that would be required to make this happen is simply not available at this time. Consequently, the building will remain closed on a temporary basis, and its future use will be considered in the context of the wider DOJ estate strategy. Notwithstanding this decision, the closure of Lisburn courthouse and the transfer of that business to Laganside Courts is achievable. However, as this is a minor variation on the original proposal in the consultation paper, consultees were given a further opportunity to submit any further views they had. Having considered the further representations received, I remain satisfied that Lisburn courthouse should close. It is not, however, practicable to accommodate the court business currently dealt with in Newtownards at Laganside, and I have therefore decided that the Newtownards court should be retained at this time. Its longer-term future will be determined as and when decisions are taken in relation to the future use of the Old Town Hall building.

The closure of these six courthouses, along with the continued temporary closure of the Old Town Hall building and the proposed changes at Enniskillen, will result in a much-needed recurrent saving of over £1.1 million per annum. When taken with other accommodation reductions planned or recently implemented by NICTS, the rationalisation programme will deliver recurrent savings of over £2 million per annum. While I have no doubt that some Members, some court users and some members of the public will have concerns about specific closures,

I am satisfied that, in the current financial climate and in the context of falling business volumes and the significant underutilisation of the current court estate, it is appropriate to proceed with the six closures. I have therefore asked NICTS to develop an implementation plan to allow the commencement of a programme of closures in the summer of this year. I believe that the closures I have announced today, along with the other strands in the wider modernisation programme being taken forward by NICTS, will enable us to achieve the objective that I outlined earlier.

Mr Ross (The Chairperson of the Committee for Justice): One could be forgiven for being a little bemused by some of the Minister's statement. He speaks of improving the facilities and services for court users but acknowledges that there is no money available to improve or upgrade the remaining court buildings. He speaks of the extensive consultation process but ignores the fact that he ignored the consultation responses. He speaks about modernisation and utilising technology, but there has been no indication from him that he is willing to move ahead with innovative solutions, such as online dispute resolution, even when identified by the Committee.

In the modern age, no one argues that every market town should have a courthouse, but will the Minister, first of all, share my concern that Mid and East Antrim will be the only council area that does not border Belfast to be left without a courthouse? Secondly, can he confirm the annual recurring cost of maintaining the courthouses earmarked for closure and whether that cost is included in the very modest projected savings of £1.1 million per annum? Finally, can the Minister outline what he intends to use the buildings for, once they cease to be fully functioning courthouses, and whether he is open to turning many of them into community justice centres that could house voluntary and citizen advisory organisations?

Mr Ford: As usual, the Committee Chair has managed to get in a significant number of questions. I hope that I have most of them noted down. He refers to the issues of modernisation and online alternative dispute resolution. There is no issue in the Department of Justice against the suggestions that the Committee has made in that respect, but the reality is that we are not there and are not ready to do that yet. The work that is being taken forward in other aspects of the Department's work is showing that as an opportunity that will, of course, reduce further the requirements for courtrooms.

The Member refers specifically to Mid and East Antrim as the only council area not bordering Belfast without a court: yes, but the issue is not the provision of courtrooms in every council area, as it was not under the previous pattern of local government. The issue is providing an appropriate pattern of courthouses, as far as possible, that have modern facilities, are fit for purpose and are capable of meeting the needs of victims and vulnerable witnesses and those of people with disabilities and having them within reasonable travelling distance of all those who would use them. That does not mean that they tie into a council pattern.

The savings outlined take account of the fact that, for the immediate future at least, the Courts and Tribunals Service will continue to maintain the redundant buildings, provide security for them and so on, but, obviously, the aspiration is that they will be utilised for other purposes as far as possible. The normal procedures will apply. They will be

offered to other statutory bodies. After that, there will be the issue of placing them on the open market if no others take them up, or, depending on the outcome of work that is being done elsewhere in Departments, we will look at community asset transfer. However, the buildings will be maintained and kept safe by the Courts and Tribunals Service until those issues are resolved.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. In relation to the closures, I think it is very obvious that the Minister is doing this for cost savings only. I use the case of Strabane as an example. The moving of Strabane cases to Omagh will present a massive case management problem for the PSNI. They cannot take the cases to Derry because of capacity issues. Also, I visited Omagh courthouse, and it is very obvious that Omagh is not ready to take the caseload from Strabane because of disability access. I ask the Minister to reflect on that decision.

Mr Ford: I appreciate Mr McCartney's point, in the sense that Omagh is probably the least modern of the courts being retained. However, this is not an issue of costs only, as he suggests. It is a cost issue, but it is also an issue of falling business volumes. The point has to be to make appropriate use of public facilities. It is not possible to maintain the pattern of services that we have had in courts up to now.

The Member raises the issue of additional costs for the PSNI, but, frankly, I am not sure that I see any significant difference between travelling 15 miles from Strabane to Derry or 20 miles from Strabane to Omagh. The PSNI and, indeed, other services have not identified problems with the rationalisation proposed.

6.45 pm

Mr Deputy Speaker (Mr Dallat): I remind Members that, because this is a statement, they do not have to rise in their place; you simply give your name to the Clerk. I also remind Members that questions should be concise.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle, agus gabhaim buíochas leis an Aire as a ráiteas. Thank you very much, Mr Deputy Speaker, and I thank the Minister for his statement. How many representations did the Minister receive in relation to Magherafelt courthouse, including meetings between his Department and the local community and those acting on behalf of the local community and with local solicitors? If he does not have access to that detail today, could he please provide it to me in writing?

Mr Ford: Mr McGlone correctly predicts that I do not have access to those figures today, and I will provide them in writing.

Mr Kennedy: The Minister has delivered a grim statement to the House. I welcome, at least, the reprieve given to Enniskillen and Newtownards courthouses, but I express deep concern about and opposition to the proposed closure of Armagh courthouse, in particular, and the others. I implore the Minister to reconsider his decision on Armagh, given the impact that will have on the local economy. In the event that he is not willing to do that, will he, at least, give an assurance to me and to the House that, if the building is to be sold, every effort will be made to sell it to another Department or government body, including local government, so that appropriate alternative

use can be made of what is a landmark building in the centre of Armagh city?

Mr Ford: I appreciate Mr Kennedy's point about what he describes as a "landmark building", but the function of the Department of Justice is to provide access to justice, not to maintain landmark buildings. I have already said and will repeat that the Courts and Tribunals Service will maintain all the relevant buildings until they are disposed of to others.

I will repeat the basic facts about Armagh. The utilisation rate is 29.7%. That means three half-days per week, on the basis that, if even one case is heard, that counts as a half day. That is simply not sustainable. Of the business that was disposed of in 2014, criminal cases were down 3% on the previous year and civil cases down 51% on the previous year. That is the pattern across courthouses throughout Northern Ireland, and that is why it is simply not sustainable, in the face of all our financial difficulties, to maintain that estate.

Mr Dickson: I thank the Minister for his statement. The reality is, as the Minister has just stated, there is a reduction in the number of cases, which is clearly welcome, because it means that there is a reduction in crime. Indeed, as the Chair of the Committee said, there are alternatives to dispute resolution other than civil cases. Also, the Minister is correct in stating that the court estate is about providing efficient and modern facilities and not about maintaining buildings of significant architectural heritage. Can the Minister assure the House that, in making the reductions, he has stretched his budget as far as he can; that the only alternative would be for the Executive to provide more resources; and that, even if they did so, the sensible action would be to continue to close those courthouses?

Mr Ford: I thank my colleague for his comments. Certainly, it is welcome that crime figures are on a downward trend, although there is, of course, always the occasional upward blip. When he refers to modern buildings, he will know that, in my career as a social worker I spent time in the single room in Carrickfergus town hall that is still called the "Court Room", although it has not been used as the court room for a long time.

I then spent time in the Newtownabbey petty sessions office, as it was. All those cases are now taken at Laganside, where they get the benefit of much more modern facilities that have the ability to segregate witnesses and avoid the problem of witnesses, defendants and victims all being together, which frequently occurs in the older courtrooms.

The reality is that the budget is stretched and has to be dealt with in a way that meets the key needs of society, which relate to public protection. I am afraid that it is not about maintaining a courtroom in every former market town. That, compared with allowing people to use modern facilities even if they have to travel a bit further, is not what meets the interests of justice,

Mr Poots: Burglaries were up by around 30% in the last few months. Perhaps, if the other end of Mr Ford's Department ensured that more people were brought to court, better use would be made of the court facilities. The one that stands out is Lisburn courthouse. We have looked at other courthouses with 20% or 30% usage. Lisburn courthouse has just short of 60% usage, yet it is being

closed, and Enniskillen, which has 42% usage, is being kept open. There is clearly something wrong, and Mr Ford has ignored the facts —

Mr Deputy Speaker (Mr Dallat): We really need a question shortly.

Mr Poots: Thank you for drawing me to that, Mr Deputy Speaker. Does the Minister accept that his case lacks robustness? Does he also accept that he will cause immense pain, hurt, anxiety and anguish to those who now use the family court in Lisburn but will be sent to the mayhem of Laganside, which is already bursting at the seams in the mornings?

Mr Ford: When somebody uses words such as "mayhem", it is hard to take their point seriously. If Members are not aware of the specific geographical issues that affect somewhere such as Enniskillen and the distances that have to be travelled there compared with the distance from Lisburn to central Belfast, I do not think that they are taking account of the realities of that aspect of access to justice. A key part of the consideration was looking at appropriate and reasonable travel times to courts, acknowledging that some people would travel further. That was inevitable with any rationalisation, but there is a significant difference between travelling by the quality of public transport that is available in and around greater Belfast and travelling in rural Fermanagh and Tyrone.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. I cannot welcome the Minister's statement. It seems that south Derry is being deprived of yet another public service. Does the Minister accept that his efforts to cut costs will have a detrimental impact on the people of south Derry and that the number of service users appears low because cases that could have been heard in Magherafelt have been diverted to other areas for some time?

Mr Ford: I accept, of course, that this change will have an impact on some who use the courts. However, I cannot accept that it is seriously detrimental for people to travel a bit further to get the benefit of the much more modern facilities in somewhere such as Dungannon. If Mr Milne is acknowledging that, in his view, the number of cases in Magherafelt is already down because they are being heard elsewhere, that suggests that closing the courthouse will not make a huge difference.

Mr Douglas: I thank the Minister for his statement, which referred to the aspiration of creating a family justice centre in the Old Townhall Building in Belfast. Will the Minister outline whether that building is structurally sound? It was built in 1871, restored in 1983 and severely bombed in 1985. Does he have any idea of the estimated cost of its restoration?

Mr Ford: Mr Douglas raises a significant point. It was very much my aspiration to be able to develop a specific family justice centre based at the Old Townhall that could have served the needs of a fairly wide area. Unfortunately, the reality is that the money is not currently available. I do not have the figure in front of me, but my understanding is that we are talking about close to £3 million to renovate the building. The latest condition survey of the Old Townhall, which was carried out five years ago, showed that it was structurally sound. However, it would need a significant refit at a cost of £3 million. If Mr Douglas or anybody else won the lottery this week, I would be happy to take that money from them and use it in a worthwhile way by setting up a

specific family justice centre. At this stage, as much as I would have wished to, it is not possible to proceed with that.

Mr McCrossan: This is, to say the least, a most unwelcome statement. It is very depressing for the people of my town of Strabane, who have now lost another public service. In Belfast, we have seen how the closure of smaller courts can often have an unintended negative impact on others, such as the closure of the Old Townhall and the effect on Laganside. Will Strabane lose another public service, given that it had its busiest year last year, with the negative consequence of that being heaped on the courthouse in Omagh?

Mr Ford: I am not sure whether it is precisely accurate to say that Strabane had its busiest year last year. Business disposed of was down 1% last year on the previous year on the criminal side, given that civil and family business goes to Omagh anyway. This is part of the unfortunate reality that Members have to acknowledge: it is simply not possible to maintain the range of courthouses that we have. A significant part of the Strabane district is not significantly further away from Omagh than it is from Strabane, although that is clearly not the case for those in and around Strabane town. The access issue is about ensuring proper courtrooms where cases can be heard, and we get the best possible facilities. I acknowledge that Omagh is not in an ideal position compared with others, but nor is Strabane, whose utilisation rate last year was 29.8%, and fewer than three out of 10 half-days were used.

Mr Hussey: Like Mr McCartney and Mr McCrossan, I am also disappointed to hear that Strabane courthouse is to close. The Minister referred to the 30% usage. I am sure that he has taken into account the fact that Strabane is one of the most deprived areas in Northern Ireland and the objections that were put forward by the legal fraternity. He always refers to the Courts and Tribunals Service. Clearly, you have never attempted to settle a tribunal in Omagh courthouse, where there is very little room for tribunals. In fact, there is very little room for the people who represent people at tribunals. With the change in welfare legislation, there will be an awful lot more tribunals, so what steps will you take to ensure that Omagh is capable of dealing with all the cases that will be brought to it in addition to those from Strabane and that people in Strabane will have fair representation in tribunals?

Mr Ford: Representation is an issue for those who provide representation, whether they be legally qualified, people from advice centres or whatever. Mr Hussey highlighted a specific issue about the suggested crowding of Omagh, and that has been raised in a number of cases. Listing arrangements are an issue for the judiciary. I have discussed it with the Lord Chief Justice, and officials from his department and mine are looking at how to manage the listing better. There is no doubt that some of our courthouses are busy at 10.30 am, but very few are busy even an hour and a half later. There are fundamental listing issues that are more for the judiciary as to how we maximise the use of what are expensive buildings to run.

Mr Frew: This is another sad day for Ballymena and yet another kick in teeth for the town and the area. How much will it cost to maintain Ballymena courthouse in its closed state? What savings are to be made by closing it? Is it not a short-sighted decision by the Minister that short-changes the Assembly and will have a devastating effect on the

only council area — Mid and East Antrim Borough Council — that will not have a courthouse that borders Belfast?

Mr Ford: I have already answered Mr Frew's point about councils. Courthouses provide services to the public; they are not there to tick boxes against old or new councils. He asked how much will be spent on the maintenance of Ballymena courthouse. I do not have that figure in front of me, but I will write to him. I repeat that the savings, even allowing for the ongoing costs of ensuring that the building is maintained and security is provided, will be £221,900 a year. That is the level of saving needed.

7.00 pm

Mr I McCrea: I too am unable to welcome the statement. Given the rural aspect of my constituency and the difficulties that there are with transport there, can the Minister ensure that this decision will not have a detrimental impact on the administration of justice, especially for the most vulnerable, in Mid Ulster? Does he disagree with the Lord Chief Justice, who warned about the potential impact on the administration of justice if the closures go forward?

Mr Ford: I have discussed how we manage to provide access to justice with the Lord Chief Justice, and that is an issue that is clearly making a change.

Mr McCrea talked of the needs of a rural area like Mid Ulster, and I can assure him that the issues of time taken to travel to courts and public transport, even though only 6% of those who use courts use public transport, were taken into consideration to ensure that the great majority of people will not have a significantly long journey, given that most will travel by private vehicles anyway and that those who use public transport will have a reasonable length of time for bus journeys. This is an issue that is clearly exercising a number of people, but it is very surprising that very few people have mentioned anything other than the concerns about their constituencies. Nobody has given me any suggestions as to any alternative ways of saving money.

Mr G Robinson: Will the Minister consider meeting some of the Limavady legal profession to explain the rationale behind the ludicrous decision to close Limavady courthouse after a full consultation exercise involving elected representatives, mainly from the DUP, local councils, the legal profession and others? It is a much-needed local facility that will still require financial commitment to maintain it after closure. That closure will cause great inconvenience to the vast majority of court users, the legal profession and the PSNI, particularly considering that Londonderry and Coleraine courts are overflowing.

Mr Deputy Speaker (Mr Dallat): Can I have a question, please?

Mr G Robinson: Done.

Mr Ford: This "ludicrous decision", as Mr Robinson called it, was taken on the basis of a utilisation rate in Limavady of 23.4%. Criminal business received was down 26% and disposed of was down 23% in the last year, with civil and family business already dealt with in Londonderry courthouse. Will I meet delegations? No, I will not meet delegations, because that facility was offered during the consultation period and was taken up by a number of local authorities and other groups. That was the appropriate

time to have that discussion, not after a decision has been announced.

Mrs McKeivitt: Minister, your announcement this evening is a huge blow to the status of Armagh city. Mr Kennedy was correct to describe the court as an iconic building in the city. Members of the legal profession tell me that it is one of the best-equipped and most functional premises in the entire court estate. That is from those who practise in it. I call on the Minister to review this bad decision, because citizens will be denied access to justice. We have united political opposition to the closure of Armagh courthouse, and there is a strong case for keeping it open.

Mr Ford: I congratulate Mrs McKeivitt for being the first Member who has not just done special pleading for the constituency she currently represents. To say that this decision is denying access to justice to the people of Armagh is just rubbish. Access to justice is not a building in the town; it is the justice system functioning, and the ability to use modern courts with appropriate facilities, as I have outlined. It is not about maintaining historic buildings, however important they might seem. If there are those who have concerns about an historic building in Armagh, they will have options to raise them. It is simply not feasible for the Department of Justice, which is funded to provide access to justice, to maintain buildings for the sake of maintaining buildings.

Mr Swann: The Minister referred to engaging with local councils. He engaged with Mid and East Antrim Borough Council with regard to Ballymena. Did he listen to it? He talked today about closing Ballymena courthouse. How many jobs has he just removed from Ballymena?

Mr Ford: The answer to the question on the number of jobs is that the number of jobs will be maintained when business moves from Ballymena to Antrim. I accept that there is an issue with Ballymena, which has concerned a number of people in recent days, but to compare it with the 2,000-odd jobs that we are talking about in two major factories is somewhat unrealistic.

The key question from Mr Swann was on whether I had listened to representatives of Mid and East Antrim Borough Council. Yes, I listened. My officials sought to engage with them, but no realistic proposal was put forward that would have meant that it was possible to retain Ballymena courthouse. It is rather unfortunate that members of the council have chosen to attack the decision, without having put forward any proposal that would have made it possible to keep the courthouse open.

Mr Givan: The Minister has indicated that he has deliberated on this issue for a long time. First, given that the consultation on Lisburn courthouse closed last week, can he explain why he has been able to rush to the House to announce its closure? Secondly, whilst he has indicated that he listened, he clearly has ignored the consultation responses from the legal profession in my constituency. The price is being paid by the most vulnerable victims, witnesses and families because of the failure by this Minister to effectively and efficiently run his Department.

Mr Ford: If the former Chair of my Committee could tell me, from his time when he had the opportunity to scrutinise the budget closely, where there was an inefficiency in the way in which the DOJ budget was run, I would be interested to hear about it, because I do not remember any significant suggestions coming forward,

other than the times when the Committee delayed the proposals to reform legal aid when he was Chair.

The issue with Lisburn was specific. An extension to the consultation was allowed because of the variation in the original plan from using the old town hall as a family justice centre, including Lisburn. The reality is that the responses were not significantly different from the responses that had come back previously. Therefore it did not require many days after the closure of that consultation last week to confirm the position. Had specific new proposals been raised, and had there been specific issues relating to family justice that had shown a different way of addressing it, I would have taken longer, but the responses merely repeated what had been said, by and large, in the first round of consultation.

Mr Allister: May I express my dismay that the Minister has decided to kick Ballymena when it is down? We have lost hundreds of jobs, and now the Minister robs us of the last remaining courthouse in north Antrim. He pretends that it is about economics, but his Department spent £1.7 million on upgrading Ballymena courthouse —

Mr Deputy Speaker (Mr Dallat): Order.

Mr Allister: — and now he wants to close it. Where is the economic sense in that?

Mr Deputy Speaker (Mr Dallat): Order, please. Earlier, I requested Members' cooperation and asked them to ask questions. This sounds very much like a speech.

Mr Allister: Where is the economic sense in spending £1.7 million on a courthouse and then closing it?

Mr Ford: Money was spent because it was necessary to renovate Ballymena courthouse to make it compliant with the Disability Discrimination Act and to look at other matters. That does not mean that it is feasible or possible, in the circumstances that have changed significantly for the worst in my Department's budget since that time, to continue on that basis. Mr Allister starts off by saying that I "kick Ballymena when it is down". It seems to me that the only people who are kicking Ballymena when it is down are those who are making out that this is another major blow to the Ballymena economy comparable to JTI or Michelin. That is simply not the case.

My job is to provide appropriate buildings for all the people of Northern Ireland to see that justice can be done and that access to justice is available for people. For Mr Allister to kick Ballymena in a crude attempt to kick me does nothing for him or his constituency.

Mr Hazzard: At the fear of being one of very few people to welcome the statement — or, more accurately, to welcome the information that is not in it, which is that Downpatrick courthouse has been saved and is no longer on the list — can I ask the Minister to outline what opportunities exist for those courthouses remaining in the court estate going forward, including Downpatrick, to upgrade their facilities? Go raibh maith agat.

Mr Ford: I am not sure whether Mr Hazzard read the detailed paper that came out early on. A number of specific issues relating to public transport links in Downpatrick meant that it was not recommended for closure. The consultation, therefore, did not deal with it. It is very noticeable that nobody in South Down rushed to suggest that it should be closed. At this stage, I do not

have the details before me about what may or may not be appropriate for Downpatrick, but the key issue will be that, by making savings through closing a number of other courthouses, there will be some freeing up of money. It will not be much, because it is largely to deal with the cuts that are being imposed on my Department, but there will be some freeing up that may make possible further minor changes that are needed to any of the existing courthouses. As I made it clear when I was talking about the Old Townhall, there will be no massive capital investment in the immediate future.

Committee Business

Addressing Bullying in Schools Bill: Extension of Committee Stage

The following motion stood in the Order Paper:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 February 2016, in relation to the Committee Stage of the Addressing Bullying in Schools Bill [NIA Bill 71/11-16]. — [Mr Weir (The Chairperson of the Committee for Education).]

Motion not moved.

Licensing Bill: Further Extension of Committee Stage

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended further to 19 February 2016, in relation to the Committee Stage of the Licensing Bill [NIA Bill 69/11-16]. — [Mr Maskey (The Chairperson of the Committee for Social Development).]

Executive Committee Business

Credit Unions and Co-operative and Community Benefit Societies Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Dallat): I call on the Minister of Finance and Personnel, Mr Mervyn Storey, to move the Further Consideration Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill on behalf of the Minister of Enterprise, Trade and Investment.

Moved. — [Mr Storey (The Minister of Finance and Personnel).]

Mr Deputy Speaker (Mr Dallat): As no amendments have been tabled, there is no opportunity to discuss the Credit Unions and Co-operative and Community Benefit Societies Bill. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is therefore concluded. The Bill stands referred to the Speaker.

Official Opposition: Statement of Proposed Entitlements

Mr Deputy Speaker (Mr Dallat): The next item on the Order Paper is a motion on the statement of proposed entitlements for an official opposition. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

7.15 pm

Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move

That this Assembly endorses the statement of proposed entitlements for an official opposition, as set out at appendix F4 of the Fresh Start Agreement; and calls on the Speaker to take forward the implementation of these provisions before the end of the current Assembly mandate.

The purpose of today's motion is to seek the Assembly's endorsement of the statement of proposed entitlements for an official opposition as set out at appendix F4 of the Fresh Start Agreement. The statement of proposed entitlements sets out a number of provisions for an official opposition that, if agreed by Members today, will grant you the authority to decide how each element should be taken forward, including which aspects could be implemented through administrative changes or Speaker's rulings and which could require changes to Standing Orders.

(Mr Speaker in the Chair)

The origins of the development of the statement of proposed entitlements for an official opposition date back to the period leading up to the Stormont House talks in 2014. At that stage, the creation of an official opposition in the Assembly was cited as one means by which the Executive could be made more accountable and more responsive to the Assembly. The devolution settlement and the Northern Ireland Act that underpins it are based on the principle of inclusive government whereby all political parties with sufficient electoral strength are entitled to participate in the Executive through the nomination of a Minister or Ministers to it. The Northern Ireland Act does not, therefore, make any provision for the concept of, or mechanism for, opposition. While it is, of course, open to any eligible party to forgo its Executive seats, as the Ulster Unionist Party did, no special status or entitlement is attached to that action at present.

The recognition of and means of support for an official opposition were therefore discussed in the Stormont House talks, together with other aspects of institutional reform. The 2014 Stormont House Agreement stated that arrangements would be put in place to enable those parties that are entitled to ministerial positions in the Executive but choose not to take them up to be recognised as an official opposition and to facilitate their work. The agreement also indicated that —

Mr Allister: Will the Minister give way?

Mrs Pengelly: Sorry.

The agreement also indicated that those arrangements should include provisions for cost-neutral financial and research assistance and designated speaking rights. Following the Stormont House Agreement, a subcommittee on institutional reform was established and remitted to consider what entitlements a future official opposition should receive. The subcommittee deliberated on that and reported to the party leaders' implementation group.

The measures that we are proposing today reflect those discussions and represent the measures on which there was the broadest consensus. Those are outlined in appendix F4 of the Fresh Start Agreement and are as follows. It is proposed that the provisions to be made for an official opposition will be made available to and restricted to those parties that would be entitled to ministerial positions in the Executive but choose not to take them up.

Mr Allister: Will the Minister give way on that point?

Mrs Pengelly: Sorry, I want to finish this initial speech. You can then respond to that, and I am happy to pick up your points in the winding-up speech. That would be a more appropriate way to deal with it.

Such parties should elect to go into opposition at the time they decline the offer of a ministerial position in the Executive when d'Hondt is run at the start of the mandate to fill ministerial offices. The provisions to be made for an official opposition will be put in place by way of administrative or other means not requiring primary legislation. That will be a matter for you, Mr Speaker, and the Assembly to progress. Parties noted that giving the provisions a legislative footing would require Westminster legislation.

It was agreed that a major element of the provision to be made for an official opposition should take the form of enhanced speaking rights during plenary business in the Assembly. That is in common with the provision typically made for official oppositions in jurisdictions elsewhere and would apply to the range of business undertaken in the Chamber.

During Question Time, the official opposition will be permitted to ask the first supplementary question after the tabling Member for the first three listed questions for oral answer to each Minister. During topical questions, they will be allocated the first topical question to the Minister outside the usual ballot for such questions. During questions for urgent oral answer, the official opposition will be permitted to ask the first supplementary question following the Member who tabled the question. For Executive business concerning Budget and Programme for Government debates, the official opposition will be permitted to be the first contributor following the Minister.

When Executive legislation is being taken through the House — Bill debates, subordinate legislation motions and legislative consent motions — the official opposition will be the first contributor in such debates following the relevant Statutory Committee Chairperson, if appropriate. The official opposition will be able to table the first question to a Minister following ministerial statements and be the first contributor, after the tabling Member, to a Matter of the Day. It was agreed that it would be for the Speaker, in consultation with the Business Committee, to determine the frequency with which opposition debates were to be scheduled.

Concerning the provisions to be made on enhanced speaking rights, it was agreed that, were the official opposition to comprise more than one party, the apportionment of speaking rights among parties would be determined by such parties on the basis of party strength. That process might mirror that used for the allocation of private Members' business by the Business Committee.

While it is acknowledged that, once an official opposition comes into operation, custom and practice is likely to lead to titles being conferred on Members from parties that form part of the official opposition, there was broad agreement that no formal provision for titles should be made. A further element of the provision relates to cost-neutral financial and research assistance for opposition parties. It was agreed that that should be provided through the financial assistance for political parties (FAPP) scheme or the ring-fencing of Assembly research facilities.

As might be expected in discussions involving the five parties that at that point were represented on the Executive, there were other proposals that did not receive general support. They were not therefore included in the statement of proposed entitlements.

The motion seeks the Assembly's endorsement of these measures and remits the Speaker to commission the necessary work to ensure that they are in place for the start of the new Assembly mandate in May. We cannot predict which parties — indeed, whether any parties — may choose to forgo their entitlement to a seat on the Executive. However, if we accept the principle that an official opposition should be recognised, it is important that its status be made meaningful and effective through the implementation of the provisions outlined in this statement of proposed entitlements for an official opposition. We do not expect the measures to be definitive, but they provide for a broad range of provisions to be made available immediately for the official opposition that future Assemblies will be able to review and, if they wish, enhance. We do not believe that their introduction will compromise any future consideration of the statutory underpinning of an official opposition.

Mr Speaker, it is for those reasons that we seek the Assembly's endorsement of the statement of proposed entitlements for an official opposition and for the implementation of the provisions to be taken forward by you before the end of the mandate.

Mr Speaker: I call the Chairperson of the Committee for the Office of the First Minister and deputy First Minister, Mr Mike Nesbitt.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): Mr Speaker, you surprise me.

I welcome the statement from the Minister. I think that the Committee is certainly aware of the proposals, but I stand to be corrected. I do not believe that the Committee has taken a position on the proposals for an official opposition, so, with your permission, I will take off the hat of the Committee Chair and speak as an individual.

As the Minister said, the Ulster Unionist Party has already voluntarily withdrawn from the current Northern Ireland Executive. We promote the introduction of an official opposition. We see that as the next mature step towards a normal democracy in Northern Ireland, so it is not

about undermining anything; it is about improving and acknowledging, in fact, that these institutions are here to stay. For the avoidance of doubt, let me say that, in calling for an opposition, this is not about some sort of play for a return to majority rule. When we talk about “normal democracy”, we understand that, for the foreseeable future, the Executive must be led on a cross-community basis and that, therefore, the largest parties of the two main traditions will form the core of the Government or at least have first refusal.

I am extremely keen to put it on record once again that the Ulster Unionist Party felt that the creation of an official opposition had to be cost-neutral compared with what we currently spend on running our government. There could be no increase, and, therefore, we were not looking for salaries for any leaders in an official opposition, nor were we looking for anything other than perhaps some ring-fenced access to Assembly research. Again, the junior Minister has made it clear that that facility is envisaged in the so-called Fresh Start Agreement. As she said, there were arguments that we made but lost. We would very much have liked to see the official opposition having first refusal of a number of Committee Chairs: that is not going to happen. Indeed, more broadly, we would have preferred if the mechanism to create an official opposition had been primary legislation coming out of Westminster. Call us cynical, but maybe we believe that what you can give in a debate like this one day you can take away the next. That is the rough and tumble of politics. We made our case and lost some of the argument, but we won the big argument, which is that we should have an official opposition.

I very much welcome the junior Minister making it clear that, after the election, when we go into the negotiations on the Programme for Government, it will be at the point that d'Hondt is run that a party will have to make the call as to whether it takes its entitlement to be at the Executive table or withdraws to form part or the whole of an official opposition.

Mr Speaker: Let me congratulate you on that quick recovery, although I have to say that the podium misled me: I thought that you were sitting there as Chairperson and had the podium on that basis. Very well done indeed.

Mr Lyons: It is good to take part in the debate, and I very much support the motion before the House. We have made considerable progress in recent weeks with the implementation of the Fresh Start Agreement and the important reforms that are found in that. We have already discussed reducing the number of MLAs and reforming and cutting the number of Departments, and the fact that we are starting down the road of having an official opposition is another important part of the reform process. Although what has been set out today is not legislative change, it, in effect, places some responsibility on your shoulders, Mr Speaker, to make sure that the changes are implemented through our Standing Orders or wherever else those changes need to be made.

I say that we are beginning here; we are not saying that this is the end of the journey or that we have this all right. We are saying that we start here and it will be up to those in the next mandate to decide where they want to go after that. We will now have arrangements in place at the start of the new mandate, and that is very important.

Opposition really comes down to two issues: time and money. We see that time will be given to those who wish to be part of the official opposition. It is significant that, at Question Time, the first supplementary question after the tabling Member for the first three listed questions will go to someone who is not a Member of any of the parties that are in government. The first contributor to debates following the Budget and the Programme for Government will also be someone from the opposition parties, as will the first contributor to ministerial statements and Matters of the Day. Opposition parties will also have an entitlement to opposition debates, so there is certainly the time for those who are not in government to ensure that their voices are heard and to ensure that they have the time to scrutinise the work of the Executive.

As well as having time, we have money; there is financial assistance available to those who wish to form the opposition. I agree very much with Mr Nesbitt that it is a good thing that this is done on a cost-neutral basis, because we have not cut the number of MLAs and Departments to save money in that way in order to spend more on funding an official opposition.

7.30 pm

I think that what we have here is a very positive start. We can obviously return to it later, but I very much welcome the progress that has been made, and I will support the motion this evening.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. On behalf of Sinn Féin, I also support the motion and endorse the provisions of entitlement. If, as we hope, the Assembly endorses the motion this evening, you, Mr Speaker, will have the fairly onerous task of working with the Business Committee and, within the entitlement of the Speaker, making your own rulings as well.

As far as our party is concerned, we are quite happy to support the provision and enablement of an opposition, although, speaking for myself and many others, I would much prefer it if all those who have an electoral mandate were around the table working together and sharing the burden of trying to tackle all of the many outstanding difficulties that we as a society have yet to resolve. I do not think that it is fair if parties get a mandate and then stand away from shouldering that responsibility, but that would be their choice, and that is fair enough. The provisions, if endorsed here today, enabling you, Mr Speaker, to take this forward, will provide for that.

As I have said, I think that the provisions are generous for the circumstances that we live in. They will certainly be adequate for those who want to put themselves into opposition. As I said, our party is more than happy to support this. It has already been said that this does not mean that it has to be definitive or that, in the future, there would not be some further legislative underpinning of such provisions if they are required and people want to make those arguments in due course. Our party will be keen, as always, to listen to those arguments and to move forward on that basis.

So, for now, and particularly for May — right at the beginning of the next mandate — there will be provision for an opposition. I just hope that some of those who are seeking the right to have an opposition do not ever regret getting what they ask for.

Mr Attwood: Mr Speaker, I apologise that I missed the junior Minister's opening remarks. In that regard, and in order to create certainty and avoid doubt, I will ask a series of questions, and I would ask for definitive responses.

This was touched upon by Mr Nesbitt and may, therefore, have already been covered. The statement of proposed entitlements for an official opposition is set out on page 55 of 'A Fresh Start'. Paragraph (i) of that statement states:

"Those parties which would be entitled to ministerial positions in the Executive but choose not to take them up, to be recognised as an official opposition. Those parties which choose to go into opposition should elect to do so at the time they decline the offer of a ministerial position in the Executive when d'Hondt is run."

I think that Mr Nesbitt referred to that.

I refer to paragraph 61 of 'A Fresh Start' and ask the junior Minister to confirm that the only and proper interpretation of paragraph (i) about entitlements in section F and of paragraph 61 is the one that Mr Nesbitt referred to. It says in paragraph 61 of 'A Fresh Start':

"After the Assembly meets following an election and before the FM-DFM are selected and the d'Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government".

So, my question to the junior Minister is this: does this mean that parties have to declare their intention to enter into government before the Programme for Government is concluded, or is it the case, which seems to be the more proper position, that it is only at the time when d'Hondt is run that parties may choose to go into opposition or into government?

There is a difference between the two, and there may be a tension between the two, in that one says that you decide when d'Hondt is about to run while, in the other, essentially, you decide when you are about to resolve the draft Programme for Government and before d'Hondt is run. I ask for clarification as to which it is from the junior Minister. I think that there is a proper way to handle this matter in the event that any party wants to go into opposition, and there is a less than proper way, which is to declare what you are doing before the Programme for Government is finally resolved.

What follows in paragraph 61 is this:

"Changes to Westminster legislation (as soon as time permits) could extend the time available from seven days to fourteen days".

This is in respect of the Programme for Government. My second question to the junior Minister is this: have there been any conversations with London in relation to any Westminster legislation, not necessarily in respect of the extension from seven days to 14 days but in respect of the previous point I made, namely about confirming your intention to enter into government in advance of a draft Programme for Government being resolved? Have there been any conversations with London? If so, what were they? Is there any legislation coming? I presume that the answer to all of this is negative but, subject to the Minister's comments, I ask for answers to that.

The SDLP has been arguing since 2012, in a submission that was presented to the then Secretary of State in respect of his consultation around a miscellaneous provisions Bill for Northern Ireland, for legislation to put in place an opposition with entitlements in the Assembly. In as much as this statement moves in that direction, that is the right direction to move in. We always argued for that, consistent with entitlements under d'Hondt and the democratic mandate, and it is our intention and that of every party, I presume — to touch on the point made by Mr Maskey — that you seek a democratic mandate to enter into negotiations on the Programme for Government, on the far side of which you enter into government. That, clearly, is the ambition of any and all parties, and it is the ambition of the SDLP. Subject to those two questions and the potential tension between those two paragraphs, the SDLP is prepared to see the statement move forward.

Mr Dickson: Mr Speaker, I will be brief. I am speaking on behalf of my colleague Mr Lyttle, who is unwell this evening. I want to place on record that the Alliance Party supports the establishment of an opposition. However, we are not in a position to endorse the proposal this evening, not least because of some of the issues that others have raised and because a party could qualify for an Executive position but could choose to form part of an opposition. However, I wish to leave the House clearly understanding that the Alliance Party is in support of those moves towards an opposition.

Mr Allister: I note that it is almost three months since the Fresh Start had the revelation that we would have an opposition. Indeed, the motion only came to fruition when Mr McCallister's Bill was about to hit the Floor of the House.

I can draw some conclusions from that. One can also draw conclusions about the appetite for opposition from the two parties that, in the main, support Fresh Start: they have happily conducted business for years without opposition. I am glad that they are at least, kicking and screaming, being dragged somewhat in that direction. Of course, they are trying to take a de minimis approach, in that they are trying to make it as hard as possible to be in opposition. They want to set the threshold at being eligible for and then turning down a position in government, in the hope that all other parties will be imbued with the same greed as they have for office and will not turn down government office. They hope that the lure of the limo will be as strong for everyone else as it obviously is for the two proponent parties. Thus, they have set the threshold as high as they could. Given the drop in the number of Departments, that means that, quite possibly, it could take 11 or 12 seats to qualify for an Executive place after May. As many as 30 Members, maybe a third of the House, could be ineligible for inclusion in the Executive and, therefore, not eligible to be in opposition because the threshold has been set so artificially high in order to discourage the practice of opposition.

The first challenge to the Department is this: if those two parties are, as they would belatedly like to have us think, so genuinely keen to see an opposition, why are they making it as difficult as possible to establish an opposition by putting the bar as high as they can —

Mr Lyons: Will the Member give way?

Mr Allister: — and contemplating the situation in which you might have 30 or more Members in the House who are not

eligible for participation in the Executive and, equally, not eligible for participation in an opposition? I will give way.

Mr Lyons: I thank Mr Allister for giving way. He made the point that he thinks that the bar has been set too high. However, we have an extensive list of opportunities for Members in the official opposition to speak in the Chamber. You said that there could be up to 30 Members in opposition, but what if there are only three, four or five? That would mean that they were the first to speak in Budget and Programme for Government debates and have the first three questions in Question Time. Surely it would be unfair to other Members for such a small number to have such a huge influence.

Mr Speaker: The Member has an extra minute.

Mr Allister: I do not know which 'Fresh Start' document Mr Lyons has been reading, but it is certainly not the one published on the OFMDFM website, which anticipates those powers for opposition only if the parties concerned have turned down a place in the Government. The suggestion that 'Fresh Start' states that three or four people could exercise those functions is really nonsense. I have made the point that you could have as many as 30 Members of the House who are not eligible for government and not eligible for opposition, while OFMDFM merrily and happily carries on.

That brings me to a point that the junior Minister was surprisingly timid about, in that she would not even give way. The question for the junior Minister is this: when her party offered, during last Tuesday's debate on John McCallister's Bill, a threshold of 8% as the qualification for being an opposition party, was it only playing games with Mr McCallister? Is it wedded to what 'Fresh Start' says, or is one half of the Fresh Start proponent parties in the camp of saying that it is quite happy to reduce it to 8%? The House is entitled to know. Is the DUP playing games with Mr McCallister's Bill, is it serious about saying that the threshold could be 8% or is it wedded to what it is putting before the House tonight, namely, the 'Fresh Start' document? That self-inflicted confusion needs to be clarified, and clarified very thoroughly, by the junior Minister. I hope that she will not duck, dive and dodge that question. It is a simple question: is her party playing games with Mr McCallister or is it serious about accepting 8% as the threshold? If it is serious, where does that leave the 'Fresh Start' document? Perhaps we could get an answer to that.

7.45 pm

As for its being cost-neutral, I have an idea for Minister Pengelly. We could fund this by culling a lot of the special adviser posts in OFMDFM because we have eight, which is the same as the Welsh Government. If we want to make this cost-neutral, would it not be a good start to reduce the number of those posts and putting it to better use than at present?

Although the junior Minister is not willing to take interventions, I hope that she will not dodge those issues and will try to answer the questions.

Mrs Pengelly: I thank Members for their contribution to this important debate on the provisions to be made to give recognition to an official opposition and to facilitate the work undertaken by parties entitled to ministerial positions in the Assembly but who choose not to take them up. I will respond to some of the issues raised by Members during

the debate. I welcome the broad support of the leader of the Ulster Unionist Party for the motion.

The statement of proposed entitlements does not include everything that was asked for, which will be a source of frustration for some. It does, however, in my view, constitute a strong basis for the way forward. As we enter into the next term, it gives an opportunity for further discussion and consideration on how we could improve, enhance and build on this progress of establishing an official opposition.

I welcome the support of my colleague Mr Gordon Lyons for this key move towards building a more normal way of working. Everyone in Northern Ireland wants to see this way of working, and, although this is not the final step, it is an important step towards that normality.

I welcome Mr Alex Maskey's support. I reference his comments that he seeks for all parties that want to be included and involved should be included and involved. I also welcome his remarks that this should be a choice for some of the parties as opposed to their being forced to be included and involved. We have seen the outworkings of that uncomfortable relationship in the past.

As regards Mr Alex Attwood's specific questions, we acknowledge that there is a tension between the issues. It is difficult at all points to get a satisfactory conclusion that suits all purposes. We wanted to ensure that parties would have the opportunity to consider what the Programme for Government is, what has been negotiated and agreed, and to make a decision on whether they wanted to be in government in order to operate the Programme for Government. It may be the case, however, that there are political parties that have no intention of being in the Government of Northern Ireland and operating the Programme for Government. Instinctively, I think that there is a perversity about a party that has no intention of being in government negotiating a Programme for Government to be operated by the Executive. There is a tension within those issues, and we welcome parties' views. However, we certainly would not want to close off the opportunity to those who want to give it the best chance and perhaps feel that they could not sign up to what eventually comes out of the process of negotiation.

Mr Nesbitt: Will the Minister give way?

Mrs Pengelly: Yes.

Mr Nesbitt: How would you know that a party has no intention of taking its seat or seats? If a party withdrew at the point of running d'Hondt, could the remaining parties decide that they wished to redraw the Programme for Government and take out some compromises that may have been put in specifically to please the party that withdrew?

Mrs Pengelly: I agree with the Member that it would be difficult to prejudice those issues. It may also be the case that some parties will go into the election process being very upfront about the fact that they intend to go into opposition. If that were the case, that is the best way to assess it.

It would be a very strange situation if you had an agreement that is a compromise that the parties negotiated and effectively signed up to, and one political party then decides, despite that fact and its input and seeing its work in the Programme for Government, that it

will tactically or strategically disengage and want to go into an official opposition.

As I outlined, there is a tension between those issues. We want to provide a fair and equitable approach to everybody in relation to this. As I mentioned, we would welcome the views of parties on how to seek an effective way to address the tension between those issues.

Alex Attwood made a point about the change from seven days to 14 days. I am happy to confirm for him that there have been substantial discussions with the UK Government and that the Secretary of State proposes to publish a Bill in relation to these implementation issues very shortly.

Mr Attwood: Will the Minister give way?

Mrs Pengelly: Yes.

Mr Attwood: If a Bill is published soon, is there any indication of when it might be tabled and when it might be passed? Is that Bill to contain any other proposals other than a change from seven days to 14 days — in particular, going back to the point that I made recently, about any proposed change in relation to that clause about “confirming their intention” to enter into government? What are the clauses of that Bill likely to include?

Mrs Pengelly: I can advise the Member that the purpose of publishing the Bill will be to have that consideration about what is included, but the purpose is very much to implement ‘A Fresh Start’. It will look at the issues that pertain to the responsibility of the British Government. There have been ongoing discussions, through a process of implementation, on the logistical side of that, which have been led by the head of the Civil Service. I am happy, if there are specific issues, to write to the Member in due course.

With the greatest respect to Mr James Allister, I think that most people in Northern Ireland would struggle to see that the bar of getting one ministerial seat was, in his words, particularly high; in fact, I think that most people would consider it to be quite low. I do not think that it is unreasonable that that is the bar that has been negotiated and agreed. In relation to the other issues that he mentioned, I am not sure whether the Member is familiar with the concept of compromise and agreement, but what is presented in ‘A Fresh Start’ is a compromise and an agreement. By its very nature, we do not get everything that we want, and nor does anybody else. We come together for the good of the people of Northern Ireland to try to find a way through difficult and challenging issues, to get agreement in order to build a better and brighter future and ensure that these institutions, devolution and local government can exist for the people of Northern Ireland. That requires compromise and agreement.

Mr Allister: Will the Minister give way?

Mrs Pengelly: Yes.

Mr Allister: Those are very nice platitudes, I am sure, but what about addressing the question? If, after the election, when maybe it will take 11 or 12 Members to qualify for the Executive, there are 30-plus Members in the House who are incapable of qualifying for the Executive, does she think that it is right that there should, in those circumstances, be no provision for an opposition? Will she answer the question? When her party suggested last week that it would agree, in Mr McCallister’s Bill, to reduce the

threshold to 8% — in other words, nine MLAs — was she playing games, or is she wedded to ‘A Fresh Start’ and it is that or nothing? Can we have answers to those two questions, please?

Mrs Pengelly: Perhaps the Member does not understand the way that this works. I stand here today as a Minister in the Office of the First Minister and deputy First Minister, and I am responding to the debate as a junior Minister in the Office of the First Minister and deputy First Minister. I suggest to the Member that, perhaps, if he does not understand and he wants a party response, he should ask the party speaking as the DUP and not a junior Minister responding on behalf of the Department. *[Interruption.]*

Mr Speaker: Order.

Mrs Pengelly: I have made it clear that I stand here today making it absolutely clear that we are presenting what is necessary to give rise and give effect to the Fresh Start Agreement, an agreement that was a compromise. It was an agreement between parties, and that is what we are honouring here today. The discussion that the Member is so eager to get into will take place in the midst of another debate that is ongoing at this time in relation to John McCallister’s private Member’s Bill.

I bring my remarks to a conclusion by thanking Members once again for their contributions to the debate — positive and otherwise — and for the questions and issues that they raised. I hope that I have been able to answer them to their satisfaction. ‘A Fresh Start’ has provided a basis for addressing a range of institutional reform issues relating to the Assembly, not the least of which is the important issue before us for debate today. However, we must move now if the matter is to be concluded by the end of the current Assembly mandate, and that requires that the motion before us be passed by the House. Therefore, I ask the Assembly to approve the motion today as yet another step towards normal politics here. I welcome that, and I believe that Northern Ireland will welcome it.

Question put and agreed to.

Resolved:

That this Assembly endorses the statement of proposed entitlements for an official opposition, as set out at appendix F4 of the Fresh Start Agreement; and calls on the Speaker to take forward the implementation of these provisions before the end of the current Assembly mandate.

Spring Supplementary Estimates 2015-16; Vote on Account 2016-17; and Supply Resolution for the 2013-14 Excess Vote

Mr Speaker: The next three motions relate to the Supply resolutions, and, as usual, there will be a single debate on the motions. I shall ask the Clerk to read the first motion on the 2015-16 spring Supplementary Estimates and call on the Minister to move it. The debate on all three motions 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 2016-17 Vote on Account — will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion. After the Question has been put on the second motion, the third motion — the 2013-14 Excess Vote — will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion.

The Business Committee has agreed to allow up to four hours 30 minutes for the debate. The Minister will have up to 60 minutes to allocate at his discretion between proposing and making a winding-up speech. All other Members will have seven minutes. If all that is clear, I shall proceed.

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

That this Assembly approves that a total sum, not exceeding £15,770,704,000, 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 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 total resources, not exceeding £17,135,765,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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(c) and 2(c) of table 1 in the volume of the Northern Ireland Spring Supplementary Estimates 2015-16 that was laid before the Assembly on 2 February 2016.

The following motions stood in the Order Paper:

That this Assembly approves that a sum, not exceeding £7,899,052,800, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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 2017 and that resources, not exceeding £8,680,276,400, be authorised, on

account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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 2017 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2016-17 document that was laid before the Assembly on 2 February 2016. — [Mr Storey (The Minister of Finance and Personnel).]

That this Assembly approves that resources, not exceeding £6,031,448.89 be authorised for use by the Public Prosecution Service for Northern Ireland for the year ending 31 March 2014, as summarised in Part II of the 2013-14 Statement of Excesses that was laid before the Assembly on 2 February 2016. — [Mr Storey (The Minister of Finance and Personnel).]

The Supply resolutions debate is a key element in the legislative process that governs our finances. The debate commencing this evening primarily covers the final spending plans for the 2015-16 financial year but also the first few months of 2016-17 through the Vote on Account. For today, I have tabled three Supply motions for debate. Through the first motion, I seek the Assembly's legislative approval of the Executive's final spending plans for 2015-16. As Members will be aware, these final spending plans are detailed in the spring Supplementary Estimates. The second motion requests interim legislative cover for resources and funding for the first few months of 2016-17 in the form of a Vote on Account. The final motion seeks the Assembly's approval of an Excess Vote for the Public Prosecution Service in respect of the 2013-14 financial year.

I request the levels of Supply set out in the motions under section 63 of the Northern Ireland Act 1998, which provides for the Minister of Finance and Personnel to make recommendations to the Assembly, leading to cash appropriations from the Northern Ireland Consolidated Fund. The amounts that I now ask the Assembly to vote in Supply for 2015-16 are substantial — some £15.8 billion in cash, £17.1 billion of resources and £2.6 billion of accruing resources.

8.00 pm

These amounts are to be used by Departments and other public bodies in Northern Ireland to deliver public services. As I mentioned in the first Supply motion, they relate to the spring Supplementary Estimates, which reflect all in-year changes made since the Main Estimates were approved by the Assembly last June. That includes any funding surrendered by Departments, allocations received or other technical transfers of funding proceeded through the monitoring rounds in this financial year.

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

That, of course, reflects not only departmental expenditure limit (DEL) changes agreed by the Executive during monitoring rounds but annually managed expenditure (AME) funding agreed by the Treasury since the approval of the 2015-16 Main Estimates. In that way, this legislation process simply ratifies budgets already agreed by the Executive.

When my predecessor, Mr Simon Hamilton, presented the spring Supplementary Estimates in the Assembly this time last year, he spoke of the difficult financial environment that the Executive had to deal with. He also spoke of the recently agreed Stormont House Agreement, which provided a sound basis on which to move ahead, not least on public finances. Unfortunately, as all Members are now well aware, the Stormont House Agreement unravelled in the months following my predecessor's speech. However, with the Fresh Start Agreement, we now have an agreed way forward, and I sincerely hope that this agreement will be honoured by all parties. We need to stand by and capitalise on this agreement to ensure that we continue to deliver for the people of Northern Ireland.

The Fresh Start Agreement reignited the plans for the Assembly to take on new powers to vary our rate of corporation tax. The Executive are now committed to a rate of corporation tax of 12.5% from April 2018. That is an important milestone and one that I believe can act as a powerful lever to transform the Northern Ireland economy. There is certainly a case to ramp up skills investment in the coming years to maximise the potential benefits associated with a lower rate of corporation tax. I also state my commitment to provide a further £20 million for skills after the May election. I am also supportive of an additional £20 million to help to address pressures in our schools. That will be funded from the first £40 million available in the next monitoring round in June. Although that allocation cannot be ratified until the incoming Executive consider their funding priorities, I am sure that they, too, will recognise the importance of the skills agenda and education. I believe that it is important to provide education institutions with this early indication of my commitment on extra funding.

The restructuring of our Departments was also confirmed with the Fresh Start Agreement. That will see the current 12 Departments reduced to nine from May 2016. That should help to rationalise our Civil Service and bring benefits of a more streamlined delivery of public services. Fresh Start also paved the way for an agreed Budget for 2016-17 on the new nine-Department structure. That was ratified by the Assembly only last month. The departmental restructuring also has an impact on the 2016-17 Vote on Account, but I will say more on that later.

For now, I will return to the detail of the 2015-16 in-year changes, which are the focus of the debate. I reiterate this to Members as we embark upon the debate: that is what we are debating, and, no doubt, I am sure that Members will pay heed to that advice as we proceed through the rest of the evening.

We began the 2015-16 financial year with much uncertainty over our public finances due to the ongoing political discussions around the Stormont House Agreement. That uncertainty impacted on the normal in-year monitoring process, which usually consists of three monitoring rounds in June, October and January. In this financial year, the Executive agreed a technical exercise in June, which did not address the wider departmental pressures. The main purpose of this round was to ensure that technical transactions within and between Departments could take place to ensure the smooth functioning of government. The usual October monitoring round was also cancelled due to the ongoing political

talks, although it was replaced by a monitoring round in November.

A key issue in this round was allocations to Departments from the public sector transformation fund to finance the voluntary exit scheme across the public sector. In total, just over £183 million was allocated to the Departments for the voluntary exit schemes, with more than half going towards the Northern Ireland Civil Service exit scheme. It is estimated that the voluntary exit schemes in the public sector will exit some 4,000 staff during 2015-16. This is estimated to generate pay bill savings of around £39 million this year alone, with full-year savings expected to be £149 million. Of course, the actual savings figures will not be known until the end of the financial year.

As Members will probably be aware, these voluntary exits were funded through additional reinvestment and reform initiative (RRI) borrowing, and there is an additional £500 million available over the next three years for this purpose, although the Executive agreed in its 2016-17 Budget to use £25 million of this towards capital projects.

With a significant number of public-sector workers leaving, business continuity planning will be critical. It is vital that we can continue to deliver essential public services in the context of reducing staff complements. I know that the Departments and the wider public sector bodies are working hard to ensure that this is the case.

The November monitoring round reallocated a significant amount of funding. There were reduced requirements on the resource side of £33 million and just over £20 million on the capital side. Funding was also freed up from the centre, not least from funding previously set aside for welfare mitigation measures. All of this meant that the Executive could make resource allocations totalling £87.4 million and capital allocations of £13.7 million. The bulk of the available resource funding — £47.6 million — went to the Department of Health to help reduce hospital waiting lists. There was also significant funding for the Department for Regional Development and the Department of Education.

Given that a reallocation exercise took place in November, the Executive agreed that the January round should be restricted to technical issues, again to allow the smooth running of government.

It should also be noted that the in-year monitoring process provided for a significant reallocation of ring-fenced financial transactions capital, with the Department for Social Development receiving some £94 million for housing schemes. I think that that was down to the previous Minister's work and lobbying on that issue.

All of these in-year movements have brought us to the position that I am presenting to the Assembly today in the 2015-16 spring Supplementary Estimates.

Before I conclude my opening speech, I would like to say a few words about the 2016-17 Vote on Account. As I have already highlighted, the second motion introduced today seeks approval to the issue of a cash and resource Vote on Account to ensure the continuation of services into the next financial year. The amounts of cash and resources proposed are an advance, which is necessary to enable services to continue into 2016-17 until the Main Estimates are presented to the Assembly for approval in June.

In normal circumstances, that advance would amount to 45% of the previous year's provision. However, this

year's Vote on Account is complicated by the fact that the 12 Departments will remain in place until May and be replaced by the nine new Departments after the election. There is a need to ensure that all 12 existing Departments have enough cash and resource cover to see them through until May when they cease to exist. Equally, the nine new Departments will need to have cover from early May until the Main Estimates and associated Budget Bill receive Royal Assent in July 2016. In particular, that will affect the nine Departments that will effectively continue to exist as new Departments post May 2016. The Vote on Account figures provided for each of the 12 Departments reflect that position and will be necessary to ensure that our Departments can continue to function until and beyond the restructuring to nine new Departments.

The final motion relates to an Excess Vote for the Public Prosecution Service. On 19 March 2014, a fair employment tribunal ruled against the Public Prosecution Service on an equal pay and indirect discrimination case. Owing to the timing of the case, the Public Prosecution Service was unable to bid for funding cover during any of the 2013-14 monitoring rounds. The necessity to make provision for those costs at year end breached the Public Prosecution Service annually managed expenditure budget allocation for 2013-14. The Assembly is now being asked to provide the additional resources — some £6,031,448 — through an Excess Vote. The Public Accounts Committee has recommended that the Assembly approve that.

In conclusion, I commend to Members the 2015-16 spring Supplementary Estimates, the 2016-17 Vote on Account and the 2013-14 Excess Vote. I look forward to a lively and informed debate and will endeavour to deal with as many of the issues raised by Members as possible.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his opening remarks and for his explanation of the spring Supplementary Estimates. It saves me doing the same.

I will make a quick personal comment. The Minister commented on corporation tax and 'A Fresh Start'. I am fully supportive of the Fresh Start Agreement, but I believe that we need a fresh start and a fair start. The Committee received a briefing on the latest developments with corporation tax. It is important to keep an eye on Scotland. At the moment, according to some newspapers, there is devolution deadlock on the funding proposals for further devolution to the Scottish Parliament. That comes down to the rival interpretations of the no detriment principle that was contained in the Smith commission report. It is important for the Minister, the Executive and the Assembly always to keep a wee eye on Scotland and Wales. If the British Government at Westminster cede principles to any of the other devolved Administrations, we should be demanding the same fair deal for here. We know that there will be tax consequences from any reduced rate of corporation tax, and we need to ensure that we maximise the benefits of that to our coffers here in Belfast.

The Committee for Finance and Personnel took evidence from DFP officials on the SSEs for 2015-16 and the Vote on Account for 2016-17. Those are routine requirements, although, by necessity, they are quite technical matters. I thank the officials for their assistance to the Committee in that regard. During the evidence session, the Committee examined the reconciliation between the departmental

expenditure limit figures in the Main Estimates Budget position and the SSEs Budget position before us today. It was an informative exercise, during which the Committee received helpful clarification from the DFP officials on the extent of the in-year technical changes to the resource and capital allocations for 2015-16 for a number of Departments. In some instances, the figures involved were substantial. I shall not go into the specific figures for individual Departments on the in-year movement of money. The DFP breakdown of the figures has been shared with the other Committees. Suffice it to note that almost £256 million was made in resource allocations and £143 million in capital allocations.

8.15 pm

As regards the in-year easements, roughly £343 million resource and £109 million capital has been released through the in-year monitoring process. When I questioned officials on that high level of easements, it was confirmed that the overall figure was higher than normal. However, the officials pointed out that that could be explained by the high amount of financial transaction capital (FTC) that needed to be allocated in year and also due to a resource reduction for student loans in the Department for Employment and Learning.

It is important for the Finance Committee to establish clarity on those significant technical adjustments as it exercises a cross-cutting scrutiny function in respect of Budget Bills. Moreover, the scale of these technical changes, combined with the cumulative changes resulting from the normal reallocations through monitoring rounds, will, in some cases, have resulted in significant differences between the opening and closing resource and capital allocations of Departments. In that regard, it is vital that all Statutory Committees have satisfied themselves as to the reasons for as well as the timing of any significant levels of easements or returns of moneys during the in-year monitoring process.

In the scrutiny of the Department's input into the in-year monitoring rounds, I can report that, while the Committee received briefings from officials on the June and November monitoring rounds, no briefing was received in relation to any technical adjustments made during January. Therefore, the Minister might take the opportunity to clarify whether the Department made any adjustments here. As regards the motion relating to the Vote on Account, the Committee has noted that some flexibility has been provided for Departments particularly affected by the restructuring process.

Finally, I turn to the issue of the Excess Vote for 2013-14. The Assembly is being asked to approve this and make provision for costs as a result of a fair employment tribunal ruling against the PPS on an equal pay and indirect discrimination case. Members noted that, due to timing, the PPS was unable to bid for that during 2013-14. Therefore, the Assembly is now being asked to provide additional resources through the Excess Vote mechanism. The Committee is content with that, bearing in mind that the PAC also recommended it on 25 March last year. The Committee has approved accelerated passage for the Budget Bill, which will be introduced by the Minister later this evening.

I will make a couple of brief comments in a personal capacity. I am sure that all Members have read the large

SSEs document. The new net provision maintains the significant budget of Invest NI in DETI. Of course, Invest NI does a lot of good work in attracting inward investment to the North, but there is a significant challenge that it needs to meet in Ballymena. The Minister will be aware of the rally in Ballymena on Saturday, which was organised by Unite. It highlighted starkly the work that needs to be a priority for Invest NI and the new Economy Minister. We in Sinn Féin will certainly continue to support the relief for manufacturing. I hope that all other parties will maintain that position. There needs to be a change in approach and tack to Invest NI's current position. We need to see a beyond Belfast strategy that secures more inward investment for the likes of Ballymena. We always hear that the rationale for the existing position is that most companies are interested in Belfast and no further. I do not believe that to be the case. No good salesman or saleswoman would limit their sights in what they can —

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr McKay: — sell to inward investors. We will not be giving up on investment in Ballymena or the rural areas. We will not give up on manufacturing. We have a world-class manufacturing workforce that has a quality that trumps lower-wage economies. I would be interested to hear the Minister's comments on that as well.

Mr Ross (The Chairperson of the Committee for Justice): The Department of Justice faced substantial financial challenges in 2015-16, and that pattern is set to continue in 2016-17. It is therefore imperative for the Department to proactively identify new ways of working to improve the efficiency and effectiveness of the justice system and implement them swiftly so that the same or better outcomes are achieved for the public for less money.

As usual, the cost of legal aid was identified as the main funding pressure early in the 2015-16 financial year. In June, the forecast shortfall in funding was £23.9 million. That was revised downwards to £21.2 million in September and £12.5 million in November. By January of this year, the estimated shortfall was £5 million.

The reduced legal aid pressure is not due to any action taken by the Department to reduce the cost of legal aid. Rather, it is due to the deadlock between the Department and some members of the legal profession in relation to the current rates of legal aid remuneration for Crown Court cases. The result of some solicitors and barristers coming off record and initiating a judicial review followed by an appeal has been a substantial reduction in the volume of Crown Court cases heard during 2015 and early in 2016. That has resulted in a backlog of almost 800 cases. Therefore, when the situation is eventually resolved and the cases start to move through the system again, the Department will be faced with a very large legal aid bill, which will create an immense pressure on its budget. Given that it has been unable to live within the legal aid budget in normal circumstances in any year since the devolution of policing and justice and that bids for additional resources have consistently been made to the Executive, that is of great concern. The stalemate has been going on for far too long and needs to be addressed as soon as possible. It is incumbent on the Department to engage with the legal professions to find a satisfactory resolution, and I urge the Minister of Justice to do just that.

Given the reduced pressure, the Department has been able to manage legal aid funding within its 2015-16 budget allocation due to a range of proactive savings and reductions in other areas, particularly from the PSNI, which committed to finding in-year budget cuts of 2.5% that provided savings of £22.6 million. That has meant that the Department has been able to fund all identified pressures and achieve a lower cost trajectory for any further reductions in baseline budgets in 2016-17.

The Police Service of Northern Ireland savings have been achieved largely as a result of capital investment in transport and accommodation, which has provided efficiencies, and a reduced number of police officers compared to the target figures, as recruitment is scheduled for 2016 rather than earlier in the financial year. Whilst the PSNI achieved those savings in 2015-16, its budget is still under considerable pressure, particularly given the need to maintain police officer numbers in line with the findings of the resilience review.

Whilst the decision to limit reductions to its core budget in 2016-17 to 2% and the provision of an additional £32 million for security funding from the Fresh Start Agreement are welcome, the police have outlined a range of likely impacts as a result of the 2016-17 budget allocation. The Committee will have an opportunity to discuss the PSNI budget and financial challenges with the Chief Constable when he appears in front of the Committee later this month. We will be looking to him to explore the options for availing of shared services as a means of reducing costs further in the PSNI budget.

Turning to the Vote on Account, the aims of the Department of Justice are, amongst other things, to prevent crime and reduce the risks of reoffending. The Committee met with the Minister of Justice last week to discuss the funding for voluntary and community organisations, particularly those that work with high-risk offenders in the community to reduce the risk of reoffending and help keep communities safer and that are delivering core services. The funding for such organisations is being reduced again in the 2016-17 financial year, and whilst the Committee appreciates the pressures faced by the justice budget, the proposed reductions are still a large decrease to relatively small amounts of funding.

Of more concern to the Committee is the fact that the reductions appear to have been decided without any proper assessment of the need for the services, the impact of the voluntary organisations reducing or being unable to provide the services and, if that happens, what the alternative delivery mechanism is and how much it will cost.

In relation to the 2015-16 budget, the Committee raised similar concerns and expressed the view that the closure or reduction of services provided by a range of voluntary and community organisations to address offending behaviour and provide support services to prevent or reduce the occurrence of reoffending and assist in rehabilitation would very likely result in increased costs elsewhere in the system, namely for the PSNI, the courts and, ultimately, the Prison Service.

The Committee believes that an approach to cutting spending that does not include a cost-benefit analysis and an analysis of the likely impact on, and cost to, other areas of the criminal justice system is a false economy

and a flawed basis on which to proceed. The Committee continues to be concerned about the approach being adopted to reducing such budgets without proper analysis and discussion on the policy implications and the likely impact, and it will no doubt wish to highlight that as a key area to be scrutinised by the next Justice Committee.

Other areas of the budget that will require close monitoring include the Court Service and the Northern Ireland Prison Service. The Minister's statement to the Assembly earlier today outlined a number of court closures and the potential detrimental impact on court users and on the administration of justice, which, of course, the Lord Chief Justice has highlighted on a number of occasions. The Committee has concerns regarding the Minister's decisions, particularly in the absence of any plans to modernise court operations and improve the facilities that remain, which are already under pressure to cope with the volume of business.

The Committee has said, on many occasions, that the current court estate is not fit for purpose. Reducing the number of courthouses would, I think, strike some resonance with the public if there was additional money to upgrade the remaining courts, but that does not seem to be the case. Therefore, the public will find it difficult to see the rationale for closing courts for such a minimum saving.

In relation to the Prison Service, the difficulties, particularly with Maghaberry Prison, have been well aired over the past months. There are clearly issues with staffing levels there, and the need to replace and refurbish accommodation has been ongoing for a considerable time. The capital funding provided for 2016-17 is welcome, but difficult decisions will still have to be made on what the priority projects will be.

Mr Principal Deputy Speaker, I will leave it at that point. I look forward to going into some of those areas in some depth tomorrow during the Budget debate.

Ms Hanna: I welcome the opportunity to take part in the debate as SDLP finance spokesperson and a new member of the Finance and Personnel Committee. The spring Estimates before us today are unique in these islands in that they are just a one-year Budget — and a one-year Budget that is being proposed by accelerated passage on the back of a partial two-party deal that has by no means got consensus in the House. I think that, procedurally, that represents a failure in the Budget system.

I think that this is the only governmental institutional on the islands that does not have an annual budgetary process, and we do not think that this system is serving Northern Ireland well. In part, that is why we voted against the 2011 Budget and the various subsequent adjustments. It is not, as many in the Chamber have tried to imply, that we are opposed to allocating money to Departments and the functions they perform but that we recognise the failures of the process. It does not mean that we do not want money to be spent in health, education and culture; we want more scrutiny over a Budget that is amounting to almost £16 billion. As we will debate further today and, again, tomorrow, at the Second Stage of the Budget Bill, we have a number of concerns with the allocations in the Estimates.

Obviously, we cannot blame the Ministers unreservedly in this regard, due to the long delay to get even partial agreement at Stormont House. We know that they were given very little time to bring forward their spending

allocations to DFP. The almost inevitable result is that there are inconsistent increases and a number of unexplained cuts. In the period between the Main Estimates last year and the spring Estimates that we have in front of us, many allocations were not scrutinised by the relevant Committees. That diminishes the role of this body, and it diminishes the role, scrutiny and transparency that we are elected and paid to provide.

One worrying example that we notice is an increase in the OFMDFM support for government fund of £231,000, which takes it to £13.8 million. This means that we have allocated more money within OFMDFM to support government and administration than we have, for example, for the Victims and Survivors Service.

There is also £16 million for the Strategic Investment Board. During the debate last month, I listened to a Member opposite give a very strong defence of a £2 million project in his constituency that was funded by the Strategic Investment Board. So, this is not an attack, necessarily, on the work provided and carried out through funds like this. Rather, I am pointing out the need to have much greater transparency and scrutiny over amounts of that size.

Further, I think it is worthwhile to note that, in a climate of efficiencies across every public, private and voluntary sector body, the administration budget for OFMDFM has risen by 23% since 2012-13. We cannot consent to further administrative increases without knowing exactly what they are going to be used for. In the Finance and Personnel Committee transcript that I read, they are down as briefings and policy assistance. That is not enough detail.

I want to turn to the proposed SDLP amendment, which was not taken. We proposed to extract £880,000 from the OFMDFM government support silo —

Mr Principal Deputy Speaker: I ask the Member not to speak about an amendment that was not accepted by the Speaker.

8.30 pm

Ms Hanna: OK. I will address a suggestion that might be made to extract money from administrative support to put into delivery. The amount projected to be required to maintain funding for the Women's Centre Childcare Fund is £880,000. The fund was established in 2007 and is due to run out of money at the end of next month. The money currently allocated to administration in the Estimates could secure up to 100,000 two-hour childcare slots that would remove a financial burden from working families, help with child development through structured play and help more women back into the workplace. Instead, we have spent it on administration. OFMDFM is supposed to lead on a childcare strategy, but the Department has become a black hole: it is all input and very little output. It is where strategies linger, consultations drag on and delivery is, in most cases, an eventuality, not a constant reality.

There are inconsistencies in areas other than OFMDFM. In DEL, there has been a substantial reduction in employment and skills funding and a significant cut in student support and postgraduate awards. I expect that there was an anticipated reduction in the student support required due to university places being cut, but we cannot understand the scale of the reduction. Much has been said in the Chamber and in Budget debates about the

need to prepare properly for the much heralded reduction in corporation tax in 2018, but the SDLP has maintained that we have to invest properly in skills training if our workforce is to have any chance of aligning with the demands and needs of foreign direct investment and the new job opportunities that it could create. We recognise that there has been an extra allocation of £5 million for skills in the 2016-17 Budget, but the spring Estimates include a £10 million reduction in funding for employment and skills. These are contradictory points, and we cannot laud a £5 million increase while cutting £10 million. In skills investment, it is a case of robbing Peter to pay Paul.

In last month's debate, there was a good illustration of the point that we need more clarity on and scrutiny of the Budget. The education budget has been given an overall allocation of £1.9 billion but with little or no detail of where, how and why that will be spent. In an ideal world, we would trust the leadership and direction of a Department of that scale. However, when we look, for example, at the confused and discriminatory policy on teacher training redundancies, which means, we think, a short-term gain but a very long-term detriment, we are not content to sign that budget over without a more detailed breakdown of how the money will be spent.

There is the same lack of clarity on infrastructure. We were told that there would be £1.1 billion for the A5 and A6. We have seen where the £100 million up front from the Stormont House Agreement will be spent, but not how that shortfall will be made up. We asked about that in January and still do not have an answer. We are in a state of uncertainty and perpetual flux.

Mr Principal Deputy Speaker: I ask the Member to conclude her remarks.

Ms Hanna: Reducing the number of Departments from 12 to nine presents opportunities, but there are challenges as well. We do not think that this budgetary process gives enough scrutiny or allows Members to properly challenge these budgets.

Mr Cree: Once again, we have the opportunity to address the Supply resolutions, which, as usual, are debated together. The Finance Committee has taken evidence from departmental officials in the last few weeks. The timetable is even tighter this year, and accelerated passage has been agreed. The Chairman covered much of the detail, so I will not go into the specifics of the Committee's work.

The Supply resolution seeks the Assembly's approval of the Executive's final spending plans for 2015-16 as detailed in the spring Supplementary Estimates, which include all the changes agreed at the monitoring rounds and are largely technical in nature. They require Assembly approval and are the final spending plans for the year. The figures in the Supply resolution and the Budget Bill are the same as those in the corresponding spring Supplementary Estimates. Both are routine requirements at this stage of the financial year to obtain legislative Assembly authority for spending resources and associated cash requirements for the revised 2015-16 position. The Vote on Account is needed to ensure that the flow of cash continues to Departments and authorises spending for the early months of the new financial year. It was around 45%, but I notice that that figure has been removed. Is the Minister satisfied that there is adequate cover until July 2016?

It is not an ideal situation when we have to approve a significant proportion of the Budget but are unable to scrutinise the detail. That problem and many others could be resolved by the adoption — I will try it one more time — and implementation of a modern financial process similar to the one that was approved by the House several years ago. Mr Principal Deputy Speaker, as you will remember, the Executive have still to make a decision on that. I feel like John the Baptist: a voice crying in the wilderness.

The Public Prosecution Service has an indebtedness of £6 million arising from an equal pay and indirect discrimination case in 2013-14. A Supply resolution for an Excess Vote is before us today and will have to be approved, but I want the Minister to clarify why, as the ruling was decided on 19 March 2014, it was not brought forward before now. I would have thought that it would have been dealt with some time in 2014-15.

I want to ask the Minister a few questions about the spring Supplementary Estimates. The voluntary exit scheme anticipated significant savings in the current year against the utilisation of up to £200 million, and the Minister touched on that. How successful has the scheme been? Has it achieved the planned target? Are the savings for the next Budget year secure? Are any further tranches included in the various Budget projections? I notice that there are two easements in his Department's figures from VES: is that correct? There are two in the table.

The Minister recently confirmed that no overcommitment was contained in the current Budget. I notice that there is a considerable amount of capital allocation in easements. As it is rather late in the year, is he satisfied that those will happen according to plan and that no moneys will be returned to the Treasury? Financial transactions capital of £96 million has been allocated to the Department for Social Development as an in-year change. Will the Minister assure the House that those are actual projects that will be carried out? FTC seems to be used like pass the parcel between Departments. The existing Budget recognised that investment in infrastructure was a key driver of economic growth, and £100 million was included for that purpose. It is difficult to see whether that money has been spent. Will the Minister confirm that, and, if so, did it achieve the planned result of providing direct economic benefits to facilitate growth?

I also notice that the Public Accounts Committee reported last week on two further Excess Votes in 2014-15 amounting to over £69 million. The Northern Ireland Assembly Commission breached its net resource limit by £950,000, and the Department of Finance and Personnel did so by £68.33 million. Will the Minister explain from which reserve that money was taken — indeed, if it has been paid — and when the motion for the Supply resolution will be brought before the House? He will remember that, at the final stage of this year's Budget, the Executive had set aside £133.2 million to cover increased costs arising from the revaluation of public-sector pension schemes. A reduction in the pressure of £10.7 million was obtained. Is the valuation of the pension schemes now correct, and did the £68.33 million that I referred to play any part in that matter? Pensions are a major cost, and we cannot continue to have unexpected additional charges each year.

Mrs Cochrane: I welcome the opportunity to speak on the 2015-16 spring Supplementary Estimates and the Supply resolution for the 2016-17 Vote on Account. As we

approach the end of the mandate, it is a shame that we still have not moved on with the reform of the financial process and that the Finance Committee's report, which made many recommendations, seems to be gathering dust on a shelf somewhere. I will not dwell on that and will pay heed to the Minister's reminder to stick to the motions that are before us this evening.

Mr Cree said that he feels like John the Baptist: I feel somewhat like a parrot, in that most of my points and queries have been raised by others. Others have explained how, at this stage of the year, the Estimates include all the changes from the monitoring rounds and are largely technical in nature. Essentially, the spring Supplementary Estimates show how the Main Estimates have evolved through the year, and the Assembly must now give the final sign-off.

Others have said that the Vote on Account, which is needed to ensure that Departments have the authority to spend at the start of the 2016-17 financial year, normally provides 45% of what a Department needs to get through to the Main Estimates approval process in June. This year, however, it is slightly more complex, with the existing 12-Department structure in place until the transfer of functions order in May, when the nine-Department structure becomes a reality. The Vote on Account percentage this year has been increased to give sufficient cover and manage any anomalies should they arise. While it is not an ideal process, it is one that we accept because of the changing circumstances.

We also have the matter of the Excess Votes before us. It is not a position that any Department or public body would wish to find itself in. However, I understand that, due to the timing of an employment tribunal, the PPS was unable to bid for funding in those monitoring rounds and, as a result, breached its annually managed expenditure allocation. The Public Accounts Committee looked at that and recommended that this be approved, and Alliance is willing to accept that proposal.

The Alliance Party wants to see a prosperous, sustainable and ambitious society in which there is opportunity for all. Our Ministers voted against the Budget when it was before the Executive as they did not think that it was strategic enough to deliver our aspirations for Northern Ireland. In tomorrow's Budget Bill debate, I will take more time to lay out some food for thought on how we could make our Budget more effective. For now, however, I will support the mainly technical motions before us.

Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure): It is a pleasure to speak as Chair of the Culture, Arts and Leisure Committee to make some initial remarks and subsequently to make some personal remarks as well.

The members of the Committee have looked at the budgets and have ongoing concerns about the adequacy of the finance for culture, arts and leisure. The Department is one of the smallest, and so is its budget, but we believe that it contributes much to the quality of life of people in Northern Ireland, to the sense of well-being, to health and to the economy and tourism. The Department covers areas of arts with the Arts Council; funding for the national museums and other museums; sports, through Sport NI; and languages. Members noted that there was pressure on budgets in a number of areas. There is a need for a

dedicated art gallery and to redevelop Belfast Central Library, which is a regional library for Northern Ireland. They noted the inadequacy of provision at the Ulster Museum to display all the art that should be on display. They also noted, for example, that two vessels at the Ulster Folk and Transport Museum had been awaiting refurbishment for almost 40 years, so there are a lot of things that we see as pressures, and there is a concern about that.

Speaking in a personal capacity, I and, I think, most members of the Committee find it difficult to monitor and scrutinise the finances of the Department because of the way that it operates. The word "inescapable" has taken on a new definition. It normally means contractual commitments or a health and safety issue, but in the case of DCAL it seems to mean whatever the Minister wants it to mean. It reminds us a wee bit of the children's story where the character said, "Words mean what I want them to mean". There is also a large element of "ad hoc-ery" in the Department, whereby things are not really handled in a strategic way. That makes it difficult to monitor and scrutinise the finances and budgets. Programmes have been funded that have been neither advertised nor announced to enable applications to be made.

Mr McKay spoke about the need for a fresh start and a fair start. "A fair start" is a good phrase, but, sadly, it has been lacking in the area of culture, arts and leisure. We saw earlier this year the Minister carry out what can only be described as a smash-and-grab raid to fund her personal preferences and, in so doing, smash and grab money from long-established and well-performing arts organisations across Northern Ireland. Then, when there was an outcry, we saw her backfilling that money with other money but still keeping the money that she had smashed and grabbed to fund her pet projects, such as her cultural programme and so on.

8.45 pm

The work of the Committee has also been heavily dominated by our inquiry into emergency exiting at Casement Park, which has taken up considerable time and raises concerns about budget lines in regard to the delivery of a stadium in due course. There are concerns about the difficulties faced by the Committee in monitoring and scrutinising the finance of the Department, and, speaking once again on behalf of the Committee, there is a concern about the adequacy of the funding for areas that are sometimes not given the recognition that they should be given. Those are the areas that are contributory to the well-being of society with sport and culture and the arts.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): I welcome the opportunity to address the House as Chair of the Committee for Health, Social Services and Public Safety. The motions, as is stated, deal with the moneys required by Departments for the remainder of the financial year and also the funds needed for the 2016-17 financial year.

We, as a Committee, sincerely hope that the Department of Health will be able to balance the books by 31 March 2016, despite the significant pressures that it faces and not incur an overspend, as was the case a couple of years ago. The motions today also look forward to the budgets for Departments for 2016-17, and the Committee

welcomes the additional £128 million allocated to Health. However, even with that increase, the Department will face a difficult year of budgetary pressures. The cost pressures facing the Department continue to increase, year on year. They are roughly running at between 5% and 6% and are typically linked to pay and non-pay inflation, the costs of meeting the healthcare needs of an ageing population, and continued developments in healthcare technologies and treatments. That trend is expected to continue into 2016-17 and, indeed, beyond.

To meet those pressures and to supplement its baseline budget allocation, the Department is attempting to identify savings from trusts, from other arm's-length bodies, and from its own administrative costs. From what we have heard, that will prove difficult, given the savings that have already been made in previous years.

Of key concern to the Committee is how the Department will allocate its budget for 2016-17 across a range of spending areas. Indeed, when officials were before the Committee in January, we directly asked them for information on the Minister's priorities. That information is crucial because, logically, spending decisions should be informed by ministerial priorities. However, officials were able to provide us with only a very broad-brush picture of the Minister's priorities. They told us that the Minister's

"overall aim and vision is to build a world-class health and social care service"

Who would argue with that? They said that he wants to:

"drive up the quality of health and social care for patients, clients and carers, to improve outcomes, to safeguard the vulnerable, and to ensure that patients, clients and carers have the best possible experience in every aspect of their treatment, care and support".

Those are laudable principles; nonetheless, there is no detail on a list of priorities. Nobody could disagree with those high-level objectives, but they provide us with absolutely no detail of how the £4.88 billion will actually be spent in 2016-17. The officials advised us further that the Minister's priorities would be set out in the commissioning plan direction for 2016-17 and, indeed, that a draft of it would be forwarded to the Committee by late January or early February. However, that document has still not been received by the Committee for its consideration. That is extremely disappointing, as the commissioning plan direction should be the key document in setting out the services that the Minister wishes to fund in the coming year.

For example, members of the Committee were very keen to hear how the Department will approach the significant waiting times for elective-care appointments. Officials again could not advise us how much money was going to be allocated to that; they said it would depend on what savings could be found in other areas. In the Committee's eyes, the rationale behind that approach is certainly not clear. Surely if something is a priority, the money should be allocated to it.

Committee members were also concerned that, in the areas where savings would be made, there would be a tendency to look for quick savings, rather than taking a longer-term approach. For example, the Committee was firmly of the view that we did not want to see trusts cutting back on domiciliary care packages as a quick fix to balancing their budgets for 2016-17.

Key questions about the spending plans for 2016-17 remain unanswered — questions that are vital and of interest to Members, healthcare professionals and the wider community. Those are questions such as this: will a pay award be found for nurses within the 2016-17 budget?

To conclude, while the Committee welcomes the additional money allocated to Health, we remain disappointed at the level of detail available on how the Department's budget will be spent.

Mr Wells: First of all, I welcome that we have restricted time on this debate, because I have been here a very long time — I suspect that I have been here since before Ms Hanna was born — and every Budget debate in the 22 years that I have been here has involved a succession of MLAs standing up and pleading for more money for their pet project, their particular Department or some cause that they have been lobbied upon. I suspect that, today and tomorrow, we will have a succession of MLAs standing up and making a speech that, no doubt, will look wonderful in their local newspapers the following week but that will not actually add any light to the proceedings whatsoever.

If somebody stands up and says, "Yes, I want extra expenditure on x, y and z", they will never for one moment suggest where they feel that money will come from. The difficulty is — I do not envy the Minister's situation — that the Budget is fixed; it is allocated to us from Westminster. Whilst we can tinker round the edges in where it is spent, we cannot increase the quantum of that Budget. The actual number of sources that we as an Executive and an Assembly have to increase money are few and far between. Rest assured, if we did try to increase vehicle licensing testing, the regional rate, the charge for the MOT or whatever, there would be an outcry from those very same Members. Even if you doubled some of those sources of income, it would still be a drop in the ocean in comparison with the overall needs of Northern Ireland.

I believe that, as an Assembly, we need to mature. There is no sense in standing up and saying, "More money for my project", if you are not prepared to say where you want that money to come from. We have been here 17 or 18 years in this Assembly's present format, and I think that we need to exercise a degree of maturity. I have seen this now from both sides. I have been banished to the Finance Committee, probably for the rest of my life, for some misdemeanour in the past or in a previous life, but it has not actually been as bad as I assumed it would be. It can be very interesting at times, and it gives MLAs an interesting insight into how budgets work and the pressures upon the Minister of Finance. I certainly found it interesting because I was there at the other side for a very brief period as the Minister of Health. During that period, we had to land the spaceship of expenditure in the DHSSPS on a postage stamp called a neutral budget, and we did it. We did not get any credit for it, but we managed to land a £5 billion budget within one percentage point in income, expenditure and capital. I was expecting at least an OBE for that, but it just did not come. I congratulate the staff who were able to achieve that. I could see from that just how difficult a process it was. Given that it was almost half the entire Budget for Northern Ireland, it was an incredibly difficult process.

We did not run back, cap in hand, to Mrs Foster or Mr Hamilton, or whoever the Finance Minister was, demanding more money; we had to cut our cloth

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accordingly. It was extremely interesting to see that process in action with such a huge amount. Therefore, I empathise with Mr Storey who is trying to do that with a figure that is slightly double what we had to deal with.

The voluntary exit scheme has been mentioned. I recall at the time when it was introduced that the unions said, "Our members will not be bought. They will not queue up for the money. Our members will be loyal to the Department, and they will not take it". My understanding is that there have been absolutely no difficulties whatsoever in obtaining volunteers coming forward in order to reduce the budgets of the relevant Departments and produce savings. That has been a success, and the savings will accrue in future years. Whilst there may be some concern about who has left and who has not, the reality is that that has been well worth pursuing. That is probably one of the very few instruments that we have to save substantial amounts of money, and it has been very successfully implemented to date.

So, I do not envy the Finance Minister Mr Storey's role at all. There will never be enough money to finance Northern Ireland's needs. It is an impossibility, but the people of Northern Ireland will start to take us seriously when we start to take the really difficult decisions. After almost 18 years, maybe it is time that we sat down and had a look at ourselves and said, "What is best for Northern Ireland?" not, "What is best for my political party or my electorate?".

When we get the election in May out of the way, and we all come back, hopefully, with our substantial majorities, maybe we will feel that we can relax somewhat and start to make those difficult decisions, because we have been reared, to use an Ulsterism, under three decades of direct rule where we could call for the sun, the moon and the stars and blame the direct rule Ministers, confident that we would never have to take any responsibility for their decisions. Those days are over. Devolution is here and here to stay after many crises. Therefore, we are going to have to be much more mature as politicians and take the difficult decisions, and, maybe, come 6 May, we should start to do that.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I am almost worried when I hear Mr Wells talk about how old he is because he is my generation, and if he is not mature by now, there may be a long wait ahead of some of the younger Members. I want to tease a few matters out with the Minister that we can come back to over the next number of hours, but, first, I welcome Claire Hanna to the Finance Committee as my new Deputy Chair. She was at the prayer breakfast in Washington last week praying for a financial bonus. It got mixed up, and the financial bonus was that they made you Deputy Chair of the Finance Committee, which may not be what you had in mind.

In the round, I think that we have taken some difficult decisions in this Budget because the money was not what we wanted. The Budget could not meet all the needs that we identified, and one area where I am content with the settlement, although I would like to see the money increased in the time ahead, is for the Department of Enterprise, Trade and Investment, where we have managed to set aside £170 million for Invest NI, which is a considerable amount of money to give it the ability to do the job that we want it to do, which is building the economy; £27 million for Tourism NI; £11 million for Tourism Ireland; and a smaller amount of £3 million for

InterTradeIreland. The latter two will be more than doubled; twice the money will come in from the South.

One of the questions that we need to ask in the time ahead, as we move towards trying to harmonise corporation tax levels on the island and trying to make that affordable, and it is my conviction that we will be able to do that, is how do we give Invest NI the extra marketing spend to get the message out that countries, especially in North America, should come to this location for optimum investment. We will have to work very hard to prepare for the introduction of a reduced level of corporation tax by skilling up our people and trying to provide more funding for universities, but we also need to put that message out there.

I did not make it to the prayer breakfast, but I made it to Boston at the weekend for a breakfast addressed by Invest NI, and it remains the fact that, no matter how good we are at trying to change the narrative, there is a chasm between many people's perception of this place and the reality. The Minister will have to get his pencil out and put his thinking cap on as to how we give Invest NI that extra boost to their budget in the time ahead. I think that it will have to happen this year if we are going to do a job of selling corporation tax harmonisation in order to attract more investment.

9.00 pm

Mr Wells brought up another point that I would also like to tease out of the Minister. Can the quantum be increased? Having looked at the review of non-domestic rates, it is my belief that there are some who are getting a free ride, particularly in Belfast. I think of those who are sitting on derelict premises and those who are land-banking key sites in Belfast, such as the Sirocco site, which belongs to our friends in Cerberus. There are other sites across the city centre that we would like to see developed that speculators are sitting on. Of course, they pay no rates or taxes on those sites. That is something that we need to correct in the time ahead. The burden needs to be shared out. I look forward to engaging with the Minister and his successor on how exactly we do that.

If it is OK for small cafes such as Kaffe O on the Ormeau Road and the Arcadia deli on the Lisburn Road, or the Cambridge barbers, also on the Lisburn Road, to be carrying a fairly substantial rates burden, the large businesses — I think of the banks that own large sites across the city and of Cerberus and other equity funds — have to start adding to the quantum. We need to say to them that they need to put more money into the kitty and pay their way so that we can ease the burden on other people.

(Mr Speaker in the Chair)

In that respect, I read in the 'Belfast Telegraph' last week that the roof was being removed from Carryduff shopping centre in my constituency, which is, sadly, a veritable ghost town because it is being held by a developer who did not develop it. Of course, the roof being removed pushed out the last business, but, more than that, it is my feeling that parts of the roof were removed because you do not pay rates on buildings with no roof. If that has been done by the owner, it is a very cynical ploy. Our response to whoever is trying to game or play the system to avoid paying their fair share has to be to look at the system. We should say that, even if people take off the rafters to try to avoid their responsibilities and pay half rates for empty premises, we will make sure that they pay something

and fulfil their obligations. I look forward to the rest of the debate tonight and tomorrow. I relish the opportunity to get into the issues.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas fosta leis an Aire as an ráiteas a thabhairt os ár gcomhair. When I was listening to the debate earlier and heard all the references to age, I did not know whether it was the Spring Supplementary Estimates or the spring chickens Estimates, but anyway.

The Committee received an oral briefing from DETI officials on the departmental budget at its meeting on 19 January. Officials informed the Committee that cuts to the Invest NI budget reflect a decrease in selective financial assistance in 2016-17 as a result of the impact of a reduction in allowable aid intensity, effective from July 2014. A bid to promote Northern Ireland in the light of the decision to devolve corporation tax was not met, and the Department is aware that that will be an added pressure to be addressed in Invest NI. Invest NI's budget has been cut by 7.1% from the 2015-16 baseline.

In many respects, this year's briefing from the Department was similar to the briefing that was received by the Committee on the budget last year. Last year, officials informed the Committee that the proposed Invest NI allocation meant that the organisation would have to scale back its targets. That was considered a key concern for both Invest NI and DETI, as around 93% of Invest NI's budget was already committed. That would have left little additional funding to attract new investment.

This year, the Committee was told that a significant amount of Invest NI's allocation reflects existing commitments. Officials said that DETI will work with Invest NI to make sure that all commitments for existing agreed projects would be covered through the allocation. They said that DETI is working with Invest NI to ensure that there is an allocation in the budget that would allow it to enter into new commitments if and when they come forward. The Committee was informed that the coming financial year will be challenging for Invest NI and that, if there are new projects that Invest NI is not able to cover from within its budgetary allocation, funding would be raised through in-year monitoring and could be covered "if money was available".

The economy is the number one priority. We are trying to attract inward investment to grow indigenous businesses and create jobs. We will also have corporation tax devolved from April 2018. However, year on year, Invest NI's budget is cut, and officials have informed the Committee that it will have to scale back its targets and that new projects can be covered only if money becomes available. There is no funding available to promote Northern Ireland as a destination for inward investment in a low corporation tax environment. We need to start attracting those businesses now, not in two years after corporation tax has been lowered. We need to have them up and running in two years, actually creating jobs and benefiting from the new tax environment.

That leaves me in a position, as Chair of the Committee, where I have to ask the same two questions that I asked the Finance Minister last year. The Committee has been led to believe that there is a guarantee in place from the Executive — the industrial development guarantee — that

no worthwhile proposal for eligible support to economic development or investment would be lost through lack of funding. Will the Minister provide firm assurances that, first, the budget allocation is sufficient to ensure that Invest NI will not have to scale back its targets, and, secondly, that the industrial development guarantee remains steadfastly in place? I would also like to hear the Minister's views on how Northern Ireland can be promoted as a business destination, following the announcement on corporation tax, without any additional funding to do so.

I welcome the announcement from the Minister of Enterprise, Trade and Investment that InterTradelreland is to receive an additional allocation of £206,000 through January monitoring. When the Irish Government match this on a 2:1 basis, the result should be an uplift of £618,000 for the 2016 calendar year. Will the Minister confirm that this is the case? It should be noted, however, that this still represents a cut to InterTradelreland's baseline budget, which has been cut by 30% since 2008. This has happened despite a high and growing demand for its services across the entire island of Ireland, and despite the good work of growing business and increasing exports that everyone recognises it to be doing. Further cuts to InterTradelreland's budget can probably be expected in coming years, as the starting baseline for its 2017 budget will be the original baseline for 2016, not the uplifted budget following the new allocation. This will create further uncertainty for InterTradelreland and, more importantly, will remove and diminish support for the small, growing and fledgling local businesses that rely on its services.

Officials informed the Committee on 19 January that North/South bodies such as InterTradelreland and Tourism Ireland can make bids in the usual way through monitoring rounds. However, with the need to receive match funding from the Irish Government, this could present difficulties because there seems to be no formal mechanism for allocating funding, North and South, through monitoring rounds to synchronise the effects. The Committee understands that InterTradelreland was able to avail itself of January monitoring because its budget is based on the calendar year and that this can be matched by the Irish Government in their 2016-2017 Budget. It is unclear, however — this is the challenge — whether there is a mechanism for match funding through other monitoring rounds. The Committee has commissioned some Assembly research into that, and I will ask the Committee to share that research with other relevant Committees because this will apply not only to InterTradelreland and Tourism Ireland but to all North/South bodies. We need to be absolutely clear about what these bodies can and cannot do to obtain in-year allocations, and subsequently resolve any problems that we identify.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):

I thank the Minister of Finance and Personnel for bringing forward the debate on these important issues. The Committee is normally briefed in advance of monitoring rounds, but because of the way in which the rounds took place this year, we had only one advance notice, which was for June monitoring. The updates on the November and January monitoring rounds, or technical exercises, did not come our way until January.

At the June monitoring, the Department declared an easement of £5 million capital for the social investment

fund (SIF), advising the Committee that £9.5 million would be sufficient for the commitments for the year. However, a further £7.2 million was returned in November, meaning that £12.2 million of the £15 million capital allocation for SIF had been returned in-year. Officials advised us that this was because the processes to bring projects forward take considerable time. We will continue our scrutiny in that regard in the coming year.

Of the £5 million easement declared for SIF in June, £3.2 million was reallocated to Together: Building a United Community (T:BUC) to provide funding for work towards creating the 10 shared education campuses, the removal of peace walls and the creation of urban villages. Allocations were made in respect of centrally held funds for T:BUC and Delivering Social Change (DSC) in June and further allocations in November and reallocations in January resulted in the full expenditure of £14 million for DSC.

OFMDFM incurred a 7% increase in administration costs, as the Member for South Belfast mentioned, between the opening position and November monitoring. During our briefing on 13 January, the officials advised that the Department has taken on a number of additional significant functions that require administrative support, such as T:BUC, Delivering Social Change and support for the historical institutional abuse inquiry (HIAI).

Committee members were informed that OFMDFM surrendered £1 million resource from the funding for the historical institutional abuse inquiry in the January monitoring position. The Committee sought assurances from the Department that, in future, the HIAI will continue to receive its required resource. At the meeting on 13 January, the departmental officials also addressed the 2016-17 Budget allocation for the new Executive Office. Unfortunately, a breakdown of proposed allocations in the Department and its arm's-length bodies was not available.

Members heard that the Department's key objectives will be to protect programme spend and ensure that the Department's statutory functions are protected. There may be further staffing reductions, but officials believe that these will be achieved through an ongoing embargo on the filling of vacant posts. Members heard that consideration will be given to individual factors affecting the Department's arm's-length bodies, including the extent of reductions to their budgets last year, the impact on statutory functions and the amount of underspend for each body.

While unable to give detailed breakdowns of allocations, officials confirmed that £5 million will be allocated to the historical institutional abuse inquiry and that the Department will meet extra costs should they be required. The inquiry chairman, Sir Anthony Hart, is considering the issue of redress to victims. However, officials advised that there will be no budgeting plans with regard to potential redress until after the inquiry report is finalised.

Officials confirmed that they expect the allocation of £6 million in capital funding to be spent on Urban Village projects, the Ebrington site and Maze/Long Kesh. Financial transactions capital (FTC) of £6 million has also been allocated, and that may be used to develop the Ebrington site, although it is not yet clear whether FTC can be used for that purpose — perhaps the Minister can enlighten us.

A number of funds will be held centrally, including £14 million resource and £15 million capital for Delivering Social Change and the social investment fund. A further

£8 million will be held for Atlantic Philanthropies under the DSC agenda. Twelve million pounds resource is provided for 'A Shared Future' to deliver on the T:BUC strategy and, finally, £30 million for dealing with the past will be held until agreement is reached on how this issue is to be addressed. The Committee is now awaiting clarification on whether this funding can be carried forward should it not be fully utilised in the 2016-17 financial year.

I would now like to make some remarks in a personal capacity. I hope that I will please Mr Wells, as he exits, by not asking for money from somewhere for some sort of a project. In fact, I will do quite the opposite.

I suggest that, when we say that we are going to spend money, we actually spend it. The prime example is the social investment fund. As I said in my remarks as Chair, in this year 81% of the proposed capital allocation was returned, not spent. Indeed, if you look at the Programme for Government, you see that what the Executive promised was that people living in dereliction and deprivation and people living in poverty could expect the Executive to spend £80 million and have it all spent by the end of March last year. Actually, £1.5 million was spent, less than 2% of the budget. Pro rata, that is the equivalent of David Cameron saying to the people of England, "I am going to spend £2.4 billion on poverty". If he spent less than 2%, his backside would not touch the floor on his way out of Downing Street. It would not be tolerable in London, Edinburgh, Cardiff or Dublin, so why is it tolerable in Belfast?

9.15 pm

Mr Wells: The Member knows that any money not spent in-year is returned via the monitoring rounds to other equally deserving projects. The £80 million he talks about was no doubt diverted into Health or Social Development for the alleviation of poverty or to some other needy cause. DUP Finance Ministers have been extremely adept at using monitoring rounds to meet the demands for essential services in-year, so the money has not been lost to the people of Northern Ireland; indeed, it has probably made a major contribution to the alleviation of poverty in Northern Ireland.

Mr Nesbitt: I thank the Member for his intervention. I admire his loyalty to the DUP Ministers, but I put this point to the Member from South Down: we promised people living in poverty that we had £80 million to spend on them, on their poverty, on their deprivation and on their dereliction and that we would do it in a given and published time frame. It was a horrible and a titanic failure, and a little humility might go a long way to restoring the public's faith in this devolved institution.

Very briefly, the other point is that Sir Anthony Hart has made it clear that he will recommend some form of redress for people who were subjected to institutional abuse. Let us remember that there were many people who were subjected to clerical abuse in non-institutional settings. This is a game changer for them. They need their own process, and I urge the Executive to give that urgent consideration.

Mr Speaker: I now call the Minister for Finance and Personnel to respond. You will be aware that you have a significant proportion of your allocated time available. It will be for you to decide whether you need it.

Mr Storey: Thank you Mr Speaker, and I thank you for giving me that bit of latitude on time. I am sure that there

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are a lot of Members watching this in their offices who will be delighted to know that I have more time because, I think, earlier on, they were taking wagers on how long I would take for my winding-up speech.

The process we are engaged in tonight raises a variety of issues. While I would not call myself a spring chicken, as I was referred to and as some of us were referred to earlier on, I have been in the House long enough to realise that there are no systems that any Government have that are in any way perfect.

If Members would just pause for a moment and reflect on where we have come from as a society, they will see that Northern Ireland today is a different place. As someone who grew up in the Province and has enjoyed his 51 years living here, I realise and recognise that we are in a different place today. My colleague Mr Wells has left the Chamber, but he talked about maturity, and it has been referred to by a number of Members in the past: I think that we are making progress on that issue, but I have to say that there is a great sense of immaturity in parties that are in the Executive — in particular, on this occasion, I refer to the SDLP — voting against the Budget and allowing themselves to have the best of both worlds. Not only do they have the privilege of being in the Executive but they take for themselves the privilege of being in opposition. Really, it is time for the SDLP and others to be honest with the electorate. It will be interesting to see what happens when other parties in the House go to the polls in a few weeks' time. When they are asked at the doors, "Are you going to be in government or in opposition?", maybe political maturity will dawn, and they will at least have the honesty to tell their electorate what faces them.

Returning to the purpose for which we are here this evening, I thank the Members who have contributed and, in particular, those who spoke on behalf of their Committee. I pay tribute to the Committees, whose work indicates to the House the maturity that we have in our process. I was Chair of the Education Committee and, as I said in a previous debate, a member of the Finance Committee. My colleague Mr Wells seemed to think that being put on to the Finance Committee was retribution, but he should know that, when I was appointed Minister of Finance, I wondered whether that was some form of retribution. The Committees have done an immense job. I will not pick out an individual Committee because all have done a job of work. You have only to look at the amount of work that they do in the reports that they produce and the scrutiny that they give. That is to be welcomed, and, as Minister of Finance, I place on record my appreciation of that work.

I will now attempt to respond to the issues raised by Members during the debate. I want, first, to refer to the comments made by the Chair of the Finance Committee, Mr McKay, and say a word of appreciation and thanks to him and the Committee for their work and support during the process that brought the motions before the House. Mr McKay referred to the January technical exercise and the moving of money by the Department. There were 36 technical moves between DFP and other Departments, and the most significant of those was £2.7 million to the Department for Social Development for the Strabane jobs and benefits office.

Mr McKay also referred to the challenge in manufacturing. Like him, I was present at the rally in our constituency on

Saturday. I was glad to be there as a public representative. No one can overestimate the sense of loss in Ballymena as a result of the JTI and Michelin announcements. It is a reflection of the calibre of the people of Ballymena and the wider area that they have always risen to challenges and difficulties and have always endeavoured to ensure that, whatever comes their way, they face those difficulties with the fortitude that is at the heart of that community. However, we have to set what has happened in recent days in context.

I do not want in any way to lessen the genuine concerns expressed at the rally, but we have to set them in context. Northern Ireland manufacturing is rich in knowledge, skills and experience, and it is founded on a strong heritage.

It drives exports, research and development, all of which are key to generating wealth. We have seen those two companies do that in Ballymena. I would, however, say this: we need to be careful about the use of the word "crisis". While the focus has been on the big job losses — that is not to lessen them or in any way diminish their impact — it should be noted that some 830 jobs were added during the last quarter of 2015, bringing the total number of manufacturing jobs to over 80,000 for the first time since 2008. I might also refer, for example, to recent announcements, even in my constituency of North Antrim. In my home town of Ballymoney, McAuley Engineering announced some 87 jobs. Not far away, in Kilrea, Hutchinson Engineering made another announcement. We have also had some announcements from Lisburn. Of course, let us not forget what Ballymena has in Wrightbus and the help and support that it is continually given to ensure that it remains at the forefront of bus manufacturing. Local manufacturing output has recovered by almost 20% since its low point in the third quarter of 2009, almost three times the growth of UK manufacturing output over the same period. That sets some context for manufacturing.

The old saying "eaten bread is soon forgotten" is very true. Since the start of this Programme for Government in 2011, Invest Northern Ireland has provided a total of £254.6 million in assistance to manufacturing firms in Northern Ireland, more than to service-based businesses. That gives us some sense not only of the importance that is placed on manufacturing but of the challenges in manufacturing.

I move on to other comments made by Ms Hanna on the one-year Budget and related issues. Of course, the reason for that process is the electoral cycle. It would be unwise to agree a multi-year Budget when we are reducing the number of Departments in May. We have had to take a pragmatic and practical view, so that, when the House returns with a refreshed mandate, those Ministers and Departments will be able to set their priorities for the way they spend their money.

When I was in DSD, I made it clear that the childcare fund was a priority. I went to great lengths to have discussions with my colleague in the Department for Social Development, Lord Morrow, and I believe that the issue will be addressed. It is only right and proper that, until we have agreed the way in which the childcare strategy will be funded, we do not, as it were, pull the rug from under the feet of those who continue to make an invaluable contribution to the provision of childcare. I am

quite confident that my colleague Lord Morrow will be able to deal with the concerns adequately.

Ms Hanna also raised concerns about the allocation of an additional £16 million to the Strategic Investment Board. I can assure the Member that this increase in financial allocation was subject to Committee and Executive scrutiny through the normal in-year monitoring process. There were two financial transaction capital allocations totalling £14.5 million for Queen's University Belfast, plus a £2 million allocation for the Urban Villages programme under Together: Building a United Community.

9.30 pm

The Member made reference to the detail in the Budget. Whilst the Budget document did not provide much detail on the Department of Education budget, as expressed by a number of Members, it is expected that this detail will be provided in the summary once the new Education Minister is in place after the May elections. Indeed, it is expected that all new Ministers will have an opportunity to reallocate their Budget allocations internally and that revised positions will be published thereafter. I trust that this will provide the transparency that the Member is seeking.

She also rightly raised the skills agenda, which is an important issue. In the 2016-17 Budget, there was an allocation of an additional £5 million to the Department for the Economy for the skills agenda. As I have already said, I will support a further £20 million being allocated to the skills agenda in the June monitoring round on the return of the new Departments after the election. These allocations will go a long way to addressing the skills agenda.

However, I have to say to the Member that all this comes from a party that voted against a Budget. That party tells us what we ought to do in preparing for corporation tax but was not prepared to support us on the reduction of corporation tax. That highlights again the unfortunate situation that we find ourselves in in the House, where there are those who want to have their cake and eat it. They want to salve their conscience somehow that they have put it up to us. As Mr Wells referred to, they come into this House and tell the Finance Minister and every other Minister about their ills and shortcomings, but they have not been able to identify to the House or the electorate how they would spend the money differently, how they would deal with the political challenges and how they would deal with the crisis. Let us remember that there are parties in the House that had that opportunity when they were in the Executive and these institutions collapsed and collapsed and collapsed —

Ms Hanna: Will the Member give way?

Mr Storey: That is the difference between the current Executive and the one that her party was part of. Yes.

Ms Hanna: Tomorrow, we will outline that. Today, we are addressing the deficits and the failures in this Budget, as is appropriate when dealing with the spring Estimates. Tomorrow, we will set out some alternatives with the limited information. Does the Member agree that part of the reason for the failure in the initial years was that the two parties that are now leading the Executive did everything in their power to pull down and wreck the power-sharing institutions in the first two to 10 years of their existence?

Mr Storey: No, what my party was engaged in was ensuring that we got a fair deal and a better position to build for the future than an infrastructure that could not give us the stability that we now have. I will speak only for my own party; it is up to others to say what they did. Let us remember that, while we have made progress, there is still much more to be done, but it is immensely better than where we were previously when we had the SDLP and the Ulster Unionist Party in power. Of course, the proof of that is that, in successive elections, the people of Northern Ireland have said who they prefer to have governing. I have no doubt that, come the election in May, the people of Northern Ireland will give their verdict yet again. As a democrat, I will accept their verdict because, ultimately, they are the people whom we are here to serve.

I welcome the fact that the Member is now on the Finance Committee. I trust that she will continue to make a positive contribution, along with her colleagues, and that, collectively, we will endeavour to bring to Northern Ireland days of better prosperity and better outcomes.

Let me move on to my friend, Mr Leslie Cree. One thing that you can always be sure about is that he will ask very specific and pointed questions. That is appropriate and right; it is what the process is about. He raised a number of issues, and I will try to go through them. If I do not cover them all, I promise that we will pick them up in Hansard and reply to you in writing. He made reference to the Vote on Account and said that he had concerns about whether there was sufficient cover. In order to ensure sufficient cover for resource and cash, it is necessary to increase the Vote on Account over some Departments. That is what we have done. It will help to minimise any risk of Departments running out of cash in the first part of the 2016-17 financial year. That is an issue. I appreciate the concern that he has. That is why it has moved from somewhere in the region of the 45% that we would normally have to nearer 69% or 70%. We have to have a degree of flexibility. We appreciate that there will be a greater demand in some Departments, given the nature of the business that they are engaged in. However, we have it adequately covered. I am reasonably confident about what we have done in that regard.

He made reference as well to the delay in bringing forward the PPS and the 2013-14 Excess Vote. That was also raised by some other Members. I will take some time to set that in context. The fair employment tribunal did not announce its judgement until 19 March 2014. That meant that the PPS was unable to secure the required funding through in-year monitoring, and thus it breached its budget provision for 2013-14. As per the process, the PPS wrote to DFP Supply and the NIAO to notify them of the breach. A breach of any of the budgetary control limits or the cash limit results in the need for expenditure to be regularised through the Assembly Excess Vote process. The Public Accounts Committee scrutinises the reasons behind each Department's excess of allocated resources and reports to the Assembly on whether it has any objections to making good the reported excesses. Once the Committee has reported, a Statement of Excess will be presented to the Assembly to be voted into the Budget Act. The passing of that Act authorises the additional grant by the Assembly to regularise the excess incurred by the Department.

The Public Accounts Committee completed its report in March 2015 and recommended that the Assembly

agree the additional funds. Following that, DFP Supply put forward the Excess Vote to the Assembly, and so the 2015 spending review announced by the UK Chancellor on 25 November 2015 set out the Government's long-term economic plan in relation to that. I trust that we have covered the rationale as to why it was necessary for us to do it in that particular way.

Mr Cree raised an important point about the Northern Ireland Civil Service voluntary exit scheme (VES) and asked about the benefits that can be delivered through it. I assure the Member that the objective of the exit scheme is to deliver an immediate and permanent pay bill reduction that is necessary to allow Departments to live within their 2015-16 Budget allocations and beyond. The scheme business case estimated a reduction of about 2,551 full-time equivalent posts, which is about 11% of posts in the Northern Ireland Civil Service, delivering a pay bill saving of about £94 million a year. I think that that is a significant amount of savings. I pay tribute to all those who have been involved in the process. It has been challenging, and I am well aware of the challenges that there have been. I have to say, however, that I have been pleased by the very small number of issues that have been raised. Obviously, in a process like this, when you are dealing with a considerable number of people, you will find that particular issues are raised from time to time. However, in the overall scheme of things, having got to where we now are and having had this success, I think it is something to be welcomed. To have the £94 million a year pay bill saving is of benefit to the overall financial position of the Executive.

He also raised the Budget exchange carry forward and the financial transactions capital. As always, we aim to remain within the Budget exchange scheme limits, and, this year, those amount to some £59.5 million for the resource, £9.6 million for capital DEL and £1.9 million for financial transactions capital. I confirm that all the financial transactions capital has been allocated and that no funding will be returned to Her Majesty's Treasury.

Let me move on to the issues that were raised by the Chair of the Health Committee. She raised a number of issues on the detail of the Health budget, and while I will not attempt to respond to all the issues raised, I assure her that my colleague the Health Minister and I agree that our staff in the health service are our greatest asset in delivering health and social care. I think that goes without saying, but it needs to sometimes be rehearsed and reiterated because, in the midst of all the toing and froing that goes on in the Chamber and in the public debate on our health service, we could easily lose sight of the importance of our staff and the service that they deliver to us as a community and as the people of Northern Ireland on a day and daily basis.

While the Health Minister fully recognises the hard work and contribution to health and social care of all staff, his first priority is to protect front-line services and ensure that they are properly staffed to secure the provision of safe and effective services. I believe that the Health Minister made a statement to the House on 8 January 2016 setting out the 2015-16 pay award for health and social care staff. That will allow for a 1% non-consolidated payment for staff at the top of their pay band and an average spine point rise of 3.7% for those not at the top of their pay band. Salaried doctors and dentists at the top of their pay band will also receive the 1% payment.

The Health Minister is aware of the RCN decision to ballot its members in Northern Ireland for industrial action, and he is, of course, disappointed by it. While the right of members to take industrial action is fully recognised, it is regrettable that we get to the stage of industrial action on these issues.

Reform across the health service and the social care services is ongoing, and I remind Members that Transforming Your Care is not about reducing our investment in health and social care services; it is about making the best use of the resources that are available to us.

That leads me on to the comments that were made by my colleague Mr Wells, who gave us all a reality check. We have to live within our means. As Finance Minister, I would like to be in the position to give more resource to Departments. However, we have to recognise that, as a devolved Administration within the United Kingdom, we are the recipients of what comes to us from the Government at Westminster. We have to then make choices.

When speaking to some at the rally in Ballymena on Saturday, I said that we all will have to live with the consequences of our decisions. I have no doubt that there are decisions that parties will have advocated and been seen as the champion of, but on which, in the cold light of day, they would have preferred to have made other choices. However, we are all subject to the choices that we have made, and we, therefore, have to live within the means that are at our disposal.

9.45 pm

I have to say that Mr Wells has a better prospect than Mr Cree. Mr Cree made reference to the fact that he thought that he was maybe John the Baptist. I remind Mr Cree in a very friendly way that John the Baptist was beheaded. I trust that that is not the fate of my friend Mr Cree.

I move now to the comments of Mr Ó Muilleoir. I welcome those comments; I will come on to some of them in a minute or two, particularly those in relation to Invest NI. Let me deal with the business rates review, first. The Member raised the issue of the business rates and an issue that, for many of us, is always prevalent in our constituencies — derelict sites. My Department is engaged in a comprehensive review of the area, which was the subject of a 12-week public consultation process. The consultation lasted for a period of 12 weeks up until 25 January, but I said that I would not be prescriptive about that if other comments came in after that. During that time, we have sought the views of interested parties and invited them to provide their views on the future direction of business rates in Northern Ireland. The review has been wide-ranging. The aim is to focus on how best to raise revenue from the business community in Northern Ireland. It will include consideration of the current system of rating relief and exemptions. My Department is also keen to understand whether there are any other forms of taxation that could be used to replace or supplement a portion of the revenue that is currently raised from the rates. That debate has commenced. We have had a number of public events at which views have been expressed. This is not a vain, empty consultation process; it is a genuine attempt to ensure that we get the best possible outcome and an agreed process on that issue. It is important that we get an agreed way forward to deal with an issue that is prevalent in our constituencies.

The Member also raised the Invest Northern Ireland budget. He welcomed the budget that was available to Invest. I share the Member's views that that is money well spent. Invest Northern Ireland's 2015-16 mid-year performance update highlighted the outstanding progress that was made, with the agency on course to exceed the majority of its corporate plan targets by 31 March 2016. The Member will also recognise that skills investment is vital to our economic development and note that, in addition to the additional £5 million that was made available to the new Department for the Economy as part of the 2016-17 Budget process, a further £20 million will be made available for the area as part of the June monitoring round. Of course, he made reference to the ability of Invest to be able to market and promote. I would be very sympathetic to looking at that element of the Invest budget for promoting, particularly in relation to being prepared for the introduction of corporation tax.

On that issue, the Member will be aware that, in his constituency today, I had the pleasant opportunity to make an announcement regarding the investment that has been made by Alert Logic, in what is a growing portfolio of global ICT firms choosing to establish their offices here in Northern Ireland. The company is expanding. Its decision to locate in Northern Ireland will contribute a total investment of £3.9 million into the local economy. Of those 88 jobs, 30 people are already in post and the remainder will be in post by the end of 2017. That has been done and delivered by Invest NI prior to the introduction of reduced corporation tax. Let us remember that the average salary of those who will be employed is £44,000, contributing, as I said, nearly £4 million annually in salaries to the local economy. That is success in another growing element of the economy. Invest NI needs to be given every encouragement and support to continue the good work that it has done.

Let me turn to the comments made by the Chair of the Committee for the Office of the First Minister and deputy First Minister. He referred to the fact that funding had been returned to central funds during the monitoring round. That is exactly the purpose of the monitoring rounds; to reallocate funding. It ensures that no funding is lost and that we make good use of all our resources. I know that he raised particular issues as to why certain things were not achieved. However, with regard to overall control of the budgetary process, these monitoring rounds are important. There are issues that we need to ensure that we keep constantly under review. I heard the comments about the process of looking at the overall way in which the Budget is delivered to the House and through the Assembly. Monitoring rounds are an important element of what we do so that we can re-evaluate, recycle and reallocate the resources that are available to us.

Therefore —

Mr Lyons: Will the Member give way?

Mr Storey: I will give way, yes.

Mr Lyons: The Minister has been talking about the importance of monitoring rounds. They are very important and have been in previous years when there has been an overcommitment in the Budget. Surely it is worth mentioning that this Budget is balanced; there is no overcommitment and that gives us even more scope in

monitoring rounds to give money to those Departments that are in need.

Mr Storey: I thank the Member for his comments.

Obviously, I am endeavouring to do what I can to ensure that that is the case.

As I conclude, I remind Members of this: had we not got to the place where we now are with the Budget process, many Members in the House would not be here today. In fact, I doubt whether there would be devolution. I think that we would have seen the process come to end. However, good sense prevailed, and we have been able to find ourselves in the position that we are in today.

I want to thank —

Mr Nesbitt: I thank the Minister for giving way. I just want to assure him that I am as glad as he is that we have monitoring rounds to ensure that moneys that cannot be spent for whatever good reason are not lost. Would he express any regret whatsoever that 98% of the social investment fund was not spent in the allocated time as defined in the Programme for Government?

Mr Storey: I thank the Member for that. Obviously, I would like to see processes in place so that, when money is allocated, we are able to deliver what the allocation was for. However, with regard to the particular issue of SIF and the challenges that there have been, sometimes those challenges are not always within the control of the Executive or sponsoring Department with responsibility for particular amounts of money. Unfortunately, we then find ourselves in situations where planning issues and other practical issues come along that become an impediment and a hindrance to the way in which we would have originally intended the money to be spent.

I share the Member's concern, and I have to say that all Departments need to make every effort to have the allocations delivered in the budgetary framework we have set. However, I will put in the caveat that that is sometimes not possible because of other pressures that are brought to bear from without in trying to deliver these issues.

I have been in some areas recently to see the moneys that have been delivered to projects, and it has been worthwhile to see some of them on the ground. SIF has made significant progress, with commitments in the region of £58 million, and 25 projects have been delivered and are now well under way. If you go to the areas where those projects are being delivered — I am sure that the Member has visited some of them — people will tell you about the benefit they see as a result of the money that has come from government.

I will bring my remarks to a conclusion. I ask Members to support the motions on the 2015-16 spring Supplementary Estimates, the 2016-17 Vote on Account and the 2013-14 Excess Vote.

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

Question put and agreed to.

Resolved (with cross-community support):

That this Assembly approves that a total sum, not exceeding £15,770,704,000, 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 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 total resources, not exceeding £17,135,765,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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(c) and 2(c) of table 1 in the volume of the Northern Ireland Spring Supplementary Estimates 2015-16 that was laid before the Assembly on 2 February 2016.

Mr Speaker: We now move to the motion on the Vote on Account, which has already been debated. I remind Members that this vote also requires cross-community support.

Resolved (with cross-community support):

That this Assembly approves that a sum, not exceeding £7,899,052,800, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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 2017 and that resources, not exceeding £8,680,276,400, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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 2017 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2016-17 document that was laid before the Assembly on 2 February 2016. — [Mr Storey (The Minister of Finance and Personnel).]

Mr Speaker: We now move to the motion on the Excess Vote, which has already been debated. I remind Members that this vote also requires cross-community support.

Resolved (with cross-community support):

That this Assembly approves that resources, not exceeding £6,031,448.89 be authorised for use by the Public Prosecution Service for Northern Ireland for the year ending 31 March 2014, as summarised in Part II of the 2013-14 Statement of Excesses that was laid before the Assembly on 2 February 2016. — [Mr Storey (The Minister of Finance and Personnel).]

Budget Bill: First Stage

Mr Storey (The Minister of Finance and Personnel): I beg to introduce the Budget Bill (Northern Ireland) 2016 [NIA 77/11-15], which is a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the years ending 31 March 2016 and 2017; 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 for the years ending 31 March 2016 and 2017; and to revise the limits on the use of certain accruing resources in the year ending 31 March 2016.

Bill passed First Stage and ordered to be printed.

Mr Speaker: I am satisfied that the Bill is within the legislative competence of the Assembly, and I can inform Members that confirmation has been received from the Chairperson of the Committee for Finance and Personnel, in accordance with Standing Order 42(2), that the Committee is satisfied that there has been appropriate consultation with it on the public expenditure proposals in the Bill and that the Bill can, therefore, proceed under the accelerated passage procedure.

10.00 pm

Health and Social Care (Control of Data Processing) Bill: Final Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move

That the Health and Social Care (Control of Data Processing) Bill [NIA Bill 52/11-16] do now pass.

The main purpose of the Bill is to provide a clear, statutory framework with robust and stringent safeguards that will enable the use of Health and Social Care information that identifies individuals to be used for health or social care purposes that are in the public interest. The Bill will allow the potential benefits of using information to be realised, while safeguarding the interests of the individual, the health and social care sector as guardians of the information and information users. It will enable my Department to establish a robust, transparent and open process that will ensure that information is shared in very limited and strictly controlled circumstances for health or social care purposes that are clearly in the public interest. Any use of information must also still comply with the requirements of the Data Protection Act 1998 and the Human Rights Act 1998. In bringing forward the Bill, I seek to remove the ambiguity that surrounds the use of information for purposes other than direct care and, in so doing, safeguard the patient, their information, the health and social care sector and the information user.

During the passage of the Bill, I was greatly encouraged by the welcome given to it by individuals and organisations. The Bill has attracted widespread support, and it is maybe worthwhile reminding ourselves of some of the views expressed. This is a significant opportunity to secure the continued future of two key registers — the Northern Ireland Cancer Registry and the Cerebral Palsy Register — within a robust legal framework. It is imperative that this primary legislation is passed so that the true burden of health and social care can be captured and planned for. This will enable the work of monitoring cancer to continue while supporting research into the causes and outcomes of cancer. It will enable benchmarking of our care and survival nationally and internationally and, ultimately, improve care for patients.

Northern Ireland is excluded from participation in national audits due to a lack of a legislative framework for secondary users of data. As a result, it is not possible to compare healthcare outcomes in Northern Ireland with those in other nations. These positive messages of support mirror the response to the public consultation exercise that was undertaken during the summer of 2014, when 94% of respondents indicated that they agreed with the Department's proposals to introduce the legislation. That widespread support has been very encouraging to me during the passage of the Bill, and I thank all who took the time to contribute to the debate as the Bill made its way through the House.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. On behalf of the Committee, I welcome the Final Stage of the Bill.

The objective of the Bill, as the Minister has outlined, is to provide a clear, statutory framework for sharing identifiable

information for secondary uses. The Committee is content that, after having gone through the amending stages, the Bill will meet that objective. Most importantly, it will have stringent safeguards that will go a long way to protect individuals' information and privacy and ensure that those who have access to such information do all that is required of them to process it properly and, indeed, protect it.

This Bill has been significantly improved and strengthened by the amendments that the Health Committee persuaded the Department to make and by the two substantial amendments that the Committee itself made. I thank the Minister for his cooperation and approach and for taking the majority of the recommendations from the Committee on board.

A number of amendments that were made deserve particular mention because of their significance in making the Bill a more robust piece of legislation.

One of the main issues for the Committee was the definition of "public interest". Stakeholders and members agreed that the definition was far too wide. The Bill, as introduced, appeared to give the impression that two separate issues were going on: processing information for health and social care purposes and processing information that was in the public interest. The Committee was particularly concerned about the potential for sharing information on the grounds that it was in the public interest without any health or social care purpose. The Committee raised its concerns with the Department, and, in response, the Department proposed an amendment to make it clear that sharing would not be permissible solely on the basis of public interest; rather, all uses must be connected to a health and social care purpose.

The Committee and stakeholders also had concerns about the breadth of the term "social well-being", which cannot be easily defined. The Committee wrote to the Department to ask whether it would be prepared to remove the term "social well-being" and replace it with "social care", which is already defined in the Health and Social Care (Reform) Act 2009. The Department proposed the amendment, which, again, was very much welcomed by the Committee.

Throughout Committee Stage, members raised significant concerns that the Bill did not provide a mechanism to allow individuals to opt out of having their personal information shared for secondary processing purposes. It was the Committee's view that there should be a robust and clear mechanism to allow people who do not want that information shared in any circumstances to have that wish complied with. The Committee tabled an amendment to put opt-out provision in the Bill. Although the Minister was not prepared to support the Committee's amendment at Further Consideration Stage, he made a commitment that the Department would work with the Committee to strengthen opt-out provisions via secondary legislation. The Committee's amendment, however, means that the authorising committee established by the Bill will not be able to authorise the processing of a person's confidential information if the person has opted out.

Important amendments were also made about the authorising committee, which is the committee that is now established to authorise the processing of confidential information. The Committee was firmly of the view that the establishment of the committee should be mandatory. Members felt that that safeguard was of the utmost

importance in ensuring that confidential information was protected and that due process was followed when applications were received and considered. The Committee was also concerned that the regulations to be made by the Department under the Bill did not have to specify that a person's confidential information could be processed only if authorisation was granted by the authorising committee. Given that the authorising committee is one of the safeguards now built into the Bill, this was a very important point. The Committee wrote to the Department asking it to remove any ambiguity and to strengthen the safeguard through an amendment that would mean that information could be processed only if it was authorised by the new authorising committee. The Department did just that, and, as a result of the amendment, the authorising committee safeguard has, in our view, been suitably strengthened.

Other important amendments related to the code of practice, about which the Committee had particular concerns. The Bill, as introduced, required bodies to have "regard" to the code when carrying out their work. The Committee felt strongly that the code had the potential to be a more robust safeguard against the unlawful processing of information and that it should be strengthened. We wrote to the Department outlining those concerns, and, as a result, the Department proposed an amendment that would require bodies to have "due regard" to the code. The Committee, however, felt that the code could be strengthened even further by providing that a court or tribunal may take into account a breach of the code in any proceedings that it considers relevant. The Department was not prepared to support the amendment, but the strength of feeling in the Committee was such that it decided to table the amendment itself. We believe that, with the Committee's amendment, the code carries more weight, and the deterrent against breaches has been increased.

I conclude by saying that the Committee is pleased to see the Bill come to Final Stage. I thank the stakeholders who engaged and the staff, who worked diligently. The sharing of confidential personal information is a significant public issue, and the Assembly can congratulate itself on getting the Bill onto the statute book.

Mr Easton: I rise to speak on the Final Stage of the Bill and aim to be very brief. Overall, the Committee worked well together on the Bill and found common ground on the vast majority of it. It also worked well with the Minister and the Department, although amendment No 8 proved rather challenging. The aim of the Bill is to provide a clear statutory framework that will enable the use of health and social care information that identifies individuals to be used for medical or social care purposes that are designed to benefit health and social care or achieve some other tangible benefit that might reasonably be described as being for the public good.

The Bill will enable regulations to be made that establish a process that will ensure that information is shared only in very limited circumstances that are proven to be for medical or social care purposes and will benefit health and social care or achieve some other tangible benefit that might reasonably be described as being for the public good. The Bill will impose conditions on the use of the information and include penalties for those who fail to comply with it. That will protect the service user, the holder of the information and the individuals or organisations applying to use it by establishing a clear and unambiguous framework to govern the secondary use of information.

There was also an amendment on an opt-out system, and the Committee looked at removing all ambiguity from the Bill. All in all, the Bill was well supported by the Committee.

Mr McKinney: I welcome the opportunity to contribute to this important final debate on the Health and Social Care (Control of Data Processing) Bill and do so as health spokesperson for the SDLP and as a member of the Health Committee, which, as you have heard, considered the Bill in detail and received a number of briefings from the Department on amending the legislation.

The SDLP supports all measures and actions undertaken to ensure that the provision of health and social care services is the best that it can be and that patients receive the most up-to-date and effective treatment for their illnesses. Disclosing patients' data can improve diagnosis and treatment outcomes, but that can only be welcomed when effective checks and balances are provided where consent is not expressly given.

We must acknowledge the work of all the clinicians and others involved in medical research and clinical audits, and I put on record our appreciation of their invaluable work in improving health outcomes. It is important that we look at ways of building systems and devising ways of working that meet the standards in services that clinicians, researchers and the public expect. It is through engaging with many clinicians and charities on today's Bill and in considering the invaluable work undertaken by the cancer registry at Queen's, mentioned by the Minister, and, indeed, other disease registers that it has become explicitly clear that there is a need for change. The disclosure of patient data without the patient's consent is governed currently by common law, involving a public-interest test as part of the duty of confidentiality. It is clear, however, that that alone is not enough. We have seen England and Wales move to close the legislative gap, and I am glad that we, too, have now reached the Final Stage of this Bill.

It is important to take the opportunity to commend all those involved in bringing forward today's Bill. It has been an arduous task, as other Members said. We must thank all the stakeholders and departmental officials who have engaged and consulted with the Committee — they deserve recognition.

As has been outlined, I and other colleagues raised issues where we felt that the Bill fell short in offering that equitable level of safeguarding and protection for patients whose data may be shared without their consent. I am glad that the Minister and the Committee tabled amendments aimed at addressing those concerns. A major issue with today's Bill concerns the definitional problems that could have afforded, as described, a wide margin that could lead to the potential for the commercialisation of patients' data. Those issues, too, were raised at Westminster, where similar legislation to today's Bill had drawn criticism from some MPs and privacy groups.

However, I am glad that the Minister listened to the Committee's concerns and tabled amendments to clause 1. These tightened the legislation and provided more robust definitions to ensure that patients' data is not shared with those who are not the intended recipients.

10.15 pm

Importantly, the opt-out clause is there, prescribing a mechanism in law for patients who do not want their

data shared and have made that expressly known. The Minister made it clear that he was not keen to support the Committee's amendment at Further Consideration Stage, but, with legal advice and consultation with Queen's University, the view was expressed that such a provision would not impact negatively on the rights given under section 10 of the Data Protection Act. I am glad that the Committee's amendment was approved and found favour among Members at Further Consideration Stage.

This is a fitting example of how successful Statutory Committee and departmental collaboration can make sense and achieve a better outcome all round. Hopefully, the Bill will go a long way towards improving outcomes by supporting research into key areas such as cancer and diabetes. The bottom line through the work of the Committee and listening to some of the debates is that today's Bill is extremely important for the many patients suffering from illness. We, as legislators, try to make a difference and ensure that we invest in legislation now that will save the health service money in the future.

In conclusion, the SDLP supports the Bill at the Final Stage as we believe that it now affords greater protections and safeguards for patients when their data is being released. That can be done only under prescribed circumstances, with a robust committee scrutiny function, and a comprehensive code of practice for data processors.

Mr Hamilton: I thank all the Members who contributed to the debate, not just this evening but throughout the passage of the Bill through the House, for their supportive and positive remarks and, indeed, for their support for the Bill as a whole. What is clear from contributions this evening is that Members appreciate the potential benefits of sharing information with appropriate people. The safeguards contained in the Bill will ensure that sharing is controlled and secure and that sensitive and valuable information will be protected.

I am convinced that the outworkings of the Bill will be of great benefit to the entire population of Northern Ireland. Whilst there were some comments this evening, as there have been throughout the passage of the Bill, about people opting out, the experience of most working in this field is that, when they are talking to patients about sharing their information, most want to oblige and do so, particularly when it is about trying to find a cure or a new treatment for a particular ailment that they have suffered from.

I would like to take this opportunity to put on record and thank the Health Committee for the keen interest and support it has shown for the Bill. My Department had a very productive working relationship with the Committee, as the Chair and members outlined during their contributions, throughout the scrutiny of the Bill. I am also very grateful for the amendments proposed by the Committee, which, I believe, in the main, have succeeded in producing a better and stronger piece of legislation.

Once again, I am very grateful to everyone who contributed to the debate on this important piece of legislation.

Question put and agreed to.

Resolved:

That the Health and Social Care (Control of Data Processing) Bill [NIA Bill 52/11-16] do now pass.

Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016

Mr Ford (The Minister of Justice): I beg to move

That the draft Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016 be approved.

The draft order is made under powers conferred by section 11 of, and schedule 3 to, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Those parts of the Act make provision for slavery and trafficking prevention orders, henceforth STPOs, which courts may impose on individuals who have been convicted of a relevant human trafficking or slavery offence. Members will recall that the overarching aims of the STPO regime, as set out in schedule 3 to the Act, are to protect victims and to prevent reoffending.

Under schedule 3, courts may make an STPO against an offender who has been convicted of a slavery or human trafficking offence and who poses a risk of committing further such offences. In imposing an STPO, the court must be satisfied that the order is necessary to protect people from the physical or psychological harm that would result if the individual were to commit further such offences.

STPOs remain in place for at least five years, and their effect and extent are determined by the court. For example, where the court considers it necessary, it may specify in the STPO that the defendant must not work in a particular industry or enter a certain locality. An individual who is subject to an STPO is also required to comply with the associated notification requirements that are set out in Part 2 of schedule 3 to the Act and in regulations. Members will see, therefore, that STPOs are a valuable tool in managing and minimising the risk that is posed by those who commit those gravely exploitative crimes.

The draft order is intended to enhance the STPO regime by giving courts in Northern Ireland the powers to deal with offenders from other jurisdictions within the United Kingdom. It does that in two ways. First, the draft order will allow courts in Northern Ireland to make STPOs against individuals who have been convicted of modern slavery offences in the other jurisdictions of the UK. It does that by amending the list of relevant offences that can trigger an STPO in Northern Ireland, as set out in paragraph 1(4) of schedule 3, to include modern slavery offences in England and Wales under sections 1, 2 and 4 of the Modern Slavery Act 2015 and Scottish offences under sections 1 and 4 of the Human Trafficking and Exploitation (Scotland) Act 2015.

In practical terms, an individual convicted of one of these offences who comes to Northern Ireland could be subject to an STPO if the court considers it necessary. That means that the risk posed by offenders who have been convicted in England, Wales or Scotland can be managed locally by way of prevention order where necessary. Secondly, the draft order will ensure that courts in Northern Ireland will be able to enforce equivalent or similar civil orders that have been made elsewhere in

the UK where those are breached in Northern Ireland. That includes slavery and trafficking prevention and risk orders made by the courts in England and Wales under Part 2 of the Modern Slavery Act 2015 and trafficking and exploitation prevention and risk orders made under the Human Trafficking and Exploitation (Scotland) Act 2015. Although the Assembly has not legislated to provide a power for courts in Northern Ireland to impose risk orders on individuals who have not previously been convicted of a modern slavery offence, such risk orders are available to courts in the other United Kingdom jurisdictions.

The order, therefore, is essential to ensure that courts in Northern Ireland will be able to enforce such risk orders that have been made elsewhere in cases where they have been breached in Northern Ireland. That safeguard will help to ensure that those subject to risk orders cannot bypass the restrictions that are placed on them by traveling to Northern Ireland.

The draft order provides that any breach of the orders elsewhere in the UK constitutes a criminal offence in Northern Ireland, attracting a maximum sentence of six months on summary conviction or five years on conviction on indictment.

I believe that the order will help to ensure that the police and courts in Northern Ireland have comprehensive powers to respond to and manage the risk that is posed by slavery and human trafficking offenders, including those who come to Northern Ireland from other parts of the United Kingdom. It will also help to protect people here who may be vulnerable to exploitation. My intention is that the STPO regime should commence immediately after the passage of the secondary legislation. I commend the draft order to the House.

Mr Ross (The Chairperson of the Committee for Justice): I am pleased to speak briefly this evening on the motion on behalf of the Committee for Justice. The Minister comprehensively set out the background to the proposed rule, so I will not rehearse the detail at this stage of the day or detain Members any longer than is absolutely necessary.

My colleagues on the Justice Committee heard first-hand the devastating impact of human trafficking during its consideration of Lord Morrow's Human Trafficking and Exploitation Bill. The Committee was supportive then and remains supportive today of all efforts to tackle human trafficking.

Back in October 2014, at the Consideration Stage of Lord Morrow's Bill, the Committee supported an amendment to introduce slavery and trafficking prevention orders. At that time, MLAs were advised of the Committee's position on that and of the other amendments that were being brought forward by the Department. In June 2015, the Committee was advised by the Department of its plans to consult on the subordinate legislation under our consideration today, and, in November, the Committee considered the results of the consultation and the Department's proposed rule. The Committee agreed that it was content with the policy intent of the proposals to ensure that slavery and trafficking prevention orders may be made in Northern Ireland for offenders who have been convicted of human trafficking and slavery offences in other parts of the United Kingdom. At the meeting on 28 January 2016, the Committee agreed to recommend to the Assembly that the rule be approved.

Therefore, Mr Speaker, on behalf of the Committee for Justice, I support the motion brought forward by the Minister of Justice.

Mr A Maginness: I was not going to speak, but I just rise to support the subordinate legislation and to put the cat out after this debate.

Mr Ford: Yet again on one of these brief occasions, I have to go into lengthy responses to all the contributions that were made, most notably by Mr Maginness just now. I make a serious point on this occasion when I thank the Committee for the attention that it pays to the detail of these pieces of legislation. It may only be secondary legislation, but it is very significant and important. As the Chair says, the order really completes the work on the STPOs, which were included in the then private Member's Bill on human trafficking that Lord Morrow so ably piloted, including the bits that I did not disagree with. This was one aspect of the Bill on which there was complete agreement. It is absolutely right that we should ensure that there is a comprehensive regime in place for the courts and the police to deal robustly with all slavery and human trafficking offenders, wherever they may have come from, and whichever UK jurisdiction there may be convictions in place. I am grateful for the brief words of support from Mr Maginness and the detailed work of the Committee outlined by Mr Ross. Indeed, we can commend Lord Morrow on the fact that a further piece of his work was completed tonight.

Question put and agreed to.

Resolved:

That the draft Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016 be approved.

Mr Speaker: The most popular bit of business on the Order Paper for the night is the Adjournment. Thank you all very much.

Adjourned at 10.27 pm.

Northern Ireland Assembly

Tuesday 9 February 2016

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

Members observed two minutes' silence.

Assembly Business

Plenary Business: 8 February 2016

Mr Speaker: As all the business in yesterday's Order Paper was considered, we will move on.

Executive Committee Business

Environmental Better Regulation Bill: Final Stage

Mr Durkan (The Minister of the Environment): I beg to move

That the Environmental Better Regulation Bill [NIA 55/11-16] do now pass.

I am delighted that the Environmental Better Regulation Bill has at last progressed to its Final Stage. The Bill is a very worthwhile and positive development and, as I said during the Second Stage debate, is to be welcomed by all Members. I am grateful that that has proved to be the case thus far.

First, I express my thanks to the Environment Committee for the broad support that it has given to the Bill following its detailed and thorough scrutiny of the clauses and for its further engagement with a wide range of key stakeholders. The Committee's constructive and helpful recommendations brought about some amendments at Consideration Stage that improved and strengthened what was already a very solid Bill. I also express my thanks to my Executive colleagues and to Members for their ongoing support for the Bill, right from the start of the process to its present Final Stage.

Aristotle is credited with saying:

"Even when laws have been written down, they ought not always to remain unaltered."

Currently, Northern Ireland environmental regulators operate under 230 pieces of environmental legislation, which has produced a complex and unwieldy legislative landscape that is difficult for the regulated to understand and for the regulators to enforce. It is clearly a system that should no longer remain unaltered. The Environmental Better Regulation Bill aims to harmonise and simplify aspects of that body of environmental legislation. Better environmental regulation will mean a cleaner, safer environment for all. It will also mean that businesses will benefit from the simplification and reduction of the legislative burden under which they operate, while the Department will benefit from a more cost-effective use of its resources.

The Bill is an important step in my Department's regulatory transformation programme, which will deliver an innovative and streamlined regulatory system that supports sustainable growth and increases compliance in the 21st century. The programme includes an ambitious

and extensive programme of legislative reform, operational delivery and modernisation of supporting frameworks to create a more effective and intelligent regulatory system that is risk-based and outcome- and customer-focused. The overall agenda is to develop a framework for smarter, better regulation that works in partnership with businesses and contributes to a new strategic objective for the Department.

The Bill, as I have said previously, is primarily enabling legislation, and has already been thoroughly examined and spoken about in great detail during its passage to this point. I will therefore refer only briefly to its key provisions.

Part 1 and schedule 1 enable my Department to introduce an environmental permitting regime to replace the existing array of permits. This will reduce red tape for compliant operators and allow the Department to focus on higher-risk activities. Subordinate legislation, supporting measures and guidance will be developed to deliver the new regime. It is intended in particular that regulations made under the power will simplify and rationalise a wide range of existing measures relating to pollution prevention and control, waste management licensing, the water environment and radioactive substances. The aim is to move towards a single regulatory structure that will be significantly easier to use for both the Department and the businesses carrying on regulated activities.

Part 2 commits my Department to a review of all environmental powers of entry and associated powers to ensure that the powers are still justified and are used proportionally. During that review, my Department will also examine whether similar powers could be consolidated with a view to a more transparent and simplified regime for businesses and regulators. A report will be produced after the review, outlining findings and proposals on how my Department intends to reform powers of entry and associated powers, using the enabling powers outlined in the Bill. The report will be laid before the Assembly, and any enacting of the reforms outlined in the review through future legislation will be subject to consultation, as outlined in the Bill.

Part 2 also commits my Department to prepare a code of practice that authorised persons must have due regard to. The code, which will be laid in draft before the Assembly, will set out in detail the guidance and considerations that apply before, during and after powers of entry and associated powers are exercised. The purpose of the code is to ensure greater consistency in the exercise of powers of entry and provide greater clarity for those affected by them.

Part 3 contains amendments to the Clean Air Order 1981 that will provide for a new streamlined method for listing authorised fuels and exempted fireplaces for use in a smoke control area. The new arrangements will streamline the process for authorisation, with newly approved fuels and exempted fireplaces being authorised for use in smoke control areas each month, rather than the lengthy preparation of six-monthly regulations by my Department. It will also reduce the delay that manufacturers and consumers currently face when new fuels and fireplaces are brought onto the market.

Part 4 contains amendments to the Environment (NI) Order 2002, which are deregulatory measures to remove the requirement for a further assessment when an air quality management area has already been agreed. That will allow district councils to prepare and implement air quality action plans more quickly and avoid duplicating

information already gathered, either in the earlier detailed assessment stage or in the preparation of the air quality plan. The change will have no impact on businesses and is in line with the view of local authorities in the rest of the UK, who see further assessments as an unnecessary burden that is an impediment to the speedy preparation and implementation of local air quality action plans.

Part 5 contains amendments to the Water and Sewerage Services (NI) Order 2006, which will transfer responsibility for the regulation of drinking water quality for public supplies from DRD to DOE. DOE currently has responsibility for private drinking water supplies. That will result in a more streamlined, efficient and transparent administrative structure that is in line with the aims of the better regulation agenda. It will help businesses and consumers by removing the potential for confusion over which Department is responsible for the regulation of public and private supply. There will be no changes in regulatory impacts on businesses, as my Department's Drinking Water Inspectorate's regulatory functions will remain the same.

I commend the Environmental Better Regulation Bill to the House.

Ms Lo (The Chairperson of the Committee for the Environment): On behalf of the Environment Committee, I welcome the opportunity to speak on the Final Stage of the Environmental Better Regulation Bill.

The Bill was introduced to the Assembly in June 2015, and the Committee undertook its detailed scrutiny of it and reported to the Assembly in November. The Committee recognises that, as environmental regulation has developed over time, it has become complex, with different inspection regimes and different rules making it confusing for businesses. The Committee is aware that the Bill is one aspect of a wider regulatory transformation programme aimed at reducing the burden of regulation on business.

The Bill is in essence a skeleton Bill, meaning that the real operation of the Act would be made entirely by the regulations under it. The Committee recognises the merits of better regulation. However, it is important that, as the subordinate legislation programme is developed, standards are not lowered as a result of simplifying and streamlining environmental regulation. A balance must be struck between streamlining the regulatory regime and not compromising the Northern Ireland Environment Agency's compliance and enforcement role.

The Bill has been improved and strengthened because of amendments that the Environment Committee persuaded the Department to accept in the following specific areas. As the Bill is an enabling Bill, the Committee ensured that the level of protection afforded to the Assembly in the scrutiny of the regulations was sufficient. The Committee sought an amendment to extend this scrutiny to the Department's draft code of practice in relation to powers of entry and associated powers. The Committee expressed concern that the Bill gave the Department broad powers and that the definition of "environmental activities" in Part 1 of the Bill was wide-ranging and all-encompassing. Therefore, the Committee sought the removal of powers provided to the Department in schedule 1 to further define or modify the definition of "environmental activities" and to specify additional environmental activities. The Committee also ensured that the purpose of the Bill — streamlining

and reducing the regulatory burden while protecting and improving the environment — was reflected in the Bill. I believe that the Committee's detailed consideration of the Bill has ensured that there is sufficient scrutiny of the regulations and that the protection of the environment remains at the forefront of any regulatory programme.

10.45 am

I would like to conclude my comments by taking this opportunity to place on record my thanks to all those organisations and individuals who took the time to provide written and oral evidence to the Committee and the members of the Committee, past and present, for their contributions during Committee Stage. I also thank the Minister and his officials for their positive engagement with the Committee, during and after Committee Stage, and for taking the Committee's amendments on board. Last but not least, I thank the Committee staff for their valuable assistance during the entire process of the passage of the Bill. On behalf of the Committee, I support the Bill.

Mrs Cameron: As a DUP member of the Environment Committee, I welcome the opportunity to speak on the Final Stage of the Environmental Better Regulation Bill.

While this is largely a technical Bill and many of the key points have been covered, not only today but in previous stages, I wish to voice my support for the Bill and the principles on which it is based. The core function of the Bill is to streamline environmental regulation while robustly protecting the environment and, in turn, ensuring that businesses are able to operate in a more efficient and cost-effective manner.

The Bill will amend the Clean Air (Northern Ireland) Order 1981, the Environment (Northern Ireland) Order 2002 and the Water and Sewerage Services (Northern Ireland) Order 2006 to provide a framework that is easier to regulate, understand and operate. Under the Bill, the existing separate regimes governing waste, pollution, water and radioactive substances will be brought together into a single piece of legislation ensuring greater uniformity and ease of use.

In passing through the various stages, the Committee has sought to ensure that those who comply with environmental regulations are free to continue their good practices unburdened by red tape, and that will, in turn, I hope, free up resources to pursue those who are failing in their environmental responsibilities. By freeing up those resources, serial offenders or those who seriously breach regulations will be dealt with severely and quickly. On the other hand, businesses that have breached the regulations through error or misinterpretation will receive support and guidance to help achieve compliance.

At Consideration Stage, I used the example of the disproportionately high levels of fish kills in my constituency of South Antrim and will mention it again, as it highlights the tangible difference that the Bill will make. During the last five years, 20 pollution incidents have occurred, decimating fish stocks and the associated delicate ecosystems of major tributaries of Lough Neagh. Yet only half of these have resulted in prosecution. Such incidents of environmental crime are happening right across Northern Ireland, and, as the culprits are continually going unpunished, they are free to carry on flouting the law. Passing the Bill will release much-needed

capital to allow our statutory bodies to use additional resources to swiftly bring offenders to justice.

Parts 1 and 2 of the Bill will make businesses more aware of what is required of them and make it easier for the Department to assess and implement compliance. It will also include parts of EU legislation that have previously been excluded and simplify the rules for powers of entry. During scrutiny of the Bill, I am pleased that we were able to add some much-needed clarity to Parts 1 and 2 to allow for greater understanding of the purpose and objectives of the Bill. It also better outlines the basis of what will be enforced in the future.

Parts 3, 4 and 5 provide streamlined methods for listing authorised fuels and exempted fireplaces for use in smoke-free zones, which will mean that businesses will have to wait for only one month before they are passed for use, instead of the current six. These Parts also transfer the regulation of drinking water quality from DRD to DOE, and I believe that to be a pragmatic and sensible approach given the Department's expertise in dealing with water quality matters. Given the amalgamation of the Departments of Environment and Agriculture in the next mandate, I also feel that this is a practical move to reduce red tape.

This Bill is to be welcomed for the environment and for businesses in Northern Ireland. Whilst I fully appreciate that over- and, indeed, under-regulation can only result in poor outcomes, this Bill strikes an appropriate balance and takes a user-friendly approach to environmental regulation. I would like to reiterate that the Bill is not intended in any way to dilute the importance of environmental regulation. Its sole purpose is to reduce bureaucracy and make it easier for businesses to fulfil their environmental obligations. That is to be welcomed.

I am assured that it will be of vast benefit to our environment through quicker, more streamlined action for those who fail to comply with regulation and that less cumbersome legislation can only provide better results for Northern Ireland businesses. I support the Bill.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom labhairt i bhfabhar an Bhille. I will speak in favour of the Bill at its Final Stage. I start by putting on record my thanks to the Chair for the way in which she conducted business on the Bill and for all her work as Chair of the Committee. I know that she is leaving at the end of the mandate, and I thank her for her contribution. I take this opportunity to thank Mr Alban Maginness, who has made a valuable contribution to the Environment Committee over the last number of years. I also thank the departmental officials and the Minister for the way that they worked with the Committee.

The Minister outlined that the Bill will bring about a simplified regime and harmonise all environmental regulations, especially EU regulations and regulations on environmental practices. This is good legislation, but, as the Chair said, it is a skeleton Bill. The devil will be in the detail of the way in which the regulations are rolled out, and maybe the Minister will touch on that. We are going into a new and bigger Department, and I want to ensure that what we legislate for today will not be lost in the bigger Department. How the legislation and the regulations roll out will be telling.

On the face of it, what we are trying to do will mean that there is less of a burden on businesses. It is vital that,

when we bring forward further regulations, we talk to and engage with businesses. Through the scrutiny process in Committee, we suggested amendments at Consideration Stage. Those were then brought forward by the Minister, and that is to be welcomed. If we are to get this right, we must continue to work with businesses. We have struck a balance in what we are trying to do with the Bill: some of the regulations and the subordinate legislation will strike a balance between helping and supporting the industry and improving our environment. I welcome the Final Stage of the Bill.

Mr A Maginness: I support the Bill — no surprise there. This is another example of good work and cooperation between the Environment Committee, the Department and the Minister, Mr Durkan. It is fashionable to be very critical of this institution — the Assembly — and say that we are all wasters, we are doing nothing, we are bringing politics into disrepute and so on. That is the view expressed by the commentators who populate television, radio and the press, but, in fact, lots of valuable work is done by the Assembly. I congratulate everybody in the Assembly who contributes to that work, particularly on Committees. This is a good example of the Committee working very well to bring about good legislation in cooperation with the Minister and under the very able chairmanship of Anna Lo. I pay tribute to her work on the Committee over a number of years. In the period that I have been on the Committee, I found that she gave considerable and significant leadership. She brings a particular passion to the whole issue of the environment. As Committee members, it is right and proper that we acknowledge that, as, indeed, Mr Boylan mentioned.

The two Members who spoke before me referred to the Bill as a skeleton. Flesh will be put on the bones. That flesh will be the regulations as they come through. You need this basic piece of law to build on in order to bring about what the Minister quite properly said is his objective: to get the right balance, to simplify the burden of regulation for those involved with the environment, to remove a level and burden of cost on individual businesses and individuals, and to streamline the regulatory framework and make it innovative. The Minister is right that this will establish a more intelligent framework and context in which we address the issue of the environment. That must be the strategic objective for the Department of the Environment. Mr Boylan quite properly said that the Department of the Environment will be subsumed and divided, like Gaul, into three parts. However, it will continue to exist in successor Departments. It is very important that, in dealing with the environment, we set the proper regulatory and legal basis for it to continue its good work. I hope that the successor Departments will take that challenge seriously. I know that the Minister has taken it seriously; Minister Durkan has proven to be a very able, effective and innovative Minister. I hope that that position will remain with whomever takes over from Mr Durkan in the near future.

I congratulate everybody involved — the officials, the Department and the Committee. I reiterate that the Committee has undertaken good work in relation to the Bill. I hope that the House will be unanimous in supporting it.

Mr Speaker: As this is Mr Alastair Patterson's first opportunity to speak as a private Member, I remind the

House that it is the convention that a maiden speech is made without interruption.

Mr Patterson: I very much welcome the opportunity to make my first contribution to the House. Before I make a few wider comments, as the Ulster Unionist Party's new spokesperson for the environment, I will say that I am glad to see the Bill completing its legislative process. I was also pleased to see that, when the Assembly previously debated the Bill, it resulted in several further amendments being made. It was Sandra Overend who sat on the Committee. I know, from talking to her, that it was maybe not the most typical of Bills, even to someone completely new to the House. The Bill sounds well-meaning, but it is, undoubtedly, light on detail in new policy direction. Having read the Committee report, I realise that the Bill is what is considered to be enabling legislation. Therefore, I wish the new Department well in its efforts to reform and modernise our new regulatory framework through regulations. However, I urge the next Minister to realise the importance of genuine consultation with not only the Committee but the industries that will need to comply with the new framework.

I am deeply humbled and honoured at my recent selection by the constituency association of Fermanagh and South Tyrone to carry on the mandate and excellent work of the elected Member Tom Elliott MP, who was an outstanding representative for Fermanagh and South Tyrone in the House since his first election here in 2003.

Tom has been a tireless worker for the people of his constituency and for all the people of Northern Ireland. Following his success in the election of May 2015, he proudly represents our constituency and the Ulster Unionist Party in our mother Parliament at Westminster.

11.00 am

I also pay tribute to my predecessor Mr Neil Somerville, who sadly resigned due to ill health. I am pleased to inform the House that, at a recent handover meeting, Neil informed me that his health is improving and that he is doing much better. I am sure that the entire House would like to join me today in wishing Neil continued, improving and good health in the days, weeks, months and years that lie ahead. Neil made the brave decision to resign from the House, and I want to put on record my thanks to him for all that he has done for Fermanagh and South Tyrone. I wish him, his wife and his family God's richest blessing going into the future.

Representation of the people of Fermanagh and South Tyrone has been passed to me. I certainly look forward to the challenges that lie ahead over the next few busy weeks in the House as the term comes to an end. I want to build on the legacy of my predecessors and provide strong representation. I promise to work tirelessly for all the people of my amazing and picturesque constituency, which has so much to offer.

I want to bring my 20 years of successful business experience in the construction industry to the House and work towards building a better future for all our people, regardless of religion, political stance, race or gender. I want to build a Northern Ireland that we can all be proud of and that people from all over the world want to visit.

Representing Fermanagh and South Tyrone, an area of outstanding natural beauty where tourism is extremely

important, I pledge myself to working with all Members to promote, whenever and wherever we can, what Northern Ireland has to offer, especially in this year of food and drink. We must ensure that we promote hospitality to all. I confess to having a vested interest in the area of hospitality, as my wife, Olga, is chair of Hospitality Ulster. Trust me, Mr Speaker, going home does not even bring about quietness, as I am often lobbied there on the needs of our hospitality industry and its request to reform Northern Ireland's outdated licensing laws.

Health will be one of my priorities in the House. On behalf of our people, I will be pressing our Health Minister on the need for more resources, in particular for the South West Acute Hospital, which sadly does not even have full-time doctor cover at weekends. That is extremely sad. It seems that you are not allowed to be sick at weekends. Another issue that has shocked me already is the sheer length of time that patients are forced to wait for diagnostic tests and treatment. In particular, it is extremely unacceptable that the number of people forced to wait longer than the maximum 18 weeks for an appointment with a consultant in the South Tyrone has jumped from 16 three years ago to a massive 1,414 at the end of last year. There was a similar upsurge at the South West Acute Hospital from 38 to 1,566. Keeping so many people waiting for so long, all of whom are experiencing a great deal of anxiety and many of whom are in pain, is simply unacceptable.

Education will be another priority —

Mr Speaker: I am obliged to remind you that we are discussing an environment Bill. I would be very happy if you would contain your remarks to the subject matter in front of us.

Mr Patterson: I will be seeking clarification from the Education Minister about why, after 10 years, the pupils of Devenish College still do not have the new school that they were promised. The cramped conditions of their existing, outdated school campus certainly are not helping their education.

On this day, I make it clear that it is my priority to represent all the people of my constituency of Fermanagh and South Tyrone. I make it clear to all Members that I will extend the hand of friendship to them all to work for the benefit of all the people. I was brought up in a very traditional home, and I was taught by my mother and my late father to show respect to all. I want to build an approach to all business in the House on the strong foundations of mutual respect and understanding and to play my part in building a strong Northern Ireland that we can be proud of.

I will finish with an extract from a sermon that I delivered in my church on Sunday 31 January, which I feel should be our aim. It was this:

“If we fail to give our highest priorities our greatest attention, something of lesser significance will quickly take their place and fill up our time”.

Let us, the elected representatives, ensure that the people we represent are our highest priority and get our greatest attention.

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Members for their contributions to today's debate and throughout the legislative process. In particular, I thank the Chair of the Environment Committee, who

today made, as always, a telling contribution. I take the opportunity to reassure Ms Lo and, indeed, the House that environmental standards will not be lowered as a result of this simplification of environmental regulation.

Mrs Cameron also spoke today. She never misses the opportunity to raise fish kills in her constituency. Like her, I am sure that the improvements in regulation will lead to a reduction and ideally, some day, a complete eradication of incidents of that type.

Mr Boylan spoke of the “skeleton” Bill. The Assembly will be kept informed and, indeed, consulted as flesh is put on the bones of the Bill through regulations. I am glad to hear Mr Boylan articulate his concerns about whether primacy will be given to environmental regulation in a new Department. That should serve as a reminder to us all that we all have a duty and will have a duty in the next mandate, hopefully, to promote the importance of protecting our environment.

I thank Mr Maginness for his kind words. I am certainly going to miss him. I congratulate Mr Patterson on his elevation to the Assembly. The transition from frying pan to fire is never easy, but he made a fine maiden speech. I am sure that we will hear much more from him. I join him in wishing his immediate predecessor Mr Somerville well. Mr Patterson said that he hoped that the new Minister would be aware of the importance of consultation: I do not think that I am over-egging the pudding or blowing my own trumpet when I say that I think that good, strong and thorough consultation have been a hallmark of my Ministry. I also concur with Mr Patterson's views on health, education, the economy and much, much more. *[Laughter.]*

Mr Speaker: I remind the Minister that we are discussing the Environmental Better Regulation Bill. *[Laughter.]*

Mr Durkan: I conclude, a Cheann Comhairle, by thanking, as did other Members, the Committee staff for their work throughout the process and, indeed, my own officials.

It has been a particularly complex piece of legislation, and they have worked hard to answer the many questions that I, for one, have had to ask them.

Question put and agreed to.

Resolved:

That the Environmental Better Regulation Bill [NIA Bill 55/11-16] do now pass.

Enterprise Bill: Legislative Consent Motion

The following motion stood in the Order Paper:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in the Enterprise Bill dealing with the Small Business Commissioner. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Motion not moved.

Employment Bill: Consideration Stage

Moved. — [Dr Farry (The Minister for Employment and Learning).]

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 the provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate deals with tribunals and assessments and comprises amendment Nos 1 to 8, 18 and 19 and the Minister's opposition to clauses 4 and 8. The second debate will be on amendment Nos 9 to 17, which deal with information, employment rights and traineeships.

I remind Members intending to speak that, during the debates on the two groups of amendments, they should address all 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. The Questions on stand part will be taken at the appropriate points in the Bill. If all that is clear, we shall proceed.

No amendments have been tabled to clauses 1 to 3. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

Clauses 1 to 3 ordered to stand part of the Bill.

Mr Speaker: We now come to the first group of amendments for debate. The Minister for Employment and Learning has signalled his intention to oppose the Question that clause 4 stand part of the Bill. With this Question, it will be convenient to debate amendment Nos 1 to 8, 18, 19 and the opposition to clause 8 stand part. These amendments relate to tribunals and assessments. Members should note that amendment No 8 is mutually exclusive with the opposition to clauses 4 and 8.

Clause 4 (Assessment of likely outcome of any proceedings)

Question proposed, That the clause stand part of the Bill.

The following amendments stood on the Marshalled List:

No 1: In clause 5, page 5, line 10, after "add "" insert

"(irrespective of the number of heads of claim)".— [Mr Flanagan.]

No 2: In clause 5, page 5, line 12, at end insert

*"(2) In Article 25 of that Order (regulations and orders)—
(a) in paragraph (1), for "All" substitute "Subject to paragraph (1A), all";
(b) after paragraph (1) insert—*

"(1A) Regulations which include provision under Article 11(2)(a) shall not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.".— [Dr Farry (The Minister for Employment and Learning).]

No 3: In clause 7, page 7, leave out line 37 and insert

"for "to Article 46A" substitute "and to Articles 46A and 46B".— [Dr Farry (The Minister for Employment and Learning).]

No 4: In clause 9, page 8, line 37, after “add “” insert
“(irrespective of the number of heads of claim).”—
[Mr Flanagan.]

No 5: In clause 9, page 8, line 39, at end insert

“(2) In Article 104 of that Order (regulations and orders)—

(a) in paragraph (1), after “101(1)” insert “and no regulations which include provision under Article 84B(2)(a)”;

(b) in paragraph (2), after “Schedule 1” insert “and regulations which include provision under Article 84B(2)(a).”— [Dr Farry (The Minister for Employment and Learning).]

No 6: After clause 9 insert

“Assessment of matters relating to tribunal proceedings

Assessment of matters relating to tribunal proceedings

9A.—(1) The Department may by regulations make provision for a prescribed person to provide relevant parties with an assessment in accordance with the regulations of prescribed matters in connection with any tribunal proceedings which might be or have been instituted by one or more of those parties.

(2) In this section—

“prescribed” means prescribed by regulations under this section;

“relevant parties” means such persons as may be prescribed;

“tribunal proceedings” means prescribed proceedings before an industrial tribunal or the Fair Employment Tribunal.

(3) Regulations under this section are subject to negative resolution.”.— [Dr Farry (The Minister for Employment and Learning).]

No 7: After clause 9 insert

“Review of early conciliation

9B.—(1) The Department must review the operation of—

(a) Articles 20 to 20C of the Industrial Tribunals (Northern Ireland) Order 1996;

(b) Articles 46B and 88ZA to 88ZC of the Fair Employment and Treatment (Northern Ireland) Order 1996; and

(c) the amendments made by Schedules 1 and 2, at the end of the period of one year beginning with the commencement of this section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

(a) a synopsis of consultation responses;

(b) an assessment and evaluation of the effectiveness of these provisions;

(c) the number of cases overall, the number dealt with by early conciliation, the length of time taken for each and the outcome of each;

(d) any savings directly attributable to the introduction of these provisions.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of early conciliation.”.— [Mr Swann (The Chairperson of the Committee for Employment and Learning).]

No 8: After clause 9 insert

“Review of neutral assessment

9C.—(1) The Department must review the operation of—

(a) Article 20D of the Industrial Tribunals (Northern Ireland) Order 1996; and

(b) Article 88ZD of the Fair Employment and Treatment (Northern Ireland) Order 1998,

at the end of the period of one year beginning with the commencement of this section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

(a) a synopsis of consultation responses;

(b) an assessment and evaluation of the effectiveness of these provisions;

(c) the number of cases overall, the number dealt with by neutral assessment, the length of time taken for each and the outcome of each;

(d) any savings directly attributable to the introduction of these provisions.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of neutral assessment.”.— [Mr Swann (The Chairperson of the Committee for Employment and Learning).]

No 18: In schedule 3, page 24, line 21, column 2, at beginning insert

	“Article 38(1A).
	In Article 46(1), the words from “and to any regulations” to “2003”.”.

— [Dr Farry (The Minister for Employment and Learning).]

No 19: In schedule 3, page 24, line 33, column 2, at end insert

	“In Schedule 5, paragraph 4(1) and (2).”.
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— [Dr Farry (The Minister for Employment and Learning).]

Mr Speaker: I call the Minister to address his opposition to clause 4 and to speak to the other amendments in the group and his opposition to clause 8 stand part.

Dr Farry (The Minister for Employment and Learning):

At the outset, I want to place on record my appreciation to the Chair, members and staff of the Committee for Employment and Learning for their extraordinarily efficient and speedy processing of the Bill’s Committee Stage and the publication of their Committee report. It is particularly constructive in light of the pressing timetable as we

approach the end of the mandate. That has of course been completed while giving full and thorough scrutiny to the Bill.

I turn first to my opposition to clause 4. Clause 4 deals with the proposed process of neutral assessment as it relates to industrial tribunal claims or potential industrial tribunal claims. I refer Members also to clause 8 because it has the same purpose except that it relates to claims or potential claims to the Fair Employment Tribunal. I am opposing the inclusion of those two clauses because, as drafted, they are more restrictive than key stakeholders have now suggested they ought to be. As the provisions stand, they allow an independent assessor, with parties' agreement, to provide a view on the likely outcome of a particular case that may be or has been referred to a tribunal. That would be in the context of the Labour Relations Agency (LRA) trying to promote a conciliated settlement between the parties.

The drafting of both clauses reflects the approach originally envisaged by my Department to the new neutral assessment service. It was always intended that the detail would be developed following a process of further engagement with stakeholders.

11.15 am

I now oppose the clauses because feedback received in response to the Employment and Learning Committee's call for evidence on the Bill has raised issues with the original approach, and it is right to take the opportunity to address them. There was concern that the implications for other services, particularly the arbitration scheme operated by the LRA and the early neutral evaluation process being piloted by the tribunals, had not been fully considered. On the basis of that feedback, I have re-engaged with the tribunal service and the Labour Relations Agency. Each organisation has a key role in helping to develop practical solutions on the delivery of neutral assessment, with the key being to provide parties with a clear sense of direction when dealing with a dispute.

Taking account of my discussions and the evidence to the Committee, I have concluded that the clause, as it stands, does not set the right enabling framework for the service. The proposed neutral assessment service will be the first of its kind in these islands. It is important to take on board points that have been raised about the framework under which it is to be developed and to improve the enabling legislation so that, when the service is established, it is fit for purpose.

In moving amendment No 6, I am proposing the inclusion in the Bill of new clause 9A, which is a rethinking of the enabling provisions originally in clauses 4 and 8, taking into account the issues that have been raised. Clause 9A is intended to replace those clauses and give the Department power to establish the service and to determine the means of delivery through regulations. Neutral assessment could, as originally envisaged, be delivered by the employment relations experts appointed by the LRA who have a strong practical experience of workplace practice. It could also be delivered by employment judges who have authoritative knowledge of case law and of what a person will need to do to succeed in presenting a case. It could also be that some other prescribed person identified in the regulations would be the most appropriate to deliver the service.

The regulations will be able to set out the means of delivery, the scope of the service and the steps involved. The regulations will be developed on the basis of evidence

gathered from the forthcoming review of the LRA's statutory arbitration scheme; an evaluation of how the new early conciliation arrangements in the Bill are bedding down; and consideration of the effectiveness of the early neutral evaluation process that is already being offered on a pilot basis by employment tribunals. To be clear to the House, this is not a step back from the intention behind the policy, which is to provide people with an early assessment of the issues in their case so that they can make better informed decisions about how to deal with it. On the contrary, it is a recasting of the enabling provision to ensure that the legislative framework gives sufficient flexibility to develop a process that is fit for purpose and which works well for its users.

I will turn to the issue of tribunal deposits, which is dealt with in clauses 5 and 9. There are four proposed amendments that are relevant: amendment Nos 1, 2, 4 and 5. Clause 5 gives my Department broader flexibility than has been available to it before to make provision dealing with the placing of a requirement on parties to industrial tribunal proceedings to pay deposits in order to continue with those proceedings. It does so by amending the enabling power in article 11 of the Industrial Tribunals (Northern Ireland) Order 1996. Clause 9 makes a comparable amendment to the Fair Employment and Treatment (Northern Ireland) Order 1998. The amendment fulfils the same purpose in respect of proceedings before the Fair Employment Tribunal.

During the Employment and Learning Committee's consideration of those clauses, members expressed concern about the potential for revised enabling powers to be used to introduce a requirement on parties to pay more than one deposit in a given tribunal case. My officials accepted that that was a potential use to which the revised enabling powers could be put. The question of whether there should be the option of requiring more than one deposit in a case was an issue on which, among many others, my Department consulted from July to September last year. My officials indicated to the Committee that no change along those lines would be made without fully considering the potential impacts on access to justice.

Members of the Committee remained concerned, however, that such a change could be brought about by regulations subject to the negative resolution procedure. I fully appreciate that changes to the tribunal deposits regime have the potential to be contentious. It is certainly clear from responses to the public consultation on developing more efficient, effective and modern tribunals that there is both opposition to and support for that type of measure. I think that we have a responsibility to consider options to encourage tribunal claimants and respondents to think very carefully before bringing forward for the tribunal's consideration matters in which they are unlikely to succeed. When weak claims or responses are presented, other parties can incur costs in contesting them.

I want a system that is focused on the areas that have substance and merit, and it is right that there are proportionate mechanisms to discourage people from bringing to our tribunals matters with little substance. At the same time, I fully accept that people have the right to access the employment tribunal system for a judgement, and, if they believe strongly that they have a case, they should be entitled to pursue it. That is why there are

safeguards around a party's ability to pay when the imposition of a deposit is considered.

Having thought carefully about the issue and taken on board the points made in Committee, I seek the agreement of the House to amendment Nos 2 and 5, which, respectively, would make any regulations that utilise the deposits provision for industrial tribunals or the fair employment tribunal subject to the draft affirmative procedure before the Assembly. I believe that the amendments establish the safeguard that the Committee seeks, in that any relevant regulations will need to be positively endorsed by the Chamber.

I do not, however, support amendment Nos 1 and 4 tabled by Mr Flanagan, Mr McCann and Ms McGahan. There has been a public consultation focused on developing a better tribunal system, and policy decisions still need to be taken forward following full consideration of the evidence presented by stakeholders in response to that consultation. I do not believe that it is the right approach for us at this stage to rule out any possibility of regulations dealing with multiple deposits when the evidence is still under review. The proposed amendments would establish exactly that restriction, closing off options even if the evidence suggests that they should be explored. Given that amendment Nos 2 and 5 will give the House the ultimate say over whether regulations dealing with deposits are introduced, I hope that Members will agree with me that it is premature to close off options at this stage with regard to the enabling powers. We can now ensure that full safeguards are put in place to guarantee that the views of the Assembly are to the forefront. The amendments from the respective Members are not necessary at this stage.

Amendment No 3 relates to clause 7. As it stands, clause 7 amends the Fair Employment and Treatment (Northern Ireland) Order 1998 to provide for an extension of the time limit for making a claim to the fair employment tribunal to allow for early conciliation under the auspices of the Labour Relations Agency. In reviewing the clause, officials established the need for a small technical amendment. I seek the agreement of the House to amend clause 7 to remove from article 46(1) of the Fair Employment and Treatment Order a reference to statutory dispute resolution procedures that are no longer operative. The procedures were repealed by the Employment Act (Northern Ireland) 2011. This is simply a tidying amendment to remove statutory references to procedures that no longer apply, and I hope that Members will support it.

Amendment Nos 18 and 19 are related. They apply to schedule 3, which sets out repeals. Amendment No 18 removes references from the Fair Employment and Treatment Order that relate to statutory dispute resolution procedures that were repealed by the Employment Act (Northern Ireland) 2011. Amendment No 19 repeals provisions of the Employment (Northern Ireland) Order 2003 that relate to the same procedures. They are also tidying amendments, reflecting the fact that the statutory dispute resolution procedures in question have ceased to have effect.

I turn now to amendment Nos 7 and 8, tabled by the Chair of the Committee for Employment and Learning. Amendment No 7, which is new clause 9B, requires my Department to review the entirety of the Labour Relations Agency's conciliation service at the end of one year and again after three years following commencement of the early conciliation

provisions of the Bill. It also requires the Department, having consulted relevant stakeholders, to lay a report before the Assembly setting out the findings of the review. Amendment No 8, which is new clause 9C, establishes the same requirements in relation to neutral assessment.

I am content with the objective of the proposed review clauses. While my Department, the Labour Relations Agency and the tribunal service consider the effectiveness of their work on an ongoing basis, I have no difficulty in general with the requirements. However, I have a concern about aspects of the proposed wording of subsection 3(c) in each clause. As the draft stands, the Department would be required, among other things, to report on the time taken for each case and the outcome of each case. Those requirements seem reasonable at first glance, but the phrasing is important. An analysis or report that touches on information about each individual case has implications for confidentiality. The LRA is under a legal duty to maintain confidentiality in delivering its services. Indeed, that duty is expanded on by clause 20. It is important that early conciliation is not compromised by a reporting requirement that touches on individual cases.

A similar issue arises in relation to neutral assessment. Although the regulations establishing that service have yet to be developed, there is a real possibility that confidentiality could be an important consideration. A reporting requirement that does not touch on individual cases but seeks aggregated information on cases would deal with this concern. I understand the Employment and Learning Committee's rationale for tabling the amendments, and I know that the Committee has been made aware of the issue. I look forward to hearing the Chair's remarks on the matter.

On a more technical point, if, as I hope, Members are positively disposed to new clause 9A on neutral assessment and the exclusion from the Bill of clauses 4 and 8, there will be a need to look again at proposed clause 9C to reflect that position. In conclusion, I look forward to hearing the views of Members on the amendments in the group.

Mr Swann (The Chairperson of the Committee for Employment and Learning): I am happy to speak on behalf of the Committee for Employment and Learning at Consideration Stage of the Employment Bill. First, I also pay tribute to and thank the staff and members of the Committee for their work over the time that we have put in in scrutinising the Bill. The Minister described it as an extraordinarily efficient use of legislative time through the Committee. I do not think that he has used such an adjective often in reference to the work of the Committee. We will take note of what he said, and I note from his opening comments that he has taken due cognisance of the recommendations and concerns that were brought forward by the Committee.

The Committee for Employment and Learning recognises the Minister's aims in bringing forward the Employment Bill: to make provision for early resolution of workplace disputes and to create an assessment service; to introduce significant reform to the law around public interest disclosures; and to allow the Department to make provision for careers guidance, apprenticeships and traineeships through regulations. The Committee has always supported the Minister in that endeavour. On behalf of the Committee for Employment and Learning, I thank the Minister and his

officials for his open engagement throughout the course of the Bill and in responding promptly to Committee concerns.

The Employment Bill was introduced on 7 December 2015 at the First Stage. The Committee wrote to key stakeholders and inserted public notices in the regional newspapers seeking written evidence by 21 December. The Bill reached Second Stage on 12 January 2016 before being referred to the Committee for scrutiny on 13 January 2016. At this stage, I pay tribute again to the Committee staff for having everything in process. It may be a legislative record that the Committee Stage started one day after the Second Stage was read in the House. A total of 10 organisations responded to the request for written evidence, of which four provided oral evidence to the Committee. Those four organisations were the Labour Relations Agency, the Law Centre Northern Ireland, the Northern Ireland Committee of the Irish Congress of Trade Unions and the Northern Ireland Commissioner for Employment and Skills. The Committee greatly valued the input of all of the stakeholders in assisting the scrutiny of the Bill at Committee Stage.

I will first speak on amendment No 2, which amends clause 5. Clause 5 concerns the payment of deposits at industrial tribunals. The Committee raised concerns with the Department on 6 January 2016 about why negative resolution was being used for enabling powers relating to tribunal deposits as opposed to the draft affirmative procedure. On 20 January, the Department briefed the Committee on outstanding issues in the Bill and advised that it had taken the concerns on board and had drafted an amendment to clause 5 so that deposits would be subject to the draft affirmative procedure. The Minister confirmed that today in his opening comments. The Department advised that this would provide a full opportunity for Members to consider the merits of any proposals brought forward in this area. The Committee accepts the logic of that decision and is content with clause 9 as amended.

Amendment No 5 amends clause 9. Clause 9 is the same as clause 5, except for the fact it relates to deposits to the fair employment tribunal instead of industrial tribunals. The Committee accepts the Minister's amendment to clause 9 to make deposits subject to draft affirmative procedure as opposed to negative resolution and is content with clause 9 as amended.

I now turn to amendment No 6, which concerns a departmental amendment to insert new clause 9A. The Committee was advised by the Department on 19 January that it was proposing a revised approach to the neutral assessment service. The Department was doing so on the basis of the evidence presented to the Committee on 6 January, in particular the concerns raised by the Labour Relations Agency about the operation of the service. Clause 9A is drafted so as to replace clauses 4 and 8 and give the Department power to make regulations conferring on a specified person power to deliver a specified process of assessment.

The Committee is content with proposed new clause 9A and that the Minister has opposed clauses 4 and 8.

11.30 am

I will now speak to the Committee's amendments, which the Minister referred to. Amendment No 7 inserts new

clause 9B into the Bill. Clause 9B will place a duty on the Department to conduct a systematic review of the early conciliation service. At its meeting on 9 January, the Committee heard from stakeholders about their concerns regarding the operation of the early conciliation service. The Committee therefore agreed to table an amendment to insert a review clause into the Bill. Clause 9B will review the operation of the early conciliation service one year after it commences and, from then on, the service will be reviewed every three years. It has come to the attention of the Committee that subsection 3(c) of clause 9B may breach confidentiality requirements. On 3 February, the Department advised the Committee that it would be content to support the Committee's amendment, provided that the Committee redrafted subsection 3(c) of clause 9B and tabled it with the Bill Office to be debated at Further Consideration Stage. That will be debated at the Committee tomorrow, with agreement from the Minister.

If the opposition to clauses 4 and 8 is supported by the House and, equally, if the House agrees the new clause as tabled by the Minister in amendment No 6, I expect that the Committee's amendment No 8 will not be called. It is the Committee's intention to accommodate the changes brought by the removal of clauses 4 and 8 and the insertion of amendment No 6 by re-tabling an updated version of our amendment, as we are very keen to see that policy intention placed in the Bill.

I will now make a few brief comments as the Ulster Unionist spokesperson for employment and learning. We will be opposing clauses 1 and 4, as we believe that the draft affirmative resolution procedure will provide as adequate an amount of scrutiny by the House as was achieved by the Committee. There will be a move from negative resolution to draft affirmative resolution as proposed in the original Bill. We will be supporting clauses 2 and 5. That concludes my opening remarks.

Mr Buchanan: I welcome the opportunity to speak on the Consideration Stage of the Employment Bill. Like the Chair, I thank the Minister, the Department and even the Committee staff for all the work they have done in bringing the Bill to this stage.

Very briefly, I welcome amendment No 2 to clause 5 and amendment No 5 to clause 9. Those two amendments are similar, in that they deal specifically with deposits: clause 5 dealing with industrial tribunals; and clause 9 dealing with fair employment tribunals. Those amendments will ensure that deposits will now be subject to the draft affirmative resolution procedure of the Assembly and that any regulations that utilise the deposits provision for either of the two tribunals will require Assembly approval before being made. I think that that cuts out any concern that there is on those issues.

Amendment No 3 to clause 7 is simply a technical amendment, which has already been outlined by the Minister, and is necessary to include provisions on conciliation to help employers and employees.

Amendment No 6 to clause 9A, which replaces clauses 4 and 8, will be welcome news for many stakeholders, in particular the Tribunals Service and the Labour Relations Agency. The flexibility that that will provide will allow for the structuring of the neutral assessment service to better provide and deliver for the purpose that it was designed for.

Amendment Nos 7 and 8 from the Committee have been laid out in detail. The Committee Chair mentioned them, and I do not intend to reiterate those points.

Turning to amendment Nos 1 and 4 in the name of Mr Flanagan, Ms Bronwyn McGahan and Mr Fra McCann, let me say first of all that we will be opposing those amendments. I have heard and listened to the arguments for the purpose of those two amendments and the concerns about the implications of having more than one deposit of £500 on any single claim. However, it is fair to say that this is a potentially contentious area and that there is support for and opposition to any change of this kind. That is why the Committee pressed for this to be brought in under the affirmative resolution process, rather than being placed in the Bill.

I believe that, should the amendments be made, they will close off the option on which a policy decision remains to be made in light of the outcome of the public consultation on the future of tribunals. I do not believe that we should be in the business of closing down the option that we have to look at those issues following the consultation process. That is why we will oppose those two amendments today, but with the assurance that the individual taking a claim is protected from multiple deposits, as that would require Assembly approval first. With that, I will conclude on this group of amendments.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. I welcome the Consideration Stage of the Employment Bill, and I commend the Minister for getting it this far. As I said at Second Stage, he has had some difficulties in progressing it, but he is flying through it now. I commend the Committee staff and my colleagues on the Committee for the speedy and diligent approach that they took to scrutinising the Bill and progressing it through Committee Stage.

Robin highlighted the two amendments that the Committee has brought forward. I largely agree with what others have said, so I do not intend to rehearse the discussion that has taken place around the Committee amendments. Instead, I intend to focus my contribution on amendment Nos 2 and 5, which deal with the need for future regulations on deposits in fair employment and industrial tribunals to be approved by draft affirmative resolution, and amendment Nos 1 and 4, which are tabled in my name and that of my colleagues, which would prohibit multiple deposits against somebody taking a claim to either of the two tribunals.

First, I welcome the Minister's tabling amendment Nos 2 and 5. I proposed in Committee that we should ask the Minister to bring that forward. Everybody accepts the need for it. When the Minister presented his response to the Committee, he indicated that, historically, deposits at tribunals have not been a contentious issue and, as such, negative resolution may have worked well in the past. However, if we look at what is happening in Britain and how denying people the right to access a tribunal is being used to erode workers' rights, it is very clear that tribunals are becoming a contentious issue. There have been a number of legal challenges in England with regard to the whole issue of tribunals, fees and multiple deposits. So, the whole issue of deposits and fees at tribunals is an area of contention, and I am glad to see that the Minister has accepted the Committee's proposal to make sure that any future changes to deposits must have the consent of the House before the change is made.

In the past, that was not required, and we could have had a situation where a change was made to a deposit or a tribunal, and Members in this House could then have dragged the Minister or his successor back into the Chamber to reverse that decision. So, this is for good governance reasons, and it will send out clarity and surety to people who are involved in tribunals, which are a very complex business. The testimony that we received as a Committee about tribunals indicates that it is very complex, and people do not really want to go there, but when they do, it should be made fairly easy for them to do it. So, it is good that there will now be surety for people in that they will know what the maximum deposit is, and subsequent change will need the approval of the House before it happens.

As I said, I am concerned about the direction in which tribunals are going in England. There was a massive push to introduce fees, and I am glad that the Minister very quickly stepped away from introducing fees for accessing tribunals. In England, where the introduction of fees has taken place, there has been a 79% decrease in the number of tribunal cases taken against employers. I do not think that we want to go down a similar route. I think that it would be better if we could see a reduction in the number of cases that make it to court, but that needs to happen through the Minister's proposals for early conciliation and trying to get as many of these things settled amicably as early as possible, instead of just denying people the right to get their day in court, to get their good name restored and to get any compensation or back pay that they might be entitled to.

The introduction of fees or overly high deposits is a barrier to justice. It largely impacts on the most vulnerable workers in the economy, those people who do not have the same protection as others, who are in non-unionised workplaces and part-time workers. Therefore, it would disproportionately impact on women who are trying to take a case to a tribunal to get a fair hearing. So, I am glad that the Minister did not pursue the issue of fees, but the issue of deposits being a prohibitive barrier for people trying to access justice remains. Currently, a deposit of up to £500 can be imposed by a fair employment or industrial tribunal in cases where the person who will now be referred to as an employment judge decides that there is little possibility of success. If claimants wish to continue and lose the case, they will forfeit the deposit.

Clauses 5 and 9 establish enabling powers that would allow the Department to introduce regulations that are subject to negative Assembly procedure. As we have all said, the change will move that to affirmative resolution. As it stands, without the two amendments that we have tabled, the Bill would allow for multiple deposits to be imposed within one case, and the current maximum of £500 would be set aside. You could see a scenario in which an aggrieved or former employee takes a case to a tribunal for four, five or six different reasons. The judge, or chairperson as they are still called, could say that each of those claims was subject to a £500 deposit. Somebody who has recently lost their job, is working part-time, is in a very low-paid job or who has been badly treated by an employer may be subject to a deposit of £1,500, £2,000 or £3,000 depending on the number of claims.

A deposit of £500 is sufficiently high. If somebody has recently lost their job and wants to take a case to a tribunal, asking them to put up a £500 deposit that they might not get back is a sufficient barrier to stop them

taking what employers claim are cases that have no prospect of success and that are only there to waste their time. I think that £500 is sufficient. Going down the road where £500 can be applied to each claim instead of to each claimant would present a massive barrier to people who are trying to access justice.

I hear what the Minister has said about any future changes needing to come to the House for approval before they take effect, but the reality is that we are being pushed down a road where workers' rights will be eroded. In the second group of amendments, we will deal with other issues that affect the rights of working people but, in this group, we are dealing with the rights of people —

Mr F McCann: Will the Member give way?

Mr Flanagan: I will surely, Fra. Go ahead.

Mr F McCann: The point that you are making is important. I accept that the Minister has said that he is leaving room for changes down the line, but who is to say who will be back here in the near future and whether they will hold to the promises that are being made by the present Minister? When we discussed this, one of the things that we were concerned about was the fact that there are many people who, by the very fact that they will have to pay the deposits, will shy away from taking a case. Justice is being denied to people who wish to go down that road.

Mr Flanagan: I thank the Member for his intervention and I agree with him. There are enough problems with people being unable to get to a tribunal. Imposing multiple deposits on claimants would be a regressive step and we should not allow it. I accept that the Minister has said that it is not in the Bill, but it is allowed for. By passing our amendment, the Assembly would write into the Bill that multiple deposits would be prohibited. That would be a good step for us to take. It would send out a message that we will not implement any changes to tribunals that would dissuade or discourage people from taking cases, beyond having to pay a £500 deposit. We have tabled an amendment to put a rule into the Bill that multiple deposits would not be allowed. That is a fairly pragmatic approach.

The Minister has carried out a consultation on multiple deposits and other changes to tribunals. I might be misquoting him — it is a good thing that he has the chance to respond at the end — but I think he said that there was no evidence to support the introduction of multiple deposits. I do not see why some are opposing that change when there is no evidence to support the introduction of multiple deposits. In essence, they are a bad thing. As I have said on several occasions, they deny people access to justice, and that is not the purpose of the Bill.

Anything over £500 would be a substantial sum of money for people to pay. When you go to an employment tribunal to have your employment rights enshrined, you are not entitled to legal aid and, as a result of European directives, case law and a range of appeal decisions, it has become so legalistic and complex that most people need a solicitor or barrister to represent them. Most employers feel that they need that representation and, when one side goes in with a solicitor or barrister, those who make claims often feel that they need to do it as well. So, on top of the issue of deposits, there is also the cost of going to employment tribunals.

I am very keen for us to send out a message through the Bill that we will not allow multiple deposits. It is all well and

good for the Minister to say that it is not a proposal on the table, but it might come back at some stage. If we make the amendment, it will stop any future Minister trying to bring in a regulation that would not be subject to the same level of scrutiny as primary legislation.

I accept that this proposal has not been subject to much, if any, scrutiny. It did not go through a consultation process apart from the one carried out by the Minister, in which no evidence was found that introducing multiple deposits was a good thing. It does not protect anybody and does not give employers better rights; all it does is introduce yet another barrier for workers trying to get to a tribunal to access justice.

11.45 am

The Minister, in his opening remarks, claimed that it was premature to close off the options for multiple deposits. I think that I speak for a significant number in the Chamber when I say that I will never support the introduction of multiple deposits to employment tribunals. It would be good to hear the Minister say that. He says that he does not want to close off the option: can he say that, in the future, he will not support the introduction of multiple deposits? We could have a situation in which a majority of MLAs supported their introduction. We heard Mr Buchanan teeter on the edge of being in favour of it, and we know there are conflicting views on the subject. Maybe he is taking the line of the employers who really want to abolish fair employment and industrial tribunals of any nature so that workers do not have any right to recourse through the legal system. I know that that is what some employers want, but I hope that not too many MLAs would adopt such a position.

I say to the Minister that affirmative resolution would be an improvement. I am glad that he has accepted the rationale that the Committee put forward, but it would be a mistake for the Assembly not to have a clause prohibiting the use of multiple deposits. That would be a very slippery road to go down, denying people the right to go to an employment or industrial tribunal in order to get back pay, to get an unfair dismissal overturned or for any other reason.

We all see how employment rights are being eroded all the time. It is important that we protect workers at every opportunity. This is not about making a change; it is about keeping what is currently enshrined in legislation. I am not saying that, at this stage, we should give workers additional rights; I am saying that we maintain what we have at present and do not allow a situation to develop in which former employees trying to take to a tribunal a case against an employer who, they feel, has treated them illegally are forced to pay a deposit of several thousand pounds just to get their day in court.

That is all I have to say on this group of amendments. I hope that the Minister has reflected on that and look forward to his response to the comments made.

Mr Diver: I welcome the opportunity to contribute to the debate. As a new member of the Employment and Learning Committee, I come to this late. On behalf of SDLP Members, I express our appreciation to the Minister, the Department and the members of the Committee. Even from reading the genesis of the Bill and what has happened over the last few years, I know that considerable time, effort and energy has gone into it, and we would like to put that on record.

We made a number of points at Second Stage about the Labour Relations Agency, particularly on neutral assessment. Under the Bill, the LRA would be required to establish a neutral assessment service that, by agreement, could give disputing parties an idea of how their case might be decided should they not resolve it between them. It seems that, as stakeholders such as the Equality Commission expressed, an extra layer of relatively informal adjudication would serve only to protect employers from a burdensome process. We are glad, therefore, that clauses 4 and 8 may be removed and that the amendments seem to be more rational mechanisms to provide for neutral assessment and good practice. The question that still needs to be answered is whether that facilitation of early dispute resolution is as fair to those taking a case to tribunal as it is to employers.

We are happy that amendment Nos 7 and 8 and the new clauses providing for a review of early conciliation and neutral assessment are to be included. It is right and proper that we examine whether this addition is working in the interests of employers and claimants.

The LRA addition is not the only change to tribunal procedure. The Bill includes enabling powers that relate to tribunal rules, and it brings tribunal rules and regulations into line with current practice, permitting the chairmen of employment tribunals to be referred to as employment judges. Secondly, it includes enabling powers to allow the Department to specify in employment tribunal rules the additional circumstances in which a tribunal may order a party to pay a deposit in order to continue with proceedings. That measure is intended to attach a consequence to bringing claims or responses that have little prospect of success.

What again may be apparent in the second stage of the tribunal process is the potential for a greater burden on the claimant. As the Bill is only at its Second Stage, it is important that the House consider the implications of that extra requirement on the claimant and whether it may prevent access to a fair resolution. That is particularly true when an extra amount of money is required; for example, a deposit to proceed with the tribunal. I share the concerns that Mr Flanagan and Mr McCann outlined around deposits and how that could be detrimental to the interests of achieving justice for those taking a tribunal. I am sure that, as public representatives, we have all dealt with people who have had difficult experiences and been treated badly in work situations. We would not want to have anything in the Bill that will present a problem in taking it forward in the interests of natural justice.

We welcome the amendments, and I look forward to speaking on the second group.

Mr Anderson: As a member of the Employment and Learning Committee, I welcome the opportunity to speak to some of the amendments in group 1. The Committee has been favourably disposed to the Bill, and a lot of work went into the scrutiny of it. I record my thanks to the Committee staff and all who have helped to bring the Bill to this stage.

The Bill has been some time in the making, but we accept that there is a need to modernise employment law. If we are to be a growing economy, we want to see good industrial relations, which can only be in the best interests of employers and employees. We must also ensure that we

reduce bureaucracy to a minimum so that businesses can develop and expand without the need to attend to endless regulations and red tape.

I will now offer a few comments on the amendments in group 1, which come under the composite heading of "Tribunals and assessments". Clauses 1 to 4 deal with industrial tribunals, in particular early conciliation and neutral assessment. I very much support early conciliation and neutral assessment, because we must do all that we can to reduce confrontation and encourage resolution. That overall aim is not affected by the amendments. The Minister has indicated that he will oppose clauses 4 and 8 and that they will be replaced by new clause 9A, which is tabled as amendment No 6. New clause 9A will provide the Department rather than the Labour Relations Agency with the power to make regulations for the neutral assessment service. The Department believes that it will therefore be better able to prepare for the setting-up of that service. The regulations under new clause 9A will be made under the negative resolution procedure and will cover issues such as what the neutral assessment service will consist of and how it might deliver.

Amendment No 7 would introduce new clause 9B, which deals with the review of the early conciliation service one year after its introduction and then on a three-yearly basis. The clause needs to be slightly amended to address confidentiality issues, but that can be taken forward at Further Consideration Stage. Amendment No 8, which would introduce new clause 9C, is not being moved today, and I suspect that we will take that back to the Committee.

Amendment No 2 was tabled by the Minister in response to Committee concerns. It amends clause 5, which is one of the clauses covering industrial tribunals. It deals with the power to require a party to proceedings to pay a deposit. The amendment would ensure that regulations dealing with deposits are subject to the affirmative resolution procedure, and we welcome that change.

Amendment No 1 would amend clause 5 by preventing multiple deposits. I oppose that amendment, because clause 5 provides an enabling power, and regulations will be made in due course. We should not tie the Department's hands at this stage in the Bill in the way in which amendment No 1 would do.

Amendment No 3, tabled by the Minister, is a technical amendment to clause 7, which deals with the extension of time limits to allow for conciliation. It makes a necessary change to clause 7(1), which amends the Fair Employment and Treatment (Northern Ireland) Order 1998 and will remove an obsolete reference to provisions that have now been repealed by the Employment Act (Northern Ireland) 2011.

Amendment No 5 relates to clause 9. It is also a departmental amendment and is similar to amendment No 2, which deals with industrial tribunals. Again, it has been tabled in response to Committee concerns about the need for affirmative resolution. It amends the Fair Employment and Treatment (Northern Ireland) Order 1998 to ensure that any regulations that are made around deposits are done on the basis of affirmative resolution.

I also oppose amendment No 4, which is an amendment to clause 9. It does for clause 9 what amendment No 1 does for clause 5, and I oppose it for the same reasons as I oppose amendment No 1.

Amendment Nos 18 and 19 amend schedule 3 and are technical changes that simply tidy up references to provisions that have been repealed. I leave my remarks on group 1 there.

Mr Easton: I will speak on group 1, and I thank the staff for all the help that they have given on the Bill so far. I support the Minister in opposition to clauses 4 and 8. I support amendment Nos 2, 3, 5, 6, 7, 8, 18 and 19, and I will speak on amendment Nos 1 and 4.

The Committee was briefed by officials, who explained that there was no need for amendment No 1 as draft affirmative procedure would be used for regulations on deposits. The amendment would allow multiple appeals, which have the potential to be bogus and would potentially allow multiple appeals to go ahead without the appellant having to pay for them after the initial appeal. It could be costly and time-consuming for the Department and could be open to abuse. The amendment is ill thought-out.

On amendment No 4, which is basically the same, the Committee was briefed by officials, who explained that there was no need for the amendment as draft affirmative procedure would be used for regulations. As with amendment No 1 — I have to repeat myself, unfortunately — this amendment would basically allow multiple appeals, which have the potential to be bogus, and would allow appeals to go ahead without the appellant having to pay for them after the initial appeal. It could be costly to the Department and very time-consuming. The amendment is ill thought-out.

Mr B McCrea: One of the things that are quite strange in the debate is the point on affirmative resolution made by Mr Easton and by the Minister in his opening remarks. I was really struck by how we were making such a play to move from a negative resolution as suggested in, I think, amendment Nos 2 and 5. The Minister made a great play to Mr Flanagan and the supporters of their amendments, saying, “You do not need to bring this in. It is not necessary, because we will do it by order or by regulation, or it will come to the Assembly and you will be able to have it by affirmative resolution”. Here is the interesting dilemma. Members have spoken and have said, “We are not really happy with the way that you are going to move on this issue. We do not think it is necessary, and then we are going to move to affirmative resolution”. What is the difference? I have just been talking to Wallace High School, explaining to them the difference and explaining petitions of concern. Affirmative resolution means that you will have to get a positive “yes” vote to make a change. Of course, any vote that is positive “yes” can be opposed by a valid petition of concern. The movement from a negative resolution to a positive resolution means that you will be able to stop any changes. We are getting more stasis in the Chamber, and we will not be able to make amendments that we want to make.

I apologised to Mr Flanagan, who realised that I was not able to be in the Chamber to hear his contribution, and I read the Hansard report of the previous debate on the matter.

Members are rightly concerned about multiple claims and whether there will be some impediment. That tells me that many things in the Bill have not yet been resolved. We have said, “Do you know what? We will deal with that

later under affirmative resolution and look at it in the new mandate”, but I do not think that we will be able to do that.

12.00 noon

I give notice that I will oppose the changes to affirmative resolution. I do not think that that is the right way to go forward. We should have the debate here and now. If Mr Flanagan can marshal his arguments, he should be in a position to win his debate. This is the proper way to do it rather than pushing it to another date in another way when there could be unforeseen circumstances.

Mr Flanagan: I thank the Member for giving way. It is good that he acknowledges that he was not here for earlier contributions, because some Members highlighted the fact that the Minister can introduce a change to the system, and, if the Assembly does not agree, it is up to the Assembly to call that in and to try to overturn it, which presents considerable difficulty. The best way to make changes of this nature, which can be controversial and contentious, is through affirmative resolution, whereby, if the Minister wants to make that change, it should be done with the prior approval of the House instead of the House overturning his decision, which, as I am sure you will be concerned, would present the place in a very poor light.

Mr B McCrea: I apologised for not being here. I thought that the debate might have run a little longer. In my discussions with Wallace High School, we listened to the debate in order to explain the implications of employment law for young people and our desire to get them jobs and employment in this part of the world.

The fundamental change from negative resolution to affirmative resolution brings petitions of concern into play. The Member raised the point, so he will be aware that our current set-up under the various agreements — the Good Friday Agreement, the St Andrews Agreement and the Fresh Start Agreement — is that the Executive have primacy. If you are a Minister, you are given executive control. I am sure that the Member and his party recognise that fact, and, for better or worse, it was a hard-fought-for political solution. It is not generally the case that this place can overturn ministerial decisions. In fact, what we have seen is the repeated use of petitions of concern.

To avoid doubt, I raise that issue here and now. This is a classic case of the dog that does not bark. If it has no meaning, why are we making such an issue out of moving from negative resolution to affirmative resolution? Here is what will happen: it will be impossible for the House to change any of these regulations in the face of a petition of concern. That is not the right way forward. I would much prefer to have an argument, discussion or resolution on the various points. Mr Flanagan should be entitled to win his argument, if he and his colleagues can do so without having to rely on some procedural motion.

I have made my points on the issues that I want to deal with. I cannot help but think that some things that we are trying to achieve have been lost in the haste to push the legislation through. Perhaps I will deal with those when I speak on the second group of amendments.

Dr Farry: In light of the constructive way that most Members approached the debate on this group of amendments, I will try to be relatively brief. I thank the Chair, members and staff of the Committee for the speedy and efficient way that they addressed the Committee

Stage of the Bill. The Chair referred to several records that have been made. The Committee will no doubt be very much aware of those not only in the context of this Assembly but in the context of other legislatures around the world and how quickly it has dealt with the Bill. That was done without accelerated passage.

In reference to what Mr McCrea said, I would not suggest for one moment that we have rushed the Bill. The review of employment law started in 2012, and there has been a lot of discussion about issues in and outside the Bill in many fora. Today, we have issues on which it is possible to build a consensus across the House, and it is in that spirit that we should consider the amendments. In particular, the Committee has approached the Bill in a very pragmatic manner. There are issues for another day, and we will come back to them in due course.

I recognise the Chair and the Committee's understanding of the potential problem with confidentiality in proposed new clause 9C(3)(c). No doubt we will address that fully at Further Consideration Stage when we tidy everything up. I think that there is a mutual recognition that it is something that we need to address. I thank him for recognising the approach that we are taking to multiple deposits, which, it is probably fair to say, was the main issue of discussion in the House this morning in relation to this set of amendments.

The Deputy Chair of the Committee, Mr Buchanan, set the context very well when he spoke about the balance to be struck between the different perspectives on the benefits or otherwise of multiple deposits. It is worth stressing at this point that the Bill is supported by employers and employee organisations, that is, trades unions. They approach the issue from different perspectives, but there is a common understanding that the Bill works on everyone's behalf. This is not zero-sum politics, where a win for one side is a loss for the other. Of course, there are other issues that the interest groups want to be considered, and over which there are major differences of opinion, that are not in the Bill. Members are very much aware of them, and perhaps we will touch on some of them when debating the second group of amendments later.

I appreciate Mr Flanagan's comments on how the Bill has been taken forward. He acknowledged that the Department and I did not at any stage consider the introduction of fees for access to tribunals. I take issue, however, with his premise that, in some way, there is an agenda to compromise the rights of workers or that we are walking along a very fine edge. That is not my agenda. What we are trying to do is to find a system of employment relations for Northern Ireland that works in the interests of employers and employees more efficiently and effectively. Going to a tribunal, as is people's right and will always be their right, is the end point of the spectrum of interventions. It is in everyone's interest to address disputes further back along the spectrum, starting with prevention, which is about good practice in the workplace. Where disputes arise, you want to address them as much as possible through the different alternative dispute resolution mechanisms, and that is what we are trying to put forward in the Bill. That is the ethos behind the Bill.

There has been a lot of discussion, therefore, of the issue of multiple deposits and the shift. It has been the practice to handle multiple deposits through regulation. There is always a tension between what goes into a Bill and what is addressed through regulations. It is important for Members

to bear in mind the distinction between a Bill, which is there for quite a long period — opportunities to amend primary legislation are fairly infrequent — and regulations, which can be changed more frequently. That is a factor in determining the level of detail that should go into a Bill. Issues to do with deposits have traditionally been viewed as suitable for regulations.

Obviously, and this touches on the comments made by Mr McCrea, if you move from handling something through negative to affirmative resolution, that changes the balance and how it moves through the House.

If you move to something having to be done by affirmative resolution, there is a risk because, when you are looking for active approval of the Assembly, a petition of concern could block a proposal from a Minister. However, that is a reflection of where we are in the Assembly. People want to change that in some ways, but that is the reality of the need to build a consensus around issues where people feel that there are potential breaches of people's particular interests.

That said, moving now to put in the Bill the outcome around multiple deposits is prejudicing the policy process that we are still undertaking. That process has not really been given full Committee scrutiny. In some ways, Mr Flanagan was implying that this was the sounder way of going about it. What is proposed today is actually curtailing people's rights and opportunities to have scrutiny of this issue. With a switch from negative to affirmative resolution, and indeed Mr Flanagan was to the forefront of this, the Committee has been very keen to ensure that the safeguard is in place that any decision will have to have the full approval of the Assembly, rather than adoption of the negative procedure as was the original draft of how we approach these things.

With that, there are full safeguards for the Assembly. Nothing is lost from the rights of the Assembly if it waits until the policy is fully evolved and full scrutiny has occurred. Frankly, to move ahead today with the amendments from Mr Flanagan and his colleagues would cut off any discussion of that process. That process, in all probability, will suggest that we do not have multiple deposits, but it is important that we listen to the stakeholders in our wider society and ensure that we find the right overall balance in how we address these issues. I stress that they are all about having a proper equilibrium between how we address the interests of employers and the interests of employees within a system.

We are doing all that we can, and we have avoided many of the changes in Great Britain. One of the pluses of having devolution in Northern Ireland is that we avoid many of the things that have impacted on the rights of individual workers that we have seen elsewhere. At the same time, we have to recognise that the process of tribunals can be very lengthy and very stressful. For companies, it can be a diversion of staff and other resources. For those taking cases, it can be a very difficult process as well. It can be a financially risky process, particularly if people feel obliged to spend some of their own resource on getting legal assistance. Therefore, it is in people's interests that we try to find that balance and try to invest as much as we can in alternative dispute resolution. I again urge the House to reject the amendments from Mr Flanagan and his colleagues, not because we necessarily disagree with where they are going but because they are not necessary at this stage and because, after the full

process is done, the Assembly will still have exactly the same ability to influence an outcome.

Comments were also made on neutral assessment, first by the Chair and also by Mr Diver. I stress again that we are not moving away from neutral assessment. It has to be very much part of the spectrum of the different interventions that are available. We are simply moving from neutral assessment being telegraphed as something that the LRA would offer to a situation, with the amendments tabled today, whereby neutral assessment is there but we have a process to determine in which of the different types of bodies that are involved in employment relations it best sits. That could be the LRA. Equally, it could be the Tribunals Service, which is already piloting such an intervention, or a set of third parties.

I think that that covers most of the comments that were made at this stage. We look forward to moving to the second group in due course.

Mr Speaker: Before I put the Question, I remind Members that we have debated the Minister's opposition to clause 4.

Question, That the clause stand part of the Bill, put and negatived.

Clause 4 disagreed to.

Clause 5 (Power to require party to proceedings to pay deposit)

Amendment No 1 proposed: In page 5, line 10, after "add "" insert

"(irrespective of the number of heads of claim)".— [Mr Flanagan.]

Question, That the amendment be made, put and negatived.

12.15 pm

Amendment No 2 made:

In page 5, line 12, at end insert

"(2) In Article 25 of that Order (regulations and orders)—

(a) in paragraph (1), for "All" substitute "Subject to paragraph (1A), all";

(b) after paragraph (1) insert—

"(1A) Regulations which include provision under Article 11(2)(a) shall not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.".— [Dr Farry (The Minister for Employment and Learning).]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7 (Extension of time limit to allow conciliation)

Amendment No 3 made:

In page 7, leave out line 37 and insert

"for "to Article 46A" substitute "and to Articles 46A and 46B".— [Dr Farry (The Minister for Employment and Learning).]

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 disagreed to.

Clause 9 (Power to require party to proceedings to pay deposit)

Question, That amendment No 4 be made, put and negatived.

Amendment No 5 made:

In page 8, line 39, at end insert

"(2) In Article 104 of that Order (regulations and orders)—

(a) in paragraph (1), after "101(1)" insert "and no regulations which include provision under Article 84B(2)(a)";

(b) in paragraph (2), after "Schedule 1" insert "and regulations which include provision under Article 84B(2)(a)".— [Dr Farry (The Minister for Employment and Learning).]

Clause 9, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 6 made:

After clause 9 insert

"Assessment of matters relating to tribunal proceedings

Assessment of matters relating to tribunal proceedings

9A.—(1) *The Department may by regulations make provision for a prescribed person to provide relevant parties with an assessment in accordance with the regulations of prescribed matters in connection with any tribunal proceedings which might be or have been instituted by one or more of those parties.*

(2) In this section—

"prescribed" means prescribed by regulations under this section;

"relevant parties" means such persons as may be prescribed;

"tribunal proceedings" means prescribed proceedings before an industrial tribunal or the Fair Employment Tribunal.

(3) Regulations under this section are subject to negative resolution.".— [Dr Farry (The Minister for Employment and Learning).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 7 made:

After clause 9 insert

"Review of early conciliation

9B.—(1) *The Department must review the operation of—*

(a) Articles 20 to 20C of the Industrial Tribunals (Northern Ireland) Order 1996;

(b) Articles 46B and 88ZA to 88ZC of the Fair Employment and Treatment (Northern Ireland) Order 1996; and

(c) the amendments made by Schedules 1 and 2, at the end of the period of one year beginning with the commencement of this section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

(a) a synopsis of consultation responses;

(b) an assessment and evaluation of the effectiveness of these provisions;

(c) the number of cases overall, the number dealt with by early conciliation, the length of time taken for each and the outcome of each;

(d) any savings directly attributable to the introduction of these provisions.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of early conciliation.”.— [Mr Swann (The Chairperson of the Committee for Employment and Learning).]

New clause ordered to stand part of the Bill.

Mr Speaker: I will not call amendment No 8 as it is mutually exclusive with opposition to clauses 4 and 8, neither of which stand part of the Bill.

Clauses 10 to 13 ordered to stand part of the Bill.

Mr Speaker: We now come to the second group of amendments for debate. With amendment No 9, it will be convenient to debate amendment Nos 10 to 17, which deal with information, employment rights and traineeships. I call the Minister for Employment and Learning to move amendment No 9 and to address the other amendments in the group.

Dr Farry: I beg to move amendment No 9: In page 10, line 28, after “Assembly” insert

“or to the Secretary of State for laying before both Houses of Parliament”.

The following amendments stood on the Marshalled List:

No 10: After clause 16 insert

“Gender pay and disclosure of information

Gender pay gap information

16A.—(1) Employers must, in accordance with regulations to be made by the Department under this section, publish—

(a) information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees; and

(b) details of the methodology used to calculate any statistics contained in the information.

(2) Where there are differences in the pay of male and female employees, an employer must publish an action plan to eliminate those differences.

(3) A copy must be sent to all employees and any trade union recognised by the employer.

(4) This section does not apply to an employer who has fewer than 50 employees.

(5) The regulations must prescribe—

(a) descriptions of employer;

(b) descriptions of employee;

(c) how to calculate the number of employees that an employer has;

(d) a standardised method for calculating any differences in the pay of male and female employees;

(e) descriptions of information;

(f) a requirement that information include statistics on workers within each pay band in relation to:

(i) ethnicity, and

(ii) disability;

(g) the time at which information is to be published; and

(h) the form and manner in which it is to be published.

(6) The first regulations under this section must be made by 10 November 2016.

(7) Regulations under subsection (5)(g) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months or less frequently than at intervals of 36 months.

(8) The regulations may make provision for a failure to comply with the regulations—

(a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for every employee;

(b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(9) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

(10) Within 18 months of the day on which this Act receives Royal Assent, the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees.”.— [Mr Flanagan.]

No 11: In clause 17, page 11, leave out lines 43 to line 6 on page 12 and insert

“(4) The Department must make arrangements under this section for providing careers guidance for such persons as the Department considers appropriate.

(5) The guidance must—

(a) be provided in an impartial manner; and

(b) be in the best interests of the person receiving it.

(5A) The Department may by regulations make such provision concerning arrangements under subsection (4) as the Department considers appropriate, including provision requiring the guidance to be delivered or otherwise provided by a person who has such qualifications as the Department may determine.”.— [Dr Farry (The Minister for Employment and Learning).]

No 12: In clause 18, page 12, leave out line 18 and insert

“must be made under this section for providing apprenticeships and traineeships.”.— [Dr Farry (The Minister for Employment and Learning).]

No 13: In clause 18, page 12, line 20, at end insert

“(8) Regulations under subsection (7) may make provision as to the components of apprenticeships and traineeships.”— [Dr Farry (The Minister for Employment and Learning).]

No 14: After clause 18 insert

“Qualifying period of employment

Qualifying period of employment

18A.—(1) *Article 124 of the Employment Rights (Northern Ireland) Order 1996 (right to written statement of reasons of dismissal) is amended as follows.*

(2) In paragraph (3), for “one year” substitute “two years”.

(3) In Article 140 of that Order (qualifying period of employment), for “one year” substitute “two years”—

(a) in paragraph (1); and

(b) in paragraph (2).”— [Mr B McCrea.]

No 15: After clause 18 insert

“Zero hour contracts

Zero hour contracts

18A.—(1) *Zero hour contracts are prohibited.*

(2) Zero hours contracts means a contract of employment or other worker’s contract under which—

(a) the undertaking to do or perform work or services is an undertaking to do so conditionally on the employer making work or services available to the worker, and

(b) there is no certainty that any such work or services will be made available to the worker.”— [Mr Flanagan.]

No 16: In clause 19, page 12, line 36, at end insert

“(8) An order under paragraph (7) may exclude the application of paragraph (2) in relation to any sum increased or decreased by the order for such period as may be specified in the order.”— [Dr Farry (The Minister for Employment and Learning).]

No 17: In clause 20, page 13, line 31, after “only” insert “by or”.— [Dr Farry (The Minister for Employment and Learning).]

Dr Farry: I will deal first with amendment No 9, which is to clause 14. Clause 14 as introduced establishes regulation-making powers that require a prescribed person for the purposes of article 67F of the Employment Rights (Northern Ireland) Order 1996 to produce an annual report on disclosures. During consultation on that issue, the Northern Ireland Human Rights Commission, which is a prescribed person for the purpose of matters that engage human rights, was supportive of the policy proposal but was concerned that a requirement for it to report to the Assembly could be outside the legislative competence of the Assembly. Having reviewed the legal advice and engaged with the Secretary of State on the issue, I am satisfied that it is appropriate to bring forward this amendment so that, where a report relates to the functions of a body in the reserved field, it will be sent to the Secretary of State for laying before Parliament, rather than to the Department for laying before the Assembly. I ask Members to support that amendment to take account of the fact that certain arrangements remain outside the

remit of the House. Without it, my Department will be unable to develop regulations that apply to the Northern Ireland Human Rights Commission or any other body that is in a similar situation with regard to accountability to the devolved institutions.

Turning to amendment No 11, which relates to clause 17, I acknowledge at the outset the context of the Committee’s inquiry into careers policy and practice and its desire for a statutory duty in relation to the provision of advice. As introduced, clause 17 enables my Department to make regulations concerning the impartial provision, by suitably qualified persons, of careers guidance that is identified as being in the best interests of those receiving it. I have been asked by the Employment and Learning Committee to strengthen the clause by bringing forward an amendment that converts the enabling power to make regulations concerning careers guidance into a duty on the Department to do so. Having given the issue some thought, I am proposing a revision that meets the Committee’s understandable desire to see action taken in that important area. The amended clause will require the Department to make arrangements to provide careers guidance for such persons as it considers appropriate. Such guidance must be provided in an impartial manner and be in the best interests of the person receiving it.

The new obligations on the Department do not require regulations to be introduced. The Department must simply comply with the requirements. However, the revised clause will still contain a regulation-making power. That is to enable the Department to deal in more detail with the provision of careers guidance, including the means of delivery and the qualifications of the persons developing or delivering it. The clause commits the Department to taking action and extends flexibility to flesh out requirements in regulations, where appropriate. The Committee’s proposal will help to strengthen clause 17, and I hope that Members will support the amendment.

I also propose to amend clause 18, which deals with apprenticeships, to include provision in relation to traineeships. That is the purpose of amendment Nos 12 and 13. Traineeships will be the new professional and technical training offer for 16- to 24-year-olds, as articulated in the recently published youth training strategy, ‘Generating our Success’. A completed traineeship will provide an individual with a qualification equivalent to five GCSEs at grades A* to C, including English and maths. The purpose of including a reference to apprenticeships and traineeships in the clause is to recognise that, while complementary parts of the new professional and technical training system, they are different offerings. Traineeships will be available in professional and technical occupations at skills level two. Apprenticeships will be available in professional and technical occupations from skills level three to skills level eight.

If amendment No 13 is agreed in addition to amendment No 12, the clause will also specify that regulations may make provision about the components of apprenticeships or traineeships. Components are the various elements that need to be in place for a particular training programme to be recognised as an apprenticeship or traineeship. The components will ensure that there are clearly defined requirements with respect to apprenticeships and traineeships and will ensure a high-quality offer and consistency across different occupational areas.

I now want to draw Members' attention to amendment No 16, which affects clause 19. Clause 19, as introduced, amends article 33 of the Employment Relations (Northern Ireland) Order 1999. As this is a somewhat technical issue, some context will be helpful. Article 33 of the 1999 Order requires my Department to make an order updating the maximum amounts of certain awards of industrial tribunals and other amounts payable under employment legislation for each year in which there have been changes to the retail prices index (RPI) between one September and the next. The amounts that must be updated include the maximum compensatory award for a finding of unfair dismissal and the weekly rate used for calculating statutory redundancy payments. Clause 19, as drafted, amends article 33(2) of the 1999 Order so that future changes to the relevant limits are to be made on 6 April each year, rather than, as is the current arrangement, "as soon as practicable". That provides greater certainty about when changes will be applied. Clause 19 also modifies the rounding calculation set out in article 33(3) of the 1999 Order so that changes in amounts are rounded up or down to the nearest pound. That ensures that they more accurately track the rate of inflation as measured by the RPI. Finally, clause 19 introduces a new paragraph into article 33 — article 33(7) — specifying that my Department may at any time make an order increasing or decreasing sums dealt with under article 33 without reference to the RPI. That will give the Department flexibility to review rates in a more fundamental way but with the safeguard that any order of that kind has to be laid in draft before, and approved by, the Assembly before becoming operational.

Since the Bill was introduced, there has been a realisation that, if amounts are revised by an order of this kind, there may be no need to make a further order that is linked to the RPI for that year. Amendment No 16 resolves that issue by providing that there is no need to make an RPI-linked order under article 33(2) where an order is made under the new article 33(7).

Amendment No 17 affects clause 20. Again, allow me to provide some background. Clause 20 introduces a new article 90B into the Industrial Relations (Northern Ireland) Order 1992, prohibiting the disclosure of information relating to a worker, employer or trade union that the Labour Relations Agency holds in connection with performing its duties. Article 90B(2) specifies the circumstances in which the prohibition does not apply. For example, it does not apply if the disclosure is made for the purposes of a criminal investigation, or in a way that means that no one to whom the information relates can be identified. Article 90B(4) of the order makes a breach of the prohibition a criminal offence, punishable by a fine. Article 90B(5) provides that the prosecution of such an offence requires the consent of the Director of Public Prosecutions.

Following discussions with the Public Prosecution Service (PPS), the Department has determined that a minor amendment to the wording is necessary to provide the PPS with increased flexibility in taking cases of this kind forward. The change will allow the director or a member of staff, on the director's behalf, to institute proceedings. That is consistent with the approach taken by the PPS to a range of issues.

I will now say a few words about a number of proposed amendments that have been tabled by Members, and which deal with matters that are not currently provided for in the Bill. Amendment No 10 has been tabled by Mr

Flanagan, Mr McCann and Ms McGahan. The amendment introduces clause 16A, which requires my Department to make regulations obliging employers to publish information dealing with gender pay imbalances. Where such imbalances exist, the clause requires employers to publish an action plan to eliminate them. The clause also requires my Department to publish an action plan on eliminating gender pay differentials. That is the essence of the clause.

That is an important policy area. The amendment essentially replicates section 78 of the Equality Act 2010, which applies in Great Britain only, albeit the relevant regulations have not yet been enacted. The Department with lead policy responsibility for gender pay is the Office of the First Minister and deputy First Minister. From May, the responsibility will pass to the new Department for Communities. At no point does the proposed clause 16A define "Department" which, in accordance with clause 25, must, therefore, be read as a reference to the Department for Employment and Learning and in future, therefore, the Department for the Economy. It also creates specific timelines for the introduction of regulations, which may prove to be unrealistic, especially with elections coming up, the creation of a new Department and the need for the Department to do the necessary policy work and consultation from a standing start.

12.30 pm

In Northern Ireland, gender discrimination on the basis of pay is prohibited by EU law and by two separate but related domestic statutes: the Equal Pay Act (Northern Ireland) 1970 and the Sex Discrimination (Northern Ireland) Order 1976. The former applies to contractual pay, and the latter covers non-contractual issues, such as recruitment, training, promotion, dismissal and the allocation of benefits. There is no legal requirement in either piece of legislation for employers to publish information about the pay of their employees. Engagement with OFMDFM officials suggests that they are not aware of any recent discussion on the issue, nor are there any recent proposals to introduce such a requirement.

An Equality Commission code of practice published in 2013 provides practical guidance for employers on how to promote equality of opportunity and avoid sex discrimination in pay structures. The code does not itself impose legal obligations, but it gives general guidance to employers regarding their legal obligations under the Equal Pay Act (Northern Ireland) 1970. The code is, however, admissible in evidence in any proceedings under the Act.

An OFMDFM statistics and research branch publication entitled 'Gender Equality Statistics 2015 Update' contains statistics on pay and earnings that show that in 2014 the average median full-time gross weekly earnings for a male were £460·50 compared with £444·40 for a female. Given the clear differential between male and female weekly earnings, I consider that the purpose behind the amendment is a positive one. However, it has not been raised with my Department throughout the preparations for the Bill, it was not raised at Committee Stage and no preparatory policy considerations have been undertaken, consultations carried out or impact assessments conducted. It is also not something on which the Executive have agreed a position or that we should approach in a rushed or ad hoc manner.

I think that Members will be in agreement that we want to see the elimination of gender pay differentials. I do not believe that is in dispute. As a Department, that is not our current responsibility, so as Minister for Employment and Learning, I cannot take a formal view on the matter in that regard. It is something that is very much in the hands of the Assembly. However, I am personally sympathetic to the intent of the amendment. Perhaps, given some of the potential pitfalls that I have raised so far, I suggest that the proposers may wish to opt not to move the amendment today and to table a revised version at Further Consideration Stage.

I turn now to amendment number 14. The new clause 18A that Mr McCrea is proposing through the amendment would increase from one to two years the period for which an individual must be employed before having the right to make a claim to an industrial tribunal of unfair dismissal. As I indicated at Second Stage, my Department has consulted extensively on the matter, and I am satisfied that there is insufficient evidence at this stage to support what would be a very significant change to our system of employment protections. I appreciate that there are strong views in favour of changing the unfair dismissal qualifying period. However, there are also strong views opposing change. Without wanting to oversimplify the matter, employer organisations have tended to support a change, while employee representatives have opposed it.

It is clear that there is no political consensus on the issue. Unfair dismissal is a very serious matter. It can affect an individual's livelihood, future job prospects, physical and mental health and sense of self-worth. In the absence of clear evidence and support for a move away from the present position at this time, I cannot support the new clause.

Mr Ross: Will the Minister give way?

Dr Farry: Yes.

Mr Ross: I know that, last week or the week before, the Minister was overseas helping to try to attract investors to Northern Ireland to create jobs. From his experience of working alongside the Minister of Enterprise, Trade and Investment or, indeed, Invest Northern Ireland, does he understand their view on whether employers, when they are looking to invest in Northern Ireland, look at more flexibility to encourage them to create jobs and, indeed, whether smaller, family-run companies will be more likely to create new jobs if the risk of doing so is diminished by giving them more flexibility when it comes to unfair dismissal?

Dr Farry: I thank the Member for his comments. Maybe that is slightly jumping ahead of some of the things I was going to say. First of all, with regard to my inward investment efforts, I have not really received much representation about employment law issues. It is, however, something that is cited by employer organisations as part of their concern at this time. It is fair to say, however, that the evidence base is not yet established. I will move on, but I will just say that the issue does not die today, so we are not in the situation where we have to take a decision on it either way at this moment in time. Looking at our competitive position internationally, I would say that the qualifying period for collective redundancies where more than 100 redundancies are being made is probably a bigger issue in how we stand out compared with international practice. That includes both our neighbours, Great Britain and the Republic of Ireland.

Picking up on what Mr Ross said and more generally, I want to stress that, as I said at Second Stage, rejecting change now does not rule it out for the foreseeable future. If there is clear evidence and a degree of consensus to support it — there is not at present — a change to the qualifying period can be made through secondary legislation. I will retain an open mind on that issue and encourage other Members to do so.

Mr B McCrea: Will the Minister give way?

Dr Farry: Yes.

Mr B McCrea: Can you clarify whether that secondary legislation would be agreed via affirmative or negative resolution?

Dr Farry: We are about to come to that. It is by confirmatory procedure, moving to affirmative procedure. Clause 21 modifies the procedure for making such secondary legislation in that it ensures that no change can be made without the prior approval of the Assembly.

Mr B McCrea: Will the Minister give way?

Dr Farry: Yes.

Mr B McCrea: I want to clarify something about the move to affirmative resolution. What the Minister said raises the possibility of a petition of concern stopping the issue. His assertion that the matter is not finished could be open to a different interpretation — I shall put it that way — in that I think that this will be the end of the matter. If we vote no to my amendment and accept affirmative resolution for change, that is the end of it forever and a day; we will not get it through. We should maybe address the issue today.

Dr Farry: The point that the Member makes applies as much to what is happening today in that the Assembly could very easily table a petition of concern against Mr McCrea's amendment. That situation has not arisen today, for whatever reason. Members will know that I set a very high bar for when petitions of concern should be used, but that could well have happened in relation to Mr McCrea's amendment. We will have a democratic vote on that and perhaps a democratic vote in the context of a future Minister making a recommendation through draft resolutions to change the qualifying period. I do not think that we are any better or worse off through not having the amendment agreed today than we would be if we left it to the affirmative resolution procedure.

I want to make it clear that we propose to move from the current situation where it is done through a confirmatory procedure to the use of the affirmative procedure. That provides safeguards because, as the situation presently exists, any Minister could take a decision that might ultimately not be agreed to by the Assembly but would nevertheless remain in place for a short time until the Assembly voted on the issue. That would, at the very best, create confusion and, at the very worst, create chaos in employment law. That is why we are tightening it up and making it the affirmative procedure. Under both the confirmatory and affirmative procedures, there has to be a positive vote in the Assembly. In that context, the situation does not change in any respect.

I stress that, given the degree of sensitivity around the issue, we should approach it with the ambition of at least trying to get consensus in the Assembly. It may well be that, as we look to employment relations and employment

law issues as a package, we will sometimes see that it makes sense to liberalise something in one direction at the same time as we look to put in place other protections elsewhere. That is perhaps a scenario down the line, and we could see some of these issues moving ahead in that way. I stress that the evidence is not yet established on this. However, I certainly retain an open mind, and I hope others will do so as well. The Assembly may well wish to return to the issue in the future; indeed, a future Minister for the Economy may wish to move in that respect and table regulations to the Committee and the Assembly and see what happens in that regard.

I come to amendment No 15. By way of the amendment, Mr Flanagan, Mr McCann and Ms McGahan propose the adoption of new clause 18A, which would prohibit the use of zero-hours contracts, as defined in that clause. I explained at Second Stage that I support reform of zero-hours contracts. However, I cannot support this clause.

It is a complex issue, to which a nuanced approach is necessary. We are seeing increased casualisation in the labour market in Northern Ireland and other jurisdictions. Zero-hours contracts are one example of that increased casualisation. They may work for some businesses in which flexibility is important. For some workers, they also may be beneficial, and that has been demonstrated through various surveys. For others, they are regarded as being exploitative, where there is uncertainty over pay and hours and potential impacts on family life and benefits, such as accessing mortgages.

There is a strong case that our employment law should keep up with employment practice. Therefore, there should be proportionate regulation. In the proposals that I originally had in mind, I wanted to see an approach developed that would support the responsible use and regulation of contracts of that kind and that could tackle the abuse of such arrangements without eliminating reasonable flexibility and choice. My Department consulted on proposals around zero-hours contracts in 2014 and put to the Executive in February 2015 a paper proposing a range of progressive measures to regulate the use of contracts of that kind.

The proposed reforms were more radical than the recent measures in Great Britain. They went well beyond simply banning exclusivity clauses, which affect only a small minority of those on zero-hours contracts, with the potential also for the creation of a statutory code and rights to request a regular employment contract after a prescribed period. I regret that no agreement was reached at the Executive on the issue. It is for others to explain why that was the case.

What is proposed today in amendment No 15 is an outright ban on zero-hours contracts. There has been no public consultation on an outright ban. The Committee for Employment and Learning has not yet had the opportunity to have detailed consideration and scrutiny of the issues. There has been no assessment of the potential impacts on business or on opportunities for employment. Even without a detailed assessment, however, it is clear that an outright ban would significantly impact on our economy, affecting many businesses and those whom they employ. At the same time as addressing abuse, it would eliminate what currently works for employer and employee. The amendment lacks the kind of proportionate approach that I originally wanted to pursue.

Any realistic opportunity for considering that important issue during the present mandate has now gone. There needs to be time for the proper scrutiny of any measures around zero-hours contracts to ensure that they will do what they are designed to do; namely, to prevent unforeseen consequences, build consensus and secure buy-in from stakeholders. That is something that regrettably we do not yet have, or have the time to accomplish.

Indeed, some immediate risks could arise from an outright ban. Once any measure became law, employers would be faced with changing the nature of employment contracts, and that may not be feasible in every situation, particularly where flexibility is at a premium. There is therefore a prospect that an outright ban could lead to the loss of thousands of jobs. My understanding is that the thousands of bank nurses contracted to the health trusts in Northern Ireland could be construed as being on zero-hours contracts. There are 10,000 names on the Northern Ireland Substitute Teacher Register (NISTR) who can also be regarded as being on zero-hours contracts, together with those on a number of such contracts in the further and higher education system. Therefore, the import of an outright ban on zero-hours contracts, if that were to be adopted, would be to create chaos in the health and education systems.

I also draw the attention of the House to a possible flaw in the definition of “zero hours contracts” in the Small Business, Enterprise and Employment Act 2015 — from which the definition in the amendment is drawn — whereby a contract will come within the definition, and therefore the protections of legislation, only if a worker is obliged to accept work when it is made available.

I appreciate that those are important matters, and I look forward to hearing the views of Members on the amendments in the group.

Mr Speaker: Before you sit down, Minister, can you confirm for the record that you formally moved amendment No 9?

Dr Farry: Yes.

Mr Speaker: Thank you.

Mr Flanagan: Will the Minister give way?

Mr Speaker: Too late. You are on the speaking list.

Mr Flanagan: No challenges here.

Mr Speaker: I call, then, the Chairperson of the Committee for Employment and Learning, Mr Robin Swann.

Mr Swann (The Chairperson of the Committee for Employment and Learning): Thank you very much, Mr Speaker. As Chairperson of the Committee, I welcome amendment No 11, which amends clause 17. Clause 17 concerns the provision of careers guidance. The Committee welcomed the Department’s intention to introduce regulations providing impartial careers guidance on the back of the recommendations from the Committee’s inquiry into careers education, advice, information and guidance. However, the Committee felt that the duty on the Department was not strong enough and asked the Department to strengthen clause 17. It agreed to do so, amending the wording from “The Department may make arrangements” to “The Department must make arrangements”. The Committee is therefore content with the proposed amendment to clause 17.

12.45 pm

Amendment Nos 12 and 13 amend clause 18, which concerns the provision of apprenticeships. The Committee welcomed the introduction of a statutory duty regarding the provision of apprenticeships but took on board the concerns of stakeholders who called for this power to be broader. The Department took on board these concerns and seeks to amend clause 18 to make provision for traineeships as well as apprenticeships. At that, the Committee is content with clause 18 as amended. The Committee supports the Bill and will watch closely how it is implemented.

During Committee Stage, the Committee did not have sight of amendment Nos 10, 14 or 15, so I will be speaking as the Ulster Unionist spokesperson for employment and learning. Amendment No 10 came as a surprise as it was not raised at any stage in Committee. On behalf of the Ulster Unionist Party, I am happy with the intent of this amendment, but I ask its proposers to take forward the offer that the Minister has made to bring forward the appropriate amendments to this current amendment, which would see it being more flexible and more user-friendly so that we would be able to support it and deliver the intent of this amendment. We are content to support the intention and the overall thrust of the amendment if it can be properly delivered at Further Consideration Stage.

The issue that amendment No 14 seeks to deal with was discussed in Committee, but, again, has been mentioned and contained in regulations. Mr McCrea said that issues do not have to die today, but I feel that, with this piece of legislation, neither the Committee nor the House has received the evidence or had the foresight to receive what was going to happen in regard to this amendment. I am also led to believe that, because of the concerns that have been raised, there may be moves to table a petition of concern on this amendment. I think that Mr McCrea has raised the issue of moving from draft affirmative to regulations being possibly brought about in the House today. Rather than the cut and thrust of the debate and the democratic process being brought forward, Mr McCrea, you have been the author of your own destiny in this case.

Mr B McCrea: Will the Member give way?

Mr Swann: Yes.

Mr B McCrea: Before we move off that issue, the elephant in the room is that the qualifying period for unfair dismissal is a big issue. It is something that people have very strong views on. I have to say that I am surprised that the Ulster Unionist Party, which I previously thought was a party that supported the conservative position, is now taking a different view from the one that it had taken before. I am sure that, as Mr Ross mentioned, there are many small owner-run businesses that have supplied evidence to him and his Committee and his party to say that this is a very serious issue. I am far from being a prophet of my own doom; I actually think that this is where we should be having the debate. This is what we want to do. If a petition of concern comes forward, that is the process, but we should have the debate front and central. This is important. This is not a knee-jerk reaction. This is something that we need a considered opinion on.

Mr Swann: I fully agree with the Member's comments. He talks about the Ulster Unionist position, and I remember attending an Ulster Unionist group meeting where he and I had exactly the same conversation on whether we should

move to two years rather than one year. At that stage, the party retained the one-year position, if I am correct. I think that he was Chair of the Employment and Learning Committee at that stage. When the first section of the Bill came forward, that was one of the issues that was raised. I think that the Member knows well my position and where we, as the Ulster Unionist Party, agreed our position at that time. The concerns of small employers and all of the rest of it were taken into consideration, and I think that that is where the Minister has given the opportunity here not to close the door on this. It will be unfortunate if a petition of concern does come down to bring that finality into this debate, because the abuse of petitions of concern in the House, which the Member has raised, has killed debate and continues to do so on this very issue and other issues.

We will be opposing amendment No 15. That is not because we do not want to see the abuse of zero-hours contracts ended. It is because we do not think that this amendment will bring about the intention that the Member sees in it. In regard to the concerns that have been mentioned, this amendment would introduce an outright ban on zero-hours contracts.

As Chair and Ulster Unionist spokesman on employment and learning, I know that concerns have been raised with regard to health bank nurses and supply teachers. Employers also raised concerns about what the amendment would deliver. One union, in particular, raised concerns about how the amendment would affect some of its employees and feels that the totality of zero-hours contracts and the problems that they bring about have not been fully addressed. That goes back to why the Bill was delayed for so long: this was one of the contentious issues on which the Executive parties could not agree. The opportunity to manage and bring about regulations on zero hours is not a problem for the House, but it was a problem that could not make its way out of the Executive.

The amendment is also somewhat lacking in its definition of zero hours. Looking at it from a layman's point of view, I could see employers who wanted to abuse the system moving very quickly to annualised hours contracts and one-hour-a-year contracts. There are options that move away from the very tight definition that the Members have brought to the House. That is why we will oppose amendment No 15. That concludes my comments.

Mr Buchanan: In this group, I welcome amendment Nos 11, 12 and 13. Amendment No 11 deals with impartial careers guidance, and amendment Nos 12 and 13 not only deal with apprenticeships but take into account traineeships, which were not originally in the Bill.

As the Committee Chair said, amendment No 10 has come as something of a surprise, in that it never appeared before the Committee, and there was no discussion about it at any time in the Committee. The Committee is where it should have come to be scrutinised and debated. However, we as a party are of a mind to support the amendment, if it is moved. I have to add that, as the Minister said, changes need to be made to it, and we would like its supporters to take the opportunity to make those changes in order to make it more amenable.

Amendment No 14 changes the qualifying period from one year to two years. Members will know that opinion on the matter is much divided. A lot of people feel that it is a missed opportunity, and that was stated at Second Reading. The Confederation of British Industry, the

Federation of Small Businesses and the Engineering Employers' Federation were among those to express disappointment, saying that they felt that the Bill was a missed opportunity to extend the qualifying period for unfair dismissal. They argued that it would ensure Northern Ireland's competitiveness and encourage inward investment and indigenous growth, and we cannot turn a blind eye to that. Opinion has been divided, but we see from the Engineering Employers' Federation and from all the folk involved in business that they are not really that divided on it. All say that it would be good to move from a one-year to a two-year period. We are, therefore, minded to support the amendment that the Member has brought to the House today.

Mr Flanagan: I thank the Member for giving way. Perhaps he disagrees with what his party colleague, the Member for East Antrim, said on the matter. I am talking about Mr Hilditch, not Mr Ross. At Second Stage, Mr Hilditch said:

"I support the idea of not following suit with the rest of the UK by deciding not to increase the qualifying period for unfair dismissals from one to two years." — [Official Report (Hansard), Bound Volume 111, p103, col 1].

What has happened to the DUP policy since that stage?

Mr Buchanan: There was no consensus at Second Reading, and the Minister said that he would put forward a provision to deal with it. When we look at the issue before us, we see the strong concern coming from industry, and we cannot turn a blind eye to that. If we do, it will be at our peril, and we will be the losers in the long term. That is one of the reasons why we are of a mind to support the amendment.

Amendment No 15 relates to zero-hours contracts. We will not support that; we will oppose it. There has been no consultation on an outright ban on zero-hours contracts or assessment of the potential economic and equality impacts of such a ban. Even in the absence of an impact assessment, it is clear that an outright ban on such contracts would undoubtedly have significant impacts on many businesses and those whom they employ. An outright ban, as suggested by some, would have a disproportionate impact on flexibility in the economy and potentially remove some employment opportunities. Furthermore, employers could use diverse new means to obtain a measure of flexibility that circumvent any legislative response to the current situation.

Zero-hours contracts work well in some cases, although we are not turning a blind eye to the fact that there are some cases where they do not work as well as they should. That is why, as the Chair of the Committee said, we are not saying that the matter should not be amended, looked at or talked about and changed in some form or other, but banning it outright would close the door on that and have a detrimental impact on many small and medium-sized businesses across Northern Ireland. Therefore, we will oppose the amendment.

Mr Speaker: The Business Committee has arranged to meet at 1.00 pm today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time. The first Member to speak when we resume the debate will be Phil Flanagan.

The debate stood suspended.

The sitting was suspended at 12.56 pm.

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

2.00 pm

Oral Answers to Questions

Employment and Learning

Mr Deputy Speaker (Mr Dallat): We will start with listed questions. I have to tell Members that questions 5 and 13 have been withdrawn.

Apprenticeships

1. **Mr Newton** asked the Minister for Employment and Learning for his assessment of the success of the employer-led apprenticeship programme compared to the programme-led apprenticeship scheme. (AQO 9580/11-16)

Dr Farry (The Minister for Employment and Learning): The new Northern Ireland apprenticeship strategy, *Securing our Success*, was published in June 2014, and the new youth training strategy, *Generating our Success*, was published in June 2015. Together, those strategies set out an ambitious programme of reform that has the potential to radically transform how professional and technical training is delivered.

My aim is to establish a world-class skills system that supports and meets the ambitions of our young people and provides Northern Ireland with a skills base capable of driving economic growth. Consistent with the best systems internationally, employers will be firmly in the lead of the reformed system. Through sector partnerships, they will work with curriculum experts to develop and agree the curriculum and content that will form the core of apprenticeships in each occupational area.

The new strategies are focused on raising quality, supporting a breadth of learning, underpinning progression and ensuring portability to deliver skills that will be recognised nationally and internationally as an exemplar. My Department is progressing with a number of projects that will allow the new system to be fully operational from September 2017.

Programme-led apprenticeships, which were introduced in 2009, were originally intended as a short-term contingency arrangement for apprentices who had been made unemployed as a result of the developing economic downturn. The aim was to provide participants with the knowledge, understanding and competence to work at a high level in their chosen occupation. Unfortunately, the downturn lasted much longer than was originally thought. The programme-led apprenticeship programme was successful in ensuring that young people continued to train at a time when there were no job opportunities. Fortunately, we are in a different place economically, and the new programme has been developed to support our economy and employers.

Mr Newton: I thank the Minister for that very detailed answer. I acknowledge that he has recognised the potential of the employer-led scheme, which, I understand, results in 80%-plus of apprentices ending up in employment with their host company. Why are we not seeking to further expand the employer-led scheme?

Employers recognise that they are meeting the needs of the industry, they have an input, and jobs are being offered to those who take part.

Dr Farry: I thank the Member for his comments. I assure him that our ambitions in that respect have no limits whatsoever. We want to see as much training happening through the apprenticeship system as possible. In essence, any professional or technical area can be addressed through the apprenticeship approach.

As the Member will appreciate, an apprenticeship is a job: someone will be in employment and will be trained on and off the job. Employers are in the driving seat. They determine where apprentice opportunities will be created, because, in essence, they are creating jobs. In the past, apprenticeships were awarded as part of contracts to suppliers who then tried to create jobs in particular areas. That is not the most efficient way of engaging with the market, particularly in evolving high-growth areas.

I suggest to the Member that we have the precise mechanisms in place. Our challenge is to make sure that we implement the strategy and get as much buy-in from employers as possible.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer to date. Employer-led apprenticeships were discussed at the Committee over a lengthy period. I raised some concerns. Whilst it is a good scheme, quite a number of people who would fit in the NEETs strategy would find it difficult to take part in it. How do you ensure that it does not move on and that those people are not left behind? I think that those are the types of people that Robin might have been talking about also.

Dr Farry: I thank the Member for his comments. It is important that we see our new apprenticeship system as part of a full spectrum of interventions. In addition to the new apprenticeship strategy, which covers level 3 through to level 8, we have the new youth training strategy at level 2. That is designed to address the needs of those young people who leave school, who perhaps do not yet have the qualifications to engage in the world of work, but who very clearly have that potential. Beyond that, we have to look at how we can assist those who are not eligible for the youth training scheme. That is why what we do with the NEETs strategy is so important, and that is supported by the European social fund at present.

In all those things, we have to recognise that we have to encourage people to progress and fulfil their potential, whatever that may be. We certainly have a challenge to ensure that we move as many people up the skills ladder as we possibly can. We know that, in the years to come, the profile of job opportunities will move more in the direction of intermediate and high-level skills and that opportunities for those with lower-level skills are set to diminish quite radically.

Mr Cochrane-Watson: I thank the Minister for his answer to the initial question. Does he believe that, as changes to apprenticeships alter the image of apprenticeship opportunities, that will then engage parents in the belief that apprenticeships are a positive means of getting their sons and daughters into the job market?

Dr Farry: I very much concur with what the Member is suggesting. It is important that we establish apprenticeships as a pathway with the same parity

of esteem as the more traditional routes into college or university. Indeed, an apprenticeship will often be combined with college or university support, depending on the type of apprenticeship and the level at which it is offered. We should not see a hierarchy, whereby, for example, in the case of A levels, people who do not get into university then consider an apprenticeship. Apprenticeships have to be seen as being on a par. That is why we are developing a central service. We are trying to develop a portal that will market apprenticeship opportunities to young people. We are reforming the careers and guidance policy in Northern Ireland so as to ensure that we have a much more modern system, and one informed by where the opportunities lie in our economy.

We need to get the message out that people can often reach even greater heights, in society and where they are in the economy, through going down the apprenticeship route rather than the more traditional and familiar route. As the Member suggests, it is important that we convince parents of that change in approach. It is a much more lucrative approach, for the individual and for the economy as a whole.

Ms Lo: The Minister mentioned the new strategy for apprenticeships. What different outcomes can we expect from it?

Dr Farry: I thank the Member for her question. It is very much about how we can support the economy of Northern Ireland. Apprenticeships are not simply there as an end in themselves. It is about providing a much more efficient and effective way of delivering outcomes. We know that employers have often expressed frustration at not getting the particular skills that they require. This is the most effective way of remedying that situation. We also know, from the perspective of young people, that it will be the most reliable means by which they can find and sustain employment.

From looking around the European Union, we see that the societies that invest the most in apprenticeships and vocational training are those that are the most prosperous and have the lowest levels of youth unemployment. There are some very clear lessons for us to learn about what we can aspire to.

Apprenticeships

2. **Mr Lunn** asked the Minister for Employment and Learning for an update on the local implications of the proposed apprenticeship levy. (AQO 9581/11-16)

Dr Farry: The Chancellor of the Exchequer has announced his intention to introduce an apprentice levy for all UK private- and public-sector employers from April 2017. The levy will be set at half of 1% of an employer's total wage bill. All eligible local business and public-sector organisations will pay the levy, and all employers with an annual pay bill of over £3 million per annum are expected to be net contributors. Levy proceeds are to be used specifically to fund apprenticeship training in England. Apprenticeship policy is a devolved matter, so Northern Ireland and the other devolved Administrations will receive a proportionate share of the proceeds.

Although I fully support the development of a wider range of apprenticeships in both the private and public

sector, in many ways, the UK Government's proposed apprenticeship levy could be viewed as an additional tax to business not only in Northern Ireland but across the UK. Furthermore, it has the potential to undermine the different apprenticeship strategies in each of the devolved regions and cut across the policymaking prerogatives of each of the Administrations on what is a devolved matter.

Northern Ireland employers will be expected to pay the apprenticeship levy, and I wish to ensure a fair and equitable reimbursement of the moneys raised to Northern Ireland and the other devolved Administrations.

I have held discussions with the Minister of Finance and Personnel, with my counterparts in Scotland and Wales, and with the Department for Business, Innovation and Skills (BIS) Skills Minister to press Northern Ireland's position and to ensure that any moneys due to Northern Ireland as a result of the levy's introduction are available to the new Department for the Economy to underpin the reforms that we are making to Northern Ireland's apprenticeship system and to support the wider skills needs of the economy.

Mr Lunn: I thank the Minister for his answers so far. Does he feel that the levy has the potential to undermine our local apprenticeship strategy and, if so, in what way?

Dr Farry: The strategy was designed by the Treasury as a means of raising additional revenue as part of its efforts to pay down the overall UK deficit. It is also based around the nature of the apprenticeships strategy in England, with very little consideration of the impact on the strategies in Scotland, Wales and Northern Ireland. In England, they are fixated on reaching the target of three million apprentices, and there is a danger that they end up badging any form of in-work training as an apprenticeship. You could have a bizarre situation where people are given certificates as an apprentice without ever knowing that they have been on an apprenticeship-type course. They are in a race around volume, with very little consideration of quality.

In the three devolved regions, we are very focused on building up quality brands around apprenticeships and ensuring that we address the particular needs of our economy. There will be a distortion in that, in Northern Ireland, some of our large companies will pay an amount of money in excess of their capacity to spend the equivalent on training. They will feel that, in essence, they have been taxed, and that will be viewed as anticompetitive. Frankly, it chips away at the positive intervention that we are making on lower-level corporation tax. We will see the potential for distortion for our local businesses and how they will spend their money and distortions in how the Northern Ireland Executive allocate their money. That will undermine our policy intent in what we are trying to do as a devolved Administration.

Mr McCrossan: Which industries or sectors have proved most supportive of the levy?

Dr Farry: I am not aware of any sectors being supportive of the levy. It is, essentially, a tax on business, and it is not necessary. Our system for funding apprenticeships is not so fundamentally broken that we have to move to a levy. The genesis of this lies with the UK Treasury wanting to rebalance the UK's public finances and seeing this as one route by which they can do it. This will have major impacts on different types of business, and those impacts will be

greater on some businesses than on others. If you are in a very high added-value business and you are paying, for example, quite high wage bills and have low training needs, the levy will hit you disproportionately. It may affect others to a lesser extent; for example, if you are in a business in a declining sector such as the steel industry in parts of the UK where there is no real ambition to hire new staff, there is not the same onus on training as there would be in other fast-growing sectors. Irrespective of the nature of a business, however, or the nature of that aspect of the economy, businesses will, nonetheless, be taxed on the basis of the overall size of their wage bill. There is deep concern across the board felt by the business organisations and the trade unions, and they are united in their opposition to it.

Mr Newton: I thank the Minister for his confirmation that there will be a levy in 2017 on the various sectors of industry. Is this not really the first step in going back to the establishment of the sector skills councils or the industrial training boards?

Dr Farry: I have sympathy with what the Member is saying. At first glance, the notion of a levy seems a much more benign concept than a tax. If we had a levy that was hypothecated towards skills interventions on a stand-alone basis, that would be a good intervention. The difficulty here is that this will be a levy on business that will be paid by businesses in Northern Ireland. At the same time, we will suffer a negative Barnett consequential because there will be a massive cut to the budget for BIS in London, which will filter down to the each of the devolved Administrations. What we are seeing is simply a shift in how training will be funded but in a way that distorts our policy preferences. It will add a significant degree of administration at the same time, which is a leakage of money out of the system that could be better spent at the front line on training.

2.15 pm

Consultation Reports

3. **Mrs D Kelly** asked the Minister for Employment and Learning when he will report on the completed consultation exercises for the employment strategy for people with disabilities and the Higher Education Big Conversation. (AQO 9582/11-16)

Dr Farry: The consultation on the employment strategy for people with disabilities closed on 27 November 2015. A total of 58 responses were received: 32 from individuals and 26 on behalf of organisations. In addition, information was gathered at four public consultation events and two smaller events with specific disability groups. The consultation period has enabled all interested parties to submit official responses and provide feedback on each of the key themes and subsequent proposals. This has been broadly very positive, and a number of constructive suggestions have been made that will inform the final strategy document. The Committee for Employment and Learning has been briefed by my officials and provided with a detailed summary and findings. The same will apply to the disability strategic working group, which helped to develop the strategy.

The Big Conversation was launched on 15 September as an innovative approach to engaging with people about the sustainability of our higher education system. It concluded

on 23 October. During the Budget process for 2016-17, I wrote to my Executive colleagues to report on the findings of the Big Conversation, to outline the extent of our funding challenges and to present a range of potential long-term solutions. That paper has led to some encouraging budget outcomes for that financial year, which I hope can prevent further cuts to higher education, despite an overall reduction in my Department's equivalent budget. However, looking ahead, it will not be enough simply to protect what we have in terms of skills provision, and further consideration of the longer-term options available to us will be required in the context of the next comprehensive spending review.

My Department expects to publish a response to both of these exercises in the coming weeks.

Mrs D Kelly: I thank the Minister for his answer. Perhaps the Minister could share with the House his thoughts on moving forward, in terms of the scope, the nature and the criteria and how he could undertake to collaborate, particularly with the Minister of Health, given that many people who have attended day-care facilities will be finding a reduction in their services and seeking to have more positive lives and meaningful support in the community through further and higher education.

Dr Farry: It is important that Members understand what the disability employment strategy seeks to do. It is about supporting people with employment and will be very focused on those employment outcomes. It will, however, be part of a wider landscape of interventions that will work in collaboration with other Departments, as we look to ensure a much more rounded outcome. In that respect, I draw attention, first of all, to the Executive subcommittee's work on learning disability transitions and the fact that an action plan is in place to facilitate that. Secondly, we have an economic inactivity strategy that focuses to a considerable extent on disability issues. Within that, projects have already been identified that involve collaboration between other Departments and the Department of Health on the type of outcome that the Member suggests. While that strategy has been agreed by the Executive, there has been no significant funding allocated to it as yet. That is a situation that I find troubling, and I encourage those who are in office after May to consider remedying that as a priority.

Ms McGahan: Go raibh maith agat. I thank the Minister for his response so far. In the context of the Big Conversation, does the Minister acknowledge the absolute importance of part-time higher education and the significant impact that it has on the lives of individuals, in particular women, in providing opportunities?

Dr Farry: I certainly acknowledge the importance of the part-time route for higher education and postgraduate study. The Member will be aware that, last year, we engaged in a consultation on different funding models for that, and I have informed the House about how, in principle, I wish those to go forward. I hope to confirm that position in the coming weeks, and discussions are ongoing with the Treasury and the Student Loans Company on how we can implement the preferred way forward on the back of that consultation.

We absolutely want to see an increase in part-time study. That ties in, for example, with the apprenticeship strategy as a means by which we will ensure that people

are increasingly trained to the high level required by businesses and other organisations.

Mrs Dobson: These are more consultations, Minister, on an issue, especially in relation to people with disabilities, where action is long overdue. The Minister is aware of my support for organisations such as One Eighty Restaurant in my constituency of Upper Bann, which helps to provide employment opportunities for young people with disabilities. What reassurance will be provided to them and others that, rather than a consultation followed by another consultation, they will get the help and support that they desperately need?

Dr Farry: I dare say that the Member makes some rather spurious comments. On the one hand, she asks me to reassure an organisation that its interests will be taken on board, and then she damns the process of consultation, which is designed for that very purpose. Organisations come forward with their points of view; the first draft of a strategy is published; and then we hear the feedback and make whatever adjustments are required. We have not had multiple consultations about any of these things. We have a disability employment strategy that has gone out to public consultation. There is a requirement on us to do that; if we do not, we will be judicially reviewed. That is how government does business. I am committed to delivering the strategy before I leave office, and it will be delivered before then. We have had action, not talk — we have had real action on the issue.

Magee Campus: Update

4. **Mr Diver** asked the Minister for Employment and Learning to outline the plans his Department has before 30 March 2016 to expedite the revised business case for the expansion of Magee campus of Ulster University. (AQO 9583/11-16)

8. **Mr McCartney** asked the Minister for Employment and Learning for an update on the proposed expansion of Magee campus. (AQO 9587/11-16)

Dr Farry: With your permission, Mr Deputy Speaker, I wish to group questions 4 and 8.

My Department received the latest version of the outline business case on 22 January 2016. My officials are reviewing it and looking at the extent to which previous comments provided on 1 July 2015 regarding the version submitted in June 2015 have been addressed, as well as considering any additional information provided. A formal response will issue on the latest case as soon as possible.

Mr Diver: Minister, thank you for your answer. Given the previous false dawns in relation to the expansion of the Magee campus, oversight and stewardship of the business case will be critical in the uncertain context of moving from one Department to a new one. Will the Minister assure the House that the same team will work on the business case and that it will be followed up assiduously?

Dr Farry: The same unit of officials will work on this when it transfers to the new Department. There may well be some change in personnel, as is the case in every aspect of government, but there will be no more or less continuity in this than in anything else.

I take issue with the Member's point on "false dawns". I certainly have not been involved in any false dawns in

all of this. I have made it clear all along that I support the expansion of Ulster University at Magee and would like it to happen. It is clear that we need to produce more graduates, particularly those linked to the needs of our economy. However, I have also been very clear all along that we cannot expand the University of Ulster at Magee unless, collectively, the Assembly is prepared to ensure that more resource is allocated to higher education. We have to fix the current structural deficit in higher education. We have to fix the foundations before building more investment. Members should be very clear on what that involves: we have to reverse the £16 million of cuts from the 2015-16 financial year, and we have to address the £40 million structural deficit. Then we can look to the recurring cost of around £30 million to proceed with the expansion of student numbers at Magee.

I say to the Member, his party and others that it is not good enough simply to talk about this and make rhetorical commitments to the expansion. We have to show a coherent approach to public finances in Northern Ireland that will allow us to do such projects, which are very much in our interest. We have not had that collective approach across the parties for some time.

Mr McCartney: Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his frank answer and welcome his continuing support for the expansion of Magee. As we take the business case forward, can he indicate what the timeline will be? Can a centre of excellence, perhaps based at the Magee campus, assist in the process of ensuring its expansion?

Dr Farry: At this stage, I cannot give a reliable answer on the timeline. That is subject to the ongoing scrutiny of the business case by my officials. If the economists in the Department are content with it, they will pass it to DFP for its consideration. In a context where my officials are not happy with the business case, they will have to refer it to the strategy board for further comment and amendment.

You will appreciate from my original answer that we have gone down that road before. Issues were raised about what was produced in the summer of last year, and it was quite some time before the revised business case came back to the Department. Whether this is the final stage of the process or whether we will have to go through another iteration depends on the point made about scrutiny.

I reiterate to the Member that this is not about the capacity of the city council, the consultants or the university to produce a business case. Whether Magee expands depends on how it is resourced by the Executive. The resources have to be found in a sustainable way. I spelt out the costs involved in addressing our wider higher education system in Northern Ireland. You cannot expand Magee unless you fix the wider problems first, and you then have the platform on which provision can be expanded. The case for more graduates is clear, but we have to make sure that we do that in an appropriate and orderly manner. We need a commitment from all parties to resource higher education properly to the level that is required to support our economy.

Mrs Overend: I thank the Minister for his response. Does he agree that the expansion at Magee, which we all support, should not come at the expense or threaten the viability of other university campuses in Northern Ireland?

Dr Farry: Absolutely. I very much concur with the Member's comments. Indeed, when I met a delegation from Causeway Coast and Glens Borough Council yesterday, it made exactly that point; I am not sure whether a woman from the delegation was in communication with anyone. Let me be very clear: we have been able to expand Magee over the past five years and have found some resource to do that. To an extent, that has been undermined by recent cuts, but, overall, the Magee campus is bigger than when I took office in 2011, notwithstanding my zero budget at that time for its expansion. It has been the policy of the university all along to consider any additional places awarded to it for allocation to the Magee campus. To be very clear: the expansion of Magee cannot come at the expense of or by undermining existing provision; it cannot come at the cost of displacing students into Derry out of existing campuses, whether Ulster University or Queen's. We need to ensure that any expansion at Magee is additional. There is a clear case for more graduates in Northern Ireland, and it is in that spirit that we should approach the expansion, subject, of course, to the Executive making money available.

Student Support Payments

6. **Mr Milne** asked the Minister for Employment and Learning when he will announce the results of his consultation on the frequency of student support payments. (AQO 9585/11-16)

Dr Farry: At present, higher education students from Northern Ireland receive their maintenance support payments in three instalments, roughly at the beginning of each term of the academic year. This tri-annual payment system supports students with any upfront costs that they might face at the beginning of term, while also allowing them to budget ahead accordingly.

Concerns have been raised in recent times that large and infrequent payments can heighten the risk of financial mismanagement and, by extension, financial hardship amongst students. It was in response to those concerns that I launched a consultation in August last year to consider options to change the frequency of maintenance payments. The consultation closed on 27 September, and a summary of responses is available on my Department's website.

There was no clear consensus amongst respondents about which option was preferable, and many expressed concerns over the potential cost of implementing more frequent payments, particularly if that were to detract from other areas of higher education funding. Any decision to invest in a more frequent payment system will, therefore, have to be considered within the context of the overall higher education budget and competing priorities, including, for example, our ambitions to expand student places.

As to the timing of a decision, it has emerged in recent months that the Student Loans Company has become overburdened by the demands of other Administrations — that is, England — and the earliest year in which changes could possibly be implemented will be 2017-18. In principle, I am open to change, but the timelines are such that it will fall to a future Minister to take a final decision on the matter, and he or she will have to do so within the context of the overall higher education budget.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as na freagraí a thug sé go dtí seo. I thank the Minister for his very comprehensive and detailed response. In his final deliberations, will he ensure that students' best interests will be at the heart of his decisions?

Mr Deputy Speaker (Mr Dallat): Try to be brief, Minister, please.

Dr Farry: Very briefly. The Member needs to define what he means by students' best interests. Some will say that it is more frequent payments, and others will say that it is more places being available locally, because we are displacing too many students outside of Northern Ireland, where they pay more in fees. We have to take it in the round. Is that quick enough?

2.30 pm

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We will now move on to topical questions.

University Finance: Further Cuts

T1. **Mr McKinney** asked the Minister for Employment and Learning, returning to the issue of university finance, to outline the extent to which Ulster University and Queen's will face further cuts under the proposed Budget. (AQT 3461/11-16)

Dr Farry: I thank the Member for his question. We are still working through the figures from the Budget at this stage on exactly what is going to happen with the teaching and research grant for the universities in the forthcoming financial and academic years. At this stage, not least because we have had the additional £20 million that is due to be forthcoming and allocated officially for skills to the new Department for the Economy in the June monitoring round, we should be in the position where we can avoid any further cuts to the teaching and research grant on the road ahead. However, I caution the Assembly and, indeed, stress to the Member that the cuts from the 2015-16 financial year of £16 million to higher education are still in the system. We have seen only the first third of those implemented on September 2015 entry. As things stand, those are still in the system for September 2016 and September 2017 entry. There may be some scope to mitigate them to a small extent, but, as things stand, the vast bulk are set to go ahead. So, by no means are we out of the woods yet. Even if we were at a standstill, we would have to be investing further in our higher education because we have to ensure that we are meeting the needs of a high-skilled economy.

Mr McKinney: While, of course, the focus is on that strategic level and the headline finance, my further focus is on the students themselves — the customers, if you like. Can the Minister give an assurance that grants, especially for those from a vulnerable and poor background, will not be cut?

Dr Farry: Yes, I am happy to give that assurance. The House will well know that, right across the piece, we have been ensuring that the student support system has remained in place, despite all the tribulations that we have had with budgets in recent years. Some, of course, are demand-led interventions, and sometimes we may not spend our full budget allocation, but the levels of

entitlement and the amount of money available as part of those entitlements have not been affected.

Student Accommodation: Belfast

T2. **Mr A Maginness** asked the Minister for Employment and Learning to comment on what appears to be a frenzy of planning applications for accommodation for university students in north and south Belfast and the fact that it appears that the universities are simply allowing these applications to develop in a free market without any plan or control. (AQT 3462/11-16)

Dr Farry: First, I think it is important to acknowledge that, in one respect, the fact that we are having this interest in student accommodation is a very positive sign. It is a sign that our universities are still flourishing, despite all they have been through with cuts. They are attracting students, and international students, in particular, are very much on their agenda. That is important for openness and diversity in plugging into the rest of the world. I stress that that does not come at the expense of opportunities for local students at the same time.

In terms of accommodation, we are seeing different approaches, depending upon which of the universities we are talking about. Queen's has moved ahead with its own projects and its own managed accommodation. Ulster University is adopting an approach where the private sector is responding. I would not say it is fair to say that there is no control over that, because obviously what happens is controlled by planning for land use and the regulation of individual applications. In that respect, Belfast City Council is the lead authority with responsibility. You are seeing the council go through its own processes. In some cases, it is granting approval and, in other cases, it is not. The overall level of applications that comes forward for housing is probably going to be in excess of the need itself, but that process is working its way through the system.

Various working groups and interventions have also been organised, primarily through Belfast City Council but also under the auspices of the Department for Social Development, about how we best manage a whole host of issues on university expansion. Housing is one of those, but transport and parking are equally important.

Mr A Maginness: I thank the Minister for his answer, but, in a sense, he is avoiding the real issue: in the overall structure, this is an unplanned series of developments, which could have negative impacts, as well as positive ones, on local communities. Is it not necessary for both universities to get together, along with Belfast City Council and any other planning authority, to work with your Department and satisfy the needs of students?

Dr Farry: I assure the Member that that process is already happening and those structures exist. Indeed, they are being revamped and are giving much stronger input. We are having discussions between Departments at ministerial and permanent secretary levels. Those discussions are focused on housing, transport and parking issues. Let me be clear: I am the Minister with responsibility for universities. Universities do not exist in a bubble; they have to take account of the context in which they exist. However, other Departments also have responsibilities in relation to this piece. Obviously, the Department for Social Development has a very clear role with respect to housing and urban regeneration powers. The Department

of the Environment, of which the Member's colleague is the Minister, has responsibility for some planning powers, as does the council. The Department for Regional Development is responsible for transport, including public transport. It has to be a multi-Department and multi-agency approach. The structures exist. We need to see people bringing to the table solutions to some of the problems that still have to be addressed.

Higher Education Green Paper

T3. **Mr Lunn** asked the Minister for Employment and Learning for his assessment of the implications for Northern Ireland from the Department for Business, Innovation and Skills (BIS) higher education Green Paper. (AQT 3463/11-16)

Dr Farry: I thank the Member for the question. It is another example of where policy has been set by the UK Department to meet, on the surface, the needs of England but where there are various spillover effects on what happens in the other jurisdictions. In higher education, we are seeing a major divergence of policy between England, on the one hand, and the three devolved Administrations, on the other. In England, they are going for a very much deregulated system. They have fee levels of £9,000, with the potential to go beyond that. They are opening up their market to all sorts of providers, including some very small ones. They are trying to put in place a new teaching excellence framework that will allow judgements to be made over what can be funded or not, which perhaps does not really address the needs of what happens in Northern Ireland. There is some potential threat towards the Higher Education Funding Council for England (HEFCE). On the surface, that is a funding council for England, but it performs some research functions for the entire UK and its existence is under threat.

There are also some positive things happening around the widening participation agenda, where England has some very positive lessons to learn from Northern Ireland.

Mr Lunn: I thank the Minister for his answer. What action is he taking to represent the interests of Northern Ireland and the local universities in that process?

Dr Farry: First of all, in Northern Ireland, my Department has coordinated a response from all our higher education institutions (HEIs), to which we made our views known as part of the formal consultation exercise. The three devolved Ministers have also had discussions on how we can formulate a common approach to trying to address some of the issues, particularly those with the greatest impact through spillover issues. I have spoken already to Jo Johnson, the Minister for Universities in BIS. In the very near future, I expect that the three devolved Ministers will sit down with him to have a quadrilateral discussion on those issues.

Brexit: Horizon 2020

T4. **Ms Hanna** asked the Minister for Employment and Learning to outline the impact that the loss of the Horizon 2020 fund would have on local universities in the event of the UK withdrawal from the EU. (AQT 3464/11-16)

Dr Farry: That sounds almost like a planted question. It would be quite catastrophic. As the Member will know, we are talking about a fund that amounts to close to €80

billion over the next seven years. That is a Europe-wide intervention and provides added value to what can be done through the quality-related research (QR) funding that we give domestically to our universities.

We have other pots of international funding that we can also access, but Horizon 2020 provides new openings and the opportunity for partnerships to be built across national boundaries. That is very important in the modern world of research, where things do not exist in a bubble. Particularly on some very sophisticated research projects, you need to have that scalability and be able to bring a lot of partners in from different institutions. That would not happen to the same extent if the UK was going alone. Some people may argue that additional funding would be made available to research, but you would lose the added value that comes from the potential for international collaboration between academics from different jurisdictions.

Ms Hanna: I thank the Minister for his answer. I assure Members that that was not a planted question, and neither is this one. Has the Minister's Department done a wider audit of the funding and opportunities that would be lost in the unfortunate event of a Brexit, and of how that funding shortfall or deficit would be met by departmental resources?

Dr Farry: There really is no plan B. If we lose the European money, we lose the European money, and we will suffer as a consequence. That will be very much to our detriment. In addition to Horizon 2020, my Department probably avails itself of more pots of European funding than any other Department. Obviously, we would lose ERASMUS+, which, again, would not just be an issue of funding; it is also about opening up opportunities for our young people to experience learning in different parts of the European Union and elsewhere, which is incredibly important. That programme has been extended to apprentices, so we can have exchanges outside the context of university students.

Obviously, we have the European social fund, which makes an enormous difference and allows us to do things that we simply could not do within our mainstream budgets. We cannot simply recoup that money, and anyone who thinks that we are going to get a big pay cheque from the UK Treasury to make up the shortfall for the European money that we would lose is in la-la land.

Reskilling Initiatives

T5. **Mr D McIlveen** asked the Minister for Employment and Learning for an update on the reskilling initiatives for people who have either lost their jobs or who will lose their jobs as a result of the closures of JTI Gallaher and Michelin in Ballymena. (AQT 3465/11-16)

Dr Farry: The Member will know that there was a meeting yesterday of the task force, which the council is coordinating with a view to addressing a range of different points on manufacturing and skills. Obviously, my Department plays a role within that, as do DETI and some other Departments.

Beyond the broader issues, there are particular points around JTI Gallaher and Michelin. Obviously, as the Member will appreciate, the two processes are at different points. The JTI Gallaher announcement is well advanced, and we have been investing, with my Department funding some very particular interventions around courses that

are not otherwise available. Also, there have been some particular interventions around essential skills for some of the staff. The process is at a different stage with Michelin, because the 90-day consultation period on the collective redundancies has not formally come to an end. That will happen at the beginning of March. At that stage, the nature of the engagement will change gear quite significantly.

Mr Deputy Speaker (Mr Dallat): Before I call Mr McIlveen to ask a supplementary, I ask him and the Minister to be reasonably brief.

Mr D McIlveen: Thank you, Mr Deputy Speaker. I will try my very best. As we come to the dawning of the age of the Department for Employment and Learning, there is obviously an opportunity for reflection. Whilst the Minister has been very good at delivering initiatives, some may say that he has not been so successful at delivering reform. Will the Minister update the House on the reform that he is most proud of in his five years as Employment and Learning Minister?

Dr Farry: This is slightly separate from the original topical question but, in one word, the apprenticeship strategy.

Some Members: Hear, hear.

Dr Farry: Two words. *[Laughter.]*

Mr Deputy Speaker (Mr Dallat): Order. Time is up.

2.45 pm

Enterprise, Trade and Investment

Renewable Energy

1. **Mr McCarthy** asked the Minister of Enterprise, Trade and Investment how he will ensure a stable regulatory environment for the local development of renewable energy. (AQO 9595/11-16)

3. **Mr Givan** asked the Minister of Enterprise, Trade and Investment for an update on the renewables obligation for small-scale onshore wind. (AQO 9597/11-16)

11. **Mr Kennedy** asked the Minister of Enterprise, Trade and Investment for an update on the closure of the Northern Ireland renewables obligation for onshore wind power. (AQO 9605/11-16)

Mr Bell (The Minister of Enterprise, Trade and Investment): With your permission, Mr Deputy Speaker, I will answer questions 1, 3 and 11 together. Our renewables record has been very successful to date. That has been due to a combination of being able to harness our natural resources whilst ensuring that the support costs are spread much more widely than our Northern Ireland consumer base. However, this means that we are also unavoidably influenced by national policy decisions, as borne out by the proposed early closure of the renewable obligations across the United Kingdom to onshore wind. I am mindful of the uncertainty that has been created around early closure to wind. My priority, at present, is to ensure that we have a timely and managed closure of the existing scheme in Northern Ireland. I want to provide the certainty that delivers the most renewable deployment for the least cost to Northern Ireland consumers.

Mr McCarthy: I thank the Minister for his reply. Will he tell the Assembly what he plans to do during the next six months, under the moratorium on the new grid connections?

Mr Bell: There have been significant difficulties with the grid connections and grid connection offers. The Member is correct; NIE had to set aside its normal 90-day period for making grid connection offers due to the surge in applications that followed the regulator's determination that NIE could not require planning permission before making a grid connection. The grid simply could not accommodate the level of increase. It requires specialist analysis and, potentially, significant investment, which would have to be paid for by consumers. NIE is already committed to connecting projects which will almost double our installed renewable capacity. That is a huge challenge. I do not have powers to intervene. I cannot direct NIE or the Systems Operator for Northern Ireland (SONI) to prioritise one technology over another.

Mr Givan: In discussions with the Department of Energy and Climate Change (DECC), has it outlined what the proposed backstop power, which is now included in the Energy Bill, will mean and what the consequences of that could be for the Northern Ireland renewables obligation certificate (ROC)?

Mr Bell: DECC has included a backstop power in its proposed Energy Bill, as the Member said, to protect GB consumers should Northern Ireland take a different approach to the Northern Ireland renewables obligation (NIRO) closure than that taken in GB. The backstop power will give DECC powers to prevent GB suppliers redeeming Northern Ireland ROCs from projects that accredit from 1 April 2016 and do not meet the closure eligibility criteria that were equivalent to those in GB. This provides little comfort for those projects and has the potential to have wider implications for the whole renewables industry here.

Mr Kennedy: I am interested in the ministerial responses thus far. How does the Minister intend to deal with the ongoing uncertainty created by his decision on the NIRO issue last summer? Does he accept that the delay since his closure consultation last October has created all sorts of problems for the renewables sector here? Does he have any plans to support the development of the industry after the NIRO ends? Will he bring, and how will he bring, certainty for investors, including many in my constituency?

Mr Bell: I want to bring certainty as soon as possible. I am considering a range of options. I think that the Member will agree that DECC changed the policy. Yes, we can do what we choose to do where we have devolved powers, but DECC changed the policy, not once but a number of times. I have spoken to the Secretary of State for Energy and Climate Change. I went to London and I said, "Look, under the coalition Government, the previous Minister agreed with you a line which was then put out to the industry. The Conservative Party then came into power as a single party and moved the goalposts for onshore wind". They moved the goalposts, not me. They then changed their position at different times.

I want to assure the House that I will always look at what delivers the best value to Northern Ireland. Unfortunately, I have had to deal with changing positions from DECC, and that has led to the uncertainty that we have. I will try to bring it to a conclusion as quickly as possible to allow

people to go forward; however, let no one misunderstand that the changing position has come from the Department of Energy and Climate Change.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. Mo bhúochas fosta leis an Aire as na freagraí go dtí seo. We all have some sympathy with the Minister in that these decisions have emerged from London, but I want to move on past the ROC to the renewable heat incentive (RHI). This morning, we spent two distressing hours in the Committee for Enterprise, Trade and Investment listening to officials tell us that another bombshell has been dropped on the renewable industry sector and that the RHI is to be removed.

Mr Deputy Speaker (Mr Dallat): Order. Can we have a question, please?

Mr Ó Muilleoir: Can the Minister guarantee that he will give us clarity on that issue, work in collaboration with the sector, and include the Committee as he reaches a decision? Let the date not be next week, Minister.

Mr Bell: At the end of last year, there was an increase in demand for the renewable heat incentive scheme. My Department faces a huge budgetary pressure, given the Chancellor of the Exchequer's decision to limit the amount of money paid to Northern Ireland out of the UK pot for renewable heat. That is why, last week, I signalled my intention to ease that financial pressure, which could amount to over £27 million, by announcing the immediate closure of the scheme and bringing forward an order to suspend the scheme as soon as possible. I want everyone to know that I am listening to the industry and to individuals who are installing renewable heat boilers. I will come back to try to give that clarity at the earliest possible date.

Mr A Maginness: Unlike the previous questioner, I really do not have very much sympathy with the Minister in relation to his summary decision on the renewable heat initiative. It is not acceptable. It will impact adversely on many small installers. Will he review his decision or take remedial action to strengthen those small tradesmen?

Mr Bell: I think that the Member has misunderstood what the Chancellor of the Exchequer has done with regard to renewable heat and the fact that the goalposts have been moved and that a limit has been put on Northern Ireland. If we go beyond that limit, we have to bear the costs ourselves. It was introduced in November 2012 to the non-domestic sector and in 2014 to the domestic sector, and it has been taken up very successfully. To date, over 3,500 renewable heating installations have been incentivised. Uptake has been higher than in GB. We have exceeded the Northern Ireland Executive's 2015 target, which was 4%. About 6% of Northern Ireland's heating needs is now provided through renewable heating technologies. The Member would do well to look at the Chancellor's autumn statement and what follows it and also consider the costs to Northern Ireland.

Broadband: North Antrim

2. **Mr Frew** asked the Minister of Enterprise, Trade and Investment for an update on the delivery of superfast broadband in North Antrim. (AQO 9596/11-16)

Mr Bell: In February 2014, my Department contracted BT to deliver the Northern Ireland broadband improvement project. That is primarily aimed at rural areas and seeks

to extend the availability of, primarily, basic and, where possible, superfast broadband to those who have limited choice across Northern Ireland with a target of 45,000 premises. The project was scheduled to be completed by 31 December 2015. However, there was engineering complexity, and that date has been extended by three months to 31 March 2016.

Improvements have already been carried out to over 40,000 premises across Northern Ireland, including almost 5,000 in postcode areas in the North Antrim constituency.

On 22 January 2016, I announced the introduction of a satellite broadband support scheme, which falls under the auspices of the Northern Ireland broadband improvement project. It seeks to provide residents and businesses that are still experiencing speeds below two megabits per second with the option of applying for a subsidy of up to £350 towards the cost of installing a satellite broadband connection.

Mr Frew: I thank the Minister for his answer. Is he aware of my constituents' concerns? It seems to be the case that BT is degrading its copper system and its other old systems. What can he do to make sure that BT meets all its obligations and does not let people wither on the vine with a copper system? People are experiencing even lower speeds than they were at Christmas.

Mr Bell: I am aware of a lot of problems, particularly in rural areas. A number of months ago, people from west Tyrone spoke to me. A number of people raised complaints with me that, if there is congestion on the system — the beam and different things — that effectively causes them not to have a service.

Not all areas will be able to access superfast broadband once the Northern Ireland broadband improvement project is completed. We awarded the contract for the second project to BT. That was the superfast broadband roll-out programme.

I will take up those specific issues with BT on behalf of the Member. I had a very detailed meeting with its senior officials last week at which I raised a number of concerns. It is unacceptable, particularly when, first, I have people coming to me whose children have either to be taken back to school or driven to the library just to get their homework done. Secondly, other children are experiencing extreme difficulties just managing against the curriculum, and we are raising that issue with BT. Thirdly, we have some hugely successful businesses in the area of computer-aided design (CAD). They must submit their programmes to tender, so people are literally leaving their machines on at night in the hope that, when they get up the next morning, their CAD or specific design, which they must use to tender for business, has come through. I will emphasise to BT that we cannot condone that set of circumstances into the future.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's answer, but I put this to him: why, after spending millions of pounds on assisting BT to provide broadband, do we still have major gaps right across the North, particularly in Newry and Armagh?

I ask that question on behalf of Matthew Nugent of 58 Tievenamara Road, Carnagh, BT60 3JA, who lives 90 metres from a box that was upgraded last year and is one of a number of people in rural Armagh and south Armagh

who has no broadband provision, after we have spent millions of pounds of public money on it.

Mr Bell: Those are important points. If the Member wants to send me details of that specific case, I will certainly look at it.

We continue to make broadband services widely available via a mix of technologies. Almost £64 million, as the Member says, has been invested since 2008 to encourage private sector upgrade to networks, particularly in rural areas. Seventy-nine per cent of households are currently accessing the Internet. I find that a very difficult figure when I compare it with the UK figure of 85%, and 72% of those who are accessing the Internet are doing so through a broadband connection. The number of premises that are connected to a broadband service offering speeds of 2 megabits per second or higher is continuing to increase, and now stands at 94%. Owing to the extensive next-generation access network put in place by my Department's investments, there have been over 239,000 fibre-based, high-speed broadband connections to date. Although we acknowledge that download speeds in Northern Ireland are continuing to increase, the average download speed stands at 28.3 megabits per second, and that is below the UK average of 29 megabits per second. We will continue to pursue how we can get that to a more level playing field.

3.00 pm

Mr Dickson: Thank you, Minister, for your answers thus far with regard to BT. I declare a personal interest in that BT totally and utterly failed me in my service for nearly two months. As a result of that, I discovered that BT has set aside only 60% of the capacity of the green cabinets that it has installed to deliver its so-called superfast broadband. So, in any one area, not everyone, even if they wished to purchase superfast broadband, can have it. Is the Minister satisfied that 60% capacity per cabinet is a reasonable commercial decision by BT?

Mr Bell: I will raise that particular case with BT. I am not satisfied with broadband provision across Northern Ireland. I do not think that anybody who has a genuine interest in seeing all of Northern Ireland develop could be satisfied, knowing how much depends upon a broadband connection, particularly for business. The rules are changing. Businesses in rural areas are saying to me, "We have to present it in this way. We need the connection to actually do this." So, we will have to continue to work to what is a difficult system, but, as Minister, I accept that nobody in the House could be satisfied with the level of complaints and dissatisfaction that we have, particularly in the rural community.

Mr Deputy Speaker (Mr Dallat): I call Mr Paul Givan for a question.

Mr Givan: Mine was joined to the first question, Deputy Speaker.

Mr Deputy Speaker (Mr Dallat): I call Mr Ross Hussey.

Gross Value Added Growth

4. **Mr Hussey** asked the Minister of Enterprise, Trade and Investment for his assessment of gross value added growth in the economy as set out in the Northern Ireland Statistics and Research Agency composite economic index to quarter 3, 2015. (AQO 9598/11-16)

Mr Bell: I thank Mr Hussey. The latest results from the Northern Ireland composite economic index, which measures economic activity, show that we experienced growth in three of the last four quarters, with an annual increase of 1.6%. Despite those positives, the figures for the latest quarter were negative. Those findings are disappointing. Most economists who are advising me are saying, "Don't get too fixated on just one single quarter's data." Northern Ireland is relatively small and quarterly statistics, as the evidence shows, can be inherently volatile. There have also been substantial improvements in the local labour market during this time, with unemployment continuing to fall and private sector jobs at their highest level ever. We cannot be complacent about that, but I think that everybody in the House would like to celebrate the fact that unemployment is falling and the private sector is growing and at its highest number ever.

Mr Hussey: Is the Minister not concerned about output? For example, Ulster Bank says that we grew in economic terms by between 1.5% and 2% in 2015, whilst the rest of the UK grew by 2.3%, and the Republic grew by over 5% for the second successive year. Is he not concerned that we may be stagnating?

Mr Bell: I am always concerned when it appears that other parts are performing better. We can look at statistics in a range of ways. We have massive challenges in our manufacturing sector but it is posting 3% annual growth and added 4,000 jobs over the past year. While we look at experiencing a relatively modest recovery since the local downturn, our biggest sector, the services sector, has posted 1% annual growth, with jobs at an all-time high.

There is a big issue for me and many in the House from constituencies that depend on construction. Our construction sector was the most impacted during the downturn but, even there, we are seeing what appears to be very real signs of recovery. Output is up 14% on an annual basis and the sector added 870 jobs over the latest year of data.

If you look at the quarterly figures, I do see concerns. I take the advice to look not only at those but to note the volatility. Looking at the annual change, in services we are 1% up, in manufacturing output we are 2.9% up, and in construction output we are 13.7% up.

Mr Dunne: I thank the Minister for his answers. As Minister of Enterprise, Trade and Investment, your job entails marketing Northern Ireland throughout the world, and I think that we all admit that you do that enthusiastically. What economic levers can you use as you travel to attract new business into Northern Ireland?

Mr Bell: The big one that we have been taking forward in this last particular period is the game changer of corporation tax. That is when we asked the independent research to come to us on the rate of 12.5% that we will have from 1 April. The independent advice was that we should be looking at creating 30,000 additional jobs and that we should be growing our economy by almost 10% over 15 years. In the last short period, I have taken, I think, 13 companies across three cities in China. Two weeks ago, I was with 15 of our companies that have a particular focus on technology, and we went from San Francisco right through to New York.

I can tell you that there is major interest in Northern Ireland. I estimate that a huge percentage of what I do I

cannot tell you until the ink is dry on the contracts because they are commercially sensitive. There is huge interest in Northern Ireland because we have three unique things. We have business costs that are about 84% or 85% of the rest of the United Kingdom. We have a talent pool and a very low attrition rate. In fact, 80% of all the businesses that have invested in Northern Ireland have subsequently reinvested, and, when I bring in new investors, I am grateful to those businesses for telling a success story. And then we have the attraction of corporation tax, giving us the most competitive corporation tax rate in western Europe.

Mr Lyttle: Given the key role played by our manufacturing sector in economic growth in Northern Ireland, why is there no manufacturing strategy currently in place with long-term commitments and targets on key issues like rates, energy and infrastructure?

Mr Bell: I think that the Member knows the answer to that question because his party was party to the economic strategy. His party agreed that we would put all of our strategy into one specific strategy, which was the economic strategy, which his party at Executive level agreed to. Manufacturing is a very important sector for Northern Ireland. I do not take away from anybody who has lost their job. Anybody who grew up in the 1970s and 1980s in Belfast, as I did, and who watched their family and other people lose their jobs knows how devastating that is. Equally, the manufacturing sector is telling me of the successes that it is having, and it has been performing well. Over the past year, it has added 4,000 additional jobs. The manufacturing output is up by nearly 3%, and that is more than the UK average.

We want to ensure that we continue with a strong recovery. That is why I have done specific things for manufacturing. Look at what I did to try to help Bombardier address its energy costs. We also had a proposal on the table with Michelin. We will never know what would have happened if it had taken that up. Last week, I spent time at Montupet with about 15 companies from the manufacturing sector that are all high energy users. We spent quite a bit of time looking at where the strengths, the weaknesses and the opportunities were coming from. Also, as the House knows, I have established the manufacturing energy task force. It is being chaired by a person who, as I understand it, is the fifth-largest energy user in Northern Ireland. I await the outcome of that, and I intend to give very due diligence to that to see how we can further support the sector.

Mr Allister: The Minister describes the reduction that is pending in corporation tax as a game changer. Can he explain why it did not change the game in my constituency for either JTI or Michelin, which are leaving our shores, sadly, approximately at the time when the reduction in corporation tax will come? Clearly, it did not impress them as something causing them to make it worthwhile to stay, so is it really the game changer that the Minister proclaims it to be? Experience to date in my constituency does not suggest so.

Mr Bell: I think that the Member raises some very important points about Michelin specifically. Not only have I spent several hours trying to ensure that we get that workforce all the qualifications so that the employees are in the best place to get new jobs, but I have spent quite a bit of time with the Michelin management.

I asked them whether there was anything more that the Government could have done, and they said no. When I asked them to list the reasons why Michelin left north Antrim, they explained that there was a glut of thousands in the truck tyre market — it made a very specific product there. They talked about fluctuations in the euro and Asian imports costing £130 against the vastly superior Michelin product that cost over £500.

I can tell the Member that there is huge interest in Northern Ireland. Companies like Allstate say to me, "Jonathan, we came for the costs; we stayed for your people". Other companies like Citi come to provide hundreds of jobs and now provide in the region of 2,000. The likes of Randox and Wrightbus, which is in your constituency, are tripling their profits and talking about what they can do into the future. If we present a collective message of low cost, low tax and an excellent workforce, we have a winning message for the economy in Northern Ireland.

Jobs: West of the Bann

5. **Mr Milne** asked the Minister of Enterprise, Trade and Investment to outline the action he has taken regarding a targeted job investment programme west of the Bann. (AQO 9599/11-16)

Mr Bell: Invest Northern Ireland's role is to support companies that bring forward investment projects on the basis of merit, irrespective of where they are based. Through local government reform and the process of community planning, councils can shape job investment in their region by tailoring a subregional proposition to drive investment into, and set relevant targets for, their respective areas. Invest Northern Ireland will assist in the development of those council-led subregional strategies to help to drive economic development on an equitable basis throughout Northern Ireland.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as na freagraí a thug sé go dtí seo. I thank the Minister for his answer. Will he detail his Department's success or otherwise in securing investment in Mid Ulster, which I represent, and, in particular, the south Derry end?

Mr Bell: From 2011-15, Invest Northern Ireland support totalled £118 million. That contributed to planned investment of £673 million in areas west of the River Bann and helped businesses to promote 9,679 jobs. During the same period, businesses in that area created some 7,416 jobs. Those figures include assistance and investment totalling £15 million and £20 million that was offered to external delivery organisations and universities, which promoted six jobs. The number of jobs promoted and created is directly proportional to the adult population of each area. Twenty-seven per cent of the adult population resides in the west, and that is directly comparable to the 26% of jobs promoted and 27% of jobs created by businesses with Invest Northern Ireland support.

Mr Diver: Minister, your description today of prosperity and jobs coming forward is, I think, as someone from the constituency of Foyle, almost like Harold Macmillan saying that we have "never had it so good." The Executive's north-west ministerial group met only twice in the last year. Is that appropriate action given the level of disadvantage that we face? Should we be looking at a bespoke measure like a city deal for Derry?

Mr Bell: I can understand the Member needing a sound bite, but he should not talk down the area that he represents. He will know, if he has been following this for the last 12 months, what I have done publicly in that area specifically. I have also been in the area privately on a number of occasions, and I want to see fruit grow from that. He will know from the announcements about OneSource Virtual, ModSquad and Nu Print Technologies that we have created, with Invest support, hundreds of new jobs in his area.

If he does not know that, he should.

When I addressed the Chamber of Commerce and spoke to the skills sector and people involved with the universities, I sensed that there is an upbeat, can-do nature. I want to facilitate that, from small businesses such as Oakgrove, which is creating a quality, premium product for export, right through to those big job announcements such as that from ModSquad, which has created hundreds of jobs in the area. We will build on that. Come with me and I will support you 100% in trying to bring business into the area and telling people that they have 84% of the business costs of the rest of the UK, they have very well educated people, and, on 1 April 2018, they will have the most competitive rate of corporation tax. That should be a winning message.

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions.

3.15 pm

Economic Inactivity

T1. **Mrs Cochrane** asked the Minister of Enterprise, Trade and Investment whether he acknowledges that the levels of economic inactivity represent a structural problem within our economy that must be tackled. (AQT 3471/11-16)

Mr Bell: Yes, I do. I have had tremendous support in the one year that I have been in office, and I have seen what Mr Farry did as Minister in trying to ensure that we address long-term economic inactivity. It is reducing but only by percentage points, and we want it to reduce further.

Mrs Cochrane: I thank the Minister for his answer and for the fact that he acknowledges that there is an issue. What steps can be taken in the coming months to identify the financial resources to begin to implement the Executive's economic inactivity strategy that his Department co-produced with DEL?

Mr Bell: We have been trying to ensure that that budget delivers against the strategy that we set out. The Minister for Employment and Learning had discussions with the First Minister when she was the Finance Minister, as most of us did in our Departments, and extra money was allocated directly to skills. None of us got everything that we wanted, but it was recognised that we have a wonderful opportunity in front of us.

Minister Farry was with me in the States when we went to a number of specific companies to look at what we can do together to address economic inactivity. He is doing excellent work in bespoke training for companies. The training is taken through, and the person has only to be interviewed by the client at the end, and they are delivering real success. That is the right model: go with the business model and then back it up with training. In a new

Department for the Economy, we will try to align the skills to factor in the jobs that we can and will have.

Brexit: Business and Industry Concerns

T2. **Mr Dickson** asked the Minister of Enterprise, Trade and Investment to outline the representations he has received from business and industry about the concerns around the negative impact of the United Kingdom's exit from the EU. (AQT 3472/11-16)

Mr Bell: I should correct the record, as I made a mistake last week when I talked about not knowing the nature of the "question". I should have said the nature of the "terms", so I will correct the record.

Businesses have spoken to me but have not done so exclusively with one voice. Different approaches are being made. We have commissioned Oxford Economics to provide the best information so that people can examine what may or may not come next week.

Mr Dickson: I thank the Minister for his answer. With the First Minister leaning towards out of the EU, is it likely that you will be the only Enterprise Minister in the United Kingdom who is anti-EU and will lead the charge against industry and business in Northern Ireland?

Mr Bell: I support 100% the position adopted by Mrs Foster as First Minister, by our MEP and by our parliamentary leader. What I have asked people to do is look seriously at the information that we are commissioning from Oxford Economics on the range of options and examine it against the terms that come through.

Tourism: Potential and Promotion

T3. **Mr Lyons** asked the Minister of Enterprise, Trade and Investment for his assessment of Northern Ireland's tourism potential and to state the actions his Department has taken to promote tourism here. (AQT 3473/11-16)

Mr Bell: Tourism in Northern Ireland is going from strength to strength. I think that the last set of figures that I looked at showed that it is worth £751 million, and we intend to grow it to a £1 billion industry by 2020. I get very encouraged when I hear about 81 cruise ships coming into Northern Ireland and when I see statistics saying that 2.53 million people are visiting Titanic Belfast. I am also very encouraged to hear that, as I announced on Friday, 100 major Chinese tour operators are coming to visit Northern Ireland in the next number of weeks. The potential of that is absolutely huge. I had them down at Mount Stewart, and they were, quite frankly, blown away with what they could offer. They were telling me that they could surely attract significant numbers of Asian tourists, who are in one of the biggest markets in the world, to Northern Ireland.

Of course, I know that the Gobbins cliff path is in the Member's constituency. That is a feature. When you put it alongside Titanic Belfast, the Geopark in the west and Mount Stewart and combine them, you see why we have a unique tourism offering in Northern Ireland and why I am confident that we should achieve our target of a £1 billion industry by 2020.

Mr Lyons: I am very pleased that the Minister highlighted the Gobbins cliff path as one of the attractions in our constituency. It is great to hear that so many good things are happening within tourism at the minute, but we do

have a slight problem. An awful lot of people go to Titanic Belfast and then perhaps up to the north coast. Would it not be a good idea for more tourists to go via the east Antrim coast to visit Carrickfergus, the Antrim coast road and the Gobbins cliff path? Will the Minister agree to work with and meet Mid and East Antrim Borough Council so that we can work out how we can maximise the tourist potential of that area?

Mr Bell: I will, of course, meet the council. The Member was with me the previous occasion we met the council specifically on the tourism initiative. I will continue to work with the council because I want all of Northern Ireland to benefit from the tourism that comes in.

We have found that, when people come and visit us, they like it. They come back and want to bring their family and friends. Part of our challenge is to make sure that they come and visit us specifically. The whole Causeway coastal route is worthy of international appeal, and it has been identified as an area for growth for visitor numbers and for spend.

When you add the other things that are going on on the periphery, you can see things like the huge success of 'Game of Thrones' tourism. The Irish Open in 2015 had 107,000 paying spectators, and we will get the Irish Open back in 2017. We will also have one of the biggest tournaments in the world, The Open, in 2019. You can compare those with things like the Women's Rugby World Cup. My Department is putting a lot of strength into trying to attract the Rugby World Cup to Ireland, which has the potential to bring some 350,000 rugby supporters here, and into working on how we can maximise that benefit for Northern Ireland. When you look at that, you will see that we can all be encouraged by the tourism offering.

Renewable Heat Incentive Scheme: Closure

T4. **Mr Patterson** asked the Minister of Enterprise, Trade and Investment when the closure of the renewable heat incentive scheme will take effect, considering that legislation passed on 18 November 2015 clearly stated to the sector a closure on 31 March 2016. (AQT 3474/11-16)

Mr Bell: I welcome the Member to the House. I said that there was a huge increase in the demand for the renewable heat incentive scheme at the end of last year. That has given not just my Department but Northern Ireland a huge budgetary pressure. As the Member should know, the Chancellor of the Exchequer decided to limit the amount of money that was paid to Northern Ireland out of the UK pot for renewable heat. That is why I signalled my intention last week to ease that financial pressure, which could amount to over £27 million.

Mr Patterson: I welcome the comments of the Minister, and his welcome to the House.

The Minister announced the sudden closure of the renewable heat initiative last Friday, after 6.00 pm, in a press release. In his press release, he mentioned that around 6% of Northern Ireland's heating needs are now provided through renewable technologies. The Executive's Programme for Government renewable heat target is 10% by 2020. Has the Minister abandoned that target? Does he still have an incentive policy for renewables? A lot of firms have invested money into this and need answers from the Minister.

Mr Bell: The reality is that we have exceeded the current target. I now want to listen specifically to the industry. I have been listening to individuals who are currently installing the renewable heat boilers. I think it is important that we, as politicians and everyone in this House, listen and do all that we can to help as many people as possible. I will reflect on what is being said to me, and I will examine ways in which I can help those who have been affected by my decision from last week. I also want to say that, inevitably, there will be an investigation into why we have found ourselves in this position. I have, as a matter of urgency, asked my own officials to ensure that the scheme is running to the letter and spirit of the law. I will be keeping a very close eye on that.

I think the Member also needs to understand that the Chancellor of the Exchequer has limited the amount of money being paid to Northern Ireland out of the UK pot as regards renewable heat, and that puts challenges on every Member of this House.

Employment Law: Inward Investment

T5. **Mr Ross** asked the Minister of Enterprise, Trade and Investment, who will be aware that the Employment Bill is working its way through the House today in order to reform employment law in Northern Ireland, and in light of his previous answer in which he listed business costs, the talent pool and corporation tax as three of the main drivers to get investors to come to Northern Ireland, to state how important the employment law environment is when he is talking to investors who are thinking about coming here. (AQT 3475/11-16)

Mr Bell: Any investor will want to consider the employment legislation against the backdrop of putting a significant amount of investment into Northern Ireland. I have to say that in all my discussions, from Asia through to America and Europe, I have learned that when they look at Northern Ireland they are looking specifically to a talent pool with a very low rate of attrition; I think that, in some cases, it is less than 7%. Investors are looking to save business costs and are attracted by us having, in the future, the lowest rate of corporation tax in Western Europe. I think all of that has helped us to reduce our unemployment figures to approximately 6%. This stands against a European average of above 9%, and, the last time I looked, the Irish figure was 8.9%. So we are in a very competitive position. We cannot rest on our laurels. We have the unique opportunity of there being 30,000 jobs in front of us. The challenge is for us to ensure that we have young people with the skills to rise to that challenge and also to ensure that, as people progress, we see a decrease in economic inactivity.

Mr Ross: The Minister has talked about the competitive nature of attracting investors to Northern Ireland. One of the elements of the Employment Bill going through today is an amendment that will allow Northern Ireland's qualifying period for unfair dismissal to be the same as that in GB. Would he share my concern that, if Northern Ireland has a different employment law environment than, perhaps, Glasgow or Liverpool, we would be at a disadvantage, in terms of investment, if we did not keep in step with change in the GB employment law?

Mr Bell: Yes. Let me answer the question in the following way: one of the groups that I was with came here to create

hundreds of jobs and is now in a position where they have created thousands of jobs. Their chief executive told me that one of the things specific to Northern Ireland is that, on an international market basis, people love the fact that, in terms of compliance, law and regulation, we are on the same page as the rest of the United Kingdom.

You could have all the advantages of United Kingdom business, with lower costs and, I would say, a very attractive employment pool to work from — one of the best educated — and, into the future, the lowest rate of corporation tax in western Europe. However, it has been mentioned to me that that compliance across the United Kingdom, and particularly the regulation across the United Kingdom, has led to further investment in Northern Ireland.

3.30 pm

Mr Deputy Speaker (Mr Dallat): Mr Gregory Campbell is not in his place. I invite Mr Paul Girvan to ask a very short question.

Air Passenger Duty

T7. **Mr Girvan** asked the Minister of Enterprise, Trade and Investment, in light of Belfast International Airport's recent job announcements, what measures he has taken to ensure that this region gets some help with air passenger duty (APD), given that we are competing with Dublin — 100 miles down the road — which offers 0% APD, and the Scottish islands, which have had some flexibility, albeit that we are tied to the UK system, has he lobbied for the abolition of APD. (AQT 3477/11-16)

Mr Deputy Speaker (Mr Dallat): Minister, can you answer that in a few seconds?

Mr Bell: Yes. First, I congratulate Graham Keddie and his marvellous team for the success that they have had, not just in job creation but in increased passenger numbers. I believe that the UK as a whole should address air passenger duty, and we lobbied very strongly for that to happen. That does not take away from the fact that it should happen on a UK-wide basis to drive tourism in Northern Ireland. I will continue to work with all our airports; I have been to City of Derry Airport and I have seen the success of Belfast City Airport in increased passenger numbers and the boost to the economy. There is a really good news story in the Member's constituency, and I will look at every avenue that I have, not just in lobbying the UK on air passenger duty but seeing what we can do around air route development funds and marketing strategies that could lead to continued further success.

Mr Deputy Speaker (Mr Dallat): Time is up.

Mr Ó Muilleoir: On a point of order, Mr Deputy Speaker. Is it in order, despite our many differences, to commend the Minister on the Alert Logic job investment in Belfast yesterday, which, incredibly, he did not mention? I think that the House should congratulate him on that.

Mr Deputy Speaker (Mr Dallat): I am sure that that is not a point of order, but the Minister will have heard it.

Mr Bell: Thank you very much. Unfortunately, I could not announce it myself because I was on other business that, I hope, in the long term, will deliver for the economy of Northern Ireland.

Mr Deputy Speaker (Mr Dallat): I invite Members to take their ease while we change the top Table.

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

Executive Committee Business

Employment Bill: Consideration Stage

Clause 14 (Protected disclosures: reporting requirements)

Debate resumed on amendment No 9, which amendment was:

In page 10, line 28, after "Assembly" insert

"or to the Secretary of State for laying before both Houses of Parliament".— [Dr Farry (The Minister for Employment and Learning).]

The following amendments stood on the Marshalled List:

Amendment Nos 10-17.

Mr Deputy Speaker (Mr Beggs): We will now return to the debate on the second group of amendments in the Consideration Stage of the Employment Bill.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I am going to speak on amendment Nos 10, 14 and 15. Amendment Nos 10 and 15 are in my name and those of my two colleagues Bronwyn McGahan and Fra McCann and amendment No 14 is in the name of Mr Basil McCrea.

Amendment No 15 deals with the issue of zero-hours contracts. There is widespread acknowledgement in the House that it is an issue that needs to be dealt with. There is still no consensus on this issue, as the Minister and others have said. The Minister brought forward policy proposals to the Executive last February for consideration but, unfortunately, he could not get political consensus on those proposals and withdrew them.

Zero-hours contracts are one of the biggest issues —

Dr Farry (The Minister for Employment and Learning): Will the Member give way?

Mr Flanagan: I certainly will, Stephen, go ahead. You are at it early.

Dr Farry: Just for the record, I did not withdraw the proposals because I was not getting political consensus; that hope still lies before me. I withdrew them because we were effectively out of time to draft the complex clauses that would have put the Executive paper into effect.

Mr Flanagan: I thank the Minister for his intervention. He has taken all the blame now instead of trying to blame Sinn Féin for a change, so that might be a positive development.

Zero-hours contracts are one of the biggest issues facing this generation of working people. They have a deeply negative impact on workers' rights and protections and on employment practices. The Minister engaged in a very extensive and laudable public consultation on zero-hours contracts, and I think that the feedback he got was that such contracts are bad for the 28,000 workers who have them. They are also bad for their families, wider society and, indeed, the economy. Zero-hours contracts disproportionately affect women and unskilled workers and, therefore, have an impact on human dignity and self-

esteem. It is very important that we take this opportunity to address zero-hours contracts.

During his public consultation and his presentation to the Employment and Learning Committee afterwards, the Minister acknowledged the negative impact that zero-hours contracts have for many workers, yet the proposals he brought forward to address that were, in my view, totally inadequate. I believe that the best solution for dealing with zero-hours contracts is to ban them, and that is why we have tabled this amendment today. If we allow zero-hours contracts to continue as they are, it will create a further unequal balance between workers' rights and employers' obligations, and, at the minute, that seriously disadvantages workers.

Dr Farry: Will the Member give way?

Mr Flanagan: Certainly, Stephen.

Dr Farry: Does the Member, therefore, feel that his colleague the Minister of Education has been guilty of exploiting workers, given that he, his predecessor and the Sinn Féin Minister before that presided over a system where supply teachers were used in schools? That is a form of zero-hours contract.

Mr Flanagan: I thank the Minister for his intervention. I had intended to return to his allegations that the health and education services would be put into crisis overnight if this amendment were passed. The fact is that casual worker contracts have been in place for generations. It is my view that, with those types of contracts, people were seen as workers rather than employees, because there is a very clear legal difference between the two. It actually suits having people as bank nurses and substitute teachers much better than having them as employees. I do not think that bank nurses and substitute teachers should be seen as employees; I do not think that they should be on a zero-hours contract. I do think that giving staff zero-hours contracts seems to be the new fad that all employers are doing. It is an excuse for lazy, ineffective and bad management. Instead of figuring out what staff you will need to run your business, people put everybody down for zero, even if they work 35 or 40 hours every single week. That is an issue that has been raised time and again with me as an MLA, and I am sure it is the same for the Minister and other colleagues in the House.

We cannot have a situation where the health service is being run by staff and nurses on zero-hours contracts. There is a reluctance in the health service to give nurses a proper full-time job. The over-reliance on as-and-when staff — or bank staff, as they are called — is a serious problem in the health service. This amendment would not make it worse. It would actually discourage the health service from using those types of contracts for people who are, in effect, full-time staff but who are down as zero-hours contract staff or employees. This amendment would force people who need casual workers to hire casual workers, instead of hiring employees and giving them zero-hours contracts. What we are seeing is that people are being punished — having their hours put down to zero — if they are not available for work, join a trade union or exercise any rights at all. The employer then has every right to punish them by moving them from a regular 30- or 40-hour-week basis of employment and putting them down to zero. Then, there is no mechanism for an employee to take a case for unfair dismissal or to take it to a tribunal

because it is not covered. That is one of the big issues with zero-hours contracts.

I think it is important to remember that, when the Minister appeared before the Committee, after his consultation closed and I put to him the prospect that zero-hours contracts should be banned, he, more or less, said “We can't do that, because employers would find a new way of treating employees badly”. I agree with him; that would be the case. A small minority of employers who want to treat their staff badly, abuse them and not give them any rights as workers or employees, or give them any dignity as human beings, will find a way to circumvent the law.

Mr B McCrea: Will the Member give way?

Mr Flanagan: I will, Basil.

Mr B McCrea: I want to ask the Member whether he has identified these really rogue employers, these really bad people who are absolutely outrageous to those whom they employ. Does he think that we should ban them altogether? Does he think that we should tell them to sling their hook, leave Northern Ireland and not be part of us because we do not want that type of employer here? That is where the logic takes us — if these people are so bad, so heinous and so wrong, there is no saving them. Let us get rid of them all.

Mr Flanagan: I thank the Member for his intervention. I do not necessarily agree that we should force all those employers to leave. However, we are a legislative Assembly, and we should introduce legislation that they have to comply with that affords dignity and self-respect to workers. I do not think that we should ask Sports Direct to close all their shops and move out just because they treat their staff badly. However, it is a fairly basic requirement that employers operate within the law, and what we propose to do is implement and introduce a law that ensures that workers are treated with a bit of respect and dignity.

I do not think that the Member's intervention is rational, and I certainly do not agree that we should ask those who are over-reliant on staff with zero-hours contracts to up and leave. We should bring in a legislative framework that protects workers. That is a fairly basic requirement, and I do not think that it is asking too much.

What we are seeing at the minute with workers' rights — the Minister referred to it in his opening remarks — is an increase in casualisation. Staff are now being hired increasingly on zero-hours contracts. We are told that everything is rosy in the garden, that unemployment is going down and that more and more people are in work, but, in reality, how many of those jobs are zero-hours contracts? How many of them are low-paid? How many of them are for people in underemployment, where people who want to work full-time or want to work more hours cannot get them? The amendment would prohibit —

Mr Ross: Will the Member give way?

Mr Flanagan: I will, Alastair, yes.

Mr Ross: The Member has posed a series of questions about how many of the employed are on zero-hours contracts. Has he any answers? We need evidence-based policymaking. Has he specific answers to the questions that he has posed?

Mr Flanagan: I have, and it is good to hear a Member on the opposite Benches arguing for evidence-based policy. It is certainly a far cry from some of their previous policies and the Member's support for extending the qualifying period for unfair dismissal. It is clear that there is no evidence to support that policy proposal.

The Minister's public consultation highlighted that there were 28,000 people here on a zero-hours contract. You cannot tell me that every one of those 28,000 people wants to have no surety about what hours they work this week, next week or the following week or that they can land into work today at 4.00 pm and be told, "We do not need you; go on home" and not be compensated for that at all. I do not think that that is acceptable. I accept that there is a need for flexibility in the workplace for employers and employees, but, at the minute, the pendulum is far too much in favour of employers, and, unfortunately, a minority of employers is abusing that right.

If we do not take this opportunity to tackle the scourge of zero-hours contracts, it will be a missed opportunity. To be fair to the Minister, he tried to bring forward some pragmatic solutions that would have dealt with the worst aspects of zero-hours contracts, particularly exclusivity contracts, where somebody works for an employer exclusively and is not allowed to work for another employer. That might be the case or might be justified in some high-end employment places where an extremely rare set of skills is required and confidentiality is required between one employer and another. However, I do not think that that is necessarily the case in a restaurant, a high-street store or a job where people are not even paid the living wage.

Mr B McCrea: Just before the Member moved off the issue of evidence-based policy, he quoted in response to Mr Ross the figure of 28,000. Is he aware that that is a simple pro-rata estimate for Northern Ireland? It is just plucked from the air. We have no real idea what the number is. It is a simple pro-rata estimate, where 4% to 5% gives 28,000 to 35,000. In other places, we say that it is only 1-2% of the employment of Northern Ireland. Before we pass any legislation, would it not be better to get some evidence base?

Mr Flanagan: The Minister engaged in a public consultation to identify the scale and extent of the problem and find out directly from people on zero-hours contracts how they were being treated as employees and whether a zero-hours contract was the right employment contract for them. I think that all of us, as MLAs, received many pieces of correspondence from people who had responded to the public consultation and copied us into their response. Some of the practices of employers who routinely employ people on zero-hours contracts are very alarming. Zero-hours contracts are not illegal. They are not illegal because we have not dealt with them as a legislative body and a case has not been successfully taken through an industrial or fair employment tribunal to make them illegal, but that does not mean that they are ethical or right. Employers should not be allowed to treat employees in such a way.

3.45 pm

The difficulty with the Minister's argument about the health and education services running into crisis overnight is the different legal status of a worker and an employee. There would certainly remain flexibility for employers of all sorts to have casual workers on the books, including a medical

ward that needed to bring in agency or as-and-when staff to cover staff sickness. However, I do not think that it is acceptable to give a health and social care trust carte blanche to hire a significant proportion of its nurses as bank or as-and-when staff —

Dr Farry: Will the Member give way?

Mr Flanagan: — and move away from having full-time, permanent nurses.

Dr Farry: It is important that the Member be aware that supply teachers, who were previously regarded as agency workers, are now regarded as employees with zero-hours contracts. There are good reasons for that shift having taken place. Casualisation, which, as the Member implies, can occur on an agency basis, would be an even more retrograde step, not just because of its impact on staff rights. It also opens up issues around inefficiency. For example, one area is child protection and how schools would engage with people who are even more at arm's length from them if they were on a de facto supply teacher list as opposed to a de facto zero-hours contract.

Mr Flanagan: I largely accept what the Minister says, but I still do not accept that teachers and nurses have to be employed on zero-hours contracts. There has to be some way of getting casual worker contracts — not necessarily through an agency — to meet the need for flexibility in the public sector. However, the target of the amendment is not the health service, the education system or the public sector generally, and I do not think that either service would be negatively affected.

I accept, once again, that flexibility is required by some employees and some employers, but the problem is that a small minority of employers are abusing the system, generated in recent years, of zero-hours contracts. It was not a concept that existed 10 years ago. You had full-time and part-time members of staff and casual workers to come in to do a piece of work when required. The situation now is that employees are called in whenever the employers want. They are not given any notice of when they will be working or when their shift will be cancelled. They are not compensated if the work is cancelled at the last moment, even when they have turned up. There is a vast amount of documentary evidence about the abuse, particularly by employers such as Sports Direct, whose whole business model is based on employing staff on zero-hours contracts. That needs to be addressed. We cannot bury our heads in the sand and say that we are not going to do anything.

The debate on zero-hours contracts has gone on long enough, and I accept that, at this stage, we do not have consensus on an outright ban. I accept that, but that is my party's position on the matter. It is a missed opportunity, however, not to address the issue now when there is an opportunity through the Employment Bill for us to put in place at least some measures to protect employees from abusive employers who base their whole business model on zero-hours contracts and do not understand that people need surety. We are told about the needs of our housing market, but how can people get a mortgage if they are on a zero-hours contract?

When the Minister brought forward his proposals to tackle zero-hours contracts, one of the issues that Mr McCann and others put to him was the ability of people in low-paid jobs to access benefits and working tax credits.

The Minister assured us that his Department and the Department for Social Development were working on a joint departmental approach. A year later, we have not had any kind of update on how the benefits system will be changed to meet the need for flexibility of employees who one week may get 30 hours and the next three or four weeks get none and, because that is the case, do not get any benefits at all. That is another issue to be sorted. It does not appear to be a legislative barrier, and it is something that Departments can work on together.

I will now move off zero-hours contracts and on to the other two amendments. The question that I want to pose to Members is this: do we want to return to a system of employment where workers turn up at the gates of the docks or the workhouse on a Monday, Tuesday, Wednesday, Thursday and Friday morning to see whether they are lucky enough to get pulled in the gate for a day's work?

That, in effect, is what is happening with zero-hours contracts. People are turning up at their workplace in the morning or afternoon and either being told that there is work for them or sent home. The employer has absolutely no duty to organise their workplace effectively. It is being done not only to completely erode workers' rights but to cover up for lazy and ineffective management within organisations.

I will move on to Mr McCrea's amendment No 14 about extending the qualifying period for unfair dismissal. There is absolutely no justification to warrant this legislative change. Extending the qualifying period for unfair dismissal does not make any sense. The CBI, the FSB and employers' representatives of that nature will tell you that it makes it easier to hire staff. It does not make it one bit easier to hire staff; it makes it easier to fire staff. My understanding is that the whole purpose of having a one-year period in which you cannot take a claim for unfair dismissal is so that the employer has a chance to figure out whether the employee is capable of doing the job and to give the employee a chance to become skilled up and able to do the job so that the employer can make a determination as to whether or not they are capable of doing it. If, after one year, an employer cannot figure out or does not know that an employee is not fit to do that job or that they are not performing, they are never going to know. A full year, 12 months, is enough for an employer to know that that employee is not cutting the mustard.

Mr B McCrea: Will the Member give way?

Mr Flanagan: Yes.

Mr B McCrea: Given that the Member is so keen on evidence-based assessment, how long does he think that it would take an employee who is joining work, having been unemployed in the past, to get up to speed so that he is fully protected? Does he have any figures?

Mr Flanagan: I do not have any figures but I will come on to a piece of evidence in a moment that will explain why there is no economic or social justification for this policy. I make the point to the Member that anybody who has applied for a job in recent years will have seen that, when you apply for a job, one of the criteria states that employees will be on probation for the first six months. I do not understand why employers give a probationary period of six months, yet there is a full 12 months in which an employee cannot take a case for unfair dismissal. Some Members want to extend that qualification period

to two years. You go into a job and you get a six-month probationary period. So, the employer is saying, "After six months, I will know whether or not you are fit to do this job." However, a minority of Members here want to extend that to two years. Really, all that would do is deny people the right to go to a tribunal.

The whole purpose of the rule where you cannot take a claim within one year — I think that one year is probably a bit too long, given that most employers put people on probation for six months — is to allow people to bed in. It is not to allow businesses to downsize and get rid of staff without having to make redundancy payments. No matter what you have been told or what you think, it is not to bring additional flexibility into the workplace. The whole point of it is to allow employers to establish whether employees are fit for the job and to allow employees to figure out how to do the job before an assessment is made of whether or not they are fit for it. Moving to two years does not make any sense.

The only evidence that exists in this regard in recent years was the move, within the first year of the coalition Government in England, from a one-year qualification period to a two-year period. We stayed the same and kept the one-year period. We will be told that that is a massive barrier to inward investment and that no companies would come and base themselves here because they could not sack their staff within a year. I do not think that companies come here to hire staff so that they can sack them. What actually happened in that year when employers in England could sack staff within up to two years without any legal recourse and employers here could only do it within 12 months was that we had record levels of inward investment and job creation facilitated by Invest NI. So, the only evidence that exists highlights that this actually does not present a barrier to job creation at all.

As I highlighted to Mr Buchanan earlier, I was really interested to hear the comments from Mr Hilditch at Second Stage when he said that he supported the idea of not following suit with the rest of the UK by deciding not to increase the qualifying period for unfair dismissals from one year to two years. In the same debate, Mr Anderson outlined that he was in favour of extending it to two years. It appears that there is a difference of opinion within the DUP, and it is hard to know why that has changed. I accept that Mr Ross is a long-time advocate of the proposed change and has raised it consistently since 2012. It may well be the case that employers are raising it with him, but I do not think that it is a barrier to job creation or growing our economy. If we made the change, all it would do is erode workers' rights, with no tangible benefit in return for employers.

Amendment No 10 is about putting a statutory duty on companies to publish information on the extent of differential levels in pay between male and female employees. It is important to highlight the fact that, as the Minister said, it is largely based on legislation that exists in Britain that was enacted in 2010 but which has never taken shape here. The legislation enacted in Britain was slightly different, and I will highlight some of the differences that exist. Forty-six years after the introduction of the first Equal Pay Act, women can still expect to earn significantly less than men over their entire career as a result of differences in caring responsibilities, clustering in low-skilled and low-paid work, the qualifications and skills that women acquire and outright discrimination. Thankfully, discrimination, in that sense, has been made illegal, but

that does not mean that it is not happening. The whole premise of the amendment is to shine a light on where women are being paid less than men for doing similar jobs.

Recent evidence indicated that, at a macroeconomic level, women here earn more than men. However, if you drill down into those statistics and look at them in some detail, you will see that that could be explained by the higher proportion of females employed in the public sector and the fact that jobs in the public sector tend to be better paid than those in the private sector. It is also the case that those statistics were gathered after the complete collapse of the construction industry. The fact is that so many men across the North lost their jobs in a well-paid, skilled trade. As a result, they are unemployed, they emigrated, or they have opted for less-well-paid or even part-time employment. I meet men who have left the construction site and are now stacking shelves in shops on a zero-hours contract. There is a reluctance amongst those people ever to go back into construction.

In the gender pay gap, even though the difference in Britain is, I think, 13.9%, women are actually paid more here than men, but there are some unique explanations for that. However, there is no information as to whether men and women carrying out the same job are being paid differently in the same organisation. Many groups that campaign to eradicate the gender pay gap acknowledge that the first thing we need is accurate information on the scale and extent of the problem to allow it to be addressed. As I said, the British Government introduced similar legislation, but they made it applicable only to organisations that have more than 250 employees. If we were to follow that course of action and go with 250 employees, that would be the minority of employers and employees. I would have been minded to go for companies with 10 employees or more, but, in the interests of getting maximum political support, 50 is a happy medium.

In England, it was largely done in the same way: the 2010 Act was an enabling piece of legislation that allowed the British Government to bring forward regulations to enact it. However, we are still waiting on those regulations to be brought forward. That is why the amendment includes the date of 10 November 2016 by which the first regulations must be made. That date, of course, is Equal Pay Day, which is the day on which, women argue, they stop being paid for the rest of the year in Britain because they are paid 13.9% less. The Minister indicated that there may be some difficulties for his Department in meeting that deadline. I do not necessarily agree with him, but I accept that maybe he has a better understanding of how his Department works than I do. The officials in it certainly have a better understanding. The information that will be published will apply only to companies with 50 or more employees. It will have to set out the extent of the pay gap in each organisation. They also have to carry out an equal pay audit. I have left it up to the Minister to set out much of the detail required, but I have set out some parameters that need to be included in such a report, including a demonstration of the methodology used to calculate any differential in pay between male and female employees.

4.00 pm

One of the biggest criticisms of the legislation in England is that there is no mechanism for employees or recognised trade unions to get sight of the information about their

employers, so we need the Bill to include a requirement for the information to be shared with company employees and any recognised trade unions. The legislation in England refers to the publication of a report, but what does that mean and where does the report go? It needs to be shared with employees and trade unions.

Finally, the amendment would also require the Executive to introduce a strategy to tackle the gender pay gap within 18 months. Another big difference between this Bill and the legislation on the statute books in England is that the proposed sanction for non-compliance is capped at £5,000 in England. We have decided to apply a cap of £5,000 per employee because many people feel that a penalty of £5,000 for a large company with 5,000 employees is not much of a sanction, not much of a deterrent and not much of an incentive for companies to comply. A sanction of £5,000 per employee would mean that companies were extremely reluctant not to comply with the legislation.

It is clear, even though we do not have the information to the extent that we need it, that there is no one clear cause of the gender pay gap. There are important factors, such as discrimination and the fact that roles predominantly done by women are undervalued by many. Men tend to dominate the best-paid positions, and there is an inequality in the level of caring responsibilities. The gap appears to be wider for older women, women from ethnic minorities, women in certain occupational sectors, such as skilled trades, and women on higher earnings. If we got the information, it would give us a much better insight into the scale of the problem and allow the Department to produce a much more informed strategy on how to deal with it.

The Minister said that the timeline was not realistic. Although I do not necessarily agree with him, other Members seem to share his concern, so I am prepared not to move the amendment on the gender pay gap and work with the Minister and other colleagues to find an amendment that meets the Department's needs. The Minister also has concerns about the responsibility for this being put on his Department as opposed to OFMDFM, which currently has responsibility for equality. I am happy to discuss those issues with the Minister and, at this stage, am minded not to move the amendment. Hopefully, we will return at Further Consideration Stage with an amendment that meets the approval of the Assembly. Go raibh maith agat.

Mr Diver: I am grateful for the opportunity to speak to the group 2 amendments. There are three issues that I want to touch on: the gender pay gap information; amendment No 14, tabled by Mr Basil McCrea; and amendment No 15, which seeks to introduce a new clause on zero-hours contracts.

Amendment No 10 would introduce a new clause on gender pay. I take on board that its proposer has decided not to move it, but it is still appropriate to speak to it. It would be a welcome step towards fully investigating the extent of the gender pay gap in Northern Ireland. There can be no doubt that it is a matter of concern and that such inequality still exists

Last year, the Office for National Statistics (ONS) said that there had been relatively little change in the gender pay gap over recent years. In the UK, the gap between women and men's pay for full-time workers was 9.4% in April 2015 compared with 9.6% in 2014. Even with the legislation in England that Mr Flanagan referred to, the pay gap is still

a considerable issue. That was the narrowest difference since figures were first published in 1997, but there has been little change overall.

It is positive to say, and Mr Flanagan touched on this, that there has been better news in Northern Ireland about our ability to address the pay gap. It has lessened here, with full-time female workers often earning more per hour than their male counterparts in 2014-15. That, as Mr Flanagan said, is due to the propensity of people here to work in the public sector. There is, however, a concern about that, with tensions in the public sector and the possibility of its shrinking, and the feeling that, mainly due to cuts in the public sector, people will increasingly be working in the private sector. I accept that many people think that that is the way that our economy should be going, but that seems to be where the greatest risks of pay differentials are. Nevertheless, it is good protocol to investigate gender pay gaps and collect employment information.

The SDLP suggests that it would have been positive to include the Equality Commission in the monitoring and reporting section of amendment No 10.

Mr Flanagan: I thank the Member for giving way. We had considered that, but, unfortunately, due to the amendment being proposed at Consideration Stage, there was not enough time for the British Secretary of State to grant approval for its inclusion in the Bill, and I certainly did not want to do anything to jeopardise the passage of Minister Farry's flagship Employment Bill.

Mr Diver: Thank you very much for that, which I accept. Obviously, it is a matter of concern. I take on board the fact that the timescales may not have allowed it to happen.

I turn now to Mr McCrea's amendment No 14. I was perplexed, as were my party colleagues, by the amendment. I spoke to Mr McCrea about it, and he explained the rationale behind it. I look forward to hearing an extended explanation, but it will probably not come as any great surprise to him that, as members of a social democratic and labour party, we will not support it. We believe that the amendment would effectively diminish an employee's rights to extending the qualifying period of employment by one year in relation to a written statement of reasons for dismissal. That would be a backward step. I understand the arguments for the embedding period for people in employment, but, speaking as somebody who, in a previous life outside the House, was directly involved in training people for employment, I had a lot of exposure to people, at all sorts of levels, in the early stages of their jobs. In my view, the risk in extending that period by two years would be not so much about its being used to see whether somebody worked out or was an errant employee, for instance, but, in extreme cases, an employer using it as an opportunity to get rid of people if their face did not fit or the employer was not comfortable with them. We are concerned about that. Not all employers adopt that approach, but it has happened.

Mr B McCrea: I appreciate the Member giving way. I have always wondered about this argument: if an employer takes that action at 11 months, why would he not take it at 23 months or at some other time? If employers are unscrupulous, surely they will just say, "You're gone". You could argue, controversially, that a two-year extension is better, because at least someone got two years before they were unfairly dismissed.

The Member mentioned his expertise, so I want to ask him another question. I asked this question of Mr Flanagan, but he did not know the answer. I have information on how long, on average, it takes an employee who comes in off the street to get up to speed and be a fully functioning employee so that his or her suitability for the business can be assessed. In your experience, how long would it take for someone to get up to speed?

Mr Diver: The answer to that question is extremely complex, because it depends on the nature of the job that the person is carrying out, what is expected of him or her and the nature of the organisation that he or she is working for. There are variations. I am not satisfied that extending the period to two years is justified in this case. In most cases, employers are able to come to an opinion within normal probationary periods for jobs, which are usually three to six months. I do not think that extending the period to two years is acceptable. The SDLP is not prepared to support that under any circumstances.

I now turn to amendment No 15 on zero-hours contracts. A lot of information on these contracts has come across in the debate, so I do not want to overplay it. The SDLP has been raising the plight of those working on zero-hours contracts for some time at a number of levels: in the House, in Committee and in councils. We are extremely concerned about the issue, as we are about the potential exploitation of people.

I know that Mr McCrea challenged the accuracy of the figure of 28,000. I have to be honest and say that I do not care whether it is 28,000, 24,000 or 15,000, the fact is that we have significant numbers of people in zero-hours contracts at the moment. A lot of those people are under 25. They are young people in the very early stages of their career. Is it right for this society to be exploiting people in that way, where they have uncertainty day and daily, week in and week out, not knowing how to plan for the future or what money they will have at the end of the month?

Ms Sugden: Will the Member give way?

Mr Diver: Yes, I will give way.

Ms Sugden: I was at university not so long ago. In one of the first jobs that I had to pay my fees whilst I was working through university, I actually had a zero-hours contract. It worked quite well for me because it meant that I was able to prioritise my studies and work my job around those. There was no obligation on me to work set hours. I did actually appreciate the flexibility there. Does the Member have any thoughts on that?

Mr Diver: I thank Ms Sugden for her intervention. I am glad to hear that it worked out very well in her particular case, but I have to say that, for other people, that has not been the anecdotal experience that I have heard about. People have told me that, with zero-hours contracts, it is very difficult for them to plan for the future and almost impossible to get any sort of mortgage or significant loan from the bank on the basis of uncertain income. I am willing to accept that, in some instances, it will work for people, but I think that, generally, it presents a lot of challenges for people.

Dr Farry: Will the Member give way?

Mr Diver: Yes.

Dr Farry: Surely the logic, therefore, of what he is saying is that we need to devise a system that allows us to tackle abuse where it exists and to devise a system that allows the flexibility that benefits people to continue. That way, everyone wins. Surely an outright ban, as the Member is potentially about to endorse, would prevent us from having that ability to adapt to the particular circumstances that people find themselves in.

Mr Diver: I understand that that is a perfectly logical approach to the issue. I have to say that, ideologically, I disagree with it. I think that part of the problem here is that we have bought into some sort of neo-liberal view of how people should work. What we need to do is go back to the blackboard, back to scratch, and try to recalibrate things in a way that is fair and by which we can create proper employment opportunities, particularly for our young people. I think we have a responsibility as a community to try to create appropriate employment opportunities and to have them presented in such a way that means that those young people are treated fairly and, even if they are on a relatively low salary, they can at least have some dependency on their likely income month in, month out.

In my and my party's view, zero-hours contracts are a way that can be used by some unscrupulous employers in some cases to avoid paying employees properly and to avoid giving them other reasonable employment rights. A study by the Chartered Institute of Personnel and Development found that over 60% of those in zero-hours contracts wanted more hours and could not get them from their employers. I do not think that is a satisfactory situation.

As regards the Minister's remarks about the likelihood of creating chaos in the health and education sectors, again, I think that goes back to how we calibrate these things and look at creating employment opportunities in those sectors. I do not believe it would actually create chaos. I think there is a need to look at the HR needs in those sectors and at how they can be dealt with and managed properly.

Mr Ross: Will the Member give way?

Mr Diver: Yes, I will.

Mr Ross: The Member mentioned that the survey found that 60% of those in zero-hours contracts wanted more hours and could not get them. Does he acknowledge that that is not actually evidence that those people are being exploited? There are plenty of people on part-time contracts who want more hours and cannot get them. There are others who are on full-time contracts who want additional hours or promotions and cannot get them either. That is not actually evidence that those people are being exploited.

Mr Diver: I am sorry, but I think that, for somebody is in a situation where they are on a zero-hours contract and they have been offered three or four hours a week, if that is the only work that they can get, and they have to take it because they have no alternative, in a way, that is, in my considered view, a form of exploitation because the employer decides. The power resides with the employer to decide the number of hours they are willing to give the employee. The employee needs the work and must work to eat and take their lives forward. In my view, there is an element — potentially at least — of exploitation in that.

Mr Ross: I thank the Member for giving way. He is now using the example of four hours a week. That is not the example that he gave. He talked about 60% of those on

zero-hour contracts. He did not say how long those people were contracted to work each week. That is not actually any evidence that those people are being exploited.

4.15 pm

Mr Diver: I do not accept that, I am sorry. We will have to agree to disagree on that one.

Mr B McCrea: Will the Member give way to the back here?

Mr Diver: Yes.

Mr B McCrea: I just want some clarity. Are you calling for a right to have whatever hours you want to work? Are you saying that if you are on a zero-hours contract, you can say, "I will work 36 hours a week and you must provide it"? You could take an extension to that. Are we putting into a bill of rights that you have to have full employment in Northern Ireland as an absolute right?

Mr Diver: I hear what the Member is saying, but, in some respects, he is being facetious by giving that example. It is not unreasonable that people should expect some minimum threshold of hours, no matter what arrangement they have with an employer, whether it is part-time or full-time. In some instances, in certain sectors, when people have zero-hours contracts, they literally do not know how much they are working from one week to the next. They may present themselves at their place of work to find out that they have work or do not have work that week. I do not think that any employee will be able to dictate to their employer what hours the employer will be able to offer them, but it is not an unreasonable expectation to have some sort of minimum threshold. I accept that that has to be debated in the future. The principle of zero-hours contracts is something that, as a society, we all have to be concerned about.

As I said, the SDLP is against zero-hours contracts and is supportive of the Sinn Féin amendment. That said, we would have liked to have seen greater detail on how the prohibition of zero-hours contracts will be carried out. I accept that, in view of the proposer of the amendment not moving it today, there is potential to flesh out many of these ideas.

We retain some concerns about the Bill. The provisions in group 1 may make tribunal proceedings more onerous for the claimant. We welcome the review amendment submitted at Consideration Stage. We support the Sinn Féin amendments on gender pay equality and zero-hours contracts, and we are extremely concerned about Mr McCrea's amendment to extend the employment qualifying period to two years. That concludes my remarks on the group 2 amendments.

Mr Easton: Of the group 2 amendments, I will support amendment Nos 9, 11, 12, 13, 14, 16 and 17.

Amendment No 10 will not be moved, but it would have allowed for information to be published by employers on differences and pay gaps between women and men and for employers to give reasons for that. That would have made sure that all employers had to give reasons why, and, if they had not adhered to that, they could potentially be fined. I understand that the Member will not move that amendment and will work with the Minister and the Department. We might see that at a later stage as the Bill progresses.

Amendment No 14, which is Mr McCrea's, would basically allow anyone to take an appeal after one year and extend it to a two-year period. When receiving evidence from the Department, it was pointed that it had consulted quite widely on the issue. Certainly, the CBI and Federation of Small Businesses were in support of two years. On balance, because of that evidence, I tend to support that amendment.

Amendment No 15 is on zero-hours contracts. I believe that that amendment would do untold damage to those who want to work flexible hours and the number of hours. It would do untold damage to the hospitality industry and to nurses because the employer requires flexibility be able to bring in staff when needed for those jobs. I think that it is a badly worded amendment, and I will not support it.

Mr B McCrea: Nobody but nobody in the Chamber will, I believe, stand up to advocate for rogue employers who are doing bad things to employees. I do not think that anybody would try to make that argument. The argument from a number of people is, "Show me the evidence" or, "The evidence that you have is not correct".

I want to make it clear that in proposing my amendment, I am not seeking to attack workers' rights. One thing that was missed in the debate, but which perhaps came out on the periphery, is the impact of zero-hours contracts in certain circumstances, which people are rightly concerned about. However, there was little discussion about agency working, except when the Minister, in an intervention with Mr Flanagan about teachers, said that this gives even less protection. The problem is that when you start to get over-tightening of labour legislation, people move to other areas. They go into zero-hours contracts or agency working, or they take steps to avoid it.

Why is that important to us? Look at our regional employment statistics. Here is where we rank: the UK employment rate for the three months ending November 2015 shows that the lowest is Northern Ireland with 68.8%. The UK unemployment rate was highest in Northern Ireland at 5.9%. The UK economic inactivity rate is highest in Northern Ireland at 26.7%. The highest UK claimant count was in Northern Ireland at 4.3%. Our economic employment statistics are not good.

The Member from Sinn Féin proposing this took great delight in quoting views from different parties, and asking, "Did you really agree this?", so let me return the favour. Apparently, at least 40 people are leaving County Tyrone per week. The high rate of unemployment means that many are looking for jobs in Australia and elsewhere. I wonder if Mr Flanagan would support his colleague the Sinn Féin MLA Barry McElduff in calling for the Government to address the issue of emigration and create jobs where they are most needed — in Tyrone and, presumably, Fermanagh as well. Those are areas where we need to do that.

Mr F McCann: I thank the Member for giving way. I understand what you are saying in terms of emigration. Going back to the days when you were in the Chair of the Committee for Employment and Learning, that was something we discussed widely. Are you now saying that we should be looking at zero-hours contract, agency and other jobs to try to keep people from emigrating?

Mr B McCrea: Actually, Mr McCann, quite the contrary.

Mr F McCann: It does not sound like that.

Mr B McCrea: Well, you see, what is sometimes missing in this place is an articulate argument, where you set out certain bits of information and come round and say, "But let's look at the alternative". I do not want to upset people. In fact, I was saying to Mr Diver that I am sorry that my contribution seemed to have moved him from, "I'm interested in what Mr McCrea has to say" to "Under no circumstances will we ever support it". Maybe it was not one of my best interventions. My intention is to say it is entirely reasonable for us to be looking for ways to protect people who are exploited by unscrupulous employers. Mr Flanagan made that point, and I agree with it. The point I am making, however, is that when you tighten down information or legislation, you force people to go in the opposite direction.

This is just information. People say, "Would you like evidence?", so here is some evidence about the length of time it takes to get up to speed if you have just started a job. As Mr Diver said, it does depend, but an HR report says:

"The report reveals that new workers joining from the same sector reach optimum productivity in 15 weeks".

For SMEs, it is 24 weeks. For workers joining from another sector, it is 32 weeks. For new graduates, it is 40 weeks, and those coming from unemployment or inactivity take the longest time at 52 weeks. Part of the problem we are looking at here —

Mr Ross: I thank the Member for giving way. It is a useful statistic to have, but for those going into sales jobs, not only does it take time for them to be trained, there is also a period of time for their performance in sales to be assessed adequately. In many jobs, it takes perhaps six or seven months to train somebody, and you also need a longer period of time to assess how they are performing in that job. That is why the two-year qualifying period is beneficial to employees. They are given adequate time to prove their worth to that employer.

Mr B McCrea: I am grateful for the argument, and I think that it should be put. I take the argument. You could use a similar argument when Mr Flanagan talks about how good we were for inward investment when the UK changed its rules. There is a lag between performance and outcome. We are trying to argue here on emotion. We are trying to talk here from a philosophical point of view rather than looking at the information. One of the things that I thought that Mr Diver's contribution highlighted is this philosophical stance of, "I am socially democratic, so I think that we should take this response". That is not necessarily the correct logical position, and I think that the word "logic" was in there. We are all trying to look to see what would make things better and how we would get more employment. I read out a list of statistics to show how poor things are in Northern Ireland, and I am going to talk about how poor things are in certain constituencies.

Mr Diver: Will the Member give way?

Mr B McCrea: Yes.

Mr Diver: The Member is talking about how we can make things better, but it seems to me that the thrust of what he is talking about is how we can make things better for employers rather than employees. Obviously, we need to have effective employers who are able to create jobs, but

we need to protect the interests of the employees who are being exploited.

Mr B McCrea: Let me just take that argument. I had a very good meeting with the Irish Congress of Trade Unions (ICTU), which came to me a little bit alarmed about my amendment and asked to talk about it. We had a very good discussion. We agreed on many, many things, including the need to invest in skills and that we want to get early resolution and conciliation. We agreed that the independent assessor was a good idea, and it said, as a union, that it would not support taking anybody through a tribunal case if there was not a reasonable prospect of success. We agreed on all those issues. The representatives even said to me that the current workers' rights are relatively weak and that all that an employer has to do to get rid of anybody is to go through the process. You just go through the process, have the meeting, and do all of that. These are issues that are an existing position. I thought that this was an entirely constructive position for the union because it said that maybe the qualifying period is not the big deal and is a sort of headline figure that we can just ignore.

It may be what the Minister was talking about when he said that you have to be hard on some things and get a negotiation on others. I do not know, but he will maybe say when his turn to speak comes back around. It seems to me that the argument over whether the qualifying period is one year or two years does very little to affect the unfair dismissals claim. In fact, that is what people have said in evidence. They have said that it makes no difference. Mr Flanagan, in earlier contributions, was saying that the numbers went up and the numbers went down, but, actually, it makes no difference.

I will tell you where it does make a difference — not to the employees but to the people who are looking to employ people. Here is our position, which we should all be particularly worried about. About a year ago, a 'Belfast Telegraph' poll focusing on young people showed that 67% of them see their future as being outside Northern Ireland and that 70% of them think that our politicians are incapable of agreeing a joint vision for the future of the country. That is the problem facing us all. The biggest tragedy in Northern Ireland, often not spoken about, is our young people who have to leave to get a job.

Mr Flanagan: Will the Member give way?

Mr B McCrea: I will give way in just a moment.

This is the issue that I am trying to address. When you do not have a job, you cannot get experience. Therefore, you cannot get another job.

What you want is a mechanism whereby you are given an opportunity to show what you can do. That is key to my amendment. It is not trying to deprive people of rights; it is trying to create an environment in which we will get more jobs for our young people.

4.30 pm

Mr Flanagan: Excellent. I thank the Member for giving way because that is exactly the point that I want to ask him about. Can he please outline to the House how allowing employers to sack staff after up to two years without recourse for any rights for that member of staff leads to the creation of one more single job in our economy? It

might well displace jobs and allow some staff to be sacked so, then, somebody else can get that job, but it does not create a new job. You are talking about people wanting or needing to emigrate for employment. They will not stay if they have to get a zero-hours contract or if they face the prospect of being sacked at any stage within the next two years, regardless of the rights or wrongs of the reason for sacking them.

The Member's argument does not make any sense; it does not stack up, and it does not wash. It is based on an illogical position: that giving employers more rights will somehow lead to a position where they will not abuse those rights. I do not accept his narrative or his arguments.

Mr B McCrea: That would be a no, then?

Mr Flanagan: Maybe.

Mr B McCrea: I am just checking.

I am not afraid — you probably know this — to stand here on my own and say what I think. I did not know whether anybody would support this amendment. I brought it forward because I thought that we should have the debate. I have already made the point about us ducking the issue by moving it to affirmative procedures rather than negative resolution and about how that will set in stone what will happen. I am open to debate and argument. What I will say to each and every one of you is this: expect me to return the argument. If you make an argument, expect me to challenge it. That does not mean that I disrespect you or that I do not think that you have good points. The proper role of scrutiny is to ask questions.

Mr Flanagan, you have stated quite often that there is no evidence. In fact, I think that even the Minister, in his Civil Service-speak, said that there is no evidence to suggest such and such. You could also have said, however, that there is no evidence to the contrary. In the absence of any research, you might ask yourself why there is no research to inform the debate, given that we started in 2012, if memory serves me, when I was Chair of the Committee, but there is research. If you want research, it comes from the Federation of Small Businesses — a very respected organisation that, I think, many Members in the Chamber have attended and supported.

It talks about small businesses, not the big multinationals, not the ones that have HR committees and not the ones that you can say, "Yes, they have to go and do these procedures". What you find out from the Federation of Small Businesses is that there are 118,000 small businesses in Northern Ireland, but only 32,000 actually have employees. The survey that it brought back says that most of those businesses have between one and five employees. They were asked what problem they faced. If you want to get jobs for our young people or even, dare I say it, for those who are not so young and are having to get a new job after being made redundant, you have to persuade somebody to take them on. Here is the unpalatable truth and the words that maybe you should not say but which should be said, if that makes sense: the world does not owe you a living. People demand a job as a right, but, in the employment world, you have to negotiate with your employer: I will do certain work, and you will give me a certain amount of money. What everybody wants is a chance.

Mr Agnew: Will the Member give way?

Mr B McCrea: Yes.

Mr Agnew: I take on board the Member's point to an extent. However, if you are in a negotiation where one side has the opportunity to sack the other, there is no level playing field or negotiation. The employer calls the shots.

Mr B McCrea: The point that I made earlier, Mr Agnew, was that you can do that at 11 months as well, because what you get at the moment is churn. Most of the people who are showing up for further employment have been made unemployed after 13 weeks. Look at the casual staff that are taken on over Christmas. What could be worse than turning up for a job and being asked, "In the past five years, how often have you been employed?" and having to say, "Five times for 13 weeks". What you actually want is to get a bit of continuity of experience. You want to work in the one job and get a chance to show what you can do, and, frankly, if it takes you a bit of time to get up the learning curve, so be it. Let us give you the chance to do it. Perhaps it is counter-intuitive, but that is why a one-year constraint does not help anybody. It almost forces employers that are so minded — I am not saying that I agree with them — to act in one year and not two. You would benefit if you could move to doing two years. That is what the Federation of Small Businesses says.

Mr Swann talked about his position. The FSB, I am quite sure, is a reputable organisation in his constituency. In Ballymena, which, I believe, is close to his abode, 1,230 firms employ fewer than 10 people. Many of them replied to the survey. They are saying to him, "We would like to take on more people, but we do not have the HR department to take them on. We are worried about this. Give us a chance, and we will employ your local people — your constituents".

I say to Mr Diver that, in Derry, the figure is 2,500. It is slightly lower, I have to confess, than the economic metropolis of Lisburn. The issue is that you are trying to encourage those people who have work to take on more people, and they are telling you in evidence that they will not do it because they fear the employment law.

Some people in ICTU came forward and said that it is not such a big issue. I think that it said that it was nineteenth on the list, but you have to remember that it is comparing with what happens in GB. It is talking about a country where an SME is fewer than 250 people. Our economy is not like that. Our economy is made up of microbusinesses — businesses that employ fewer than 10 people. They are owner-driven, and you want them to employ people. Just think what would happen if we could encourage each one to take on one person. The real challenge for us is how you make such a thing happen.

There is some discussion about zero-hours contracts, and there was a really good intervention on that issue that they are not bad for everybody. Some people like zero-hours contracts. Of course you do not want people to be exploited, but I was struck by the Minister's proposals for dealing with zero-hours contracts. They were produced about a year ago, and I heard Mr Agnew say to the Minister, "Tell us what your proposals are for this zero-hours business", but the proposals, as I understood them, were that, if you were working for six months or whatever, you would be entitled to a contract. In fact, employers would be forced to state why they were not giving you a contract. All of that works only if you are not working for an agency. I can tell you that, if you make it too difficult to employ people, as is currently happening, people will

not take the chance of employing anybody. There is no bigger challenge for our economy or us as legislators in the Assembly than to find a way of getting gainful, local employment.

Mr Flanagan: I thank the Member for giving way. Once again, he talks about how extending the qualifying period for unfair dismissal makes it easier to hire people. It does not make it easier to hire people; it makes it easier to fire people. Does he accept that the actual outworking of increasing the qualifying period for unfair dismissal does not help employers to create a single job? All that it does is make it easier for them to fire people within two years.

Mr B McCrea: We are going to go over this again. I am not an expert in employing people, but I will tell you who is: the Federation of Small Businesses, the CBI and engineering employers. Those are the people who actually employ. What you are going through at the moment is shedding labour from the Civil Service. That is our big process. You are going to have to find a way in which to get those people work or else put them on the scrapheap.

Unless you can come up with better information for me or some other alternative evidence, all that I can go for is what people have said. The employers have said that they would like to recruit more people but that they are afraid of the legislation.

Mr Diver: The Member said that employers have a fear of employment law. Part of the question is why we have employment law. We have employment law and protections so that people cannot be exploited as they were in the past. Any employer that treats their employees with dignity and has that fundamental relationship where they work and they are paid in return for the work that they do should not have anything to fear from employment law.

Mr B McCrea: Mr Diver said that he had some expertise in matters of recruitment. I have here the costs associated with recruiting somebody. It is from an established HR report, which states that, on average, it costs £30,614 to recruit somebody, per employee. You can argue about how they got to that methodology. Part of it includes work loss because of an inefficient process and having to put mentors in or whatever else. Those are the statistics that I gave earlier about how quickly it takes to come up to speed. I can also tell you that it costs about £6,000 in management time, recruitment fees, advertising and whatever. No employer in their right mind will try to waste money; that is not their purpose. They should be trying to recruit people who are right for their job and give them time to show what they can do. Occasionally, those things do not work.

I will tell you this straight off: when I was the Chair of the Employment and Learning Committee, there was an initiative from the Department to try to encourage people to take on workers and to go through a scheme. I went to a very respected organisation in my constituency and said, "Listen. I am really interested in this. I would like you to take people on". You can tell me that it does not happen in your constituency, but they told me that they were also interested but the problem was that, when they take on people who are forced to them on a scheme, they do not really want to work and that the first thing that happens is that they cut their hands on saws or something like that and put in a claim. They told me that they prefer to hire them as agency workers for a couple of years and, if they

are OK, they then take them on. That is the point I am making. You cannot look at that one issue in isolation. If you want employment law that encourages employment but also looks after the rights of individuals, you have to look at it as a whole.

I sometimes get a little frustrated when I make these arguments. I get the feeling that people adopt a position that is based on ideological thought processes rather than a rational, logical evidence-based process. All the evidence from those who employ suggests that, if you do the right thing by giving employers some encouragement to take on employees, they will do so. Northern Ireland needs to do that because our employment performance is not good enough.

I put the challenge to those parties that are going to reject my amendment. When you look to those in your constituency, they will ask you whether you do not support those who are trying to create wealth. Are you saying that no members of the FSB are good employers? I heard a lot a lot of talk about Michelin, the tobacco factory and all those people. Are you saying that there are no responsible and reputable employers? I see that most people are trying to do a good thing because it is in their interests to do so.

When you come back to the numbers and to the evidence, the number of people who may be on zero-hours contracts is somewhere between 1.2% and 4%. I would like to know what that figure is before I pass any legislation. I am not saying that I am opposed to zero-hours contracts that are properly regulated. Of course there are abuses and issues, and I am interested to hear more about what the Minister has to say on the matter, but I want it to be evidence-based. When you do not address agency working at all in an employment Bill, there is a huge chasm in the arguments being put forward.

4.45 pm

So, when I come to a conclusion on this, I realise that the style of debate that I have had and the challenge that I put out to people does not engender them to go, "Ah what a good fella. Let's go and vote for his amendment after all — you know, it's not so bad". I get all of that. But sometimes you just have to take a stand and say, "You are trying to push this through without considering the full effects".

I do not know if you are part of it or whatever, but I say to you, Minister, that I saw immediately what the procedural moves were about in moving to affirmative action on this. In my opinion, it was not that you might worry about some rogue Minister — heaven forbid we would have rogue Ministers in this place and we would have to go and stop it. I mean, if we had rogue Ministers or rogue employers, where would it all end? Rogue politicians?

This is a procedural thing. I think that we should be having this debate, and I am not trying to tell anybody here that they are wrong. I understand that there are heartfelt feelings on all sides and that people want to see what is best for their constituents. That includes looking after the employers that will employ them. Those are things that we have to deal with. But what I really think is good, even though it has been a bit fractious in this debate, is that at least we have got it out in the open. At least the amendment was put, and we put our position and had our chat, and we can stand on it when it comes to the next election. This is what I believe. But if you really want to

know what I think would be good for Northern Ireland on this issue — from a non-partisan position — it is that we could agree to do everything possible to create jobs for our people. Jobs are what it is all about. It is about the economy, stupid. And on that, I will sit down.

Mr Ross: I will try to keep my comments relatively brief. I only want to talk to amendment Nos 14 and 15. I do so because they were two areas that I was particularly interested in when I served on the Employment and Learning Committee for two and a half or three years at the beginning of this mandate. The debate has not moved on an awful lot since then. I remember sparring across the table with Mr McCann, who often rehearsed some of the arguments that we have heard today about whether it was to do with standing up for employers or employees. Unfortunately, that is the kind of debate that we have had again this afternoon; that somehow it has to come down to a competition between employers or employees. Actually, what we want to do — I agree with Mr McCrea on this point — is to get to a position where both benefit, and both benefit from having a productive workforce who are in employment. That is the circumstance that we want to create in Northern Ireland.

All politicians are great at posing for photographs with the FSB, the CBI or other business organisations. Politicians are great at talking about how they want to see more jobs created in their constituency. They are great at calling for the Enterprise, Trade and Investment Minister to get more jobs created in their constituencies. But when it comes to actually creating an environment in Northern Ireland that is business-friendly and job-creation-friendly, I am afraid that some fail to live up to the expectation.

Employment law is important. Earlier, I listened to the Enterprise, Trade and Investment Minister talking about the key components involved in bringing investors to Northern Ireland, and he talked about our skills force. We have a highly skilled population in Northern Ireland. Our universities and further education colleges are excellent, particularly in how they work with employers in making sure that they provide appropriate training. Northern Ireland has a lower cost base than other countries, and that lower wage and office cost base attracts investors.

However, employment law is important, particularly when you think of the bigger companies from the Middle East and the States that are looking at a range of different environments across Europe. The most restrictive employment laws, seen in places like France, turn away investors. So, we need to make sure that we are cognisant of that and have a business-friendly approach. When it comes to a decision about whether to set up their company in Glasgow, Liverpool or Belfast, an employer will look to an area where they have the greatest level of flexibility. That is a significant thing. In 2012, the Government — I think that it was Vince Cable, a man hardly renowned for being a mad right-winger — introduced the employment law reforms and moved the qualifying period for unfair dismissal back up to two years.

Of course, as Mr McCrea pointed out, over the last number of decades, it has continually flipped between two years and one year, back and forth without any significant evidence that it caused any upsurge in employees being treated badly. At that time, Vince Cable and the coalition Government tried to create an environment in which employers were given the confidence to take on additional

staff. When employers are telling us that it would give them more confidence, the litmus test is whether they take on more staff or train more people and whether they continue to grow as businesses.

The evidence from Great Britain over the last three years is hardly that the roof has fallen down and, suddenly, people are being abused right across Great Britain. It is simply not the case. What is the case is that Northern Ireland now looks like it is a step behind the rest of the United Kingdom in reforming employment law, and that, I am afraid, concerns me. It is a point that I made three years ago to the Minister and repeatedly made to him in questions for written answer: I asked him when he would follow the lead of Great Britain by reforming our employment law on unfair dismissal. I understand that he has all sorts of difficulties in getting proposals through the Executive and that there are difficulties in getting cross-community support. However, I am disappointed that we talked about it at the very beginning of the mandate, yet only today are we seeing the Bill. That is disappointing, given that the Executive keep talking about doing everything possible to help to create jobs. I am afraid that the Minister has not pushed this agenda forward anywhere near strongly enough, and that concerns me. I support Mr McCrea's amendment and have consistently done so. If Members are serious about ensuring that we are competitive, particularly against countries across the United Kingdom, they should also move towards that position.

I want to touch briefly on Mr Flanagan's amendment on zero-hours contracts. I remember arguing on the Employment and Learning Committee about the merits of zero-hours contracts in a flexible workforce. We want a flexible workforce and an economy that works for employers and employees. In an intervention, the Minister made the point, as did Mr McCrea, that nobody is talking about exploiting employees. If there are circumstances in which employees are being exploited, of course we should take action against the employers — of course we should.

Mr Agnew: Will the Member give way?

Mr Ross: Yes.

Mr Agnew: Does he not see how someone being on an exclusive zero-hours contract is a form of exploitation and that we have no proposals to do away even with that?

Mr Ross: That is not what we are discussing today. The amendment does not mention exclusive zero-hours contracts; it deals with all zero-hours contracts. There would need to be a very strong argument and a highly specialised justification for having exclusive zero-hours contracts. One of their benefits is that they give people the flexibility to turn down hours, take on hours or look for work elsewhere. Mr Flanagan made the point that there may be some areas — where someone has a particular skill set or works in a highly sensitive environment — in which certain commercial confidentiality could not be breached. It would be quite rare, I must say, for someone with a particularly high skill set to be on a zero-hours contract — that is unlikely. I do not see how employers would argue that there should be exclusive zero-hours contracts, but that is not what we are discussing today. We are discussing a blanket ban on zero-hours contracts.

Mr Flanagan said that the contracts were bad for workers and bad for the economy. They are not bad for the economy. The fact is that all the major employer

organisations say that they give flexibility to and help the job market, and he should listen to them. In a very real example, Ms Sugden said that, when she was trying to get work and was on a zero-hours contract, it worked for her. It works for many students across Northern Ireland who do not want or cannot work regular hours, or perhaps they are busier in one week with university work than in another. They have the opportunity to turn down work if they are too busy but take it on another weekend. That is what a flexible workforce and a flexible labour market are about, and it helps our economy. The same goes for people who may have been out of work for a long time and want to return to the labour market gradually. It is a perfect opportunity for them and gives them the flexibility and control over their hours to do that.

Many Members asked this question: what if you want a mortgage or regular hours? In that case, a zero-hours contract is not for you. You will not take a job on a zero-hours contract if you need a mortgage. It is not suitable for everyone, but nobody is arguing that it is. My argument is that it has to be part of the mix in a flexible labour market. We talked about how zero-hours contracts benefit employers, and bigger employers use them as well. If they get a big order in, they take on more staff and, once the order is complete, they lay off those staff.

I have a real-world example from my constituency. When this was first discussed two or three years ago, a former Member, Mr Ramsey, talked about the potential of tabling a private Member's motion. People came to me and said it would be absolute madness for small businesses in certain industries. The example that I was given was of a small catering company based in Carrickfergus. It had no idea what its order sheet would look like a month in advance. It often took orders on a Monday for the following weekend or the weekend after that, so how busy it would be depended on a very short-term order book. Zero-hours contracts allowed that company to take on such work, knowing that it had a list of people who could come in at short notice to help with a catering job. If the company did not have a big order for the following week — it might have a small order — it would not have as many staff in. However, if a small family company were to keep all those people on a paid salary contract, it could not do business.

Zero-hours contracts are important for a flexible labour market, and they very much help small companies. I really take exception to Mr Flanagan saying that employers who use zero-hours contracts are lazy, inefficient managers. I can tell him that the people from that catering company who came to me work incredibly hard, long hours to ensure that they make a living, and there is nothing lazy about entrepreneurs who go out and try to set up their own companies and strive to get business and employ more people. It is a disgrace that Mr Flanagan used that language here today, but it does not surprise me: he has form.

I will leave it at that. I suggest to the House that, if people are serious about a flexible labour market that creates jobs and helps our economy, they will reject Mr Flanagan's nonsense amendment on banning zero-hours contracts. I endorse Mr McCrea's amendment.

Ms Sugden: I welcome the opportunity to speak on the second group of amendments at the Consideration Stage of the Employment Bill. I congratulate the Minister on getting the Bill this far. I also thank the Committee staff for turning the Committee Stage around in such a short

time, although it is regrettable that the time was so short. I am no different to other Members in that my focus is drawn towards amendment Nos 10 and 15, which have been tabled by Phil Flanagan, Bronwyn McGahan and Fra McCann, and amendment No 14, which has been tabled by Basil McCrea.

I turn to amendment No 10. The bulk of my contribution will be on the gender pay gap, but I understand that the Members are not seeking to move that amendment. It is important, however, that we have an opportunity to discuss the issue, and I agree in general with the intentions of the proposed new clause. However, I do not agree with the amendment and the wording that has been put forward.

As I said, the proposers are correct to table the amendment, if only to raise the debate and encourage the Minister, the new Minister or, indeed, the Minister of another Department in the new mandate to seek an opportunity to address inequality realistically. As Members said, across the UK, although gender pay equality is improving, it has not changed dramatically over four years. It is thought that pay parity for men and women will take 50 years. In fact, the Prime Minister seems really enthusiastic about getting it within the next generation, so I certainly look forward to my grandchildren having the same opportunities as their male counterparts. In the UK, we are behind by 20%, so that is not a great figure. The figure also varies by occupation. The pay gap is probably biggest in the skilled trades, processed plant machine operations and for managers, directors and senior officials.

I am more than sympathetic to Sinn Féin's proposal, but it is complicated. It deserves more attention than a last-minute amendment that has not been analysed or consulted on properly. According to 2014 figures, as Members said, we do not have a gender pay gap in Northern Ireland, and, in fact, men are behind women. Although that may indicate that, for once, Northern Ireland is at the forefront on progressive issues, it actually highlights a symptom of a huge public sector compared with a small private sector. I am interested in up-to-date figures, particularly in light of the recent voluntary exit schemes, to see whether that gap has widened any more. Typically, gender pay gaps exist in the private sector, and I imagine that most businesses do not realise that a problem exists until they are forced to look at it. That is why today's debate is helpful.

While the amendment is unlikely to pass, it is important and needs to be considered as we move forward. I think that, particularly as we seek to grow our private sector and shrink the public sector, unless we address this, we could have an unwelcome situation where, as our private sector grows, the gender pay gap also grows. That will mean that we will actually be going backwards.

5.00 pm

The detail of amendment No 10 has led me to oppose it. It will not apply to employers who have fewer than 50 employees. England, Scotland and Wales are proposing equal pay legislation for employers who have more than 250 employees as a first step. Whilst I appreciate that Northern Ireland's economy is significantly different from those across the water, with SMEs making up the majority of our private sector, I am unsure about the figure of 50 that has been put forward in the amendment. I cannot come up with a figure because I am as uninformed about it

as anyone else in the House. Again, I think that that is due to the lack of consultation and something like this not being proposed sooner.

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

The amendment also sets out regulations for this to be in effect by 10 November 2016. The Member said that that was because that was Equal Pay Day. Whilst that is quite a nice concept that seems to tie in everything nicely, it seems a little soon to me. I hope that those who tabled the amendment are mindful of the realistic difficulties with implementing legislation that will cost businesses more in the same year as we implement the living wage. Unless the amendment comes alongside government proposals to support private businesses in implementing it, we could be putting pressure on our small businesses.

I do not want to misrepresent myself. Gender pay parity and the living wage are absolutely the right things to do, but we need to be mindful of the current economic climate, particularly in Northern Ireland. Missing from the amendment is something that I hope will inform the debate moving forward: there has been no consideration of the bonus gaps between men and women. That contributes greatly to the figures that seem to show so wide a gap. There are many reasons why men get paid more bonuses than women, and a lot of it is not down to performance. I will not go into the details, but we need legislation that addresses that as well.

For all the reasons above, I will not support the amendment. I do not think that it is the right vehicle. I will not support it at Further Consideration Stage either because I do not think there will be an opportunity to do that. The Bill has been rushed at the end of the mandate, and I feel that there has been no time to consider it properly. I encourage the Government to ensure that it forms a part of the new Programme for Government.

I will not go into too much detail about the other amendments, as other Members have said much of what I feel about zero-hours contracts and increasing the qualifying period of employment from one year to two. Briefly, zero-hours contracts need reform because they are open to abuse. We all know what that looks like. I do not think that an outright ban, however, is appropriate. As I said, in my experience, a zero-hours contract satisfied me to an extent because it allowed me to prioritise something that was more important in my life. I was able to work and earn something to pay for any bills that I had. Equally, it was a bit of a struggle because I had a hire purchase agreement at the time, and I was hoping that I would get enough hours every week to pay for it. Fortunately, the employers were biting the hand off me to work for them as much as I could. That flexibility is important, and, as Mr Ross said, we cannot lose it. As Mr McCrea said, employers will seek other opportunities to get the flexibility they want, again squeezing out the people who maybe would have taken a zero-hours contract in the process.

As others have said, there is the case of teaching staff and lecturers. My partner is a lecturer in the Northern Regional College (NRC) — I declare that interest — and he started his role with NRC on a zero-hours contract. That enabled him to build up experience while he studied and got the qualification that enabled him to have a full-time permanent job. I see the pros and cons of the zero-hours

contract, but, as for amending the Bill, our wings are clipped within the lifetime of this Assembly mandate.

In amendment No 14, Basil McCrea proposes increasing the qualifying period from one year to two. To be honest, I think that this is quite an interesting amendment, and I am willing to understand it and explore it further. To be honest, I feel entirely uninformed about it. Just hearing about it in a nutshell before lunch was not enough to convince me that we might not put people at a disadvantage by giving employers more opportunities to sack their staff by extending the period to two years. I recognise the arguments — others have said that industry is quite behind it — but I need more information to consolidate them in my mind. However, I am willing to look at that again as we move into the next mandate.

Mr Agnew: Like other Members, I plan to speak to amendment Nos 10, 14 and 15. I start with amendment No 15 on zero-hour contracts. There has been considerable debate about it already. We face a stark choice between Mr Flanagan's proposal to ban zero-hour contracts and doing nothing. At Committee Stage and in other public discourse, there has been an acceptance that there is a problem with zero-hour contracts. The difficulty is that the Minister has made no proposals to address that problem. I am open to proposals, and the talk, up until now, was that there needed to be some form of regulation. I thought that there was growing consensus that there needed to be some regulation, starting from the very minimal form, outlined in the Minister's consultation, of banning exclusivity contracts. If that were before us today, I would certainly be attracted to it as the minimum that we should do on zero-hour contracts. It is not in front of us.

We are left with the option of a ban or doing nothing, which means completely unregulated zero-hour contracts. That leaves the opportunity to exploit workers, and I believe that there are exploitative zero-hour contracts. As has been pointed out, if that was not the case, a lot more highly skilled, highly paid professionals would seek the flexibility of zero-hour contracts. Maybe they would like to take three months to travel the world and then come back to their job. The reality, however, is that we do not see it at the high end of the labour market; we see it at the low end. We see unskilled, low-paid workers employed on zero-hour contracts. It touches on Mr McCrea's amendment about the balance of power between employer and employee. Unfortunately, the demand for jobs in our economy is much higher than the supply, and that gives the employer power. The employee, particularly the lower skilled, has very little power. As Mr McCrea said, there is very little negotiation to be had. It boils down to, "Do you want the job? These are the conditions. Take it or leave it".

I have to come back to why we have no proposal from the Minister when there has been so much talk about the issue in the media and in Committee. Indeed, he has consulted on it. The speculation has been that even the minimum regulation — a ban on exclusivity contracts — was too much for the Executive and could not be agreed.

Dr Farry: Will the Member give way?

Mr Agnew: Certainly.

Dr Farry: I will save the Member from five minutes of speculating erroneously. The context is that we have had a significant paper, which I mentioned in my opening statement on this group of amendments, before the

Executive since February 2015. It made a number of proposals, including a ban on exclusivity. Frankly, the Executive and the Assembly agreeing to ban exclusivity would just be a drop in the ocean. Something like 2% of zero-hour contracts are exclusive, so it would be scratching the surface. We were looking for a statutory code of practice and an expectation that an employer would have to justify not giving someone who has fulfilled a normal working pattern over a set period a regular contract. Those proposals were rejected by the Executive not because they went too far but because Sinn Féin — no doubt, Mr Flanagan can respond to this in due course — did not feel that they went far enough. They wanted an outright ban. We have been locked into a situation where it has been an outright ban versus the proportionate reforms that I have been trying to get through the Executive for the best part of a year.

Mr Agnew: I appreciate the Minister's clarification. He probably did save me going off on one particular tangent, so I will go off on a different one, but on a similar point. I ask this question: what is the Minister's role? I have questioned him on a number of issues, including this one. The reforms that he is seeking seem reasonable, but he has not been able to get them through the Executive to be debated here today. I have seen other reasonable reforms proposed by the Minister, such as those trying to make teacher training colleges more efficient and more integrated, not getting through the Executive. At the other end, when I questioned him on what he can do in relation to universities — for example, as regards modern languages at Ulster University — he said that the universities are independent and that, while he funds them, they run their own affairs. I will ask a question that Mr Attwood is fond of asking about knowing the difference between being in government and being in power. The Minister is clearly in the Government, but is he in power? It seems to me that every —

Dr Farry: Will the Member give way?

Mr Agnew: — change that he proposes is blocked at the Executive. I will certainly give way.

Dr Farry: OK. I am not sure if the Member has been paying attention over the past five years, but we have a higher education strategy, a widening participation strategy, an FE strategy, an apprenticeship strategy, a youth training strategy and a NEETs strategy. We have additional STEM places, and we have doubled the number of PhDs. I can go on at length if the Member so wishes. I am in a position to address a large amount of things. I also stress to the Member that he is coming very close to advocating political interference in how universities do their business. I urge caution on that. I am sure that that is not really where he intends to go.

Mr Agnew: I thank the Minister for his intervention. He talks about a higher education strategy but, as he does not want to interfere in the universities' business, I wonder if it is worth the paper that it is written on. My point was more about his role within the Executive. If he cannot even get simple reforms through the Executive to be debated — not passed, as the Executive parties can vote against them if they wish, but even debated — I question what his role in the Executive is. That is part of the crux of why we are here debating one extreme, which is to ban zero-hour contracts, and the other extreme, which is to do nothing. As the Minister has outlined, there are other

stages in between, but we are left with this stark choice. Given the stark choice that we have, I am, as I have said, more minded towards Mr Flanagan's approach. The labour market already benefits the employer in the sense that the demand for work is much greater than the supply —

Mr Ross: Will the Member give way?

Mr Agnew: — particularly at the lower-skilled end. I will give way.

Mr Ross: It strikes me that the Member is almost saying, "We have an opportunity to either wait and see if we can get amendments brought forward on this and take away the problem area of zero-hour contracts, or we can just have a scorched-earth policy." It seems to me that the logical and rational position would be to say, "Let us see if we can work on getting some agreement on tackling exclusive zero-hour contracts and make sure that we have tight enough regulation over their usage." He seems to be taking the other position of, "Let us not go for the logical thing. Let us just get rid of them all, and to hell with the consequences for the labour market." Why on earth is he taking that approach?

Mr Agnew: I thank the Member for his intervention. The obvious thing to do would have been to agree that at the Executive and bring it forward in the Bill. That has not happened, and I have no confidence that we are going to see something better at Further Consideration Stage. If he is telling me that he is going to bring that forward —

Mr Weir: Will the Member give way?

Mr Agnew: I will when I make this point. If the Member chooses not to move the amendment today and something is going to be brought forward from the Benches opposite, I will be willing to look at it. I stated that there was a stark choice. I do not envisage the same problems if we ban zero-hour contracts that he does. There may be better options, but I do not see it as the worst-case scenario. The worst-case scenario is what we have. I will give way.

Mr Weir: I am a little bit perplexed. The Member seems to indicate that we are stuck with two extremes, that he is choosing the lesser of two evils, and, essentially, that it is all the Minister's fault for not being able to get this through the Executive. What was to stop the Member, if he has a particular issue, bringing forward an amendment himself? I have not seen him submit any.

Mr Agnew: I thank the Member for his intervention. As he well knows, I have brought forward plenty of amendments to plenty of Bills. I am one MLA. I brought forward my own private Member's Bill. It was passed and is now an Act. I have done my work in the Chamber. This is a Bill. I am not on the Committee, but I am seeking to provide a contribution, and I will stand over my record happily. Indeed, I will go up against the Member and the Minister in the forthcoming elections and I will put my record to the people. I have no fear in that regard. I am making a contribution on the proposals we have in front of us. There is only so much that you can do, as one MLA, which is why I look forward to my party having more MLAs in the next Assembly. We will contribute further through amendments, questions and holding the Executive to account.

5.15 pm

The point has been made that zero-hour contracts work for some people. Ms Sugden gave her own example, but she

qualified it — and I am happy to give way if I misrepresent her — by saying that she was under pressure, and, because her particular employer happened to provide a lot of work, that worked for her. I was a student. I needed time to study. I had an eight-hour-a-week contract. That worked for me. I do not see why that was particularly onerous on my employer when, perhaps, there was not so much work available. That was the minimum commitment to me as an employee. I had holiday pay with that, which you do not get with zero-hour contracts. I had the flexibility to take those holidays when I needed time to study for exams. I was fortunate that, when business was up, I got extra hours, which helped fund me throughout the rest of the year. My employer made that minimum commitment to me. They gave me those minimum rights of holiday pay and breaks etc when I was working. If we banned zero-hour contracts today, as some fear, I do not see any reason why low-hour contracts cannot still be a flexible mechanism that give employees some of the basic rights that they should be entitled to.

The issue of the gender pay gap has been debated and discussed. I commend the Members for bringing it forward and bringing it to light. As has been clear in the debate, we have the evidence that there is a gender pay gap. We, perhaps, do not have sufficient evidence as to why that is. The proposal to require employers to look at, monitor and report on the issue is one of the ways in which we could get the data. We need to tackle the issue. There is an assumption among many that gender inequality issues have somehow been resolved and that our employment laws etc provide sufficient protection. The evidence is that we still have a gender pay gap. We should be debating how we tackle that issue.

Amendment No 14 concerns the two-year qualifying period. Mr McCrea said a lot of things that were hard to disagree with, such as wanting to create more jobs and stop emigration. We are back in the situation where more people are leaving Northern Ireland than are coming to live here. That is regrettable. However, I did not hear how his proposal addresses that issue. He said that it gives more power to employers, and so that can only be a good thing. That is not necessarily a good thing. There should be a balance between the employer and employee in terms of rights and roles. Mr McCrea talked about the different scenarios and how long it takes an employee to get up to the optimum level of working. His worst-case scenario, where somebody was coming from unemployment and had not worked in that particular role before, was that it would take 50 weeks to get to the optimum level. I do not see the rationale for saying, "Well, you should have another year, then, in which you can sack that person at will". A year is more than sufficient, as Mr Flanagan pointed out. We give six-month probationary periods. Those time frames are reasonable.

Mr Ross: I thank the Member for giving way. In the circumstances where it takes 50 weeks — we are talking theoretically rather than about a real job — to train somebody and they have not yet been assessed on whether they are good at the job, are you seriously saying that the employer should not have the opportunity to get rid of that staff member if they are not doing their job well after the training period? He seems to be suggesting that once you have gone in you should not be sacked, but that is not how the labour market works. An employer has a right to have productive employees working under them. We want

to make sure that we have a fair enough period to allow the employee to prove their worth to their employer. That is the point that I tried to make to Mr McCrea. It is not just about the training period; it is also potentially, in some jobs, the time to prove your worth. So, the two-year period in those circumstances would benefit the employee because they could prove their worth to the employer in that time.

Mr Agnew: I thank the Member for his intervention. Maybe we are interpreting differently what Mr McCrea presented. I have not read the document, but it seems to me that the time taken for an employee to get to the optimum level of productivity would not include the training period. I do not see that as being the same as the training period; it is about experience and growing in a role not about being productive and contributing. So, I would not equate it with a training period. That is not how I interpreted what Mr McCrea said, although he is not here to answer.

Mr McCrea rightly asked, "If not this, then what?". As I said, I do not feel that he provided a compelling argument for how his amendment will create employment. It gives more flexibility to the employer but fewer rights and less security to the employee.

If we look at the evidence, skills have been mentioned. I do not think that anyone will disagree with that, so I make the point that getting a well-trained workforce is one of the best things that we can do. The other evidence is on the living wage and shows that the better you treat an employee the more you get from them. The living wage is one example of that. The Oxford Economics report showed that if we paid a true living wage — not the Chancellor's proposed increased minimum wage — net employment in Northern Ireland would go up. When you pay people at the lower end of the labour market more, they spend more in the local economy, and there is a greater multiplier effect. The evidence also shows that a worker who is valued by their employer has higher productivity. Those are some of the things that we can do to boost employment. It starts with looking after your employees.

Mr McCrea talked about emigration. One way to stop a person leaving is to pay them well. It is very rarely the low-skilled worker who leaves; it is usually the educated and those with university degrees. It is not because there are not jobs here; it is because there are not jobs with good pay and conditions, or at least such jobs are not in sufficient number. It is normally those with degrees or master's degrees and those who have the family support to travel and take opportunities abroad in the first place who leave. It is not the low-skilled and low-paid workers who leave: unfortunately, they stick around, left with the zero-hours contracts, which, in some cases, are their only options. It is the higher skilled who leave; the brain drain, as it is referred to, is the problem. I see nothing in amendment No14 to address that. It would only add to the problem by saying to graduates and the skilled, "There are other countries and other employers providing better pay and conditions. Chase those jobs, because the jobs are not here in Northern Ireland." For those reasons, I will oppose amendment No14.

Dr Farry: This debate has been an interesting one and certainly took longer than the debate on the group 1 amendments. Obviously, most of the interest has come on the amendments that were not processed by the Department or the Committee. Those amendments came in from Members at the eleventh hour. It is their right to

do that, but it brings the disadvantage of there not being proper scrutiny of them or a full understanding of the consequences that would flow from them, deliberate or otherwise. Sometimes, the unintended consequences are the ones that people may not necessarily be aware of. It is important that people bear that in mind when they come to support, or otherwise, the proposals that are before us. It is one of those instances when you could say, "Legislate in haste, repent at leisure". Therefore, we need to be rather careful around some of the points.

I will take the amendments in the order in which they appear in the Marshalled List. First, we have the issue of the gender pay gap. I commend Mr Flanagan for what I gather he is going to do, which is to pause and not necessarily move the amendment today at Consideration Stage but consider bringing it back at Further Consideration Stage. I think that that is a wise approach and is very much in the spirit of where the Assembly is today. I appreciate that some Members have said today that they do not believe that we should be addressing the issue at all at this time. I, and probably my officials, have considerable sympathy for that point of view. However, we are where we are. If there is the ambition that we do it at this time through the Employment Bill, not moving and re-presenting the amendment at Further Consideration Stage is the more responsible thing to do.

The amendment does not directly impact on my ministerial responsibilities at this stage, although it may do so in due course, so I do not take a formal view as Minister. Wearing my own hat, may I say that my party colleagues and I would be sympathetic to supporting a revised amendment in principle, subject, of course, to seeing its wording and ensuring that it is something that is going to be viable? Without putting words in other people's mouths, I detect that there would be a similar viewpoint from other corners of the House. Therefore, there is certainly something for the Member and his colleagues to work on.

If I may be so bold as to suggest, in this format, some of the issues that the signatories to the amendment may wish to reflect on, and the reasons that they should wish to reflect on them, I will do so. I think that it would be productive to do so. The first point that I will make is that a balance has to be struck between what is said in the actual wording that goes into primary legislation and what aspects may be left to regulations. Ms Sugden made a valid point about the rationale for the thresholds for the number of employees. Obviously, in Great Britain, they are talking about 250 employees, and the proposer of the amendment discussed a point around 50. That is an issue that may be better left to the public consultation by whatever future Department would be responsible for engaging on the regulations. That is an issue that may well be better determined after that public consultation. Therefore, a future amendment could make reference to a responsibility to bring forward regulations, state that regulations must consider points a, b, c and d and state that point a, for instance, is the threshold for the number of employees.

Mr Flanagan: I thank the Minister for giving way. The economy in Britain is somewhat different from the economy here. Siphoning off only companies that have more than 250 employees may well deliver a considerable number of companies to present a picture of the extent of the gender pay gap, allow some information to be

delivered on why it exists and maybe present solutions for how to tackle it. However, if we were to adopt a situation here of trying to get information only from companies that have more than 250 employees, you would be looking at a very small information base. That is the rationale for choosing 50. If we went only for companies that have more than 250 employees, the number of companies that you would be looking at would be very small, and the level of information and detail that you would get might not be enough to shine a light on the true extent of the problem.

Dr Farry: I make this very clear to the Member: I fully accept that the premise of what he is saying is that we may wish to do something different in Northern Ireland from what is being done in Great Britain, so a threshold of 250 in Great Britain does not necessarily have to be carried across into Northern Ireland. The point that I was making is that the rationale for 50, as he outlined, is nonetheless an arbitrary threshold. It could be 40; it could be 60; it could be 100; it could be 10. Those are the sorts of issues that would be best considered through the public consultation around the regulations. Therefore, no violence would be done to the ambitions that the Member and his colleagues have by simply putting less detail into the amendment and giving more scope for the consultation around any regulations that a future Department will bring forward. That way, you will have much more buy-in from stakeholders, address your policy outcome and have full capacity to do something different from what the case is in Great Britain, but you will also have a much stronger confidence base that what you are doing is something that is going to be workable in the Northern Ireland context.

5.30 pm

In a similar light, it is important that the Member reflects on which Department he gives the responsibility to. I am not sure whether it was deliberate or otherwise but, as the amendment stands, it refers to "the Department". Clause 25, I think, defines the Department as being the Department for Employment and Learning. That power would subsequently transfer to the new Department for the Economy. While, in the eyes of some people, that may well be the logical place to do it, we have a situation where equality responsibility currently lies with OFMDFM and that is transferring to the Department for Communities. We may not want to see a situation where we fragment equality responsibility and give one small sliver of equality issues, particularly in relation to sex discrimination, to the Department for the Economy as opposed to keeping it alongside other aspects of sex discrimination under the Department for Communities. As the Member reflects on that, he will probably see that it is best that equality is kept together. Certainly, the Executive, of which his party is a primary member, would no doubt wish to see equality powers consolidated together rather than split in different areas. Again, that may well be something that the Member wishes to reflect on.

We need to be realistic about the timescale. That is not me wishing to argue that we need to take our time on it or drag our feet; we simply have to be realistic about the fact that an election is coming up and a new Department is coming on stream. There will have to be public consultation on the regulations. No matter how much or how little detail goes into the primary legislation, when you have a requirement for regulations where there has been no policy work done in Northern Ireland, there will need to be a formal

public consultation. Any Department that tries to bring forward regulations without that public consultation will be successfully judicially reviewed. That consultation has to occur. Any new Department has to do the necessary policy work. It has to have the opportunity to have the public consultation, consider the implications of the consultation and then bring it through the normal processes in the House. The prospect of that being done by the middle of November are fairly remote; it is ambitious. I give those points to the Member more as potential suggestions, but they are constructive suggestions on how he may find that he is able to garner what may well be, in the main, cross-party support in the Assembly for the way forward on that point. I commend him for at least showing the initiative to bring it forward and for his wisdom in potentially waiting a fortnight or so and reflecting on how the amendment could maybe be crafted somewhat differently.

On the issue of unfair dismissal, I reiterate that I will certainly retain an open mind and encourage other Members to do so as well. What we are asked to do today is take a final decision on the issue in the context where the evidence base is not yet established for change. If people wish to go back and review the documentation from my Department on the employment law review, they will see that we have made a request for organisations to bring us evidence and that we have not received conclusive evidence from those organisations to justify change. We have also done some comparative international analysis that, again, at this stage does not back up the case for reform. People are making what are essentially anecdotal comments around our competitive base to justify the change in policy. When the change occurred in Great Britain, they essentially moved on the basis of anecdotal instinct as opposed to a solid evidence base. Members are perfectly entitled to take a decision to move on that basis, but it is important that they understand the basis on which they may or may not take a decision today.

Looking ahead, the issue can return to the Assembly. Any future Minister for the Economy can bring forward regulations to the Assembly to change the qualifying period from one year to two years. The existing law says that that is done through the confirmatory procedure. That means that there has to be a vote in the Assembly. The amendment that is before us changes that to the affirmative procedure. That, in no way, shape or form, changes the balance of voting: there will need to be a vote in the Assembly. It cannot be slipped in through the back door. It could not previously be slipped in through the back door. All we are doing is moving from a situation where there will be a short period in which a Minister could act unilaterally with the prospect of being overruled by the Assembly. That, in itself, would create chaos in our employment law. We have a situation where the Minister and Assembly would have to act before the change could be made. I have outlined where I could see that change happening in the future if the evidence base was there. It could be part of a wider package of reforms. People viewed that as worthy of consideration.

I had other ambitions on changing the collective redundancy notice when more than 100 employees were affected, which is a bigger issue for us in terms of our competitive position in attracting investment. That would require primary legislation, and, unfortunately, due to a lack of agreement on that, that will not be immediately available to us.

That brings me to the issue of zero-hours contracts, which probably generated most of the discussion on group 2. I stress that my preference is that we have a proportionate regulation. We have to move with the times. Those contracts are becoming an increased feature of our labour market, and it is important that regulation keeps up to speed with the casualisation of the labour market. In doing so, we have to recognise that we have a responsibility to address abuse as far as we can, at the same time as ensuring that where flexibility works for employers and employees we allow that to happen. We also have to ensure that whatever we do is credible and will address the problem. To be perfectly frank, leaving aside the wider impacts of the proposed amendment, it would be very easy for employers to circumvent the current definition of a zero-hours contract with a different form of casual contract that would add very little protection. The proposed way forward would not actually deliver much in terms of its wider policy intent.

At the same time, we need to be very conscious of where this could lead us. Some people seem to be operating under the illusion that, if we were to ban zero-hours contracts and, in doing so, had a definition that was sufficiently watertight and covered similar contracts or variations of that, we would maintain the same level of employment and employers would keep all their existing staff who are on zero-hours contracts and put them on a different contract. In some cases, that would happen; in other cases, people would lose their job. Employers may choose not to put people on a different contract. They may choose not to employ those people because, for whatever reason, it is not consistent with their business model, for better or worse.

My ideal situation is very clear: I want proportionate regulation, but the Executive have not been able to agree on that. Today, we have a choice between the status quo and an outright ban. Some people seem to be suggesting that an outright ban is probably the lesser of two evils. Let me put it the other way round and make the point extremely clearly: in the context that the Assembly puts through an outright ban on zero-hours contracts, I would not feel in a position to continue with the Bill. Such violence would be done to the Bill that we would have to stall the process. I, for one, am not prepared to stand over a situation where, through lazy legislation and not fully considering the implications, we inadvertently put the jobs of tens of thousands of people in Northern Ireland in jeopardy. That is the implication of what we are talking about.

Leaving that aside, there are wider implications that would flow for our health and education sectors. To suggest that we can simply flick a switch and the health and education sectors would reorganise their workforce plans overnight is extremely naive. There would be massive disruption. There would need to be renegotiation on how the systems of supply teachers and bank nurses were delivered. We are talking about a period of months in which the current systems would be de facto illegal and people could take cases to industrial tribunals for breaches of the law.

It is important that we are conscious of the implications of what is before us. I point out to those who tabled the amendment that their Ministers have been presiding over the use of zero-hours contracts. They talk about a ban today, but, unilaterally, any of their Ministers could have acted to ban them in their area of responsibility. Why were

those opportunities never taken up? I am happy to give way if someone wants to clarify that.

Let us be clear: today is more about grandstanding than about a realistic approach to how we address a serious problem. I am deeply frustrated that we have not been able to get consensus. Over the past year, we have wasted the opportunity to do something far more radical than Great Britain and the Republic of Ireland, and we will now be forced into the situation of being left with nothing on the statute book on zero-hours contracts.

Mr Agnew seemed to have more interest in my position as an individual than the policy issues. I am not quite sure what was going on there, but I am sure that we can speculate on what was going on in his mind. The simple fact that this did not get through the Executive does not mean that I am without power or influence. In a multi-party Executive, we all have difficulties in getting consensus. I wish that that was not the case. We need a lot more outcome and delivery. However, the deadlock and division in our Executive have affected every Department, and we need to reflect on that. We need to reflect on the way in which we approach business and how we can move forward on areas where there are disagreements, even minor disagreements, to stop them becoming blockages. Once we are in a constructive place, we can get the issues moving.

I rather fear that the zero-hours contract has become the victim of how our Executive work. That was a plea for reform, not a plea for me to abandon all hope and leave things to other parties to get on with. It is an Alliance Minister who has been trying to reform the context of zero-hours contracts, but, in cooperation with the Committee, we have taken forward other reforms that will make the system of employment law in Northern Ireland better and, indeed, the envy of the world.

I remind Members that what we are proposing today is about making our employment relations system in Northern Ireland much more efficient and effective in the interest of employers and employees. This does not have to be a zero-sum game of setting one off against the other. The unions and employer organisations support what is in the Bill. Much of what we are doing in alternative dispute resolution is world leading. We are not simply copying what happens in other jurisdictions. We are the people showing leadership and doing things with a degree of creativity and innovation that will set the standard for others to follow.

Amendment No 9 agreed to.

Clause 14, as amended, ordered to stand part of the Bill.

Clauses 15 and 16 ordered to stand part of the Bill.

Amendment No 10 not moved.

Clause 17 (Careers guidance)

Amendment No 11 made:

In page 11, leave out lines 43 to line 6 on page 12 and insert

“(4) The Department must make arrangements under this section for providing careers guidance for such persons as the Department considers appropriate.

(5) The guidance must—

(a) be provided in an impartial manner; and

(b) be in the best interests of the person receiving it.

(5A) The Department may by regulations make such provision concerning arrangements under subsection (4) as the Department considers appropriate, including provision requiring the guidance to be delivered or otherwise provided by a person who has such qualifications as the Department may determine.— [Dr Farry (The Minister for Employment and Learning).]

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18 (Apprenticeships)

Amendment No 12 made:

In page 12, leave out line 18 and insert

“must be made under this section for providing apprenticeships and traineeships”.— [Dr Farry (The Minister for Employment and Learning).]

Amendment No 13 made:

In page 12, line 20, at end insert

“(8) Regulations under subsection (7) may make provision as to the components of apprenticeships and traineeships.”.— [Dr Farry (The Minister for Employment and Learning).]

Clause 18, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 14 proposed:

After clause 18 insert

“Qualifying period of employment

Qualifying period of employment

18A.—(1) Article 124 of the Employment Rights (Northern Ireland) Order 1996 (right to written statement of reasons of dismissal) is amended as follows.

(2) In paragraph (3), for “one year” substitute “two years”.

(3) In Article 140 of that Order (qualifying period of employment), for “one year” substitute “two years”—

(a) in paragraph (1); and

(b) in paragraph (2).”— [Mr B McCrea.]

Question put.

The Assembly divided:

Ayes 37; Noes 56.

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr B McCrea and Mr G Robinson.

NOES

Mr Agnew, Mr Allen, Mr Attwood, Mr Boylan, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Ms Hanna, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Mrs Overend, Mr Patterson, Ms Ruane, Ms Sugden, Mr Swann.

Tellers for the Noes: Mr Diver and Mr Lunn.

Question accordingly negatived.

New Clause

Amendment No 15 proposed:

After clause 18 insert

“Zero hour contracts

Zero hour contracts

18A.—(1) Zero hour contracts are prohibited.

(2) Zero hours contracts means a contract of employment or other worker’s contract under which—

(a) the undertaking to do or perform work or services is an undertaking to do so conditionally on the employer making work or services available to the worker, and

(b) there is no certainty that any such work or services will be made available to the worker.”— [Mr Flanagan.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 37; Noes 56.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Ms Ruane.

Tellers for the Ayes: Mr Flanagan and Mr F McCann.

NOES

Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, 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 Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Ms Lo and Mr Lunn.

Question accordingly negatived.

Clause 19 (Indexation of amounts: timing and rounding)

Amendment No 16 made:

In page 12, line 36, at end insert

“(8) An order under paragraph (7) may exclude the application of paragraph (2) in relation to any sum increased or decreased by the order for such period as may be specified in the order.”— [Dr Farry (The Minister for Employment and Learning).]

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20 (Prohibition on disclosure of information held by the Labour Relations Agency)

Amendment No 17 made:

In page 13, line 31, after “only” insert “by or”.— [Dr Farry (The Minister for Employment and Learning).]

Clause 20, as amended, ordered to stand part of the Bill.

Clauses 21 to 27 ordered to stand part of the Bill.

Schedules 1 to 2 agreed to.

Schedule 3 (Repeals)

Amendment No 18 made:

In page 24, line 21, column 2, at beginning insert

	<i>“Article 38(1A).</i>
	<i>In Article 46(1), the words from “and to any regulations” to “2003”.</i> ”.

— [Dr Farry (The Minister for Employment and Learning).]

Amendment No 19 made:

In page 24, line 33, column 2, at end insert

	<i>“In Schedule 5, paragraph 4(1) and (2).”.</i>
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— [Dr Farry (The Minister for Employment and Learning).]

Schedule 3, as amended, agreed to.

Long title agreed to.

Mr Principal Deputy Speaker: That concludes the Consideration Stage of the Employment Bill. The Bill stands referred to the Speaker.

6.15 pm

Budget Bill: Second Stage

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

That the Second Stage of the Budget Bill [NIA 77/11-16] be agreed.

Accelerated passage of the Bill through the Assembly is needed in order to ensure Royal Assent before the end of March. That is necessary to obtain legal authority for the Departments and other public bodies to spend the cash and use the resources included in the Bill in 2015-16 and to ensure a smooth continuation of public services into 2016-17. Preparation of the detailed Estimates and the related Budget Bill under consideration today was a challenging undertaking, given the timetable involved. The Bill and the Estimates made must reflect the latest financial monitoring position, which concluded in January, yet the Bill requires Royal Assent prior to the end of this financial year. I am therefore grateful that the Committee for Finance and Personnel has confirmed, in line with Standing Order 42, that it is satisfied that there has been appropriate consultation with it on the public expenditure proposals contained in the Bill and that it is content that the Bill may proceed by accelerated passage. I welcome and appreciate the assistance of the Committee on the matter.

I shall now briefly outline the purpose of the legislation before us today and draw attention to the Bill’s main provisions. The debate follows the Bill’s First Stage yesterday, which followed the debate and approval of the two associated Supply resolutions. The Bill’s purpose is to give legislative effect to the 2015-16 spring Supplementary Estimates and the 2016-17 Vote on Account. Copies of the Budget Bill and its explanatory and financial memorandum should have been made available to Members today. I do not intend to repeat the detail provided to Members at First Stage. In fact, Standing Order 32 stipulates that the debate should concern itself with the narrow content of the Bill, a point that I hope Members will remember during this evening’s proceedings.

For the benefit of Members, and in accordance with Standing Order 32, I will summarise the main features of the Bill. Its purpose is to authorise the issue of £15,770,704,000 from the Northern Ireland Consolidated Fund in 2015-16. The amounts for each Department are detailed in schedule 1 to the Bill. That is £359 million more than was authorised in the June Main Estimates. That cash is drawn down on a daily basis, as needed, from the Northern Ireland Consolidated Fund, which is managed by my Department on behalf of the Executive. The Bill also authorises the use of resources totalling £17,135,765,000 by Departments and certain other public bodies. That is some £389 million more than was authorised in the June Main Estimates. Those amounts are detailed by Department in schedule 2 to the Bill.

In addition, the Bill revises the 2015-16 limit on the amount of accruing resources that may be directed by DFP to be used by Departments. That limit includes operating and non-operating accruing resources — in other words, current and capital receipts — and amounts to £2,628,155,000. A breakdown by Department is shown in schedule 2 to the Bill. Under section 8 of the Government Resources and Accounts Act (Northern Ireland) 2001, a

direction on the actual use of the accruing resources will be provided by way of a DFP minute, which will be laid before the Assembly in March following the Bill's Royal Assent.

Therefore, not only does the Bill authorise the use of resources but it authorises accruing resources, bringing the total resources for use by Departments and other public bodies to almost £19.8 billion. The amounts now requested for 2015-16 supersede the Vote on Account in the Budget Act (Northern Ireland) 2015, which was passed this time last year, and the Main Estimates provision in the Budget (No. 2) Act (Northern Ireland) 2015, which was passed by the Assembly in June 2015.

The Bill also authorises the 2016-17 Vote on Account for cash of almost £7,899,052,000 and resources of £8,680,276,000. That is to allow cash and resources to flow to public services in the early months of 2016-17 until the Main Estimates and the related Budget Bill are approved in June this year. The cash and resources are to be appropriated and used for the services and purposes set out in column 1 of schedules 3 and 4.

Clause 5 authorises temporary borrowing by the Department of Finance and Personnel at a ceiling of £3,949,526,000 for 2016-17. That is a normal safeguard for any temporary deficiency arising in the Consolidated Fund. I stress that clause 5 does not provide for the issue of any additional cash out of the Consolidated Fund or convey any additional spending power. Instead, it enables my Department to run an efficient cash management regime.

Finally, the Budget Bill authorises the Public Prosecution Service to use an additional £6,032,000 in 2013-14, by way of an Excess Vote. This issue has arisen due to a fair employment tribunal ruling against the Public Prosecution Service on an equal pay and indirect discrimination case. The necessity to make provision for these costs at year end then breached the Public Prosecution Service annually managed expenditure budget for 2013-14. The Public Accounts Committee recommended that the Assembly provide the additional resources through an Excess Vote.

At this stage, there is little more that I can usefully add on the Budget Bill. I look forward to the debate and will endeavour to respond to as many issues raised by Members as possible.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. As we have heard, the Budget Bill before us provides statutory authority for expenditure as set out in the spring Supplementary Estimates 2015-16. The Bill also includes the Vote on Account, which allows Departments to incur expenditure and use resources in the early part of 2016-17 until the Main Estimates are voted on by the House in June.

Standing Order 42(2) states that accelerated passage may be granted for a Budget Bill, provided that the Committee for Finance and Personnel is satisfied that it has been appropriately consulted on the public expenditure proposals in the Bill. At its meeting on 3 February, departmental officials briefed the Committee and answered questions on the Bill being debated today, including on issues relating to a range of Departments. In addition to that evidence, the Committee has scrutinised each of the monitoring rounds during the current financial year, which, in this case, took place in June and November

2015. In both instances, the Committee considered the overall outcome across Departments and the position for DFP as a Department. In view of this evidence-gathering exercise throughout the year, the Committee was content to grant accelerated passage to the Bill. I therefore wrote to the Speaker, informing him of the Committee's decision.

As I pointed out in yesterday's Supply resolution debate, the scale of the cumulative changes resulting from the normal reallocations through monitoring rounds, combined with the in-year technical changes, will, in some cases, have resulted in significant differences between the opening and closing resource and capital allocations of Departments.

As I have said, the Vote on Account is on the basis of the current structure of 12 Departments. However, the Main Estimates in June will reflect the new structure of the nine Departments agreed by the Executive. In this regard, the Committee noted that four Departments — DSD, DETI, DRD and DEL — will be allocated more resources under the Vote on Account than normal. This is to ensure allocations to cover their existing functions as well as the new functions that will be transferred when the restructuring takes full effect. This practice will, hopefully, minimise the financial risks as a result of the transfer of functions.

I have previously emphasised to DFP officials the importance of ensuring transparency in the restructuring process over the coming months in the budgets that will transfer along with functions.

Undoubtedly, the process will present challenges, but the Assembly and, in particular, the Committees in the new mandate will need to be provided with the information necessary to scrutinise the budgets associated with the transfer of functions as they occur.

There will also be a need for a clear and accessible reconciliation between the moneys allocated on the existing basis of 12 Departments, through the Vote on Account in this Bill, and those allocated on the new basis of nine Departments in the Main Estimates in June. In that regard, it will be important that the applicable statutory Committees engage with their respective Departments to ensure that the budgetary requirements of transferring functions have been identified and settled as applicable. Furthermore, at the meeting on 13 January, DFP officials pointed out to the Committee that Ministers would be given significant discretion in the June monitoring round to reallocate resource and capital budgets and:

"to take on board the representations that are made, for example, from the various Committees."

Therefore, this is an opportunity that the outgoing Committees may wish to pick up on in their legacy reports to the successor Committees in the new mandate.

I am hopeful that we will also see improvements to the overall Budget process in the next mandate. As I have reminded Members already, a solution to some of the difficulties and flaws in the current process could be found by the Assembly and Executive agreeing a memorandum of understanding on the Budget process. I have written to the Minister recently to reflect on the progress made in developing the MOU, and I am hopeful that the Department will work with the new Committee for Finance to see this brought to fruition. It would establish a framework for improved cooperation between the Executive and the

Assembly in respect of budgetary matters and facilitate Members and Committees in fulfilling their scrutiny and advice functions, which, in turn, will assist in overseeing the effective and efficient delivery of the Executive's strategic priorities. Importantly, the MOU would help to front-end the Assembly's input to draft Budgets and afford scope to influence key issues in advance of future Budgets being agreed by the Executive. That in turn could provide scope to rationalise and streamline the latter stages of the financial process, in particular the duplication of effort that we face between yesterday's Supply resolutions debate, today's Second Stage debate and the subsequent stages of the Budget Bill. Given the need for greater oversight and closer scrutiny of our public expenditure, coupled with the recurring difficulties experienced by Committees in the time and information available for meaningful scrutiny of budgets, an agreed memorandum of understanding between the Assembly and the Executive is essential going forward.

On behalf of the Committee, I support the motion. I will now make a few comments as an individual Member and on behalf of Sinn Féin.

Recently, I went round local businesses. It is important to put some of the issues in a local context, because moneys in the Budget are used for rate relief. I welcome the work of the Department in consulting on the rate reliefs currently in place. There is certainly a need to put in place new reliefs and perhaps remove some of the old ones. I went door to door around businesses in Ballymena to discuss rates. The main issue that was raised was not rates; it was the roadworks on the main streets through Ballymena. We would make the suggestion — it was raised with me by my local councillor, Paul Maguire — that we introduce what they have in Wales for when there is flooding or serious roadworks. I do not know exactly how that is measured, but it is something that the Department should look at. Businesses showed us their turnover figures, and there is a clear correlation between major works in the town and a reduction in profits. Those businesses were under pressure as a result of the works carried out in the town.

6.30 pm

Mr Storey: I thank the Member for giving way and apologise to other Members that this may become a bit of a discussion about what is going on in Ballymena. I listened to what the Member said. However, I spoke to traders when I was in the town on Saturday, and some told me that, as a result of the rally on Saturday, their business was down — in some cases by a third. There are always challenges for our businesses for a variety of reasons. However, as the former Minister for Social Development, I still believe that the investment of £4 million in the public realm works in the centre of Ballymena is vital. There are issues with how that is managed. When I was Minister for Social Development, I came very close to suspending the contract because I was not content with the way in which some elements of it were being progressed. However, we always have to strike a balance between how we deliver and ensuring that that is done in a way that does not have a negative impact on the continuance of a business. I would be interested to hear the examples from Wales.

Mr McKay: I thank the Minister for his intervention, and he is right: it is about getting the balance right. The end product of the works being carried out will no doubt be very beneficial to those businesses, but there is a

transition period. Also, changes in the market and in the economy in the past five years mean that it is sometimes hard to distinguish whether this is a result of the economic downturn or the work taking place. It is worth looking in greater detail at the effect of works being carried out in a town over a prolonged period. The Committee and individual parties have looked at the small business rate relief, and there is a view that it does not have that great an effect. However, we believe that it should stay in place until we find something more targeted. Perhaps this is one example of businesses struggling to make a profit being affected by an outside factor. The Department should look at it in greater detail.

Other issues were raised. I know one businessperson in Ballycastle — we passed this to the Department as part of the consultation response — who believed that he was doing the right thing by filling out the survey on turnover figures and matters relating to his business and returning it to Land and Property Services (LPS). However, the response rate to those surveys was only something like 50%. He felt that it was unfair that rates estimates, which increased by a few hundred per cent in his case, were based on the figures that he had provided, whereas the rates for businesses that did not provide figures were based on some other formula that was perhaps not as precise as the one used for his. Brian McClure took that point on board in our meeting in Ballymena. Perhaps it should be made mandatory. If the Department or LPS are to survey businesses for their figures, all businesses should return the survey or none, rather than having a situation that appears unfair to certain businesses.

Increasingly I believe that there is an appetite among the business community and the local economy for the Assembly and the Executive to take hold of further fiscal levers. Outlined in the Budget Bill are figures relating to the powers that we have on revenues and spend. Of course, across the water, they have had Smith, Calman and Silk; there have been so many reports about adding to the suite of fiscal levers that the Scottish and Welsh Administrations have. We have not had that here in Belfast. We need to look at that again for the new Assembly for the next five years. We have made significant progress on corporation tax and should look at income tax as another possible example. I have also been highlighting air passenger duty for a considerable period. I welcome the progress that the Executive have made on the air connectivity fund. I look forward to seeing how the ETI Minister progresses that in the weeks ahead. The more you learn about such matters, the more likely it is that politicians around the table will seek their devolution. The new Executive will finally have to come to grips with it in relation to further powers.

The JTI and Michelin sites in Ballymena must be an Executive priority. Invest NI is getting significant funds in the Budget. As I said yesterday, a strategy that goes beyond Belfast is needed for rural towns such as Ballymena. There is certainly a sense that more could be done. Do not get me wrong: Invest NI has secured significant investment. Even this week, we have seen significant job creation in Belfast and elsewhere, and that needs to continue. However, the new Executive and the new Department for the Economy — I certainly welcome the fact that the Executive have taken the decision to have an economy-based Department — need to get to grips with the focused problems in Ballymena. We have two excellent sites and an excellent manufacturing skills base.

Manufacturing benefited many families in north Antrim; it benefited my family over 20 to 30 years. We all realise the value of manufacturing jobs, and we need to ensure that those jobs are recreated.

There are always global factors such as the slowdown in the Chinese economy and oil prices. Our skills base trumps some of the lower-wage economies that some companies feel are more attractive. We need to sell that skills base more effectively on the international stage. Some SMEs and indigenous companies have been taken over by larger international companies, and, in some cases, that is welcome. Invest NI has ensured that Wrightbus received significant support in recent years. We have secured big contracts from San Francisco through to the London buses. There are a lot of successes, but we can always do better. We can sell ourselves better. When we have that skills base, there is absolutely no reason why we should not go out there with confidence to sell the skills base in Ballymena and our manufacturing tradition in that part of County Antrim.

Mr Storey: I thank the Member for giving way. When Invest goes out across the world to sell Northern Ireland, a big issue is ensuring that it has a suite of products for potential customers. Corporation tax will play an important role in that. Some of the comments made by some of the Member's colleagues on the issue raise a concern about their commitment. Given the issues that he rightly raises about the sites in Ballymena, does the Member agree that part of the overall suite in selling is the date and the rate that we have now secured for corporation tax? When we visit the United States in March, every effort must be made to ensure that that is a key component of the sell for Northern Ireland.

Mr McKay: Absolutely. I agree with the Minister. The deputy First Minister and others, including my party colleague Máirtín Ó Muilleoir, have greatly trumpeted the benefits of getting the corporation tax rate correct and selling it to the United States and to the many economies that we are looking inward investment from. However, I have to say — I said this yesterday — that we need to get it right by having a fair deal from Westminster. If we are to reduce the corporation tax rate, we need to ensure that Westminster gives us a fair deal. Scotland has raised the issue of getting a fair deal, and I use the party opposite's slogan extensively these days about getting a fair deal, but it is absolutely right because we need to ensure that we get the rate of corporation tax right and that we are not short-changed by Westminster, especially the Treasury.

The Treasury is a secretive organisation that gives us some quite woolly figures about the revenues that come out of this part of the world. That needs to be a priority. There needs to be more transparency from the Treasury, and I think that the new Executive need to ensure that we take a magnifying glass to the revenue figures that come out of Belfast and the North and to ensure that Treasury is providing us with the full detail. The centralised nature of the Treasury has caused great frustration amongst all the devolved Assemblies — here, in Wales and in Scotland — and I think that we need to strengthen our challenge function. Certainly, the Finance Committee has not been found wanting in exploring that and looking at matters such as the Barnett formula, but I believe that is something that the Executive and the new selection of Ministers need to prioritise.

I am very conscious that we are in for another late night, so I look forward to the debate, and I support the motion.

Ms Hanna: I will try to be reasonably brief as well, as I know that people like to check in with their families a couple of times a week.

We outlined some of the concerns that we have at the first stage of the Budget and during the debate on the spring Estimates yesterday. I think it is worth pointing out that a symptom of the failures in the process, as I referred to yesterday, is that we have had two debates on the Budget in a couple of weeks but, at the same time, have had very little time for the Ministers to bring forward their estimates and there has been very little scrutiny of those estimates.

In response to my point about that flaw yesterday, Minister, you pointed out that this is a one-year Budget to reflect the stretching of the mandate, but we do not think that that negates the overarching need to reform the budgetary process. In the Opposition Bill, we suggested a budgetary Committee, which was, inexplicably, opposed.

Suffice to say, we are not confident that this Budget has either the imagination or the detail to respond to the very many challenges that we have here, including rebuilding the economy and giving confidence to investors, not just through a cut in corporation tax, and giving confidence to young people to stay. I am glad that the Member for North Antrim is also looking across to Scotland for ideas, but I am afraid that I do not see very many of them reflected in this Budget. I peek over the pond quite often to see how Scotland is using devolution to its best advantage, and it makes my heart sink a wee bit when I see the fiscal opportunities over there and the missed opportunities for using devolution here.

We do not think that the spirit of power-sharing and of possibility that gets and has got Northern Ireland through bigger problems than a few Budgets is evident in this Budget. We do not think that there is, as I said, the required level of accountability. In what other Parliament would one scrutiny session per Committee be justified for a Budget of £16 billion? I highlighted particularly the deficit in the scrutiny of the Education portion of the Budget in that regard.

Respectfully, I think that the response to our criticism has mainly been to deflect and talk about the lack of alternatives provided by the other parties, but without the detail, all we are able to look at are the bulges and the contractions in the numbers. We are not really able to fairly scrutinise the priorities and set out alternatives, and I am not sure whether that is done intentionally.

The life story of the Budget began with the disagreement over welfare and the failure, we think, to engage with reasonable proposals; you would not have agreed with all of them, but there was a failure to even engage with them. There was also the rejection of the ideas of other parties during the talks process, and then there was the presentation of the Fresh Start Agreement to parties like ours about half an hour before it was published. This Budget then followed. As I said, it is not about opposition to the money going to the various Departments. There is a lot of talk about mandates and the size and use of mandates, but it wipes out and ignores the mandates of all of the other parties.

6.45 pm

Mr Ó Muilleoir: Will the Member give way?

Ms Hanna: The Member will be happy to give way.

Mr Ó Muilleoir: I am not suggesting that you are running out of steam, my fellow colleague from South Belfast. Last night, you were good enough and bold enough to give us examples of things that the SDLP would do. Now that we are debating the Budget, I think that, despite the special and, perhaps, rushed, circumstances, it would be helpful if you were to give us an opportunity to see some of the alternative ideas that the SDLP has about spending.

Ms Hanna: I will. I pointed out some last night, and colleagues will point them out. As I said, we are not opposed, but if you would be more specific and tell us exactly what you are spending the money on, as other Parliaments and Houses do, it would be easier to set out the alternatives. What are the big ideas? If you can tell me what the big, creative ideas in the Budget are, and provide the detail of those, it will allow us to more effectively scrutinise them. The fact is that you are giving us figures like £1.9 billion, without the detail. How can we set out the alternative without knowing what your alternative is and what exactly you are going to do with that money?

I want to pick up, briefly, a couple of the points that I raised yesterday, and which you responded to, Minister, in winding up the debate. We are still not sure about the £5 million added and the £10 million off skills. You also mentioned a potential £20 million in the June monitoring round. We still do not understand why there is all of that shuffling about. If that money is for anything other than departmental use and getting used to the changes in Departments, why is it not being allocated now?

I also raised the increased funding for the Strategic Investment Board and was told that £2.5 million of it was for Together: Building a United Community (T:BUC) and the Urban Villages project. In the absence of further detail, I took to Google, this afternoon, and learned that:

“SIB are creating an Urban Village team that will support OFMDFM and DSD in the development of the Urban Villages ... enabling early momentum projects and identifying projects for capital investment”.

I am open to correction, but that sounds a lot like administration, coming in an OFMDFM budget which, as we know, is quite administration-heavy; the administration budget of which, as I pointed out yesterday, has gone up, year on year. Yesterday, I also pointed out a better use for that money. Some £880,000 could support the women's centre childcare fund. Adequate childcare would unlock a lot of possibilities for families, women and working people. As I pointed out yesterday, Scotland, and even the Conservative Party in London, are providing a lot better for working families in that respect.

We also expressed our dismay about the decision to spend more on redundancies and the failure to create conditions for creating jobs, as well as the failure to give security of funding on flagship projects like the A5 and the A6 and an explanation as to how those projects are going to be funded during their lifetime. I will defer. My colleagues will outline those specific projects, and I guarantee that they will be clearer than I am on the locational differences

between Crawfordsburn and Castledawson in relation to that project.

Mr Lyons: Will the Member give way?

Ms Hanna: Thank you.

Mr Lyons: Will you give way?

Ms Hanna: If I am allowed.

Mr Principal Deputy Speaker: Have you given way?

Ms Hanna: I have sat down. You can come in.

Mr Lyons: I will come in, anyway. Thank you very much, Mr Principal Deputy Speaker. I am genuinely perplexed, because the Member has said why she is opposed to the Budget, but she has not set out any detail whatsoever. It is as if she is saying, “You show me yours, and I'll show you mine”, but she has given us no detail of anything that she would do differently. Give us something; tell us what it is.

Ms Hanna: That is exactly the point. In any other Parliament, anywhere else in the world —

Mr Principal Deputy Speaker: Can I ask —

Ms Hanna: Am I allowed back up? In any other Parliament, that is —

Mr Principal Deputy Speaker: Will the Member resume her seat?

Ms Hanna: I do not know. He was —

Mr Principal Deputy Speaker: For clarification, had the Member finished her speech when she sat down?

Ms Hanna: No.

Mr Principal Deputy Speaker: The Member has the right of reply then.

Ms Hanna: That is exactly the point. The House's job is to scrutinise the Budget. My point is that you have given us almost nothing to scrutinise. You have rushed this through. We appreciate that there were reasons for the rushing through. I gave the potted, disappointing life story of the Budget, but, in many cases, there has been one Committee session for each Department. I have referred to the allocation for Education and the total lack of scrutiny. We are not able to scrutinise the priorities that you are setting out, because you have not set them out. Despite the ideas that parties will set out in their manifestos, they will not present an alternative because you basically have not given us your opening gambit on it. That is the point. I have finished.

Mr Cree: I hope that I can get a few laughs tonight, but I am not so sure. Again, I am pleased to be able to speak on the Second Stage of the Budget Bill. It is funny; we all seem to set off by putting out the main parameters. I noticed that the Minister did it and the Chair did it, and I see that I am doing it now as well. I will stick to convention.

The Bill covers the 2015-16 financial year and provides legal authority to spend for the early part of 2016-17. The Main Estimates will not be considered until June, but it remains crucial that Committees continue to monitor the spending of their respective Departments so that underspends are minimised and the return of funds to the Treasury is avoided.

We are told that the 2016-17 Budget is predicated on the full drawdown of available reinvestment and reform initiative (RRI) borrowing. I understand the logic of capital projects which support economic growth, but in the same paragraph of the Budget, reference is made to the Executive's considering mechanisms for capping RRI borrowing. I am just wondering whether the Minister can develop that thinking so that the apparent contradiction may be explained. There is a figure of £8 million to be held centrally for distribution as a result of the joint investment with Atlantic Philanthropies. In 2014, £58 million was agreed. Can the Minister advise what balance of the fund is as yet unspent?

The Stormont House Agreement has provided for up to £350 million of additional borrowing to support important capital investment projects. Again, for clarification, will the Minister confirm that the first £100 million was used in the year 2015-16? What is envisaged for the £100 million in 2016-17? It would be interesting to know whether there is a strategy in place to cover that additional borrowing.

I will turn to European funds. I know that we can expect income from the various European programmes which are at closure stage. Do we know how much that is likely to be, and is the sum included in the Budget detail? If not, is it available for allocation? The change fund figure is reduced to £7.1 million and includes £1.5 million for estate rationalisation. How much resource has been released from the sale of assets, and how will these have been dealt with in the Budget?

I have to say that I am pleased to see that manufacturing rates will continue to apply a 30% liability for the next year. If we are serious about developing the economy, we need to support our manufacturers in a tangible way. It is also important to extend the small business rate relief scheme, the empty shops concession and the rural ATM exemptions for a further period. However, there are still issues with the recent non-domestic rate review. Is the Minister in a position to update us on the current situation? I know that, for many, there is concern from businesses and indeed clubs right across the Province. The Chair referred to that as well.

Much hope appears to be placed on the June monitoring round to make easement changes and redistribute resources. June is a long way off, but I ask the Minister what assurance he has, if any, that significant resources will be there as a result of the year-end movements, Barnett consequentials and underspends.

To finish, corporation tax has been touched on. Indeed, it was touched on last night as well. I remember speaking about it a month ago. It is very important that we publicise that availability because, as the Minister said last night, there is a gestation period for new businesses setting up and moving on to another country, so we need to get that message out now. I see some reference to the promotion of corporation tax. Maybe that sort of promotion is included in that, but we need to do that.

Air passenger duty (APD) is certainly a punitive tax. It started off as a green tax, but that is no longer the case. Several countries in Europe have just scrubbed APD because it worked directly against their interests. I certainly support that idea.

This evening, again, we have had the call to look at the devolution of further taxes. I hear that every so often, but

in the Budget report we have a reference to the taxes that are generated in Northern Ireland and how they weigh against what comes from the Westminster Treasury.

I think that I trotted this one out about a month ago: the fiscal deficit is £9.2 billion. It says here that taxes generated in Northern Ireland are considerably less than that. I do not know whether it is fair to ask the Minister whether we have any idea of how close it is to that, but my feeling is that it is light years away from £9.2 billion. I will leave it at that.

Mr I McCrea: Given that we have had quite a few debates on the Budget, we will probably hear a lot of repetition of what people either like or dislike about it. Indeed, some will maybe take credit for things that they oppose in the Budget and, when writing their manifestos, they will try to take credit for them. Nonetheless, time will tell.

So far, we have heard from the SDLP, which has expressed nothing other than negativity about the Budget. We have heard that the party is against it because of the lack of scrutiny. That is fair enough. My colleague said that he is perplexed, and we are all perplexed, that, so far, we have not heard any real alternatives as to how the SDLP would do the Budget any better. All we hear are sound bites. I believe that it is time that the SDLP, which reminds us —

Mr McKinney: Will the Member give way?

Mr I McCrea: The reality is that it is still a party that is in the Government. It is time that it acts responsibly as a party in the Government or does the honourable thing. I will give way.

Mr McKinney: Will you take a point of clarification? Is the Member saying that it is fair enough that the allegation was made that there was a lack of scrutiny or that it is fair enough and that there is not a lack of scrutiny?

Mr I McCrea: I am saying that it is fair enough for the SDLP to believe and state that that is why it believes that this is a bad Budget. No one is even suggesting that not having a longer period to scrutinise Budgets is the best way forward. The reality is that we are debating the Budget today, and there is no point in a party, just because it wants to be seen to be opposing the Budget, whining that it has not had the opportunity to properly scrutinise it. It really is time for the SDLP to either put up or shut up on those matters.

I have a number of issues from a constituency perspective. Whilst I have mentioned some of them in previous debates, it is important to again put on record the £130 million that the Budget provides for the Minister for Regional Development to deliver the Randalstown to Castledawson dualling. That project is long overdue. Whilst there are some difficulties with land — and I know that work is ongoing in dealing with the landowners — it is, all in all, a long overdue project, and hopefully it will deal with the large volume of traffic that travels that way on a daily basis, especially in the morning. For many years, the residents who live along that road have had difficulties. Whilst other Members and colleagues of mine will demand that the rest of the road up to Dungiven is delivered, I think that the announcement made is very good and very welcome. That is on top of the around £35 million that was allocated previously for the Magherafelt bypass, the work on which is ongoing. These are certainly good news stories for my constituency.

Yesterday, the leader of the Ulster Unionist Party continued on his hobby horse of attacking the social

investment fund. I was delighted that the Minister was able to outline that £58 million had been committed for social investment fund projects. A total of £1.4 million of that is in my constituency, and has been committed, and I have spoken to those who are working through the process and are trying, at this stage, to get contractors put in place. Anyone whom I have spoken to about this has said that this is a good news story and that they are certainly glad to see it coming.

7.00 pm

I certainly will not take the negativity from Mr Nesbitt about the social investment fund, and I have no apology to make for ensuring that, when it was being discussed, I made representations to the First Minister. I am glad that the Executive have agreed to widen it. This is a good news story not just for my constituency but for the whole of Northern Ireland. Those who continually snipe from the sidelines should remember the impact that it will have on our communities.

The Department of Education's minor works project has been a good scheme to allow schools to benefit from minor capital works funding. In my constituency, a number of schools have benefited, so I hope that that funding will continue. Mind you, I have a list of schools that probably need new builds. I had the Chair of the Education Committee in my constituency recently to see some of the needs. I hope that more capital money is put into the education budget.

With corporation tax, it is great to see that the Chair of the Finance and Personnel Committee is now coming over to this way of thinking and referring to the fair deal. I said to one of my colleagues that he could change his name back to David and maybe join, but we will maybe not go that far. *[Laughter.]* Nonetheless, it is a good news story for Northern Ireland. As APS to the Minister of Enterprise, Trade and Investment, I know full well the efforts that have been put into delivering corporation tax and the debates on trying to get a date and set the rate. Many are calling it a game-changer, but what we have in reality are the levers for Invest NI to travel across the world selling Northern Ireland as a place that is open for business.

Those who oppose the Budget will, no doubt, take credit for being part of an Executive that have delivered those financial levers. I, for one, make no apology for supporting the Budget. The Minister has done an excellent job in the short time that he has been in post to bring forward the Budget — as did his predecessor. This is a good Budget and something that the House should support.

Mrs Cochrane: I welcome the opportunity to speak on the Budget Bill. I will endeavour not to do the parrot impression that I did last night and cover the points that everybody else had covered.

Members will be aware that the Alliance Party opposed the Budget at the Executive and when the Budget resolution came before the Assembly in January. That was the time when there was still an opportunity for an alternative to be agreed. However, now that these democratic decisions have been taken for better or worse, we have a duty to support the measures to put in place the finance for our Departments and public agencies.

We recognise that 2016-17 is a transitional year and is to be followed by a four-year Budget. Therefore, I still have

some hope that, when the rationalised Departments are in place and a new Programme for Government agreed, we will see a more strategic approach. No more circulating a Budget the night before an Executive meeting with the two largest parties displaying a disregard for the views of other parties represented on the Executive but a properly consulted-on Budget that effectively aligns with the strategic priorities for all our Departments across the period to 2021.

Whilst I still have hope, it does not mean that we should simply brush over the 2016-17 proposals that, I believe, missed the opportunity to begin to lay any groundwork for the radical reform needed to deliver better outcomes for everyone in Northern Ireland. I ask the Minister how the proposed spending in front of us will begin that process of making our public finances more sustainable? Perhaps I missed it.

Does he believe that the Budget will assist in reforming the health sector? Will it ensure that necessary action is taken on education? Will it feed into addressing the cost of a divided society and investing in the economy?

Looking at the Department of Health. Yes, the 2016-17 Budget, compared with that for 2015-16, has allocated an extra £128 million, and, of course, that is welcome news. However, even with that increase, the cost pressures facing the Department are extremely worrying. Our population is increasing in size and getting older, and more people are living with chronic conditions. Unhealthy lifestyles are creating more demand for services, and new developments in medical technologies and drugs are increasing demand and adding to the cost pressures. The focus of the Department of Health therefore needs to be on reform, not simply on using the resources to cover gaps here and there by way of a sticking-plaster approach. We need to rationalise the way in which services are provided and invest in further prevention measures.

Mr Storey: I appreciate the Member giving way. It is easy for Members to come to the House and use general phrases, but when the Member uses a phrase such as "rationalise services", which I have heard other Members use and no doubt will hear other Members repeat later, that is the same as saying that we need more tax-raising powers. Does that mean that we are going to support water charges? Does the Member mean that she can identify those locations where health provision is currently but that will have to close? That is the issue for us all, given the debate that there has been this week about the Manchester experience. Can the Member be specific about what is meant by "rationalisation of services"?

Mrs Cochrane: I thank the Minister for his intervention. I was going to come to that in my speech. Of course, I am not the expert who can tell you exactly what needs to be there, but I do know that an independent panel has been put in place, and I believe that there needs to be serious public political commitment to see through changes that may be brought forward by that panel. We cannot expect people to come forward with ideas and then respond with, "Not on my doorstep". We have seen that so many times before. I am calling for that political leadership from all parties, and I welcome the Health Minister's apparent commitment to reform and the fact that he has put a panel in place. I am just hoping that any necessary changes that are proposed by the panel will be realised.

On a previous occasion in the Chamber, I think that there was a mention of a transformation fund for some of the cost-saving initiatives that may come about. I ask the Finance Minister to confirm that he will be supportive of that type of investment being prioritised. I hope that there will be a focus on using improved IT solutions, as communication in the health sector really seems to be one of the biggest challenges and one of the biggest wastes of resources. Just yesterday, I had to make three separate phone calls to secondary care providers to find out one simple piece of information about an arm injury that I have. I was eventually told to phone my GP, who would be able to access the records and provide the information. That bounced the responsibility back to primary care, which is already under pressure. It is clear that there are processes crying out for reform in our health sector, so it is not just about closing services in different places. It is about really, really reforming those processes.

Even through high-level benchmarking of costs compared with other jurisdictions, we can see that efficiencies need to be made in education, yet the large degree of protection that has again been given to the Department of Education seems to create less incentive for that reform. The Alliance Party of course supports investing more resources directly in schools, but we believe that that can be achieved by better use of the Department's budget in the first place.

More money is already spent on education in Northern Ireland than in neighbouring jurisdictions, but less money is being invested directly in the pupils. Part of that is due to our divided system, and another part of it is to do with our high administrative costs. We therefore also need a more meaningful approach to area planning to reduce the number of empty desks and leadership — again, from all our political parties — so that, when difficult decisions have to be made about mergers, amalgamations or closures, people face up to them, are honest with the public and say, "This is what needs to be done". However, I welcome the budgetary allocation for capital expenditure, which Mr McCrea also mentioned. I am hopeful that, in this incoming year, capital resources will finally be allocated to Strandtown Primary School in my constituency of East Belfast for the badly needed modernisation of the accommodation.

I would like to make some comments on the budgetary allocation for economic development. We know that the new Department for the Economy will be established in this incoming financial year. That is good news, as it will bring together the further and higher education sectors alongside our business community and should help to strengthen the economy and drive it forward. However, Alliance has concerns that the 2016-17 Budget has prioritised Health and Education at the expense of the economy. It is a fact that we have disinvested in higher education for a number of years. The cynic in me might say that that is because it fell under an Alliance portfolio. Nevertheless, it is an issue that needs to be addressed.

Reskilling and upskilling our people is essential to give everyone the opportunity to realise their full potential and to make a valuable contribution to society. It is one of the challenges that our Budget really needs to focus on and properly address if we want people to be ready for the devolution of corporation tax. If we need more resources in that area, perhaps we should reconsider the total allocation under the Delivering Social Change banner. That funding is being maintained as per previous

allocations, but I am not confident on delivery given the previous failings of the social investment fund, which I know some have referred to as the "pet projects fund".

I apologise if I have come across as completely negative this evening; I genuinely have tried not to. Alliance will accept the democratic process that has agreed this Budget but, going forward, I urge the Minister to enter into full consultation and discussion on meaningful reforms, including considering some revenue-raising such as prescription charges, which could be taken forward quite quickly, and exploring some other medium-term options as well. I also ask him to include a commitment to publish the independent audit of the cost of division that was part of the Stormont House Agreement.

Our Budget process is difficult as we continue to live in difficult times for public services. Responsible leadership is therefore needed, and that means being honest with the public and taking the difficult strategic decisions that will ensure the best outcomes for Northern Ireland as a whole. We support the passage of the Bill.

Mr Weir (The Chairperson of the Committee for Education): I will be speaking as Chair of the Education Committee, so obviously it would be totally wrong and remiss of me to mention that, in terms of any budgetary allocations particularly to Education, priority should be given to the Holywood schools project in my constituency, which would impact on Priory College, Holywood Primary School and Holywood Nursery School. It would be equally remiss of me to indicate the need for new school builds at St Columbanus' College and Bangor Central Integrated Primary School, given the high pressures there and the fact that both are in dire need of long overdue capital investment. So, I will not mention those in the speech.

Although speaking as Chair of the Education Committee, I must admit that I have some sympathy with what Mrs Cochrane, Ms Hanna and others have mentioned. There is always a slight sense of *déjà vu* with finance debates, particularly those on the Budget, because we quite often have the Budget debate on the back of the debate on the Supply resolution. As somebody who spent many years in different guises on the Finance Committee, probably as punishment in the first mandate and possibly as closer to a reward in latter days, I totally empathise with the sometimes frustrating difficulty when you are effectively dealing with the same subject for the second or third time but are trying to find a new and novel spin on it. I congratulate Members on doing that.

On a broader level, one of the challenges of this Budget is the readjustment of Departments, which makes any degree of read-across difficult. Therefore, it is very difficult to compare like with like. To be fair, there is at least some opportunity for that in Education and Justice, because the changes to those Departments are very minimal. There is a *de minimis* type approach to Education, so you can look at a degree of read-across there. There is clearly some difficulty in going too much into the detail of the Education budget because, as with other Departments, we are awaiting the detail. I think that there will be key issues for the Minister to look at in terms of the prioritisation within that budget.

As such, all we can really do is look at the overall Budget position. What some others would see as a criticism of partial protection of Education would be seen by the Education Committee as having at least some level of virtue.

7.15 pm

When we look at the Education budget or, indeed, any of the other departmental budgets, we have to realise the constrained circumstances that we are in. Looking around the House, I do not see anybody who has been here since 1998, but I am one of the few people who, as if in some sort of latter-day Canaan, lived through the days of milk, honey and plenty in the early days of the Assembly under the high level expenditure under Gordon Brown, where revenue budgets went up each year by a considerable amount. In many ways, it was a relatively easy job for any Assembly to decide how to spend that money if you were looking at a 5% rise in real terms. The task of dividing up that revenue is perhaps easier than when you are looking at what are effectively real-terms reductions. It is in that context that we need to look at the overall Education budget. Undoubtedly, there will be pressures in that budget. I suggest that they may not be quite of the nature that, at times, has been suggested by the Department, but, undoubtedly, there are pressures on the budget. One looks, for instance, at the pressures of an additional £30 million for National Insurance changes, which will impact on the departmental budget.

In actual figures, the revenue budget for Education sits now at just under £2 billion. One of the things that needs to be welcomed within that is that at least we have seen a small overall increase in the budget in actual terms but possibly not in real terms. The budget compared with last year is up £40 million. A lot of that is due to the fact that problems arose last year when money had to be found to meet additional teacher pensions. It was welcomed at that stage that not only was the £35 million found for that but that has now been put in the baseline of the Department. That, at least, relieves a degree of pressure in the Department.

In addition to the money that has been made available, it should be noted that, when some of the redundancies, particularly teacher redundancies, were met last year in the Department of Education, some of that effectively had to be found from the pre-existing Department of Education budget. The fact that that is not having to be found this year creates a degree of relief of pressure because you are not necessarily comparing like for like. There is the removal of a certain level of pressure, which gives a little headroom to the Department.

With regard to the transformation fund, the Department of Education, through a number of schemes, is the largest single beneficiary, with three schemes totalling around £72 million. Part of that — probably been the most controversial aspect — has been the proposal from the Minister of a £33 million scheme for teachers who are over the age of 55 on the condition that schools employ someone who has under three years' experience. At the bottom end of that, there has been a level of controversy about that. It is true to say that there is some concern in the Education Committee about whether the balance on that has been got right, but, undoubtedly, in respect of the £33 million, there are also figures that suggest that that will generate a certain level of savings for schools. That also needs to be taken into account, but I think that the Committee will want to hear more on that scheme. Hopefully, we will soon have the opportunity to quiz the Minister on that. The Committee will want to assure itself as to whether the detail of that has been got right.

The focus at times has, therefore, been so heavily on the £33 million that what has been ignored is the other £39 million in the budget for changes in redundancy. Some £14 million of that is directly for the potential redundancies of 300 teachers, and £25 million has been set aside for non-teaching staff. In certain respects, that will ease some of the pressures in the overall Education budget. Before Mrs Cochrane left, she referred to efficiencies. We should look at the non-teaching side of the Department of Education, where there is an opportunity for a level of reduction. In recent years, there has been a 6% increase in staff and a 10% increase in savings, so perhaps we are not starting from a position of the highest efficiency.

Last year, the Committee expressed concern about cuts made to the Curriculum Advisory and Support Service (CASS), the promotion of STEM and home literacy programmes such as the Book Trust. We wait with interest to see what the Minister prioritises in his budget. Perhaps it would be wrong to comment in too much detail at this stage. Suffice it to say that the desire is that there will be as much protection as possible for the aggregated schools budget to ensure that the money is spent on the front line. That would find resonance across the Chamber.

Finally, I want to touch on capital spend, and there is, potentially, a good news story, particularly in education. I will explain why. The capital budget reduced from £182 million in 2014-15 to £145 million this year, but it will move up to £193.7 million next year, which is very welcome. Mr McCrea and others referred to schools in their areas, and I suspect that we could all have a long list of schools, as is often the case with a capital budget. I suspect that the Minister will want to announce prior to dissolution how that money will be allocated among schools, and work on that is ongoing in the Education Authority. We all hope that the money will be spent in the best possible fashion, in the right place and in an equitable and equality-proofed way.

I sound a small note of caution. Mention was made of the very good work done on minor works, but we should put that into context. During this Assembly term, 56 major works have been announced. For a variety of reasons, including planning and procurement issues, work on the ground has started on only 21. The Committee will want to ensure that, when capital builds are announced, there is a quicker follow-up. Some minor works, which are welcome in and of themselves, arose because the capital budget could not be spent in-year. That money was diverted, so there was a shift. Nevertheless, with those caveats, we should all welcome an increase of about £48 million or £49 million for capital works. We look forward to drilling down with the Minister and his officials, hopefully in a relatively short time, on what the priorities and allocations are in the Education budget, and the Committee will very much take a watching brief.

Speaking as a DUP Member, I welcome the Budget, which comes before us in the difficult circumstances of wider financial pressures. I believe that the Minister and the Executive have done the best that is possible with the resources that they have. Therefore, I commend the Budget to the House.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Tá áthas orm páirt a ghlacadh sa díospóireacht seo inniu faoin cháinainéis. Mr Weir brings good news: I did not know that we had an extra £50 million for capital build.

I want to speak in favour and in defence of the Budget. It is a Budget of which we can be proud. These are tough issues and tough times. Despite that, we have come up with a Budget that will serve our people well. It does not have everything in it that I would like, and there are areas in which I would have liked to see additional expenditure. However, being in government, sharing power with others and having to come to agreed settlements mean that you do not get everything that you want. Despite that, there are many things in the Budget that the electorate will be grateful for. In particular, I am proud of the fact that we have set aside over half a billion pounds for welfare top-ups. No other place in these islands has managed to match that in any way at all. It is testimony to the generosity of the political parties that lead the Executive and to our constituents that they have agreed that we should set aside such a monumental sum of money to ease the effect of Tory welfare cuts.

I am also proud of some local things in the Budget. The school of law at Queen's will get £10 million. I really hope that the social investment fund prospers in the year ahead and that the money allocated to it is spent. I think of the Markets tunnel project, a magnificent project to link the Markets to the city centre. I hope that that will be realised —

Mr Weir: I thank the Member for giving way. One tends to think purely of departmental budgets, but it is important to acknowledge that a number of projects in SIF have an educational focus. It was remiss of me not to mention them when I was covering education. Hopefully, that will make for a very positive intervention, particularly with our young people and the issue of underachievement.

Mr Ó Muilleoir: Absolutely. Some of the projects-in-waiting are in the inner city. Some parties here do not have a lot of support in inner-city areas and are caustic about the social investment fund. In my view, however, the Sandy Row enterprise hub is a project that can transform Sandy Row. We need to put our shoulder to the wheel to make sure that these things happen. I am very proud of the fact that the A5 and A6 are now up and running. I salute those who convinced the Irish Government to put in their £75 million against our money. I welcome the fact that, through this Budget, we will start the north-west gateway between Derry and Donegal, as mentioned in the Fresh Start Agreement, with £1.5 million set against it.

I am enormously proud of the fact that we are spending £4.8 billion on our health service and well over £2 billion on our education service. Those who criticise and snipe at what we have done need to tell us what they would take from the health budget or the education budget and where they would put it. That is what has been absent. There have been attempts to denigrate the Budget, but there is no suggestion of where those people would take money from and where they would replace it.

In my view, not enough money is being set aside for economic development, but you can never have enough money. What we have done amounts to a good day's work: £170 million for Invest NI, £27 million for Tourism NI, £11 million for our friends in Tourism Ireland and £3 million for InterTradeIreland, with the last two being doubled by the Irish Government. That puts us on a strong footing as we move towards the introduction of corporation tax, making it affordable and ensuring that our people are skilled up and that we can grasp the full opportunity. Those are key achievements in the Budget of which we can be proud.

We can be very proud of the fact that we have capped student fees. Voices in the Chamber have said, "Heap more pain on students. Make them pay more for the liberation of a third-level education". We have said no to that. We have resisted calls in the Chamber to introduce water charges, which would be another tax on working families. We have stood by our senior citizens and refused to introduce fares for pensioners, and we will keep that free of charge. We have kept prescriptions free of charge. We can be proud of all those things. We have managed to deliver on those because of the leadership of the parties in the Chamber, in the Executive and in the main parties.

The only alternative that has been put up to the Budget is a suggestion from the SDLP that we take £800,000 from the Office of the First Minister and deputy First Minister and give it to women's centre kindergartens for childcare. Minister Morrow spoke positively last week, and I hope that he will find the £800,000 this week that we need for those hard-pressed women's centres and thus resolve the issue. But who will go into the Office of the First Minister and deputy First Minister in the morning and tell them that they are losing £800,000 from their budget? Who will hand out the 20 P45s to the 20 workers? Who will go to the Victims and Survivors Service and say that we are going to take away its entire budget of £800,000? It is my belief that they have not looked at the figures. They say that OFMDFM administration costs are going up at 23%, but they have not looked at the complexities or the programmes that it has taken on board since 2012-13 and the logical reasons for that. The reasons why administration costs have increased have been spelt out and are on the record. If we allow for the additional work and contingencies that OFMDFM has taken on — for example, responsibility for advertising and other things from Departments — like every Department, OFMDFM has reduced its administration budget between 2012 and 2015-16.

7.30 pm

So, from my point of view, does this Budget deliver everything and is it a wish list for everyone? No, it is not. Is it a good day's work? It is a very good day's work. When I listen to Eileen Evason and others who are at the coalface of delivering change and a fair deal for those who are on the dole, those who are seeking work and working families, I think it is a good day's work. I support the Budget, and I am proud to support it. I think that we have done well, and we will do better in the time ahead, especially as we unite to build the economy.

Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development): I will speak on behalf of the Committee for Agriculture and Rural Development. The fact that the Budget for 2016-17 relates to the newly restructured Department for Agriculture, Environment and Rural Affairs, or DAERA, has muddied the waters a little for our Committee. As Members know, DAERA will not have responsibility for the Rivers Agency. However, it will have absorbed a number of other functions, including environmental and marine responsibilities from the Department of the Environment and inland fisheries responsibilities from the Department of Culture, Arts and Leisure. It will also take policy responsibility for sustainable strategy from OFMDFM.

What we do know is that the budget for DAERA will be subject to a 5.7% cut to its resource. As a result, the new

Department has been allocated a total of £197.9 million resource and £48.8 million capital. Departmental officials informed the Committee that that 5.7% resource cut will be applied pro rata across the three areas that are joining together to form DAERA. That equates to a cut of £10 million for DARD, £1.7 million for DOE functions and £0.3 million for inland fisheries.

The Committee has taken its duty to monitor DARD's financial performance and its delivery of key services very seriously. However, it is important to note that it has been difficult for our Committee to anticipate or assess the true impact of the 5.7% cut to those areas that were previously under the remit of DOE and DCAL and, indeed, to the sustainable development functions under OFMDFM. Over the past year, DARD officials have told the Committee that there will have to be major changes in the services that are delivered and in how they are delivered by the new Department. We have heard that, to meet ongoing budgetary pressures, DAERA will have to be a more modern, leaner and digitally focused Department. The Committee is concerned that that might result in a reduction in the quality and availability of key services. However, Members also believe that the formation of the new Department presents an opportunity for efficiencies to be made. The streamlining of inspection regimes is an obvious example of that, and the Committee will certainly call for these types of savings to be realised as quickly as possible.

The Committee repeats its call for front-line services to farmers and the rural population to be protected from the worst of these cuts. In particular, the timely administration of CAP payments must remain a priority for the new Department. I am sure that all Members are aware of the falling farm-gate prices and ongoing struggles that are faced by farmers in Northern Ireland. Many of you will have read last week that farmers in Northern Ireland suffered a very significant drop in their incomes in 2015. That means that they rely more than ever on these direct payments as their major source of income.

The Committee acknowledges the work of DARD in the past year to ensure that over 96% of eligible farm businesses received their basic payment by January 2016. The Committee is anxious to see that record maintained and surpassed by DAERA, but that may prove challenging in the face of the cuts imposed by the Budget and the loss of over 300 staff to the recent voluntary exit scheme. On voluntary exit, the Committee was told last week that DARD expects to make savings of almost £5 million in staff costs in 2015-16. The first two groups left under the VES before the end of last year. The third tranche of staff left only at the end of January 2016, and the fourth group will not leave until the end of March 2016. DARD has chosen not to avail itself of a fifth tranche of voluntary exits. This means that the full impact of 300 staff leaving has not yet been felt in service delivery. The Committee feels very strongly that the departure of so many staff should not be allowed to impact the administration of all the EU payments that farmers and rural communities depend on so much.

I would now like to specifically reference the issue of TB compensation. The TB scheme costs DARD in the region of £30 million a year. This amounts to almost 15% of the resource allocation for the new Department. At a recent meeting where we discussed finances with DARD officials, the Committee was informed that there is still an outstanding pressure of £4 million for this scheme. It is

alarming that DARD has not yet managed to get both the disease and the costs under control. Indeed, there are actually signs that TB rates are increasing again, which, in turn, means an even bigger call on the purse of the Department.

The funding of TB compensation has long been a concern for the Committee. DARD continues to make monitoring round bids in order to top up the funding for the scheme; this is not sustainable. Members have repeatedly called for the mainstreaming of TB compensation funding, which is, after all, a statutory obligation. We understood that this had been done, so it is very disappointing to see that DARD has had to make use of the monitoring rounds for this funding.

The Committee expects the new rural development programme (RDP) to play an important role in improving the lot of those who make their living in farming. Under the 2016-17 Budget, £5 million has been allocated to RDP. Officials confirmed to us that this will be used to fund the farm business improvement scheme, which they plan to launch in the 2016-17 financial year. This includes a capital investment element called the business investment scheme, which will provide capital support to farmers. However, the Committee has a number of outstanding concerns in relation to this scheme. For example, it has not been made clear to Members whether DAERA has received the necessary funds under Budget 2016-17 for the business investment scheme. We are also aware that DFP approval is required before any RDP-funded programmes can open. However, we have yet to be updated on the status of the business investment scheme business case. The Committee is certainly very eager to see the details of this scheme announced as soon as possible.

The Committee recently received a briefing on a major DARD IT project, the new Northern Ireland food animal information system. We were glad to hear that the procurement exercise for this is finally approaching completion. We were also reassured to hear that the project costs are likely to be less than originally estimated. The Committee was previously told that resource costs between 2014-15 and 2019-2020 were estimated to be £14.8 million. Capital costs for the same period would amount to £19 million. However, as a result of the tendering process, it seems that these projected costs can now be revised downwards.

Finally, I would like to make some brief remarks about funding to the Agri-Food and Biosciences Institute (AFBI) in the 2016-17 budget. AFBI plays a key role in Northern Ireland in providing research to our farming and agrifood industries. The Committee has received several briefings on AFBI in the past year. Members have repeatedly voiced their concerns about how budget cuts will affect the delivery of services. It is crucial to the industry that the institute's capacity to carry out agricultural research is maintained. The plan to end several research programmes as part of AFBI's Shrink to Grow strategy has certainly caused us concern. However, I will finish on a positive note. The Committee has been assured that AFBI's R&D budget will be more protected in the future as a result of a change in Treasury rules. The Committee has always recognised that the success of the agrifood industry is dependent on research and development. As a result, we welcome this change.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the opportunity to address the House as Chair of the Committee for Health, Social Services and Public Safety and to contribute to this debate. I wish to make a number of points, and maybe develop a number of points flowing from the spring Estimates debate last evening. Looking at the Budget, and it has been mentioned by colleagues, the Executive have allocated the Department of Health £128 million additional to its 2015-16 position, and that is very welcome news, right across the services sector and the wider constituency.

There are, however, ongoing cost pressures, which have been referred to. Costs continue to rise each year, and they are running roughly at about 5% to 6%. Typically, they are linked to pay and non-pay inflation. Obviously, they are linked to meeting the healthcare needs of an ageing population and continuing developments in technologies and treatments. That trend is expected to continue as we move forward into 2016-17 and beyond. In order to meet those pressures and supplement the baseline budget allocation, the Department is attempting to identify savings from trusts. It is attempting to look at other arm's-length bodies and its own administration costs, and that is an important point. From what we have heard, that will prove difficult, given the savings that it has already attempted to make in previous years.

Mr McKinney: I thank the Member for giving way. She will probably recall a Public Accounts Committee report, published last week, which alludes to a £131 million trust deficit. Has she any idea, in that case, where the £128 million increase will go, given that this is a one-year Budget? Will it go into that trust black hole? Is that something which Mr Ó Muilleoir can be proud of?

Ms Maeve McLaughlin: I thank the Member for his intervention, and I will develop the points around the real challenge in health: where current spend actually goes. There is no doubt that all of us, collectively, can stand behind the need for a reform agenda which will, I believe, if done properly, address some of the core issues. On the one hand, we have a Department that says it wants to protect front-line services; on the other, it allows trusts to cut the very same services that are required. I will develop that point further.

Of key concern to the Committee is the very point that I refer to. How will the Department allocate this budget for 2016-17 across a range of spending areas? It is an important point. When the officials were in front of us in January, we asked directly for that information. We asked directly for the Minister's priorities. That information is crucial because, obviously, spending decisions should be informed by ministerial priorities. The Member who previously spoke knows that officials were only able to provide us with a very broad-brush picture of the Minister's priorities. I will quote the officials, because they told us that the overall aim and vision is to build a world-class health and social care service, obviously. That should be the collective aim of all of us: to drive up the quality of health and social care for patients. Nobody in this House or beyond would disagree with those high-level objectives, but that does not provide us with the detail of how the £4.88 billion will be spent in 2016-17.

We were further advised that information on the Minister's priorities would be set out in the commissioning plan. I make the point that we were told that a draft of that would be forwarded to the Committee for comment by late January/early February. That document has still not been received for consideration by the Committee. That is disappointing, because the commissioning plan is really the key document setting out the services that the Minister wishes to fund in the coming year. For example, Members are very keen — as I am sure that wider society is — to hear how the Department will tackle the significant waiting times for elective care appointments. Again, officials were not able to advise us how much money would be allocated to that issue. They said that it would depend on what savings could be found in other areas. In the Committee's eyes, the rationale for that approach is really not clear. Surely, if something is a priority, money should be allocated to it. It should not be rocket science, but we need a set of clear priorities in order to do that.

Committee members have also been concerned about the areas where savings would be made. There has been a tendency to look for quick savings rather than take a long-term strategic approach. The Committee was firmly of the view that it does not want trusts to cut back on things like domiciliary care packages as a quick fix to balance the budget for 2016-17.

7.45 pm

There are key questions about the spending plans for 2016-17 that remain unanswered, questions that are of vital interest to Members, healthcare professionals and the wider community. I make reference to one such question. When will we find the pay award for nurses? A total of £28 million is required out of the 2016-17 budget to fund the 1% pay increase.

I will make a number of comments as an individual MLA —

Mr Ó Muilleoir: I thank the Member for giving way. As we work out how to spend this £4.8 billion, do you agree that it would be beneficial to the community if the Minister, in conjunction with the Minister of Education, found a way to tackle the long waiting lists for autism assessments? I know that there is a gathering this week in Stormont — maybe it was today — on that issue. Many of my constituents are in limbo: they are unable to get a child assessed and are therefore unable to source the correct educational route for the child.

Ms Maeve McLaughlin: I thank the Member for his intervention. Indeed, as we move radically to reform the delivery of our health system, we need to do so on the basis of targeting the need that exists. It was very apparent, and I am conscious that I am also a member of the Education Committee, that the responsibility for delays in processing special educational needs assessments lay at the door of the health trusts. There needs to be a direct intervention.

I want to make a number of comments in concluding. The system needs radical reform, and we very much welcome the Minister's reform agenda in that regard, but we need to get the meat on the bones. We need to get a sense of what that clear, costed, time-lined action plan will be. The real issue in the delivery of our health service is where current spend goes. There is a huge debate, and I do not think that anybody in the Chamber or beyond could, hand on heart,

say that current spend is having the right or maximum outcome, so a radical reform agenda is needed.

We need to look at the opportunities that the streamlining of commissioning will bring. We need to appeal to the Minister's better judgement in and around the better GP prescribing programmes, which have been well documented in the Audit Office reports. We need to stop wasting public money on legal cases, over the ban on blood donations from members of the gay community, for example.

Finally, we need to look at the genuine removal of clinical excellence awards: £55 million has been paid out in the last five years, at a time when we cannot pay an extra 1% to our front-line nurses. There needs to be a radical overhaul of how we deliver health, and we in our party are up for that challenge and for the political leadership required to deliver.

Mr McKinney: I have to say that I am deeply worried — I would not say aghast — by some of the contributions. It is not the contributions themselves but the contradictions in those contributions that I am hearing. The last speaker was absolutely right in just about everything she said. She was right to be critical of the commissioning plan. She was right to be disappointed at not seeing targets in the overall Transforming Your Care plan. She was right to point out that waiting times are in disarray and that we are getting quick savings and quick fixes. She was right to say that there are key unanswered questions in the overall healthcare system. She was right to point to the fact that nurses are not getting a 1% pay rise.

Her colleague was also right in his point, although he did not go into the details of it — and I will give him some of them — that some waiting lists for autism assessments are two years long. The children are nearly grown up before they get a diagnosis.

Yet, Mr Principal Deputy Speaker, we have to be proud of all that. We are hearing two voices from Sinn Féin today, one that is deeply proud; and I am trying to work out what the pride is here. Are we deeply proud that we took a whole load of numbers, however many billions, added them up, shared them out, and they added up on the bottom line? The underlying stories are what we really should ask questions about. Those are questions that my colleague from Derry rightly asks and which I will now continue to focus on.

As the Finance Minister and all of us are aware, there are many genuine pressures on the health service, which eats into nearly 50% of our overall Budget. The SDLP has expressed concern over the last number of years, and I think that colleagues agree that questions need to be asked. A lot of it emerges from fiscal shortfall, and the result is intolerable pressures on the Health and Social Care service. I do this in all my contributions because I think that it is important to reflect on it, but those pressures are felt by nearly 65,000 dedicated, professional staff who work to the highest standards, often in difficult circumstances. Their commitment, energy and compassion must receive the highest praise. I think that we should acknowledge that.

I am glad that the Minister has moved to introduce a well-deserved pay rise for staff, although the scale is criticised by unions. Nevertheless, nurses are still not getting what they deserve, and I do not think that that is something to be proud of. It remains worrying that the Minister is still

embroiled in a dispute over junior doctors' contracts, while the same issue is to arise over consultants' contracts. We have to be aware of the implications of that, not just for the delivery or ultimately, if they move away, lack of delivery and the overall effect that it could have on the system. Those workers are an integral part of it. It is vital that any changes do not put patients' lives at risk and do not deter health staff from working here.

As we entered 2016, the Northern Ireland public again felt the cold face of the health service crisis, with seemingly insurmountable pressures on A&E and colossal queues for elective care. There are 400,000 people on waiting lists in the health system in Northern Ireland. Can we honestly stand in the Chamber today and say that we are proud of that? Over 20% of Northern Ireland's population is on a health waiting list. We have to start to think differently about how we deal with this. We have home closures followed by the stripping of home domiciliary care services. Maybe we should be proud of that. This is not about arriving at a figure and saying that we should be proud of allocating that over there, a little bit of that over there, or a big bit of that over there. It is about the delivery from what we spend. We need to hear in the Chamber that we are delivering for people, particularly vulnerable people. However, given that we are reaching figures of 400,000 people, this is extending beyond what we would normally think of as vulnerable people living in poverty. This is extending into a much wider circle that has grown over five years.

The system could be said to be at breaking point. Patients and staff are suffering on the front line. It is our responsibility, in the Chamber, to point that out. That is not just being negative; it is what a good Budget is about. It is about allocating the right amount of money to achieve the right outcome. Against that backdrop, the latest winter hospital statistics are not surprising. We have been pointing that out for months. What continues to shock the public and others is that the Minister and the Department have continually failed to implement a robust and coherent long-term strategy to deal with increased demand on the system.

Another fact is that Northern Ireland now has the worst record in the UK on the 12- and four-hour waiting targets for emergency care. That is reflected in emergency departments across the North of Ireland.

Patients are being put at risk, with hospitals continuously breaching targets that were put in place to ensure speedier diagnosis and treatment. Are we to be proud or critical of that? When I say "critical of that", I mean not just negative criticism. I think that the Minister understands that. If I interpret him rightly, he comes from a background that likes to see a sufficient allocation, outcomes for people, and money spent well and properly so that we get the maximum return from it. I do not think that we will disagree on that issue. That is a very important aspect of what we are arguing about.

We have seen a massive crisis in elective care. Once again, we shifted money away from one area to A&E and created a new crisis. As I said, it now extends to 400,000 people. That is worrying on two fronts. First, some of the £40 million that was allocated to elective care operations could not be spent, because the administration was too bloated and the photocopiers could not deal with the system. Secondly, we heard that a number of cancer

operations were cancelled, so it is not just elective care but emergency care.

Mr Storey: Will the Member give way?

Mr McKinney: Yes.

Mr Storey: I have listened to the Member raise genuine issues about concerns that are out there. He rightly acknowledges the work of our healthcare professionals. I did that in the House even yesterday. That is the right thing to do. Is the Member telling us, however, that his party would now reverse its position on welfare, for example, and say that the money that was negotiated for the mitigation measures and the money that we will spend on welfare should be put into our health service? Let us remember that his party voted against the Budgets, so is he saying that we should not have allocated an additional £133 million resource DEL to the Department of Health or provided £40 million before Christmas to help with waiting lists? Is he saying that those are things that we should not have done?

I take his point that I like to see outcomes, but I realise that the sad reality of the House — I have said this time and again — is that we have political wish lists longer than the length of the Chamber. Collectively, parties are going to have to say, “Yes, we would like to be able to do that, but our priority is our health service and delivering for that”. It is time that his party stopped making the case for some of the things that it has advocated. We would then have the resources to deal with the issues.

It also comes down to another issue, and I said this to Mrs Cochrane the Member for East Belfast. When we talk about rationalisation, tell us where you want the services to end. Tell the people. In my constituency, does it mean that we have to tell people that the Causeway Hospital should close? Is that the sort of rationale and rationalisation that the Member and his party support?

Mr McKinney: I will give a very short answer: no. That is not what I am proposing at all. In fact, as I go through my speech, I will point out areas in which we could save money in the system, because there is enormous waste in the health system.

I will deal with this now, given that the Member elaborated on it extensively and asked me directly about it. The reality is that it is not just about money. I have not so far said anything about wanting more. The one point on which I intervened concerned the trust money — the £128 million — that you pointed out. My worry is that, because this is a one-year Budget, that is going into a black hole. At the time of the conclusion of the PAC report, the trusts were sitting with £131 million of debt. Of course, the PAC report was published some time back — somebody can tell me when it was — so it could be £160 million now. In other words, we are pushing money at problems and we are not solving them, which gets me to my core point.

8.00 pm

The Minister asked me a question in a particular way, and I hope this answers it: this was foreseen in ‘Transforming Your Care’. There was a sentence in ‘Transforming Your Care’ that was very good and summed it all up; it said that a failure to plan would lead to “haphazard change”. We have got haphazard change now by any measure, and it is wasting good public money. The wastage in the system is the issue.

If the then Minister of Finance and Personnel, the then Minister of Health, Social Services and Public Safety, the then First Minister and the then Minister for Social Development — I am pointing to four DUP Ministers — had even sat round their own kitchen tables, they might have got some consensus on this. They did not have to reach out to everybody else, because there was a consensus in 2011 that we needed to deal with the issue in terms of flow.

Like a business, what flows through the system is what is important. It would have taken some money, and if the Minister is saying to me what I think he is, he too will back our proposal to put health at the very top of the Executive’s priorities so that we can begin to sort this problem out once and for all. That will entail investing some money at the start to alleviate the problems at the Causeway Hospital and in Ballymena on the community side. We need to take the pressure off the expensive accident and emergency side and the elective care side so that we are dealing with people and giving them a service in their own areas — not necessarily a hospital service, because we could shift the context —

Mr Storey: Will the Member give way?

Mr McKinney: Yes.

Mr Storey: That is already being done in Ballymena with the new centre that will be opened. The Member is almost arguing against his own point. At Altnagelvin, a huge investment has been made in a service that will be of immense benefit to people who have particular issues and challenges due to cancer, which is something that far too many households face. Let us not try to paint a different picture.

The difficulty I have had since coming into this job in recent weeks — this was mentioned by the Member opposite — is that it is almost as though we have not been spending almost half of Northern Ireland’s Budget allocation on health. Sometimes, we focus on specific problems. As the son of a father who has spent almost nine months under the care of the health service, I know all too well the huge amount of money that that has cost our system but, as a family, we appreciate everything that has been done, and there are many other thousands of families like mine.

Mr McKinney: I get that. I have also had experience, and I refer to it in every contribution. If we were properly dealing with the community side, we would not have had 791 patients in hospital over Christmas who could not get domiciliary care packages. Somebody needs to do the maths. There were 124 of those people who stayed in hospital for more than two months. Those were people who did not need to be in hospital but stayed there. Depending on the part of the system they were in, it might be more or less expensive than domiciliary care, but my guess is that, when we do the maths, we will find that it was significantly more expensive than the adequate provision of a home-care package in the first place.

Mr Ó Muilleoir: Will the Member take a point?

Mr McKinney: Yes.

Mr Ó Muilleoir: Thank you. I was waiting with bated breath to hear about the prosperity plan. I am happy to have a health debate. I do not know whether the Member is proud of the fact that we have set aside £4.8 billion for health, but I am. If he thinks that anyone on this side of the Chamber or the other side of the Chamber is not going to demand

and insist on delivery, he has not been listening to what we have been saying today when we challenged the Economy Minister on some of the problems within DETI. We will insist on proper delivery and excellence in every Department.

However, I am still waiting to hear what the SDLP would do.

The only suggestion so far is that you will take £800,000 from OFMDFM, perhaps closing down the Victims and Survivors Service — that is £800,000 — or making 20 people redundant. You want to give that to the women's centre childcare unit, which, in fact, is being sorted out. However, you make a fair point: you have suggested that, out of a huge budget, you will take £800,000 from one Department and put it into another.

After all of the talking tonight, are you saying that you have laboured long and hard over this but will not tell us how you would move money between Departments? Do you want to spend more on health? You seemed to be saying that in your earlier suggestions. If it is more than £4.8 billion, where is it coming from? If it is to come from savings, that is interesting because, then, the SDLP's position is that the only thing that should be different in the Budget is that there should be more efficiencies. I think that everybody would sign up for that. If there is to be a bold — we heard that word used earlier — ambition behind the prosperity plan, which we are still waiting for, let us know what it is, because we would like to see an alternative. There is no monopoly on budgets, so tell us where you would remove the money from. Would it be from the Culture Department, from DOE, from DRD or from the economy? Where will you take money from to give you that additional spending power, or is there no additional spend intended? I do not know whether that will be in the prosperity plan, when we see it, but, to me, raiding £800,000 from OFMDFM and making 20 people redundant is kindergarten economics.

Mr Principal Deputy Speaker: Before Mr McKinney speaks, I draw Members' attention to the fact that, although this is an important debate about legislation, interventions ought to be short, sharp and focused.

Mr McKinney: Thank you, Mr Principal Deputy Speaker. I will get to addressing some of the issues. The Member said that Sinn Féin would interrogate the issues: where was the interrogation of the failure to implement Transforming Your Care? There were 99 targets, but little was done. The Department produced a report, but I did not see much interrogation of that. I have to laugh: Sinn Féin's economic plan includes paying off everybody's credit card debt, and he wants to hear from me about my plan. Maybe you should come and join the SDLP, Máirtín. That would be the answer. We will give you plenty to talk about and chew over. You do not have any plans. All that you have is a plan to say that you are proud of adding up figures on one side and not on the other.

I talked about the prospect of investing to save, but I said that in the context of making that we make health the top priority in the Executive. If we do that, it will involve Departments other than the Health Department seeing health outcomes as a priority for them. In other words, let us begin to deal with the core issues and get to the root of the debate: the real issues that cause problems in our health service — not just the flows through it but the issues that cause the logjams. They emerge from long-term unemployment and long-term deprivation in communities such as west Belfast, and you know all about

that. Statistics show that west Belfast, north Belfast, my colleague's West Tyrone constituency and Derry and places like it still top the UK league tables for deprivation and long-term unemployment. If we were to begin to tackle those issues strategically, we would have a different approach, but Máirtín is stuck on the figures. He is just adding up figures and saying that he cannot think beyond that. He says that we are asking to move money on the abacus from here to there and back again: that is not what I am talking about, and that is not what the SDLP is talking about. The SDLP is talking about beginning to make Northern Ireland work, be self-sufficient —

Mr Ó Muilleoir: Will the Member take a short intervention?

Mr McKinney: No. I think that you have had enough.

Mr Ó Muilleoir: I think that a short intervention would be in order, if I were allowed.

Mr McKinney: You have made it clear that Sinn Féin is bereft of ideas and is reaching out to ask the SDLP. I am explaining the prosperity process, and he is not listening. It is about making Northern Ireland work, once and for all. We have had 40 years of people destroying this place and imposing the very deprivation and long-term unemployment that led, for example, to the long-term mental health issues that my colleague continues to refer to. We, across the Chamber, know that only too well, and we know how much it costs the Health Department. We have to wake up. We have an election in three months' time. The Programme for Government negotiations have to include those elements at its core, or we will have forgotten what we are about.

Mr Storey: I thank the Member for giving way. I listened to him and thought that he had a copy of the Ulster Unionist Party's 'Vision' document, because it seems as though they are using the same script. It talks about wanting to make Northern Ireland work. Hold on: let us remember that the SDLP stayed in the Executive and voted against everything, and the Ulster Unionist Party walked out of the Executive. They had their opportunity to make Northern Ireland work and, clearly, were not capable of doing the job. Either they do what the SDLP does, which is stay in and snipe from the sidelines, or they do what the Ulster Unionist Party does, which is pack up your school bag and leave.

Mr McKinney: I am sorry, Mr Speaker, the one thing that I was not doing and have not done during the debate is snipe from the sidelines. I am trying to come up with constructive answers to some of the bigger long-term problems that this constituency has. The Minister did not refer to the chronology of when he heard whatever, but, if he is suggesting that Sinn Féin is looking for our ideas on the one hand and the UUP has stolen our ideas on the other, I will be entirely happy with his intervention.

I want to ask the Minister a question directly. I have referred to it, but I want an answer if possible. It also refers to the nature of that. The budget rise is £128 million, but the trusts' deficit is £131 million. We need to know where that money is going. Is it going to future provision? Could it go to transformation or current pressures? Is it merely going into that black hole? For us, that is deeply worrying.

I take issue with the repeated concept that we are sniping. Neither I nor the SDLP is sniping. We see an opportunity going into the election and beyond, starting in this mandate and potentially going across mandates, to begin to deal

fundamentally with some of the big issues that affect this society. These are societal issues, and that is what we are here for — at least, that is what I understood we were here for, not merely adding up numbers and claiming to be proud of that as an active act in itself.

The Health Minister pointed to a transformation fund aimed at encouraging reform and innovation. Given the earlier comments, I cannot see anywhere where that has been fleshed out in the Budget. It may form part of Professor Bengoa's deliberations or analysis — I am not sure what to call it — but I look forward to his proposals. We have had reports — I have referred to the Transforming Your Care report — and we have had reports on reports. Donaldson came in and said, "Get on with implementing Transforming Your Care, and that might get you off the starting blocks". My worry is that we will simply, through these other processes, have activity disguised as movement. As I have been arguing, now is the time for action, not analysis. We had consensus on reform, as we have said, and very little in outcome through implementation.

I touched on the TYC plan momentarily, but maybe I will flesh it out because it was the plan. Even the Department's analysis has shown that it has barely moved on its update. Proposal 9 dealt with domiciliary care and the home being the hub of care, which is a key provision. What do we end up with? The report states:

"analysis of current models of delivery and options for service redesign [will] inform future regional commissioning and procurement activities."

In other words, the homework has not been done.

8.15 pm

We also need a direct answer on this. The Minister released £1.6 million for the independent sector, and if the homework has been done and if that sector has been in touch with the Department, the Department will know that, in fact, that sector is saying that it needs £36 million between now and April and another £9 million annually thereafter. Recipients of those care packages are some of the most vulnerable and frail people in society, and the Chamber owes it to them to ensure that their care needs are adequately met. I will make the point again that it is as a result of the failure of delivery of those care packages or the weakness of the care packages that, very often, our old people are presenting in accident and emergency because they cannot get the proper service or are not getting the GP service that they need. Their presenting at A&E is causing the crisis. The logical conclusion is not just about moving money around; the logical conclusion is that it is a systems failure and that the system needs to be fixed.

I could go through much more of the detail, but I am glad that we have had the debate and that it has widened out to some of the issues that I referred to. We need to make a health and social care system that is fit for the 21st century. We have an opportunity to do that. I reiterate: we can allocate money from now until the cows come home, but we need to do it with a plan that delivers for the people of Northern Ireland.

Mrs Overend: I am pleased to speak as the Ulster Unionist education spokesperson on the Budget agreed for 2016-17 by the DUP and Sinn Féin. My focus is on the future generations of Northern Ireland. Education is a key

Department and one that we, as elected representatives, need to get right. Our young people deserve our focus and attention.

As we look ahead to the new financial year and a new mandate for the Assembly, we know that Education is one of the Departments that will remain largely in its current state. All the Department's current functions will be carried forward, with some additional responsibilities in the new Department. Last month, in presenting the DUP/Sinn Féin Budget for 2016-17, the Finance Minister announced an extra £40 million for the Department of Education. At £1,948 million, the opening baseline resource budget for Education in 2016-17 is almost identical to the 2015-16 figure. That represents 19% of the non-ring-fenced DEL. That appears to be a very placid situation compared with the recently recurring annual crises over school budgets, but we know that schools are having to deal with other costs and with inflationary costs, which I will refer to later.

It seems like only yesterday that savage cuts to the Department of Education were being proposed. Last year, it was suggested that up to 1,000 teachers and 1,500 support staff could lose their jobs. Whilst that doomsday scenario never came to pass, very worthwhile schemes were cut and discontinued, such as the primary-school modern languages programme, the Sentinus programme and, particularly regrettably, the signature programmes in numeracy and literacy.

I would like to turn to the Youth Service. Given that the Education Minister announced his decision to dissolve the Youth Service and subsume the responsibilities into the Education Authority, I question whether cost savings are foreseen in that regard and whether there is evidence that money will be saved. I have concerns that our Youth Service may lose out on much-needed funding for the sector, since the Youth Service Northern Ireland multiplied the funding that it received fivefold.

Focusing on schools, I reiterate something that my colleague and predecessor as education spokesperson, Danny Kinahan MP, used to call for, and that is a joined-up education plan for the future so that schools know what is happening and have some degree of certainty about their annual budget allocation. I have been speaking to numerous schools, and they are frustrated with the lack of information and the lack of the stability that the Budget system brings them. They want to be able to be more proactive rather than reactive when it comes to figures that are given to them. I acknowledge that we are in a unique situation because of the one-year extension to the Assembly's mandate, but surely a better and more certain budgetary process can be worked out for schools. The Chair of the Committee referred to the aggregated schools budget, and I agree that it could be better secured from one year to the next. After the election, the Minister will be able to make a budget over the period of the mandate, yet there will be fluctuations year on year within the aggregated schools budget.

The Department of Education faces significant funding pressures going into 2016-17. The funding of shared education in the incoming year and further years deserves careful consideration. Over a year ago, £500 million of new capital funding for shared education over a 10-year period was announced in the Stormont House Agreement. However, the DUP/Sinn Féin Fresh Start Agreement states that that money can also be used for mixed housing

projects. It is time that we had clarity on this issue, and I would appreciate that.

More widely on shared education, and being conscious of the Bill going through the Assembly, it is time that questions over the financial viability of that policy were explored. Option 4 in the business plans for shared education would cost £44 million annually, which, after four years, will apparently be absorbed into the mainstream schools budget. I wonder whether that is realistic or sustainable. I hope we can get answers to these questions.

The Programme for Government has a commitment to creating 10 shared campuses by 2018. The total cost of implementing these sorts of infrastructure projects could approach £1 billion, yet there is no funding secured for that. It is assumed that the EU Peace IV might be a possibility, even though the EU has already spent a total of £2 billion in Northern Ireland since 1994. So there is considerable uncertainty about funding for shared education, both in 2016-17 and into the future.

More immediately pressing, and referred to earlier, are the pension scheme revaluations. Those are likely to result in additional employer contribution costs and increase operating costs by 4.1%. With the single-tier pension scheme in place from April this year, schools will also face an increase of 3.4% in National Insurance contributions. In the current financial year, the Department received additional in-year funding to address the pension-related pressures. I would like to hear from the Minister where those costs will be covered in 2016-17.

The teaching workforce scheme was announced by the Minister but is going through an equality impact assessment only now, and we are not clear at this stage where that is going. It is not clear how the scheme will be allocated funding and what savings — if any — will be realised. It has been mooted that savings made through the scheme will remain with individual schools. I would appreciate clarity on that. What has been announced is a £33.1 million investment for the early retirement of 500 teachers over the age of 55 years, replacing them with recently qualified teachers. That proposal is causing considerable unrest on equality grounds, but a financial question has not been addressed: the £33.1 million quoted is at variance with the £47.3 million allocated to the teaching workforce in the Executive Budget for 2016-17 under the public sector transformation fund. I would appreciate clarification on that matter.

There are unanswered questions with regard to the Budget in respect of education. I can tell you that principals are worried. They are concerned about the future of their schools and the education of the children in their care. I share their concern, but I am sure that this is not as good as it gets.

Mrs Cameron: I rise as the DUP lead on the Committee for the Environment, and I will be brief.

Much of what is being discussed is based on the restructuring of the Department of the Environment and the transfer of functions following the reduction in the number of Departments from 12 to nine as outlined in the Stormont House Agreement. The Department of the Environment will cease to exist and its powers will transfer to three new Departments in the hope that the work will become more efficient and streamlined, and its functions more cohesive.

Whilst work is ongoing as to how those functions will be delivered, it is hoped that the priorities for the new Department of Agriculture, Environment and Rural Affairs will include improving waste management, protecting our ecosystems and improving water quality. Powers that will transfer to the Department for Infrastructure will, amongst others, aim to reduce the number of people killed or seriously injured on our roads through improved road safety and better regulation of the transport sector, with the new Department for Communities working towards supporting the economic benefits of vibrant and diverse communities in a manner that protects our built heritage.

As the Budget is based on the new nine-Department model, I have concerns as to how these extremely wide-ranging functions will be met, particularly given that there will be a further budgetary reduction of 5.7%. Whilst a huge saving has been made in the current Department of the Environment through the voluntary exit scheme, I fear that, once the scheme has been exhausted, we will be faced with a gaping hole in funding for environmental schemes, road safety and historical protection.

The unprecedented flooding that many areas have experienced over the last number of weeks is a stark reminder of the danger posed to our ecology and how changes in our weather systems can have a devastating effect on communities. We must be working towards protecting our environment, and my concern is that further stretching of an already overextended budget will mean that the departmental functions will become so watered down that they will fail to provide the protections that we so desperately need.

I welcome the opportunities for greater departmental cooperation and the financial economies that this may bring, for example in the transfer of built heritage, which will see greater partnership with National Museums and public records to improve public viewing and ease of access, or in sharing departmental staff with roads, rivers and emergency response units. Also, the opportunity for greater collaboration on air quality, wildlife regulations and agriculture will provide a common-sense approach to working, and I look forward to seeing the efficiencies that this will bring.

In closing, my primary concern is in protecting our environment, both natural and built, for future generations. I hope that we can continue to identify where efficiencies can be made and that this does not come at the expense of our ecosystems and heritage.

Mr Lyons: I welcome the opportunity to take part in the debate this evening. Perhaps interesting is not the word I will use, but we have certainly heard a number of things from a number of different Members. I think that there are two things that we need to bear in mind as we consider this Budget and, indeed, any Budget that comes before us. The first is that we are still heavily dependent on funding from Her Majesty's Treasury. It has already been said that our fiscal deficit is in the region of £9.2 billion. That is over £5,000 per person. Secondly, and as a consequence of that, if we want funding for a particular area or project, we either have to take money away from another area or project or we need to raise revenue. We have heard a lot of criticism of the Budget, but we have heard very little that has been volunteered on areas in which we would cut spending to compensate for increases elsewhere, and we have heard very little about the revenue that others would

like to raise. I think it is important that we consider these things as we approach this Budget. We are dependent on the Treasury and the block grant, and that is something that we need to keep in mind.

I very much support the Budget that is in front of us, and I do so for a number of reasons. First, there is the priority that it places on certain issues. I think that the priorities in this Budget reflect those of the people of Northern Ireland. If you go onto the streets and ask people what they think needs protecting and where we should be spending most of our money, I am sure that on nearly every occasion they will tell you that they want to protect health and education. I think it is right that, although we are in a very difficult and constrained environment, we have still been able to offer a degree of protection to those Departments. I think that that is welcome.

8.30 pm

Mr McKinney: Will the Member give way?

Mr Lyons: I will indeed.

Mr McKinney: The Member is critical of others who have not come up with ideas yet, and he pointed to a £9.2 billion black hole in our finances. Can the Member outline his plans for reducing that and for making Northern Ireland more sustainable?

Mr Lyons: I thank the Member for his intervention. Of course, it is not a black hole in our finances in so far as we have the money coming towards us. What the Member perhaps means is that we get more from Westminster than we raise in taxation, and that is absolutely right. One of the ways in which we fix that problem, or try to improve it, is by growing our economy and the private sector. It will be exceptionally difficult for us to completely bridge that gap, because when you have a capital city the size of London, where, I think, £1 out of every £7 in taxation comes from, with the growth that is there, it will always be difficult for other regions. I think that only London, the south-east and the eastern region are net contributors to the UK economy whereby more money is brought in through taxation than is spent on public services. We need to fix that. We also need to make sure that we grow our private sector and that we have more jobs and opportunities, which I will come to later, so that we can also reduce the size of the welfare state, take people off welfare and make sure that they are in work instead.

One of the reasons why I support the Budget is that I believe that it is a continuation of the positive policies that have helped us in Northern Ireland over the last number of years. What have the Executive been able to do? Let us first look at rates. The Executive have used the lever that we have for rates to help our economy and business here: 4,437 properties have benefited from industrial derating. Business regional rates here have increased at a much lower rate than in the rest of the UK, and 35,600 properties have benefited from the small business rate relief scheme. That is to be welcomed because it has helped our small businesses, and I am glad that we will continue it.

What else have we done? We have used the rates tools available to us, but we have also invested in infrastructure. As a Member representing East Antrim, I am absolutely delighted at what the Executive have delivered on infrastructure. If you now want to visit Larne or Carrickfergus, you will be able to get there in a very short time, thanks to the massive investment that we have

had in those projects. Of course, we see that in other parts of the Province as well since devolution returned. The road to Dungannon, which is, I think, the A4, the A5 and the A6 are other transport corridors that will benefit from Executive investment. So, we need to continue that investment in infrastructure.

In addition, look at what we have been able to do on tax with some of the powers that we have. It is good that we have devolved corporation tax, as it is another tool that we now have. We can say that we have a date and a rate, and we can go out there and sell that to businesses and investors.

On air passenger duty, I have used the United service from Belfast to Newark a number of times, and it is good that we have been able to maintain that service because of the devolution of air passenger duty on long-haul flights. I would say to the Minister and his successor, the next Economy Minister, that it is imperative that action be taken on air passenger duty across the whole of the UK. I do not believe that we can sort out that issue ourselves, but it would be of benefit not only to us but to the whole of the United Kingdom if the Westminster Government realised that that is a tax that we should not have.

I look at the example of the Netherlands. It brought in air passenger duty for, I think, only a year or two. It raised over €300 million as part of that duty, but it is estimated to have cost its economy €1.2 billion. I therefore urge the next Executive to ensure that we push the Government to get rid of that tax across the whole of the United Kingdom, because I believe that that would be of benefit to the whole of the United Kingdom. We need a hub airport in the UK, and we need to increase our aviation capacity in the south-east, and that should not be going to Amsterdam, Frankfurt or anywhere else.

Mr Storey: I thank the Member for giving way. I concur with his comments. He will be aware that I was recently in front of the Northern Ireland Affairs Committee, which is holding an inquiry into the issue, and I think that there will be interesting conclusions as a result of that inquiry. He will also be aware that Willie Walsh made some comments today on the issue. Mr Walsh also referred to the air route development fund that we are seeking to bring into existence. I inform the Member that I intend to meet the Minister of Enterprise, Trade and Investment tomorrow on that, because, in the absence of any movement on APD in the United Kingdom, we will need to pursue the air route development fund, which has already received some good comments from Mr Walsh.

Mr Lyons: I thank the Minister for his intervention. It is good to see that the issue is a priority for him and, I hope, the Executive. I completely concur with what he said about the air route development fund. We should be unashamedly trying to attract new routes and to grow the number of air routes that we have. Yes, it is good for business, but it is also good for tourism, which is obviously a priority for us. As a Member who represents a very beautiful coastal constituency, I want to see —

Mr Storey: North Antrim.

Mr Lyons: No, I do not represent North Antrim. It is one step better: East Antrim. I think that we have a much longer coastline than North Antrim does. George Robinson, who is sitting beside me, mentions East Londonderry as well. We have beautiful places all over Northern Ireland, and we

want to make sure that we attract as many people here as possible.

The Executive have done a very good job of using the tools that are at their disposal to help our economy. If we are looking for some figures to prove that, in the year to September 2015, 12,000 private-sector jobs were created in Northern Ireland. That does not happen by itself. Those jobs were not created because we did nothing; rather, they happened as a result of the policies enacted by the Executive. That is to be very much welcomed.

Therefore, I support the Budget because of its priorities, and I support it because of the continuation of positive policies that have delivered so much for Northern Ireland. I also support the Budget because I believe that it is forward-looking. Some have criticised it for a lack of vision, but that is completely ill-founded criticism.

The new Department for the Economy is covered from page 55 onwards, and I am very encouraged by what I see there. We have an Executive that understand where we need to be. We cannot do things in the way in which we have always done them. We cannot continue to do what we have done in decades past, because our world has changed and the economy has changed. Recent job losses in Northern Ireland have demonstrated that, as a result of the globalised economy in which we now operate, we need to be more competitive than ever. Our workforce needs to be of the highest quality, with the best skills, and we need to be out there ensuring that we have that type of workforce so that we can attract jobs for our people. I read the document, and I see that the Minister has indicated the importance of stimulating:

“research & development, innovation and creativity”.

It is also very clear that he has indicated that we need to prepare for the skills implications of the introduction of the lower rate of corporation tax, and that is absolutely right. Corporation tax is a very important tool that we have at our disposal, but we cannot just cut the rate and wait for the jobs to come. We have to prepare for it, and that is something that the Executive are taking seriously.

Investing in economic infrastructure, working with others and investing in innovation, research and development are all really important so that we can have the jobs for our people in the 21st century. That is very welcome.

We have before us a one-year Budget. I know that there has been a bit of discussion about that, and some people think that we should perhaps have had a longer period. As we come to the end of a mandate, it is right that we do not set a Budget that ties the hands of the next Executive. What we have is a road map for the way forward for the next 12 months. It will then be up to the new Executive and the new Assembly to decide their priorities.

I very much welcome the Budget. It is a springboard for us to move forward, and I thank the Minister for his work on it. I challenge the other parties: if you are going to vote against the Budget, you need to say very clearly where you will take money from and where you will put it. Otherwise, you are just doing a disservice to the people we represent. I support the Bill.

Mr Dunne: I welcome the opportunity to speak on the Second Stage of the Budget Bill as a member of the Enterprise, Trade and Investment Committee. Our

economy must continue to be a central priority for us all as we move forward. Over the last 12 months, our economy has seen challenges and opportunities. It is important that Northern Ireland continues to be positive about being open for business and a place that is welcoming and supportive of new business. We recognise the need to support Invest NI, which will continue to target inward investment, promote domestic growth, provide trade support, support the private sector in investment in R&D and grow our export base.

The planned reduction in corporation tax from April 2018 provides us with a real opportunity to grow our economy. The Ulster University estimates that the 12.5% rate could create up to 32,000 additional jobs and help to grow our economy by an additional 10% over 15 years. However, we need to be prepared for the new rate. We need to ensure that Invest NI is given adequate resources and the budget required to ensure that we open the proper doors across the world, wherever they may be. The work needs to start now to maximise the potential for our economy and ensure that the skills needed are in place to support any new jobs. We need to invest now to ensure that we get it right on foreign direct investment to really grow our economy. It is crucial that the right skills budget is in place to align the work of DEL and DETI in attracting foreign direct investment as we go forward with the Department for the Economy, particularly the £5 million that is needed for the skills agenda.

Invest NI's mid-year performance for 2015-16 highlighted positive developments, and a £550 million investment in R&D reiterates the value of attracting jobs to Northern Ireland. There is no doubt that the 7.1% reduction in Invest NI's resource budget will present challenges. However, I believe that it is best equipped to deliver for Northern Ireland and, with the right support from the Executive, I have every confidence in Invest's ability to deliver.

Energy costs continue to be a challenge to growing our economy, no more so than in the manufacturing sector. We need to see real progress on the North/South interconnector to help reduce energy costs across the sector. That has been kicked around the Assembly for years. The extension of the gas network to other parts of Northern Ireland is also vital to keep energy costs competitive for all our customers.

8.45 pm

As has been mentioned by a number of Members, tourism is another key aspect of our economy, and I believe that it is a sector that has not yet reached anywhere near its full potential. The overall visitor figures confirm that Northern Ireland is now a must-see destination, with overall visitor numbers increasing by 9% in the 12 months to June 2015 along with other encouraging signs in external and business visitor figures. Northern Ireland is fast becoming a real destination for top sporting events. Funding streams such as the tourism events programme are crucial in helping to run top-class events locally. The value of international events, such as the North West 200, the Circuit of Ireland and the Irish Open, should not be underestimated. They all attract many international competitors, spectators and their families, bringing people to these shores for the first time. They get a real sense of what this place is about and cannot wait to return.

The Budget presents real challenges as we seek to grow our economy. Last night, I welcomed the Finance Minister's commitment when he stated in the House that skills investment was vital to our economic development. I note that, in addition to the £5 million being made available to the new Department for the Economy as part of the 2016-17 Budget, £20 million will be made available for the area as part of the June monitoring round.

It is crucial, as we move forward into the new mandate with the new more streamlined Executive that came through the Fresh Start Agreement, that the economy remains our number one priority. There is an opportunity for the new Northern Ireland investment fund and the economic strategy to bring real benefit, as we seek to make Northern Ireland the number one place to do business.

Mr Principal Deputy Speaker: As this is Mr McCrossan's first opportunity to speak as a private Member, I remind the House that it is the convention that a Member's maiden speech is made without interruption — that is, if you choose not to express views that may provoke an intervention; otherwise you may be likely to forfeit that protection.

Mr McCrossan: I welcome the opportunity to make my maiden speech in the Assembly. I am proud to do so as MLA for West Tyrone and in my new role as SDLP spokesperson on infrastructure.

Before I turn to the Budget for 2016-17, I pay tribute to Joe Byrne, the man whom I have replaced. Joe steadfastly served the constituency of West Tyrone since his re-election in 2011, having previously been a Member of the House from 2003 to 2007. A man of great party standing, Joe served in a multitude of roles in the SDLP and remains the party treasurer. During his time in the Assembly, he served as agriculture spokesperson and tirelessly stood up for the rural constituency of West Tyrone and its people. Mr Byrne has given me the opportunity to carry on the great work that he has conducted over a long number of years for the people of that area, both when elected and unelected. I can only hope that I can serve West Tyrone with the dignity and diligence that Mr Byrne showed. He is, truly, a great loss to the House.

The Budget for 2016-17, as outlined to the House in January, is unique as a one-year budget that has been put together in the aftermath of the Stormont House Agreement. This Budget has left no time for my colleagues and me or, for that matter, anyone else in the House to properly scrutinise the amounts contained for each Department. There is no doubt that the infrastructure budget faces serious challenges, and coming from West Tyrone, I can speak very clearly on that. There is a serious need for major investment in that part of Northern Ireland.

The average spend on our roads over the previous mandate has been roughly £70 million per annum. What is it this year? Twenty million pounds. I do not see this as a forward-looking Budget. I can only imagine that rural constituencies such as my own will be the first to fall foul of that budget decrease. Furthermore, we were promised real progress on the A5 and A6 in this Budget, which is laughable, given the allocation of a mere £100 million. That is a significant shortfall on what it is expected will be needed to complete the overall project.

The people of West Tyrone are not filled with optimism by this allocation. They are very depressed and have lost faith

in the parties and politicians of West Tyrone and Northern Ireland, because they have failed to deliver time and again. All that have been delivered are false and broken promises about these major flagship projects. I sincerely hope that this is not — I repeat not — another empty promise about the A5.

The theme of empty promises is not alien to the people of West Tyrone. Last year, 17.7% of my constituents were in receipt of at least one disability-related benefit. A higher proportion of people who live in West Tyrone were in receipt of at least one disability-related benefit when compared to the Northern Ireland average of 13.7%. West Tyrone has the third highest proportion of disability-related benefit recipients. Last year, around 2,800 people in West Tyrone were claiming income support, of whom around 2,680 were of working age. That equates to 4.6% of working-age people claiming that benefit.

My home town of Strabane has fallen foul of chronic unemployment and underinvestment for decades. The people whom I meet each day in my constituency office relay their struggles to find work. Young people are desperate for opportunities and for a direction from the House on how they can better their lives, improve their lives, and survive and sustain themselves in their own home area. Some are stuck in a cycle of poverty and others are leaving to avoid it. Strabane is consistently highlighted as an area where deprivation is rife and little has been done to rectify that fact. This Budget will not rectify that fact.

Our young people are leaving in droves to find greater economic opportunities. It is often highlighted that they go to England or Australia; I know many of them, and many are family members. Often in West Tyrone, the reality is that younger people are migrating to Belfast. This is a glaring indicator of the extent of regional disparities in the North. We were told last year that Ministers here were taking responsibility for the generational neglect of the north-west by the Northern Ireland Assembly. The ministerial subgroup on economic inactivity in the north-west has met twice since then; the second meeting was called only 24 hours before it took place. That does not inspire much confidence.

It is not just job opportunities that are lacking in the west. One of the big disappointments in many rural areas across Northern Ireland is the vexed question of no, or poor, broadband services. We heard a significant debate in the House today about that. West Tyrone has terrible broadband services. Some areas are completely cut off and isolated, and businesses are suffering from poor connections. This greatly impedes existing small- and medium-sized enterprises from developing, and it discourages start-ups and enterprising activity. Many people who are trying to run small rural businesses in places such as Gortin, Greencastle in mid-Tyrone, Castlederg, the Glenelly valley and even in the glens of Antrim, Fermanagh, south Armagh and the Mourne have not seen broadband improvement in many years. I have come to understand that DETI has been spending a significant amount of money to rectify this problem, but it has not reached West Tyrone, or at least not in a tangible way just yet.

This Budget has within it many more problems than infrastructure. There is no breakdown of the education budget of £1.9 billion, of which some state they are very

proud. There are cuts to student support, library services, museums and public services across the North. The west will ultimately feel the brunt, once again, of these cuts. In West Tyrone, the past 10 years have ushered in the closure of rural schools, urban schools, post offices, and rural banks and businesses — the shutdown and isolation of rural communities.

In health, social care services have been dwindling to such an extent that 15 care packages for the elderly have become the norm. People are concerned about this gradual erosion of services and neglect of the west.

Therefore, returning to the Budget, it is important that those services are given appropriate consideration by the Executive because it is clear that, so far, they have not. The Budget before us today does not offer that support. It adds to the depressing reality in my constituency, and although there is the promise of this big flagship project of the A5, which my party is in total support of, will it really happen beyond this election? Is it another election promise by some parties? That is the question on the doorsteps. People have lost faith in this House. It is a one-year Budget not properly scrutinised and passed; it has been passed by accelerated passage. This is not the budgetary system that will restore economic balance between the west and the rest of the North.

Mr Allister: I begin by congratulating Mr McCrossan on his maiden speech, not just because it is the proper tradition to do so but because it was a particularly well-crafted and equally well-delivered speech, and he spoke with very tenacious affection for his constituency. I think that many of us recall the service of his predecessor, Mr Joe Byrne, in his unassuming way. I think that many of us would like to join in wishing him well in his retirement.

Turning to this Budget, when I pick up a Budget Bill and read through it and look for some of the headline figures, there are always some things that strike me. One of the figures that struck me again was in clause 2(2) of this Budget, where we read that, in this current financial year, Northern Ireland has the benefit of resources of over £17 billion. It always causes me to pause and to ask: where does that money come from? Of course, the answer to that question, that some would rather not hear or face up to, is that that £17 billion comes as a direct consequence of our membership of the United Kingdom. It is because we are an integral part of the United Kingdom, entitled to share in its burdens and its riches, that we have that quantity of money at our disposal. For those who chase various constitutional moonbeams about alternative constitutional arrangements, one fact that they never like to face is where the money would come from. It is patently obvious that the benefits to Northern Ireland of being part of the United Kingdom, as reflected in the monetary settlement year-on-year, are colossal. I think that all citizens in Northern Ireland should reflect on that and be grateful.

I carried out a little exercise by looking at last year's Budget Bill because I wanted to see just where the variations were; where the uplifts were; and whether there were any telltale signs of why the uplifts were in respect of different Departments. The one that particularly caught my eye was DRD. In schedule 3 of this Budget, we have the sums granted for the upcoming year, 2016-17. If we go back and compare that to the comparable figure in last year's schedule 3, we discover that the Department for Regional Development has had a whopping 33% increase

— £134 million extra. If you go to schedule 4, you will discover that resources for this year are an extra £107 million. How, or why, would that be?

Is it the hand of politics in this Budget? Could it be that, now that courtesy of IRA murder the DRD is held by the DUP, the idea of starving another Minister of funding is no longer appropriate and that, suddenly, largesse is the order of the day? Could it be that an upcoming election could also be a contributor to that? I find it rather striking; when you compare last year's Bill with this year's, that is something that jumps out at one quite significantly.

9.00 pm

Other things that are obvious in this Budget include the extra money poured into welfare and to attain the so-called Fresh Start Agreement. Yes, of course, it was indeed a very significant climbdown by Sinn Féin from its promise that no one, whether a new or existing claimant, would ever suffer under welfare, but also a very significant diversion of funds that would otherwise have been available for health, education and other necessary expenditures. It was a very significant diversion from other aspects of the block grant into supporting welfare supplements, so that the Minister could sing off the same hymn sheet as Sinn Féin on welfare. Not everyone will know this, but the Minister has some claim to accomplishment in the singing stakes himself. He is not unknown for his singing talents and, indeed, he has, I understand, an O level in music. That is more than I have, I have to say, but he is well equipped to sing off the same hymn sheet on this particular issue.

Where it really strikes me as bizarre is that there is money for that, but when you look at the issue of economic inactivity in Northern Ireland, as we heard earlier today — I think it was from Mr McCrea — we are the worst performing region. We have the highest level of economic inactivity. Last March, the Employment and Learning Minister, Dr Farry, brought forward a strategy to tackle economic inactivity. Here we are, 12 months on and looking forward to another 12 months, and that strategy remains unresourced in this Budget. So we are finding money to prop up, sustain and supplement welfare benefits, but when it comes to the idea of dealing with our high level of economic inactivity and encouraging more people from being economically inactive to being economically active, there is not a penny piece in this Budget for the strategy to address economic inactivity. That, I think, is a gross failing.

Mrs D Kelly: Will the Member give way?

Mr Allister: Yes.

Mrs D Kelly: Does the Member agree with me that the words "economically inactive" could also be described as "gainfully unemployed", as some of them are, I think, on the OFMDFM Committee? One looks at all the strategies that remain on the shelf — the racial equality strategy, the sexual orientation strategy and, another example, the childcare strategy. I am sure that he heard the earlier scaremongering tactics of Máirtín Ó Muilleoir, who suggested that all those people would be unemployed under OFMDFM if the SDLP had the audacity to suggest that £880,000 could come from their very well-resourced administration budget to pay for childcare costs.

Mr Allister: I do not know how gainfully unemployed they are, because I am not quite sure what they are gaining

— or, certainly, what the community is gaining — in consequence of their contribution, but, yes, there may be many strands to that. It is a flaw that there is this lack of focus on dealing with economic inactivity and that it is not thought important enough to resource in this Budget. That is a major failing, and it maybe tells us quite a lot.

We all understand that Budgets set down figures and that, as the year progresses, those figures become quite flexible and are adjusted as we go through various phases. However, it is instructive, towards the end of the financial year, after the exercise that was done yesterday on the spring Supplementary Estimates, to look at how some funding has been supplemented. I found it interesting, for example, that the North/South Ministerial Council required an uplift of 21·5% over the original money set aside for it. I looked for, but of course did not find, what the British-Irish Council, the poor relation, might have required. It seems to run on fresh air; but not the North/South Ministerial Council. Here is another 21·5% over what we were going to give it.

Then, I looked at the Maze/Long Kesh Development Corporation. If ever there was a quango that seemingly does nothing because of the dysfunctional logjam in OFMDFM — where Sinn Féin blocks any development of the opportunity that is the Maze site — this is it. Yet, this year it required a 21·5% uplift in its allocation. Why? What is it doing? More of the economically inactive or the gainfully unemployed, perhaps. What is the Maze /Long Kesh Development Corporation actually doing to warrant more money than it was ever intended to have in that year?

I notice that InterTradeIreland needed a 23·7% uplift. Yet, the resources for skills were reduced, effectively. Of course, in the rush to devolve corporation tax, we have had tunnel vision, as if reducing corporation tax was the answer to all our economic woes. However, very little parallel attention has been given to the very important matter of skills — not just skills for the economically inactive, but skills, generally, for our workforce. This, to me, is a Budget with no vision in that regard.

Then, of course, it is a Budget built upon higher borrowing than ever before in the history of these institutions, to the point where we now have indebtedness of £2·1 billion for this small part of the United Kingdom — a debt burden, not just for this generation, but future generations, growing, and presently at £2·1 billion.

That speaks to me of profligacy and mismanagement in the financial affairs of Northern Ireland.

Mr Lyons: I thank the Member for giving way. He refers to the debt that the Executive have accrued over recent years: does he not concede that a large proportion of that is a direct result of the voluntary exit scheme? Does he not see the benefit that:

“Each £100 million of borrowing will cost between £3 million and £4 million a year in loan repayments, but will yield annual savings in excess of £50 million”?

Is it not a good thing to have that money available for investment?

Mr Allister: I hear what the Member says. He is ever to be relied on to ride to the defence of the Executive. Time will tell whether the voluntary exit scheme turns out to be so beneficial. We certainly know that it is costing a huge amount of money; whether it makes those savings

remains to be seen. In the short term, the outlay is very considerable. However, that is only a portion. Long before the voluntary exit scheme or anything else, the graph of the borrowings of this Executive was on a huge upward drive. It has now reached the point where no one seems to care that we are now the most heavily indebted region of the United Kingdom. That is not something to be proud of, and nor is this Budget.

Mrs Dobson: I welcome the opportunity to speak at this stage of the Budget Bill. No one will have missed the fact that our health service has had a very difficult year. Indeed, the last 18 to 24 months have seen a total collapse of even the most routine health waiting targets and key performance indicators. Yesterday, the Assembly approved the Vote on Account and the adjustments through the in-year allocations, and I am glad that the stalemate on welfare reform has at last been resolved. We must not allow some Ministers, however, to fall back on their own propaganda and forget that, while the funding shortfall that ultimately resulted in the disastrous in-year cuts in 2014-15 was £212 million, the welfare penalty accounted for only £87 million of that: the rest came down to the sheer mismanagement of the Executive Budget.

Whilst I welcome the allocation of £40 million emergency funding for elective care for the remainder of this financial year, the Health Minister, not for the first time, got somewhat caught up in his own hysteria by making exaggerated claims about kick-starting the local health service. I have cautioned him before, so I will do it again. His expectation of kick-starting a system that is effectively on its knees needs to be considered with the wider knowledge that, in the 2014-15 financial year, his Department received over £80 million of additional funding but the situation continued to get worse. Indeed, the DUP's first Health Minister of this mandate ended 2013-14 with a deficit of £13·1 million, despite receiving £100 million in monitoring rounds in that year.

The 2011-15 Budget has left a lasting legacy of rushed financial decisions and an abject lack of leadership or strategic planning. It is ironic that the DUP and the current DUP Health Minister were so keen to boast about the Budget deal, even claiming that it was a good deal, with their former leader warning that it was obscene of my colleague Michael McGimpsey to seek additional funds under that agreement. It was stated that no resource expenditure bids in monitoring rounds should have been tabled by the Department of Health at all unless in the event of major and unforeseeable circumstances.

9.15 pm

We all know that hundreds of millions of pounds were bid for and received, but it was less a case of unforeseen circumstances and more a case of politicking and stubbornness getting in the way of a fair allocation in the first place. Nevertheless, I accept that the £40 million allocation this year was better than nothing. The fact that official publications from the Health Department confirmed that nearly 400,000 people across Northern Ireland are waiting for treatment, a hospital appointment or a diagnostic test should have been enough to shame the Executive into action. I am sure that I am not alone in the House in writing to the Health Minister daily, on numerous occasions; indeed, I do not envy his mail bag of correspondence on behalf of constituents and their

families who have been caught up in the waiting time cycle. I have said in the House before that statistics often mask the pain, fear, hurt and worry that our constituents feel. They have elected us to serve their best interests.

I am sure that none of us needs to be reminded that the longer a patient is forced to wait for a diagnosis or treatment, the more harm they are likely to come to. There is no greater issue facing the Executive or the Assembly right now than the horrendous situation of our hospitals and the inexcusable stress that that puts on patients. That is not even to mention the excellent staff, who are operating in extremely strained circumstances. It is regrettable that it took so long and so many patients to wait in pain for successive Health Ministers to realise that there was a problem and the extent of it. The plain truth is that £40 million will barely make a dent in our current unprecedented waits. However, I hope that it is followed in the next year, hopefully under a new Minister, with a recognition of what needs to be done. I have major concerns in the short term that the savings that the Department is demanding of trusts are putting an already stressed health service under even greater pressure. Those savings put pressure on services, including domiciliary care, that can and will lead to long-term pain and greater long-term financial costs for patient care for our most vulnerable. It is my —

Mr Lyons: Will the Member give way?

Mrs Dobson: Yes. It is as expected. I was waiting for you.

Mr Lyons: I am glad to hear that, and I am grateful to the Member for giving way. I absolutely agree with her: there are huge challenges in our health service. Obviously, she has been waiting for me to intervene, so she knows the question that I will ask: what steps would she take or where would she get the funding from to address the huge issues that she talks about?

Mrs Dobson: I thank the Member for his intervention. You have had three Health Ministers: if they had manned up, constituents of yours and mine would not be waiting in pain.

Mrs D Kelly: Will the Member give way?

Mrs Dobson: Yes.

Mrs D Kelly: The Member opposite should accept that OFMDFM has failed spectacularly to spend £80 million of the social investment fund. That could have gone into Health. Your previous colleagues roared across the Chamber at Michael McGimpsey, when he was Health Minister, that he had to live within his budget and could not tackle the cost of administration in the health service. When you are pointing at people, you should look at the three fingers pointing back at you.

Mr Principal Deputy Speaker: The Member is an experienced parliamentarian. I ask her to address all remarks through the Chair rather than across the Chamber.

Mrs Dobson: I thank the Member for the intervention and for giving an unelected Member a lesson on the OFMDFM SIF, which I continually raise —

Mr Lyons: Where is the answer to the question?

Mrs Dobson: Excuse me. I just hear noises from my left.

Mr Principal Deputy Speaker: I ask the Member not to barrack from a sedentary position the Member who is speaking at the moment.

Mrs Dobson: Thank you, Mr Principal Deputy Speaker.

It is my sincere hope that the Department and trusts will be able to work together to deliver the savings in a way that does not compromise the safety of our patients. Of course, as well as approving changes to allocations in this financial year, the Assembly is being asked this week to effectively sign off on a significant proportion of next year's allocation. I understand that essential services need to continue and wages need to be paid, but the fact that, as we stand here today, we know little of the detail is indicative of a Health Department and Minister who believe that they are above scrutiny and accountability.

With an annual budget of almost £4.9 billion, it is simply unacceptable that the Assembly is being asked to approve this without any meaningful detail whatever. It is my fear that, given the obvious failure to address the crisis across our hospitals, we will be standing here this time next year making the same points and expressing the same bitter disappointment on behalf of the constituents who have elected us to serve in their best interests. Before the Minister talks about the additional allocation for next year, which I of course welcome, I ask him not to, because he and I both know that it does not come anywhere close to addressing the increase in demand and other inflation-related increases. So far, from what little we have been able to gather, the Budget does nothing to address what is undoubtedly this Executive's biggest failure.

Before I draw my remarks to a conclusion, I ask the Finance Minister to take on board the will of the House. Just last month, we debated changes to the Fire and Rescue Service. Following that debate, the Assembly resolved that the Health Minister should

“seek Executive approval to ring-fence the NIFRS budget consistent with its front-line service function.”
— [Official Report (Hansard), Bound Volume 111, p157, col 1].

When we talk about patient safety, it is important to remember the service that responds to critical incidents across Northern Ireland every day. They prevent injury and save lives, and without that financial support that critical service is placed at risk and even greater pressure is placed on our health service, not to mention the increased risk of loss of life.

I appreciate that we can often focus on the numbers on the spreadsheet and the statistics on a sheet of paper, but the central argument I make to the Minister, in all sincerity, is this: behind the numbers lie our constituents. They feel and bear the ultimate outworkings of budgets — the successes and the failures — and I ask the Minister, as I know he appreciates the point, to take that on board.

Mr Storey: Mr Principal Deputy Speaker, I have just checked with you and your staff about the time that I have to speak and have been informed that there is no limit. So, Members, you are in for a longer sit. However, I will try to be brief.

I want to make one point as I commence. I have heard a lot of criticism about there not being an opportunity to scrutinise. There are Members who could scrutinise it from

now until the end of this year, and it would not matter: they would still come up with no solutions or ideas on what they would do differently. They do themselves a disservice. We are in the House for this debate, we were here yesterday and we will be back again as the Bill progresses: that is the process of scrutiny. It is not perfect — I see that the Member is perturbed by that comment — given the circumstances, but Members have been able to raise their concerns in relation to the Budget over the last number of hours.

I want to try to make some progress with responses to those issues that, I trust, will give some clarity to Members. I will not dispel all their concerns, worries and fears, but, as Minister of Finance and Personnel for the Northern Ireland Executive, I am glad that we are in this position as we progress the Budget, compared with where we could have been a number of months ago. We all need to take some cognisance of the fact that we are in a better place. However, there is much more to be done.

As I said last night, it will be interesting for the electorate and the voters who are watching this debate and the debates in the days to come to see what happens with the parties that have said we should have spent the money on this or that issue. We will see whether those parties are in government or in opposition. I have to say, however, that I read some of the comments that were made in the document that was published yesterday by the Ulster Unionist Party. They still have not made up their mind about whether they will be in government or in opposition, and they say that good government does not mean that everyone has to be part of the Government. I am sure that that will go down well when they go to canvass at the doors in the next number of weeks and months.

Let me move on to what the Members have raised, beginning with the Chair of the Committee. Again, I thank the Committee for the help that it has given in the process. I welcome the positive contributions that it has made to the Budget process. I am aware of the correspondence that the Member, rightly, raised — the memorandum of understanding between the Assembly and the Executive on the Budget process. I want to make it very clear that we are making progress. I am keen to ensure that that progress is continued so that we have something of substance, even before the end of this mandate. That is a commitment that I want to honour. I want to get to a place where we have a satisfactory conclusion to the matter. It has gone on for a period, and I would like to see some progress being made on it.

The Member also raised the business rates review. The review has concluded, and we are now considering what is to be the way forward. I will comment further on that when I meet representatives from the CBI later this week. I want to ensure that we begin to have a debate around the best way in which we can move the process forward. I will listen to the concerns. In my previous role as Minister for Social Development, I was always very conscious that a consultation should not merely be a process of going out to hear having already agreed a predetermined outcome, and I reiterate that as the Minister of Finance. If a consultation is to mean anything, it will genuinely take on board the issues that are raised on the matter that is being consulted on, and the issues will be listened to and responded to in a positive way. I look forward to trying to bring some clarity to that issue in the next number of days and in the weeks ahead.

The Chair also raised the issue of wider fiscal powers. Of course, the Executive's top priority has been to seek an agreement, which we have secured, on the transfer and use of rate-setting powers for corporation tax. That remains the Executive's top priority in relation to the devolution of additional fiscal powers. In that regard, the Executive's intentions are clear. They are committed to introducing to Northern Ireland the corporation tax regime from April 2018 at a rate of 12.5%.

Of course, Members will also be aware that we are considering the case for devolving other fiscal powers where doing so would deliver a clear economic or social benefit for Northern Ireland. The impact that devolution would have on the Executive Budget and, therefore, the provision of public services is also a key factor there. You will recall that we recently sent correspondence to the Finance Committee about the issue. I reiterate the comments of my predecessor, Mr Hamilton, that preface that document. He set out two key conditions in considering whether the devolution of additional taxation powers should be sought by the Executive. The first was affordability: the devolution of a tax or duty and the change from the UK policy must not impose a disproportionate burden on the funding available for public services. Secondly, the devolution of a tax or duty and a change from UK policy should be expected to result in a defined economic and social benefit to the people of Northern Ireland.

Those remain the issues for me on how to address wider fiscal powers.

9.30 pm

That, of course, covers a point that was made by a Member, which is that we need to preface all this by saying, "Let us, as Members of the House, remember where our funding comes from". There are Members who want to cut off any association with Her Majesty's Treasury. When it comes to convincing the people of Northern Ireland, since its creation in 1921 until the present day, that we should move anywhere other than the United Kingdom, they have failed to do so. That money comes from the Treasury. That needs to be a reality check for all of us because the amount of money that would come from any other source is not available and is certainly not forthcoming within the current arrangements.

The Member also raised the issue — rightly so — of our constituency of North Antrim and the ongoing employment challenge with the loss of Michelin and JTI. Those are concerns for us as local representatives, for me as the Finance Minister and also, I trust, for the Executive. They remain a challenge and issue not only for Ballymena but for other areas across Northern Ireland. We outlined that we are always aware of the impact of job losses on individuals. It is very clear. It is very easy to come to the House and just repeat words. We always need to remember that, behind every announcement of job losses, there are individuals, families and communities who suffer.

As far as corporation tax is concerned, research suggests that the potential benefit to the economy of Northern Ireland would be the creation of well in excess of 30,000 additional jobs and economic growth of an additional 10% over 15 years. Those figures cannot be ignored or just set aside. That is why our attention should focus on this tool to ensure that we put Northern Ireland in the best place to be the beneficiary of the introduction of corporation tax.

Mr McKinney: I thank the Minister for giving way. Clearly, there is not one of us who would not welcome the prospect of 30,000 new jobs, but the quality of those new jobs is important. That goes to the very point that he makes about sustainability. In that context and with this Budget, surely it is a contradiction that we are not funding the education places that would provide us with more highly skilled people to attract higher-paid jobs to fulfil the corporation tax ambition as he outlined.

Mr Storey: Yet again, the Member is selective in what he wants to deal with. He has completely ignored the fact that an additional £25 million is going into skills. He just ignores the fact that we recognise the skills issue and are trying to deal with it with that £25 million. Let me also say this: he overlooks the fact that the economy of Northern Ireland is now becoming diverse, with a focus on new skills, technologies, opportunities and job creation. In fact, yesterday, in his constituency, we were able to announce the creation of an additional 88 jobs, with an average salary of £44,000. The Member can try to be dismissive of that, but I have to say that, yesterday, when I was speaking to the company's chief executive, who is from Houston in the United States of America, a story was relayed of a student who left Northern Ireland, went to England to be educated and, as a result of the company's locating in Belfast, had come back to south Belfast, to their home and to their local community, and is now employed. We want to encourage more of that and want to see it develop. The Member clearly wants to pick and choose what he focuses his attention on, and he dismisses the fact that £25 million for skills to prepare us for lower corporation tax is no small investment.

His colleague Claire Hanna referred to the women's childcare centre. I do not want to take away from my colleague the Minister for Social Development, but all that I will say is watch this space. We will not be doing what was suggested by her party and taking £800,000 out of the victims' sector and putting it into that.

Ms Hanna: Will the Minister give way?

Mr Storey: We have listened to the argument. Mrs Kelly knows that, when I was the Minister for Social Development, I took the decision to extend the funding for another year. I said that there was a challenge to the funding. However, we will see about that very soon.

If I continue to speak for this length of time and we go past midnight, we might be into tomorrow, and you never know what tomorrow will bring on that issue. I do not want to steal the thunder. The two Members are getting very exercised. Ms Hanna can go first and then Mrs Kelly.

Ms Hanna: I am sure that you have other points to respond to. Does the Minister agree that, as I said, one Committee session is not sufficient to provide scrutiny? The Member asked for alternatives. We have proposed one, and, if you check the record, you will see that it was not to remove £800,000 from the victims and survivors fund. I pointed out that OFMDFM's bloated £14 million administration fund was more than that provided for victims and survivors in total and said that that is the fund from which we hope you will take money to put into childcare. Does the Minister agree that it is not appropriate for us to provide this scrutiny live in the Chamber just before the Budget is being voted on and that it would have been more appropriate to provide that level of detail for all sections of the Budget?

Mr Storey: I remind the Member that this is a political process. This is the Chamber that we are elected to, and, therefore, I have no difficulty having the conversations and the debate on these issues. I think that that is where we should have the debate. Would I want to have more information? Yes. Would we have liked to have been able to have done this without using accelerated passage? Yes. However, for the reasons that we have repeated again and again and again, we have had to do what we have had to do. It seems as though some Members want to ignore that and still say, "But you should have more time, more scrutiny and more attention given to the detail".

Mrs D Kelly: I thank the Minister for giving way. There is absolutely no way that I doubt his sincerity about the childcare fund. He did put his hand in his pocket last year, but that should not rely upon emergency funding year-on-year.

On your latter point, Minister, I do not want to let it pass without saying that the reason why we will have to have such late sittings over the next few weeks is because Sinn Féin stopped the Executive from meeting for three years over Maze/Long Kesh and the DUP then had a go-slow for several months after the murder of Mr McGuigan. The Minister has —

Mr Principal Deputy Speaker: Can I draw the Member back to the debate on the Budget?

Mrs D Kelly: This is about scrutiny of the Budget, Mr Principal Deputy Speaker. I note that, in recent answers, the Minister of Finance and Personnel said that even he cannot get a good answer from the Minister of Education on how he is finding and spending his money.

Mr Storey: I thank the Member for her intervention. It is quite obvious that the election campaign has begun. The Member clearly wants to make her point. However, I will reiterate what I have said about the women's childcare fund. I listened when I was Minister for Social Development. I believe that the current Minister has listened. I have listened as Minister of Finance, and I urge Members to wait to see what will happen in the next number of hours.

I thank Mr Cree for the way that he approaches these issues. He raised a number of questions, and I want to try to deal with them. He mentioned industrial derating. In 2015-16, 4,437 properties have benefited from industrial derating as of 31 December 2015, and I have given a commitment about that continuing. A total of £59.7 million has been allocated to date in 2015-16.

That, again, is a delivery commitment that we welcome. My colleague referred to the empty shops rate concession. A total of 525 properties have benefited from that since it was introduced in April 2012. Over that period, £2.2 million was allocated as at 31 December 2015.

He queried the use of RRI borrowing. An important point is that the Executive can borrow up to a limit. We do not necessarily have to borrow the full amount, which means that we will draw down only the RRI borrowing that we actually need. In 2016-17, for example, the Executive have an additional £200 million of borrowing available for the voluntary exit scheme. That issue was raised and explained very well by my colleague from East Antrim. However, the Executive did not believe, on current projections, that the full amount will be required. That is why, in the Budget for 2016-17, we allocated £25 million of that facility for

capital projects instead. Of course, my officials will keep the position under review and suggest changes if required during the next year's monitoring process.

He also raised Atlantic Philanthropies' £55 million investment, which was announced by the First Minister and deputy First Minister in 2014. That joint investment will deliver improved services to parents, shared education, and support for people with dementia and their carers. I am pleased that the Executive were able to make an allocation of £8 million in the 2016-17 Budget towards those very worthwhile interventions. Further funding requirements will be considered as part of the next Budget process.

Mrs Cochrane and other Members commented on the reform of the health service, and they continue to be critical of issues. My colleague the Health Minister is endeavouring to undertake a very difficult and challenging role. I do not think that any Member would take away from the real challenges to our health service. However, the Health Minister is seeking to address some of those problems. He announced a number of key reforms on 4 November in terms of structural changes and the creation of a panel to make recommendations on the configuration of services. He also gave a commitment to the transformation fund. The review of commissioning concluded that Northern Ireland's commissioning system is not as effective as it should be. The Health Minister is, therefore, seeking to delay the system to remove the complexities in a way that brings greater accountability and responsiveness.

The Minister also announced a panel to lead on the debate on the best configuration of health and social care services in Northern Ireland. Those all continue to be issues that Members will welcome. In the debate in the public domain in the last number of days, we were told that that issue was depoliticised, although I am not so sure that it was in Manchester. You have to remember that there was a legal challenge, so it was not just as clean-cut as maybe some were trying to make out.

We had an opportunity, as a five-party mandatory coalition, to show political consensus. But what happened? Well, one party decided, "Enough of that. It's getting too close to the election and we'll decide to do the best possible Pontius Pilate exercise and get out of the tent." Another party decided, "It doesn't suit us now. We'll vote against the Budget." Then we have another party that decided, "We're never going to accept any Budget but we'll still stay in the Executive and still be beneficiaries." So, we had an opportunity to have collective responsibility in determining health budgets but it seems as though three parties — two that are still in the Executive and one that has left — decided, "No, that's not a good idea but we'll still say it's what we want to do." It is time that they made up their mind.

9.45 pm

Mr McKinney: I thank the Minister for giving way. Will he accept that, yes, we did have a consensus and that, yes, we did have an opportunity to maximise the political will that existed around the House over the future of health but that that was in 2011 when the DUP took over Health and also had Finance and was also in OFMDFM but failed singularly to put sufficient funds behind the Transforming Your Care plan, which would have made a huge difference

to our overall health service if fundamentally implemented? You had the consensus and you failed.

Mr Storey: Again, I think that the Member needs to be reminded that almost half of the Budget in Northern Ireland goes to Health. He does the service a disservice, and other Members do the health service a disservice by the way, sometimes, they continue to talk it down. I am a recipient of the health service in that I use it. We all are beneficiaries of a service that is free at the point of delivery. It is something that we have continued to protect and have continued to cherish, and I think that we cannot just talk about this in a glib way — and I know that the Member is not being glib, so I will not use that word — or in a way that sometimes does not give due respect to the fact that we spend 50% of the Budget on our health service. I will give one more intervention because I know that Members want to get home.

Mr McKinney: I thank the Minister for his indulgence. I go back to the point I made earlier. This is not just about the maximum amount of money or the percentage of the money that is allocated to Health. It is about how that money is spent, and we know that there is massive wastage in the system. There is £50 million spent on bank and agency staff, and there is £40 million spent on sickness. Major percentages can be saved out of overprescription. Those are the issues that are at the heart of this system.

I appreciate that the Minister has made the point that I am not being glib, because I have drilled down into this issue for two-and-a-half years. It all comes back to the point that the DUP failed fundamentally to invest in a Transforming Your Care plan that wanted money shifted left so that there would be investment in the community and we would not have what Transforming your Care predicted, which was haphazard change. Unfortunately, the failure to plan has led to that haphazard change, which is why we are experiencing the huge queues in elective care, with 400,000 people waiting for operations and appointments.

Mr Principal Deputy Speaker: I am being very liberal.

Mr McKinney: I do appreciate that.

Mr Principal Deputy Speaker: I ask the Member to come to his point.

Mr McKinney: I will leave it there. I have made my point.

Mr Storey: In response, despite all our efforts and despite all the agreements that we sought to have on the Budgets, the SDLP still sought to have a position where it voted against every Budget. I think that that is what the people of Northern Ireland need to remember, and that is what they need to keep a focus on when it comes to determining who were the best custodians of public finances in Northern Ireland.

Let me move on to other comments and try to make progress on some other issues that Members raised. The issue of the A6 Randalstown to Castledawson upgrade and the other flagship projects was raised. Like Mr McCrea, I am pleased to see that the Executive are committed in their 2016 Budget to taking forward the upgrade of the A6 road linking Belfast and Londonderry, including the dualling of the Randalstown to Castledawson section. The A6 Randalstown to Castledawson dualling scheme is a significant project that will help to remove a very major bottleneck and so improve safety and journey

times on what is a strategic and very important route in Northern Ireland.

Ms Hanna asked about the A6 and the other flagship projects. She wanted to know how they would be funded over their lifetime. If she looks at the Executive Budget for 2016-17, a document that I know she has a copy of, she will see that it sets out the Executive's funding commitment to all seven flagship projects right up to 2021. This was done specifically to provide Departments with funding certainty for that period.

So, I do not think that we can be accused of doing little on the commitment given to the flagship projects. We have not been making false promises. Those projects have been clearly committed to, and moneys have been set and allocated alongside them. So, I do not see how you can interpret that as yet another false promise that will not be delivered.

I know that the issue of the A5 was raised, and I may come back to it. The Member will hear very soon about progress on the A5; in fact, maybe I will deal with it now. I concur with what some others said about the Member's maiden speech. It is always a daunting task to speak in the House on any occasion, no less for the first time, and I commend the Member for that. As I have already said to him, I look forward to working with him as a Member of the House. I think that we need to be clear about the figures so that there is no confusion. The Executive have committed to invest £230 million in the A5 and a further £260 million in the A6 over the next five years. I have to say that, if that is not a commitment on a substantial capital project, I do not know what is.

The Member mentioned broken promises. I think that we also need to remember that a judicial review stopped the process, which the Member will be well aware of. He should also take some heart from the investment made in the Lisanelly project in Omagh. A substantial amount of money is being invested in the education of young people in that locality, and we look forward to seeing the benefits as the project is rolled out.

My colleague the Chair of the Education Committee Mr Weir made some comments about the Department of Education. There is clearly cause to ramp up skills through investment. We have raised the issue of corporation tax, and a key component part of that is our education system. I have already put on record my support for an additional £20 million to address pressures in our schools, which, I think, will be welcome. I want to pay tribute to our education providers who do an outstanding job. I see that the Minister is in the House. He should not take that as an endorsement of him because he knows that, at this time of night, my generosity might not extend that far. I have listened to the concerns raised about the pressures that are there, and I have no doubt that the Minister, under my good guidance, will make an announcement on that in some detail shortly.

Mr O'Dowd: Will the Minister give way?

Mr Storey: Yes.

Mr O'Dowd: I thank the Minister for his engagement and that of his officials on the matter. Indeed, I thank the Executive parties that are engaging on Budget issues. This shows that, when you commit yourself to engagement on the Budget, you can make real change, even at this late stage. So, I want to put on record my thanks to the Finance

Minister and to the Executive for the additional £20 million for Education.

Mr Storey: Members should take note that the Education Minister and I started out as members of the Education Committee, so if you want to succeed in your political career, maybe you should go onto the Education Committee. Maybe Dolores Kelly, who is now on the Education Committee, can look forward to returning to the Executive if the SDLP decides that it does not want to go into isolation — sorry, opposition. Maybe those two things are one and the same; I do not know.

On a serious note, I believe passionately, as, I think, all Members do, in the importance of our education system, but let us be under no illusion that there will not be challenges ahead as we look at our school estate and at the way in which we continue to provide for education. We are all precious about our local schools and other areas in which education is being provided. We have to address certain pressures that are in the system at the moment, but the new Minister of Education, whoever it will be, will face particular challenges for a number of reasons, no less than the issue of our school estate. There will be somewhat more capital available. The situation with capital may not be in the best place, but there is more focus on capital than there is on resource.

Let me move on to dealing with the particular issue that the Chair raised about taking forward a number of the exit schemes. The Department of Education received and approved 195 teacher redundancy applications in 2015-16. The cost associated with those applications was £3.2 million, and the costs were met through funding accrued by the education and library boards — the employing authority — from the 2014-15 Budget. A further 127 applications were approved, at a cost of £5.2 million, which was funding that the Department of Education received from the public-sector transformation fund.

As at 6 January 2016, the Department of Education had received and approved 248 non-teaching, school-based redundancy applications, at a cost of £2.9 million, which was funded from the public-sector transformation fund. The Education Authority initiated its voluntary severance programme in May 2015, and it projects the number of redundancies before the end of the financial year to be 262. The Department of Education has allocated £14 million, which will be funded from the public-sector transformation fund.

The Council for the Curriculum, Examinations and Assessment (CCEA) also initiated a voluntary exit scheme in 2015-16, and the Department of Education has allocated £1 million for it, which will be funded from the public-sector transformation fund. That, again, is an indication that an attempt is being made to try to address the issue. It has all come about as a result of the public-sector transformation fund, and the Budget document gives some detail on that.

I move on to an issue that was raised by the Chair of the Agriculture Committee, my colleague Mr William Irwin. He mentioned the 5.7% reduction in the budget of the new Department of Agriculture, Environment and Rural Affairs. The overall level of funding available to the Executive means that it is inevitable that many of our Departments will face resource DEL reductions in 2016-17. I want to say something on that issue, because it is easy to forget why we are in the position of having to make reductions in

the first place. I noticed in today's 'Belfast Telegraph' that we have been given some advice by Mr Johnny Andrews, who is the economy spokesman for the Northern Ireland Conservatives. He tells us all about the problems and challenges, but he never once mentions the fact that it is because of his party that we now have this situation in which there have been reductions. It is all very well to sit in splendid isolation as a member of the Northern Ireland Conservatives and tell us all about what we need to do and the difficulties that we are all going to have, but he makes no reference to the fact that it was his colleagues in Westminster who brought about the situation that created the challenges that we now face. However, we have had to deal with those challenges, and I accept that the budget outcome for the new Department of Agriculture, Environment and Rural Affairs means that some difficult decisions will need to be taken.

I welcome the steps that the Minister has already taken to generate efficiency savings across the Department, but Mr Irwin raised the matter of the £48.8 million capital budget that will be available to the new Department. I am pleased that the Executive were able to make that allocation, which will allow the Department to deliver on its key priorities, including the farm business improvement scheme.

We look forward to seeing that in the future.

10.00 pm

He also raised concerns about the cost of bovine TB and the difficulty that that poses to our local economy. I am committed to the vision of a competitive and sustainable livestock sector in Northern Ireland, which, along with the rest of our agriculture sector, helps to support the resilience of the entire food chain. While we cannot lose sight of the negative impact that bovine TB has on our local farmers, we must be cognisant of the cost to the taxpayer, particularly given the current budgetary position. The total cost of TB compensation payments to the end of January 2016 was £13.4 million. There is a clear need to explore all means of eradicating bovine TB, including the modernisation of our compensation regime.

He also referred to Going for Growth, the farm business improvement scheme that I have referred to. In supporting the implementation of the Going for Growth strategy, the Executive have recognised the importance of the agrifood sector. That is a vital sector for the future of the Northern Ireland economy. We all know from our constituencies, and from Northern Ireland plc, the importance of that sector to our economy. The £48.8 million capital allocation provides funding for the Department to implement the farm business improvement scheme, as I have mentioned.

I turn to comments that were made by the Chair of the Health Committee about waiting times and elective care. As I said, my colleague the Health Minister has advised me that the £40 million that he secured in the November monitoring round is being directed at tackling waiting lists, which have been an issue of concern. No one in the House would in any way try to be dismissive of the concerns that we are all well aware of with the challenges in relation to waiting times and the health service. That £40 million was secured in November, and it will benefit some 60,000 or 70,000 patients who would otherwise be waiting. It covers a range of particular specialities including orthopaedics, neurology and ENT. Since November, significant efforts have been made across the health system within a very

tight framework to secure additional outpatient clinics and treatments within the trusts and to put in place appropriate arrangements with independent-sector organisations to transfer suitable patients for assessment and treatment. It is not the case that that issue is being ignored. We are endeavouring to do what we can to help to deal with the particular challenge that we face.

Mr McKinney raised the issue of the health black hole and asked where the budget allocation for health will be spent. The Health Minister has clearly stated that the additional money for health in 2016-17 will be directed towards front-line health and social care services. Reform across health and social care is ongoing, and I remind Members — I have said it repeatedly — that Transforming Your Care is not about reducing our investment in health and social care services; it is about making the best use of the resources available. That is the point that the Member was encouraging us to make about the overall Budget in how we address that issue. The Member criticised the delivery of Transforming Your Care, but we need to be reminded that, of the 99 recommendations in TYC, 50 have been completed and 46 are ongoing. It is not a case of it being yet another document that is sitting around and nothing being done with it, which is a point that I will come to in a moment or two in relation to comments made by Mrs Kelly. Proactive action is being taken.

I want to respond to the issues that were made by Mrs Sandra Overend, a member of the Education Committee. She asked about the public-sector transformation fund, and I have given some detail on that in response to my colleague the Chair of the Committee. I can confirm that the Department of Education was allocated a total of £70.7 million for the exit schemes, broken down as £47.3 million for the teaching workforce and £23.4 million for the non-teaching staff. There is no further funding for these schemes, and, if the Minister wishes to fund any further schemes, he will need to find that money from his own baseline.

The Member also asked how pension and National Insurance pressures will be funded. I can confirm that the pension pressures were covered in the financial year through allocations in the June monitoring round. These allocations will be baselined to carry through to future years, so it is not a case of them being a one-off. The additional National Insurance pressure will have to be covered from within the departmental budget. There is no funding set aside at the centre to cover it. I trust that that gives some clarity.

I want to comment now on an issue raised about funding for the environment. Again, I have to say to Members that, going through all these comments, it is clear that we have a wide variety of issues and significant demand on the public purse to try to cover as many as we find to be important. As a member of the Environment Committee, Pam Cameron expressed the importance of funding for that sector. With the exception of built heritage, the Environment function will transfer as one block to the new Department. The Member will remember that, at the start of the 2015-16 financial year, the Minister of the Environment slashed funding to a lot of environmental groups, unnecessarily as it turned out, only to reinstate it in the latter part of the year. Maybe we all need to learn that lesson on how not to deal with your budget. I believe that the consolidation of the environment function with

other rural matters in the new Department will be good for Northern Ireland's environment.

In conclusion, I want to —

Mr Ó Muilleoir: Will the Minister give way?

Mr Storey: Yes. No doubt, it will have to do with South Belfast.

Mr Ó Muilleoir: In eight hours of Budget debate, we have had only one proposal from our colleagues in the SDLP on what they would do differently: they would raid the Office of the First Minister and deputy First Minister of £800,000. They are telling us tonight that they would not take that from the Victims and Survivors Service. As Minister of Finance, can you tell us how many jobs would go if we were to take £800,000 out of the OFMDFM budget and whether the unions have been consulted on that? It seems that there are to be no redundancy payments for this as there are no costs attached. Is that unprecedented, and have you any idea where this idea came from? Unless I missed something, it just does not add up. Are there any other great ideas about what they would do differently?

Mr Storey: This just confirms my earlier comment that the election campaign has begun. The Member raises a particular issue that may need to be addressed by his colleagues sitting alongside him on the other side of the House. If that amount of money had been taken out, it would undoubtedly have resulted in a reduction in employment and other pressures. We were in a position in which it was not tenable to do that in that way, so the economics of the party that suggested it have been proven to be flawed. I will allow Mrs Kelly the opportunity to respond.

Mrs D Kelly: Thank you, Minister, for allowing me to come back to explain to Mr Ó Muilleoir where the money would come from and how we would do it. It looks like it is a very sore point with Sinn Féin that it was prepared to let the women's childcare centres close so that it could unnecessarily inflate the administration budget of an already over-inflated Department under a Sinn Féin/DUP authority.

Mr Storey: That is more material, no doubt, for manifestos and quotes.

I want to address Mrs Kelly's point. *[Interruption.]* You are all starting to get very exercised. It seems as if you have no homes to go to. I want to reiterate something. I hope that it was down to confusion on the Member's part when she talked about documents that have not seen the light of day and that these documents have been produced, and we do not know where they are. She mentioned the racial equality strategy, but it has been agreed and published, and it is on the Department's website. That is not being secretive; that is not trying to hide anything. The children's strategy has also been published. I do not mind being criticised when we have not done something, but, when we have done something that is out there in the public domain, maybe the Member should give some credit and think about whether she got it wrong on this occasion.

Mr McKay: I thank the Minister for taking an intervention. I know that he is probably in a rush to get home to watch 'Spotlight' as soon as he can. *[Laughter.]* The problem is that the SDLP has no alternative Budget. Most oppositions have an alternative Budget to put before the people. Indeed, I long for the days a couple of years ago when the SDLP came forward with a proposal to sell an airport that we did not even own. Perhaps that is the real reason why

we are not seeing an alternative Budget, because, the last time the SDLP brought one forward, it had proposals to sell assets that we did not even have.

Mr Storey: No doubt that is more material for manifestos, press releases and all that. That is an issue for the Member.

I will conclude by addressing an issue — *[Interruption.]* — do not encourage me — which is that we ignored young people who are not in full-time employment or training. Again, we do ourselves a disservice in that we ignore the fact that some €37 million has been secured from DEL and from ESF match funding, which will aim to provide 10,000 places. That is significant and is an investment in our unemployed and economically inactive. It should not be dismissed.

We were accused of playing politics with the Budget. Would it not be an awful thing if politicians did something political? Would it not be awful that we would be involved in such a thing? Let me explain — I think that I did explain, but the Member who made the allegation was not listening or was not present, and he is not present now. The reason for the increased Vote on Account for the Department for Regional Development is to provide it with the cover to take on the additional functions that it will inherit when it becomes the Department for Infrastructure in May after the elections. The Member implied that that is something to do with the party to which the Minister belongs.

As I explained, a number of Departments will take on new functions because of the reduction from 12 Departments to nine, where a similar increase has been needed, and the amounts are being made available in the Vote on Account, including for DARD, which is not a Department that any of my colleagues lead. I need to reiterate that the Vote on Account does not set a Department's budget for the year; it is simply a mechanism to allow a Department to keep carrying out its functions until such time as the Assembly considers the Main Estimates and the Budget Bill for 2016-17.

I am glad that I can recommend the Budget to the House, and I ask that the Assembly approves the Budget that is before it tonight.

10.15 pm

Mr Principal Deputy Speaker: Before we proceed to the question, I would advise Members that, as this is a Budget Bill, it requires cross-community support.

Question put.

The Assembly divided:

Ayes 62; Noes 27.

AYES

Nationalist:

Mr Boylan, Ms Fearon, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Unionist:

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan,

Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Other:

Mrs Cochrane, Mr Dickson, Ms Lo.

Tellers for the Ayes: Mr G Robinson and Mr Ó Muilleoir.

NOES

Nationalist:

Mr Attwood, Mr Dallat, Mr Diver, Ms Hanna, Mrs D Kelly, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness.

Unionist:

Mr Allen, Mr Allister, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Hussey, Mr Kennedy, Mr McCallister, Mr B McCrea, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Patterson, Ms Sugden, Mr Swann.

Other:

Mr Agnew.

Tellers for the Noes: Mr McCrossan and Mrs Overend.

<i>Total Votes</i>	<i>89</i>	<i>Total Ayes</i>	<i>62</i>	<i>[69.7%]</i>
<i>Nationalist Votes</i>	<i>36</i>	<i>Nationalist Ayes</i>	<i>26</i>	<i>[72.2%]</i>
<i>Unionist Votes</i>	<i>49</i>	<i>Unionist Ayes</i>	<i>33</i>	<i>[67.3%]</i>
<i>Other Votes</i>	<i>4</i>	<i>Other Ayes</i>	<i>3</i>	<i>[75.0%]</i>

Question accordingly agreed to.

Resolved (with cross-community support):

That the Second Stage of the Budget Bill [NIA 77/11-16] be agreed.

Mr Principal Deputy Speaker: The Business Committee agreed that the House would not sit late into the night but should suspend and resume at 10.30 am tomorrow, if necessary, to finish business on today's Order Paper. This would seem to be a convenient moment at which to suspend. The first item of business when we return tomorrow will be a statement from the Minister of Agriculture and Rural Development followed by the Consideration Stage of the Justice Bill.

The sitting was suspended at 10.32 pm.

Northern Ireland Assembly

Wednesday 10 February 2016

*The sitting begun and suspended on 9 February 2016 was resumed at 10.30 am
(Mr Speaker in the Chair).*

Ministerial Statement

North/South Ministerial Council: Agriculture

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Cheann Comhairle. With your permission, I will make a statement, in compliance with section 52 of the 1998 Act, regarding the twenty-fifth meeting of the North/South Ministerial Council (NSMC) in agriculture sectoral format, which was held in Armagh on Wednesday 20 January 2016. The Executive were represented by Minister Hamilton MLA and me. The Irish Government were represented by Simon Coveney TD, the Minister in the Department of Agriculture, Food and the Marine (DAFM); and Ann Phelan TD, Minister of State at the Department of Environment, Community and Local Government (DECLG). I chaired the meeting, and I have agreed my statement with the accompanying Minister, Simon Hamilton.

Ministers discussed the recent floods and the steps being taken in both jurisdictions to deal with the problems created for farmers and rural communities. We discussed recent price volatility issues being experienced by all sectors of the agriculture industry and measures to help farmers and the food industry cope with volatility. We welcomed the establishment of the new Agricultural Markets Task Force to look at market transparency, access for farmers to financial instruments and the scope to establish futures markets to hedge price risks for dairy products, all with a view to improving the position of farmers in the food chain. Ministers also discussed the ongoing difficulties around cross-border livestock trade owing to country-of-origin labelling and resolved to continue their efforts to agree a resolution to that anomaly.

The NSMC welcomed the presentation by Dr McNamee, the Deputy Chief Veterinary Officer in the Department of Agriculture and Rural Development. Her presentation outlined the cooperation between both jurisdictions on dairy product certification, which underpins and facilitates third-country market access for dairy products from across the island. Ministers recommended that the North/South group, which works to deliver consistency in approach to dairy product export certification, should meet on a more formal basis. The Council noted the current work programme and agreed that it remains current and enables practical and effective cooperation for mutual benefit in the agriculture sector. It also agreed that the work programme will be kept under review.

The NSMC welcomed the ongoing collaboration between DARD and DAFM aimed at maximising drawdown of EU funding under Horizon 2020 Societal Challenge 2 and the

EU's competitive programme for research and innovation, which is seen as a means to drive economic growth and create jobs. It also welcomed the fact that a total of €16.8 million of funding had been secured to date in successful applications from both jurisdictions, including three collaborative applications. Ministers noted that officials are examining other opportunities for funding collaborative research projects, including those under the US-Ireland research and development partnership.

The Council noted that the Department of Agriculture, Food and the Marine and the Department here are united in their commitment to improving farm safety in support of the Health and Safety Authority (HSA) and the Health and Safety Executive (HSE), with a view to minimising the risk to those working on farms, thereby reducing the incidence of injury and death on farms. Ministers welcomed the ongoing significant sharing of information on farm safety between officials from both jurisdictions and the formation of a new North/South farm safety group (NSFSG) on 3 September 2015, comprising officials from both jurisdictions. The group will meet biannually to discuss areas of collaboration on farm safety. It will seek opportunities to develop new joint initiatives and continue to work together to increase further farmer awareness of the dangers on farms, with a view to reducing fatalities and serious injuries in the farming industry. Ministers noted that the NSFSG has agreed to share intelligence on farm safety, such as research material and grant scheme development specifications, and that a very successful all-island farm safety conference took place on 5 November 2015 in Monaghan. The Council agreed that officials will provide an update on the work of the North/South farm safety group and the farm safety partnerships at a future NSMC agriculture meeting.

Ministers noted the significant progress made by DARD and DAFM on the implementation of the common agricultural policy reforms agreed in 2013, including the current position on rural development programmes that were adopted by the European Commission during the summer of 2015, as well as the determination of DARD and DAFM to implement European Commission proposals for CAP simplification and to push for further simplification where appropriate. The Council also noted the continuing close contacts between officials from DARD and DAFM on the new area of natural constraint (ANC) provisions and a range of CAP reform implementation issues.

The NSMC welcomed the work done on the delivery of the all-island animal health and welfare strategy action plan since the previous NSMC agriculture meeting, held in February 2015. Key points that were noted included the

granting of officially brucellosis free (OBF) status by the EU Commission. Both jurisdictions now have OBF status.

Ministers in charge of DARD and DAFM announced the abolition of pre-movement test requirements in September 2015. Arising from that decision, routine on-farm testing has been discontinued in the South. In the North, the age at which animals are subject to routine tests increased from 12 to 24 months in October 2015. In November 2015, the frequency with which dairy herds are tested decreased to some 20% of herds each year for the next five years, although bulk milk testing will continue. Biennial testing for beef herds will continue for another two years and, over the subsequent three years, approximately a third of beef herds will be tested each year. From 1 February 2016, brucellosis pre-export testing will no longer be required for animals moving to Britain and other member states.

Ongoing cooperation continues between both jurisdictions, as evidenced by the cooperation during the investigations into the BSE case in County Louth in 2015, enhanced cooperation on contingency planning for disease outbreaks, liaison on EU animal welfare legislation and animal identification, and progress on the data-sharing project.

It was noted that officials from DAFM had attended meetings of the TB strategic partnership group and that cooperation and information-sharing on strategies and actions to eradicate TB continues. Agreement has recently been reached on a joint tender for CO2 for whole-house gassing in the event of an avian disease outbreak on any part of the island. The introduction of legislation from March 2016 will implement a compulsory bovine viral diarrhoea (BVD) scheme in the North.

Ministers noted that the DARD and DAFM plant health subgroup had made significant progress on the plant health policy review and development. Working within the context of the all-Ireland chalara control strategy, progress has been good since the last NSMC meeting, resulting in improved joint policy development. Progressive dialogue and joint working on contingency plans, pest risk plans and the development of the TreeCheck app have all contributed to a shared strategic approach to plant health.

The Council also noted that DARD and DAFM commissioned a targeted review of the pest risk analysis report to further investigate the role of wood as a means of spreading the disease. Key conclusions of the report indicate that the eradication of ash dieback in both jurisdictions is not possible. It recommends a policy change from eradication to containment and management. That policy change is being jointly progressed.

The Council welcomed the continued significant cross-border cooperation in dealing with tree and plant health, the regulation of the use of pesticides and the joint approach in the areas of EU funding and future sharing of science and diagnostic capability.

The NSMC noted the adoption by the European Commission of DARD's rural development programme for 2014-2020 on 25 August 2015 and of the Twenty-six Counties' rural development programme for 2014-2020 on 26 May 2015. Those programmes provide for investments in general rural development activities, under the social inclusion, poverty reduction and economic development priorities, of £80 million and €250 million in the respective institutions.

Ministers also noted the increased level of meaningful cooperation across both jurisdictions and agreed that DARD and DECLG should organise a LEADER cooperation event to be held in 2016 to encourage cooperation between local action groups. Ministers welcomed the opening of a new social farming support office in Cookstown to complement the support office in County Leitrim and noted the progress on the CEDRA-funded social farming grant scheme.

The Council noted DARD's involvement in the EU northern periphery and arctic programme through the RYE Connect project and welcomed the transnational opportunities it offers to young rural entrepreneurs in both jurisdictions who wish to start, or have already started, their own business. The Council agreed to hold the next agriculture meeting in the autumn of 2016.

Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development): I thank the Minister for her statement. I refer her to paragraph 5 of the statement and the discussions on the difficulties around cross-border trade in livestock and country-of-origin labelling. The Minister noted a resolve to continue efforts to agree a resolution. Will she expand on what efforts have been made and what successes they have had?

Mrs O'Neill: Yes. I have continued to raise that issue with Minister Coveney, and I am very keen that we have the issue resolved, given the traditional pattern of trade across this island. I have spoken to the Food Standards Agency (FSA), which is content with the label that I have proposed. I have spoken to DEFRA in England, which is content with the approach that I have proposed, and I have spoken to the European Commission, which is also content.

The onus is now on us, as political leaders, me and the Minister in the South, to move forward and show leadership for the industry. The issue can be resolved when there is the political will to resolve it. I have argued our case very strongly, and I believe that we have a solution. I look forward to that being taken forward over the months ahead.

Mr McAleer: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. Has she had discussions with her counterparts on farm safety?

Mrs O'Neill: Yes, farm safety is a significant area of concern for not just the farming industry here but the farming industry worldwide. Minister Coveney and I have recognised that and agreed that better cooperation between our Departments would strengthen and enhance the work of the farm safety partnerships through the sharing of information and working together at an official level. The new North/South farm safety group, which was established in September of last year and comprises officials from both jurisdictions, will meet biannually. It will discuss how we can take forward a collaborative approach to farm safety and seek opportunities to develop new initiatives and joint initiatives. It is important that we continue to work together to further increase the awareness of farmers of the dangers on farms, with a view to reducing fatalities and serious injury in the industry.

Mrs McKevitt: I thank the Minister for her statement. I would also like to highlight farm safety. I am delighted that the group is coming up with new initiatives. The hard-hitting TV campaign has been a great success. Sometimes, it is hard to watch, and people turn away from

it, but it has been a success, as have the programmes held in rural schools that highlight to children the dangers on farms. With that new group, will the Minister push for more programmes to come into schools, particularly our rural schools, in advance of bringing in new programmes to highlight farm safety further and support the farm safety and health awareness days?

Mrs O'Neill: I welcome the fact that the Member recognises that there has been a successful advertising campaign and that the Farm Safety Partnership is looking at all of the avenues through which it can best get its message out. CAFRE ensures that the farm safety message is front and centre of all its courses, but schools are a good venue for getting that message into the minds of young people from a very early age. We have done some initiatives with schools, and we will continue to do so. As I said, sending out that early message, so that young people grow up with farm safety awareness front and centre in their mind, is very positive, and I want to be strongly associated with that.

Mrs Dobson: I thank the Minister for her statement. I note the presentation from the Deputy Chief Veterinary Officer. Given the cooperation between Departments on preventing the spread of swine flu, was that issue part of the discussion? Was she aware that about 150 cases have been reported in Northern Ireland in the last four weeks?

Mrs O'Neill: My veterinary staff are acutely aware of any animal safety issues, animal welfare issues and disease issues. One of the ongoing discussion items on the NSMC is the all-island animal health and welfare strategy. That looks at all of the major diseases, including swine flu, which is an ongoing topic of conversation between Minister Coveney and me. You mentioned the conversation that we had at the NSMC on dairy exports, and we have formalised that approach, which is to work together across the island on looking to new markets and how we can break into them. That is positive work, but front and centre of the work of the NSMC and an issue that Minister Coveney and I identified as a work programme is animal health and welfare, with swine flu being one issue that is continually monitored and kept under review because of its impact on the local industry.

Mr McCarthy: I thank the Minister for her statement. I have a number of questions, but I will ask only one, and it relates to paragraph 22. Will the Minister further explain the role of the social farming support service in Cookstown? Will it help farmers in my constituency — in all constituencies — who are not receiving sufficient prices for their goods? Farmers in my constituency, for instance, are getting very low prices for Comber spuds and turnips, as I mentioned to you previously. Is the service to help to alleviate the problems associated with people involved in that industry?

Mrs O'Neill: It is not. The social farming project works with young people who would normally take up day opportunities in health trusts. Social farming is an opportunity for young people to go onto a farm setting, be part of farm life and contribute to the work done on farms. It is a fabulous project, and I am happy to provide the Member with more details. Over the last number of weeks, the group was here presenting to MLAs on the positive work that it does. I am certainly a big supporter of the service. It has just established a base in Cookstown, and I want the service to be established right across the board.

This is an opportunity for the farming community, which wants to be involved in assisting young people, particularly those who have learning difficulties, for example, and helping to provide them with opportunities and alternatives to day opportunities in the health trusts. For me, it is very much a cross-departmental opportunity to make a real and positive difference to those young people's lives.

That, however, is not relevant to the Member's point about the issues and difficulties in the supply chain and farmers receiving a fair price for their product. As I have told the Member on numerous occasions, it is always a key priority for me to challenge the supply chain to ensure that it works for all the people involved in it. As I said, I am happy to provide the Member with more information on the social farming project.

10.45 am

Mr McMullan: I thank the Minister for her detailed report. What benefits does she expect from the new formalised arrangements on dairy products certification?

Mrs O'Neill: It will be a good opportunity for us. Whilst it was an ongoing topic of conversation at the NSMC, this is an opportunity for us to put it in place formally, so that the two Departments would work together to make sure that we look towards new market opportunities and meet the certification standards of the countries that we are trying to break into. We all recognise that the dairy industry is going through a significantly challenging time and has been for some time. We continue to send out the message that, with a growing world population, the demand for dairy products and our products continues to rise. With that in mind and looking towards the future, it is important that we ensure that we break into whatever markets we can and that we are fit for purpose on this island and work collectively and collaboratively to break into those new markets and market what we have, which is a strong, green, positive image and a fully traceable product. Formalising that ensures that we keep it high on the agenda and that officials continue to work on breaking into those markets.

Mr McCrea: I welcome the opening of the new social farming support service in Cookstown and hope that what the Minister outlined, certainly for young people associated with the industry, actually happens.

Paragraph 4 of the Minister's statement refers to the discussion on the recent floods and the steps being taken in both jurisdictions. Will she outline whether the Executive have considered a compensation payment to businesses and farmers. If so, has the amount been agreed?

Mrs O'Neill: That discussion is ongoing. We hope to finalise it over the next number of weeks and to get the payment out to the businesses and farmers who were affected as a result of the flooding. The Member knows that the Executive took a number of initiatives, in particular investing in rural roads and infrastructure, which stops people from being cut off. We also took a decision to invest in some Rivers Agency surveys and work, which may help to identify problem areas where we can make improvements. He will also be aware that there is an ongoing review of the recent flooding and how it was responded to and an engineering review of the levels of the lough. All those things are being taken into consideration.

As regards the ask and the work that the Executive have tasked a number of Ministers to take forward, we have said that we are minded to bring forward a hardship payment for businesses and farmers. We are working our way through the detail of that to ensure that we can get it out the door as quickly as possible.

Mr Allister: I refer the Minister to paragraph 5. I assume that the agricultural markets task force that is referred to is that established by the EU Commission. When is that task force due to report? The statement refers to

“the scope to establish futures markets to hedge price risks”

for dairy farmers. Has the Minister a view of what the possibilities are there? Is that task force also looking at the legal possibilities of organising farmers' collectives? Has the Minister a view on that?

Mrs O'Neill: Yes. You have asked three questions. You will remember that we went to Europe and argued strongly for a review of the intervention price. The Commission did not deliver on that, but it set out that it would establish the agricultural markets task force and take a very high-level look at the market, the opportunities for the supply chain and the opportunities at a European level to support the industry. I am glad to say that David Dobbin, who is a local industry person, has been appointed to that task force and will be a strong articulator of the needs of our local industry. That is a welcome development. They will look at access for farmers to financial instruments. That is an initiative that the Commission has set out. They will scope the establishment of futures markets to hedge prices. We need to scope that out more keenly because there will always be peaks and troughs in the dairy market; that is the nature of it. Our farmers need to be equipped with the information to decide whether they want to be part of a futures market or a hedging scheme that will allow them to offset the troughs and perhaps even out their income. We need a lot more information about that. The more we scope that out, the better. The supply chain forum identified that issue and will focus on that. We intend to meet over the next number of weeks, and that will be one of the issues that we focus on. There is a large body of work to do to help mitigate, when we can, the volatility that will always exist in the dairy market.

Executive Committee Business

Justice (No. 2) Bill: Consideration Stage

Mr Speaker: I call the Minister of Justice, Mr David Ford, to move the 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 30, 32 to 36 and 74 to 79, which deal with fines and enforcement. The second debate will be on amendment Nos 31, 58 to 60, 69 to 73, 82 to 86 and opposition to clause 45 stand part, which deal with procedural arrangements and technical matters. The third debate will be on amendment Nos 37 to 51, 80, 81 and opposition to clause 38 stand part, which deal with the Prison Ombudsman. The fourth debate will be on amendment Nos 52 to 57, which deal with offences and penalties. The fifth debate will be on amendment Nos 61 to 68, which deal with the termination of a pregnancy in exceptional circumstances.

I remind Members who intend to speak during the debates on the five groups of amendments that they should address all 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. The Questions on stand part will be taken at the appropriate points of the Bill. If that is clear, we shall proceed.

Clause 1 (Application of Chapter)

Mr Speaker: 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 30, 32 to 36 and 74 to 79. Those amendments relate to fines and enforcement. Amendment No 5 is consequential to amendment No 6. Amendment No 14 is consequential to amendment Nos 11, 12 and 13. Amendment No 17 is consequential to amendment No 16, and amendment No 18 is consequential to amendment Nos 16 and 17. Amendment No 19 is consequential to amendment Nos 16 and 17. Amendment No 25 is consequential to amendment No 24. If all that is clear, I will 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 2, line 1, leave out subsection (3).

The following amendments stood on the Marshalled List: Nos 1-30, 32-36 and 74-79.

Thank you, Mr Speaker. Before dealing with the group, perhaps I could crave your indulgence a little to speak briefly about the progress of the Bill to date and, in particular, given that there are few other Members in the Chamber at present, to thank the members of the Committee for their assistance in progressing the work. In particular, I thank the Chairman and Deputy Chairman — Mr Ross and Mr McCartney — who have, as ever,

displayed a significant commitment to ensuring that a complex Bill with a significant number of amendments has been scrutinised by the Committee and dealt with in a very positive way. It is also notable that this is the second successive detailed Bill in which the policy content at introduction and the significant number of amendments proposed by the Department have survived the Committee's scrutiny without significant impact. I am grateful for the Committee's support, although it is never without an element of challenge, which is exactly as it should be. Whilst the Committee is supportive of the Bill and my amendments, certainly in this group, it has tabled two amendments of its own: one in relation to the facility for clearing a fine through addiction or mental health treatment and the other in relation to the creation of an offence of disclosing private sexual photographs and films with intent to cause distress. I am sympathetic to the Committee's thinking on those and look forward to debating them.

Amendment No 1 is a consequential amendment arising from my new clause 12A, the subject of amendment No 22, which I will speak to shortly. Instead, given the complexity of this section, I will speak to the amendments by policy topic, beginning with my changes to the vehicle seizure provisions. I will then proceed to the amendments tabled by Mr McCartney and colleagues and by the Justice Committee.

Amendment No 8 to the vehicle seizure provisions at clause 6 introduces an additional safeguard to ensure that a vehicle seizure order should be made only if the value of the vehicle, if sold, is sufficient to discharge the sum owed, including the likely charges and costs of the sale. On that topic, further adjustment to the vehicle seizure provisions is made by amendment Nos 27 and 29 to address comments made to the Committee by the Northern Ireland Human Rights Commission and the Examiner of Statutory Rules on the regulation-making powers in clause 18. The amendments insert subsection (3A) to provide that:

"Before making a vehicle seizure order, the responsible court must, in satisfying itself that the order would be justified, reasonable and proportionate in all the circumstances of the case, have particular regard to the likely effect of the order on the debtor's ability to earn a living."

As a consequence, paragraph (b) of clause 18(6) is omitted. Finally in respect of vehicle seizure, a minor and technical amendment to correct a small drafting issue in clause 6 is offered by amendment No 7.

Amendment Nos 16, 17 and 18 introduce new clauses 9A, 9B and 9C to allow the court to issue an arrest warrant for individuals who do not turn up for their fine default hearing. Currently, the fine default hearing process, under which offenders can be returned to court to have their default reviewed, can be frustrated by defaulters simply not turning up for the hearing. If the court is not satisfied that notice has been served, the case must sit in abeyance. The Bill will strengthen that process by moving from a notice-to-attend procedure to a summons process. To further strengthen attendance at fine default hearings, I propose a power to issue an arrest warrant in circumstances of non-attendance so that, when police encounter an offender whom they know to be in default, they will be able to arrest them and bring them to court forthwith or bail them to appear at a future default hearing.

There are safeguards attached to the use of the power that ensure that an arrest warrant can be issued only in certain circumstances. There are four factors: that there is no proof of service of the summons, nor that the defaulter is evading service, but the court is satisfied that a reasonable attempt has been made to serve the summons on the debtor; when the court is satisfied that the defaulter knows of the penalty and the possible consequences of not paying; when the court is considering the possibility of committing the defaulter to prison for failure to pay; or when the court is satisfied that issuing a warrant for the debtor's arrest, instead of reissuing the summons, is proportionate to the objective of securing the debtor's appearance before the court.

At the end of the new collection process, which will already have seen a series of collection options considered, the number of non-attenders at fine default hearings should be low. However, the power, should it be needed, ought to be available to maintain the integrity of the fine collection and default hearing process as a deterrent to those who are aware that they have to pay but might seek to frustrate the process and cannot be dealt with otherwise. My amendment Nos 16, 17 and 18, together with consequential amendment Nos 10, 15, and 26, will enable that to occur.

Amendment No 19 introduces new clause 9D to allow for the recovery of the costs of default hearings. Current practice is that fine default notices are served by post in the first instance before progressing to personal service by a summons server if postal service has been unsuccessful.

It is considered that existing provisions do not allow for the recovery of these summons server fees, currently set at £13 per summons. The costs are, instead, incurred by the Department, and, in the 18 months since default hearings have been implemented, costs have exceeded £350,000. Given the cost associated with personal service, I believe that the fee should be recoverable against the defaulter in appropriate circumstances. New clause 9D will allow the court to order the recovery of the costs of bringing a person back to court for the purpose of dealing with his default, where the court considers that that is appropriate.

11.00 am

I now move on to amendment No 22, which introduces a new clause 12A to provide for information sharing by the Department for Social Development with a court to support the provisions in the Bill that require offenders to provide income information to collection officers, so that the most appropriate collection option can be chosen. This amendment, together with consequential amendment Nos 1 and 30, will help avoid the situation whereby a collection officer can be frustrated in their attempts to secure income details where the debtor has failed to engage with the court or collection officer. It will allow the Department for Social Development to share social security information with the court or a collection officer so that the best and most appropriate use can be made of the power to make an application for deduction from benefits.

We intend to bring forward similar legislative provision to allow Revenue and Customs to share financial information with the court or collection officer for the purpose of deciding to make, or the making of, an attachment of earnings order. It was not possible to bring

such a provision forward in this Bill because, as the Commissioners for Revenue and Customs Act 2005 is a reserved matter, conferring power on HMRC to share information cannot be done through Assembly legislation and so we must do it through Westminster. My officials are, therefore, working with their counterparts in the Ministry of Justice to progress a similar amendment through Westminster with a view to having the necessary provisions in place to coincide with the coming into operation of the relevant parts of this Bill.

My next amendment in this group is amendment No 79, which makes an adjustment to schedule 2 to the Bill to bring the prosecutorial fine provisions created by the Justice Act 2015 into the new fine collection and enforcement arrangements. This amendment will allow prosecutorial fines to be enforced in the same way as other fixed penalties and penalty notices already included in the schedule and reflects my original policy intent. Prosecutorial fines could not be included in the Bill at introduction, however, as the Justice Act (Northern Ireland) 2015, which created the new disposal, had not by then received Royal Assent.

Amendment Nos 33 and 77 to clause 24 and schedule 2 respectively then address omissions from the Bill at introduction to ensure that a supervised activity order cannot be considered as an option in default of a confiscation order given that, under clause 3(2), a confiscation order is outwith the proposed new collection and enforcement arrangements and to ensure that a warrant of commitment for default under the Bill is treated the same as a similar warrant under the Magistrates' Courts (Northern Ireland) Order 1981. Finally in respect of Part 1 and associated schedules to the Bill, amendment Nos 4 to 7, No 21, No 23, No 32, Nos 34 to 36, Nos 74 to 76 and No 78 are all minor and technical amendments to correct and improve the drafting of the Bill. That concludes my amendments to Part 1 and schedules 1 and 2 to the Bill.

I now wish to address first those amendments tabled by Mr McCartney, Mr Lynch and Ms McGahan and then those tabled by the Chair of the Committee for Justice. The first set of amendments are, I understand, designed to introduce protections to ensure that the fine collection arrangements cannot be outsourced to private agencies and to ensure that payment of a fine by deductions from benefits, bank account order or by vehicle seizure will not adversely impact on children or adult dependants of a debtor or extend the sanction to dependants of the debtor. I believe that the significant number of safeguards inherent in the provisions of the Bill already, supplemented by the amendments I am bringing forward today, make those Members' amendments unnecessary. It is important to note that the new fine collection arrangements will be administered by collection officers in the fine collection and enforcement service. Under clause 2 of the Bill as it stands, collection officers must be civil servants from the Department. I do not intend to outsource these functions to any other body and, therefore, I am happy to give Mr McCartney and his colleagues that assurance. On that basis, I do not think that the proposed amendment to clause 2 is necessary.

Under clause 4, when making a collection order, a court may, if it thinks it appropriate, having first considered other available options such as granting time to pay or payment by instalments, order the collection officer to make an

application for a deduction of benefits from the debtor. Subsection (2)(b) of clause 4, however, provides that that may only be done with the debtor's consent. I understand the intention behind the proposed amendment to clause 4, but I hope the fact that the debtor's consent is required in that instance, together with the fact that a court would, as a matter of course, consider any representations made by, or on behalf of, a debtor in deciding whether an application for deductions is the right option, provides Mr McCartney with some reassurance. Again, I suggest that the amendment is unnecessary.

More generally, on default, collection officers will liaise with debtors to explore the person's income status, including living costs, other outgoings and number of dependants, as well as employment and/or benefits status, bank accounts and vehicle ownership and, in the first instance, will be able to grant extensions of time to pay or facilitate payments by instalments. If those measures do not prove successful, the collection officer can select an appropriate enforcement action, including exploring an application for deductions from benefits. Again, the intention is that deductions will be progressed with the offender's consent in the first instance, although consent will not be required if it is clear that they are not engaging with the collection process.

Those are not novel proposals, as provision for fines and other financial penalties are simply being added to the list of debts or charges that are already capable of being collected from benefits through the statutory third-party deduction scheme operated by the Department for Social Development. There are a number of safeguards in that scheme that ensure that essential living expenses are protected; place limits on the number of deductions that can be taken at any time; and establish a maximum financial limit that can be deducted per week. The provisions in the Bill do not alter any of those safeguards. The collection officer will not be able simply to impose on the debtor a deduction from benefits. Rather, the collection officer will apply to DSD, and an application may be rejected if DSD determines that an offender's income is too low for a deduction for payment of a fine or other penalty to be made or if the offender already has the maximum number of deductions in place.

The Members' proposed amendment to clause 10 would require the court or collection officer to make a judgment on the debtor's benefit status and on the effect of a deduction, the level of which the court or collection officer is not responsible for setting, before making the application to DSD. That does not sound terribly practicable to me. A better solution is that set out in the Bill: that DSD, rather than the court or the collection officer, is best placed to determine whether to grant an application on the basis of the debtor's relevant benefit status.

In addition, clause 11 provides for detailed regulations to be made by DSD in relation to deductions from benefits that will include further safeguards by ensuring that payment from deductions for fines and other penalties will be placed sixth in the priority list for collection, behind housing and heating needs, for example, and only from certain income-related benefits. Those are income support, jobseeker's allowance, state pension credit and employment support allowance. For those reasons, I cannot support the amendments to clauses 4 and 10.

I have already outlined some of the protections around the use of the vehicle seizure powers. I imagine that such orders will be made rarely and, before doing so, a court must consider all the circumstances to be satisfied that making the order is justified, reasonable and proportionate in all the circumstances of the case. There will be full judicial oversight of the use of the order, and I believe that that is most important. The court will, as a matter of course, hear any representations made by, or on behalf of, the debtor and is likely to take into account the impact of making the order on the debtor's children or adult dependants.

I fully understand the intention behind the proposed amendments to clauses 6 and 18, but I do not believe that they are necessary. Nor do I think that the Members' amendments to clauses 15 and 17, which relate to the making of bank account orders, are needed. Where, rarely, an interim order is imposed under clause 15, only the amount of the outstanding fine will be frozen in the person's account. We do not want, nor will we seek, to have an offender's full assets frozen. Where an interim order is in force, in cases of hardship, clause 16 enables the debtor to make an application to have moneys released for essentials. Only the court will be able to impose a full bank account order, under clause 17, and an order will also only be made in respect of an account in the offender's own name; joint accounts will not be frozen.

I expect that the impact of the making of a bank account order on a debtor's dependants would be a relevant consideration. I, therefore, oppose the amendments.

I also note the Committee's amendments to create a power to allow an offender to clear a fine through addiction or mental health treatment through the creation of a work development and rehabilitation of debtors scheme and work development and rehabilitation of debtors orders. Unlike community-based sentences, by which a court may include requirements as to treatment for drug or alcohol dependency or as to mental condition, the imposition of a fine by a court is not designed to have a rehabilitative aspect. It is, rather, a pecuniary penalty imposed on an offender on conviction.

I am aware that arrangements exist in New South Wales, whereby persons who are suffering from mental health or drug or alcohol addiction problems can engage in certain courses or treatment as a means of satisfying the fine, but that is not an aspect that is associated with fine enforcement arrangements elsewhere in the United Kingdom or Ireland or, indeed, in any other jurisdiction of which I am aware.

While I understand the rationale behind, and have some sympathy with, the proposal, particularly as I share the Chair's belief that there are benefits in tailoring court disposals to the individual's particular circumstances, I believe that further research and considerable policy development and consultation would be required to evaluate the merits of that approach and to identify any resource implications. Given the time available for the Bill's remaining stages, it would not be possible to undertake and complete such preparatory work and make appropriate provision in regard to the Bill. I am, however, very interested in broader problem-solving and community approaches, and I know that the Chair is too. He is at least as interested in the new opportunities as I am, and, for example, he spoke of it during my Justice Committee

appearance last week when we were discussing court estates.

Problem-solving approaches are in place in other jurisdictions, including other common law jurisdictions, and I know that the Chair paid particular interest to those points. I welcome that interest from the Chair and the Committee, and I would like to see more work done in the future to explore the benefits of such an approach for our justice system. However, I doubt if any existing problem-solving system can be applied here without great thought and very significant political commitment. I say that because, as the amendment recognises, many of the problems in society that bring people into the justice system will require commitment from Health, Education and, sometimes, other partners as well. The development of a Programme for Government for the next mandate is the opportunity to think strategically about the outcomes that we want for society, and I believe that problem-solving approaches will have a role to play in that.

I am not coming to this from a standing start. At the Justice Committee last week, the Chair referred to opportunities to look at different delivery models. While that is most welcome, it was a pressing need anyway, and the forthcoming OECD report, also referenced in the Fresh Start deal, will, I trust, have some interesting things to say to all of us. I have asked my Department to be involved in the OECD study, and I was grateful that one of the case studies in that process has looked at problem-solving approaches for justice. We should await the publication of that report, but I can say to the Chair and to members of the Committee that it is very much in line with my thinking and progress being made in the Department. If the political will is there to work differently for better outcomes, Justice will play its role in that.

I agree with Alastair Ross that there are many different ways forward that we should explore. We can be more creative, and we can look to community and problem-solving solutions. I will be keen to hear the comments that he will make during the debate today, following up the comments that he has made in other circumstances and, indeed, comments made at some of the series of seminars that have been run by the Committee. I trust that the assurances that I give of work being progressed in the Department, building on the OECD report, will ensure that he does not feel the need to press his amendment today, on the basis that the principle is accepted, and we need to work to see that better.

That concludes my comments, at this stage, on the first group of amendments.

Mr Ross (The Chairperson of the Committee for Justice): Just before addressing the amendments, with your indulgence, Mr Speaker, I will make some more general comments about the Committee's approach during Committee Stage. First of all, I will say that it is perhaps unfortunate that, I suspect, today's media coverage of this Bill will centre on the group 5 amendments. It is disappointing because of the considerable work that members of the Committee, departmental officials and other stakeholders have put into the Bill to try to make reforms that will make a real difference. There is a lot of good stuff in the Bill that, unfortunately, will be lost in the media coverage today.

Nevertheless, the Committee supports the Bill and, in particular, the improvements it seeks to make to the current arrangements for the collection and enforcement of financial penalties, which are clearly not working and are creating excessive costs across the criminal justice system. The Committee welcomes the improvements that are anticipated by the Department, which include an increase in the current level of payment rates from 70% to closer to 80%, savings in police resources, which can be focused on other priorities, and a reduction in the committal rate to prison due to the non-payment of fines, with the resultant cost savings, assuming that the Bill completes its legislative journey and the new fine collection and enforcement arrangements are, indeed, implemented.

11.15 am

As well as the main clauses and a wide range of related amendments, the Committee considered proposals for a range of new provisions that are unrelated to the areas covered in the Bill. Those included proposals by the Department for changes to firearms legislation relating to fees; a new banded system to enable firearms dealers to exchange a firearm for a licence holder; the age of young shooters; proposals by the Department of Agriculture and Rural Development to increase the statutory maximum penalties for a range of animal cruelty offences under the Welfare of Animals Act (Northern Ireland) 2011; and a proposal originally made by Lord Morrow to enhance protection for the emergency services by covering attacks on front-line ambulance staff who are responding to emergencies. That proposal is similar to that for attacks on police officers and that is already on the statute books. The Committee also considered possible legislative changes to improve online protection for children following issues that were raised during its successful conference on justice in a digital age in October 2015, and a new offence that we are proposing on what is commonly referred to as revenge porn.

Given the various policy areas that are covered by the Bill and the proposed amendments, the Committee spent some time undertaking detailed scrutiny and sought a wide range of views to assist its deliberations. Written evidence was sought from interested organisations and individuals, as well as from the Department of Justice, the Department of Health, the Public Prosecution Service and the PSNI. The Committee for Agriculture and Rural Development and the Committee for Social Development also assisted the Committee in considering proposals specific to their respective Departments. The Committee received 21 written submissions, took oral evidence from a range of organisations, as well as officials from the DOJ and the Department of Agriculture and Rural Development, and commissioned several research papers to assist its consideration of Part 1 of the Bill, which covers a new fine collection and enforcement system and possible legislative changes to improve online protection.

I thank the members of the Committee for their contributions to the discussion on and consideration of the Bill during the Committee Stage. I think that the detail in the Committee 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 departmental officials

who provided additional information and clarification throughout the process.

Looking at the fine enforcement and collection element in Part 1 of the Bill and the related amendments that the Minister outlined in his speech, they will create an entirely new regime for the collection and enforcement of financial penalties. It has been clear for some considerable time, as I mentioned, that the current fine system is not fit for purpose.

A judgement delivered by the divisional court in March 2013 in five judicial reviews relating to the arrangements for imposing and enforcing fines and other monetary penalties in Northern Ireland ruled that the long-established practice for dealing with non-payment of fines and other monetary penalties was unlawful and that a fine defaulter must be brought back to court for a further default hearing before any penalty for default could be imposed. As a result, revised arrangements had to be adopted to address those defects.

Subsequently, a Public Accounts Committee report published in January 2015 on the Northern Ireland Courts and Tribunals Service trust statement for the year ending March 2013 outlined that the value of unpaid financial penalties was significant and that the Comptroller and Auditor General raised concerns about the fine collection and enforcement measures and the system for dealing with fine defaulters. The PAC found that, despite the significant levels of outstanding debt, the Department of Justice had failed to coordinate a joined-up approach to fine collection, and, as a result, governance arrangements were unacceptable. That had contributed to a number of failings, including 6,682 paper warrants with a value of £1.1 million going missing, as well as suspected fraud.

Figures provided by the Department to the Committee in early 2015 indicated that the total outstanding debt at 31 March 2014 was £22.684 million, of which it was estimated that £7.335 million was impaired and unlikely to be collected. The costs associated with enforcing the current system are also significant, as it takes up substantial police time and results in a large number of very short terms of imprisonment, with the associated costs to the Prison Service and, ultimately, of course, the taxpayer. In these times of financial constraint, those are wasted funds that could be put to very good use, and it is unacceptable. It was therefore within that context and recognising the need to address the ongoing issues in the current system as soon as possible that the Justice Committee considered Part 1 of the Bill and associated amendments that it had sight of during the Committee Stage.

Prior to the commencement of the Committee Stage of the Bill, the Department advised the Committee of its intention to bring forward amendment Nos 1, 22 and 30, which will improve information access and sharing in the fine collection process, and amendment Nos 10, 15, 16, 17 and 18, which will provide a police power of arrest in circumstances of non-attendance at fine default hearings. That enabled the Committee to seek views on both proposals when requesting evidence on the Bill's provisions.

The Committee accepts the need for collection officers to have access to relevant employment, earnings or benefits information in certain circumstances to enable the fine enforcement and collection system to operate as envisaged. It was noted that the Department for Social Development was working with the Department of

Justice to agree the level of access required to benefits information. An individual assessment will be carried out in each case, and it will be an offence for a person to whom the information has been disclosed to disclose it to another person or to use it for another purpose. The Committee agreed that it was content with the information access and sharing amendments.

The Committee is also content to support amendment Nos 10, 15, 16, 17 and 18, which will enable the police to arrest offenders whom they know to be in default, if they encounter them and either bring them to court forthwith or bail them for a future default hearing appearance. The original proposal has been amended so that it does not include a PSNI power of entry and search for such arrests. The amendments before us today are now a proportionate approach to dealing with those who may seek to ignore a call back to court.

During Committee Stage, the Department also provided information on and the text of other amendments to Part 1, and those are before the Assembly for consideration today. Most of them are minor and correct or improve the drafting of the Bill. Others, such as amendment No 19, which creates a power for the recovery of the fee for the cost of personal service by a summons server from the defaulter in appropriate circumstances in which the postal service is unsuccessful, amendment No 33, which ensures that a supervised activity order cannot be considered as an option in default of a confiscation order, and amendment No 79, which provides for prosecutorial fines created as a result of the Justice Act 2015 to be treated in the same way as the fixed penalties and penalty notices already included in schedule 2, make more substantive but necessary changes to ensure that the future fine enforcement and collection regime operates as intended.

I turn to amendment Nos 3, 20, 24 and 25, tabled by Mr McCartney and his colleagues. The written and oral evidence that the Committee received was supportive of the primary aims of the provisions to improve the fine collection system, particularly the move to a more civilian-based collection service, which will free up police resources so that they can focus on more strategic priorities, benefiting communities and the general public. Some issues were raised on the options available to secure the payment of fines through deductions from benefits, attachment of earnings orders, interim bank account orders and bank account orders and, in particular, on the potential impact on the families and dependants of fine defaulters.

When discussing with the Committee how deductions from benefits would operate in practice and the safeguards in place to ensure that dependants were not adversely impacted on, departmental officials said that the collection officer would request information on a debtor's financial circumstances by way of a means enquiry form, and that will cover income, outgoings and dependants. Deductions from benefits will be operated by the Department for Social Development under its existing third-party deduction scheme, which includes safeguards to protect the vulnerable and an appeal system through the social security appeals tribunal. The Department for Social Development controls include a limit on the number of deductions that can be in place and a maximum amount of 15% of the benefit being deducted at any one time. The collection of a fine will also sit sixth on the priority list for

collection so that housing or fuel arrears and so on will be collected first and essential living expenses protected. The Department also said that deductions for fine payment would be restricted to income support, jobseeker's allowance, state pension credit and employment and support allowance and that benefits such as disability benefits, carer benefits, child benefit, child tax credit payments and other benefits provided to the vulnerable could not be accessed for the purpose of recovering a fine.

On interim bank account orders, the Department stated that they would freeze only the amount of the fine, and a requirement to notify the debtor of the possibility of an interim bank account order will be covered in regulations and guidance. A bank account order can be made only at a judicial hearing, and both interim and bank account orders will be made only for bank accounts held solely in the debtor's name. Joint bank accounts will not be frozen or accessible. The option for the debtor to make an application for a hardship payment will also be included in correspondence sent from the collection officer to the debtor.

The Committee, noting the safeguards in place, agreed that it was content with the provisions relating to deductions from benefits, attachment of earnings orders, interim bank account orders and bank account orders as drafted. The Deputy Chairman of the Committee, however, expressed reservations about the wider impact of the provisions and indicated that he and his colleagues would seek further assurances and commitments from the Minister today regarding safeguarding and protecting families, dependants and vulnerable people. While Mr McCartney will, no doubt, outline in detail the rationale for his amendments, it appears that they are a belt-and-braces approach to ensure that children and adult dependants of fine defaulters are not adversely affected by the fine enforcement methods adopted. I understand the rationale for the amendments and have sympathy for the motivation behind them, but, hopefully, the assurances that have been provided by the Minister today will reassure Mr McCartney and his colleagues.

I move on to the provisions and amendments relating to vehicle seizure orders. The Committee sought the advice of the Examiner of Statutory Rules regarding the range of powers in the Bill to make subordinate legislation. The Examiner drew the Committee's attention to the regulation-making powers in clause 18 and indicated that subsection (6)(b) was either intended to cover a matter of substance and import, in which case it should be fully set out in the Bill, or it should simply be left to the discretion of the court by omitting the regulation power from the Bill entirely. The Committee referred the matter to the Department for consideration, and amendment Nos 26 and 27 now provide for the issues that a court should take into account before making a vehicle seizure order to be included in the Bill. They include a recommendation from the Human Rights Commission that account should be taken of the impact of a vehicle seizure order on an individual's employment to ensure that an individual is not deprived of their source of income in order to comply with the right to work and an individual's right to employment and protection of income. The Committee is content with that approach and supports the amendments. Indeed, it would be somewhat self-defeating if we were to impede a person's ability to get to work.

Having noted that regulations will be made and detailed guidance provided in relation to vehicle seizure orders that

will set out the built-in protections for vulnerable people and having received clarification from the Department of how the scheme will operate to ensure that the cost of it does not exceed the value of the seizure, the Committee agreed that it was content to support the provisions in the Bill and amendment No 8, which ensures that a vehicle seizure order will be made only if the value of the vehicle, if sold, will discharge the sum owed, including the likely charges and costs of the sale. Again, the Deputy Chairman expressed some reservations about the possible impact of vehicle seizure orders on families and dependants. I note that he has tabled amendment No 9 today, which seeks to ensure that this protection exists.

Finally, I want to outline the amendments that have been tabled by the Committee and the rationale for them. The Bill provides for the imposition of a supervised activity order that will require an individual to complete activities tailored to their needs and based on a personal assessment carried out by the probation service. The introductory sessions will include citizenship and money management modules. To assist in its consideration of Part 1 of the Justice (No. 2) Bill, the Committee commissioned research on fine collection and enforcement systems in other jurisdictions, including England and Wales, Scotland, the Irish Republic, Australia and New Zealand. That research highlighted that, in New South Wales in Australia, a pilot project that allowed certain disadvantaged people to clear their fine by undertaking unpaid work, courses or treatment for drug or alcohol addiction or mental health problems with the support of an approved organisation or registered health practitioner had provided an effective response to the offending behaviour. An evaluation of that pilot project by the Attorney General and the Department of Justice found that the scheme had helped to reduce reoffending in the fine enforcement system and secondary offending in the broader criminal justice system. It also engaged the individuals in appropriate treatment or activities such as mental health, drug or alcohol treatment that they might not have otherwise engaged in. The Department, therefore, recommended that the scheme should be rolled out across that jurisdiction.

Given the positive outcomes of that scheme, the Committee raised with the Department the possibility of extending the powers of the court to enable suitable offenders in Northern Ireland to be required to satisfy a fine by undertaking appropriate courses to address offending behaviour such as treatment for drug or alcohol addiction or mental health treatment as an alternative to supervised activity orders. While the Department indicated that it envisaged some difficulties with mandatory health solutions at that level of disposal, it undertook to consider the matter further. It subsequently advised the Committee that, while the court may include requirements on treatment for drug or alcohol dependency or for a mental health condition in community-based sentences, the imposition of a fine is a pecuniary penalty and is not designed to have a rehabilitative aspect, as the Minister has outlined.

The Department stated that the arrangements in New South Wales were unique in the sense that they can engage persons who are suffering from mental health, or drug or alcohol addiction problems, in certain courses or treatments as a means of satisfying the fine, which is not an aspect associated with fine enforcement arrangements in Great Britain or the Republic of Ireland. The Department was of the view that considerable policy development

would be required to evaluate the merits of this approach and identify any resource implications. While this would not be possible within the timescale of the Justice (No.2) Bill, the Department stated, as the Minister reaffirmed today, that it would be happy, in principle, to consider the proposal in more detail. It stated that it was willing to give an undertaking to do so and work with a view to potentially enhancing the fine collection arrangements at some point in the future.

11.30 am

The Committee believes that requiring offenders, in suitable circumstances, to satisfy a fine by undertaking appropriate courses or treatment to address the causes of offending behaviour such as drug or alcohol addiction, or mental health problems, is helpful to the Department's stated aim of addressing offending behaviour and preventing reoffending. It also represents a form of the problem-solving model of justice, which aims to address the root causes of the offending behaviour rather than just punishing the crime, a model proven to assist in reducing reoffending and the associated costs to the justice system. It is one of the areas, as the Minister said, that the Committee examined during the innovation seminars that it held. Indeed, a representative from the Centre for Justice Innovation in London came over to talk about problem-solving in justice and how it would work by reducing the cost to the taxpayer and, crucially, improving outcomes for communities, victims and those who come into contact with the criminal justice system.

Mr Douglas: I thank the Member for giving way. He mentioned the justice innovation seminars, and I think that all agree that they were excellent and one of the best decisions taken by the Justice Committee. Is it realistic to look at implementing the policy suggestions and recommendations in the next mandate?

Mr Ross: I think so. We have tried to look at examples happening elsewhere in the world that have realistic potential to be implemented in Northern Ireland. I listened to the Minister's comments, and I agree with what he said about many of the issues requiring cross-departmental support, particularly if we are getting to a point at which we believe that not all offenders need a criminal justice outcome. If, for example, and I made the point about this case in particular, an offender has a history of mental health issues, alcohol dependency or drug addiction, perhaps a health-based outcome or response is more appropriate in those circumstances. Mr Maginness, Mr Kennedy and I looked at that kind of system in operation in Brooklyn, where it gets support not only from across the political spectrum, republicans and democrats, but from the New York Police Department, the governor's office and the office of the district attorney. The reason for that is that it works. It works because it reduces reoffending and is improving outcomes in the system. It also reduces costs because it prevents people being sent to prison for short sentences.

Mr A Maginness: I thank the Chair for giving way. On foot of the Member's point, it was, indeed, a very interesting and successful visit to Brooklyn in New York, where the problem-solving approaches were being successfully undertaken, and we could learn an awful lot from that. It is true to say that even the likes of Donald Trump would support this type of approach. The Chair has raised an important issue. I note what the Minister said previously,

but it is very important that we pursue this and pursue it vigorously.

Mr Ross: I thank the Member for that, and, of course, he is right in saying that Donald Trump is a supporter of this. For anybody with an interest in the current debates in the United States, whether on the Republican or Democrat side, the interesting thing is that everybody is talking about justice reform. When people talk about justice reform, they all talk about exactly the same thing: introducing problem-solving models into justice. That means that, rather than seeing justice as something that sits on its own somewhere, it becomes much more aligned and intertwined with healthcare and education systems, as the Minister said.

Justice systems right across the world are now looking at early intervention in education and appropriate medical intervention for offenders who have other addictions that are the underlying cause of offending. The US — in New York and Miami in the 1980s and 1990s — has undoubtedly been a pioneer in this area. Some of the judges whom we met — Judge Calabrese and Judge Ferdinand — were pioneers of this sort of work. It is working, and I note that, at Westminster, Justice Secretary Michael Gove is particularly interested in this, and I listened to some of the Prime Minister's comments in recent days as well. Momentum seems to be gathering, even here in the United Kingdom, to move towards that model of justice.

I listened to the Minister's assurance that the Department is keen to work on this. I hope that he is keen and that the Department, whoever the Minister is come May, is true to that and that we will see progress on this early in the next mandate. If that is the case, the Committee is agreed that it will not move amendment Nos 11, 12, 13 and 14 at this stage. I hope that, whoever the Committee Chair is come May, the Committee will also continue with this work and continue to press the Department. It is a valuable area that the justice system needs to go into, and it can improve outcomes.

On that basis, I conclude my remarks on the group 1 amendments. I will not be moving the amendments tabled in the Committee's name.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. I will speak on behalf of my party on the group 1 amendments. I thank all those who gave evidence to the Committee on behalf of organisations and the Department, and I also thank the Minister.

As the Chair said, there is good stuff in the Bill, and we broadly support its principles, but we have a number of concerns. I want to outline our firm belief that defaulting on a fine imposed for a minor or civic matter should not result in imprisonment if it can be avoided. We want a robust system to be put in place to protect the most vulnerable, because it is often the most vulnerable people who find themselves in custody as a result of a fine default. There are alternatives to custody, and, indeed, fine defaulters going to prison are often costly to the public and the criminal justice system, as the Chair outlined. Again, it is often the most vulnerable who end up in custody. We must realise the impact on families of imposing fines. We support the main thrust of the Department's intention to seek alternatives to sending people to prison for fine defaults.

Some 14,300 prison sentences have been given for fine default since the beginning of 2006. Non-payment of fines

for not having a television licence resulted in 728 people receiving a custodial sentence. As the CEO of NIACRO stated, it is simply not a proportional response to this type of offence. Those people do not pose a threat to public safety and have not committed what could be termed a serious offence. The number of people going into custody for non-payment of fines is not sustainable and is at odds with a fairer justice system. Fine defaulters have made up one third of the prison population here. Clearly, change is needed and, indeed —

Mr Ford: Will the Member give way?

Mr Lynch: Yes.

Mr Ford: On a point of accuracy: at times, fine defaulters may have involved one third of admissions, but, given the relatively short time that they spend in custody, they have never been one third of the prison population.

Mr Lynch: Thank you. I accept the Minister's clarification. We welcome the Bill in the context of the numbers going to prison, but, as I said, we have concerns. The Bill contains proposals to recover fines by deducting moneys from benefit payments through a number of orders and the seizure of vehicles. We have proposed a number of amendments to ensure that family members and dependants are not unfairly impacted by that process. It must be understood that benefits are provided to give a minimum standard of living to families. Benefits are often the bottom line for many families. Without robust protection, these measures could result in further financial burden and distress for family members. Any deduction from an already low income may exacerbate the situation.

Mr Barry McMullan from NIACRO gave evidence at Committee Stage, and he said that people default on fines because they do not have the money. If you are a single person in receipt of £73 a week in jobseeker's allowance, it would be ridiculous for a court to impose a £300 fine and expect the person to pay it within 28 days.

As we all know, the person will often take the option of going to prison for a few days, at a heavy cost to the public and the criminal justice system. I acknowledge that the numbers going to prison have already decreased and are now down to a couple of hundred.

This brings me to our amendments. I want to acknowledge the Minister's letter of clarification. Indeed, he has reaffirmed it this morning with regard to amendment No 2 to clause 2. I accept the Minister's intentions. However, not all future Ministers in the Department may have the same intent. If, for example, a profit margin were to be realised in the future, a Minister might legislate to outsource to a private company. We cannot go on the assurance from the current Minister, even though I believe in his sincerity.

We ask for support for amendment No 3 to clause 4. The court is in a better place to make the decision than the debtor concerned. People who may have issues with budgeting and finance may not be in a frame of mind to make this kind of decision, which could have an impact on their dependants. They could be vulnerable or have substance abuse issues. Their desire to pay may not reflect their capacity to pay. The consent people give may not be informed consent.

We will not move amendments Nos 9 and 28 to clauses 6 and 18, respectively, on the basis that the Minister, following advice from the Human Rights Commission, will

bring forward amendments to these provisions at Further Consideration Stage.

The Minister referred to clause 11, on regulations that may be made by DSD, in connection with clause 10. As yet, we have not seen these regulations. Basically, the Minister is asking us to take it in good faith that they will be fit for purpose. I ask the House to support our amendment.

The Minister's comments on clause 15 do not resolve the issue for us. As I said earlier, the total outstanding fine may not differ much from the debtor's total balance.

We argue that our amendment to clause 17 is needed to introduce consistency.

Just to finish, we are not moving amendment Nos 9 and 28 and ask for support on amendment Nos 2, 3 and the others.

Mr A Maginness: In group 1, there are two sets of amendments, one brought by Sinn Féin and the other by the Committee. I think that the Committee amendments are very appropriate and timely. They highlight the need, which the Chair has led on vigorously, in and out of Committee, to develop a new strategy for offending, a strategy that involves problem-solving, where you take the individual not simply isolated in the criminal justice system but at large in society. That is an innovative approach. It is to be welcomed, and we have to do more work on it. The Minister has properly recognised that and that it is probably the direction in which the Department will go.

The Committee has been very supportive of the approach. These amendments reflect the Committee's consensual thinking on problem-solving. Let us take, in particular, those who are addicted to drugs or are alcohol dependent. It is very important that we look at them and see how we can help them. How can we rehabilitate those unfortunate enough to have these dependencies? Therefore, this has been a very valuable exercise. I understand that the Chair, having been reassured by the Minister that the Department will do further work on this, will not move these amendments. I think that that reflects the view of the Committee. The Committee sought to try to push the Department, so this has been a worthwhile exercise. I think that most Committee members are in agreement with that. My party and I certainly are.

11.45 am

The visit to the United States, in particular to Brooklyn, to try to see and understand the actuality of how another jurisdiction deals with these issues was a very worthwhile undertaking. Of course, we look at the American criminal justice system and see it as heavily punitive, and, of course, it has been. I do not know how many millions there are in prison in the United States, but certainly it is a very substantial number of people. With those pressures and the expense and so forth, people in the United States are looking for a different approach and solution to criminality. Therefore, the United States is now innovative in its approach to criminal justice. I do not want to go on any further; it is probably more appropriate simply to highlight the issues that have been raised by the Committee under the imaginative chairmanship of Mr Ross.

The amendments brought by Sinn Féin are worthy amendments. I would call them belt-and-braces amendments, because the Minister has included within

the Bill safeguards in relation to fine defaulters to protect their families and dependants and so forth. I understand what the Minister said about the safeguards in the Bill, as it currently is, being sufficient protection. However, if we are serious about protecting people and the dependants and families of those who are affected, I think that it is helpful that we write those protections into law more clearly. That is, in essence, what the Sinn Féin amendments are attempting to do and, therefore, my party and I support them. I understand the Minister's assurance that collection officers will be civil servants and that he has no intention of outsourcing the collection process and having private companies as collection officers carrying out that process. However, I am not content with that, because I think that it should be in law. Of course, there will be regulations in relation to the collection officers, and those regulations will be governed by what we put into statute.

Mr Ford: I appreciate the Member's giving way. Clause 2(1) says:

"The Department of Justice may designate civil servants in the Department to be collection officers".

So it is not merely a matter of whether a future wicked right-wing Minister, unlike the good liberal Justice Minister that we have at present, changes the regs. It would be the Assembly —

Mr A Maginness: Are you delusional?

Mr Ford: I was merely quoting Mr Lynch, more or less. *[Laughter.]*

This is primary legislation, which can be changed only by the will of the Assembly to move away from collection officers being civil servants in the Department. Therefore, there is no prospect of that change happening without the will of the Assembly changing. I suspect that the Members sitting to my right in the Chamber imagine that they would have a veto over such changes and, indeed, those sitting behind me would also wish to oppose such changes.

Mr A Maginness: I understand what the Minister has said, but clause 2(1) states:

"The Department of Justice may designate civil servants in the Department to be collection officers for the purposes of this Chapter".

It does not mandate; it does not say "shall". This is the problem when we try to develop law and bring about good legislation: sometimes, we are not zealous enough in writing in protections.

Mr Ford: Will the Member give way?

Mr A Maginness: Yes indeed.

Mr Ford: I will try not to be like a jack-in-the-box. Whilst the provision says that the Department "may designate civil servants", there is no provision for anybody other than a civil servant to be designated.

Mr A Maginness: I understand that point, too. I accept the Minister's assurance that, if he were to become Minister again, he certainly would not outsource collection officers, but another Minister might say, "Well, I'm going to save some money here. I'll outsource". Therefore, civil servants would be replaced by private companies. That is a real possibility under the Bill as drafted.

Mr McCartney: Will the Member give way?

Mr A Maginness: Yes.

Mr McCartney: As a general principle, when any Minister, be they liberal or otherwise, says that something is not necessary, there is no cost to put it into legislation. That is the general principle. The Minister might be right, but if you write it into legislation very clearly that this cannot be outsourced, it is clear and unequivocal.

Mr A Maginness: Mr McCartney has very succinctly described what I was attempting to explain, so I will not deliberate any further, save to say that we will support Sinn Féin on that aspect of things. We have great sympathy with Sinn Féin in relation to the other amendments. It is a belt-and-braces exercise, but, in the circumstances, it is necessary to give those protections and reassurance to the public.

This is a good section of the Bill. It deals with fine defaulters, which has been a constant problem. It was highlighted by the Public Accounts Committee and others, particularly the Prison Service, whose resources are stretched because it has to accommodate fine defaulters. Quite frankly, sending fine defaulters to prison is an archaic way of dealing with them. It is a waste of public resources. We fully support the intention of the Department and the Minister in relation to this part of the Bill and welcome, in general terms, the provisions.

Mr Kennedy: I am pleased to have the opportunity to address issues in the Bill. I am a fairly recent new member of the Justice Committee.

This is worthwhile and important legislation, but I share the view expressed by the Chairman: much of the very good legislation that we are scrutinising today will be lost in later debates on more emotional/controversial issues. Nevertheless, I pay tribute to the work of the Minister and his Department, the Chair and members of the Committee and the Clerk and those who service the Committee and provide essential advice.

Other Members have covered the issues in some detail. We have even seen a degree of political movement here today, which is no bad thing of course from a liberal Justice Minister. *[Laughter.]* The group 1 amendments look at the arrangements for the collection and enforcement of financial penalties. It is clear that work is required in that area, given the considerable financial cost involved. There is much importance attached to trying to improve a system that is in clear need of reform.

On amendment No 2 and Sinn Féin's concern about the private outsourcing of collection, I have listened closely, as other Members have, to the Minister's comments. I am satisfied that he has given a clear commitment that there will be no privatisation or outsourcing on his watch. I understand the points made by Mr Lynch and Mr Maginness, but in the legislation it is clear who the collection officers should be, and that will remain the case for the foreseeable future.

On the Sinn Féin amendments concerning the impact on the dependants of a debtor should benefits be deducted, my party is not persuaded that they are necessary. There are sufficient protections built in that cover a range of criminal justice matters, so we are not inclined to support the amendments tabled by Sinn Féin in that area.

The Chair of the Committee set out very accurately the original intention of amendment Nos 11 to 14, which is to address reoffending by satisfying the debt of a debtor who has a drug or alcohol addiction and agrees to a programme of counselling. I join with what others have said on that, particularly the Chair and Mr Maginness. I was part of the visit to the Brooklyn area of New York and saw at first hand the very innovative and creative work being done to address relatively low-level crime being committed in conjunction with drug and drink addictions. There is much that we can learn from the work that is happening there and in other places. I know that the Chair is particularly interested in that. I welcome very much the fact that the Minister has indicated that that is something that the Department will want to carry forward in the new mandate. Simply, there has to be a better way of dealing with people who find themselves, for whatever reason, in a situation where relatively low-level criminal behaviour is taking place to satisfy either a drug or drink addiction. That can be better addressed by government and other agencies working together with the Criminal Justice Agency.

So I hope very much that the clear signal has been sent to the Department, whoever is the Minister, that that is what the direction of travel should be.

12.00 noon

Amendment No 22 was tabled by the Minister. It relates to the disclosure of social security information. I am happy to support amendment No 22 and amendment No 27. They are sensible changes and improvements to the current legislation.

As the debate progresses, and as we move through the various stages, I hope that we will see the level of consensus shown in the work of the Committee as it scrutinised that of the Minister and his Department. That was very welcome. It is an example of the Committee working well with the Department and the Minister to the benefit and improvement of legislation that needs to be in place.

Mr Dickson: I thank the Minister for bringing forward this legislation and for the way in which he and departmental officials worked with the Committee to do that, and I place on record my thanks to the Chair of the Committee and my Committee colleagues for the way in which we have worked in respect of this matter. These are very complex and difficult areas of the law for each and every one of us to work with, and we have taken a very businesslike approach to it. As others have said, and I concur, the Chair has been innovative in the way in which we have done our business. That was welcome; indeed, it is potentially a model for other Committees to look at for how they do business. It may well be an important legacy that the Chair leaves to the Assembly in respect of these matters.

Most of the amendments in group 1 are of a technical nature and seek to tidy up the Bill in certain areas. So I do not think that it is necessary to talk for particularly long about this group, as others have said. Many of the amendments are in direct response to the consultation with the Committee and from the very good communications and working relationships that, as I have said, existed between the Committee and the departmental officials. Again, I place on record my thanks to our Committee officials who worked tirelessly and very long hours to help us in the production of reports and the procurement of witnesses. They do so in all the activities that they

undertake, not only those in respect of this Bill. As we come to the end of the mandate, it is vital that we place on record a word of sincere thanks to Committee officials and departmental officials for the work that they have done.

Amendment No 7 ensures that the seizure of property must make a return to meet the debts of an individual. That is a sensible approach. I particularly welcome amendment No 27, which requires the court to consider whether the seizure of a person's vehicle may disproportionately impact upon the debtor's ability to earn a living. There is not much point in taking away your car, van or some other vehicle, if it is your only means of doing your work. The justice system must always look forwards to rehabilitating offenders. Making it more difficult for debtors to earn a living would clearly be counterproductive, so that is a welcome change. In addition, the aim of the police being given the power to arrest someone who has failed to attend a default hearing is to improve attendance rates at such hearings, and amendment No 19 will help ensure the recovery of costs of hearings. We have heard some of the figures in the Chamber today. In economically difficult times, it is only appropriate that the Department recovers the cost of such administration, whether that be a small amount or a large amount, because it all adds up.

Information sharing is another area that was referred to this morning. I believe that it will be greatly facilitated by the passage of the Bill, particularly between DSD and collection officers. That is the most appropriate means of collection, whether officials can ascertain the information. I welcome the Minister's announcement that the DOJ intends to bring forward provision to also allow information sharing with HMRC.

I will move on to the amendments that have been proposed by Mr McCartney and Sinn Féin. There is a great deal of interest in them. Indeed, at first glance, they might appear to be perfectly sensible. However, in reality, I do not believe they are applicable to the Bill. I understand the Members' concerns about outsourcing collection, but I genuinely do not believe that, as the Minister stated, the employment to do so would be by anybody other than civil servants. I think the Bill, in designating the Civil Service and Department to be collection officers, makes that very clear. Therefore, I do not think that it is necessary to make the changes that are proposed in amendment Nos 2 and 3.

The remaining Sinn Féin amendments are, again in my opinion, unnecessary, although, again, I understand the concern regarding dependants of claimants who may have benefits deducted or assets seized. There is also provision to avoid such conflicts of interest. For one, benefits may be deducted in the first instance only if the claimant directly agrees, as set out in clause 4. In the end, the court already needs to consider the ability of the debtor to continue their lives and not to be disproportionately affected by deductions, which, as the Chair stated, are maximised at 15%. I would very much expect dependants to be considered an unavoidable living expense.

Moving on to the amendments that were proposed but not moved by the Chair of the Committee for Justice, I welcome the Minister's openness in pursuing, as ever, innovative means of rehabilitation in the justice system. I welcome the comments that Members brought back from the visit that they made to look at those, but it is not just in the criminal justice sector where there are innovative ways to improve and streamline justice. Coming as I do from a background

in employment law, I think it is important that alternative dispute resolution is available across the spectrum. Obviously, on the civil side, I think that there are immense savings to be made through those areas of innovation. I have absolutely no doubt that our current Minister is innovative, forward-thinking and very content to look at, examine and, where appropriate, bring forward many of those alternative ways to deal with the criminal and civil justice systems through innovation and rehabilitation.

I welcome the Department's amendments, as well as their intention, which is to tidy up the Bill, and the response to comments that were made by the Committee, which has helped us to get on with the job of reforming this important part of our justice system. I do not believe that anything should be lost in today's debate in commending the work of the Committee, the Department and the Minister, who is delivering justice for everyone.

Mr Ford: I was not sure that I was quite accurate, but clearly I was prescient when I started off my remarks by referring to the significant agreement on the measures that were introduced by the Department — at least, in this group of amendments — and the acceptance that there had been in the Committee of the amendments that were put forward by me to tidy up matters, particularly as they were raised during Committee discussions. It is very noticeable that hardly anything was said about the substance of the original proposals or the amendments that came forward to them from the Department. It is clear that that reflects the good work that was done by my officials, before they got to Committee Stage and in conjunction with the Committee and its officials. I really do not think there is anything that needs to be said in response to add to what the Chair and I said at the start of the debate.

There is clearly a very significant issue in the amendments that were outlined by Mr Ross and the very specific support for the concept of problem-solving and finding different ways of courts operating.

I certainly welcome the support that came from all sides of the Chamber.

It was noticeable in particular that Messrs Ross, Maginness and Kennedy all took the opportunity to tell us how impressed they were by their trip to Red Hook community court in Brooklyn. I am afraid that I will have to upstage them slightly and say that, three years ago, I had the opportunity to sit in Red Hook community court and speak to some of the staff there. I also visited the Midtown Community Court in Manhattan and, indeed, the court in Washington DC, and I saw similar work being done in all three. Given the snow that was around at the time that the three representatives of the Committee visited, if they had gone to Washington, they might never have got back, so it is probably as well that they did not. The most fascinating bit for me was that I had the opportunity to sit on the bench in Manhattan. I am not sure what court rules on allowing strangers to sit on the bench are like in New York, but I sat beside the judge as the judge dealt with a string of relatively minor offenders and did detailed case management. That was supporting the work being done by others — the equivalent of our probation service — who were managing the day-to-day work with offenders through a regular review and by ensuring that matters were not left to go wrong. That is an excellent example of how judicial case management can add significantly to work being done and how problem-solving has a part to play.

Mr Kennedy: I am grateful to the Minister for giving way. I am slightly intrigued to know why, if he was there three years before us, he did not bring forward some of the ideas and put them into action sooner, given that we now have to wait for a new mandate.

Mr Ford: Nice try. I appreciate the point that the Member makes. The reality is that work has been ongoing in the Department of Justice and, indeed, by some of our partners across the justice system. I suspect that there may well be announcements in the fairly near future, including some that are based on discussions that I had with one of the justice agencies last week on that point. If you can calm your exuberance a little, Mr Kennedy, we may be able to show something moving on. It is not easy to reform the system in that direction. It requires considerable input from the judiciary, from a variety of agencies and from the management of the Courts and Tribunals Service, and it costs money to make some of the changes. I absolutely accept the Chair's point that we need to look at the practical effect of reducing reoffending to save costs in the future. That is why we are seeking to make that innovation.

I also had a conversation a couple of years ago with a district judge from inner London who is responsible for family courts there. The judge was specifically developing a problem-solving model to look at the needs of those with alcohol and drug dependencies in the context of the family courts. That is a massive challenge that includes significant input from people on the health and social care side as well from those in the justice system.

Mr Douglas: I thank the Minister for giving way. I would also like to talk about my travels and what I have learnt over the past year. The furthest that I got was Magilligan, where I went to look at some of the issues. On a serious note and given what my colleague Danny Kennedy has said, are any of the issues that you looked at three years ago linked to what we are doing at the moment with the justice innovation seminars?

Mr Ford: I appreciate Mr Douglas's point. The reality is that there are a variety of approaches in many areas of the justice system that build on broadly similar concepts that are applied slightly differently in different places. It is a bit like some of the early intervention work that is done by a number of agencies with young people who are in danger of getting involved in the justice system. In one month, I remember seeing three projects in three different areas of Northern Ireland run by three different organisations. They were all built on the concept of establishing personal relationships, and that was what was helping young people. In the same way, there is almost an element of a personal relationship with the judge in the case management of some of the processes, and that is very significant. We have examples that are being developed, but it is not always easy to get them done. That work is being done in the Department and with partners across the justice system.

12.15 pm

In this Building and in this Chamber, we may be fixated on the end of a mandate and a new mandate, but I assure Members that those who work in the Department of Justice will not be fixated on the mandate; indeed, when the Assembly ceases its present term, they will have six weeks entirely free of us to get on with necessary policy work without interruption by questions, Assembly debates and all kinds of things. I trust that whoever is sitting in the Department of Justice and on

the Committee for Justice will see that a lot of good work has been done. The key issue for the next mandate —

Mr Ross: I thank the Minister for giving way. We asked him in Committee last week what were his big ideas in making a pitch to the Executive for the next Programme for Government or Budget arrangements. If a lot of preparatory work has been ongoing for the next Programme for Government, is he suggesting that, in that Programme for Government, there should be a problem-solving approach and that Health and Justice will come together to fund that model to improve outcomes for offenders?

Mr Ford: I never cease to be amazed by the ability of some Members to read my scribbles from across the Chamber, but Mr Ross is absolutely right on that point. I cannot give a commitment on what will be in the Programme for Government, particularly when it is an issue of joining up matters, but I highlighted in my opening remarks the work that was being done in the context of the OECD report. It is absolutely clear that that is not a Justice-alone issue; it is an issue that requires joining up.

If we are to have an Executive who will function in a better joined-up way, it will be necessary to look at some of the early intervention work and ensure that we use the opportunity presented by a difficult budgetary situation to build partnerships and find better ways of joining up so that we get the outputs that we need and recognise the benefits that one Department's work can achieve for another. There are real opportunities, but, if anyone in the Chamber at the moment is representing their party in the discussions on the Programme for Government that will take place after the election, I hope that they bear in mind Alastair Ross's words about the need to make specific improvements in how things move forward. I will give way.

Mr Dickson: Continuing, Minister, on the theme of how you deal with drug and alcohol courts in particular and delivering services quickly, it is all about the joined-up nature of it. While I listened with great interest to the experience in New York, it seems that, in other parts of the United States — I have some experience of this — the need for swift justice and the need to assist the person with the issue quickly are important and are recognised. However, if the services that the person is being sent to get are not there, this is just an exercise in sweeping the problem under the carpet. The situation in many states in the United States is no different from here in that mental health and alcohol and drug rehabilitation services are stretched, sometimes more stretched than ours. There is a genuine need in any future Programme for Government to require not just that the Department of Justice delivers at the front end but that, much more importantly, the Health Department delivers at what is, essentially, not the back end but the most important element of this.

Mr Ford: I appreciate the point, although I am a little cautious about giving a commitment on behalf of the Minister of Health, Social Services and Public Safety. We have seen examples, specifically in the listing of domestic violence cases at Londonderry court, where the district judge has made listing arrangements in such a way as to ensure that support services are available. There are clearly issues in how perpetrators are referred to appropriate programmes as well as in how victims are referred to the support provided by groups like Women's Aid. Those are key issues to ensure that we get a joined-up approach, but, at this stage, those are for

the Department of Justice and its associated bodies and are not those that apply across the justice system, as the Member said.

Mr Ross: I thank the Minister for giving way. I know that we have spent more time on this than, perhaps, anybody had anticipated. He talked about the pilot project that Judge McElhone is running in Londonderry — with mixed results, to be perfectly honest. The support required from other agencies is not quite there yet, although we are definitely moving in the right direction with that.

May I make a suggestion? Following his announcement earlier this week about closing courthouses, the Ballymena courthouse would provide an excellent opportunity for a pilot drugs court, given that the Railway Street facility is there and there may be a particular problem around that area. He could think innovatively about what we use the remaining court estate for.

Mr Ford: I will certainly take note of that suggestion. I accept that it is a perfectly serious suggestion, although I have to be cautious about how buildings are used. The key issue, however, is one for the judiciary, and the key point is that he has specifically named the district judge in Londonderry. Mr McElhone's efforts have been very significant, and I have had recent discussions about how we replicate and build on that kind of work in different parts of Northern Ireland. Progress is being made, but, as ever, perhaps not as fast as we might wish.

Having disposed at considerable length of the points on which everybody seemed to be agreed, I will refer to the amendments that Mr Lynch spoke to and which stand in his name and those of Mr McCartney and Ms McGahan. I note also that Mr Maginness supported much of what was said by Mr Lynch. I have a significant concern about some of the points made, and I go back, in particular, to some of the terminology used. Clause 2 specifies that collection officers will be civil servants. If there were to be any attempt to change that, the future mythical, wicked Tory Minister could just as easily amend the proposed addition, which is unnecessary, as what is already in the Bill. Such an amendment could go through only with the support of the House, and I have no doubt that Members of the SDLP and Sinn Féin, probably joined by Members from Alliance and other parties, would, if necessary, table a petition of concern. Indeed, I did not sense any enthusiasm for that, even from those who cited Donald Trump in support of other aspects of the Bill. I see no prospect whatever of that change being made, but the reality is —

Mr McCartney: Will the Member give way?

Mr Ford: Half a second.

When the protection is in the Bill anyway, putting it in twice achieves nothing. I give way.

Mr McCartney: That is the precise point: if there is no prospect of it happening, why oppose the amendment?

Mr Ford: If it has no prospect of happening, why table it? That is the reality. I believe that it is unnecessary and without benefit. Having been criticised in the past by the Committee for adding unnecessary legislation, I will fire that back at its Deputy Chair: why propose something that is unnecessary and merely spells out, in slightly different words, what is already there?

Other issues raised about protections are covered by the points that I made about existing DSD regulations. An amendment to DSD regulations makes it clear that fine collection would come in at the end of the list of other issues that need to be covered. It seems that, for some — I accept that Mr Lynch did not quite say this — there cannot be any question of taking deductions from benefits at a lower level because of the potential impact. At times, there is also a significant impact on those imprisoned for fine default. We are looking at ensuring that fines are paid on a lengthened timescale and with reduced amounts each week or whatever provision can be made to assist people to pay. This does not seek to take a punitive and excessive sum instantly. We are looking at how we can do this in the most reasonable way, providing protection for dependants at the same time as ensuring that, if fines have to be levied, fines are levied and can be paid.

I accept why Members from Sinn Féin and the SDLP seek to make changes, but I believe that they are not adding anything to the existing protections. Whilst I have sympathy with their desire to be seen to be protecting vulnerable people, I believe that the views expressed elsewhere by Mr Ross, Mr Kennedy and Mr Dickson are accurate and the provisions are not needed. Therefore, I welcome the Chair's assurance that he will not press his amendments, on the basis of the work that is being done. I believe that the Committee and the Department are working in partnership on innovative methods that seek to ensure that the justice system works more effectively. I welcome his assurance that he will not press those amendments. I commend to the House the amendments that stand in my name, which I believe are entirely agreed by the Committee. I am afraid, however, that I must ask the House to reject the amendments that stand in the names of Mr McCartney and his colleagues.

Amendment No 1 agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 (Collection officers)

Amendment No 2 proposed:

In page 2, line 14, after "officers" insert

" , however, regulations under this provision may not provide for the outsourcing of those functions to agencies or private companies".— [Mr McCartney.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 37; Noes 57.

AYES

Mr Attwood, Mr Boylan, Mr D Bradley, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Boylan and Mr Lynch.

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Dickson and Mr McCarthy.

Question accordingly negatived.

Clause 2 ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

Clause 4 (Additional powers where collection order made)

Amendment No 3 proposed:

In page 3, line 25, after “satisfied” insert

“that any deduction from benefits would not have the effect of extending the sanction to dependants of the debtor.”— [Mr McCartney.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 36; Noes 58.

AYES

Mr Agnew, Mr Boylan, Mr D Bradley, Mr Diver, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ni Chuilin, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Ms Ruane.

Tellers for the Ayes: Mr Boylan and Mr Lynch.

NOES

Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Dickson and Mr McCarthy.

Question accordingly negatived.

Amendment No 4 made:

In page 3, line 32, leave out “sum due” and insert “outstanding amount”.— [Mr Ford (The Minister of Justice).]

Amendment No 5 made:

In page 3, line 33, leave out “sum due” and insert “outstanding amount”.— [Mr Ford (The Minister of Justice).]

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Collection officer to contact debtor in default)

Amendment No 6 made:

In page 4, line 34, after “applies” insert

“or which is treated by a provision of that section as if it were a benefit to which that section applies”.— [Mr Ford (The Minister of Justice).]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Powers of collection officer in relation to debtor in default)

Amendment No 7 made:

In page 5, line 20, leave out “(2)(a) or (b)” and insert “(2)”.— [Mr Ford (The Minister of Justice).]

Amendment No 8 made:

In page 5, line 39, leave out from “is” to

“amount” on line 40 and insert “(if sold) would be sufficient to discharge the outstanding amount and the amount of any charges likely to be imposed and costs likely to be incurred in connection with executing a vehicle seizure order in relation to the vehicle”.— [Mr Ford (The Minister of Justice).]

Amendment No 9 not moved.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 (Referral to the court: collection officer’s report etc.)

Amendment No 10 made:

In page 6, line 34, at end insert

“(3) The collection officer’s report is admissible in proceedings before a court as evidence of the facts stated in it; and a court may, for example, take the report into account in deciding whether to issue a warrant under section 9A.”— [Mr Ford (The Minister of Justice).]

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

1.00 pm

Clause 9 (Powers of court on referral of debtor’s case)

Amendment Nos 11 to 14 not moved.

Amendment No 15 made:

In page 8, line 20, at end insert

“(8A) Where the court issues a warrant of committal under subsection (1)(i), the length of the period of committal as pronounced by the court is to be reduced by the length of any period during which the debtor has, in the case to which the hearing under this section relates, been remanded or committed in custody under section 9C (but not under subsection (7) of that section).” — [Mr Ford (The Minister of Justice).]

Clause 9, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 16 made:

After clause 9 insert

“Power to issue arrest warrant where debtor fails to attend hearing referral of case

9A.—(1) This section applies where, in the case of a debtor who is an individual—

(a) a summons is issued under section 6(10) or 8(3), but
(b) the debtor does not appear before court as required by the summons.

(2) The court before which the debtor was required to appear may issue a warrant for the debtor’s arrest if—

(a) it is not satisfied that the summons was served on the debtor or that the debtor is evading service but is satisfied that a reasonable attempt has been made to serve the summons on the debtor,

(b) it is satisfied that the debtor is aware of the liability to pay the sum due and of the possible consequences of defaulting on the payment,

(c) it is considering the possibility of issuing a warrant to commit the debtor to prison under section 9(1)(i), and

(d) it is satisfied that issuing a warrant for the debtor’s arrest instead of reissuing the summons is proportionate to the objective of securing the debtor’s appearance before the court.

(3) On issuing a warrant under this section, the court must endorse the warrant for bail so as to direct that, once arrested, the debtor must be released on entering into the recognizance specified in the endorsement.

(4) A warrant under this section may be executed only by a constable.

(5) A warrant under this section is not to be regarded for the purposes of Article 19(1)(a)(i) of the Police and Criminal Evidence (Northern Ireland) Order 1989 as a warrant issued in connection with or arising out of criminal proceedings.” — [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 17 made:

After clause 9 insert

“Arrest under warrant under section 9A

9B.—(1) This section applies where a debtor is arrested in reliance on a warrant issued under section 9A.

(2) If the debtor enters into the recognizance specified in the endorsement to the warrant, it is not necessary for the debtor to be taken to a police station; and if the debtor is taken to a police station without having entered into the recognizance, he or she must be released from custody on entering into it.

(3) If the debtor enters into the recognizance, the hearing of the debtor’s case under section 9 on the referral under section 6 or 8 is to take place at the time and place specified in accordance with provision made in the recognizance.

(4) If the debtor does not enter into the recognizance, the debtor must as soon as is practicable be brought before either a magistrates’ court or the Crown Court, whichever is next sitting; and, pending that, the debtor may be kept in custody at a police station.

(5) If the debtor is brought before a magistrates’ court and it is the responsible court in the debtor’s case, it—

(a) must at that sitting hear the debtor’s case under section 9 on the referral under section 6 or 8, or

(b) if it not possible for the court to do so at that sitting, must adjourn the hearing on the referral to such time and place as it specifies and must remand the debtor in accordance with section 9C.

(6) If the debtor is brought before a magistrates’ court but the Crown Court is the responsible court in the debtor’s case, it must commit the debtor to the Crown Court in accordance with section 9C.

(7) If the debtor is brought before the Crown Court and it is the responsible court in the debtor’s case, it—

(a) must at that sitting hear the debtor’s case under section 9 on the referral under section 6 or 8, or

(b) if it not possible for the court to do so at that sitting, must adjourn the hearing on the referral to such time and place as it specifies and must remand the debtor in accordance with section 9C.

(8) If the debtor is brought before the Crown Court but it is not the responsible court in the debtor’s case, it must remit the debtor’s case to the magistrates’ court which is the responsible court and must remand the debtor in accordance with section 9C.

(9) Where a debtor has entered into the recognizance, the outstanding amount may, before the hearing on the referral of the debtor’s case, be paid to the police or the court; and on the payment being made, the warrant ceases to have effect.

(10) Where the debtor has not entered into the recognizance, the outstanding amount may, before the debtor is brought before the court under this section, be paid to the police or the court; and on the payment being made, the warrant ceases to have effect.

(11) Where the debtor has been dealt with as mentioned in subsections (5) to (8) pending the hearing on the referral of the debtor’s case, the outstanding amount may, before the hearing on the referral, be paid to the court.

(12) The police, on receiving a payment under subsection (9) or (10), must send it to the court.

(13) If, at the time of the commencement of this section, Part 1 of the Justice Act (Northern Ireland)

2015 (single jurisdiction for county courts and magistrates' courts) has yet to come into force, this section, pending the commencement of that Part, has effect as if after subsection (5) there were inserted—

“(5A) If the debtor is brought before a magistrates' court but another magistrates' court is the responsible court in the debtor's case, it must adjourn the hearing on the referral to that other court at such time and place as it specifies and must remand the debtor in accordance with section 9C.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 18 made:

After clause 9 insert

“Remand or committal under section 9B

9C.—(1) For the purposes of the remand or committal of a debtor under section 9B(5) to (8), the court must either—

(a) remand or commit the debtor in custody, by committing the debtor to custody to be brought before the responsible court at the end of the period specified by the court (but see also subsection (7)), or

(b) remand or commit the debtor on bail, by remanding the debtor on bail subject to such conditions as the court may specify for the debtor's subsequent appearance before the responsible court.

(2) A reference in this section to being remanded or committed in custody is to be read in accordance with subsection (1)(a); and a reference in this section to being remanded or committed on bail is to be read in accordance with subsection (1)(b).

(3) If the debtor is remanded or committed in custody, the court may give its consent to the debtor being remanded or committed on bail.

(4) The period for which the debtor may be remanded or committed in custody must not exceed—

- (a) in a case where the debtor consents, 28 days;
- (b) in any other case, 8 days.

(5) The period for which the debtor may be remanded or committed on bail must not exceed 28 days.

(6) If the debtor is aged under 18, he or she may not be remanded or committed in custody.

(7) If the debtor is aged 21 or over, the remand or committal of the debtor in custody may, on an application made by a police officer not below the rank of inspector, be made by—

- (a) committing the debtor to detention at a police station, or
- (b) committing the debtor to the custody of a constable (otherwise than at a police station).

(8) The period for which the debtor may be committed under subsection (7)(a) must not exceed 3 days beginning with the day following that on which the debtor was committed.

(9) The debtor may not be committed to detention at a police station under subsection (7)(a) unless there is a

need for him or her to be so detained for the purposes of inquiries into a criminal offence; and if the debtor is committed to such detention—

(a) the debtor must, as soon as that need ceases, be brought back before the court;

(b) the debtor is to 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 debtor is to be subject to periodic review at the times set out in Article 41 of that Order.

(10) The debtor may not be committed to the custody of a police officer under subsection (7)(b) unless there is a need for him or her to be kept in such custody for the purposes of inquiries into a criminal offence; and if the debtor is committed to such custody, he or she must, as soon as that need ceases, be brought back before the court.

(11) The court may order the debtor to be brought before it at any time before the expiration of the period for which the person has been remanded or committed.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 19 made:

After clause 9 insert

“Costs relating to referral of debtor's case

9D.—(1) The costs of the hearing of a debtor's case under section 9 (including any costs incurred in connection with any matter preliminary or incidental to the hearing, but not including any costs incurred by the debtor) are to be defrayed in the first instance by the Department of Justice.

(2) The costs to be defrayed under subsection (1) are to be such rates or such amounts as may be generally or specifically approved by the Department of Finance and Personnel.

(3) The court hearing the debtor's case under section 9 may, in addition to any other order which it may make at the hearing, order the debtor to pay the whole or any part of the costs referred to in subsection (1); but, if the debtor is an individual aged under 18, the amount of any costs ordered under this subsection may not exceed the outstanding amount.

(4) The payment of an amount imposed by an order under subsection (3) is enforceable in the same manner as a fine or other sum adjudged to be paid by or imposed on a conviction of the court (and this Chapter applies in relation to that amount accordingly).

(5) The costs of any proceedings under section 9B involving the debtor are to be regarded for the purposes of this section as costs of the hearing of the debtor's case under section 9.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 10 (Application for deduction from benefits)

Amendment No 20 proposed:

In page 8, line 32, at end insert

“(2A) The application may not be made in a case where any deduction from benefits would have the effect of extending the sanction to dependants of the debtor.”— [Mr McCartney.]

Question put and negatived.

Clause 10 ordered to stand part of the Bill.

Clause 11 (Deduction from benefits: further provision in regulations)

Amendment No 21 made:

In page 9, line 15, after “make” insert

“further provision about applications for deductions from benefits; and the regulations may in particular make”.— [Mr Ford (The Minister of Justice).]

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 ordered to stand part of the Bill.

New Clause

Amendment No 22 made:

After clause 12 insert

“Disclosure of information

12A.—(1) The Department for Social Development, or a person providing services to that Department, may disclose social security information to a court or a collection officer for the purpose of—

(a) facilitating a decision by the court or officer whether or not to make an application for deduction from benefits, or

(b) facilitating the making of the application by the court or officer.

(2) In subsection (1), “social security information” means—

(a) information which is held by the Department for the purposes of functions relating to social security,

(b) information which is held by a person providing services to the Department in connection with the provision of those services, or

(c) information which is held with information of the description given in paragraph (a) or (b).

(3) A person to whom information is disclosed under this section commits an offence if the person—

(a) discloses the information to another person, or

(b) uses the information for a purpose other than a purpose referred to in subsection (1).

(4) It is not an offence under subsection (3)—

(a) to disclose any information in accordance with a statutory provision or with an order of a court or of a tribunal established by or under a statutory provision or for the purposes of any proceedings before a court,

(b) to disclose or use any information which is in the form of a summary or collection of information so

framed as not to enable information relating to any particular person to be ascertained from it, or

(c) to disclose or use any information which has previously been lawfully disclosed to the public.

(5) It is a defence for a person charged with an offence under subsection (3) to prove that the person reasonably believed that the disclosure or use was lawful.

(6) A person guilty of an offence under subsection (3) 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 both.

(7) Nothing in this section authorises the making of a disclosure which contravenes the Data Protection Act 1998.

(8) In this section, “information” means information held in any form.”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 13 (Attachment of earnings order)

Amendment No 23 made:

In page 10, line 32, leave out “regarded” and insert “treated”.— [Mr Ford (The Minister of Justice).]

Clause 13, as amended, ordered to stand part of the Bill.

Clause 14 ordered to stand part of the Bill.

Clause 15 (Interim bank account order)

Amendment No 24 proposed:

In page 12, line 21, at end insert

“(e) make provision for a formal assessment in which the impact of any order upon a debtors dependants is given due regard.”.— [Mr McCartney.]

Question, That the amendment be made, put and negatived.

Clause 15 ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17 (Bank account order)

Amendment No 25 proposed:

In page 13, line 36, at end insert

“(e) make provision for a formal assessment in which the impact of any order upon a debtors dependants is given due regard.”.— [Mr McCartney.]

Question, That the amendment be made, put and negatived.

Clause 17 ordered to stand part of the Bill.

Clause 18 (Vehicle seizure order)

Amendment No 26 made:

In page 14, line 14, after “require” insert

“(even though the collection officer’s report is, by virtue of section 7(3), admissible at the hearing).”— [Mr Ford (The Minister of Justice).]

Amendment No 27 made:

In page 14, line 14, at end insert

“(3A) Before making a vehicle seizure order, the responsible court must, in satisfying itself that the order would be justified, reasonable and proportionate in all the circumstances of the case, have particular regard to the likely effect of the order on the debtor’s ability to earn a living.”.— [Mr Ford (The Minister of Justice).]

Amendment No 28 not moved.

Amendment No 29 made:

In page 14, line 36, leave out paragraph (b).— *[Mr Ford (The Minister of Justice).]*

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 to 21 ordered to stand part of the Bill.

Clause 22 (Interpretation etc.)

Amendment No 30 made:

In page 16, line 27, at end insert

“‘statutory provision’ has the same meaning as in the Interpretation Act (Northern Ireland) 1954;”— [Mr Ford (The Minister of Justice).]

Clause 22, as amended, ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Dallat): Members, take your ease for a moment.

Clause 23 (Minor and consequential amendments)

Mr Deputy Speaker (Mr Dallat): We shall continue. We now come to the second group of amendments for debate. With amendment No 31, it will be convenient to debate amendment Nos 58 to 60, 69 to 73 and 82 to 86 and opposition to clause 45 stand part. These amendments deal with procedural arrangements and technical matters. Opposition to clause 45 is consequential to amendment No 31, and amendment Nos 70 and 72 are consequential to amendment No 31. Amendment Nos 73 and 83 are consequential to amendment No 52. Amendment No 82 is consequential to amendment No 59. Amendment No 84 is consequential to amendment No 58. Amendment No 85 is consequential to amendment No 59, and amendment No 86 is consequential to amendment No 60. As some of the amendments in the group are minor, technical and consequential, I propose, by leave of the Assembly, to group them for the Question according to the clause that they affect. I call the Minister of Justice, Mr David Ford, to move amendment No 31 and address the other amendments in the group and his opposition to clause 45.

Mr Ford: I beg to move amendment No 31: In page 17, line 9, at end insert

“(2) The Department of Justice may by order make such consequential, supplementary or incidental provision as it considers appropriate in consequence of, or for giving full effect to, this Chapter.

(3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.”.

The following amendments stood on the Marshalled List: Nos 58-60, 69-73 and 82-86.

I begin by speaking to amendment No 59, which closes a potential lacuna in the direct committal for trial provisions in section 9 of the Justice Act (Northern Ireland) 2015. Section 9(3)(b) and (c) of the 2015 Act provide that the direct committal arrangements do not apply where the court is to proceed summarily with an offence under article 45 of the Magistrates’ Courts (Northern Ireland) Order 1981 or under article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998. There is, however, a question over whether section 9 of the 2015 Act will enable offences caught by article 45 of the 1981 Order and article 17 of the 1998 Order to attract the direct committal arrangements where the prosecution decides to proceed on indictment. My policy intention was that those cases should be capable of being directly transferred where it is decided to proceed on indictment, and I therefore believe that there is merit in amending section 9 of the 2015 Act to put the matter beyond doubt.

I move on to my amendments — amendment Nos 59 and 82 — which introduce new clause 44B and new schedule 4 to the Bill. I am sure that Members recall the amendments tabled at Further Consideration Stage of the previous Justice Bill by Mr Frew, Mr Poots and Mr McGlone that sought to make changes to the Firearms (Northern Ireland) Order 2004. The Members’ amendments were subsequently withdrawn in response to a commitment that I would table departmental amendments to this Bill. I am pleased now do so in the form of new schedule 4, which makes changes to the 2004 Order that have been consulted on with stakeholders and considered and agreed by the Committee for Justice.

The first changes are in the form of amendments to young shooter provisions that will permit a person of 12 years of age or older to be in possession of a shotgun in a police-approved clay target range while under the supervision of a person who has held a shotgun on certificate for at least five years. That will enable young people to have access, from a sensible age, to shotguns and to learn clay target shooting in a controlled environment.

Other changes will allow the Chief Constable to grant a firearms certificate to a 16- or 17-year-old for the acquisition and possession of a firearm, be that an airgun with a kinetic energy in excess of 1 joule or a shotgun, for sporting purposes or for pest control under supervision. A further reform to the current arrangements for 16-year-olds and 17-year-olds will allow them to have access to a shotgun in the same circumstances as an adult can at present. Even without a firearm certificate, they may shoot for sporting or pest control purposes so long as they are under appropriate supervision by a person aged at least 21 who has held a firearm certificate for that type of firearm for at least three years.

The amendments introduce a new system to enable a firearm certificate holder to exchange a firearm for another firearm within a band or group of firearms covering air rifles, small quarry rimfire rifles, fox calibre centrefire rifles and larger centrefire calibre deer rifles through a firearms dealer. A licence holder will also be permitted to trade in a firearm without replacing it, which is sometimes referred to

as a “one-off transaction”, and dealers will be authorised to carry out such transactions, which they cannot currently do.

Schedule 4 also includes a new schedule of fees that has been the subject of extensive stakeholder consultation and replaces schedule 6 to the 2004 Order. The new schedule of fees sets out the recent revision of the existing fees as well as some new fees for clarity purposes. The new fees include a new fee for existing arrangements for one-on/one-off exchanges of shotguns and exchanges of firearms of the same type and calibre, for example, and a new fee for the variation of a firearm dealer’s certificate. The fee, however, is set at nil until further work has been carried out to cost it. Finally, an amendment is made to reciprocate an arrangement whereby a Great Britain firearm certificate is recognised in Northern Ireland in the same way as a Northern Ireland certificate is recognised when the holder travels to Great Britain to shoot.

1.15 pm

Given the sweeping changes being brought in by schedule 4, some old and irrelevant provisions in sections 103, 104 and 105 of the Justice Act (Northern Ireland) 2011 are repealed by new clause 44B in amendment No 59.

That is an overview of the changes to the Firearms (Northern Ireland) Order 2004 that my new schedule 4 provides for, but the summary nature of my description should not take away from the work involved in bringing forward those changes. I am grateful to the stakeholders, the Committee and the Members who have a particular interest in shooting for their positive engagement on my proposals and for their continued assistance in developing this agreed suite of changes.

Amendment No 60 will enable my Department, by order, to fix fees to be taken by the accountant general for the recovery of the costs of administering funds in court. Having the authority to fix fees will mean that the Department can satisfy a key recommendation of the Public Accounts Committee, namely that the Court Funds Office establish:

“fair and equitable arrangements for recovering its costs from clients.”

Given that the clients of the Court Funds Office are among the most vulnerable in society, it is important to ensure that those with a small fund do not contribute a disproportionate amount towards the administration of their fund. In addition, the introduction of a fee regime will result in a sustainable cost-recovery mechanism that is not dependent on external economic factors. Therefore, the amendment to the Justice (No. 2) Bill will enable the Department to introduce a cost-recovery mechanism that is fairer for Court Funds Office clients and is sustainable during periods of low interest rates.

I will now speak to amendment No 31, which relates to the ancillary provision-making powers in the Bill. Members will remember, some in great detail, the debate about the supplementary, incidental, consequential and transitional provisions in the previous Justice Bill, now the Justice Act (Northern Ireland) 2015, and, in particular, the order-making powers in what was clause 86, which the Committee thought were too broadly drafted. Clauses 45 and 46 of this Bill, as drafted at introduction, raised similar issues, and, being fully alert to the Committee’s concerns

in that regard, I stated my intent at Second Stage to table amendments at Consideration Stage to reflect the agreed way forward and the revised construction that was secured for the last Bill. I will, therefore, oppose the Question that clause 45 stand part of the Bill at the appropriate point in proceedings, while amendment No 31 inserts a more tightly drawn power to clause 23 to ensure that the ancillary provision-making powers can only be operated in much more restrictive circumstances and only in relation to the fines and enforcement provisions in Part 1 of the Bill. That amendment, together with additional consequential amendment Nos 71 and 72 to clause 46, follows the model developed with the Committee’s assistance and accepted by the House at the Further Consideration Stage of the 2015 Act. I trust that these adjustments will, therefore, meet with similar support today.

Amendment No 69 is a consequential amendment to the regulation- and order-making provisions in clause 46 arising from the new Prison Ombudsman’s near-death investigation powers, which are due to be discussed in the debate on the next group of amendments, and two consequential amendments to the commencement provisions in clause 47 so that any order made under amended clause 23 and the animal welfare provisions in new clause 40A can be commenced by order. Amendment Nos 72 and 73 will allow that to happen.

Last and somewhat oddly, given that we still have so much business still ahead of us today, I will speak to amendment Nos 83, 84, 85 and 86, which would amend the long title to reflect the new provisions regarding animal welfare, direct committal for trial, firearms and the Court Funds Office.

Mr Deputy Speaker (Mr Dallat): Order. The Business Committee agreed that the sitting should suspend for lunch, and this seems a suitable time to do that. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the next Member to speak will be Alastair Ross, the Chairperson of the Justice Committee.

The debate stood suspended.

The sitting was suspended at 1.19 pm.

On resuming (Mr Deputy Speaker [Mr Beggs] in the Chair) —

2.00 pm

Mr Ross (The Chairperson of the Committee for Justice): First, I will cover the Minister's intention to oppose clause 45, which enables the Department, by order, to make any supplementary, incidental, consequential, transitional or other provision necessary to give full effect to the provisions of the Act, and to replace it with amendment No 31, which the Committee for Justice supports. When speaking on the first group, Mr Maginness, who is not in his place, mentioned that, sometimes, we are not zealous enough in making sure that legislation does not go too far. I am quite sure that all members of the Committee — I know that Mr Kennedy missed this the last time with the Justice Bill — would agree that we were incredibly ferocious in making sure that the Department was not given too much power. I know that the Minister will remember that; there was almost a showdown at one stage between the Committee and the Minister.

The Committee, when scrutinising the Bill, raised its concerns about clause 86 in that Bill and the wide-ranging powers that it provided. The Committee was of the view that powers should be provided for an exact purpose rather than being broad and general in nature and, at that point, we agreed to oppose its inclusion. During the passage of that Bill through the Assembly, the clause was removed and replaced with one providing much narrower and more specific powers following a robust and, at times, heated debate with the Minister. He will, I am sure, be glad to know that we will not rehearse all the arguments against such a clause today.

In light of the Committee's position on clauses such as clause 45, the departmental officials, when briefing the Committee on the principles of the Justice (No. 2) Bill, indicated that they intended to revisit clause 45 with a view to bringing forward an amendment to reduce its scope. They subsequently advised the Committee that the intention was to remove clause 45 from the Bill in its entirety and to replace it with a power to make ancillary provisions under more restricted circumstances limited to Part 1, which covers fine collection and enforcement.

When considering the proposed amendment, the Committee sought clarification from the Department on the extent of the powers it provided and examples of when such powers are likely to be needed. The Committee welcomed the confirmation provided by officials that the amendment will provide the power to make consequential, incidental and supplementary changes by way of secondary legislation only to Part 1 and will not enable the Department to bring in anything new or different. The Committee noted the type of circumstances in which the Department will be allowed to use the powers.

Given the Committee's opposition to such clauses, we certainly welcome and support the intention to remove clause 45 and introduce a much narrower power to make ancillary provisions restricted to Part 1, as provided for through amendment No 31. That replicates the model developed in the previous Justice Bill and addresses the Committee's fundamental concerns with such clauses.

Turning to amendment No 58, the Department advised the Committee of its intention to bring forward an amendment to address a possible gap in the direct committal for trial

provisions in section 9 of the Justice Act (Northern Ireland) 2015. It had received advice that section 9 of the Act may not be sufficiently explicit to enable offences that are caught by article 45 of the Magistrates' Courts (Northern Ireland) Order 1981 and article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998 to attract direct committal arrangements where the prosecution decided to proceed on indictment. Given that the policy intention was that those cases should be capable of being directly transferred where it is decided to proceed on indictment, the Committee is content to support amendment No 58, which will put the matter beyond any doubt.

Turning briefly to amendment No 60, back in December 2015, the Department provided the Committee with the results of a consultation that it had undertaken on fee options to enable the Northern Ireland Courts and Tribunals Service to introduce a new full cost recovery charging model for 2016 to ensure that the cost of administering the Court Funds Office is met by fees charged to service users rather than the general taxpayer and advised that a change to the relevant legislation by way of an amendment to this Bill will be required to introduce the required authority. The Committee agreed that it was content for the change to be made to the fee structure for the Court Funds Office and therefore supports amendment No 60.

I will now cover amendment Nos 59 and 82, which deal with changes to the firearms legislation. This issue has been in the sights of the Committee for some time, so I am glad that it has been brought to the Chamber today. Indeed, the Committee has been considering proposals from the Department to increase firearms licensing fees and to make a range of other amendments to the firearms legislation that applies in Northern Ireland, including the age of young shooters, since as far back as May 2012 and has invested considerable time and effort in scrutinising that policy area. Whether that is the silver bullet that solves everyone's concerns is still questionable, but the Committee has had its resident experts on the matter, none more so than Mr McGlone, although it is fair to say that all the Committee members now know a lot more about the various guns and calibres than we ever thought we could or perhaps will ever need to know.

At this point, I will pay tribute to Mr McGlone. I know he has left the Committee, and I thank him for his contribution, not just on this issue, but it is always easier to defer to somebody who knows considerably more about a subject than you do. Mr McGlone, along with Mr Frew and Mr Poots at times, has certainly led the Committee in dealing with and resolving the issue, hopefully to the satisfaction of most of the organisations. We are most grateful for that. He has also made a wider contribution to the Committee, and I just want to put that on record.

I do not intend to cover the amendments in detail, particularly the new banded system that will enable firearms dealers to exchange a firearm for a licence holder within a band as long as certain conditions are met, as I am sure that Mr McGlone, Mr Frew and others will do that. However, I think it is important to set out the background to the Committee's decision to support amendment Nos 59 and 82.

During the three and a half years that the Committee has been considering the proposals to change the firearms legislation, it has taken a wide range of written and oral evidence from all the key firearms stakeholder organisations, including the British Association for Shooting

and Conservation, Gun Trade Guild Northern Ireland, Countryside Alliance Ireland, the Ulster Clay Pigeon Shooting Association, the Federation of Shooting Sports and the Northern Ireland Deer Society. The Committee also discussed the proposals with the Department of Justice and PSNI officials on numerous occasions.

From the outset, it was clear that there was a wide divergence of views on the proposals, and the Committee encouraged the Department to engage with the various stakeholders and to undertake meaningful dialogue with a view to presenting an agreed set of changes. Following a protracted period during which little progress appeared to have been made, in June 2015 several MLAs tabled amendments to the Justice Bill at Further Consideration Stage on firearms fees, the age of young shooters and a banded system. That shot across the bows brought matters to a head, and officials advised the Committee that, following further discussions, a level of agreement had been reached between the Department and the main firearms stakeholder organisations on fees and bands. As a result, the Members did not move the amendments to the Justice Bill to enable the Department to bring forward legislative amendments as part of the Bill that is in front of us this afternoon, hence the amendments that have been tabled.

The Committee received a range of written submissions on the firearms amendments and took oral evidence from representatives of the British Association for Shooting and Conservation (BASC), the Gun Trade Guild Northern Ireland and Countryside Alliance. While some issues required further clarification, there was broad agreement on the proposed new banded system and the fee structure. However, those organisations remained opposed to the Minister's intention to reduce the minimum age for supervised shooting with a shotgun to 12 years of age for clay target shooting only in a club approved by the PSNI, and they suggested that that should apply to shooting clay targets and any other lawful quarry.

They also considered the proposed introduction of shotgun clubs as creating a totally unnecessary level of bureaucracy. As the Minister outlined, he does not agree with that position and believes that the amendment on the age of young shooters that is before the Assembly today is appropriate and is accepted by a number of other firearms stakeholders. Whilst there is still opposition from some of the firearms organisations to the proposed change to the age of young shooters, the Committee is pleased that an accommodation has been reached regarding the banded system and the fees and is content, therefore, to support amendment Nos 59 and 82.

The rest of the amendments in this group are largely consequential to other changes to the Bill. The Department advised the Committee of most of those amendments and provided the draft text of them before scrutiny of the Bill was completed. The Committee had no other issues to raise.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na dlíthe a thabhairt os ár gcomhair. Thanks very much, Mr Deputy Speaker. I thank the Minister for bringing the legislation before us today. I also thank the Chair of the Committee for Justice for his very kind remarks. An expert is not something I would ever associate myself with being just because I do something, but thank you for giving me the title momentarily today.

I, too, will speak in support of amendment Nos 59 and 82. Specifically, I place on record my thanks to the Gun Trade Guild Northern Ireland, BASC and, indeed, Countryside Alliance for their expert input. Without them, we would not have been where we are. We could probably have been here much earlier, had the course of dialogue and the practice of working together been adopted, but, anyway, we are where we are, and we have made considerable progress.

I thank those officials who engaged positively with the Committee for their efforts in presenting the amendments to accommodate shooters; people of the shooting fraternity and those involved in shooting sports. The contribution of those sports to the local economy should be clearly put on record. The shooting fraternity and those involved in shooting sports in the countryside input £28 million directly to the local economy. We have heard from a range of stakeholders, including clay pigeon shooters, at the Committee.

Specifically with regard to the amendments, I see that paragraph 2(2)(b) of the new schedule 4 to the Firearms (Northern Ireland) Order 2004 makes a change for a person who has attained the age of 21 and has held a firearms certificate for three years. I raised that issue in the Committee. I asked for clarity around that specifically, as it may apply to the supervision of a young person on a clay pigeon shoot or, as has been mentioned, in a shotgun club. Maybe the Minister would put on record that, in fact, there are people who are specialists — experts, if you want to call them that — and known coaches who come from the UK and will not have a firearms certificate but will have a shotgun certificate. In the UK, you do not need a firearms certificate to possess a shotgun, but you obviously require a shotgun certificate. We do not want a situation. All that I am asking for is clarification from the Minister that, in fact, that firearms certificate for a shotgun does include someone who comes into the country, say, from England, and is an expert shot and may be an expert coach in clay pigeon shooting and that, in fact, that phrase covers them in their supervisory capacity.

The other items include the category bands applicable to firearms. Those have been worked out well. Eventually, we got there. Some of them have made a whole lot of common sense before now and it is good to see those bands there. The one wee thing — and, again, perhaps, the Minister would advise us on this — is that some firearms dealers whom we spoke to thought that the bands were already in place. There is a wee bit of confusion out there, among a small number of people. There is the whole issue of training for those firearms dealers in what the new legislation will be, how it will work and how, in fact, they will work it with, for example, one-off/one-on transactions. The fees with that will be very important to ensure that it does not get a wee bit glitchy. It is common sense to us and all that, but those firearms dealers will require training.

There is very little need to say anything further. The Minister has introduced the capacity for young shots to be introduced on clay pigeon shoots. The issue has been raised with us as to whether the situation with regard to young shots — particularly game shots, who are outside the remit of clay pigeon shooting but are nevertheless very enthusiastic about their sport and commencing their sport — should be kept under review with a view to potentially extending the scheme for young shots to people who are not engaged with or associated with clay pigeon shooting but are engaged with normal country sports, as we would

know them, in the fields and out in the countryside. I ask that the Minister would clarify whether, in fact, that would be kept under review with a view to potentially extending and expanding it further.

Again, I wish to place on record my thanks to the officials at the Committee, the Clerk and all the staff who have been very helpful to me personally over the last while. I appreciate that, at times, trying to keep me right is a big task. Thanks very much to Christine and all the staff and, latterly, on this scheme, to the officials from the Department for their cooperation and assistance in drafting this legislation.

2.15 pm

Mr Kennedy: I am minded of the phrase, "It's all been said, but it hasn't been said by everyone". I will attempt to be brief yet constructive. Generally, a lot of the action from the top guns and hotshots happened before I came to the Committee. Clearly, the measure on firearms legislation was a targeted one.

I acknowledge and pay tribute to the detailed consultation with stakeholders. I accept that, while some are not completely satisfied, I think that everyone will acknowledge good progress. That has been very helpful. I am happy to indicate that we will support amendment Nos 59 and 82. I am also content to support amendment No 60, which is in relation to issues of cost recovery.

The Chair very well outlined the original problems with clause 45. At one stage, I think that it was referred to as the "Henry VIII amendment", one of whose most famous sayings was, "I don't intend to keep you very long". That was to one of his unfortunate wives. I inform the House that it is not my intention to dwell here. I do not underestimate the work that has gone on between officials in the Department and the Committee to arrive at satisfactory outcomes so that progress can be made on this batch of amendments.

Mr Dickson: Again, I will be brief. I support the Minister in the actions that he has taken. I commend, once again, officials, particularly those in the Department, for the very complex work that they undertook. I also acknowledge the work of Mr McGlone in respect of these matters. Nevertheless, while supporting the Minister, I still have concerns about the age of young shooters; my personal preference would be to see it being older rather than younger.

With regard to cost recovery, given all the pressures on budgets, particularly police budgets — much of the time in respect of licensing is carried out by the PSNI — it is important that we give serious consideration to how we can maximise the recovery of costs for what is a sport for many and vermin control and farming issues for others. I am happy to support the Minister in the proposals that are made today.

Mr Frew: I will concentrate on amendment Nos 59 and 82. Before I do that, I refer Members to the European Commission directive 91/477/EEC on control of the acquisition and possession of weapons. That should be in our sights today is because it could do harm to some of the amendments that we are putting through. We have worked hard and done well on those amendments.

This is a good example of how government and politics should work alongside stakeholders. Once everybody got

to grips with that issue and saw where their place was, you got an effective partnership, which came up with these amendments. I commend everyone who took part in that, including the Minister and his officials. Whilst it came kicking and screaming, the PSNI has a massive part to play too. We have always wanted a more agile system with common sense in it. That is important as we go forward. This can be used as an example of how it should be done in future, not only in the Department but throughout government. I refer the Minister to the directive. I am sure that he knows where it was born out of and the measures contained in it.

The problem, I believe, is not so much to do with licensed firearms but with firearms that are on the black market having been brought in from eastern European states. It is those firearms that do harm with regard to terrorist actions and individuals who wish to do harm to persons.

I suppose that the trigger for all of this came in the Justice Bill, when Patsy McGlone, Edwin Poots and I made the bold step of tabling amendments. We met the stakeholders, who desperately wanted to resolve the issue that had plagued their industry for many, many years. I believe that we are at the point where the stakeholders — the firearms dealers and the enthusiasts who take part in the sport — are in a far better position for it. When you look at the controversial nature of gun law in some states and countries around the world, you can understand why any Minister would want to apply the safety catch. It is not required in this regard because, in Northern Ireland, there are approximately 59,500 firearm certificate holders, with roughly 2% of them being female. The average age of a firearm certificate holder in Northern Ireland is about 53. I know that some Members showed concern about the age at which you will be able to shoot under supervision here, but I reassure the House that I do not see that as an issue at all; in fact, I would like to go further and make it younger. There are roughly only 35 firearm certificate holders between the ages of 16 and 18. We are dealing with a very specialised group of young people who take this sport very seriously and could well wish to compete in competitions throughout the world, including the Commonwealth Games and the Olympics. It is important that their skills are honed and that they can use them in the appropriate manner to practise and compete where they can to bring back silverware for Northern Ireland. We should be proud of our young sportspeople and give them as much encouragement as possible.

Schedule 4 is technical, and some members of the Committee either were not interested or left it to people who were interested or maybe it just went over their head. Sometimes, when the officials came to the Committee, only three members were talking, and, other than that, you could have heard a pin drop. It is an important issue for us, the three Members who took this on board. We worked with the officials, and we put pressure on when we had to. When we had to be constructive, we were, and I believe that we have a very good piece of legislation. It is not all that we want, and it is not all that the stakeholders want, but they realise more than anyone that nothing can be achieved unless we all work together.

On schedule 4, whilst we would like to have gone further on the age, we recognise the position that the Minister is in and where he has moved to. We also recognise where the stakeholders and the clubs and dealers were and where they have moved to. There has been compromise on both

sides. Some of the wording in the amendment has come from the stakeholders and specialists, and one phrase that I want to place on record is “appropriate supervision”. That should reassure Members, because you have to attain the age of 21 and have held a firearm certificate for a shotgun for at least five years. That is you getting to a suitable age, and it means that you are through the vetting process twice. I think that that has tightened the law and helped with supervision, and I welcome the fact that anomalies on the other side of the legislation have been corrected.

The amendment on the banded system is common sense. When you talk to firearm dealers, especially, and firearm holders, you hear that this could have been done years ago. I am glad that it is being done now. Common sense has been injected into the system. I believe that it will free up police time and that the burden that it places on firearm dealers is one that they will be able to cope with. As long as the amendments and changes are made and put through the system to the PSNI, this will be a system that works very well for people who hold firearms.

These are positive changes. I welcome the work that has been done over the last number of months, and I welcome the spirit in which the Minister and officials came to meet stakeholders and produced the legislation. We wish that we could have gone further, but, alas, we are where we are, and everyone is in a much better place. Issues relating to fees have plagued this country for too long. They are being resolved, along with these changes. There has been agreement and compromise: some fees have increased, some have changed and, in some cases, there are no fees. It is in a much more fit-for-purpose state, and I think that everyone will welcome the changes. I do not wish to speak on any of the other amendments. The Chair of the Committee has outlined the position of the Committee very well, so I will finish.

Mr Ford: As is frequently the case with some of the complex Bills in the justice system, a lot of detailed work is done and, once the Committee has done its work, nobody, apart from me, as Minister, referencing it at Consideration Stage and the Chair of the Committee responding, wishes to say anything about it. That is a sign of the good work being done through our processes, which differ from other places, and it leaves us with only two issues to be discussed today: clause 45 and firearms.

As was the case with clause 86 in the previous Bill, the opposition to clause 45 is not so much firing shots across my bow as the Committee feeling it necessary to give me a good mugging, like a gang bludgeoning me with blunt instruments. As the Chair has acknowledged, in fairness, I have accepted the Committee's view on this. However, in case there is too much agreement, I have to repeat that clauses like this are not inserted for no good reason. They appear in all kinds of Bills from Departments, including Bills that are much less significant in their consequences on other legislation. I give Members the gentle reminder that, in the last Bill, it was necessary to include an amendment to Lord Morrow's private Member's Bill — the human trafficking Bill — to allow national charities to do work in support of trafficked children. Those national charities were not on the Northern Ireland charity register, so, due to the way in which the legislation was originally passed, they would not have been allowed to act. Had we not had that Bill coming forward, we would have implemented clause 45-type provisions in Lord

Morrow's Act, as, indeed, others occasionally have to do. Even in previous Justice Acts, we have never had to use those provisions for anything that emanated from the Department, but that does not mean that there is not a need for some precaution. Having been suitably blunt at the Committee, I have no doubt they will find some way of resurrecting that point for the next legislation, wherever that may emanate from.

It was noticeable that two of the three key proponents of the views of some with firearms interests spoke in the debate and made their points, as they always do. Unlike the Chair, however, I did not attend every Committee meeting at which they made those points, but I am well aware of the lengthy detail sent on to my officials. I believe that what we have now is a reasonable and workable compromise.

It accepts the fact that there are different views amongst stakeholders on this issue, including different views amongst those who regard themselves as representing the same shooting interests. After all, the entire issue of how we deal with young shooters, which appears to be where most of the contention came from, started over the issue of young people from Northern Ireland competing in clay pigeon shooting competitions.

2.30 pm

A couple of years ago, I had the pleasure of meeting a young man who had won a competition for people from different areas on these islands when it was held across the water but who was unable to defend his title a year later in Northern Ireland, because, although he was a year older, he was still younger than 16. I accept that that was an issue, and those points were made to me, shall I say, in a very generous and open way but, nonetheless, with reasonable force by representatives of the Ulster Clay Pigeon Shooting Association, and those points were quite understandable. So, I took them on board.

I also had to take on board concerns about safety issues and, in particular, concerns raised by the Chief Constable. In specific response to one of Mr McGlone's points, those issues will be kept under review, because all our legislation is kept under review; but that is not a commitment that there will be an early and immediate move to change things. It is a commitment that we will keep matters under review in order to protect public safety while recognising the points made by so many stakeholders about young people, in particular, in those controlled and well-supervised atmospheres.

On a specific second point, which was made by Mr McGlone, my understanding is that the Committee received a letter stating quite clearly that those who hold the appropriate shotgun certification in GB would be counted as qualifying for supervision in Northern Ireland. That is my understanding. I do not have a copy of the letter despite the voluminous papers I have in this folder; but, if that is not the case, I will see that it is sent very speedily to the Committee and to the former member of the Committee who has just raised the issue. However, I think it is currently available.

The issue of people thinking that the bandings have already been changed is, unfortunately, a result of the way that so much of the business in this place gets reported. An issue is raised at Committee, and somebody makes a suggestion. Departmental officials say they will look

into it, and it then gets reported not just as, “This is going to happen”, which is perhaps presuming the will of the Assembly, but as, “This has already happened”, which is definitely presuming the will.

The Department can make sure that dealers, who are the ones that need to know, are informed of the status, on the presumption that this amendment is likely to go through fairly soon. Although, I must say that there is one particular small firearms dealer who, any time I meet him, tends to have a copy of the legislation with him to ensure that the Minister does not bluff him with anything that is being said. So, I am not sure how many of the dealers will need anything more than a copy of the legislation, but I think it is right that the Department should do its best to ensure that people are well informed, because we are placing some additional duties on dealers, which are of benefit to them in running their business but are also an obligation regarding the duties they have to perform on behalf of the justice system. So, we need to ensure that we support them in that respect.

Mr Frew also made a specific point about the current draft EU directive. This issue has been discussed between my officials and the Home Office. Indeed, the Home Secretary has written to me, and I have written back to her. It clearly is an issue. As Mr Frew said, we are all well aware of why there is concern across Europe about tightening up firearms legislation. We need to ensure that we do not obstruct legitimate trade and activity by farmers and sportsmen in the interests of public protection, but we also need to ensure that we get public protection right. That was the tenor of the letter that I wrote to the Home Secretary on the issue, and I wait to see what emerges from her engagement at the Council of Ministers and with the Commission.

We all agreed that the initial proposals from the Commission went somewhat wider than was a reasonable interpretation in the jurisdictions that already have a good regime. However, this is a point I made previously in the Assembly and in press releases: I see far too many appeals in firearms cases in which the PSNI remove a firearms certificate and firearms from holders because of carelessness in the way in which the firearms are being looked after. As far as I am concerned, there are significant issues and obligations on those who hold firearms to show that they will adhere to the conditions of their firearms certificate, that they will secure all their firearms properly when they are in use or not, that they will secure ammunition properly and that they will not, as sometimes happens, leave guns or ammunition accessible to burglars or whoever. I find it amazing the incredibly large number of people who always put their shotgun away in the cabinet, except on the one occasion that their house got burgled. It really is amazing the frequency with which that is the case.

I repeat that this is a task that falls to the police, with appeals then falling to the Minister of Justice. Each case is discussed on its merits, but, as a general rule, I do not believe that there is any excuse for people not adhering to the conditions of the firearms certificate. I urge those who have contacts with those who engage in shooting to put out that message. That is the argument that we need to deploy if we are to follow Mr Frew’s argument that we do not need to go as far as, in some respects, the EU directive goes. We need to show that those who hold firearms in Northern Ireland are looking after them properly, are securing them properly, are not misusing them and are living up to aspects of the law. It is then much easier to

make the argument that we do not need every aspect of the directive. However, if people are being careless and weapons are being stolen, it is very easy for people to say that conditions need to be much tighter.

Another point in that area that attracted relatively little attention, although it did attract a lot of attention early on, concerns fees. We are obliged to operate on the basis of cost recovery, and I accept that the other side of that is that people who are paying for a service have a right to expect it to be a proper and efficient service. Changes are being made in the PSNI that are improving that service, but it is appropriate that those who hold firearms are the people who should pay for the necessary systems of licensing and who should ensure that that work is done properly and efficiently. The cost should not fall to the general taxpayer. We have reached a reasonable compromise there, as we have done with other aspects.

Having mentioned none of the other amendments in the group, I commend them all to the House.

Amendment No 31 agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clause 24 (Supervised activity orders)

Amendment No 32 made:

In page 17, line 19, before “either” insert “the individual”.—
[Mr Ford (The Minister of Justice).]

Amendment No 33 made:

In page 18, line 25, at end insert

“(10A) But the references in this Article to a sum adjudged to be paid by or imposed on a conviction do not include a reference to an amount payable under a confiscation order under Part 4 of the Proceeds of Crime Act 2002.”.— [Mr Ford (The Minister of Justice).]

Amendment No 34 made:

In page 18, line 26, leave out from “means” to end of line 28 and insert

“, in relation to a supervised activity order, means a probation officer with responsibility for supervising the carrying out of the requirements of the order.”.— [Mr Ford (The Minister of Justice).]

Clause 24, as amended, ordered to stand part of the Bill.

Clause 25 (Restriction on detention of children for default in paying fines, etc.)

Amendment No 35 made:

In page 20, line 22, at end insert

“(5A) In section 5(3) of the Treatment of Offenders (Northern Ireland) Act 1968 (power of court to detain young person in youth offenders centre for default), for “Article 47” substitute “Article 46C”.— [Mr Ford (The Minister of Justice).]

Clause 25, as amended, ordered to stand part of the Bill.

Clause 26 ordered to stand part of the Bill.

Clause 27 (Limitations on remission)

Amendment No 36 made:

In page 21, line 23, leave out “1998” and insert “2008”.—
[Mr Ford (The Minister of Justice).]

Clause 27, as amended, ordered to stand part of the Bill.

Clause 28 ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): We now come to the third group of amendments for debate. With amendment No 37, it will be convenient to debate amendment Nos 38 to 51, 80 and 81, and opposition to clause 38 stand part. This group deals with the Prison Ombudsman.

Amendment No 43 is consequential to amendment No 42. Amendment Nos 46 and 51 are consequential to amendment No 45. Amendment No 48 is consequential to amendment No 47. I call the Minister for Justice, Mr David Ford, to move amendment No 37 and to address the other amendments in this group.

Clause 29 (Main functions of Ombudsman)

Mr Ford (The Minister of Justice): I beg to move amendment No 37: In page 22, line 14, at end insert

“or on the Ombudsman’s own initiative (see sections 35A and 35B)”.

The following amendments stood on the Marshalled List: Nos 38-51 and 80-81.

Amendment No 37 one of a small set of amendments that will allow the Prison Ombudsman to instigate investigations on his own initiative. Before addressing those amendments in more detail, I wish to speak on amendment Nos 39 and 41, which adjust existing clauses 30 and 32. Those clauses deal with investigations into complaints and deaths in custody.

The amendments reflect a suggestion by the Attorney General and add a general power to defer investigations where the ombudsman considers it appropriate to do so. Originally, the Bill limited deferral of investigations to when there was a related criminal or health and safety investigation. The purpose of the amendments is to ensure that all the grounds on which deferral might reasonably take place are covered. Such grounds for deferral may include an ongoing criminal investigation, a health and safety investigation, where a matter under investigation is the subject of a pending application for judicial review, or for any other reason.

Amendment Nos 40 and 44 adjust clauses 30 and 34, allowing the ombudsman to inform the police of a suspected criminal offence in relation to any investigation that he is conducting. Members will note the current draft of the amendments stipulates that the ombudsman “may” draw to the attention of police any matter requiring criminal investigation. My policy intention is to standardise this requirement across all the functions of the ombudsman. Accordingly, I intend to introduce a small technical amendment at Further Consideration Stage to change “may” to “shall” so as to require the ombudsman to draw to the attention of the police any matter relevant to any criminal investigation. That was the policy intention in developing these amendments and is entirely consistent with the ombudsman’s current practice.

While conducting an investigation to which clause 30 applies, the ombudsman will be required to draw to the attention of the police any matter which, in his opinion, is relevant to any criminal investigation. The ombudsman will also be required, during an investigation, to draw to the attention of any body or person any matter which, in the ombudsman’s opinion, calls for action to be taken by that body or person. This requirement will also apply to investigations requested by the Department of Justice under clause 34.

Amendment No 49 adjusts clause 37 to add the Attorney General to the list of bodies to which protected information may be disclosed for the purpose of directing inquests.

I return now to the aspect that I opened this group with, clause 29, which, together with amendment Nos 45 and 46 to insert new clauses 35A and 35B, and a consequential amendment to clause 40 by amendment No 51, will allow the ombudsman to instigate, on his own initiative, certain investigations in defined circumstances. These amendments are in response to a recommendation by the Northern Ireland Human Rights Commission (NIHRC), which was subsequently supported by the Justice Committee during their helpful scrutiny of the Bill, and which I too am happy to support.

The provisions on own-initiative investigations will apply to those matters about which prisoners and/or visitors to prisons may complain. This would, for example, allow the ombudsman to initiate an investigation where he considers that the number or frequency of events of a similar nature requires investigation. However, such investigations would not be limited to cases where an eligible complaint has been made to the ombudsman. These provisions are intended to reinforce the independence of the ombudsman, who would be empowered to instigate his own investigation in situations where he has concerns. In such circumstances, he would be required first to raise the issue with the Department. This will ensure that no duplicate investigations are planned or under way so as to ensure best use of the available resources.

2.45 pm

I now wish to speak to amendment Nos 42 and 43 to clause 34, which provides for investigations in cases of near-death that meet agreed criteria. Those amendments are in response to Justice Committee deliberations on the clauses that I support. The intention is to place a duty on the Justice Minister to request the ombudsman to conduct an investigation in defined circumstances. Such circumstances will be set out in regulations and will be subject to affirmative resolution in the House. The process of developing the regulations will allow time to reflect on some of the detailed considerations that will be needed, such as the need to clearly define near-death. At present, my officials are working to identify appropriate legal definitions that might assist in this regard. The clear policy intent is that the Bill and subsequent regulations will require the Minister to request the ombudsman’s assistance in cases of near-death.

Finally, on my amendments in this group, I offer two very minor changes to clause 37 and schedule 3 to change references to the Public Services Ombudsperson to Ombudsman. That reflects the change in title agreed on 30 November 2015 during the Consideration Stage of the Public Services Ombudsman Bill.

I now wish to speak to the amendments to the Prison Ombudsman provisions that have been tabled by Mr McCartney, Mr Lynch and Ms McGahan, the first being their amendment to clause 29, which is also about own-initiative investigations. While I am sympathetic to the Members' thinking, I am concerned that this proposed amendment would expand the role of the ombudsman without providing any necessary safeguards. A future ombudsman could treat this as *carte blanche* to investigate any aspect of the prison experience, which has never been the role envisaged for this office, either in the past or at present.

The amendment I brought forward contains important safeguards by limiting that power to those matters within the ombudsman's complaints remit, happening within 12 months of commencement of the Bill, which form part of a concerning pattern of events. An own-initiative power was not included in the original proposals, as it is not part of the "as is" arrangements. Indeed, the current office holder has stated that that is not a power he would seek. I note that the current provisions will allow the ombudsman to approach the Department with concerns and that those concerns can be addressed by an investigation requested by the Department under clause 34. As the amendment from Mr McCartney and colleagues does not contain the safeguards provided for in my new clauses, I do not support this amendment.

Let me now turn to those Members' amendment to clause 36, which will compel a person to assist in any investigation and make it an offence to refuse to assist an investigation. I understand the Members' intentions, but I do not believe that their amendment will actually enhance the arrangements. Including such a power in legislation would not necessarily ensure that any unwilling witnesses would provide useful evidence, even when faced with the threat of a level 3 fine — currently £1,000 — for their non-compliance. The Prison Ombudsman himself considers that such a power would be cosmetic and, as it is not a power that he seeks, I do not support this amendment.

I now wish to speak to the stated intention, again of Mr McCartney and his colleagues, to oppose the Question that clause 38, "Guidance to Ombudsman in relation to matters connected with national security", stand part of the Bill. The Secretary of State has a legitimate interest and role in matters relating to national security in Northern Ireland. This is not a devolved matter and is not, therefore, in the Assembly's gift to determine. The issue is not unique to this Bill; it has been reflected in other recent legislation, including the Reservoirs Act (Northern Ireland) 2015 and the Public Services Ombudsman Bill. Indeed, the Reservoirs Act (Northern Ireland) 2015 confers significantly greater powers on the Secretary of State, stating that she may direct the devolved Department not to include information on national security grounds. We can contrast that with the rather more modest provision in this Bill, which states that the Prison Ombudsman has only to "have regard to" the national security guidance. "Have regard to" means exactly that: the ombudsman must "have regard to", but need not comply with, such guidance.

The Public Services Ombudsman Bill provides that the Secretary of State may give written notice to the Public Services Ombudsman about any document or information saying that, in her opinion, disclosure of that document or information would be prejudicial to the safety of the United Kingdom. The ombudsman, then, cannot disclose

that document or information. This is also a much more sweeping power than is proposed in this Justice Bill. The proposal in the Bill is consistent with the current arrangements, which have been in place since devolution and which stand in prison rules. Omitting it from the Bill would result in poor legislation, with no change in significance in working. I therefore strongly support that the clause remains part of the Bill.

Mr A Maginness: I thank the Minister for giving way. The Minister says that the power is within the prison regulations. Does that mean that the power subsists within the prison regulations? Why is the Minister adding this to the current Bill, if the power already subsists?

Mr Ford: I appreciate Mr Maginness's point. The power currently subsists in prison rules on the basis that there is no statutory basis for the Prisoner Ombudsman at present. Since we are putting the Prison Ombudsman into statute, I believe it is appropriate that the powers should be defined in statute, and not rely on prison rules, which are a separate area that are largely about the running of prisons, rather than the role and function of the ombudsman that we are setting up in this Bill. So I believe that there is a specific reason why, in the Bill, we should have the functions and powers defined properly.

I turn now to the Members' last amendment in this group, which concerns powers in schedule 3 of the Bill and state that a person holding office as ombudsman may, and I emphasise the word "may":

"be removed from office by the Department, if the Department is satisfied that the person ... has been convicted of a criminal offence".

This part of the schedule permits removal rather than requiring it, and in assessing such a situation, relevant factors would be considered, which would have to include a robust risk assessment by the Department. These powers would be exercised proportionately, and only after due consideration of the particular circumstances and factors. We can clearly give examples in our own heads where something would be so minimal as to not make it appropriate to consider removal, and something would be so significant as to effectively require removal. The important issue is that the power exists without a specific direction, so that appropriate consideration can be given to the particular circumstances of the case. In light of this, I do not believe that the Members' amendment is necessary and I do not, therefore, support the inclusion of amendment No 80 in the Bill.

Other than those amendments that I have highlighted my opposition to, I commend the rest of the amendments in the group to the House.

Mr Ross (The Chairperson of the Committee for Justice): I will briefly speak on Part 2 of the Bill, which creates the office of Prison Ombudsman and sets out the main functions of the office, which are to deal with complaints, death in custody investigations and investigations requested by the Department, and the proposed amendments.

There was a clear divergence of views in the evidence received by the Committee on the proposed model, remit and appointment arrangements, to place the Prison Ombudsman on a statutory basis. The current Prisoner Ombudsman supports the provisions in the Bill, but

the Northern Ireland Ombudsman, the Ombudsman Association and NIACRO all raised issues regarding the proposed model. Concerns were raised regarding the cost implications of establishing the office as a separate entity, with the Northern Ireland Ombudsman proposing that the role of the Prisoner Ombudsman in relation to prisoner complaints could be combined with that of the new office of Northern Ireland Public Services Ombudsman. All three organisations also raised concerns regarding whether the office of Prison Ombudsman, as provided for in the Bill, meets the required standards of independence given that the Minister of Justice will appoint the office holder, the salary will be paid through the Department of Justice and the Department has a role in approving the terms and conditions of staff in the office. Suggestions were therefore made that the office should be created under separate statutory arrangements which ensure the appointment is not made by a member of the Executive.

The Committee discussed the concerns with the current Prisoner Ombudsman, who indicated that he strongly welcomes the proposals to place the office on a statutory footing, which he believes will be of benefit in a range of ways, including demonstrating the independence and impartiality of the office and increasing the confidence of other statutory bodies, such as the Police Service and the South Eastern Health and Social Care Trust, in relation to sharing information. He noted that the Bill legislated for the "as is" position, which he views as the correct approach to take, and stated that since he took up post over two years ago, no one has ever tried to interfere with his independence. As far as he was aware, the proposed arrangements are not much different from ombudsman offices in the UK and other western European jurisdictions.

Having considered the issues raised, along with the views of the current Prisoner Ombudsman on how the office operates in its current form, the Committee agreed that it was generally content with the provisions that will place the Prisoner Ombudsman on a statutory footing by creating the office of Prison Ombudsman for Northern Ireland and set out the main functions. Some members, however, outlined reservations with several of the provisions, and I turn to those now.

In relation to the power to compel witnesses, amendment Nos 47 and 48, which Mr McCartney has tabled, provide a power to enable the Prison Ombudsman to compel a person to assist any investigation and make it an offence, liable to a fine not exceeding level 3, if that is refused. That issue was raised with the Committee by the Human Rights Commission, which considered that the effectiveness of the ombudsman's investigations would be augmented by empowering the office to compel witnesses for interview.

When we discussed the proposal with the current Prisoner Ombudsman, however, he believed that it would be a cosmetic change and would affect very few deaths in custody or complaints that he investigated. In fact, he stated that 99% of prison staff voluntarily assist with his investigations and indicated that, even if he had this power, a person could turn up and say nothing or add no value to his investigation. In his view, the powers to obtain and disclose information already provided for in the Bill are rigorous, given that the office will have the statutory authority to obtain documents, enter premises and require people to cooperate, and the legislation creates an offence of intentionally obstructing an investigation.

When pressed by members of the Committee on whether the lack of a power to compel witnesses could limit investigations in the future, the ombudsman stated that he did not think that the power was necessary at present, but it could be useful in the future. Whilst the Committee agreed that it was content with the provisions as drafted, Mr McCartney advised members of his intention to bring forward an amendment to provide the ombudsman with the power to compel witnesses.

In relation to the guidance on national security matters, some members of the Committee raised reservations about clause 38, which requires the Prison Ombudsman to have regard to guidance issued by the Secretary of State in relation to any matter connected with national security, and they have indicated their intention to oppose that clause. The Committee raised the matter with the current Prisoner Ombudsman, who was clear that he does not believe that the Secretary of State has the power to prevent him carrying out an investigation. He further added that, whilst national security guidance has been in place since the devolution of justice powers in 2010, it has never been invoked in any way. He is content with the guidance indicating that, while he must have regard to it, his view is that it does not impede or shackle him or any future Prison Ombudsman from carrying out any investigation. The Committee, therefore, agreed that it was content with clause 38.

The Committee also considered a range of amendments that the Department indicated it intended to bring forward and which members viewed as potentially enhancing the arrangements provided for in the Bill. In terms of the power to defer investigations where the ombudsman considers it necessary to do so, the Committee agrees that this is a sensible proposal and therefore supports amendment Nos 39 and 41.

The second amendment aims to standardise the requirement of the ombudsman to inform the police of a suspected criminal offence as part of any investigation he is conducting, rather than just as part of an investigation into a death in custody, as is currently required by the Bill. That anomaly was brought to the attention of the Committee by the Human Rights Commission, and we are content to support amendment Nos 40 and 44, which standardise the requirement for the ombudsman to inform police of a suspected criminal offence as part of any investigation he is conducting.

(Mr Speaker in the Chair)

The third amendment allows for the arrangements to provide for investigations in cases of near-death in custody which meet agreed criteria. When the issue of extending the Prison Ombudsman's statutory functions to include investigations into near-deaths in custody was raised, the Department stated that the Prisoner Ombudsman currently investigates near-deaths in custody at its request, and it considered that such investigations could be addressed in the future by a request from the Minister to carry out an investigation under clause 34.

However, having considered the matter further, the Department subsequently advised that it was proposing to bring forward an amendment that would place a duty on the Minister of Justice to request the Prison Ombudsman to conduct an investigation in defined circumstances which will be set out in regulations that will be subject

to the affirmative resolution procedure. Given that it has been recent practice for the ombudsman to investigate near-deaths in prison custody, the Committee is content to support amendment Nos 42 and 43 and will scrutinise the detail of the arrangements when the secondary legislation is drafted.

In the written evidence received by the Committee on Part 2 of the Bill, a suggestion was made that the Prison Ombudsman should be provided with the power to carry out investigations on his or her own initiative, similar to what is proposed in the Public Services Ombudsperson Bill. Noting that, under the current provisions, the Prison Ombudsman has to receive a complaint or a request from the Minister of Justice before he can undertake an investigation, the Committee agreed that it would be appropriate for the ombudsman to be able to initiate investigations of his own volition.

This will emphasise his independence and enable him to investigate if there appears to be a systematic problem. The Minister subsequently indicated that he would table amendments to provide for this. I know that Mr McCartney has also tabled an amendment on this, and I will be interested to hear the difference, as he sees it, between the two sets.

On other minor amendments, the Committee is also content with amendment No 49, which adds the Attorney General to the list of bodies to which protected information may be disclosed, and the minor drafting amendments as proposed by the Minister.

3.00 pm

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. First, I welcome the fact, as I think everybody does, that the Minister has taken the opportunity to put the Prison Ombudsman on a statutory footing. We all recall that, in times past, a Prisoner Ombudsman left his post, and one of the reasons he cited for no longer being able to continue was the fact that it was not on a statutory footing, which, he felt, limited his ability to carry out a particular piece of work. The two subsequent ombudsmen have both reiterated that the office should be put on a statutory basis. I do not think that anybody will question the integrity of any of the people who have carried out the role. The incumbent was in front of the Committee and talked about it being satisfactory in his experience, but I think that when we frame legislation we should not do so on the basis of the experience of a particular person at a particular time. We have to look to the future. That is why I believe that some of the amendments that we propose will tighten the office and make it better as we take it forward.

Amendment No 38 is obviously similar to amendment Nos 37 and 45 tabled by the Minister. I believe — this is where there is a slight parting of the ways — that the ombudsman should have the power to initiate their own investigations. I do not think that we should limit the scope of that power. The Minister, in amendment No 45, says that the matter should be within the previous 12 months; I do not see why it should be time-bound.

A good way of showing why it is necessary for the ombudsman to have this power is the recent fire in Erne House. There would have been no investigation carried out, had the Criminal Justice Inspection not done an unannounced inspection. Obviously, the investigation is

ongoing, but the report will highlight other issues relating to the current state of relationships in Maghaberry. The Department did not see fit to call an investigation; nor did the Prison Service or the management of Maghaberry. In my opinion, that is where this power would be of great significance, and it is not just about the ability to call an investigation. Many issues will come into the public domain as a result of the independent investigation, and we would have been better served if the ombudsman had had the power to do that. It will be interesting to hear the Minister reflect on those issues. For me, this is the opportunity to give the ombudsman the capability to carry out investigations, to deal with complaints and to ensure that there are good accountability mechanisms in our prisons.

I turn to the idea of compelling someone to give evidence. I heard Tom McGonigle's evidence. He said that there were no issues, and that is fine; I would not question that in any way. It is a good state of affairs when people are cooperating with all investigations. However, the powers of investigation will widen, even under the Minister's terms, and none of us can predict the future. That is why it is best that we provide for the ombudsman to have that power to use if he or she sees fit. All other similar types of ombudsmen in other situations —

Mr McGlone: Will the Member give way?

Mr McCartney: I will surely.

Mr McGlone: I hear what the Member is saying, and I have looked at amendment No 48. However, to deal specifically with amendment No 47, how do you compel someone to assist? I am looking for a bit of elaboration on that. It has not been unknown for people to sit there absolutely silent and say nothing when they are under investigation. How do you compel someone to assist if they simply refuse to do so? How do you determine that they are not assisting you? I agree entirely with the thrust of your second amendment, but, on the first one, I want to hear how that would be done.

Mr McCartney: If someone is of a mind that they are not going to cooperate, that is fine. I have heard Alban Maginness talk previously about normative behaviour; in other words, a person who does not have to cooperate now might not come forward. They might feel that they have information and, if they are asked to come forward, they will come forward, but, if they are not asked, they might just sit back and allow things to happen. If there are 12 people and only six come forward, the ombudsman will invite the other six to come forward, but they may say, "We do not have to, so we are not going to do it". If you compel them, you at least create a situation that allows him to come to conclusions, and we have heard before about conspiracies of silence.

Mr McGlone: With respect to Mr McCartney, the compulsion is not for them to come forward; the compulsion is for them to assist. That is the bit that I am not sure of.

Mr McCartney: I accept that you cannot compel anyone to cooperate, but you can compel them to be part of the investigation process. Say, for talk's sake, it is a prison officer. If a prison officer refuses and is fined, I am sure that there will be disciplinary procedures that might affect his or her career. At least there is some sort of incentive or weight put on them so that they do not just feel, "I do not want to cooperate, so I do not have to do it". That is

why this is important as we go forward. The power may never have to be used, but, if you are carrying out an investigation and there are people who do not want to come forward, it is good that you can say, “I want you to come forward. I need you to answer these questions, and, if you do not, you might be charged and subsequently fined, and it will have an impact on your career”.

Mr McGlone: I might be picking this up wrongly, Mr McCartney, but, as I read it, that bit is covered by your amendment No 48. There is that power to do whatever is required with the person who refuses to assist. We are probably talking about two slightly different things there. I absolutely agree with amendment No 48; it is just amendment No 47 that I am not clear on.

Mr McCartney: Perhaps that is something that we can clear up at Further Consideration Stage. Before you can indict someone, you have to have the power to call them forward. You cannot convict someone of not assisting if you have not got the power to bring them forward in the first instance. That is the lead-in from amendment No 47 to amendment No 48. That is why we feel that it is necessary.

I want to turn to amendment No 80 before I go to clause 38. I know that the Minister has said that amendment No 80 is not necessary. I will say to him what I said in the earlier part of the debate: if it is not necessary, why stand in its way? It would send a clear message on the wider departmental policy on desistance. It would say very clearly that you are legislating that, if a person in post is convicted, it has to be something that would prevent that person from doing the job, rather than a blanket approach. If you are convicted of an offence that has no relevance to the job that you do and does not impede or in any way call into question your ability to do that job, that should not be a reason to lose your job. I accept that the Minister says that that is not the intention of the way that this is framed, but I just think that this not only makes it tighter but sends a clear message on desistance.

Clause 38 is on guidance on matters connected with national security, as it is written here. It is interesting that, when we have questioned the ombudsman and prison officials about this in the past, they have always found it very difficult to spell out exactly what the powers are and what they will do.

Interestingly, when opposition was initially raised in Committee — by Alban Maginness, I think — we were struck by the fact that Tom McGonigle said that it was not an issue and had not been an issue. Therefore, you are saying that, if it has not been an issue, why does it have to be put into legislation? The Chair mentioned this when he spoke, and I do not want to misquote Mr McGonigle, but he certainly gave us the impression that he was more or less saying that, even if he was given guidance, it would have no substance or bearing and nor would it prevent him from carrying out an investigation.

The Bill states:

“must have regard to any guidance”.

None of us can second-guess what would happen if that was taken to court. I could make the case that, if guidance was issued not to carry out a particular investigation, the ombudsman said no and the Secretary of State challenged that and took it to court, a judge would be in a good and

proper position to say, “You must have regard”. That you must have regard is clear.

Mr Ford: I appreciate the Member giving way. My understanding of this is quite simple: “must have regard to any guidance” is a long way short of “must follow directions”. You have to consider the guidance and weigh up the factors. However, the very fact that it is couched as “have regard to” is a clear statement that it is not a direction that you must follow. If you must follow, it says — as, dare I say it, the Reservoirs Act says — you “must follow”.

Mr McCartney: I am not over the detail of the Reservoirs Act, but you can understand that if, when drawing a map, someone asks you not to include a particular installation. You can see a logic to that.

I am making the point that, in relation to this issue, the British Secretary of State would have the power, perhaps, to go to court outside the purpose of this legislation. However, we are legislating, therefore we have the right to question whether or not this is necessary. We are told that it is not, but, if guidance was offered to the ombudsman that said, “Do not investigate this because there are British national security interests involved”, and that went to court and a judge read that “you must have regard to”, to me there is only one interpretation of what that regard would be, namely that you do not carry out that investigation.

Mr Ford: I appreciate the Member giving way again. You actually have the two issues the wrong way round. In the context of reservoirs, you said, “Please do not” but that is not the import of the way that the Reservoirs Act is written, which is the specific direction, “you shall not”. In this case, we are talking about guidance, and guidance cannot say, “Do not do something”. It is guidance. The Bill states specifically that somebody “must have regard to”. It does not say that they have to follow it, because if it was the case that they had to follow it, it would say that they must follow it. It says they, “must have regard to”, and that means they must consider it carefully and seriously and weigh it up against all the factors, but they do not have to go with the guidance on the basis of their judgement.

Mr McCartney: I was not giving the Reservoirs Act as it is legislated. I said that you can understand a case being made why, if you were asking someone to do something, “shall” would enter into it literally. Neither you nor I, nor anybody in the Assembly, can ever say that we are going to second-guess what a judge would say. You may have a view what guidance means. I might have a view, but I have absolutely no doubt that, if guidance were to be given to the ombudsman that says, “You should not carry out this investigation”, you cannot say that that is not guidance. I could give guidance to you that says, “You should not cross the road without looking left and right”. That is a clear instruction. If you have to have regard to that, it is difficult for you to sit and say that a judge in a court would not interpret that in a way that would instruct the ombudsman not to carry out an investigation because of British national security interests. We cannot have a situation, whether it pertains to death in custody or anything else, in which anyone would have the power to say to anyone that they should not be investigating in those circumstances.

3.15 pm

We have had this discussion on numerous occasions, because when people ask the question: “What is Britain’s national interest?” they are told, “We can’t tell you, and why we cannot tell you is because it is in Britain’s national interest to not tell you.” We cannot have that circular argument going on. This is why, if the ombudsman is quoted, as he has been quoted by you today, as saying that it has never been used and does not need to be used, then, in our opinion, it should be legislated for. Go raibh míle maith agat, a Cheann Comhairle.

Mr A Maginness: I will try to be as brief as possible. The SDLP welcomes placing the office of the Prison Ombudsman on a statutory basis. It is something that we have sought for quite some time, and it arose specifically out of the Hillsborough Agreement in 2010. So, it is good that we have made progress in relation to that and that there is a consensus on the issue. It is right and proper that his office is put on a statutory basis. The ombudsman welcomes it, and his predecessors also sought to achieve it.

The own-initiative aspect of the Bill is also to be welcomed. The Minister introduced that aspect, and we are very supportive of it. It is important that the ombudsman can look at an overall situation and see whether there are patterns developing or a systematic issue that needs to be addressed. It is right and proper that this particular power be introduced by the Bill. So, we welcome that and believe it to be an important step forward.

Amendment No 47, which is Mr McCartney’s amendment, is allied to amendment No 48. The House will understand the points that Mr McGlone made in relation to amendment No 47, which seeks to:

“compel a person to assist in any investigation under this Part.”

We are not convinced that this is a right and proper amendment in relation to these matters. It is very difficult to conceive of a situation where you could compel a person to assist in an investigation. You might be able to compel someone to attend somewhere or arrive at some office, or whatever, but you could not compel a person to assist, as Mr McGlone said. I am grateful to Mr McCartney for responding constructively to the points raised by Mr McGlone. So, we are not supportive of that amendment.

However, amendment No 48 does add something to clause 36(4). The Minister has quite properly included in clause 36(4):

“A person who intentionally obstructs the Ombudsman in the carrying out of an investigation under this Part commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

I hope I am quoting that accurately. The addition that Mr McCartney is seeking to make is:

“A person who refuses to assist an investigation under this Part”.

We think that there is merit in this, and we are therefore supportive of the amendment. It is important, however, to note that, throughout the contribution of the Prisoner Ombudsman — as he is known, although he will not

continue to have that name — he said that 99% of people cooperated with him and that he was happy enough.

Nonetheless, I think that there might be some merit in the additional aspect that Mr McCartney has raised.

In relation to that point, we are unhappy with the inclusion of clause 38. It does not seem necessary to us to include it in the Bill if, in fact, the power already subsists in the Prison Act. We are very wary of the whole issue of using national security as a broad brush and restricting or, effectively, obstructing investigations. We are very wary when we see those references in any legislation. Maybe that is just because we are politically neuralgic about national security, but we have seen national security used in the past as an umbrella and in a fairly blanket fashion. Despite the Minister’s persuasive observations on clause 38, it seems to us that they are not totally persuasive — I will put it that way — and we feel that we must oppose the clause and support Sinn Féin’s opposition to it. I am not sure if there is any —

Mr Ford: Will the Member give way?

Mr A Maginness: Yes, I will.

Mr Ford: I appreciate the Member giving way yet again. I could understand you having the concerns that you have just expressed about clause 38 if there were a specific direction. I really do not understand why it is of such concern to you in the context of merely having regard to guidance. That seems to me to be the fundamental issue: it is a low test. Those of us on this side of the House should be concerned not to get entirely caught up with the problems that arose at Stormont House before last Christmas over other aspects of national security creeping, multilayered, into a proposed Westminster Bill. This is a very different situation at a much lower level than what was being suggested there. That is why I might be tempted to suggest to you that perhaps you are getting just a little neuralgic.

Mr A Maginness: Well, we need a doctor to decide that, do we not? Is there a doctor in the House? *[Laughter.]* I hear what the Minister says, but experience leads us to the conclusion that, wherever national security issues arise, even in an arcane way, there is some usage made of them, which we believe negatively impacts on transparency and proper investigation. I remain to be totally convinced, no matter how persistent the Minister may be on the issue. I think that I have covered all the points that I should have covered, so I will conclude.

Mr Kennedy: I join others in giving a broad welcome to the legislation that we are considering in that it will place the office of the Prison Ombudsman on a statutory footing. Other Members, including the Minister, have covered the points at issue. It is not my intention to linger on them except to provide commentary on our view on the various amendments and clauses.

Amendment No 37 relates to clauses 35A and 35B and is linked to amendment Nos 45 and 46. We will support the Committee view on that. Amendment No 38 is a Sinn Féin amendment and is in competition with the Minister’s amendment No 45. We think that amendment No 38 is more widely drawn, and we will oppose that and instead support amendment No 45, which deals with own-initiative investigations. Amendment Nos 39 to 44 are relatively non-contentious and can be supported. We have said that we will support amendment No 45.

We will oppose amendment Nos 47 and 48, which are Sinn Féin amendments. Amendment No 47 would:

“compel a person to assist in any investigation under this Part.”

Mr Maginness drew attention to one of the weaker points of amendment No 47, which is that you can compel someone to attend, but it is enormously difficult to see how you can compel a person to assist. We will also oppose amendment No 48, which states that anyone:

“who refuses to assist an investigation under this Part or a person who intentionally obstructs an investigation under this Part commits an offence and is liable under summary conviction to a fine”.

The ombudsman is on record saying that he does not require those powers, and, in many ways, what is proposed in the amendment is a cosmetic change — I think that that was the Minister’s description of it.

On the opposition to clause 38, we are back to issues of national security and the allegations of spooks and other influences. We will oppose Sinn Féin on that.

Amendment No 80 would enable someone convicted of a criminal offence to remain in the post of ombudsman pending a risk assessment and an adjudication on the relevance of the offence to the post. Obviously, our preference is that an ombudsman would not have a criminal conviction, but we believe that it can be handled through the existing provisions and, therefore, will oppose the amendment.

Mr Dickson: I will be incredibly brief. I simply want to indicate my support for what the Minister said. I will support and oppose the amendments in accordance with the Minister’s recommendations to the House.

Mr Douglas: The group 3 amendments are about the Prison Ombudsman. A lot of things have been said, and I will try to keep this as short as possible. First, I thank the Chair and Deputy Chair for their leadership through this process. I also thank other Committee members. Stewart Dickson said earlier that it has been a good process and that there has been good engagement on the Justice Committee. The way that we have conducted the business is a good model for other Committees. I also thank organisations such as the prison review oversight group, which spoke to us about a range of issues, and the independent visitors, who helped to feed into some of the recommendations and amendments. Finally, I thank the Minister and his officials, as well as the Justice Committee officials led by Christine and her team. They have done an excellent job.

We have a small number of amendments.

I want to speak generally, first of all, if that is OK, Mr Speaker.

3.30 pm

The Bill places the ombudsman on a statutory footing, as has been said. Since the first appointment in 2005, the ombudsman has, I believe, operated very effectively and efficiently on a non-statutory basis. I think that we are getting a continuation of the role. As a Member said earlier, there have been difficulties in the past. I do not think that they have been related to that office but maybe to some outside interference.

I believe that the Bill further enhances the standing of the office. The ombudsman is a recognised brand and also has that reputation of 10 years of continuous work. Independence will be reinforced. That is a key aspect of the Bill. Maybe I will say a few words about that later.

It is worth noting that the ombudsman works neither for prisoners nor against prison officers. Sometimes, we get confused over that because the ombudsman’s role is to act as an honest broker. If you are an honest broker, people respect you. An honest broker examines the facts and reports on them as he sees fit. I see that as the role of the ombudsman.

The ombudsman is more than just a complaints handler or someone for people to whinge to. The office is established to help to ease tensions in the prison and provide a way for prisoners to deal with the problems that they face. Certainly, the discussions that we have had with prison visitors and oversight people have indicated that there are tensions within some of the prisons, particularly Maghaberry. The role of the Prison Ombudsman is to try to ease those tensions when there are difficulties and, in many ways, people need that independent voice and ear. I have visited a number of prisons over the past number of years. Last year, 90% of my experience was very good. To be quite honest, 10% was bad at times.

I just want to highlight a couple of amendments. I will turn to amendment No 37 to clause 29. I want to try to link it, as Danny Kennedy has done, to amendment No 45 and new clause 35A. Amendment No 37 inserts the words “the Ombudsman’s own initiative”. The Bill introduces a duty and obligation on all parties to cooperate with the ombudsman. I certainly agree that it should be an offence if anyone intentionally obstructs an investigation by the ombudsman.

The oddminsman — sorry, ombudsman. It is getting a bit late in the day for me: three days in a row. As I said before, I know another big word, “delicatessen”. *[Laughter.]* It has nothing to do with this, but anyway.

The ombudsman has the right of entry to prison premises and the juvenile justice centre. He also has powers to access documents for investigations. As he has told us before, that has not been a big problem in the past, but I think that that will give him added power if it comes to the point when he needs to access documents for those investigations.

Currently, the ombudsman is appointed under prison legislation. The change in arrangements further demonstrates his independence from those he has the power to investigate. I think that it has to be completely separate from the prison structure and departmental hierarchy. A very important point is that he will enjoy the same independence from the Department because the Minister appoints people to the Policing Board, the Probation Board and Criminal Justice Inspection, and they have that sense of independence. That is an important point.

Amendment No 45 creates new clause 35A on own-initiative investigations. The clause includes not just prisoners but persons visiting a prison. I had a very poor experience recently while visiting a prisoner. As an MLA, I was a bit disappointed with how I was treated. I did not go to the Prisoner Ombudsman; I went straight to the governor, but not everybody has direct access to a governor. To be honest, the governor was able to reassure me, and we got the problem sorted out. It was a bit of a blip, but it was an unfortunate situation for him. It is good

that the Prisoner Ombudsman can investigate the situation where families and others are visiting a prison.

The Prisoner Ombudsman can also investigate facilities, or, I should say, the lack of them, at a prison. That is very important. The Bill will also enable the ombudsman to investigate health and education, which are a very important part of prison life. Those of us on the Justice Committee who went to Maghaberry prison saw some of the education facilities that people were able to access, but others were not able to access them. We heard from the prison review oversight group — I have spoken to prisoners as well — about the major problems that many prisoners find in prison. Additionally, there are mental health issues. The Chair alluded to that earlier. It is another important aspect.

I could not stand here today without quoting the Bible. There is a verse that says that it is “the little foxes, that spoil the vines”. I say that because the ombudsman will be able to investigate not just major issues but other issues that many people would term “insignificant” but which are vital for prisoners. I went to see a prisoner who was distraught because he was expecting a Father’s Day card, but it did not arrive until a week later. It is unacceptable that someone in prison is looking for a Christmas card or a Father’s Day card and it is late. Those things create tension between prisoners and prison staff. Part of it is because of the reduced numbers of prison staff and the difficulties that they had with manning the prison. To be fair to the prison staff, that situation, from what I know, has been addressed; they took prison staff off letters etc and placed them on the landings.

In conclusion, we support the Minister’s amendments, and we will be opposing the others. We were told at the Committee that the changes will not require additional staff and that the cost will be minimal. I think that people mentioned to us that it may be done through websites and literature or whatever. Maybe the Minister, in his winding-up speech, will address those points.

Mr Ford: Again, there is significant agreement on the issues covered in this group of amendments. What is particularly welcome is that everybody who spoke welcomed the fact that the Prisoner Ombudsman is now to be put on a statutory basis. The role of the Prisoner Ombudsman to date has not been limited in any respect. I have not had any complaints from the current ombudsman, Tom McGonigle, or his predecessor, Pauline McCabe — the two who have been in post during my time as Minister since devolution — to suggest that limitations were being placed on their role. Pauline made very clear her belief that it was important that, as soon as possible, that should become a statutory role, with a full statutory underpinning of the basis on which the Prisoner Ombudsman would work.

I do not know whether Pauline and Tom are glued to ‘BBC Democracy Live’ watching this at the moment, but they probably ought to be because the input from the two of them has been significant through the work that they have done and what they have done to make the case for what we are doing in the Chamber this afternoon as we progress the issue of a statutory basis.

Alban Maginness reminded us that this was part of the Hillsborough Castle Agreement in 2010, and you might say that it has taken rather too long to put it in place. I do not think that there is any difference between what the

ombudsman has been doing since and what will be done in the future, but the statutory basis makes it absolutely clear what the function is. There will be no prospect of the future mythical, wicked Minister, who was referred to earlier and is not nearly as nice as me, coming along and getting in the way.

Mr Kennedy: Self-praise is no recommendation.

Mr Ford: I was quoting other people praising me. *[Laughter.]* Sammy Douglas made the point that it is vital to ensure that the independence of the Prison Ombudsman is recognised in statute, not just in practice by the Department of Justice and the Prison Service. I can confirm to him that, to the best of my knowledge, given the way that the office functions currently, any additional costs will be minimal. The same team will continue to do the same work in the same way to the same high standards, but they will have a firm basis in law on which to do that work. I am pleased that, even though we are about to have a bit of a discussion and, potentially, a vote or two on factors on which we disagree, at least we have got to this point and there is widespread recognition. The important issue is that the principle is agreed, and, indeed, the principle has been agreed for a significant period. Mr Douglas visited Maghaberry recently, and his comments on that experience were a significant reminder of what we all need to do. To aid rehabilitation and reform, we need to ensure that everybody who visits a prison and everybody who is incarcerated in a prison has the best experience possible in the circumstances

Let me turn to the less-agreed points in what we have just been discussing. First, I suspect that the relatively easy point is the removal from office. I appreciate the efforts of Mr McCartney to tie down the precise basis on which that would happen, but I do not believe that those details are required. The arrangements for the terms of office and potential removal are exactly the same as those that apply to other bodies and to other individuals, such as the Police Ombudsman and the Chief Inspector of Criminal Justice. The test in the law, as it is drafted and as it stands for them, is that it has to be a reasonable test to ensure that all relevant considerations have been taken into account. I do not see any great benefit in spelling that out, given that it is the same test as applies to others.

I think that Mr Kennedy made the point about compulsion. He has just been rude to me, so maybe I should not praise him. His point was that you may compel somebody to attend for interview, but you cannot compel them to assist. It is almost the same as the fundamental concept of a criminal investigation and the right to silence, so it is incorrect to suggest that you can compel somebody in this context when you clearly cannot do so in other contexts. You can certainly make somebody attend, but to what point? This was also an issue in regard to the role of the Police Ombudsman, and it arises in criminal investigations by the police every day. We would need to be very assured of how one would do that, as well as of the justification for doing it. At the moment, I do not see anything. There is a measure in the Bill on penalties for those who seek to obstruct the investigation, and that is absolutely right, but that is very different from pretending somehow that you can compel somebody to give useful information if they are unwilling to do so. Therefore, I can see no benefit in the amendment. I accept that we would all wish to ensure not just 99% cooperation but 100% cooperation, but, if the

1% do not wish to cooperate, even forcing them to attend would not make them do so.

The other key concern raised by those sitting on my right was on national security guidance. I must say again that I really cannot understand how representatives of a party whose Minister acceded to national security direction can have such concerns about national security guidance. Direction means that the Secretary of State says, "You must". There are no ifs and no buts; it is the Secretary of State directing a devolved authority. That is exactly the case with the Reservoirs Act. In this case, all that we are talking about is a replication in the legislation that puts the ombudsman on a statutory footing of that which already exists in prison rules and will continue to exist in prison rules whatever decision is taken in the House this afternoon. That is the well-known, regular formation of "having regard to" guidance, which is a vastly lower test than the ability of the Secretary of State to issue a direction. Members suggest that somehow this is a massive intrusion into the work, yet it has existed for six years since devolution and has not ever been used. I am tempted to requote Mr Maginness. If he thinks that, because it exists, it will somehow be used, why has it not been used for six years? The power is there anyway.

3.45 pm

I will make the position absolutely clear: that the ombudsman shall have regard to guidance and, having considered all the issues, shall decide whether to go with that guidance is not the test that Sinn Féin Ministers and MLAs accepted in the Reservoirs Act. It is utterly bogus to pretend that this is somehow some massive intrusion by the NIO, when the test is at a significantly lower level than that which they have accepted with regard to the Public Services Ombudsman and with regard to reservoirs. People ought to grow up, accept the reality of life and stop pretending that something is significantly worse than it is.

I made this point to Mr Maginness, and I will make it again: I had significant concerns about what the NIO was seeking to do when it was looking at new legislation to deal with legacy institutions for the past. That was a ludicrous intrusion, overlaying the will of devolved bodies with national security. This is no such thing: it is guidance. "Have regard to" is the lowest possible standard. Therefore, to suggest that this is somehow a major problem is simply nonsense. People should accept the reality that this exists in prison rules. If we are putting the Prison Ombudsman on a statutory basis, we should get the statute right in the Bill and reflect the reality of life.

Amendment No 37 agreed to.

Amendment No 38 proposed:

In page 22, line 14, at end insert

"(2) The Ombudsman may for the purpose of any of the Ombudsman's functions, initiate such investigations as the Ombudsman considers necessary or expedient.

(3) The Ombudsman may not exercise the power under 29 (2) unless he/she is satisfied that any investigation would be—

(a) in the public interest and

(b) the substance of the investigation would not fall within an existing statutory complaints or investigatory framework."— [Mr McCartney.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 37; Noes 59.

AYES

Mr Attwood, Mr Boylan, Mr D Bradley, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ni Chuilin, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Lynch and Ms Ruane.

NOES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr B McCreagh, Mr I McCreagh, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Dickson and Mr McCarthy.

Question accordingly negated.

Clause 29, as amended, ordered to stand part of the Bill.

Clause 30 (Complaints)

Amendment No 39 made:

In page 23, line 11, leave out from "at" to end of line 19 and insert

"at any time if it appears to the Ombudsman that—

(a) a criminal investigation might be adversely affected by the Ombudsman's investigation;

(b) the exercise of functions under the Health and Safety at Work (Northern Ireland) Order 1978 might be adversely affected by the Ombudsman's investigation;

(c) it is appropriate to do so because of any proceedings for judicial review; or

(d) it is appropriate to do so for any other reason."— [Mr Ford (The Minister of Justice).]

Amendment No 40 made:

In page 23, line 39, at end insert

"(15) At any time in the course of an investigation under this section the Ombudsman may—

(a) draw to the attention of the police any matter which in the Ombudsman's opinion is relevant to any criminal investigation;

(b) draw to the attention of any body or person any matter which in the Ombudsman's opinion calls for action to be taken by that body or person."— [Mr Ford (The Minister of Justice).]

Clause 30, as amended, ordered to stand part of the Bill.

Clause 31 ordered to stand part of the Bill.

Clause 32 (Investigations into deaths in custody)

Amendment No 41 made:

In page 25, line 3, leave out from "at" to end of line 11 and insert

"at any time if it appears to the Ombudsman that—

(a) a criminal investigation might be adversely affected by the Ombudsman's investigation;

(b) the exercise of functions under the Health and Safety at Work (Northern Ireland) Order 1978 might be adversely affected by the Ombudsman's investigation;

(c) it is appropriate to do so because of any proceedings for judicial review; or

(d) it is appropriate to do so for any other reason."— [Mr Ford (The Minister of Justice).]

Clause 32, as amended, ordered to stand part of the Bill.

Clause 33 ordered to stand part of the Bill.

Clause 34 (Investigations requested by the Department)

Amendment No 42 made:

In page 26, line 9, leave out subsection (1) and insert

"(1) The Department—

(a) shall request the Ombudsman to investigate any custody-related matter if any of the events to which it relates is of such a nature or description, or occurs in such circumstances, as may be prescribed;

(b) may request the Ombudsman to investigate any other custody-related matter which is specified in the request.

(1A) Before making any request under subsection (1) the Department shall consult the Ombudsman."— [Mr Ford (The Minister of Justice).]

Amendment No 43 made:

In page 26, line 17, at end insert

"(2A) Before making any regulations under subsection (1)(a) the Department shall consult—

(a) the Ombudsman; and

(b) such other persons as the Department thinks appropriate."— [Mr Ford (The Minister of Justice).]

Amendment No 44 made:

In page 26, line 26, at end insert

"(6) At any time in the course of an investigation under this section the Ombudsman may—

(a) draw to the attention of the police any matter which in the Ombudsman's opinion is relevant to any criminal investigation;

(b) draw to the attention of any body or person any matter which in the Ombudsman's opinion calls for action to be taken by that body or person."— [Mr Ford (The Minister of Justice).]

Clause 34, as amended, ordered to stand part of the Bill.

Clause 35 ordered to stand part of the Bill.

New Clause

Amendment No 45 made:

After clause 35 insert

"Own-initiative investigations

Own-initiative investigations

35A.—(1) The Ombudsman may carry out an investigation under this section into a matter if—

(a) the matter relates—

(i) to the way in which a prisoner has been treated by a prison officer;

(ii) to the way in which a person visiting a prison has been treated by a prison officer;

(iii) to the facilities available to a person at a prison (including, in the case of a prisoner, facilities for the welfare of the prisoner);

(iv) to the cleanliness and adequacy of a prison; and

(b) the Ombudsman has reasonable grounds for believing that, in relation to the matter—

(i) a number of events of the same or a similar nature have occurred; and

(ii) the number or frequency of the events requires the matter to be investigated under this section.

(2) Before commencing an investigation under this section, the Ombudsman must—

(a) consult the Department; and

(b) inform the Department of the matter proposed to be investigated and of the grounds referred to in subsection (1)(b).

(3) It is for the Ombudsman to determine the procedures to be applied to an investigation under this section.

(4) This section applies to a matter whether or not a complaint has been, or could be, made about the matter under section 30."— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 46 made:

After clause 35 insert

"Report on investigation under section 35A

35B.—(1) Where the Ombudsman has carried out an investigation under section 35A, the Ombudsman must report in writing on the outcome of the investigation to—

- (a) the Department; and
- (b) any other person the Ombudsman considers should receive the report.
- (2) In a report to the Department the Ombudsman may make recommendations about any matter arising from the investigation.
- (3) Where such recommendations are made in a report, the Department must, within the required period, respond in writing to the Ombudsman setting out (with reasons) what it proposes to do about the recommendations.
- (4) The required period is the period of 28 days commencing with the day on which the Department receives the report or such longer period as the Ombudsman may in the case of any report allow.
- (5) The Ombudsman may report on that response to such persons as the Ombudsman may think fit.
- (6) Regulations may make provision as to the procedures to be followed in relation to reports under this section and may in particular include provision—
- (a) enabling the Ombudsman to show any person a draft of the whole or any part of a report;
- (b) enabling the Ombudsman to publish the whole or any part of a report;
- (c) restricting or prohibiting the identification of prescribed persons or persons of a prescribed description in a report or the inclusion of information of a prescribed description.”— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Clause 36 (Powers of Ombudsman)

Amendment No 47 proposed:

In page 27, line 16, at end insert

“(d) compel a person to assist in any investigation under this Part.”— [Mr McCartney.]

Question, That the amendment be made, put and negatived.

Mr Speaker: I will not call amendment No 48, as it is consequential to amendment No 47, which was not made.

Clause 36 ordered to stand part of the Bill.

Clause 37 (Disclosure of information)

Amendment No 49 made:

In page 28, line 2, at end insert

“(ca) to the Attorney General for Northern Ireland for the purposes of the exercise of any functions of that office.”— [Mr Ford (The Minister of Justice).]

Amendment No 50 made:

In page 28, line 3, leave out “Ombudsperson” and insert “Ombudsman”.— [Mr Ford (The Minister of Justice).]

Clause 37, as amended, ordered to stand part of the Bill.

Clause 38 (Guidance to Ombudsman in relation to matters connected with national security)

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 62; Noes 37.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr B McCreagh, Mr I McCreagh, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Dickson and Mr McCarthy.

NOES

Mr Attwood, Mr Boylan, Mr D Bradley, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan and Mr Lynch.

Question accordingly agreed to.

Clause 38 ordered to stand part of the Bill.

4.15 pm

Clause 39 ordered to stand part of the Bill.

Clause 40 (Transitional provision: the Prisoner Ombudsman for Northern Ireland)

Amendment No 51 made:

In page 30, line 12, at end insert

“(6A) In applying section 35A(1)(b) the Ombudsman may take into account events occurring in the period of 12 months immediately preceding the appointed day (as well as events occurring on or after that day).”— [Mr Ford (The Minister of Justice).]

Clause 40, as amended, ordered to stand part of the Bill.

Mr Speaker: We now come to the fourth group of amendments for debate. With amendment No 52, it is convenient to debate amendment Nos 53 to 57, which deal with offences and penalties. Amendment Nos 54 and 55 are consequential to amendment No 53.

Mr Ford (The Minister of Justice): I beg to move amendment No 52:

New Clause

Before clause 41 insert

"Animal welfare

Penalties for animal welfare offences

40A.—(1) *In section 31 of the Welfare of Animals Act (Northern Ireland) 2011 (penalties), in subsection (1) (summary-only offences), omit "8(3)," and "33(9), 40(7)".*

(2) *After that subsection insert—*

"(1A) A person guilty of an offence under section 4 or 8(1) or (2) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding £20,000, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or both."

(3) *In subsection (2) of that section (hybrid offences)—*

(a) omit "4," and

(b) for "and 8(1) and (2)" substitute "8(3), 33(9) and 40(7)".

(4) In that subsection, in paragraph (b), for "2 years" substitute "5 years".

(5) In each of the following provisions of that Act, for "8(1) and (2)" substitute "8"—

(a) section 32(1) (deprivation);

(b) section 33(10) (disqualification);

(c) section 36(1) (destruction in interests of animal).

(6) In each of the following provisions of that Act, for "8(1) or (2)" substitute "8"—

(a) section 36(6) (destruction in interests of animal);

(b) section 37(1) (destruction of animals involved in fighting offences);

(c) section 38(1) (reimbursement of expenses relating to animals involved in fighting offences).

(7) In Article 29(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (right to claim trial by jury subject to exceptions), after sub-paragraph (o) insert—

"(p) section 4 or 8(1) or (2) of the Welfare of Animals Act (Northern Ireland) 2011 (unnecessary suffering; fighting).".

The following amendments stood on the Marshalled List: Nos 53 to 57.

Mr Ford: Amendment No 52 makes changes to the Welfare of Animals Act (Northern Ireland) 2011 by increasing the maximum penalties for the most serious offences of animal cruelty; changing the mode of trial for three animal welfare offences, from summary only to hybrid; and extending the use of a range of court orders in the 2011 Act, such as disqualification orders, to apply in cases where someone has been convicted of possessing or supplying images of an animal fight. The amendment has been included following a request from the Minister of Agriculture and Rural Development in order to give effect to a recommendation arising out of the joint review carried out between DARD and DOJ on the implementation of the 2011 Act.

Mr Weir: I thank the Minister for giving way. I suppose, very specifically in relation to amendment No 52, I welcome the very positive and detailed work which led to this amendment, which was undertaken, as the Minister has indicated, by DOJ in conjunction with DARD in the report on the implementation of the Welfare of Animals Act. That was a very productive process, which led to amendment No 52 being brought forward by the Minister today. Will the Minister give an assurance that, as we move forward, he will ensure that the legislation remains fit for purpose and that, if problems arise with implementation, it will be subject to further review?

Mr Ford: I was not expecting an intervention so early, nor one so positive about the work that has been done. I could recommend to Members that they be equally supportive. As Mr Weir says, the joint review by DOJ and DARD was a very useful exercise, especially as it followed the relevant legislation relatively speedily. The input from the animal welfare organisations into that review was very significant, and both I and Mrs O'Neill want to ensure that we have an ongoing working relationship with them over this issue, which lies between the two Departments.

As a result of the review, a number of improvements have been agreed, and we are considering specifically the improved sentencing arrangements today. While that legislation properly belongs to the Agriculture and Rural Development Minister, we are both aware of the considerable public interest, as shown by Mr Weir's speedy intervention, in ensuring that we have robust arrangements to protect and enhance animal welfare in this jurisdiction.

I believe that our joint response in the form of these new sentencing arrangements and the other measures being taken forward by DARD demonstrate a very significant commitment to animal welfare on the part of the two Departments and, indeed, this House. If we find ourselves in a position where this new legislation requires further thought — we have ongoing engagement with animal welfare organisations and the all-party group — I am sure that careful consideration will be given. That is an indication of the positive work being done. We have had a very thorough review by the two Departments, and I hope that we are now in a strong position and will look at any further issues that we had not noticed before, as they arise, to take things forward.

Mr Weir: Will the Minister give way?

Mr Ford: Yes.

Mr Weir: Obviously, I am keen to build on that positive exchange with the Minister, which I am sure will lead tomorrow's headlines on the Justice Bill. The whole House would agree on the need to ensure that animals are not placed in the ownership of those with convictions for animal cruelty offences. Will the Minister give an assurance that he will work closely with the animal rehoming charities and organisations to ensure that there are practical solutions and mechanisms that provide them with reassurance on this issue?

Mr Ford: I am very happy to give that commitment. I will continue to work with the Minister of Agriculture. I know that she shares my view that we should continue to work with rehoming charities to explore areas of best practice. The issues that have been highlighted are practical ones. I understand that a date for that meeting is in my diary; at

least, so my officials tell me. I think that we are extending an invitation to at least the chair of the all-party group, who happens to be Mr Peter Weir. I have no doubt that he will add to the good work that Michelle O'Neill and I are doing, and we will ensure that we continue to provide the best possible arrangements in this jurisdiction.

Mr Lyttle: I thank the Minister for giving way. As vice-chair of the all-party group on animal welfare, I add my welcome to the increased maximum sentence for animal cruelty. Will the Minister continue to work with the Minister of Agriculture to ensure that better information is available to the public about the reporting of animal cruelty offences?

Mr Ford: I hope that not every member of the all-party group is going to get up. Perhaps we could stop at the two officers. Yes, it is a perfectly valid point on how we provide and enhance the information. Of course, these days, we do not have vast budgets for advertising campaigns, but there are ways of getting messages out via social media and the media generally, particularly in areas with decent local newspaper coverage. We need to ensure that we not only get the law right but continue to work with the voluntary animal welfare and rehoming groups to get the message out to the public about how we are going to do things right in future and that we will not allow others to engage in practices of animal cruelty, which, sadly, come to the courts of this jurisdiction too often.

I hope that these measures in the Bill will be introduced at an early stage so that we see the significant enhancement of sentencing provided for and send out a clear message.

Let us be clear that we are seeking to increase the maximum sentence for cases heard in the Crown Court from two years to five years, and the maximum sentence in the Magistrates' Court for offences of unnecessary suffering and causing or attending an animal fight from six months' to 12 months' imprisonment. The maximum fine that a Magistrates' Court can impose for these offences will increase from £5,000 to £20,000.

The three offences that will change from summary only to hybrid and therefore also be triable in the Crown Court are possession or supply of images of an animal fight, breach of a disqualification order and selling an animal pending the outcome of an appeal against a deprivation order. This, as I say, will allow the most serious offences to be taken in the Crown Court where they properly belong. The amendments will ensure that Northern Ireland has amongst the toughest penalties for these types of crime of any jurisdiction in these islands. That is something that we should seek to build on, and we should be proud of it if we can get it in place.

Having finished on the issue of animal welfare, I turn to the Committee's amendments to create a new offence of disclosing private sexual photographs and films with intent to cause distress, generally known as "revenge pornography". We are looking at the creation of an offence similar to that created in England and Wales by the Criminal Justice and Courts Act 2015. Such behaviour is, of course, already totally unacceptable. It should be recognised that there are existing laws in Northern Ireland to prosecute offenders for offences such as harassment, the improper use of a communications network and even blackmail.

I have not been made aware of particular or noticeable gaps in the law that have resulted in charges not being

possible for this objectionable behaviour. As a result, given the time constraints and other pressing issues for the Department, it was not possible to give appropriate policy consideration to this new offence in time for a proposal to be considered for this Bill. I had planned, instead, to include the proposal in a proper policy consultation for future legislative change, as part of a wider review of related areas covering certain sexual offences and child protection.

It seemed sensible to deal with the issue in the round to ensure that the law in this important area was developed in a coherent and logical manner. However, given the clearly stated support for the introduction of a similar provision to the offence that already exists in England and Wales, I am content to support the Committee's amendment, subject to a minor amendment that I intend to table at Further Consideration Stage to clarify the level of fine for a summary offence. At present, clause 42A(9)(b) does not precisely define the level of fine for a summary conviction, and that would need to be corrected. The other point is that the usual period on summary conviction would be imprisonment for a term not exceeding six months, a fine or both. However, that is a detail, which is what we have Further Consideration Stage for. I am happy to accept the will of the Committee that we should proceed to make this amendment today.

A further amendment is proposed specifically by Mr Paul Frew regarding the introduction of a domestic abuse offence to capture patterns of coercive and controlling behaviour in intimate relationships, an issue that arose during the discussion on the last Bill. Both Mr Frew and Mrs Kelly have shown considerable interest in this aspect of tackling domestic violence. In this specific instance, I will not support amendment No 56; indeed, I am opposing it. It proposes, in effect, to replicate section 76 of the Serious Crime Act 2015, which was commenced in England and Wales on 29 December last, following an extensive public consultation process. Members will be aware that, during consideration of the last Justice Bill, I gave an undertaking to consult on the introduction of a similar offence in Northern Ireland. The Justice Committee has considered and approved a draft consultation paper, covering not just this offence but the introduction of a domestic violence disclosure scheme in Northern Ireland on 28 January. The public consultation was launched just last week on 5 February and will close on 29 April.

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

In developing and bringing forward the consultation paper, I sought the views of the Police Service of Northern Ireland, which will have a key and significant role in determining and obtaining evidence for the offence. Acknowledging that the offence has only recently been introduced in England and Wales, the police believe that it would be prudent to await feedback from England and Wales on the efficacy of the new offence in criminalising the unseen aspect of abusive relationships. I support the view of the police that feedback from the introduction of the offence in England and Wales would be very beneficial in shaping future legislation in Northern Ireland. Furthermore, I believe that the feedback from the ongoing public consultation exercise will greatly assist and strengthen how best we legislate for the offence in Northern Ireland.

4.30 pm

Just a few weeks ahead of us, on 22 December last year, Scotland launched a second public consultation on the draft offence of domestic abuse. That consultation closes on 1 April, and we can benefit from its outcome, particularly as it deals with a slightly wider construct in the definition of domestic abuse, dealing with the physical and psychological aspects.

Whilst acknowledging the work done by Mr Frew and Mrs Kelly previously, I believe that the consultation is the right place to address things to ensure that, in slightly slower time, we get this aspect of the legislation absolutely right. Therefore, I request the Member not to move the amendment at this time, to await the outcome of our public consultation, to learn the lessons of the application in England and Wales and to see the Scottish consultation concluded. I believe that that would be the best way forward.

If the amendment were to be pressed, amendments would be required at Further Consideration Stage. However, we should get the entire process right — the issues that Mrs Kelly and Mr Frew highlighted — and ensure that we have robust legislation, rather than doing something today that would potentially have to be changed in the early years of the next mandate.

Mr Frew, I acknowledge, has been busy on the Bill as an individual. He also has amendment No 57 seeking to create an offence of assaulting and obstructing certain emergency workers. I believe that we all agree that attacks on public services should not be tolerated. All public servants have the right to go about their service to the community free from abuse and the threat of violence. However, I raise a slight concern that a precedent could be set if there is a suggestion that the role of some should be prioritised.

I am not aware of any problems or shortcomings with existing legislation, which allows for assaults on all public servants, including paramedics and other ambulance workers, to be prosecuted under the Offences Against the Person Act 1861. In addition, I ask the House to note that attacks on public servants or attacks that damage emergency equipment may already be treated as aggravating factors in sentencing. Indeed, DHSSPS, which is responsible for healthcare staff and has an obvious interest in the amendment, has previously considered the introduction of legislation that would create a specific offence of assaulting or impeding a healthcare worker in the execution of their duties. That consideration acknowledged that it was not apparent how an additional offence would increase the protection afforded to Health and Social Care staff over and above the offences already available under the Offences Against the Person Act and the Protection from Harassment Order 1997. It was also considered unlikely that an assailant would be deterred by a separate criminal offence related specifically to the assault or abuse of Health and Social Care workers. I understand, however, that the Health Minister is content in principle that the creation of this offence is welcome. Therefore, I will not oppose Mr Frew's amendment, although definitional issues would need to be picked up at Further Consideration Stage, if the amendment is agreed today, to ensure that the legislation is as good as it can be.

Let us be absolutely clear: we should all believe that all public servants should be free to go about their service to the community free from abuse and the threat of violence.

Whilst the current legislation provides adequate scope for effective prosecutions in those despicable instances when emergency staff are abused or, regrettably, attacked in the course of their efforts, I am content to accept the amendment if that is the will of the House.

Mr Ross: I will cover the amendments in the group tabled by the Minister of Justice and my colleague Paul Frew before setting out the detail of the Committee's amendments.

In relation to penalties for animal welfare offences, amendment No 52 will, as the Minister outlined, increase the statutory maximum penalties in the Welfare of Animals Act 2011. In November 2015, the Committee for Agriculture and Rural Development advised the Committee for Justice that the Department of Agriculture and Rural Development was intending to make these changes by way of amendments to the Justice (No. 2) Bill as, whilst it has policy responsibility for animal welfare, it did not have a suitable legislative vehicle to bring forward the amendments before the end of the mandate.

The changes have arisen from joint departmental work between Agriculture and Justice and the review of the implementation of the Welfare of Animals Act 2011, following the Assembly debate on animal cruelty.

The Committee for Agriculture and Rural Development welcomed the proposed increase in penalties but had ongoing concerns regarding enforcement and whether some individuals were circumventing the Act.

The Department of Justice indicated that the Minister had considered the proposed amendments in the context of the wider sentencing framework and the penalties available in neighbouring jurisdictions for animal welfare offences. It indicated that the Minister believed that increasing the maximum penalties in that way was appropriate and would send out a message that animal cruelty will not be tolerated. The Minister also agreed in principle to add animal cruelty offences to the unduly lenient sentencing scheme, which would further strengthen the law around animal cruelty.

The Committee explored a range of issues with officials from the Department of Justice and DARD, including whether there are clear sentencing guidelines available for animal cruelty offences, whether the proposed amendments are adequate and will achieve the desired effect, and whether stronger enforcement measures are required considering the number and length of custodial sentences that have been handed down for cases brought under the 2011 Act.

Committee Members are very aware of the public concern about some of the sentences that have been handed down for convictions for animal welfare offences, particularly those involving extreme cases of animal cruelty, under the 2011 Act. We have all received representations for changes to be made to the sentencing regime, either through the Committee or as individual MLAs. The Committee therefore welcomes and supports amendment No 52, which will increase the penalties available for such offences, thereby reflecting the serious nature of them and providing some of the toughest penalties for animal cruelty offences of any jurisdiction in these islands.

In relation to the domestic violence amendments, Mr Frew has tabled an amendment to introduce a new

offence relating to controlling or coercive behaviour in an intimate or family relationship. The Committee has not had an opportunity to consider and reach a position on that, although I was grateful to Mr Frew for explaining the amendment at our Committee meeting last Thursday and for his offer to members who wanted more information to go to him. The Committee does, however, fully appreciate the need to address domestic violence in all its forms and provide the best protection possible to victims.

The Committee is aware that the Department is undertaking a consultation on the creation of a specific offence of domestic abuse that captures patterns of coercive and controlling behaviour in intimate relationships in line with the proposed new definition of domestic violence and abuse contained in the draft 'Stopping Domestic and Sexual Violence and Abuse' strategy document. That appears to be what Mr Frew is aiming to achieve with his amendment.

It is clear that there is growing frustration among Members about the length of time it is taking the Department of Justice and the Health Department to finalise, publish and implement a new domestic and sexual violence strategy. There are, therefore, opportunities being taken by Members in this Bill, as happened with the previous Justice Bill, to try to move ahead with particular issues, such as the offence that Mr Frew highlighted.

Given that there is no such specific offence, and it would make it clear that unacceptable behaviours such as those outlined in the amendment are criminal, I suspect that the Committee would have some sympathy with Mr Frew's amendment. If Mr Frew were agreeable, perhaps a better way of dealing with the issue would be to ensure that the Committee has an opportunity to look at the consultation responses and, as with the issue that Mrs Kelly raised during the passage of the previous Justice Bill, allow us to take evidence from organisations that represent victims of domestic violence and look at potential unintended consequences.

When Mrs Kelly made her proposals around Clare's law, there were some charities that were concerned that they could give women a false sense of security. For example, if a woman has a check done that finds that their partner is clear, they might think that they are not at risk, which is not always the case. Others see it very much as a way of empowering women to understand what their partner has been potentially convicted of. I was grateful to Mrs Kelly for not moving her amendment at that time, and, if Mr Frew were similarly minded, it would benefit the Committee's scrutiny role.

The Committee has had an opportunity to consider the issues relating to amendment No 57, which creates an offence of assaulting or obstructing a person employed in the provision of ambulance services whilst they are responding to emergency situations. Lord Morrow had advised us of his intention to bring forward a similar amendment. We invited him along to the Committee to discuss that.

Over the past 14 or 15 months, since assuming my current role, if a Member has said that they intend to bring forward an amendment to the Justice Bill, I have afforded them the opportunity to come to the Committee. I was grateful that Lord Morrow came to the Committee to explain the intention behind his amendment. Likewise, Mr McCrea

had proposals for an amendment that he has not moved forward with. Whilst the Committee was not in agreement with what Mr McCrea proposed, I was grateful that at least he came along, explained it to us and took questions on it. It allowed us as a Committee to then ask the Department, the Police Service and the PPS whether it was workable and achievable. It helps us as a Committee when those amendments are brought to the House, and it allows the whole House to look at the Committee scrutiny. Of course, this issue has been raised previously, and I know that the Minister shares the Committee view. During a debate on the Criminal Justice Bill in 2013, he said:

"Last-minute amendments on substantial issues with direct effects on people, even on small numbers of people, are not the way to do good government and not the way that we should operate in this place." — [Official Report (Hansard), Bound Volume 83, p75, col 2].

His colleague Mr Dickson agreed. He asked:

"What message will we convey, therefore, about the importance of every stage of the legislative process if we make major changes to the law that have not been discussed in the prescribed way of scrutiny in all our relevant Statutory Committees?" — [Official Report (Hansard), Bound Volume 83, p21, col 1].

I agree with him, and that is why I tried to invite Members who had amendments to the Committee. It allows the Committee to discuss and seek advice on them.

On Mr Frew's second amendment, let me say from the outset that the Committee fully appreciates the difficult and often dangerous work undertaken by the emergency services, including paramedics on the front line. We also recognise and are sympathetic to the intention of his amendment. It is fair to say, however, that it is a complicated area, and the Minister referred to that. A number of issues were raised in correspondence to the Committee from the Department of Justice, the Public Prosecution Service and, in particular, the Minister of Health, Social Services and Public Safety.

The approach taken by Mr Frew in the amendment differs from that which was originally proposed by Lord Morrow and goes some way to addressing some of the issues raised, particularly around the practical implications outlined by the PPS. There is, however, an argument about whether a specific offence is necessary and whether other staff who undertake front-line duties with the public should also be included. Perhaps that warrants further discussion.

Both the Department of Justice and the PPS outlined that, where there is evidence of an assault on an emergency worker, the PPS can prosecute under existing assault offences, and, where the victim was serving the public at the time, prosecutors will consider that as an aggravating factor when deciding whether, for example, an offender should be prosecuted in the Crown Court, where greater sentencing options are of course available. Attacks on public servants may also be treated as aggravating factors when passing sentence in such cases. The Judicial Studies Board for Northern Ireland's sentencing guidelines for the Magistrates' Court state:

"Where an offence is committed against such a person the courts will treat this as a substantial aggravating

factor when determining the seriousness of the offence.”

The Health Minister advised the Committee that previous consideration had been given to the introduction of legislation that would create the specific offence of assaulting or impeding a healthcare worker whilst that worker was carrying out their duties and provide that anyone found guilty would be liable to possible imprisonment or a fine. He indicated that those considerations had identified a number of practical problems with such legislation, including the fact that it was already an offence to assault or abuse a health and social care worker, and the need to establish who would be covered by the legislation and in which physical locations the protection afforded would have effect.

Mr Frew's amendment focuses on protecting persons employed in the provision of ambulance services while responding to emergency circumstances. When the Committee discussed the initial proposal with Lord Morrow, two issues were raised: the inclusion of other staff, including other front-line medical staff in accident and emergency departments, nursing staff, social workers undertaking home visits and members of voluntary organisations, such as Lagan Search and Rescue, which the Committee visited last year; and whether the proposal would protect paramedic staff if they were assaulted in an accident and emergency department or only when out on call.

The Committee was sympathetic to the intention of the proposal, and that early engagement allowed Mr Frew to taper his amendment to make it as fit for purpose as he possibly can. It is my expectation, therefore, that Members will want to support it. Of course, it is an awkward situation, in that Mr Frew has not had the opportunity to outline his amendment to the House yet.

I turn now to amendment Nos 53, 54 and 55, which the Committee for Justice tabled. Online crime is becoming more and more prevalent. The Committee has been considering whether current criminal law is equipped to deal with the new type and range of offences being committed or whether legislation needs to be changed and updated to provide the necessary tools for the police, the Public Prosecution Service and the courts to tackle these emerging threats properly.

4.45 pm

As part of our work programme over the last year, the Committee held a hugely successful conference on “Justice in a Digital Age” back in October. We covered a wide range of issues, including cybercrime, social media and online protection and the legal response to changing technologies. A number of areas for possible legislative change were highlighted at that time on improving online protection, particularly as there was a focus on protecting children online. Following that conference, the Committee decided to give further consideration to three possible changes proposed by Jim Gamble, who was one of our speakers at the event, with a view to bringing forward amendments using this Bill as the vehicle. The Committee also decided to give consideration to creating a new offence to cover what is commonly referred to as revenge porn.

The first proposed change related to amending current law so that a child or young person under the age of 18 who takes, makes, distributes or possesses a sexual image of

themselves will commit no criminal offence unless it is done with malicious intent. Mr Gamble believes that the law as it stands and under which it is an offence for a person below the age of 18 to take, make, show, distribute or possess a sexual image of themselves discourages young people from coming forward quickly when they have shared such an image with another person and fear it may be shared with others for fear of prosecution. In his view, decriminalising that, unless it occurs with malicious intent, will encourage children who find themselves in circumstances of crisis to come forward to the relevant authorities.

The second proposal related to an amendment to the Protection from Harassment Order or the creation of a new law to deal with the aggravated impact when an individual or individuals use the anonymity provided by the Internet or the ability to create multiple online accounts to harass another person. Mr Gamble indicated that there were not a substantial number of individuals being prosecuted for such harassment despite, for example, the high number of people involved in trolling online, which, in his view, demonstrates that the law as currently configured is not working.

The third proposal would create a new law to prohibit an individual of 18 or above who masquerades as someone below that age and engages online with an individual whom they know or believe to be under the age of 18. An individual who did so would commit a criminal offence unless they could prove that they did so with reasonable cause or lawful authority. In reasonable cause defences, the burden of proof would shift to the alleged offender. Mr Gamble highlighted that many people already think that this is an offence and expressed the view that, if an adult goes online and masquerades as someone below the age of 18 for the purposes of talking to or engaging with someone below 18, this question has to be posed: why would they do that? There is unlikely to be a lawful excuse or authority.

The Committee then took the views of the Department of Justice, the Police Service of Northern Ireland, the Public Prosecution Service and the Human Rights Commission to assist its consideration of the proposals. Whilst all the organisations recognised the prevalence of online crime and the need to ensure appropriate measures are in place to tackle it robustly, they highlighted a range of issues on the proposals that, in their view, would require further detailed consideration.

The Justice Committee is very aware that the development of the Internet has created challenges for the criminal law. It believes that it is essential that the law responds and adapts to those challenges and that the law enforcement agencies are provided with appropriate and robust tools to tackle new and emerging types of criminal behaviour.

The Committee is supportive of the proposals but recognises that this is a complex area of law and that any changes will require careful consideration to ensure that there are no unintended consequences. The Minister of Justice, in correspondence to the Committee, asked us to support the inclusion of the proposals in a policy consultation for future legislative change to be undertaken by his Department as part of a wider review of related areas covering certain sexual offences and child protection, rather than bringing forward amendments as part of this Bill. Given the very limited time available in the context of the Bill, the Committee reluctantly agreed to adopt that approach, as we want to see these issues progressed as soon as possible. We have requested a

briefing on the proposed departmental consultation at the earliest opportunity. I also ask the Minister to provide an assurance today that the consultation will be prioritised and any necessary legislative changes brought forward as early as possible in the next mandate.

As I indicated, the Committee recognises that times and technologies have changed and will continue to change. There is a need to adapt the legislation to meet those new challenges. It has therefore decided to table amendment Nos 53, 54 and 55 to create the new offence of disclosing private sexual photographs and films with intent to cause distress. That offence already exists in England and Wales through the Criminal Justice and Courts Act 2015 and has been widely welcomed. Therefore, there are unlikely to be the same issues regarding unintended consequences. A person found guilty of such an offence will be liable on conviction by indictment to a term not exceeding two years or a fine or both and on summary conviction to imprisonment for a term not exceeding 12 months or a fine or both. I am sure Members are aware of the distress, devastation and humiliation that is caused to victims when intimate photographs or films they have shared with another individual, often someone who at the time they trusted implicitly, are then shared widely, most often on the Internet, without their consent and with the intent of causing distress.

The Minister outlined the potential to bring prosecutions under existing legislation, but the difficulty is that, when that legislation was drafted, nobody envisaged the world that we live in today. We all now have smartphones capable of taking photographs and videos, all of which can be shared online almost instantly. Therefore, I think that the law needs to keep pace with technological changes and recognise the world that we live in today. The Committee believes that introducing a specific offence to deal with revenge porn will assist the police and the Public Prosecution Service in tackling this obnoxious crime. It will also send a clear message to potential perpetrators that such behaviour will not be tolerated, and, hopefully, it will provide some assurance to victims that this type of crime is being taken seriously by legislators and the law enforcement agencies.

I was pleased that the amendments were welcomed in the media yesterday by Nexus and by members of the legal profession who have done much work in the area. Unfortunately, it is an area that causes increasing concern to the legal community. I have spoken to solicitors who deal with similar issues, particularly those involving young people. Sharing sexual images of themselves seems to be a cultural thing among young people. It is all too commonplace across schools, and children as young as 12, 13 and 14 are doing this. This is a real problem out there, and we need to make sure that we have the right legislation in place to ensure that people have confidence to come forward and that we can convict those who maliciously share this material.

When the Committee suggested the proposal to the Department, it indicated that, given time constraints and other pressing issues, it was not possible for it to give the appropriate policy consideration to include it in the Bill. The Department said that it intended to include the proposal in the policy consultation on a broader review of sexual offences. The Committee, aware of the increasing incidence of this behaviour, wanted to table the

amendment today and ensure that Northern Ireland people had the same protection as people in England and Wales. We believe that this is the opportunity to make sure that our law keeps pace, and, therefore, we ask the House to back the Committee amendment.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I will speak briefly on each of the six amendments in group 4. The Minister and, indeed, the Chair outlined the animal cruelty issues and explained that amendment No 52 is just a tightening up and a coming together of the two Departments to ensure that a gap in legislation about which there is public concern is filled. We are fairly supportive of that.

The Chair correctly outlined the broad view of the Committee on amendment Nos 53, 54 and 55. The Chair mentioned the conference in W5, which is what opened up this area to all of us. We had been aware of pieces of it, but the conference not only brought everything together but showed us that there were gaps in legislation on issues to do with the Internet, particularly on what people call "revenge porn". The Minister accepts the amendments and has agreed to take on work to deal with other aspects of this as we go forward. That is important because the many people who are subjected to this feel vulnerable and isolated. Then, there are the people who use it for the purposes of control, bullying and coercion, and they need a very clear signal that that will not be tolerated. The Chair mentioned the intervention by Nexus and referred to people in legal circles, including those dealing particularly with young people, who work on this and have other impacts. We have seen in recent media reports that young people who have been subjected to this have gone on to self-harm, and, worse than that, some have taken their own life, so the amendments are to be welcomed.

Amendment No 57 relates to the blue-light services. All of us are supportive; indeed, we all would say that people in public service, particularly those in the blue-light services, deserve protection from attack. The refinement of the amendment is welcome. There was a discussion, and I think the Health Minister's letter and, indeed, issues from the Department and the PPS showed us that we need to be careful that we do not over-define it and that it does not creep into other aspects that are not necessary. Again, I welcome the Minister's comments. He is right: there are laws and sentencing guidelines around aggravation, but I think everybody is broadly supportive of the terms of this.

The last amendment is amendment No 56. I am not saying that this is one of those issues that comes at you out of the blue, but there was certainly not much discussion. Following what Dolores Kelly said the last time, there is an acceptance that this is an issue that we need to examine and something that we need to do. The Minister's intent, today, is to have a look at this. New laws have been passed elsewhere. We have to look at the impact of those and at whether they are doing what they were designed to do. That should be in the in tray for the new Minister after the election, come May. We will wait to hear what Paul Frew has to say in relation to the amendment's intention. He outlined it last week at the Committee, but we will hear his response to the Minister.

Mrs D Kelly: I thank the Minister for living up to the commitment that he made during the passage of the last Justice Bill on the consultation on coercive and controlling behaviour and the disclosure process. I very

much welcome the intervention of Mr Frew in tabling the amendments. They ensure that we have not lost sight of the necessity to improve protections for people who are subjected to domestic violence — men and women, who are, of course, the primary victims.

I also welcome the comments by the Chairperson of the Justice Committee, Mr Ross, on how the Committee is spending quite a bit of time, forensically examining the pros and cons of the disclosure process or what is known as “Clare’s law”. I welcome that. It is prudent to learn from other jurisdictions and to look at the implementation of the law to — I paraphrase Mr McCartney — see if it does what it says on the tin. I certainly have no objection to that.

I welcome the cross-community consensus on giving the police more powers to better protect victims of domestic violence. I look forward to the next mandate, when, hopefully, the incoming Justice Minister will be able to put the provisions into law.

Mr Kennedy: I join others in giving a broad welcome to the measures outlined in the group. The Minister of Justice has outlined the changes in the approach that has been adopted in respect of amendment No 52. I know that a considerable amount of work has taken place with the Department of Agriculture and Rural Development. Obviously, that is important work, and it is important that it has brought us to this stage. All in the House agree that it is long past time that proper penalties were put in place for those who indulge and engage in animal cruelty. I think that that will be broadly welcomed, not only in the House but in the wider community.

I move to the amendments tabled by the Chair of the Justice Committee in relation to what is described as revenge porn. We have all been horrified to hear of the very bad experiences that people, some young and some older, have had with that. It seems to be a modern-day evil, so I very much welcome the fact that we are at least bringing our legislation into line with England and Wales. I know that it is probably not ideal from the Minister’s point of view that more research or whatever has not been conducted by the Department into the impact in Northern Ireland terms, but, nevertheless, there will be widespread public support for the measure.

5.00 pm

It may well be that the amendments will play nicely into or at least link into the cyberbullying provisions in the anti-bullying legislation that is currently being considered by the Education Committee, having been brought forward by the Education Minister. There are very clear links. It is therefore important that the Assembly is reactive to the needs and the dangers that are out there, particularly for our young people.

Mr Frew’s amendment No 56 seeks to tackle controlling behaviour and domestic violence. He will have heard previous contributors indicate their support for the intent behind the measure, but we all need to see how practicable the amendment is and how it can be brought into legislation. I am interested in hearing from Mr Frew on his present thinking on the measure.

Amendment No 57 is another measure from Mr Frew. It is aimed at giving more protection, in particular, to paramedics. Again, the intent behind the amendment can be supported, but there are all manner of blue-light workers

who, unfortunately, face real dangers in carrying out their important work. The amendment as currently framed is not an exhaustive list, but we can support it in principle.

That completes my review of the group 4 amendments on behalf of the Ulster Unionist Party.

Mr Dickson: In supporting the Minister, I will be brief. There is some value at this stage in commending the Chair of the Committee for the leadership that he has given, particularly with the “Justice in a Digital Age” conference, which the Committee organised and for which he was the catalyst. That has opened up for us, the wider public and the Department of Justice, as we narrow it down in today’s debate, the importance of the issue.

The other side of that coin is the incredible work that officials in the Department do on a very wide range of issues. In this group, we are looking at everything from animal welfare to revenge pornography to the protection of blue-light workers. Those are very diverse areas of work, all of which require intensive research and a great deal of effort from officials. Sitting over all of that is a Minister who is genuinely trying to deliver change and a fairer, more effective and more modern justice system.

Without going over the top, I genuinely have to say, for the record, that I believe that the Chair and the Minister have clearly demonstrated where the Assembly and legislation like this could and should be going. Each of the items is vital, and there is everything from animal welfare to revenge pornography and the protection of workers in very vulnerable situations. I accept that, with regard to the issue of vulnerable workers in the health system, we have seen security staff having to be employed in hospitals and A&Es. We also need to address the important issue of lone healthcare workers who maybe go to a place they have never been before, perhaps late at night, and meet people with difficulties. I am aware of an incident in my constituency, which I do not wish to expand on, in which healthcare workers were attacked — not for any offensive reason, but because of the state of the client with whom they had to work. It would not be appropriate to use this type of legislation for that, and we need to ensure that we can discern all the elements. I am content to support all the items that have been raised and commented on by the Minister.

Mr Frew: I will speak on the two amendments that have been tabled in my name. The first is amendment No 56, which will insert a new clause to deal with domestic violence. I have listened very intently to what the Minister and other Members have said about that.

I begin by paying tribute to the work that Mrs Dolores Kelly has very ably done on that subject, especially in the Justice Act 2015. That began as another miscellaneous Bill that we were able to hook on to and really push forward agendas and our thoughts and objectives in a very considerable way. Dolores Kelly should be applauded and acknowledged for the work that she has done overall on domestic violence and in trying to relieve the pressure on victims. I commend her and place on record my praise for the work that she has done to date.

Everyone has the right to feel safe and secure at home. If you cannot feel safe at home, where can you feel safe? We hear it all the time. We hear phrases like, “You can do whatever you want behind closed doors; it will not bother or annoy me.” We use that term so loosely on so many different subjects. It is not all right to do whatever you want behind

closed doors if you are committing a crime. For so long, in years gone by, domestic violence was one of those crimes that no one talked about and that people, dare I say it, even ignored. People felt pity, even distress, but they would have gone home and that would have been the end of it.

Even in this day, we worry and wonder about definitions of domestic violence crimes. What is domestic violence? What does it mean? Who is affected? Who is the offender? Who is the victim? It is very important to thrash those out and use best practice from around the world as quickly as we can to protect those people — those vulnerable people — who see no other way to turn and are victims of domestic abuse.

I have deliberately used the term “domestic abuse”. We all talk about domestic violence. We can all see bruises, cuts and damaged limbs, but we do not see the psychological damage that is being done. There are words in the English language that we use: threats, control, coercive behaviour, psychological abuse, verbal abuse, sexual abuse, financial abuse, emotional abuse. Most of that will be criminal behaviour, but some will not. Most of it should be, and it is very important that we get to grips with this issue.

What does “coercive behaviour” mean? Since I tabled the amendments, people have asked me what it means, what it looks like and what it is. Here is a definition:

“An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten”

That is very important. As I said, we can all see bruises, cuts and damaged limbs.

The trends in domestic violence over the last 10 years are alarming. ‘Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004-05 to 2014-15’ was published on 6 August 2015. Over that period, there were 11 female victims of domestic abuse crimes aged 18-plus per 1,000 females in the population and five male victims of domestic abuse crimes aged 18-plus per 1,000 males in the population. This is not a gender thing; it does not happen just to women. There were 11 female victims per 1,000 and five male victims per 1,000. The majority, 61%, of domestic abuse victims aged 18-plus were female and 26% were male. Surprisingly, and worryingly, 13% of the total were under the age of 18. That should shock and worry us all.

In 2014-15 alone, 28,287 domestic abuse incidents were recorded — the highest number recorded since the data series began in 2004. There were 13,426 domestic abuse crimes reported in 2014-15. This is a serious issue in our society that we must get to grips with — not only must we get to grips with it, we must protect and support the victims who are suffering at this precise moment. As I speak, there will be people at home who feel fearful and threatened, who have low self-esteem and are depressed, going through all sorts of turmoil and telling no one at all.

Over the course of my work on this amendment, I spoke to groups such as Women’s Aid and the Men’s Advisory Project. In 2014-15, 932 women and 689 children were supported in Women’s Aid refuges. Some 71 women were supported through pregnancy in refuges. Outreach services from Women’s Aid were accessed by 5,962 women, and 34,420 calls were managed by the 24-hour domestic and sexual violence helpline. I could go on and

on. I could talk all night about numbers and statistics, but we do not have all night — or maybe we do, because this is a serious issue. I can talk about numbers and people will hear them, but they will go in one ear and out the other. Let us talk about people. Of course, the names that I will mention are not real names.

5.15 pm

I want to talk to you about Sally. From a very young age, Sally’s father told her that she was worthless. She was not allowed to go out and mix with other children. She had a brother, and she recalls that they were treated very differently. He was allowed to go to people’s houses and play, while she was not. Sally was told that she was stupid and that there was no point in her even in going to school, as she would never make anything of herself. She was made to dress in unfashionable clothes that made her peers laugh at her. Sally was told in no uncertain terms, from a very young age, that her opinion was not worth listening to.

Her mother experienced that same abuse and worse. Her mother fell ill, but the father would not let her go to get checked out. The mother died of cancer, which left Sally on her own with her father and her brother. Sally tried everything to keep things running smoothly, but her father would find flaws and mistakes in everything that she did and would blame Sally for anything that went wrong in the home. Some days, things were OK for Sally, but, most days, they were not.

I could go on about Sally and the things that her father called her, but Sally plucked up her courage, saved up a bit of money and left home. She became homeless and slept in a tent in a doorway in another town in the UK. Somehow, by chance, someone who knew her and her father came across her and told the father. The father went to that town and brought her home. She then ran away and now lives safely in Northern Ireland, but she is heart-fear that her dad will find her again. What sort of life has Sally had up to now? How dare anyone tell someone that they are worthless and that their opinions do not count? How dare anyone say that to another human being, especially one who should have loved and cared for Sally and supported her? How dare any human being treat someone else like that?

I also work with the Men’s Advisory Project, which is based in Northern Ireland and has sister organisations in mainland UK. Its members tell me stories about men who suffer not violence so much, although it does happen a lot, but psychologically through sleep deprivation. I heard that term a lot in my twenties when I was a member of the Territorial Army (TA), so I know what sleep deprivation feels like. However, it was my choice to be in the TA. Some people in this country go home at night and cannot sleep. Why can they not sleep? It is not because of illness or a condition that they have; it is because their partner will not let them go to sleep. Is that not amazing? Can we even believe that your partner will not let you go to sleep at night, even though you have to get up the next day to go to work? They keep themselves up to keep you up. Is it not incredible that that happens in this day and age and we cannot do anything about it? We cannot help, we cannot support and we cannot protect. That is why we need new and different laws and why our laws have to change to suit our times and the knowledge that we have. Once you hear these things, you cannot unhear them.

I was a foreman electrician for many years. I knew a young lad who was a “spark” — an electrician — who was quiet enough and very sensible. He came in one time with a facial injury, and the boys on the building site said, “What happened to you? Did your wife hit you?”. It was a bit of a joke that caught on, and the boys latched onto it. Maybe it was the response that the young lad gave, but it caught on. It became a daily occurrence. As foreman, I got wind of it. You want to be one of the guys when you are on a building site and build up a rapport, but you also have to be very aware of what is happening and look through people as much as look at them. I saw that it was having an effect and not just a bullying effect, although that is bad enough — constantly getting the same joke over and over again.

I got that man to a quiet part of the site and said to him, “Look, is everything OK? I know that the boys are hassling you and I’ll deal with them, but is everything OK at home?”. It took courage for me to do that as his foreman. He broke down in front of me. I am talking about a building site, one of the great bastions of being a man, so to speak. He broke down and told me that he was having a horrid time at home. What could he do? He was married. Is that not what happens when you are married? People get cross. Tempers and patience fray. He told me, “I just said the wrong thing. It was my fault”. That put me in an awful position too, of course. I tried to advise that man as best I could, but I knew that whatever I was telling him was never going to be enough. Then, that man, under his own steam and in his own time, came in one day and said to me, “I’ve decided that I’m going to leave my wife”. Imagine the courage that that man had plucked up to come and tell me that he was prepared to leave his wife. You do not really want to get involved in someone else’s disputes, but I said, “Look, if you think that’s the right thing, you must do it”. He went home that night, and, when he came in the next day, I asked him how it went. The man told me that, before he could speak, his wife told him that she was expecting a child. That changed everything for him. He felt that he was trapped, he could not do anything and that he was stuck in that situation for ever and a day.

I have lost track of that man. I do not know what happened. I do not know what happened to the family unit, to him or his wife or what happened to their baby. Maybe there are more children; I do not know. It is people like him I think about and want to help. I want to make a difference, and, if I cannot make a difference in this place, there is something badly wrong. That is my motivation for tabling the amendment.

There is another story that the Men’s Advisory Project told me. It started after two years of marriage when the wife started to kick, slap and shove. Again, she fell pregnant, and she made it clear that, if they did not stay together, he would not see the child at all. Remarkably, when the child was born, the kicking, slapping and shoving stopped. But the threats carried on. He had to keep his clothes, which were torn and dirty, in the car or the shed because he was not allowed to keep them in the house. He was not allowed to have the heating on if he was the only person in the house. His relationship with his child was seriously affected because of the way that his wife talked to him. All his finances, everything that he had, was tied up in that house: the mortgage, the electricity bill, the heating that he could not turn on if he was in the house by himself — he paid for it all.

These are the things that happen on a day-to-day basis, and they have to stop. I am realistic enough to know that cases like this will always happen. People will always act in certain ways, and that is why it is important, at that point, that we somehow step in and inform and educate those victims that they are indeed victims. Of one thing you may rest assured: there are many victims out there who believe that it is their fault and that there is nothing they can do about it. “I have made my bed, and I have to sleep in it”. You do not. There is help out there. There is Women’s Aid, the Men’s Advisory Project and people who will help. Please contact those people and tell your story. That may be the only way that the abuse will stop.

People use children as a weapon: “You will not see the kids any more if you leave. Do not be thinking that you will come down here one day a week to see the children; you will not be here at all”. There are also very serious cases. A man actually got his children out of bed in the middle of the night and performed sexual acts on his wife in front of them. That only happened once, but it only had to happen once, because he threatened it every other time. What would a mother do in such a situation?

People are faced with such pressure every day. We think that we have pressure. We go to work, and we have to talk to the media, and we worry about it for a minute or two. However, there are people living in this country — our constituents — who are suffering in silence. They are hiding the bruises. In many cases, there are no bruises, and it is just as painful. It is just as dangerous, and it has a devastating effect on those people.

I have said enough on this now. I have got the point across, and I hear what the Minister says. Because of the consultation launched last Friday, I will not move the amendment. But I ask everyone in the Assembly to encourage people out there to inform themselves about the consultation, to consult and to actually put something down on paper and get it to the Minister. There is a job of work to do here. It could have been done today, but it is right to take time to reflect on what the law here should be. A law has been passed in England: the Serious Crime Act 2015. Part 5 is on the protection of children and others, and, under domestic abuse, section 76 is “Controlling or coercive behaviour in an intimate or family relationship”. We do not really know how it has worked yet, so I agree with the Minister that it is right to hold off and do things right. We do not want to do harm. That is the last thing that I want to do, and the last thing the Assembly should do is do harm through legislation that will make things worse.

We have to take into consideration another issue. If we have a law on controlling and coercive behaviour, how can we be assured that the perpetrator does not use it against the victim? It is notoriously hard to prove some of this stuff. That has to be thought out well and ironed out. I hope that that is teased out in the consultation. Victims’ groups are worried that such a law might just become another tool or pressure point that the perpetrator uses against the victim: “If you go to the police because I hit you, I will go to the police to say that you are controlling me”. These are things that we have to be careful of, and we must worry out.

5.30 pm

Of course, we have to make sure that the PSNI is up to speed with this. I believe that PSNI officers who attend houses with domestic abuse issues see this day in and

day out. Maybe even they do not know how to react or how to work it out or whether it is a crime or not. They will sometimes walk away, not knowing what to do. We need to make sure that the PSNI is fully informed of and briefed on the new law, whatever it is, and knows how to apply it appropriately. I will not move the amendment in the good faith that the Minister has delivered on what he promised to Dolores Kelly at the time of the previous Justice Bill in bringing forward a consultation.

Some of the questions in the consultation were things like, "Is it right for people to be able to ask if a new partner has a history?". Absolutely. In the previous Justice Bill, I brought forward the child protection disclosure scheme. Why is it that people out there, the public, are the last to know? Why should that be the case? Every agency in officialdom may know something about someone, but the very person who ends up closest to them knows nothing. Not only should they have the right to ask; they most definitely should have the right to know. PPANI arrangements already allow for someone to be told that they are at risk if their new partner has committed sexual offences against children or vulnerable adults.

Mr Ross: Will the Member give way?

Mr Frew: Yes, I will.

Mr Ross: I have been listening intently to what the Member has been saying. Would he agree, however, that one of the dangers with some disclosure systems is that, when you have asked about your partner and the answer comes back that there is no record of complaints or convictions, you then falsely think that you are safe? That is the worst scenario for someone who is in legitimate danger. There is a real task in getting any disclosure system right.

Mr Deputy Speaker (Mr Beggs): I ask that remarks be made through the Chair for the benefit of Hansard.

Mr Frew: Does the Member want to continue? He is finished.

I agree with him 100%. A false sense of security is an issue. That can be countered by the way that the information is distributed. The answer can be worded to make sure that someone does not walk out of a police station, GP surgery or anywhere else with a false sense of security.

The advantages outweigh the negatives, because it will also work as an early detection system when the person has never been detected. If you say to the police, "This is happening to me, and I am starting to get really concerned. Can I have disclosure on this person?". That person should be entitled to disclosure, but the police or whoever it is should be taking note of what they have said, because they will realise straight away that they are a victim, and then the support mechanisms should kick in. This is not just about enforcement; this is about protection. It is also about awareness and education, and I believe that they are important. Fear and terror are primary weapons for a perpetrator of domestic violence. I will leave it there.

I move on now to amendment No 57, the new clause on ambulance workers. I acknowledge straight away that the wording can and will be tidied up. I am determined to do that at the next stage. It is important that I outline my thoughts on the wording, even though it is my own. It is my intention to amend it to make the Minister of Justice, as well as the Health Minister and the House, more secure.

I believe that I have support for the amendment in the House.

It would be helpful if I mentioned the adjustments now. I intend to remove the references to obstruction of paramedics. We know that there is already adequate law in the Emergency Workers (Obstruction) Act 2006. I picked up the wording, description and definition of the relevant NHS body from that legislation. I recognise that, in that law, there is already the crime of obstruction. I do not want to do harm by creating two competing legal provisions on obstruction, as that may well undermine any judicial process. So, I am prepared to lift out "and obstructing" so that the title will read:

"offence of assaulting certain emergency workers".

Clause 42B(1) will then begin:

"A person who without reasonable excuse assaults another while that other person is".

That takes obstruction out of it. Obstruction is already covered with penalties and fines. It will then become a law on assaulting ambulance staff. The clause will focus on creating a specific offence of assault and ensure greater parity with other blue-light workers.

I will also need to look at whether focusing the clause on emergency situations will add unnecessary complexity. I believe that it may do so. The way that clause 42B(2) on responding to emergency circumstances reads means that, if you assault somebody responding to emergency circumstances, you commit an offence. I believe that it has to be tighter. The key intention is to provide additional protection for paramedics in line with their police and fire colleagues and to send a signal that assaulting paramedics is not to be tolerated. Limiting this to emergency situations may be too restrictive.

I will be looking at whether the clause should focus on situations where paramedics are assaulted on duty, as on duty is more important than emergency circumstances. We have all been to events — I have been to Windsor Park to see Ballymena United lift silverware — where you see paramedics parked. They are not necessarily responding to an emergency, but it is no more acceptable for someone to step out of the crowd — someone supporting the opposing team, of course — and attack a paramedic. It is completely unacceptable. I would not want anyone to get off on a technicality just because that paramedic was not responding to an emergency.

I also need to look at the best way to define paramedics for the purpose of this clause. I will look at the wording on the maximum penalty to make sure that it reads consistently with Northern Ireland law. That is not to say that I am going to change the penalty. The amendment reads:

"on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum".

That is level 5; we know that it is level 5. Maybe we should use the term level 5 instead of "statutory maximum". I do not want to put a figure in there because, sooner or later, the maximum will change. I would not want then to have to go through and amend all the bits of legislation, so I believe that that will become level 5 as opposed to the statutory maximum. I believe that, with those minor

adjustments, the amendment does no harm or damage to the clause or the intentions of the clause. I hope that it makes it more workable and more acceptable to the House. It was important that I started off by telling people the amendments that I wish to make at Further Consideration Stage, if the Bill gets passed today.

Why do we need this law? Why do we need to protect ambulance staff and paramedics? They work alongside the police and firefighters oftentimes. Section 66 of the Police (Northern Ireland) Act 1998 refers to any person guilty of attacking or wilfully obstructing a constable in the execution of his duty. If it is good enough and reasonable enough for us to have legislation to protect police officers, it is right to protect paramedics. If article 57 of the Fire and Rescue Services (Northern Ireland) Order 2006 provides that it is an offence to assault or obstruct a fire and rescue officer or a person assisting them, it is right and proper that we have the same level of protection for a paramedic or ambulance staff member.

People will say that we already have protection and laws. We have the Offences Against the Person Act 1861 and the Justice Act (Northern Ireland) 2011 but why not specifically state in legislation the protection for paramedics and ambulance staff in the same way that we do for firefighters and the police, when they go to the same emergency, fire, car crash or riot.

At this point, I would like to pay tribute to Lord Morrow. It was Lord Morrow who decided to do something about this. It was Lord Morrow who came to the Committee to speak to his amendment. I was simply the one who picked it up, so the credit must go to Lord Morrow. We all know Lord Morrow, but I do not think that we actually really appreciate Lord Morrow. Lord Morrow is one of the great reformers of this House. We will not appreciate it now, but when the annals of this place are written, Lord Morrow should feature greatly because of the work that he has done around human trafficking and issues like this. Lord Morrow deserves a place in those annals. It was his work and experiences as a constituency MLA that prompted and motivated him to start this job of work. I only follow. I only continue the good work that he started.

He would tell you of occasions when police and ambulance staff at the same scene were attacked and, in most cases, the paramedic came off worst. Yet when that went to court, the police officer's wounds were considered the greater offence and caused the greater sentence to be handed down. That is not right or fair. Paramedics deserve the same treatment and protection.

I would have liked to have gone further with this amendment. I would have loved to have included A&E workers. On many occasions, nurses have come to me after having been attacked in the accident and emergency rooms — not only attacked but pinned down for minutes on the floor with no help. One went off sick and never returned to work. Subsequently, there was a muck-up with sick pay, return to work and pension. That person suffered mental illness due to that attack and could never return to work, but she did not leave with even the right pension because the authorities and organisation messed it up. That lady would not have experienced any of that trauma or mental illness if not for that attack that one night with that one drunk. We need to do a job of work to protect hospital and accident and emergency staff.

5.45 pm

The problem that I had was, "Where do I stop?" The Emergency Workers (Obstruction) Act 2006 also defines people like the coastguard and even those who transport organs. Are they not doing a service? Why is it that we protect the blue-light people? We protect the blue-light services because they are going to help someone. After they help that person, they go and help someone else, and someone else after that. If they are attacked and prevented from doing their job, not only do they become a casualty themselves but they cannot help anyone else. If you beat up or assault a paramedic, firefighter or policeman, you could be putting somebody's life at risk. Someone could die because you have attacked a paramedic. That is why we need it to be defined in legislation. That is why these people need to be treated differently.

That is why I struggle with where to stop. If someone is transporting an organ for transplantation and is attacked, is that not a serious offence too? If someone is making their way to get a boat for the coastguard, is that not a serious offence, too, that could risk someone's life? I struggle with that. If I am brought back to this place in the next mandate, I will look at doing something, even if it is through a private Member's Bill, to protect, in some way, hospital staff in A&E.

Here is my other dilemma: what if a wage clerk happens to walk through A&E and is attacked? What if a doctor in the gynaecology ward goes to help out in A&E and is attacked? Will they be covered? Those are things that I have to tease out in the weeks and months ahead. That is why I have plumped for paramedics. The difference is that they leave the hospital setting and travel in ones and twos to an event, not knowing what will happen or what will unfurl. In many cases, it will be a volatile situation. There may be drunkenness, riotous behaviour and people panicking. All sorts could happen.

There is another reason why I struggle to extend it. Does a nurse on a mental health ward really want to penalise someone who strikes out at them when they may not be in their full senses? Home helps are vulnerable too, as they go out in ones and twos. What happens if they go to an elderly person's home and that person is in an agitated state and strikes out? There is much more work to be done in that regard. That is why I have kept it to and capped it at paramedics now. That is true to Lord Morrow's objectives. I am happy enough for it to be left there.

I hope that I have the support of the House for the amendment. I believe that it is the right course of action. It is the right way to go. I put the amendment to the House.

Mr Weir: I will keep my remarks fairly brief. There will be a number of areas and amendments to the Justice (No. 2) Bill where there is genuine and sincere disagreement in the House, but I think that, with this group of amendments, we have a collection that is virtuous in nature and, I believe, the House can unite around. What is particularly significant within this set, which, I think, was referred to by the last Member, is that we are told, and I think that all of us can agree, that what we really need to concentrate on is outcome rather than process. Here we see in the way in which various Members have approached that and the subject matters within it a sign that outcome is put ahead of process.

What do I mean by that?

When talking about the amendment, Mr Frew referred to the important subject of domestic violence. He is less worried, if you like, about whether the amendment was his or whether the Department's. What matters to him, rightly so, is the end result. Similarly, with some aspects of amendment No 52, which we touched on, if there is a way the same result can be achieved either through primary legislation, regulations or specific practical arrangements, that is where we as an Assembly need to focus. Indeed, the last speaker indicated that there may well be certain things put forward that will need some amending and tidying up before Further Consideration Stage or that are effectively forerunners of what can be built on in the future. All those are possible on the basis of trying to have some outcome, rather than process.

I welcome all the amendments in the group. As I indicated, I appreciate that one of Paul Frew's amendments will not be moved, but, in the spirit of moving forward, it could be done in cooperation with the Department of Justice as we look at the serious issue of domestic violence. That is an appropriate way to deal with it.

I commend not only Mr Frew and, indeed, Lord Morrow, who was the instigator of the amendment on the attacks on the emergency services, but the Committee for the amendments that it has brought forward. I will come in a bit more detail to the Minister's amendments, including amendment No 52, in a moment. Mr Kennedy, I think, made the point — we have seen it on a couple of fronts — that the Education Committee has been looking at how we tackle bullying. While there is obviously not direct read-across, there is a degree of overlap in the issues that have been raised on domestic violence and revenge porn. While both can be directed towards children, they are primarily and most frequently aimed at adults. There is resonance with those issues in some of the dilemmas that we in the Committee have faced and in some of the evidence we have seen when discussing the Bill on bullying. Mr Frew made reference to a desire, which, I think, is commonly held, to go as far as we can to cover as much as we can and to balance that with what is practical. We have seen the same with bullying when deciding what scope a school realistically has. That is the same with some of these amendments: how far can we go?

The other area where there has been some resonance is in the thinking that bullying, like domestic violence, is purely physical. As we have seen, the psychological impact and torture, either through domestic violence, bullying, which is covered in the other Bill, or revenge porn, is every bit as important as direct physical violence. I am sure this has happened with most MLAs, but I have dealt with constituents who have been victims of domestic violence or, in some cases, revenge porn. We see the massive detrimental impact that it has on people's lives. It is right that the Assembly is stepping forward on those issues by whatever route and is taking these measures to deal with them.

I know that Mr Frew added a number of caveats in relation to the attacks on blue — the paramedics — and it is crucial that emergency workers, who provide such a vital service to our society, are also given maximum protection. Again, as with a number of aspects of this, it is difficult for many of us to get our head round the reason why people who provide such an important service become victims of

attack and the kind of mentality that would lead anyone to attack someone in those circumstances.

I am speaking principally in my role as chair of the all-party group on animal welfare, particularly where amendment No 52 is concerned. The amendment has a virtuous genesis. If you trace the origins of amendment No 52, you will find that it initially came from a private Member's motion that was brought to the House on the issue of concern about the implementation of the Welfare of Animals Act, which itself was triggered by at least two horrendous cases of animal cruelty, which, again, across the House I think we would unite to condemn. George Robinson and others were involved in the Justice for Cody campaign. The particular trigger for the motion, which eventually led to this amendment, was the court case in east Belfast. I will not go into detail, but there was horrendous cruelty by one family towards animals, and this provoked, rightly, a degree of anger. It led to a motion that the House united around. I pay tribute to the Department of Justice and DARD because, since then, they have worked assiduously in bringing forward a very detailed and, I think, very worthy report on the implementation of the Welfare of Animals Act. Indeed, arising out of some of the recommendations of that, we are starting to see action. In particular, amendment No 52 derives directly from that, and I commend all those involved.

As I indicated, it is also the case that things can happen through different routes, so I welcome the Minister's remarks on intervention. While I think that very thorough work was done on that implementation, I think that both the Department of Justice and DARD will keep it in mind for the future and try to make sure, therefore, that gaps do not emerge. Also, particularly regarding the issue of reassurance on animal cruelty, there will be close work with the rehoming charities. That, again, is a very worthwhile step.

I will mention one other aspect of this. A statutory rule that goes very much hand in hand with amendment No 52 will be brought before the House in the near future in relation not only to animal cruelty issues but to a range of other issues. That will enable a referral to appeal on the grounds of lenient sentences on a range of issues, including, in particular, animal cruelty offences of causing unnecessary suffering, which is covered in section 4 of the Welfare of Animals Act. While that is not before us today, I understand that it is due to come up in February and will be laid as a rule. I think that it is seen as the other side of the coin of amendment No 52.

I turn briefly to amendment No 52 itself. As indicated, we are seeing that there are measures in it that will increase maximum sentences in the Crown Court. The maximum sentence in the Crown Court will increase from two years to five years, and, sadly, despite all that has been done in recent years, there are still horrendous acts of animal cruelty in this country. It is important that we have something that can act as some level of deterrent, so I welcome that. In the Magistrates' Court, for the offence of causing or attending an animal fight, there will be an increase of the maximum sentence from six months to 12 months and an increase in the maximum fine from £5,000 to £20,000. Those are very much to be welcomed, as we need as a society to bear down on animal cruelty.

Alongside that, there are many things that the Assembly can do and is doing on the issue of animal cruelty. It is

important also that, if we are increasing sentences, the judiciary follows suit and imposes greater sentences as well. To be fair, I think that the signals that were sent out a couple of years ago, when we saw a number of very lenient sentences and, indeed, the public outrage that was then sparked as a result of that, have had a degree of impact. In the last three years, we have seen 15 custodial sentences handed down for animal cruelty offences. Indeed, the ongoing impact of that was such that, in the last year of recording of that, which was 2014, 10 of those 15 occurred. That shows that at least some in the judiciary are beginning to take the issue seriously, but there are wider implications not just for the judiciary and for this House but for society as a whole. We need to ensure that we take all action in society to foster respect — I am not referring on this occasion to the First Minister — for the animal kingdom to ensure that that is something that pervades society as a whole. In the same way as we foster that level of respect, we should have a zero-tolerance approach to those who would inflict unnecessary cruelty on animals. It is with that that we can start to turn the corner.

I welcome the remarks that were made earlier today by the Justice Minister, particularly on amendment No 52. It is an important step forward in the fight against animal cruelty. I commend the amendments in the group.

6.00 pm

Mr McKinney: At the outset, I commend the passionate and often personal contribution by Paul Frew in relation to the issues that he raises in amendment No 56. We were all moved not just by the personal story but by the fact that the issues raised were to do with definition, sensitivity, the person and people's interaction with each other. I also commend his leadership at this stage in offering to withdraw his amendment in favour of a consultation about the wider issues that he raised, at length, in his contribution. Even at this late stage, I appeal to the Alliance Party, who have listened to that approach, to take that approach in relation to further amendments coming up in the other group.

I will be brief, as I am conscious of time. I will restrict my remarks to amendment No 57. I welcome the Minister's approach of not opposing the amendment. I understand that some of the issues are being finessed much more, but I will speak on some of the context and the need for this with regard to how front-line staff are affected. Their contribution is around improving outcomes for people and finding themselves attacked, in any sense, only adds further stress and undermines the job that they seek to do on our behalf. Very often — we have to remember this — when attacked, they can find themselves out of work for a long time. That costs by way of their unavailability and the need to replace them.

The amendment does not go far enough. While it is right to provide for tougher sentencing for attacks on front-line staff who are out in blue-light mode, we should remember the extent to which all healthcare staff are affected. In that sense, it is important to remind the House that, last year, there were over 6,200 attacks on healthcare workers in Northern Ireland. Unions and staff say that the figure, in fact, could be much higher. My colleague reminds me that she has found evidence of that in the trust area that she represents too. Staff feel that they cannot come forward, for an array of reasons. We need to find a way to extend

beyond the nature of the blue-light narrative that has been reflected in amendment No 57.

A recent 'Belfast Telegraph' article outlined a lot of the issues and showed that an array of people were affected. It mentions auxiliary nurses being attacked, social workers, a female worker having her hair ripped out etc. The narrative of how people are finding themselves attacked in their place of work is horrendous. We should say that it is totally unacceptable. Of course, it does not happen just in hospitals or to ambulance staff; it affects fire brigades as well. It is hugely important to remember that time is of the essence in relation to any intervention by staff. Of course, that is also the case with fire.

Mrs D Kelly: Will the Member give way?

Mr McKinney: I will, of course.

Mrs D Kelly: Will the Member join me in commending those staff, who, after having suffered a physical assault or attack, very rarely put in a claim against the trust or, indeed, the patient?

Mr McKinney: Yes, and that against the backdrop of the incident being able to happen in the first place. There are questions to be asked about not just penalties in the event of a crime but what we as a society are doing to protect those workers in the first place.

I promised the House that I would be brief, so I will conclude my remarks. We should allow amendment No 57 to go forward. I accept that Mr Frew believes that his amendment should be further refined. I encourage him to think beyond just blue-light workers and about extending it to healthcare workers. There has to be zero tolerance.

Mr Deputy Speaker (Mr Beggs): It seems an appropriate time to take a short break. I propose therefore, by leave of the Assembly, to suspend the sitting until 6.30 pm.

The debate stood suspended.

The sitting was suspended at 6.06 pm.

6.30 pm

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

Mr Poots: I welcome the opportunity to speak on the issues to be addressed in this group. First, I want to deal with the amendments that relate to animal welfare and sentencing. I give a warm welcome to the proposals therein. I would have been keen to have gone a bit further and looked at mandatory sentencing. However, we have been working through it in the Committee for Justice and the Committee for Agriculture and Rural Development — I sit on both — and I accept that the proposals, in and of themselves, should be a considerable help, provided that the judiciary sentence in an appropriate way.

The Assembly is sending out a very clear message to the judiciary. When people flagrantly and blatantly abuse, attack and cause harm to animals in a most cruel, senseless and wicked way, the public of Northern Ireland, through the House, are saying that they want custodial sentences and severe custodial sentences for those who engage in severe cruelty. They do not want them to be given a slap on the wrist. I want that message to go out very clearly to our judiciary that that is expected of them. We would not find it acceptable if we passed the legislation and the judiciary gave a slap on the wrist to people like those who have engaged in and got away with some of the obscene acts that we have witnessed over the past number of years. It is very important that we put that marker down. The legislation is there to give the judiciary the opportunity to put people who engage in such vile actions away for a decent length of time.

Mr Frew raised the issue of domestic abuse and has indicated that it is not his intention to move that particular amendment because a consultation process is taking place. Nonetheless, it is an incredibly important issue and one that I hope that we revisit in the new mandate to ensure that we give more support to people in situations of domestic abuse.

The final issue that I wish to speak about is the attacks on ambulance staff — on our paramedics and support personnel in our ambulances. That is a critical amendment, and I welcome it. During the three and a half years that I served as Health Minister, I regularly raised with Minister Ford and others the need to give greater support to those we expect to serve us. We are asking people to go out and provide a front-line service for us, be it in the Ambulance Service, our emergency departments or a whole series of other areas across the Department of Health. I understand that the amendment is a starting point and that we are just dealing with ambulance staff at this stage. However, I would very much like us to look at extending it further at a later stage. On some occasions and in some circumstances, ambulance staff are the only ones who are called — and they can be the most difficult circumstances. It may be just the ambulance staff who are called to the scene of domestic violence, because the individuals are afraid to call the police but require hospitalisation. They are never going to report the person who perpetrated the abuse, but the ambulance staff have to go into that house. Just two people — two individuals — with someone who has engaged in domestic violence.

Over the past number of years, we have seen considerably more attacks that are unprovoked and unpredictable. For many years, people could see the signs that an attack

was imminent and, therefore, be more prepared to take evasive action. People were very often heavily intoxicated, and the warning signs were all there. However, we are now in a period where people are taking cocktails of drugs and concoctions, and their behaviour is wholly and totally unpredictable. Our staff are being put in the front line in those circumstances. Recently, a member of ambulance personnel was thrown down stairs and quite badly injured. In other incidents, ambulance staff have been headbutted, hit, kicked or punched. All those things have happened. Therefore, we need to give them the support that we give to the other blue-light services.

Why should a police officer, prison officer or fire officer receive greater levels of support going to those difficult scenes than ambulance staff? I do not believe that it can be justified. I think that they should get equality on this particular issue. The Minister was a little begrudging in his acceptance of it, and Mr Frew has very kindly indicated that he will continue to work on the wording for Further Consideration Stage. However, this is a significant step forward in providing better safety for our front-line healthcare workers, starting with ambulance staff. I trust that, in the new mandate, we will be able to do considerably more work in identifying a better means of providing that support for other healthcare workers. I would like to see fixed penalty notices being available for lesser attacks — sometimes it is verbal abuse — but it is absolutely and totally wrong that people who serve in our emergency departments or on our ambulance staff should have to take foul-mouthed abuse or worse from individuals. Therefore, it is important that we demonstrate to our staff that we support them and want to ensure that they have greater security in the workplace than is currently the case. Consequently, it is incumbent on this House to support the amendment proposed by Mr Frew.

Mr Agnew: I want to speak primarily on amendment No 52, but I will touch briefly on Mr Frew's amendment and domestic violence. I will keep it brief, because he stated that he does not intend to move it. I commend the Member for his work, and, indeed, further to his comments, I commend Dolores Kelly for her work around the issue of domestic violence. It is a horrendous crime. Like Mr Frew, I could share a number of stories — some, unfortunately, in my own family. I will not do that, because I do not have permission from those people to do so, but I appreciate the efforts that he has made in bringing these amendments and, indeed, the work that the Minister is doing in consulting on how best we can improve the legislation to get justice in cases of domestic violence, but also, hopefully, working collectively to prevent domestic violence.

I wish to speak particularly on amendment No 52, not because I see it as more important than the other issues but because it is an area of work that I have campaigned on for many years. I welcome the Minister's amendment to provide for increased sentencing and, indeed, the ability to appeal sentences handed down for animal cruelty offences. I am encouraged by the consensus that there seems to be on animal cruelty and the passion with which some Members spoke of their abhorrence of animal cruelty. Unfortunately, that has not always been the case, but I welcome it today.

We have seen a change. I campaigned on animal welfare issues long before entering this Chamber. There was a

small coterie of us in Northern Ireland, and a number of things happened to change that. In particular, there was the Justice for Cody campaign, which came about as a result of a particular act of cruelty on a poor dog. The Agnew family — no relations — were drawn into a campaign that was not of their own making but was the result of the huge public support that came in behind them. They raised vast sums of money, and I was able to host them as they presented a cheque to Guide Dogs to train a guide dog in Cody's honour; indeed, the dog was named after Cody. That was the beginning of organising on animal cruelty in Northern Ireland to a level that I had never seen before.

I commend the Minister — it is right to do so — but also those campaigners, whether it was those in the Justice for Cody campaign, or Northern Ireland Says No To Animal Cruelty, the Animal Rights Action Network (ARAN), the League Against Cruel Sports, or, indeed, as has been mentioned, the rehoming charities, including the Assisi animal sanctuary in my constituency. In the relatively short period since the Welfare of Animals Act (Northern Ireland) 2011 was enacted, we are reforming it and increasing penalties, and it is because of those campaigns and because of that grass-roots action that we are here today, speaking to amendment No 52.

It is a step forward that we seem to have a consensus in the House that animal cruelty is wrong. I hope that, most likely in a future mandate, we will get a consensus that it is about all animals and all types of cruelty by all peoples, and that that has to include fox hunting, which can no longer be justified in our society. I welcome this step forward today and look forward to amendment No 52 being passed by the Assembly.

Mr Ford: Thank you very much, Mr Deputy Speaker. I understood that another Member wished to speak, but he has obviously decided not to at this point.

There seemed to be two general themes in this group of amendments. The first was the high level of agreement, even if there was not full agreement, on precise terminology and on the principles of the amendments in the group. The second seemed to be the amount of work noted as being required in the next mandate or, frequently, for the next Minister. I am not sure whether that was a reaction on the part of some Members to the praise that was being heaped on the Minister when we discussed group 1, but I may have to take the hint.

On the point relating to animal welfare issues, which were highlighted at the beginning by the intervention that Mr Weir made in my opening statement and which were concluded at the end by Mr Agnew's remarks, it is clear that there was a significant agreement that, although the Welfare of Animals Act (Northern Ireland) 2011 is not yet five years old, there was an issue of looking at proper penalties for the offences covered by that Act. There was surprisingly little discussion except that which was initiated by Mr Weir and followed through by Mr Agnew.

I noticed in particular the references that Mr Weir made, which got some backing from Mr Poots, about the need to build on amendment No 52, looking at a number of issues. Certainly in response to some of the points that Mr Poots made, the fact that we are also considering the issue of unduly lenient sentencing on animal welfare issues may address, in a way which a Minister can respond to rather than in the precise way in which Mr Poots expressed his

concern about the judiciary, means that there are issues there that can be moved forward on. Clearly, those were sorts of issues that were highlighted by Mr Weir about work with rehoming charities, but I suspect that that is probably in policy terms rather more for DARD than for DOJ.

6.45 pm

There was a fair amount of debate on sex offences, specifically revenge porn. It was noticeable that much of that debate referred to the digital age conference initiated by the Committee. That, too, shows the valuable work done by the Committee, and it is appreciated by the Department. I should also point out that, although the Committee initiated it, as on most of these occasions, it is the Committee staff who do all the hard work while the members take the glory. Nonetheless, it was because of the initiative of the Chair that that happened, and it clearly looked at a very significant issue.

Undoubtedly, there are other issues that need to be looked at, and I hope that there will be speedy consultation on those in the next mandate. Whether or not I have any influence, depending on the remark just made about the "next Minister", I believe that there are significant issues that require early consideration. On the specific issue of revenge porn highlighted by these amendments, it is entirely appropriate that we proceed to look at the lessons that can be learned from England and Wales, and that we move speedily on that. A number of Members made links to, for example, bullying, and mentioned the dreadful effects that that kind of activity can have on young, and very young, people.

Mr Frew managed to put forward some extremely good arguments on why he should push his amendment on domestic abuse and then announced that he would not do so. I appreciate his recognition, and that of Mrs Kelly, of the work being done in the current consultation process, and I echo their hope that the Department will get a good response. Not everybody in the world will be entirely taken up with an election campaign between now and late April, so, hopefully, Members will encourage those whom they are in contact with to take that opportunity. In particular, we would all do well to remember that abuse is significantly more than just physical violence, as was highlighted. That is where coercion and controlling behaviour come in, and they are of great significance.

The second amendment that Mr Paul Frew spoke on was about attacks on public service workers. The discussion was significantly wider than the precise wording of the amendment as is, and clearly there is an issue. However, I have concerns, even with the amendments that he suggested. Even if we said "blue-light workers", it would not cover organisations that provide blue-light volunteers who are not technically employees of any of the statutory bodies but work in association with them. We have only to think of the recent vandalism of the Lagan Search and Rescue boat. Although, thankfully, it did not involve a physical attack on any person, it was an indication of the dreadful things that happen to some who provide public service as volunteers, in many cases putting their life at risk, whether in water, mountain or cave rescue. A number of other bodies also have policy links to the Department of Justice. I think that this issue, whether or not it is finally addressed at Further Consideration Stage, may well merit wider consideration at a future stage.

Mr Dickson made a significant point about lone healthcare workers. Yes, many paramedics work in ones and twos, but so do others in the healthcare field. I think of my past practice as a social worker, when I was on standby duty late at night or in the early hours. Sometimes, I was in parts of the country that, if you are on your own, are not the easiest places to enforce a court order relating to childcare or mental health. There are significant issues there across a range of services, not just the social workers whom I am most concerned about from my past life but a range of others in the professions allied to medicine, nursing and so on. I have no doubt that we will continue to look at that, and I welcome the acknowledgement that, although this amendment makes a useful statement, there is more detailed work to be done in future.

Mr Frew: Will the Minister give way?

Mr Ford: I will.

Mr Frew: I take on board exactly what the Minister says. I think that we have all grappled with the issue. I struggled with refining the amendment, and I came to the conclusion that I could not bite off more than the House could chew at any given time. That is why I plumped for ambulance workers. I will bring forward amendments at the next stage that will define clearly what organisations, bodies and groups of people are to be covered by the amendment. I agree with the Minister that there has to be more thought given to what we can do to protect other people.

Mr Ford: I thank Mr Frew for that point. It is clearly an issue that will be difficult to resolve, but, nonetheless, it is one that requires attention in the future. With that point made, and I thank Mr Frew for his indication that he will not be pushing the amendment on coercive behaviour while there is a consultation out, I think that we can expect the House to accept all the other amendments in the group without difficulty. I commend them to the House.

Amendment No 52 agreed to.

New clause ordered to stand part of the Bill.

Clauses 41 and 42 ordered to stand part of the Bill.

New Clause

Amendment No 53 made:

After clause 42 insert

“Disclosing private sexual photographs and films with intent to cause distress

42A.—(1) *It is an offence for a person to disclose a private sexual photograph or film if the disclosure is made—*

- (a) *(a) without the consent of an individual who appears in the photograph or film, and*
(b) *with the intention of causing that individual distress.*

(2) *But it is not an offence under this section for the person to disclose the photograph or film to the individual mentioned in subsection (1)(a) and (b).*

(3) *It is a defence for a person charged with an offence under this section to prove that he or she reasonably believed that the disclosure was necessary for the purposes of preventing, detecting or investigating crime.*

(4) *It is a defence for a person charged with an offence under this section to show that—*

(a) the disclosure was made in the course of, or with a view to, the publication of journalistic material, and

(b) he or she reasonably believed that, in the particular circumstances, the publication of the journalistic material was, or would be, in the public interest.

(5) *It is a defence for a person charged with an offence under this section to show that—*

(a) he or she reasonably believed that the photograph or film had previously been disclosed for reward, whether by the individual mentioned in subsection (1) (a) and (b) or another person, and

(b) he or she had no reason to believe that the previous disclosure for reward was made without the consent of the individual mentioned in subsection (1)(a) and (b).

(6) *A person is taken to have shown the matters mentioned in subsection (4) or (5) if—*

(a) sufficient evidence of the matters is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(7) *For the purposes of subsections (1) to (5)—*

(a) “consent” to a disclosure includes general consent covering the disclosure, as well as consent to the particular disclosure, and

(b) “publication” of journalistic material means disclosure to the public at large or to a section of the public.

(8) *A person charged with an offence under this section is not to be taken to have disclosed a photograph or film with the intention of causing distress merely because that was a natural and probable consequence of the disclosure.*

(9) *A person guilty of an offence under this section is liable—*

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both), and

(b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine (or both).”— [Mr Ross (The Chairperson of the Committee for Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 54 made:

After clause 42 insert

“Meaning of “disclose” and “photograph or film”

42B.—(1) *The following apply for the purposes of section 42A, this section and section 42C.*

(2) *A person “discloses” something to a person if, by any means, he or she gives or shows it to the person or makes it available to the person.*

(3) *Something that is given, shown or made available to a person is disclosed—*

(a) whether or not it is given, shown or made available for reward, and

(b) whether or not it has previously been given, shown or made available to the person.

(4) *“Photograph or film” means a still or moving image in any form that—*

- (a) appears to consist of or include one or more photographed or filmed images, and
- (b) in fact consists of or includes one or more photographed or filmed images.
- (5) The reference in subsection (4)(b) to photographed or filmed images includes photographed or filmed images that have been altered in any way.
- (6) “Photographed or filmed image” means a still or moving image that—
- (a) was originally captured by photography or filming, or
- (b) is part of an image originally captured by photography or filming.
- (7) “Filming” means making a recording, on any medium, from which a moving image may be produced by any means.
- (8) References to a photograph or film include—
- (a) a negative version of an image described in subsection (4), and
- (b) data stored by any means which is capable of conversion into an image described in subsection (4).— [Mr Ross (The Chairperson of the Committee for Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 55 made:

After clause 42 insert

“Meaning of “private” and “sexual”

- 42C.**—(1) The following apply for the purposes of section 42A.
- (2) A photograph or film is “private” if it shows something that is not of a kind ordinarily seen in public.
- (3) A photograph or film is “sexual” if—
- (a) it shows all or part of an individual’s exposed genitals or pubic area,
- (b) it shows something that a reasonable person would consider to be sexual because of its nature, or
- (c) its content, taken as a whole, is such that a reasonable person would consider it to be sexual.
- (4) Subsection (5) applies in the case of—
- (a) a photograph or film that consists of or includes a photographed or filmed image that has been altered in any way,
- (b) a photograph or film that combines two or more photographed or filmed images, and
- (c) a photograph or film that combines a photographed or filmed image with something else.
- (5) The photograph or film is not private and sexual if—
- (a) it does not consist of or include a photographed or filmed image that is itself private and sexual,
- (b) it is only private or sexual by virtue of the alteration or combination mentioned in subsection (4), or
- (c) it is only by virtue of the alteration or combination mentioned in subsection (4) that the person mentioned in section 42A(1)(a) and (b) is shown as part of, or

with, whatever makes the photograph or film private and sexual.”.— [Mr Ross (The Chairperson of the Committee for Justice).]

New clause ordered to stand part of the Bill.

Amendment No 56 not moved.

New Clause

Amendment No 57 made:

After clause 42 insert

“Offence of assaulting and obstructing certain emergency workers

42B.—(1) A person who without reasonable excuse assaults or obstructs another while that other person is, in a capacity mentioned in subsection (2) below, responding to emergency circumstances, commits an offence.

(2) The capacity referred to in subsection (1) above is that of a person employed by a relevant NHS body in the provision of ambulance services (including air ambulance services), or of a person providing such services pursuant to arrangements made by, or at the request of, a relevant NHS body.

(3) A person guilty of an offence under subsection (1) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”.— [Mr Frew.]

New clause ordered to stand part of the Bill.

Clauses 43 and 44 ordered to stand part of the Bill.

New Clause

Amendment No 58 made:

After clause 44 insert

“Direct committal for trial

Direct committal for trial: indictable offence triable summarily

44A.—(1) Section 9 of the Justice Act (Northern Ireland) 2015 (cases where direct committal provisions may apply) is amended as follows.

(2) In subsection (1) for “either” substitute “one”.

(3) In subsection (2) after paragraph (a) insert—

“(aa) that the offence is an indictable offence to which Article 45 of the Magistrates Courts (Northern Ireland) Order 1981 or Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998 applies; or”.— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 59 made:

After clause 44 insert

“Firearms

Amendments of Firearms (Northern Ireland) Order 2004, etc.

44B.—(1) *The Firearms (Northern Ireland) Order 2004 has effect subject to the amendments contained in Schedule 4.*

(2) *The following provisions of the Justice Act (Northern Ireland) 2011 are repealed—*

section 103 (variation of firearm certificate);

section 104 (restrictions on use of shotguns by young persons), and

section 105 (restrictions on possession of air guns by young persons).”— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 60 made:

After clause 44 insert

“Costs

Costs of Accountant General in administering funds in court

44C.—(1) *In section 116 of the Judicature (Northern Ireland) Act 1978 (fees), in subsection (1), after “in any office or by any officer connected with any such court” insert “(including the Accountant General and the office maintained under section 77(2))”.*

(2) *At the end of that section insert—*

“(5) Nothing in this section affects section 39 of the Administration of Justice Act 1982 (which includes provision relating to the costs of administering funds in court).”— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Dallat): We now come to the fifth group of amendments for debate. With amendment No 61, it will be convenient to debate amendment Nos 62 to 68. Amendment No 61 is mutually exclusive with amendment Nos 62, 64 and 66, and amendment No 68 is mutually exclusive with amendment Nos 63, 65 and 67. Amendment No 63 is an amendment to amendment No 62. Amendment No 65 is an amendment to amendment No 64. Amendment No 67 is an amendment to amendment No 66.

New Clause

Mr Dickson: I beg to move amendment No 61: After clause 44 insert

“Medical termination of pregnancy

44A.—(1) *Subject to the provisions of this section, a person shall not be guilty of an offence under sections 58 and 59 of the Offences Against the Person Act 1861 and sections 25 and 26 of the Criminal Justice Act (Northern Ireland) 1945 when—*

(a) a pregnancy is terminated by a registered medical practitioner where a diagnosis has been made of a foetal abnormality which is likely to prove fatal, and

(b) the diagnosis was made by two suitably qualified registered medical practitioners who are of the opinion, formed in good faith, that—

(i) the condition of the foetus is likely to cause death either before birth, or during birth, or,

(ii) if a live birth should occur, there is no medical treatment which could be offered to alter the fatal nature of the condition or improve the chances of survival.

(2) *Every woman, in the circumstances where two medical practitioners have formed an opinion as described in subsection (1), must be given—*

(a) a clinical assessment of the potential impact on her health of either continuing or terminating the pregnancy;

(b) information on the provision of neonatal and postnatal palliative care in such circumstances; and

(c) the opportunity to decide whether to terminate the pregnancy or to continue to the point of natural delivery.

(3) *In the case where a woman in the circumstances where two medical practitioners have formed an opinion as described in subsection (1) decides to either terminate the pregnancy or continue to the point of natural delivery, she should receive suitable medical and nursing care to enable her to do so.*

(4) *In subsection (1)(b), “suitably qualified” means a registered medical practitioner who has achieved a Certificate of Completion of Training to practise in the fields of obstetrics, foetal medicine, gynaecology or paediatrics.*

(5) *No person shall be under any duty to participate directly in any medical or surgical procedure to which they have a conscientious objection and which will result in the termination of a pregnancy.*

(6) *The right to object on grounds of conscience will not affect any duty to participate directly in such a procedure which is necessary to save the life, or to prevent permanent or long-term injury to the physical or mental health, of a pregnant woman.”.*

The following amendments stood on the Marshalled List: Nos 62-68.

Mr Dickson: I appreciate being given the time and the opportunity to propose amendment No 61. The amendment seeks action on the issue of fatal foetal abnormality.

Today, I am asking Members to take a decision based on this debate and on how all the circumstances and history preceding it have influenced their conscience. Sadly, there are those who will make their decision owing to the influence of party Whips rather than through free expression of their conscience. I have to say that I find that regrettable. Nonetheless, I implore any Members whose conscience guides them to support this very limited change to the law to follow me and colleagues through the Lobby to support the amendment.

(Mr Speaker in the Chair)

There are those who will say that the amendment lacks consultation. I think that I heard someone quote me earlier on that. However, I believe that it has been adequately consulted on. It has been consulted on by the Department, and I believe that, in those circumstances, there has been adequate consultation.

In starting, I want to reflect, Mr Speaker, on a very personal story — the story that has prompted us to this point today. That is the story of Sarah Ewart. In 2013, Sarah was recently married and looking forward to having her first child. She then received the heartbreaking news that her baby had a fatal foetal abnormality (FFA) and would not survive outside the womb. At that time, an atmosphere of fear was pervading the health service, as it still does today. When Sarah asked about her options, including termination, little could be said to her for fear of falling foul of current legislation. Indeed, one consultant abruptly declared, “I’m not going to prison for anyone”.

Sarah had to turn elsewhere for healthcare advice. She had to face both the understandable mental and physical trauma of continuing the pregnancy. She sought a termination in London after taking advice outside Northern Ireland. This was at her own cost — a cost of some £2,100. Add to that the ordeal of travelling to an unfamiliar clinic far from home. No one who heard on the Stephen Nolan programme the heartbreaking story that Sarah related to him and his listeners and viewers could have anything but a heart for what happened to her.

I would like to pay tribute to the way in which that programme, which does not always get plaudits, handled Sarah Ewart’s story.

7.00 pm

Since then, Sarah and her mother, Jane Christie, have been incredibly brave in speaking out. They were not content to suffer in silence. They wanted something better for Sarah, as she faces an uncertain future. They wanted something better for other women in Northern Ireland. They wanted access to healthcare and all the options for women facing fatal foetal abnormalities. That is despite receiving some of the most appalling abuse, both online and in person. I can certainly give testament to that, having seen some of it recently. They have received many unkind and unsympathetic comments, sadly not least of all from a previous Health Minister.

Before 2013, few, if any, people dared to speak about this issue in Northern Ireland. It was ignored; it was swept under the carpet. We hoped that we would not get asked our opinion on what we were going to do about it. I am pleased that, today, the Northern Ireland Assembly can talk openly about this issue, an issue that is an important development for women’s healthcare. It has been a very long road for Sarah. Many other women have been in the same situation, and Members will have received correspondence from women telling those stories. In 2014, the Justice Minister consulted on changes to the law on medical termination of pregnancy. However, so far, the Executive have refused to progress any of this.

Abortion and the termination of pregnancy is an issue of conscience for my party, the Alliance Party; that is why this amendment is in the name of me and one of my colleagues and not in the name of our party. Freedom of conscience to bring an amendment like this, and to support or not support it, is common among many political parties. My colleague Mr Lunn and I have brought this forward as individual MLAs. We have sought to word it extremely cautiously and strictly, ensuring that it will apply only in cases where a woman is carrying a baby with a fatal foetal abnormality and medical intervention cannot change the outcome. Further to this, as you will see in the

proposed amendment, we have sought to introduce into statute safeguards that do not currently exist in Northern Ireland for the limited number of cases where termination is permitted. In cases where termination is permitted in Northern Ireland, current guidelines suggest that it is best practice to obtain the medical opinion of two doctors on the necessity of a termination. Mr Lunn and I propose in our amendment that we make this a statutory requirement for termination in the case of a fatal foetal abnormality.

Mr Lyttle: I thank the Member for giving way. The Member will be aware that the position of the Royal College of Obstetricians, set out in response to the DOJ consultation, is that abortion should be permitted as a statutory option if two registered medical practitioners are of the opinion that a foetal condition has been assessed as lethal and that continuation of the pregnancy would be likely to have a detrimental impact on the health of the mother. Does the Member agree that his amendment proposes this type of statute, save the reference to the health of the mother? Is he open to considering the viability of such a reference to the health of the mother in a further amendment to the clause at Further Consideration Stage? Does he agree that there is ample scope for wider consultation and consideration of this issue during the course of the Bill?

Mr Dickson: I readily agree with my colleague about that addition to the amendment. I also say to all Members in the Chamber that my colleague and I are completely open to a discussion on that between now and Further Consideration Stage. This is not about us being prescriptive; this is about us wishing to be inclusive of everyone who has been touched not only by Sarah’s story but who wishes to move this issue forward in Northern Ireland. He is absolutely right: the considered medical opinion of two professionals can assure that the condition of the baby is fatal and that the mother can, therefore, access a safe termination in a hospital setting in Northern Ireland.

Our guidelines in Northern Ireland also, interestingly, do not permit clinicians to refuse to undertake a procedure on the grounds of conscientious objection. We felt that that was an important area, and our amendment would provide an opt-out for professionals in such cases if a termination is sought for a fatal foetal pregnancy. Therefore, they will be protected from acting contrary to their beliefs.

Mr Agnew: I thank the Member for giving way. Would he be open to a further amendment should we get there at Further Consideration Stage that would add that no judgement should be communicated to the woman, as exists in England? If a clinician chooses not to carry out a termination, he or she will not communicate that directly to the woman but that alternative provision will be sought.

Mr Dickson: That is an area that we would certainly be willing to consider.

I have heard increasingly in the past few days that some have been saying that the guidelines, if we had them, would do the job. However, a quick look at previous guidelines and the law as it stands would tell anyone otherwise. It is true that, in the past, latitude was permitted to medical professionals. However, political and ideological interference has destroyed any latitude that permitted such interpretations of the law, and it now cannot be undone without the certainty of this amendment.

There are those who expressed concern to us about the use of “likely” in the proposed amendment. As I said to my

colleague Mr Lyttle, and to Mr Agnew, should the House this evening allow this to proceed, at Further Consideration Stage I am prepared to carefully assist in the crafting of words that will be as inclusive as they can be to allow this matter to proceed with certainty.

I note with dismay the proposals by one party — the DUP — to kick this proposal into the long grass, directing their own Minister at the Department of Health to form a commission to look into the matter. I cannot in all seriousness understand how that would provide any progress on the matter. The Department has already examined the law, it has produced draft guidelines, and the Executive have, at this point, refused to move on it.

There is room and time for a commission, but that will be after the passing of the amendment in order to provide clarity to our clinicians and to provide basic women's healthcare to the citizens of Northern Ireland in the drafting of appropriate guidelines that would give full effect to this amendment. If we are to continue to fail women in Northern Ireland in this area, we are abdicating from our duties as representatives.

The traumatic journey to England for many young women is becoming a shame on Northern Ireland. To force women with a fatal foetal pregnancy to look elsewhere for support and help makes that worse. Sarah Ewart was left in debt to pay for a private procedure. I believe — I know that many of you here agree — that she should have had that care and her medical intervention in a hospital in Northern Ireland free of charge, close to home, with a clinical team that she could trust, and where she herself would be valued.

Not everyone can get that loan at short notice. We have a system that forces the poorest and most vulnerable women to continue a fatal foetal pregnancy despite the associated distress and physical complications that that may cause.

I also recognise that, for many, the amendment does not go far enough. There is a wide spectrum of public opinion in Northern Ireland. Some people advocate abortion in the case of sexual crime, whereas there may be many who advocate free access to abortion. The amendment goes nowhere near such proposals. For some, that may be disappointing. I want to say clearly and loudly that I am proposing an amendment in respect of fatal foetal abnormality. Personally — it is a matter of conscience — I cannot see where I would be supporting much beyond that.

I want to say that I recognise such views, but I do not share them entirely. The amendment is not an attempt to shut down debate, but it is an attempt to ensure that we legislate for one discrete area. As ever, politics is the art of the possible. The amendment has been worded carefully to garner the greatest support possible in the Assembly.

Mr B McCrea: Will the Member give way?

Mr Dickson: Yes, I will.

Mr B McCrea: I realise that it is a personal choice that the Member has expressed about how far he could go with the amendment. Has he considered the High Court's recent announcement on the case of Sarah Ewart, which talks not just about fatal foetal abnormalities but of the victims of sexual crimes and how, in the judge's opinion, we are inconsistent with European law?

Mr Dickson: I thank the Member for his intervention. I understand what he says. I understand the concerns that have been expressed in respect of that judgement. I understand that it is the matter of a court case. It will take us where it takes us. Where we are tonight is trying to legislate for fatal foetal abnormality.

Mr McCarthy: I am grateful to the Member for giving way. Can he tell the House how certain he would be, if the amendment were made, that it would prevent the doors being opened to further creeping of the Abortion Act 1967 into Northern Ireland?

Mr Dickson: I will be as clear as I can. I have said that, if this were to proceed to the next stage, I would be happy to work with those who have much greater resource and legal mind on my proposition. The very point that Mr McCarthy makes is what we would like to see encapsulated in the amendment that we propose this evening. I need to be clear about this: as far as I am concerned, our amendment does not and should not open the door to anything else.

As with other issues, the public is clearly ahead of us on this; indeed, opinion polls show that there is about 60% support for terminations in cases of fatal foetal abnormality. We are a representative system of government, so we cannot make all our decisions on the basis of opinion polls, but it gives us an idea of the feeling that there is out there, especially with people making comments like, "The majority of people in Northern Ireland are opposed to change": I do not believe that to be true.

Many of you here have indicated your support personally to Sarah Ewart. Today is your chance to make good on those pledges of support. I made her a promise when I spoke to her that I would try to do something, and this is me trying to do that something. The decision that we have to take is undoubtedly a considerable one, but it pales into insignificance compared with the decision that Sarah Ewart was forced to make.

My plea is that, today, we put aside party interest and vote according to our conscience and what we believe to be right. It is for that reason that I have to express my disappointment at the position taken, for example, by the SDLP, a position that, I am sure, would make many of its sister parties blush. I recognise that this is not the position of all MLAs on the Benches right around the House. I think the late president John F Kennedy was right when he said:

"Sometimes party loyalty asks too much."

I understand discomfort, and I understand the pressure that we are all under when considering this matter, but we should not go against what our consciences tell us. I ask everyone to stand up and be counted today or, at the very least, to abstain. We must take action. We need to provide certainty to our clinicians. We need to provide access to healthcare and options for women facing the mental and physical trauma of a fatal foetal abnormality in pregnancy.

I ask you to support the amendment. If your conscience challenges you and if you have given your promise, now is the time to act.

7.15 pm

Mrs Pengelly: I speak on behalf of the Democratic Unionist Party on what is an emotive and poignant issue for many. It is an issue that touches on individuals, couples

and families in a deeply personal way. I respectfully say to the House that this is not an issue for politicking or insults or to be used to inflame. It is especially not an opportunity to cause further hurt or distress. Our approach to the issue is based on compassion. We are compassionate about the tragic situation that some parents unexpectedly and without wanting to find themselves having to deal with. Any suggested change of law on this issue, which reaches fundamentally to core ideological views and values and touches directly on issues of life and death, must be carefully and fully considered.

Mr Stewart Dickson, who has moved the amendment, has previously robustly rejected proposals on what he described as “major changes to the law” for the very reason that trying to do so by way of amendment was:

“disappointing ... populist and to the detriment of the House and society as a whole.”

That is a direct quotation. He outlined clearly that any major change to the law should not be done that way and that we, as legislators, in dealing with any proposed major changes:

“have a responsibility to do that diligently and in a way that is structured and allows us to take evidence and have thoughtful reflection.” — [Official Report (Hansard), Bound Volume 83, p59, col 1].

It is, therefore, a matter of some surprise and disappointment that he is now attempting one of the most significant changes to the law of Northern Ireland in decades by way of an amendment.

The DUP opposes the extension of the 1967 Act to Northern Ireland. The issue before us today is somewhat separate from that but is no less important. It requires — it demands — careful consideration from the medical professionals, practitioners, families and ethics and legal experts to ensure that sufficient and proper clarity and guidance are the hallmarks of the way forward. That is absolutely essential to ensure that the arrangements are fully grounded in compassion, good law, support and the protection of our integrity and to ensure that our societal values and rights are properly and carefully balanced and maintained.

The intervention of Mr Lyttle in the previous speech about a potential amendment and Mr Dickson’s comments on what is perhaps the ambiguity of the word “likely” in his amendment only supports our view that we should take the time to fully consider and listen to the experts in the field.

It is wrong that an issue of such gravity should be pulled together and thrust on Northern Ireland by way of a last-minute amendment, stapled awkwardly onto a miscellaneous Bill. [Interruption.]

Mr Speaker: Order.

Mrs Pengelly: This is not the way to conduct business. This issue is much too important and much too complex. The debate thus far has not been —

Mr Lyttle: Will the Member give way?

Mrs Pengelly: Sorry, no.

Mr Dickson: The mask has slipped now.

Mr Speaker: Order.

Mrs Pengelly: Given the very personal and solemn issues that we are discussing, I do not believe that it would be appropriate to engage in any kind of heated debate across the Chamber.

The debate thus far has not been an informed one. Mistakes have and are being made. Medical experts advise that there is no such term as “fatal foetal abnormality”. The test and balance of proof is not clearly articulated in this amendment. Key voices of expertise are missing. This is evidenced by the contribution by the chair of the Royal College of Obstetricians and Gynaecologists in Northern Ireland stating clearly, just this morning, that any decision must be based and dependent on the effect of the pregnancy on the health of the mother. This is absent from the proposed amendment. He cautioned in the strongest terms that to do otherwise, to accept an amendment without that, risks entering the dangerous territory of eugenics: picking and choosing who should live and who should die based on genetics and characteristics.

Mr Dickson: Will the Member give way?

Mrs Pengelly: I have already outlined that I will not.

There are some who will be comfortable with that, but I know that many, not only in this Chamber but across Northern Ireland, particularly those of faith and strong values, will not be comfortable with that. Tread carefully. That is why the DUP is rejecting the amendment but outlining a road map to a sensible, informed and appropriate way forward. The Minister of Health has been asked to establish, by the end of February, a working group that will include clinicians in this field and legally qualified persons to make recommendations on how this issue can be addressed, including, if necessary, bringing forward draft legislation. We have asked that all interested parties should be consulted and that the group will be tasked to report within six months. We all need to hear more fully the views of the Royal College and others. We all need the opportunity to ask those vital questions to get the appropriate advice. That is why the working group is the best and most appropriate way forward.

I have not had the beautiful privilege to have brought a child into this world, but I can empathise with all my heart that the wished-for and the longed-for can turn so quickly to tragedy. The way forward that we are proposing is a compassionate one. It is a sensible one, and it is a common-sense one that will leave all of us in a much better and informed position to chart a loving and kind way forward and give the necessary clarity to those dealing with these issues.

I look around me, at the Benches and my colleagues, and I see very many mothers and fathers, some of whom have suffered the devastating loss of a child, through miscarriage, illness or premature death. That loss is painful and acute. It is a loss that will never fully dissipate, but I know that our collective experience is what shapes our approach of compassion and kindness. I urge Members here today to stop, step back and search your heart and your mind. If ever there was an issue to take time and be fully informed about, this is it. It is indeed a matter of life and death.

I urge Members to vote against the amendment and for the proposed way forward that we are outlining — a sensible way that is based on expertise, evidence and careful,

thoughtful consideration. Support a way forward that is based on love, compassion and hope.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to debate this very important issue in the House today. Like others who have spoken, I am very conscious, as I speak, of the wide range of opinions and emotions around termination of pregnancy. I, like many of you, have received letters, met delegations and talked to women about their experiences. What I do know is that enormous hurt and anger are felt by women who feel let down by the state in which they live when they are forced to travel abroad for a procedure that they felt they should have been entitled to at home.

I thank Stewart Dickson, Trevor Lunn, Anna Lo and Steven Agnew for the considered amendments that they have brought forward. I will begin by outlining Sinn Féin's position. Sinn Féin has opposed and voted against the extension of the 1967 Act to the North of Ireland when it was proposed in the Assembly. Sinn Féin believes that, in cases of rape or sexual crime, or when a pregnant woman's life is in danger, the option of termination should be available. At its last ard-fheis, Sinn Féin amended party policy, which now reflects the view that termination of pregnancy should be available to those who choose to avail themselves of it in situations of fatal foetal abnormality. At our ard-fheis 2015, delegates voted in support of motion 122 which reaffirms party policy and further acknowledges:

"that the issue of fatal foetal abnormalities is a very serious and complex aspect of the abortion issue that requires compassion.

Notes that the law, North and South, prevents women with fatal foetal abnormality pregnancies from accessing legal abortion services in Ireland should they wish to do so; notes the further stress that can result from having to travel to access services; that many women cannot afford to travel to access these services; and that others do not have the required immigration status that allows them to travel.

Calls for legal frameworks to be introduced North and South that would allow women to access abortion services under these limited circumstances.

Believes in cases where a woman wishes to continue with the pregnancy she should be fully supported in that decision and all efforts should be made to ensure appropriate care and consideration.

Calls for the introduction of an all-Ireland protocol on pre-natal diagnostic screening in pregnancy."

That position reflects international minimum human rights standards and the Horner judgement. Judge Horner has stated that, as it stands, the law is not compatible with human rights. We, as legislators, should, first and foremost, provide legislation that is human rights-compliant. On 30 November 2015, the Human Rights Commission in the North won its judicial review of termination of pregnancy laws. The court held that article 8 of the European Convention on Human Rights, the right of women to family and private life, was breached in the North by the general prohibition on abortions in cases of fatal foetal abnormalities and pregnancies that are a consequence of sexual crime.

I have listened today to Members arguing that there should be full public consultation and that we need to take time. I do not believe that anyone in the House can argue that there has not been enough time or consultation on this serious issue.

Mr Agnew: I thank the Member for giving way. The point was made that we should listen to the experts. Whilst it is right that we consult experts on medical advice on fatal foetal abnormality, surely the expert in the choice of whether to have a termination is the woman herself.

7.30 pm

Ms Ruane: I thank the Member for his intervention. I am coming to that. I was on the point about consultation. I do not think that anyone can argue that there has not been consultation, debate or litigation. It has been widely consulted, debated and litigated ad nauseam. There is probably no other issue where so much debate has taken place, except maybe equal marriage. Eventually, the majority of the House agreed that there should be equal marriage, and I hope that the same happens here today.

I believe that some politicians are behind the public in relation to this issue. Recent polling commissioned by Amnesty International indicated that a significant majority of people are in favour of changes in the law on these narrow grounds. There is no suggestion that the option of termination will be the appropriate response for all women who are faced with pregnancy arising from sexual crime or where a pregnancy has been determined to have abnormalities that are incompatible with life. However, coming to Steven Agnew's point, in each of those instances, it is, nevertheless, only the woman herself who is best placed to determine an appropriate response. We must acknowledge women as competent and conscientious decision makers in our own lives.

That is the question before this House today. Are we prepared to trust women to determine what is best for them in the case of fatal foetal abnormalities or a pregnancy as a result of sexual crime, or will we withhold from women the right to make the decision on our own behalf? The key relationship here is between the woman and her clinician during those very distressing times.

I have been present at four births: two of my own, one of a friend's child, and my grandchild. There is no place at births for politicians; we are supposed to make the law. It is the clinician, the woman and her family who should decide. That is key here today.

The DUP has said that it supports a commission that will report in six months. What about the plight of women in the here and now? What about the women who are pregnant as a result of rape or women who are faced with fatal foetal abnormalities? Is the DUP going to tell them, "We are having a commission in six months and then we will see where it goes"? I am sorry, but putting it on the long finger does a disservice to women. It is all very well talking about compassion. Compassion is not putting decisions on the long finger.

Mr Dickson: Will the Member give way?

Ms Ruane: Yes.

Mr Dickson: Does the Member agree with me that there might have been more validity and the proposal might have been more genuine had it been a commission that

the Assembly would set up, which would be time-limited and to which the Assembly would agree to accept the outcome of its recommendations, based on agreed terms of reference? That would take us towards something that is genuine. That is my concern about the proposals that have been made.

Ms Ruane: I thank the Member for his intervention. I note that some commentators are calling the commission a red herring to get the DUP past the election. I believe that it is a failure of leadership on its part. Some in the SDLP would have you believe that the debate is about the extension of the 1967 Abortion Act. Any such claim is misleading. The SDLP's approach in relation to this debate is very similar to the way that it approaches the equal marriage debate. Its position changes depending on who it is talking to, and differing factions in the party have differing positions. So much for the new progressive leadership of Colum Eastwood.

The Human Rights Commission wrote to us all today, and it rightly challenges all of us when it says:

"We would welcome the outstanding issues being resolved politically. However, if the Northern Ireland Assembly fails to act today in accordance with the court judgement, then our elected representatives will have missed an opportunity to address ongoing human rights violations. They will have neglected the fundamental rights of vulnerable women and girls facing the most difficult circumstances, when they could have resolved the situation. Human rights are often relied on in political debates. Today will be measure of how committed our politicians are to protecting human rights in practice."

We all need to think very carefully about the challenge posed to us by the Human Rights Commission today.

Sinn Féin takes its role as legislators very seriously. Our entire team is here tonight. We will support amendment Nos 61 and 68, and we urge every individual in the House to do so.

Mrs D Kelly: It would be remiss of any of us to contribute to tonight's debate without putting on the record our sincere compassion and heartfelt sympathy to Sarah Ewart and the other families who have been faced with such life-changing decisions. But there is an old legal maxim that hard choices do not make good legislation. We are being led to believe by Sinn Féin, Alliance, the Green Party and NI21 that this is not about the extension of the 1967 Act. Those people quite clearly —

Mr Dickson: Will the Member give way?

Mrs D Kelly: I will perhaps later, but I am just getting into the flow.

The 1967 Act has grown quite considerably in Great Britain.

At the outset, I say that, as a member of the SDLP, along with my SDLP colleagues, I have always been in a pro-life party. I do not think that we will be taking any lectures regarding violence against the person, unborn or otherwise, from Sinn Féin. There has never been any difficulty in relation to the sanctity of the life of the unborn child when the IRA planted bombs that blew up pregnant women. I will leave it there, because I do not want to be diverted from the main topic.

My values as a member of the SDLP are not just formed by the values of the SDLP and it being a pro-life party, nor indeed is our decision this evening to vote against these amendments. Our decision tonight is also based on the advice that we have received from clinicians and legal experts. Clinicians are very clear that the guidelines need to be amended. There needs to be greater clarity around the guidelines. That is why we call upon the DUP Health Minister to publish those guidelines without delay. We welcome the initiative of First Minister Arlene Foster in setting up a working group that will listen to the people at the coalface, to the women having to make those difficult choices, informed by clinicians and by legal experts. We will play whatever role we have to play in assisting that working group to come to the right conclusions.

Mr Agnew: Will the Member give way?

Mrs D Kelly: I told Mr Dickson that I would give way first.

Mr Dickson: I appreciate your giving way. Apologies for trying to stop you when you had just started. Just by way of correction — I think that this is vital because it casts the difference between the Alliance Party and the SDLP — this is a matter of conscience in the Alliance Party. We do not have a policy on this matter. This is a proposal by me and Mr Lunn, and it does not reflect the views of the Alliance Party. That is unlike the SDLP, which seems to be a homogeneous, anti-fatal-foetal-abnormality party.

Mrs D Kelly: That is pretty ridiculous. We are all old enough and wise enough to know that, in the past, clinicians made decisions around the survival of the mother in terms of her physical and mental well-being. It was never about the choice of whether to carry on with a pregnancy. It was based on the mental and physical well-being of the mother. That is one of the key differences in the interpretation of these amendments, which we have been advised on by clinicians and legal experts.

I will share with you some concerns that people have raised in relation to the 1967 Act, which some are portraying is not what these amendments reflect. The effect of the 1967 Act in Great Britain has been to vastly increase, in a manner not intended by legislators, the number of abortions carried out there. It is noteworthy that the Act is predicated on the basis that two medical practitioners have formed the opinion that continuance of the pregnancy would involve injury to the physical or mental health of the pregnant woman, or that the child would suffer from a serious handicap. In reality, the opinion of the doctors has become, in most cases, an administrative exercise, and one can legitimately state that Great Britain permits abortion on demand.

Mr Agnew: Will the Member give way?

Mrs D Kelly: I want to finish my point; I will give way shortly. Legislators may believe that these proposed amendments to the Justice (No. 2) Bill are a discrete and minor development of the existing law, but they introduce a critical difference to the underlying philosophy of abortion legislation, which will undoubtedly be focused on by those who seek greater change. I refer in particular to the introduction, for the first time in UK law, of the choice of the woman who is facing a diagnosis of fatal foetal abnormality, bearing in mind, of course, that there is no such definition; there is no such condition. That represents, by any standard, a fundamental philosophical departure in abortion legislation.

For all its many problems, the language of the 1967 Act is predicated on the mother's physical and mental health or on the child having a serious handicap. The language of choice is absent from that legislation. In contrast, the proposed amendment places the mother's choice, at proposed clause 44A(2), as the central and deciding factor, assuming that she is given a diagnosis of fatal foetal abnormality. I give way to Mr Green.

Mr Agnew: Mr Agnew. *[Laughter.]* I thank the Member for giving way. She seems to be outlining why she believes the 1967 Act is wrong. I do not believe that that is what we should be debating but, to take on her point, I accept that she believes the law to be wrong. Does she believe that the women who chose to have abortions were wrong?

Mrs D Kelly: I was a health professional, and one of the key standards and ethics that I was trained in, and which I hope I have lived my life by, is to be non-judgemental. I am not going to judge anyone because, thankfully, I have never had to make those decisions or choices. If the Member is trying to suggest that I have somehow got confused about what we are debating this evening, what I am trying to explain to Mr Agnew and the proposers of these amendments is that it is they who are confused. What they are proposing tonight in their amendments goes far beyond the 1967 Act because it places in statute the element of choice, rather than the mental or physical well-being of the mother. To the parties whose Members are proposing the amendments, I ask those who are going to support the amendments to reflect very carefully on the arguments that I and others have made in our contributions to the debate this evening.

Mr Lyttle: Will the Member give way?

Mrs D Kelly: Just you, and that is it.

Mr Lyttle: I thank the Member for giving way. She asked us to reflect on the points that she put forward, but is she willing to reflect on my previous intervention, which was on the very grounds of the need to perhaps consider the viability of inclusion of reference to the health of the mother?

Mrs D Kelly: Sorry, I missed that point a bit because I thought that my whole argument was based on the premise of the physical and mental health and well-being of the mother.

This is a debate about which many people can get very passionate and emotive.

I commend the parties for being very measured in their contributions thus far. As I said at the outset, I think that all Members want to show compassion to those who have had to make difficult choices. Let us be very clear: the choices need to be based on informed decisions given by the experts in the field. The experts in the field are the clinicians and the legal experts who will help to guide them. I hope that the First Minister, Arlene Foster, will set that out very clearly in her terms of reference. I know that the public in Northern Ireland have stood against the extension of the 1967 Act to Northern Ireland for decades. People should be clear what the amendments would mean in practice.

7.45 pm

I do not want to add much more. I just want to say that, yet again, the families and Ms Ewart have brought the debate to the fore, and that is quite right. It is right that we should

get clarity on the guidance and, for that, we owe her a debt of gratitude.

Mr Kennedy: I am grateful for the opportunity to speak in this section of the debate on the Justice (No. 2) Bill. I remind the House, as I remind myself, that I speak as an individual Member of the House rather than a Member of the Ulster Unionist Party or, indeed, a member of the Justice Committee.

Like all Members, I have been in receipt of many representations on the issue from both sides of the debate. I thank all those who have written, emailed, telephoned, texted or spoken to me directly, irrespective of their view. I am particularly grateful to organisations such as Christian Action Research and Education (CARE) in Northern Ireland, the Christian Medical Fellowship, the Christian Institute and the Presbyterian Church in Ireland, whose research and conclusions I will reference.

The House will know that the Ulster Unionist Party regards these issues as matters of conscience, thereby leaving Members free to speak as they feel led.

The amendment raises complex and sensitive issues about the lives and well-being of women, their families and the unborn. They need to be handled with compassion and grace in the context of affirming the value of human life. As a member of the Presbyterian Church in Ireland, I hold to a strongly pro-life position, whilst recognising that there are situations in which medical abortion might be necessary to protect the life or well-being of the mother.

The current law requires that the very difficult decisions that are taken in those exceptional cases are based on risk to the mother's life and/or long-term health. Ethically and morally, that is extremely important, as it ensures that the termination of pregnancy is viewed as a life-preserving measure. In contrast, if the proposed amendments were passed, they will apparently allow pregnancies to be terminated solely in light of the condition of the foetus. That represents a significant shift in principle, the implications of which do not appear to have been fully explored. Legislation of such importance requires detailed consideration. However, the stage at which the amendments were tabled did not allow for scrutiny by the Justice Committee, nor the submission of evidence by interested groups and individuals.

Mr Agnew: I thank the Member for giving way. I appreciate his point about the current law being about the health and well-being of the woman. Does he find it acceptable that, in the case of something like anencephaly, we have to wait until the mother's life is at immediate risk and that, when there is a likelihood of risk to the women's life, we cannot act in Northern Ireland?

Mr Kennedy: I am grateful to the Member for his contribution. Clearly, these are very complex and sensitive issues that need to be treated very sensitively. I am seeking to do that in my contribution, as I recognise others will as well.

While I, of course, recognise that, on many occasions, it is appropriate to introduce amendments at Consideration Stage, and the earlier groups of amendments did that, I do not believe that this is such an occasion. This is an issue of enormous sensitivity, involving deeply held moral beliefs about the nature of life and the care of women. This series of amendments proposes a major change to the law.

Changing the law in this area, if it is to be done, needs to proceed with great care and widespread engagement with relevant stakeholders. On this occasion, that simply has not happened.

As public debate on the issue continues, the need to provide excellent perinatal care in every part of Northern Ireland for every woman facing a pregnancy crisis must feature more prominently. Indeed, practical, emotional and spiritual support for women and their families is absolutely essential if we are truly committed as a society to life, well-being and human dignity. I believe that every human life is valuable and must be protected. It should not matter how profoundly disabled a baby is, or whether that condition will ultimately limit the ability to survive outside of the womb, or how the child was conceived. All human life is equal and worthy of protection. Unborn children in these instances require no less protection and respect than any other unborn child. Indeed, they are some of the most vulnerable in society. I note that the preamble to the United Nations Convention on the Rights of the Child states that each child:

“needs special safeguards and care, including appropriate legal protection, before as well as after birth”.

We should invest in care for all our children by treating those we can, and caring for those we cannot treat. The amendments in relation to rape and incest, in my view, would deprive a child of life when that child had no influence over the circumstances of its conception. It would be wrong to deprive a child of life because of the character of its father. Abortion is not an easy solution to rape, and cannot alleviate or undo in any way the crime committed. It does not bring healing to rape victims, and creating a second victim never repairs the damage to the first. It is of great importance that women in this situation are offered every support, psychologically and in all ways physically, and obviously given the option of putting their child up for adoption if that is right for them.

For the reasons that I have outlined, I will be opposing all the amendments being put forward today. I hope that this debate will continue to be conducted in a gracious and respectful manner, and that the review to be initiated by the Health Minister will be helpful in dealing with these very complex issues.

Mr McKinney: I share the hope that this debate continues in the way described by Mr Kennedy. My colleague Mr Maginness, in preparing us for this Justice Bill, prepared a piece of paper that talked about what, in fact, the ambition of this Bill was in the first instance. It dealt with things like fines and defaulting, the Prison Ombudsman and DARD proposals. If you like, it was a gathering up of issues — something to be concluded towards the end of a mandate. A catch-all, if you like. So how have we ended up here tonight? With that backdrop and context, how have we ended up with these amendments, which touch on the issues that Ms Pengelly, Ms Kelly and others so eloquently reflected on?

Mr Agnew: Will the Member give way?

Mr McKinney: I would just like to get into the debate.

I saw Mr Dickson nodding at some of Mr Kennedy's remarks. I refer Mr Dickson to his own comments in 2013, during the Further Consideration Stage of the Justice Bill. I have to quote it to you:

“As a legislative Assembly, we have” — [Official Report, Bound Volume 83, p59, col 1].

Mr Dickson: It has already been quoted.

Mr McKinney: Pardon?

Mr Dickson: It has already been quoted.

Mr McKinney: I want to quote it. I want to repeat it, and, if you do not hear it and understand it, I will repeat it again. *[Interruption.]*

Mr Speaker: Order, order. *[Interruption.]* The conduct of this debate has been exemplary so far.

Mr McKinney: Sorry, Mr Speaker. I understand.

Mr Speaker: All remarks —

Mr McKinney: At the same time —

Mr Speaker: Sorry, I am speaking. All remarks should be addressed through the Speaker. I think that is important so that we maintain the present level of decorum.

Mr McKinney: I apologise to you, Mr Speaker, and the House, but I think that it is important to repeat these matters. It is a different quote from 2013:

“As a legislative Assembly, we have a responsibility to consult and engage properly with the public on major changes to the law, and today's amendment, by any definition, is a major change.” — [Official Report, Bound Volume 83, p59, col 1].

I would argue that tonight's amendment is also a major change:

“Indeed, in the few short weeks since the amendment has appeared, the strength of feeling and lobbying, and the hundreds of interviews, conversations, blogs, articles and debates have demonstrated the absolute necessity for formal consultation so that all voices can be heard and all opinions expressed in a structured and meaningful way.” — [Official Report, Bound Volume 83, p59, col 1].

Mr Dickson: Will the Member give way?

Mr McKinney: I will give way to Mr Agnew first.

Mr Agnew: I thank the Member for giving way. He asked why these amendments have come forward in this way to this Bill. The background is that the Minister held a public consultation and, particularly around the issue of fatal foetal abnormality, polls suggested that there was considerable public support. My understanding — the Minister can correct me because I do not speak for him — is that, while he would have liked to bring the FFA issue forward in the Bill, he could not get that through the Executive. That is why we are here now.

Mr McKinney: Perhaps the Member has read a different consultation from the one that I read. I understood that there was considerable opposition on the issue of fatal abnormality; in fact, resounding opposition. As I recall, so much was the opposition to it that the Minister dropped the issue around the rape and abuse — the issues that you have brought to the Chamber tonight.

Mr Ford: I appreciate the Member giving way, but we can at least be factual on the consultation. The consultation made specific recommendations to allow for termination

in the case of fatal foetal abnormality. It highlighted issues around rape and incest but made no specific recommendations. On the back of that consultation, it was clear that there were no specific recommendations to make. Please do not suggest that something was dropped that was being pushed; that is simply not the case.

Mr McKinney: I welcome the intervention but, at the outset, we need to understand what the context of the consultation was, and where you, Minister, said that you were going to. You sought to consult on the issues of fatal abnormality and to consult, originally, on the issues of rape and incest. All I am following is the facts; there are and were no Justice Department proposals on those latter issues. Mr Agnew has, if I am getting him right, criticised me for making a point when he has put forward an amendment on matters to which there was sufficient opposition for the Justice Minister not to come forward with them. I will take Mr Dickson's intervention.

Mr Dickson: I believe that the Minister has adequately commented in the direction that I wished to go in, which was to point out that there was a consultation. Therefore, it rather negates the reading back of comments that I made in respect of a previous Bill when there was no appropriate consultation.

Mr McKinney: I accept that you have put your view, but I do not accept it.

Mr Lyttle: Will the Member give way briefly?

Mr McKinney: I would like to make one comment about your intervention, which is reflective of earlier comments. Had there been proper consultation, we would not have had from my colleague here such an early proposed amendment, consistent with what he believes is the existing law.

Mr Lyttle: I thank the Member for giving way. I am not sure that my proposal was precisely about the existing law; it was a reference to the position of the Royal College of Obstetricians and Gynaecologists, which was about the desirability of a reference to the health of the mother. It was not a direct quotation of the existing law. I am not sure what the Member's exact words were, but I think that he said that there was widespread opposition to proposals that were put forward in the robust Department of Justice consultation on this issue. The Minister can correct me if I am wrong, but my recollection is that reputable bodies like the Royal College of Midwives, the Royal College of Nursing and the Royal College of General Practitioners supported the attempt to deal with the unique case of fatal foetal abnormality in their responses to that consultation. The Member's characterisation of the response to that consultation needs to be addressed.

8.00 pm

Mr McKinney: Perhaps I will address it by referring to Mr Robin Ashe, Chair of the Royal College of Obstetricians and Gynaecologists (RCOG) in Northern Ireland, who, only as recently as this morning, reflected on these very issues when he said:

"As far as we're concerned, we regard it as unreasonable to consider termination of pregnancy for fatal foetal abnormality, as long as the continuation of the pregnancy would have a detrimental effect on the health of the mother."

Now that is extremely important. We are not advocating it, and it should not be advocated that this is a choice item. It is not a choice item. It is dependent on the effect of the abnormal pregnancy on the health of the mother. If we were to consider that fatal foetal abnormality in itself would be a reason for termination of pregnancy, then that is not a satisfactory situation. He was then asked why not. He added:

"It would border on eugenics."

It would border on eugenics. That was the view of the Chair of the Royal College of Obstetricians —

Mr Lunn: Will the Member give way?

Mr McKinney: I will.

Mr Lunn: I have sat here quietly, determined not to intervene, because I will have plenty to say at the end of the debate, but really. Dr Ashe is perfectly entitled to make comments like that, but I would like to know, because it is the second time that it has been mentioned, do you actually agree with that? Do you agree that this is bordering on eugenics? Do you understand what eugenics is? How can you compare that to what is before you here?

Mr McKinney: I do agree. And I have to say that I am quoting in response to Mr Lyttle, who made a comment referring to other professional bodies. I am referring to the leader of a professional body who has arrived at a considered opinion on this matter. I am not going to reject that, in this context, given the nature of his most recent comments.

I just want to make a couple of comments in relation to this particular issue in amendment No 61:

"A pregnancy is terminated by a registered practitioner where a diagnosis has been made of a foetal abnormality which is likely to prove fatal."

Clinicians tell us that they cannot make that judgement. They do not know if it is going to be an hour, a day, a week, or a month. They simply do not know.

Mr B McCrea: Will the Member give way?

Mr McKinney: No, I think that I have been generous in allowing interventions and that I should be allowed to proceed. I will consider you coming in at a later point.

Subsequent to that, as a further definition:

"If a live birth should occur, there is no medical treatment which could be offered to alter the fatal nature of the condition, or improve the chances of survival."

Clinicians tell us that, in almost all cases, they can actually extend life by a ventilator, for example. That is within their gift. So, in actual fact, this is contrary to the intent of Mr Dixon's overall clause, to begin with.

I would like to proceed. We must deal with any debate relating to such complex and sensitive issues in a measured, and considered manner. We must strive to have a framework that protects women, and the rights of unborn children, regardless of any complications. And in this context, and it has been outlined by Mrs Kelly, we are consistent, and have been consistent, that we oppose the extension — any extension — of the 1967 Act to Northern Ireland. In my later remarks, I will reflect on the unintended consequences of what has been proposed, which will have the net effect of us extending the 1967 Act, which, in fact, could produce worse outcomes; if it could be worse.

Obviously, these amendments deal with that particular question in the debate about abortion: fatal foetal abnormality. I think I have dealt with that by virtue of the interventions, and I would like to make the point that, overall, this raises questions. The clinicians tell us that fatal foetal abnormality is not a medical term. It is an umbrella term, if you like, but it does not prescribe the exact conditions or illnesses that could meet the criteria for an abortion. It is important to remember that, under this amendment, fatal foetal abnormality is not limited to anencephaly; it is not limited to Trisomy 13 or any other conditions. So we have to ask, are there unintended consequences?

Could it be used, for example, to abort fetuses with Down's syndrome or spina bifida?

Mr Ford: Will the Member give way?

Mr McKinney: I will.

Mr Ford: It has been made absolutely clear in everything that has been said, in the Department's consultation and in the way that the amendment is written that we are talking about a fatal abnormality. Let us not add further trauma to women who are suffering with such an issue or indeed to those who have children who suffer from Down's or some other limiting issue that is not fatal. By making that comparison, you stray into extraordinarily dangerous territory, and you will add to the distress that some people feel.

Mr McKinney: I disagree. I merely ask the questions that others will ask about this very short process that has been foisted upon Members of the Assembly without proper consideration. These things should have been considered. I am making a process argument, as I have done from the start, that, as well as the fundamentals around the clauses, insufficient time has been given to this. They are reasonable questions that reasonable people are asking about what is being proposed.

Mr B McCrea: I am grateful to the Member for giving way. On the point — it seems to be at the centre of an argument — about fatal foetal abnormalities, Justice Horner had this to say:

"The doctors know when a foetus has an FFA. This is primarily a medical diagnosis not a legal judgment."

Will we not trust doctors to diagnose a fatal foetal abnormality? Does he want to add to his list of things that are fatal foetal abnormalities? In addition to anencephaly, you can have renal agenesis, neural tube defects, the brain open right through to the meningeal sac or caudal regression. There is a list of medical conditions that doctors are able to diagnose. If they diagnose a fatal foetal abnormality, that is a medical decision and not something to do with cleft palates or any other argument.

Mr McKinney: I do not think, Mr Speaker, you heard that from me. That was from Mr McCrea's lips, not mine.

I quote, this time, from the contribution to the consultation, section 16 of the Royal College of Obstetricians and Gynaecologists's response to Mr Ford's consultation.

"It is simply a fallacy to assume that all fetuses with lethal abnormalities will die in utero or immediately after birth. If they do not, the babies will be treated with compassion and palliation should until they

succumb... it is not therefore possible to draw a line in relation to survival time"

That is a very important point to make.

Mr Dickson: Will the Member give way?

Mr McKinney: I give way one more time.

Mr Dickson: OK. It is just in relation to the use and the terminology of "fatal foetal abnormality". There is a very good reason for using it: it is the list that Mr McCrea has given us, and I do not believe that it is an exhaustive list. Medical science — we should all praise it — is constantly improving, and it is the case that some of those conditions can be dealt with and some may ultimately be very amenable to medical intervention. That is why the term has been used, rather than a prescriptive list that might fall behind.

Mr McKinney: I return to evidence from learned colleagues, particularly the obstetricians. Dr Jim Dornan, who has served this community well for many years, stated on a recent BBC programme, 'The View':

"I want to make it very clear in our submission" —

— he was talking about the royal college submission to you, Mr Ford —

"We make it clear that we are not happy with the term fatal foetal abnormality. There is no textbook that I know of, and no doctor knows exactly what it means."

That comes from the clinicians.

There are also issues around the upper gestational limit. The amendments do not prescribe a maximum time limit for when a foetus with a fatal abnormality can be legally aborted, and that is of further concern. Does it mean that a foetus can be aborted up until birth? There are other questions that, I think, my colleague Mr Maginness will touch on later, around disability discrimination.

I touch now on the further amendments on rape and incest. Let me say at the outset that these crimes are heinous and the perpetrators deserve the full punishment of the law. I cannot imagine the enormous distress and trauma that they cause to the women who are victims. However, rape and incest as grounds for abortion present their own conceptual challenges. Mr Agnew, Mr McCrea and Ms Lo, who tabled the amendments, should be aware of the challenges in convicting someone of rape and, indeed, incest crimes in our judicial system. Rape is historically under-reported in Northern Ireland, and conviction rates for these heinous crimes are not high, due to the burden of proof facing prosecutors. The time for such cases to progress through the criminal justice system would surely go beyond the 28-week limit for abortions. Have Members thought about those issues? Are we to permit abortions when the burden of proof has not been met and there is no conviction for rape? How does domestic violence impact on these issues? Like my colleagues, I have been lobbied on behalf of others who support the amendments. I have heard the extent of the horror that is visited on people through domestic abuse, but is the only answer to that type of domestic abuse to seek an abortion?

We need — the Assembly and the health and justice authorities need — to start stitching together sufficient resources in finance and personnel to allow people to seek

other answers and to get advice. My colleague Mr Frew talked eloquently about the scale of that type of abuse. One of the other ways is giving women access in a much more open-door way to facilities and advice rather than having to go to accident and emergency or for an abortion. The wider conversation that is being proposed by the DUP should include those discussions.

The SDLP cannot support this group of amendments. They have been hastily put forward by the Alliance Party and others. We have not been given adequate time to consider them in detail. In fact, this debate and the number of interventions by those who have made the proposals suggest to me that we have not been given adequate time. I urge you to vote no.

Mr Nesbitt: I commend the Members who have spoken so far for the tone of the debate. As you are aware, I am relatively new to elected politics — it is still my first mandate — but I am not so new to observing elected politicians in this country. As a broadcast journalist for many years, I was in the privileged position of getting to observe quite close up our politicians and their motivations — maybe not as closely as their closest friends and family but enough to know that the motivation for most, if not all, is much purer than I think the public give them credit for. There is a lot less self-interest and a lot more public spirit in the engine of the Members of this Assembly. However, the clue is in the title: it is a legislative Assembly. When Justice Horner made a ruling, as he did, that we are in contravention of rights, we have an obligation to react, and I thought that tonight would have been that night. I thought that we would each have stood up, made our case and told each other, “This is what we believe and this is why we believe it”, and then made our way through the appropriate Lobby to cast our vote, not necessarily feeling comfortable about it.

I certainly do not feel comfortable standing here as a man discussing what a woman should do with her body. I am not going to look a woman in the eye and say, “You must go full term, even though you have been told that there is a fatal foetal abnormality in your womb”. I am not going to say that to a woman, any more than I am going to tell her, “You must abort because there is a fatal foetal abnormality”.

8.15 pm

What we all agree on, I trust, is that this is a horrendous choice for those women and their partners and families and that it is about more than access to abortion. If the decision is to go full term, having listened to women over the past weeks and months, it is clear that we do not have the facilities, resources and the backup for them. The perinatal, hospice and palliative care is not there as it should be. We have to address that if we are going to allow women who choose to go full term to go full term. I want to support them if that is their choice. However, we also have to discuss what happens if, after an informed decision, we are told that the woman would rather abort.

Today should have been the day when we had that debate, explained ourselves and had our vote. It is not happening. I believe that this legislature has been undermined by a device thought up by Members to my left. The DUP is kicking this down the road, past the elections, and setting up a working group. That is a petition of concern by any other name. What fresh information is going to come forward? Whose views have we not heard? This should have been the day when we decided. As democrats, there

would have been a majority vote and a minority vote, and I would have accepted that. This should have been the day, but no, this day is about obfuscation —

Mrs Foster: Will the Member give way?

Mr Nesbitt: — and a petition of concern by any other name, a less toxic name.

Mrs Foster: Will the Member give way?

Mr Nesbitt: The junior Minister set the precedent for giving way by Members of the Democratic Unionist Party, but I am confident to give way to the Member for Fermanagh and South Tyrone.

Mrs Foster: I thank the Member for giving way. Perhaps he could explain to the House how, if there is no petition of concern, this will not be a majority/minority outcome tonight. Perhaps he could explain that to us all, because I am a little bit confused as to how that is not going to happen tonight.

Mr Nesbitt: The First Minister knows very well that her party has put in place a mechanism that ensures that there will be a majority to vote down the amendment and bring forward the working group, which will kick the decision to the far side of the election. I say to the First Minister that this delay is cruel to the sufferers. It is Dickensian. This is ‘Bleak House’ that we are in today, in the Chancery Courts, waiting day after day after day after day for a decision that never comes. How cruel to those campaigning because they want relief from us. I make no specific comment on the two very high-profile campaigners, who we all know. However, as a former victims’ commissioner, I tell you that it is cruel to make promises to people and to leave people waiting and waiting and waiting, and not deliver a decision for them, whether positive or negative. It is the lack of the decision that is ‘Bleak House’ on the Stormont Estate today.

Justice Horner has made his ruling, a very thoughtful one, I think. For those who think that this is some sort of thin end of the wedge or back door to something worse, like the 1967 Act, let me quote what he says:

“There should be equality of treatment between, on the one hand, the foetus which will develop into a child without physical or mental disability and, on the other hand, the foetus which will develop into a child with a physical and/or mental disability which is non-fatal.”

OK. There should be equality between those things, so this is not about eugenics. He says:

“It is illegitimate and disproportionate to place a prohibition on the abortion of both a foetus doomed to die because it is incapable of an existence independent of the mother’s womb and the viable foetus conceived as a result of sexual crime.”

So, it is not about eugenics. It is about the fact, as Justice Horner put it, that there is no life to protect. So, it is not about a balance between the rights of the mother and the baby: there is no life to protect.

It is, of course, also about rights. Mr Justice Horner said that, in forcing the mother to go elsewhere in the United Kingdom to secure an abortion, we impose an intolerable financial and mental burden on those potentially least able to bear it. He pointed out:

“The protection of morals ... should not contemplate a restriction that penalises the impoverished but can be ignored by the wealthy”

— the wealthy who can afford to travel. That is not the sort of society that I want to create and bequeath. I will support the amendment, not least because the authors said that they recognise the imperfections of the wording and will work on that for when we come back to this debate in this House.

I appreciate the intent to support women in their decision and to support medical practitioners who have a conscience. However, this is a petition of concern by another name, so, in protest, while I will vote to support this amendment, I am taking no further part in this debate, and I will not be voting on any other of these amendments because it seems to me that electoral politics has infected this debate and that is a shame. *[Interruption.]*

Ms Lo: I am speaking as an individual MLA, not representing the Alliance Party, which has no set policy on abortion.

I wonder whether anyone in this Chamber has seen a woman who has just been raped. I have. Many years ago, when I was a sessional interpreter for the RUC, I was involved in a rape case — an experience that has never left me. Imagine a woman who has just been sexually violated. She is traumatised, exhausted and feels dirty. She is experiencing a mixture of emotions: anger and disgust towards the perpetrator, not to mention helplessness and humiliation. Imagine, a month or two later, she discovers that she is pregnant. The consequence of the violation is growing inside her body. The state now tells her that she must continue with a pregnancy where, every day for the next eight months, she will be reminded of that act of violence that was forced upon her.

Traumatised and re-traumatised. How barbaric is that?

It could happen to your daughter, your wife, your niece or your neighbour. Yet, as legislators, we have allowed this restriction from an arcane 1861 law to continue. Now is the time to bring Northern Ireland into the 21st century and meet international human rights standards.

Violence against women is a violation of fundamental human rights. Those include the right to health, life and the right to be free from torture and other ill-treatment. The United Nations says that individuals should be able to:

“exercise control over their sexual and reproductive lives”.

That includes reproductive decision-making. UN treaty monitoring bodies agree that abortion should be legal when a pregnancy results from rape, and they have urged countries to amend their laws to allow that.

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW), last year, made clear that access to termination of pregnancy must be made available in Northern Ireland in circumstances of fatal foetal abnormality, rape or incest.

In the case where abortion was denied to a suicidal young girl who had been raped, CEDAW recommended that the state take measures to ensure access to abortion in cases of rape. It also said that the life and health of a pregnant woman or girl must be prioritised over the protection of the foetus. Under human rights law, a state can decide to provide an unborn child with protections. For example,

a state may restrict a woman's access to termination of pregnancy. Any such restriction must not, however, violate a woman's human rights. The European Court of Human Rights found that:

“it is neither desirable, nor even possible as matters stand, to answer in the abstract the question whether the unborn child is a person for the purposes of Article 2 of the Convention”.

The World Health Organization (WHO) has clearly indicated that women who become pregnant as a result of rape should have access to safe abortion services. To allow access to abortion services in such cases, the WHO advises that the state should update standards and guidelines for police and healthcare providers, and that includes referrals to abortion services.

At least 1,000 women and girls from Northern Ireland travel to hospitals in Britain for terminations every year. Official figures for 2014 state that 837 Northern Irish females had abortions in Britain, although that number is regarded as an underestimation. Among them was a 13-year-old who became pregnant through incest.

The only law applying to abortion here is the Offences Against the Person Act 1861, which contains a life sentence for anyone convicted of carrying out a termination, even in cases of rape or incest. It has some of the most severe penalties in Europe.

This is a health matter, not a criminal justice issue. Women should not be criminalised. Of the 47 member states of the European Council, just six do not permit termination of pregnancy on grounds of rape, incest and foetal abnormality. Even Brazil, a repressive, religious regime whose abortion laws are among the most stringent in Latin America, allows for abortion in the case of rape or incest. Its law simply says that, in order to access a termination, a woman must put in writing to a medical doctor that she has been raped.

Largely based on the Termination of Pregnancy (Medical Defences) Act 1995 in the Isle of Man, my amendment stipulates that a woman may have a legal abortion if she has made a complaint to the police alleging that the pregnancy could be caused by rape, incest or indecent assault. The pregnant woman must then provide evidence to the surgeon and/or medical practitioner that the pregnancy could be caused by rape, incest or indecent assault. A police reference number will suffice. In addition to that, the hospital surgeon and/or medical practitioner must believe that there are no medical indications which contradict the allegation that the pregnancy could be caused by rape, incest or indecent assault. No evidence or matter connected with the abortion shall be admissible in any criminal proceedings relating to the alleged rape, incest or indecent assault except with the leave of the court. It is a given, of course, that this has to be done within 24 hours, in line with current legislation.

8.30 pm

We must trust women. Those who make false allegations of rape are in a tiny minority, and in doing so, they are committing a crime and can also face possible charges for wasting police time. Women should be provided safe, legal abortion services based on their complaint of the rape and should not be compelled to undergo unnecessary added stress by having to report a sexual crime to the police.

I acknowledge that this is not an ideal amendment. For some, it is too restrictive. I and most human rights organisations would much prefer that we allowed women to have an abortion based on their word. However, I understand that some Members might object on the basis that rape is too difficult to prove and women may lie to get an abortion. Therefore, my amendment requires women to have reported this crime to the police.

I am also concerned that, in arguing that it is too difficult to verify a rape case, we are sending out a dangerous message. If we are saying that we are incapable of proving a rape case, what is the point in women reporting it? Regardless of where you stand on abortion, sending that message to people who are most likely already very reluctant to report a rape should be a concern for us all. It is vital to stress that this amendment is about choice. No one is saying, "If you are raped and get pregnant as a result, you must have an abortion". It simply means that you can assess what options are open to you.

Justice Horner's recent judgement found that Northern Ireland's almost outright ban on abortion breaches the human rights of women and girls, including rape victims. He also highlighted how women having to travel is not only distressing for them but is very much a class issue. His judgement states:

"The protection of morals, as I have observed, should not contemplate a restriction that penalises the impoverished but can be ignored by the wealthy. It is surely not controversial that requiring women in these exceptional categories to go to England, that is those carrying FFAs and those pregnant as a result of sexual abuse, will place heavy demands on them both emotionally and financially."

It is also important to consider how our current legislation, or lack thereof, impacts our refugees. We have quite a lot of new refugees who have come here or who are arriving fairly soon. If a woman was raped prior to arriving in our country and then discovered she was pregnant, would she have access to funds to travel to England? Would she be allowed to leave with her documentation? It is not only Justice Horner who thinks our abortion law needs to change. Just last year, Amnesty International commissioned a Millward Brown Ulster poll that told us that seven out of 10 people back changes to the abortion law in Northern Ireland; 66% of people think abortion should be allowed in the case of fatal foetal abnormality; 69% think that the law in Northern Ireland should make access to abortion available where the pregnancy is the result of rape; and 68% think the law in Northern Ireland should make access to abortion available where the pregnancy is the result of incest.

Like others, I have been contacted by a number of constituents urging me to vote yes to amendment Nos 61 to 68. One constituent pointed out that even Sierra Leone has repealed its outdated abortion laws but that Northern Ireland has not.

Another constituent wrote:

"I am asking you to vote yes because I trust women to make these decisions, because I believe in human rights and because ultimately the state should not make these difficult situations worse for those families and individuals involved."

I do not think that I can put it better than that. With incest, it is unlikely that there will be a need for a police investigation, because of the probable involvement of social services or because the perpetrator is generally known to the victim. It is something that can be genetically verified as well.

This is not an abstract debate. Our restrictive law is making people's lives very difficult. I have heard examples from the Abortion Support Network. It helps local women facing crisis pregnancies, which are truly depressing and distressing. It has helped women who did not want to report a rape because they were afraid that, if the rape made them pregnant, they would be forced to carry the pregnancy to term.

Research has shown that the rate of abortions is higher where it is illegal. Generally, that is in places where people do not have access to sex education and contraception, and so what we find is that criminalising abortion does not stop it, and it certainly does not lower the rate. We live in an imperfect world, one in which violence is common and in which sexual abuse and sexual violence against girls and women does happen and can result in pregnancies that are life sentences of damage to the victims. A victim of rape or sexual abuse needs assistance, compassion and options, yet, as legislators, we offer none of those, just judgement. For how long will we export the problem? For how long will we ignore the fact that it is a class issue? How long will we subject women to such inhumanity? We have done so for far, far too long.

I know that this is an emotive subject, and I know that there are those who will rise and speak against my amendment with passion and conviction, yet I urge Members to consider this carefully from a health perspective rather than purely as a moral issue. I hope that this will be a debate that is informed by evidence. As politicians, we have failed to prioritise women's healthcare. By not supporting amendment No 68, we very much risk being on the wrong side of history. We must not miss this opportunity.

Mr McCarthy: I am grateful to the Alliance Party of Northern Ireland for recognising the importance of the issue that we are deliberating this evening. The party has recognised that the issue is a matter of individual conscience, thereby allowing a free vote in the Assembly.

I am totally and absolutely opposed to abortion, and I have always resisted and always will resist the introduction of the 1967 Act into Northern Ireland. I am grateful to hear other voices around the Chamber saying the same thing. I sincerely hope that all our public representatives will continue to oppose this obnoxious Act being brought into our country now or in the future. I have always been a supporter of the pro-life lobby and, for many years, was a member of the all-party group on pro-life. I remain a staunch pro-life supporter. I have always said that I will oppose abortion being brought into Northern Ireland through the front door or the back door.

I want to acknowledge the sincerity of my colleagues Mr Trevor Lunn, Stewart Dickson and, indeed, Anna Lo, on bringing the amendments to the Bill. Not once in the amendments is the dreaded A-word used. The amendments deal with the medical termination of pregnancy, only in totally exceptional circumstances — nothing else.

I wish to express absolute sympathy with women and, indeed, their partners — because it is not only women who are involved; there are partners, and partners play a very important role — who are faced with such devastating news about their unborn baby. These amendments do not force anyone to adopt any particular way forward, but they offer hope, love, compassion and help for those parents to have the best professional help at a time when it is most needed.

Any person and, I am sure, everyone in the Chamber who followed the experience of Sarah Ewart and her family could not have been anything but almost ashamed at the journey that that young Northern Irish woman and her family were forced to make. There are, unfortunately, too many Sarah Ewarts in Northern Ireland. It is time to see those circumstances change for the good of everyone in this region.

We also had the horrendous case, some time ago, of a beautiful young lady who was a guest — a visitor — to our wonderful island and residing in County Cork. She was a girl called Savita Halappanava. Savita and her husband were expecting a baby, but, unfortunately, complications set in, and, despite Savita's request for compassion and help, she was, in my opinion, denied medical assistance and was allowed to die. That was shocking. It was a totally unnecessary loss of life, and, unfortunately, to our eternal shame, it made worldwide news. It happened in the South of Ireland. Nevertheless, it was something that made me totally ashamed, at that time, to say that I was Irish or had anything to do with this island. Here was a family in desperate need, and the Southern authorities turned their back on our guest. That is totally unforgivable. It is time that authorities on both sides of the border showed some compassion, charity and love not only to our visitors but everyone on this island.

At the start of my speech, I said that I would not accept any shape or form of abortion into Northern Ireland. That is where I stand. That is the position of my two colleagues, Stewart and Trevor. I am not so sure about Anna, but she can speak for herself. Trevor and Stewart do not want wholesale abortion brought into this country. I am delighted that I can stand shoulder to shoulder with them on that.

We have many highly professional people in Northern Ireland; we have some of the best medical practitioners in the world. You only have to see their work — brilliant, almost superhuman work, saving lives in our hospitals and practices up and down the country. I have no doubt that those professionals are anxious to help in circumstances where there are fatal foetal abnormalities and other cases. It is up to us as legislators to ensure that no obstacles are put in their way.

Finally, I wish to thank everyone who took the trouble to correspond with me on this issue. I may not have acted in the way they will have wished, but my conscience tells me that, in circumstances in which highly qualified medical professionals have the ability to save life and prevent mental breakdowns for mothers and families, they must be permitted to help and prevent further tragedies occurring in Northern Ireland.

8.45 pm

Mr Allister: This is, undoubtedly, a sensitive and emotive issue, and, as I rise to speak, I caution myself in the circumspect language that I should use. These

amendments require to be addressed with some rigour because, behind the emotional appeal, there is a fairly fundamental change to our criminal law. That requires to be examined, as I said, with rigour.

When we take Mr Lunn and Mr Dickson's amendment, there are one or two things that are quite striking about it. It says that a pregnancy can be terminated:

“by a registered medical practitioner where a diagnosis has been made of a foetal abnormality which is likely to prove fatal”.

So, straight away, it sets the bar at the lowest possible level in decision-making. All it has to persuade is the two doctors, and we do not know whether they are the first two doctors asked or the twenty-first or twenty-second doctors asked. All it has to do is to persuade two doctors that the abnormality is likely — not that it will and not that it is beyond reasonable doubt, but that it is likely — to prove fatal. The language of the amendment then goes on to say that the diagnosis has to be made:

“by two suitably qualified registered medical practitioners who are of the opinion, formed in good faith”,

— and we are not told how that is to be tested; and:

“that—

(i) the condition of the foetus is likely to cause death either before birth, or during birth, or”,

— and here we come to a critical part of the amendment:

“(ii) if a live birth should occur”.

So, here we have this amendment anticipating termination in circumstances where a live birth may well occur. It says:

“(ii) if a live birth should occur, there is no medical treatment which could be offered to alter the fatal nature of the condition or improve the chances of survival.”

So what this amendment is saying is that if two doctors are persuaded that the condition of the foetus, as the amendment wants to call it, is such that the abnormality is of such an extent that the child born is unlikely to survive for some unspecified period — it may well be born alive, but if its chances of survival are not adequate — it can be aborted.

Mr Agnew: Will the Member give way?

Mr Allister: In a moment.

Here is the key in relation to this amendment: it does not anticipate abortion for an able-bodied child but anticipates abortion for a severely disabled child. In doing that, it crosses the line as to what I believe this Assembly lawfully can do, because it takes us into territory where, because the child is severely or likely to be severely disabled and only have a very short life, it, unlike the able-bodied child, can be aborted. What is that doing in terms of the disabled? That is saying that a child likely to be severely disabled has fewer rights, is less important and can be killed through abortion. That flies wholly in the face of international obligations that this Assembly has.

Section 6 of the 1998 Act says that we cannot legislate in breach of certain, specified international laws. One of those is the requirement set out in the United Nations Convention

on the Rights of Persons with Disabilities (UNCPRD). That is part of our law that we have to respect as a devolved institution. The convention says that the disabled must not be discriminated against and must have the same rights, liberties and attentions as the able-bodied. Therefore, this amendment, premised upon distinguishing a human being on the basis of their disability is, I believe, totally outwith the legislative capacity of the Assembly.

Mr Agnew: I thank the Member for giving way. I would like to understand whether the Member is saying that he is sympathetic to Mr Dickson's amendment but feels that it is badly drafted, in which case we could potentially not move it and bring it back amended at Further Consideration Stage. Or is he saying that he is opposed to it, and, if that is the case, surely its detail is irrelevant as the Member has made up his mind?

Mr Allister: Let me disabuse Mr Agnew of any idea that I harbour any support for this amendment: none whatsoever. I am pointing out the audacity of this amendment in the brazen way in which it would discriminate against people on the basis of their severe disability. That, I think, goes to the very heart of this matter. That is why the Attorney General in this country has gone on record to make this very point. When asked whether there were compatibility issues with this amendment and our statutory obligations, the Attorney General has, in a five-page letter, spelled it out. Yes, we are subject to the United Nations Convention on the Rights of Persons with Disabilities; yes, that convention sets out principles of which the focus is on the equal protection of the right to life for those with disabilities and those without. He says that those articles operate, as far as we are concerned, in respect of our domestic law.

Mr Ford: I appreciate the Member giving way, Mr Speaker. I fear that he is coming perilously close to criticising you for having accepted this amendment. I am also well aware, because the Attorney General has written to me on this topic and, similarly, has cited the UNCPRD. I must say, however, that Mr Allister's continual use of the term "severely disabled", as opposed to "a lethal or fatal abnormality", appears to me to somewhat misrepresent the intention.

The Attorney General has a specific constitutional function, which he has outlined, and he is absolutely entitled, if he believes that the Assembly has passed legislation that is outwith its powers, to refer it to the Supreme Court of the United Kingdom. I have no doubt that that would be his intention if he believed that to be the case, because he would believe that it was his proper duty. However, it is entirely proper for the Assembly to pass what it believes to be within its competence, on advice presumably given by the Speaker's legal advisers and certainly given by my legal advisers, and then allow referral to the appropriate body — the Supreme Court of the United Kingdom — to which, with due respect to Mr Allister, I would defer more than I would defer to him or to the Attorney General, because it is the Supreme Court.

Mr Speaker: I just want to make it clear that I detect no direct challenge to my decision. There may be issues as the Assembly makes decisions, some of which may indeed merit referral or testing against wider legal implications, including international law. However, when legislation or amendments are put before me, I allow them to go forward on procedural grounds only, not competency. In fact, I have written to the Attorney General to point that out.

Mr Allister: For the total avoidance of doubt, I have made and make no criticism of the acceptance of the amendment for debate. I am fully aware that, if the Assembly were to pass the amendment and it becomes part of the Justice (No. 2) Bill, then, under the 1998 Act, the Attorney General has the power — one would expect that he would exercise it — to refer that provision to the Supreme Court. However, if the Minister has been in touch with the Attorney General on this issue, is it not rather surprising that he has not taken the point that the Attorney General is making to him, namely that this amendment appears to be beyond that which we can do because of its infringement of the UN convention?

Mr Ford: I appreciate the Member giving way again. The position is not that I sought advice from the Attorney General, but that the Attorney General proffered his advice to me. I have access to other advice, and the best advice that I have is to suggest that, if the appropriate mechanism is that the Supreme Court should be asked to decide on a measure such as this, that is the appropriate place to test conflicting legal opinions.

Mr Allister: I do not know how far the Minister has shopped around for his legal advice, but it sounds as if he kept going until he got something that suited him. It is the Attorney General who is saying this. The two proposers of the amendment had as much access to the Attorney General as I did to ask him these fundamental questions. It appears that they chose not to ask, maybe because they did not want to hear the answer. The answer is here now, and it is a very severe warning of a belief that this is heading in the direction of incompatibility, for the very understandable —

Mr A Maginness: Will the Member give way?

Mr Allister: Yes.

Mr A Maginness: I thank the Member —

Mr Speaker: Can I ask you to address the Chair so that we can all join in the conversation?

Mr A Maginness: Apologies. Leaving aside the Attorney General, if one refers to paragraph 64 of Mr Justice Horner's judgement in relation to abortion, which is now under appeal, he refers to the United Nations Convention on the Rights of Persons with Disabilities. He confirms in his judgement that the convention is specified as one of the EU treaties under the Definition of Treaties Order. He says of the Attorney General:

"He says quite correctly that the Assembly under Section 6(2)(d) of the 1998 Act is not permitted to make laws contrary to this. This Convention proceeds on the premise that if abortion is permissible, there should be no discrimination on the basis that the foetus, because of a defect, will result in a child being born with a physical or mental disability."

That confirms the very point that Mr Allister has raised and that he believes the Attorney General has referred to in his letter.

Mr Allister: The Member is spot on; that is exactly what Mr Justice Horner said. He reminded us of our limitations in our legislative powers. The Attorney General puts that on record in his letter. It says:

"Given the clear text of the UN Convention, legislating to provide that abortion will be available to a woman

as a result of foetal abnormality would be to act in contravention of articles 1 to 4 and 5 and 10 of the convention.”

It is pretty clear.

9.00 pm

Mrs Foster: I thank the Member for giving way. Through you, Mr Speaker, is it not the case that, if the amendment passes and the Attorney General decides to refer it to the Supreme Court, the entirety of the Bill will go to the Supreme Court and not just the single provision? Therefore, the whole Bill would have to go to the Supreme Court, thereby delaying it from being implemented.

Mr Allister: I am trying to recall the exact wording. I think that it is section 11. I stand to be corrected, but I think that it refers to a provision of a Bill being referred. You would certainly have the dichotomy of a Bill —

Mr Speaker: Mr Allister, as far as we are informed, it is the provision that would be referred, not the entire Bill.

Mr Allister: You would have the difficulty of a Bill being passed — If I recall correctly, there would be four weeks for the Attorney General to make the reference, which would probably stymie Royal Assent. We are coming to the end of the legislative programme, and it may not be possible within the time frame. By one means or another, it is conceivable that more than this amendment would be jeopardised as far as the Bill’s content is concerned.

I turn to some of the other —

Mr B McCrea: I am grateful to the Member for giving way. We have had an interesting debate on the legality, and the thrust of the Member’s argument, as I understand it, is that the amendment would open the door for fetuses with disabilities and that they would be denied their legal protection. I ask him to comment on section 160 of Justice Horner’s judgement, where he stated:

“As discussed, a normal foetus does not have an Article 2 right to life, although it does have some statutory protections.”

Those have been commented on. His central argument is:

“But in the case of an FFA, there is no life to protect. When the foetus leaves the womb, it cannot survive independently. It is doomed. There is nothing to weigh in the balance. There is no human life to protect.”

The argument that the Member has spent the last 10 minutes putting forward may well be accurate, but it is irrelevant to what has been put forward. The judgement is:

“There is no ... life to protect.”

That is what the people who have tabled the amendments are about. It is not right that a woman should be expected, against her wishes, to carry to term a baby that is dead.

Mr Allister: Well, I think Mr Justice Horner was injudicious when he talked about a foetus being “doomed”. That was inappropriate. He was wrong in his conclusion in failing to carry through the import of the United Nations convention, and I am sure that that will be a key part of the appeal in the unfinished business of that case.

The amendment could not be clearer; it is emphatic. It is contemplating abortion in circumstances where there

could be a live birth. It is contemplating that a live child could be born and could live for some unspecified time, yet, according to this amendment, it could be terminated. That is what the amendment says. The language is couched in those terms.

For Mr McCrea’s scenario to be valid, you would have to have infallible doctors who are able to say that a child is incapable of being born alive. We do not have infallible doctors; we will never have infallible doctors. We only have doctors who are capable of giving an opinion, and the ambit of that opinion can go to the extent that the child may be born alive, but, ultimately, it will not live.

That is another way of saying that that severely disabled child does not really matter — it does. That child should matter to us. I think that it is appalling that there should be a proposition that a child of that nature, because it is severely disabled, should not be allowed to live. That is the core issue.

Mr B McCrea: Will the Member give way?

Mr Speaker: It may be appropriate to remind Members — those making speeches and those making interventions — that this debate has attracted widespread attention from our community, including people who are going through terrible trauma. Can we just choose our words very carefully and sensitively?

Mr B McCrea: Absolutely, Mr Speaker. I am sure that we are all mindful of people looking in, and I think that we have tried to deal with matters in a judicious manner.

Let me just say this to the Member who has spoken: in response to Mr Agnew’s intervention, the challenge was that, if there is a flaw in the drafting of the amendment because you feel that it does not sufficiently tighten it down, it can be changed. You say that doctors are not infallible. This is a key point. Let me read out what anencephaly is, and I apologise if it offends anybody. This is the medical condition that Sarah Ewart’s baby had. It is a condition that is characterised by the absence of the brain and the cranium above the base of the skull. There is absolutely no prospect of life. It is not something for conjecture. It is not a severe disability. They cannot survive on a ventilator. This is the absence of life, and there are a number of other conditions that are medically adjudicated to mean that the baby will not survive — it is not live. On that condition, given the trauma that some mothers go through, surely we should have a degree of sympathy and say that, in those circumstances, however you want to draft the amendment, we should do what is kind and humane for the mother.

Mr Allister: I only regret that Mr McCrea obviously did not take the opportunity in the Long Gallery some months ago to come and hear the testimony of parents who had given birth to children of that description who did live for minutes or hours and to hear, despite the obvious and, ultimately, life-taking condition that they had, of the preciousness, valued by those parents, of being able to hold that child and to part with it from this world in their arms. I only wish that Mr McCrea had taken the opportunity to come and listen to such parents. If he had, I suspect that he would not have sought to make the point that he has just made to unilaterally declare that none of those children can ever live at all. They can; they have; and this amendment says that they should not.

Ms Lo: I thank the Member for giving way. The reality is that many women who get a diagnosis that they are carrying a child with fatal foetal abnormality choose to go to England — are forced to go to England — to have an abortion, and they cannot even bring the foetus back to Northern Ireland. The airlines will not allow them to carry their dead baby back to Northern Ireland for burial. That is very, very cruel.

Mr Allister: No doubt there are many hard cases and many heart-rending cases on all sides of this argument but, as someone said at the beginning of this debate, you do not make good law on the basis of hard cases. You make the law according to principles, and, particularly in circumstances where we are told this is all a conscience matter for ourselves, we as legislators are told to make the law according to our conscience. If our conscience says, as mine says to me, that I should not lend any support to circumstances of terminating a pregnancy because the child could be born severely disabled and may only live a short time, I am not going to do that, and I do not think that any legislator should do that. If legislators have done that in other circumstances in other places and have opened the floodgates as they did, that is a matter for them, but that is a road that this Assembly, particularly bound as we are by the UN Convention, should not begin to tread. I urge the Assembly to reject this amendment.

I want to turn to those other amendments that are based on rape and incest. The remarkable thing about these amendments is that not one of them addresses this rather fundamental question: how do you satisfy yourself that it was rape? Probably more than most, I have been involved in my time in a lot of rape trials, and 95% of the time, the question for the jury is whether the sexual intercourse was consensual or not. How do you determine that there was rape, within the window of abortion, where you have no recourse to the due process of the law? How do you possibly determine that the label that you need to put on this as the passport to abortion is rape?

Ms Lo's amazing answer in her amendment is that all you need to hear is an allegation and that an allegation, whatever the motive, is enough to sign you off on an abortion. The tests in Ms Lo's amendment are that:

“the pregnant woman has made a complaint to the police alleging that the pregnancy could be caused by rape, incest or indecent assault, as soon as was reasonable”,

or that she:

“has produced to the hospital surgeon and/or medical practitioner”,

— not to the police —

“evidence suggesting that the pregnancy could be caused by rape, incest or indecent assault”,

and that:

“the hospital surgeon and/or medical practitioner are of the opinion, formed in good faith”

— whatever that means —

“that there are no medical indications which are inconsistent with the allegation that the pregnancy could be caused by rape, incest or indecent assault.”

Then, to crown it all, this allegation can never be used in bringing someone to justice, because the amendment adds that:

“No evidence in respect of, or any matter connected with, the termination of a pregnancy in accordance with this section shall be admissible in any criminal proceedings relating to the alleged rape, incest or indecent assault, except with the leave of the court.”

What a charter for abortion on demand, effectively. All you have to do is to allege indecent assault, it seems, or rape —

Ms Lo: Will the Member give way?

Mr Allister: — and you are entitled, on the nod of a medical practitioner, to an abortion. Yes, I will give way.

Ms Lo: The Member, I am sure, is aware that we in Northern Ireland are the exception in the world. Forty-seven countries in Europe all allow abortion on the grounds of rape. How do the other countries do it?

Mr Speaker: Through the Chair, please. I am not sure how many other Members heard that contribution, because I could not hear it. I am not inviting you to repeat it. *[Laughter.]* Through the Chair — you should know.

9.15 pm

Mr Allister: The Member suggested to me that 47 other countries in Europe — I am not sure about the accuracy of that — allow abortion on the basis of rape. Of course, there are many countries in Europe that allow abortion on demand, and, no doubt they are included in that figure. However, what other countries do is a matter for them. The question tonight is, “What is this Assembly going to do?”. What does the conscience of this Assembly inform us that we should do? And I trust that the conscience of this Assembly collectively informs us that we should not follow the path laid out by Ms Lo, Mr Dixon, Mr Lunn, Mr Agnew or Mr McCrea.

Mr Agnew: We are debating the proposal to provide exceptions, in exceptional circumstances, to our current law on abortion. There has been some discussion about whether or not this Bill is the appropriate place to have this debate, and whether doing it through amendments is an appropriate mechanism. I would be much happier having this as part of a health debate. This is a health issue, and that is how it should be treated, but, unfortunately, the law on abortion is one of criminal justice. The threat of life imprisonment is in place should someone procure an abortion except in cases where the mother's life is at risk. Of course, we know that, even in those very exceptional cases, it can be hard to get a medical practitioner to take that risk, unless they are absolutely certain that the mother's health is at risk.

Every week, approximately 20 women from Northern Ireland will travel to Great Britain for an abortion. The circumstances of each of those women will, of course, vary. But, they will include those who have received the devastating news of a fatal foetal abnormality, and they will include those who have been the victims of a sexual crime, including rape. Our current laws compound the trauma for many of those women by denying them access to healthcare locally. Those who have the means to travel, potentially do so alone; potentially get into debt to acquire those means; and will receive their treatment in a strange

place, away from their friends, away from their family, potentially away from their other children, because our laws choose to deny them that treatment here. They may pay up to £2,000 to access that treatment, and of course there are those who cannot afford that option, who have no choice — not even this regrettable choice.

Members are well aware of the story of Sarah Ewart, who bravely came forward to tell her story, and who put a face and a human dimension to the statistics that I have heard for many years. I suppose, she put a name and a story to the case study and really gave life to this issue. I think she really did change the landscape in Northern Ireland. I have met with her on a couple of occasions now, and I have said that to her. I commend her for what she has done. I do not think we would even be having this debate, were it not for her coming forward. Sarah has made it a safer space for us all to have this conversation because people have empathy with her and, therefore, for the many other women who find themselves in similar circumstances.

Sarah has publicly expressed that she wanted to have a baby and that the diagnosis of anencephaly was devastating to her. I am delighted to say — she has met each of the parties here and Members will know this — that, since first telling her story, she has had a pregnancy that went to term and has a healthy baby boy. I am delighted for her, but she lives in the knowledge that, in any future pregnancy, there is a risk of a similar diagnosis. As she outlined, her grandmother went through a similar situation. She outlined to us her experience and what her circumstances were. I quote from the letter which, I believe, she has written to all of us:

“Unfortunately, instead of having compassion, respect, dignity and support from my own consultant and midwives in my own hospital and country, with my family and friends to support me, I was left to go away to a clinic to have this medical procedure. And let me tell you, being there at a clinic for a termination and losing a baby you very very much wanted — it was just awful and made it so much worse for me, my husband and family to try and deal with that, on top of losing our very very much wanted baby girl, Ella.”

My concern is that, tonight, we may make a decision that will determine a similar outcome for many more women because, whilst we have given sympathy to Sarah and empathised with her, we have not chosen to make a positive change to ensure that other women do not have to go through the experience that Sarah went through. That is what she has asked of us, but it appears from the choices of many in the Chamber tonight that we are going to say to Sarah, “No. We find the circumstances as they currently exist in Northern Ireland acceptable, and we will not make a change”. I think that that is a shame and an opportunity wasted.

A court has ruled that the law in Northern Ireland denies women their human rights as enshrined through international law. The amendments proposed here are about putting in place the minimum changes that are required to bring our law within the international human rights standard. The proposal is to give women in exceptional circumstances — cases of fatal foetal abnormality or sexual crime — a choice. The proposal is simply to enshrine in our law the minimum required to uphold a woman’s human rights.

I am disappointed that a party or parties in this House that have campaigned for a bill of rights and to defend the Human Rights Act say on this issue of human rights, “No. This is one human right that we do not wish to extend to Northern Ireland. This is a woman’s right that we do not wish to uphold”. I find that disappointing, and I question that party. I make particular reference to the SDLP. In the future, when it campaigns for human rights and for a bill of rights in Northern Ireland, people will question what that bill of rights will look like. Will it afford us the international human rights standards to which we should adhere or will it be something less? To oppose these amendments is to suggest that, in Northern Ireland, we should have something less.

I will make specific reference to the amendments.

I have spoken to some of you and I have been clear that I want those of us who support change to get behind an agreed amendment. For that reason, I do not propose to move my own amendments, but to support the amendment of Stewart Dickson and Trevor Lunn in relation to fatal foetal abnormality and the amendment of Anna Lo in relation to sexual crime.

As I pointed out to Mr Allister, we can, if we make the choice, have a debate at Further Consideration Stage, or a discussion between now and Further Consideration Stage, about an agreed wording if the amendments proposed this evening are not acceptable. However, I think it is clear that that is very much a side issue for those who chose to pick holes. They do so knowing full well that no draft of these amendments will satisfy them and that they will not legislate for women who face fatal foetal abnormality or are the victim of sexual crime. In no circumstances will any draft of amendments be supported by some Members. I am disappointed; that is regrettable.

We have seen the court ruling. We have seen opinion polls. We had the consultation from the Minister. We have seen the evidence that came forward from that. The evidence seemed to be overwhelming in the case of fatal foetal abnormality, but we have not chosen to follow it. Opinion polls have shown a public desire for change. No opinion poll can be perfect, but I have yet to see an opinion poll that suggests that the public in Northern Ireland do not want change. If you do not accept the Millward Brown poll, there is the current ‘Belfast Telegraph’ poll, which, the last time I looked, was at 80% in favour of change. I do not think that you could accuse the readership of the ‘Belfast Telegraph’ of being radical or in any way outwith public opinion. Many would see it, on the whole, as a conservative readership, but those who are voting in that poll are voting for change.

I believe that it is time we trusted women to make a choice, and that is all that is being proposed; that we give women, in these limited circumstances, a choice. Some would like to go further, but the proposal this evening is that, in those limited circumstances, we give a choice. It is time that we listened to women, trusted women and acted for women. Our laws in Northern Ireland should be compassionate and meet the minimum requirements of international human rights standards.

It is well known that there are those in this House who have one opinion when their party may have another. There was a lot of discussion about whether there would be a petition of concern from the DUP. I acknowledge that

it has made a big step by not petitioning this issue and in considering exploring it further through the working group. I hope that, if that option is chosen, it will be a genuine exploration of the issue and that we will see proposals for change come out of it. However, I fear, and I regret, that the decision to delay its report until after the election is a strategic one. We have had consultation, and the evidence is in. I fear that that is simply a delaying tactic to keep the electorate guessing.

9.30 pm

I question the SDLP's position. In the DUP and the SDLP, there are those who support the principle of the amendments. I call on those parties not just to trust women but to trust their Members to vote without the Whip and with freedom of conscience. We have this opportunity to make real change, and I really do not want to see it wasted.

Mr McNarry: We have faced many challenges in this Assembly term, and none more so than the issue that we are discussing today.

Let me say this: we cannot do this. We just cannot support these amendments. The matter is not a contest. It is unedifying to hear some — from outside, may I say — attempting to turn it into a winner-takes-all prize. We recognise that this is about legislation of meaningful consequence for the unborn child and the mother who is carrying the baby. It cannot be about the yesterdays when our vote is deciding about the tomorrows.

The question in my mind, which I resolved in formulating what I was going to say in the debate, is this: what has altered in the passage of time during which this law has operated? It has not required, and still does not require, a new meaning, as some would want to give it today. What has altered? It is emotional, and, at times, that is understandable. Emotions have sadly been drawn into it. However, let us admit that the floodgates have opened, and the scaremongering gushing from some parts has led us to this debate.

Were the babies of five, 10, 15 or even 50 years ago and their mothers worse or thought less of because of the law? Were the rights then regulating the birth of a baby wrong? No, they were not, nor are they wrong today or are they likely to be wrong tomorrow. The law has served us well. If change persists and is reflected somehow in a vote tonight, I believe that we are heading for the slippery slope of manipulation by petition. That is where amendment No 61 could point us. Let me caution that, if the vote is to agree the amendment and introduce the new clause now, once the rush to manipulate on the back of such changes has taken place, it will be turned into abortion on demand.

This bit is a bit personal, so indulge me my emotions if they arise. This step, if we take it today, will, without a shadow of doubt, be manipulated and make it easy — and I emphasise “easy” — to terminate babies known to be born as, in the assessment of some, imperfect. In my opinion, putting the assessment of clinicians in the frame as judges and arbitrators in the decision and advice stakes of what is a perfect or imperfect baby cannot be done.

Who becomes the lawful decision-taker in the determination and definition of imperfection? Are we deciding this evening for the unborn baby? A baby was born 73 years ago who may be called imperfect today. She is alive and very well. She would be described as

disabled — the point my colleague Mr Allister made earlier. She would be described as having serious and severe difficulties in speech, mobility, decision-taking and general function. She is my 73-year-old sister-in-law, and I have known her for over 50 years. I love her and care for her despite what some would call her imperfections. She is very much alive. She is a character. To me and her family she is very much also a real person. Seventy-three years ago she was given the opportunity to live her life. Her parents did that. We have all benefited, in this family of ours, through knowing and living with this very dear person.

I worry where this will take us. Go with this amendment and you put the law on the slippery slope of termination of babies as I have described. This is where the fancy-worded tampering amendments like this, and others that will surely follow if we pass this, will end up.

Mr Speaker, just digressing for a moment, with your indulgence, it is close to the subject for the Health Minister's proposed task team, which I welcome. I asked him to include the other misfortunates: the devastating and distressing impact that stillbirths have on parents. We are told that nearly 4,000 babies are born dead in the United Kingdom each year. No figure is given for Northern Ireland, but I fear that we do not escape here. Here we have mothers and fathers not thinking for any reason, and far less considering termination, finding that their baby has survived until birth, only to be born dead. Those are parents determined to give their baby a life. Unlike some, those parents, knowing fine well what the opportunities may have been for their baby but nevertheless facing the shock of stillbirth, wanted to give their baby a chance. We have no right to bestow on ourselves as legislators the making of laws that promote terminations, as listed in this amendment. We cannot support such promotion. We cannot take it upon ourselves to deny a baby life, even for minutes, and we cannot offer the parent that early disposal of their baby through termination without seriously offering them that precious moment of holding the baby they have given birth to. It is just not right.

I ask the House to vote against the amendment not just in our name as legislators but, if I may presume, in the name of all babies, who deserve the right to live and to be loved, no matter for how long. We must not take upon ourselves the decision of deeming an interpretation of imperfection to mean terminating a baby.

Mr B McCrea: It has been a long night. I note that some of the Benches are emptying. I have to say it is a great disappointment to me that the DUP, having spoken once, would not speak again, because I know there are people on the Benches who have heartfelt opinions on the matter. I also think it is disappointing that, on a matter that is discussed widely, no interventions would be taken. In fact, there was a time when the Speaker had to say, “Would the people in the back corner stop talking amongst themselves? We have to speak to the entire Chamber”.

This is an important debate. I was disappointed with some elements — maybe that is the way — but heartened by others. Actually, for what it is worth, I think it is progress that the DUP is considering some form of working party. I will look forward to seeing how that comes forward. I think it is a change in position. Yes, it may well be to do with elections, but this is a political place, so why would it not?

There are some other contributions that I want to lead on to. I thought there was a very balanced view from the UUP — from Mr Kennedy and Mr Nesbitt. I detected that, whilst it was not a change of opinion, it was certainly a consideration of the point and was put forward particularly well. When it comes to those in the SDLP, a party that is looking to bring forward new and younger people and to show some way that Northern Ireland is moving forward, I say to you that I suspect you will be disappointed in how your message is received by your younger voters. Of course, you do not care what I think, but I am entitled to give you my opinion.

When it comes to Mr Allister, this is where I start to have an issue. This is a man who undoubtedly has a great grasp of legal parlance and argument. Instead of engaging in the substance of what we are talking about, he sought to shred the amendment. He went through it saying, “This would not work”, “That would not work”, and, “That is not the correct way”, yet, time and time again, he is asked —

Mr Allister: Will the Member give way?

Mr B McCrea: Yes. In principle, would you support that stance if it could be drafted correctly?

Mr Allister: Will you give way?

Mr B McCrea: I am quite happy to let you intervene, but I will ask that question, through you, Mr Speaker, because we did not finish on it. We talked about rape. He argued that it was not possible in many cases to decide whether or not there was rape and that it would not be possible to do that within the term.

I wanted to ask him, from a legal position, whether he accepts that, if it was subsequently established that there was rape, that would be a defence for a consultant who carried out an abortion? Does he accept *Regina v Bourne*? Does he accept that, in 1938, when a 14-year-old girl was gang-raped by five soldiers, the eminent consultant who carried out the abortion was not convicted because of that defence. Does he accept that, if rape is established, that is a defence? It is not about whether we are able to establish it or how it is drafted because that is for the courts. In an instance where there is rape or incest, is that not a defence?

I have to say —

Mr Allister: Will the Member give way?

Mr B McCrea: I am happy to give way.

9.45 pm

Mr Allister: With respect, the confusion that is evident comes in the contradictory sentences: if there is rape, but we cannot prove it, we still call it rape. Either it is rape or it is not, and how do you know that it is rape but by due process. There is no other way of knowing that it is rape other than by due process. Otherwise, you are reduced, as Ms Lo’s amendment is, to setting the bar at an allegation of rape. So, really the only viable way forward for those of that point of view is to do what Ms Lo suggests and have an allegation of rape as being sufficient. I think that that is preposterous, but that is where your undefined amendments are taking you.

Mr B McCrea: No, you are not answering the question put to you. In the *Bourne* case — the *Bourne* exceptions — this was a legal finding. This was a finding that rape

was committed. This was the definitive case in 1938, and Dr Bourne was not convicted. That was a legal finding. The rape was a legal finding. Do you accept that, in those circumstances, that finding was correct? That is what you have to decide.

Mr Allister: The Bourne —

Mr Speaker: Excuse me. Mr McCrea, I think that you might find it extremely difficult to tie down a man with the experience of Mr Allister if he does not want to be tied down. *[Laughter.]* I think that you are on much surer ground in this debate if you express your view. You have given us an example of an indisputable rape case and an outcome in legal terms where a termination had been carried out. I think that a ping-pong between you and Mr Allister is not going to help you, and it is certainly not going to help this debate.

Mr B McCrea: Mr Speaker, I am grateful for your direction, but I will say to you that I think that I can put forward an argument. I accept that I do not have the legal training —

Mr Speaker: We are debating the amendments —

Mr B McCrea: Absolutely, Mr Speaker, but I think that I can put forward an argument on the amendment. The point that I was dealing with on the amendment was that the Member argued that this is not properly defined, and I am trying to establish whether, if it could be amended at the next stage of the Bill, that would be acceptable. I will move on having made my point.

In putting forward some other arguments, I will say that what happens in this place is that contentious debates tend to go nowhere, because they tend to be argued from black and white positions. What we have to recognise is that, in real life, there are no black and white positions: there are people; and there are tragedies. This is our responsibility. A certain Member — I think that it was this Member anyway — talked at the start about the fact that hard cases do not make good laws. Yet, on earlier amendments to the Bill, we talked about Clare’s law — I think that the Member brought forward that as well — and that is an example of where individual cases make a difference. Earlier, I heard Mr Frew talk at length about the stories of domestic violence that affected him and how that formed his opinions.

I will talk not about Sarah Ewart or her mother Jane, whom I have spoken to — I do not know whether others have done so — but about Chris and Laura, constituents of mine, who, after their 20-week scan in my local hospital, Lagan Valley, got told this rather unwelcome news: we think that there may be a problem. This is what nobody wants to hear. You are going through to your second trimester scan, and you think that everything is fine. You are getting excited, and you are told that there may be a problem.

You go to another hospital — let us call it the Ulster — and you are told, after a few days, “Actually, we think that there is a problem”. You ask, “What are the options?”. The answer is, “We cannot give you advice”. It is now 21 weeks, and you only have three weeks before you can go and get a termination within the 24-week limit. Who is going to give you advice? Who do you turn to? Nobody will give you advice, so you end up, as a mother of some children, having to get time off, having to find the money to go across to England and having to find somebody who

will give you a hospital to go to, because late abortions are not that easy to find.

When you go across, and you do eventually get help, and you do have a termination because of anencephaly, you then say, "I would like to bring back my twins". Ms Lo brought the point up that the question that you are asked is, "Why do you want to bring them back?". The answer is, "Because I want to bury my children". That is why they want to bring them back. What question does the airline ask? The airline asks, "Are they in formaldehyde?". What sort of a question is that?

The only way that the couple could bring back their babies was by dressing them and putting them in a suitcase. Do you know what happened when they went to pick up that suitcase as it was going round the carousel? The suitcase fell off. Can you imagine the distress and the trauma? Do you know what would have happened if she had not gone to the Lagan Valley and the Ulster but had gone to the Royal? She would have got a termination. It would not have been an emergency position. I look at that case, and that informs me about how I would try to deal with matters humanely and sensitively.

For those of you who have declared yourselves to be Presbyterians, like Sarah Ewart and her mother, Jane, I have to say that I have never met two people who look more like Presbyterians than the two of them. They are stalwarts of the church; good people in a horrible situation. They came to this place asking for help. They came along and said, "Look, this is horrendous". It is not just a case of saying, "You can carry it for another three or four months. What does it matter?". This is deeply traumatising and an absolutely awful position to be in, and we ought to be a more humane society.

Some of the arguments that were put forward included, "We are not going to introduce the 1967 Act" and "This would be the slippery slope that we will be on". The evidence in front of the court says that there is no evidence that the law in Northern Ireland has resulted in any reduction in the number of abortions obtained by women from Northern Ireland. There are no reductions. This law in this place does not stop abortions. What it does is that it makes it more dangerous. It forces people to go and take other steps that they should not have to take. This is not the correct way forward, and it disproportionately affects people who are on lower incomes or who are from disadvantaged backgrounds. That is not the right way to go forward either.

When I look at what we might do in this place, I think of a famous comment from Mr Nesbitt. I am not chiding him, but I will just put this back to him. I suspect that this place will find itself on "the wrong side of history". This is not what the younger generation of our place wants. They look around and they see us making decisions that, frankly, they do not agree with.

You always get a little bit reluctant when you are talking about these issues, but there is an age-old saying, since we are talking about age-old sayings, and I am forced to ask myself, "I wonder what the debate would be like if men could get pregnant?". We are all standing here pontificating, saying that you can do this and can do that. It is a really serious issue, and I do not think that we are doing it properly.

On the issue about fatal foetal abnormalities, I know that I have said it before, but let me read out the judgement. This is what we are talking about. This is a legal position.

It may be challenged, but this is what we have at the moment:

"The doctors know when a foetus has an FFA. This is primarily a medical diagnosis not a legal judgment."

So for those of you who say, as I think —

Mrs McKevitt: I thank the Member, through you, Mr Speaker, for giving way.

Mr Speaker: Through me, please.

Mrs McKevitt: Yes. What is the Member's opinion of a parent given a diagnosis that their child would not survive outside the womb, but they got it wrong, and the parent is looking at and nursing their child on their knee today?

Mr B McCrea: The Member may have the advantage over me of having medical training. All that I am doing is reading from paragraph 160 from Justice Horner's judgement. If she has got an issue with his judgement that the doctors know when a foetus has got an FFA, that is something that should be taken up through the Justice Department.

My argument — the argument that was put in front of the courts; the argument that Sarah Ewart brings forward — is that there is no life to defend. That is something that is absolutely testified by medical professionals. Some people suggest, "If you don't like one doctor, you can go to another". I do not know how you do that; maybe that is what happens in the legal profession. I trust medical practitioners. If a medical practitioner says, "This is the condition", all I want is for the person to have choice. Mr McNarry made a heartfelt plea concerning a person who decides that they should carry the baby to term, and maybe it lives for one minute or maybe it does not, or whatever. Those are choices that people should have. Equally, people should have choice if they do not want to carry the baby — a baby who does not have life. The humane thing to do is not to put them on a boat to England and say, "Look after yourself"; the humane thing is to give them care and attention in their local facilities, with their family and friends around them, treat them with respect, treat them as human beings and try to make life better for them in what is a terrible, terrible situation.

I come now to the other point that we are talking about. I signed Mr Agnew's amendment, although it seems to have gone unnoticed by just about everybody, so maybe I should have kept quiet about it. I signed it just to say that we should not be standing alone. There is a lady who makes huge arguments that she is going to highlight — "expose", I think, is her terminology — those MLAs who dare to vote for fatal foetal abnormality or any of these issues at the election. Let me tell you: I am standing up here, and that is the way I am voting, because I do not think that that type of language is a good way to go forward about such a sensitive situation. If you want to put a point of view across, you are entitled to put a point of view across, but such language is destructive, uncaring, unfortunate and simply not right.

On the current law, the judgement states:

"the current law places a disproportionate burden on the victim of sexual crime. She has to face all

the dangers and problems, emotional or otherwise, of carrying a foetus for which she bears no moral responsibility but is merely a receptacle to carry the child of a rapist and/or a person who has committed incest ... For many weeks after the unlawful impregnation the foetus remains incapable of an existence outside the ... womb. The law makes no attempt in those particular circumstances to balance the rights of the woman. In doing so, the law is enforcing the prohibition of abortion against an innocent victim of a crime".

That is what we should be addressing. Those are very real issues. Those are not things that should be ducked. When it comes to that in the debate, one of the things that the judge opined was that, sometimes, when it comes to these difficult decisions, we as legislators are not capable of making appropriate decisions, because we adopt fixed positions. What they say is, "Maybe the independence of the judiciary is the right way forward. Maybe we will go to the Supreme Court. Maybe we will go to the European Court of Human Rights. Maybe that is where we will sort it out". But is it not something of an indictment on us all that we cannot deal with a situation that just affects a relatively small number of people who are in distress? Would it not be better if we could argue for people's human rights to try and find a better way forward and to take on board people's concerns? I absolutely understand that people have certain objections, and they want to make sure that there are safeguards in place, but would it not be better if we could find a composite way forward?

10.00 pm

In conclusion, I think that it is a good thing that we have had the debate. I know that some people have argued that we should not have introduced amendments at this late stage. In fact, I seem to recall in this Bill that there was that discussion early on, but, on balance, I think that it is good to talk. It is good to have the debate, and I really wish that the DUP, which, I am quite sure, has the ability to argue its case, would take part in the debate in this place. I think that we would all be the better for it.

Mr Lyttle: I echo the words of Mr McCrea in saying that I welcome the opportunity for this debate to take place this evening. It is not an issue that we get to discuss or debate often in this Assembly, yet it is an extremely important one to many people in our community. I am grateful for the opportunity to speak because I believe that people expect to hear where we stand on these matters, however difficult it is for us to adopt positions on them.

I speak this evening with the women affected by these traumatic situations that we are considering tonight close in mind. They are some of the most difficult and incomprehensible issues faced by any women and families in our community. There are difficult circumstances in which termination is permitted: when the life of the mother is at risk; and when there are risks of long-term injury to the physical or mental health of a woman. I believe that there are a significant number of people in our community who believe that fatal conditions, rape and incest should be included in that criteria. The challenge, therefore, is how do we respond to those situations?

I have not heard too many alternatives to the amendments that have been put forward this evening mentioned tonight.

We have heard from the DUP that a working group is to be formed. We await the terms of reference, membership and work plan of that working group, and we hope against hope that that will lead to positive action and outcomes on these issues. However, it is my understanding that a Department of Health termination of pregnancy working group has been in place since around 2004, and we know that, in five years of the DUP ownership of the Health Ministry, we have yet to receive clear guidelines on the issues. I think that the frustration in relation to that is exacerbated by the fact —

Mr Hamilton: Will the Member give way?

Mr Lyttle: Yes, I will give way.

Mr Hamilton: I heard the Member's comment or criticism, in fact, about guidelines not coming forward from the Department of Health. Will the Member reflect on the fact that, when new guidelines on the termination of pregnancy were issued by me in December 2015, one of the Ministers who replied to those guidelines was his party colleague the Minister of Justice, who said that he did not support those guidelines? Perhaps he will reflect on that fact when he is standing in the Chamber chastising me for not bringing guidelines forward.

Mr Lyttle: Thank you, Mr Speaker. I am glad that —

Mr Ford: Will the Member give way?

Mr Lyttle: Yes, I will give way shortly. *[Laughter.]* Briefly, Mr Speaker, in all seriousness, I am glad that the Health Minister has found his voice on this particular issue and that we have had a response from him. The guidelines would be open to challenge and engagement from any Member of this House in order that we ensure that they are as robust as possible. Maybe if we had those published, we could engage with that. I am happy to give way to the Minister of Justice.

Mr Ford: I appreciate the Member giving way. You see what happens, Mr Speaker, when a liberal party gives freedom of conscience on an issue like this? I reassure the Member that the draft guidelines were circulated a few hours after the judgement of Mr Justice Horner, which meant that guidelines that reflected the law as it existed prior to that judgement could hardly then be said to be valid. *[Interruption.]*

Mr Allister: It is the law.

Mr Lyttle: I thank the Minister of Justice for his helpful intervention. As we see from the exchanges, we need clarity on the issue. As I said, we have yet to see that in the five years that the DUP has held the Health Ministry.

I was endeavouring to be positive about the establishment of the working group. We await the terms of reference, the membership and the work plan for it, and we hope it will be able to deal with some of these issues.

In looking for alternative ways to deal with an issue that has not been addressed, despite people having the authority and responsibility to do so, we can look to the position of the Northern Ireland Committee of the Royal College of Obstetricians and Gynaecologists. It set that out in its response to the Department of Justice's consultation on abortion, despite what some Members said this evening about a lack of consultation on the issue. As I understand it, the position set out by the Royal College of Obstetricians and Gynaecologists was that abortion should be a statutory option if two registered medical

practitioners are of the opinion, formed in good faith, that a foetal condition has been assessed as lethal and that, yes, continuance of the pregnancy would be likely to have a detrimental impact on the health of the mother. I believe that the amendment put forward by Mr Dickson and Mr Lunn — amendment No 61 — proposes that type of statute, save a reference to the health of the mother. I have heard from the proposer of the amendment that it would be possible to consider the viability of that type of reference at Further Consideration Stage. Indeed, the Bill continues to provide scope for wider consultation on the issue, despite what some Members said.

I do not believe in the extension of the 1967 Abortion Act-style legislation. I am particularly concerned about and opposed to the provision of abortion in the case of disability. I am, like, I believe, many people in our community, sincerely sympathetic to the position that, in fatal conditions, rape and incest, abortion should be permitted. This is a significant problem. A problem appears to be that the Department of Health guidelines, which are necessary for providing medical practitioners, women and families with the clarity and care that they need and deserve, have been in abeyance since at least 2010.

Mr Dickson: Will the Member give way?

Mr Lyttle: Yes, I will give way.

Mr Dickson: I thank the Member for making reference to guidelines. Does he agree with me that, once guidelines were withdrawn and challenged, the genie was out of the bottle and that what we now need are legislative foundations to build future guidelines?

Mr Lyttle: I thank the Member for his intervention. It brings me back to a comment that was made, I believe, by Mrs Kelly from the SDLP. She said that the position of clinicians and experts on this was that we needed guidelines when, indeed, the opinion of experts such as the Royal College of Obstetricians and Gynaecologists, in its response to the DOJ consultation, was that statutory definition — the Member referred to a legislative framework — is now needed for this matter. That is an expert opinion on the issue. The time before Further Consideration Stage would allow us further engagement with that type of body on that type of issue.

Therefore, given the undue and inordinate delay in dealing with this, I will vote for amendment No 61, which was brought by Mr Dickson and Mr Lunn, on the uniquely challenging matter of fatal foetal abnormality. That is given the narrow and careful nature of the amendment and the sincere commitment to wider consultation on it.

I have said already that I am sincerely sympathetic, as I believe many in our community are, to the position that abortion should be an option available in cases of rape and incest. I think that Mr McCrea outlined how, even under the current law, abortions have been provided in cases of rape.

Mr Allister: Will the Member give way?

Mr Lyttle: I would like to make some progress and then I will give way. Whilst I am voting for the narrow and carefully detailed amendments on fatal foetal abnormality and the wider consideration given to that, I do not yet feel fully able to vote for the amendments with regard to the grave circumstances of rape and incest. I must give credit to my colleague Ms Lo for the way in which she put forward her contribution on that issue this evening. I think that it places a responsibility on all of us, as Members

of the Assembly, to continue to work together with our community and our professional bodies to ensure that our law and guidelines better respond to those most serious circumstances. I am happy to give way.

Mr Allister: The Member referred to the evolution of the law. Of course, in the Bourne case — we did not quite get that discussion finished — the defence was not based on the fact that it was rape; in fact, it was a gang rape. The defence was based on the abortion being justified because of the resulting impact on the health of the mother, which, of course, fits very neatly with our existing law, which states that it is not an offence if the life or the long-term health of the mother is at severe risk. That is what Bourne was about. It was not because it was a rape; it was about the effect on the health of the mother.

Mr Lyttle: I thank the Member for his intervention. There are other serious conditions that our clinicians clearly do not feel that they have been provided with the clarity and the tools to respond to at this time. I believe that we have a responsibility to act rather than to delay any further, and that is why I have taken the position that I have outlined today.

Mr McCallister: In looking at this issue and listening to the debate, I have huge respect for colleagues. This tests all our consciences because of personal circumstances or issues of faith. I think that it is important — in fact, it is hugely significant — that we are having this debate without a petition of concern. In the UK, we have a great tradition in parliamentary democracy of having votes on issues of conscience like this, and I think that this is an important marker to set down.

This is an issue that I think about and reflect on. This month six years ago, my wife and I got the great news that we were expecting our first child. We have subsequently gone on to have three pregnancies and three healthy children. We had midwife-led care through the NHS, and everything went very well. That was our experience. Like many colleagues in the House, we know the huge joy that children bring to our lives and, for some of us, the huge joy that grandchildren bring to the lives of colleagues here. However, the debate and the amendments that we are talking about relate to times when individuals or families are faced with what can only be described as absolute human tragedy, when you are given a diagnosis and your joy turns to great alarm and sadness. I would not wish that on anyone. I just hope that I am never faced with that set of circumstances or ever have to even think about what our reaction as a family would be. I do not want to have to do that and I do not want anyone else to have to do that.

We listened to the stories of women, who, like Sarah Ewart, came forward to tell their stories. That is an incredibly courageous thing to do. There are few things that you will ever talk about in the public square that are more personal than that experience. There are few things that are more personal that you will have to deal with and truly bare your soul on. That is why the amendment on fatal foetal abnormality is hugely important.

10.15 pm

The one thing that I recognise and say to colleagues who oppose to the amendment is that it is about giving a choice to a family in a very difficult set of circumstances. It is not saying that they must do one thing or the other, and it builds in support that we would want to see. Many families

might take the option of going to full term and might find some crumb of comfort in having a minute, two minutes or 10 minutes with their child. That might help with the grieving process for that family. All that Mr Dickson and Mr Lunn's amendment is suggesting is that, for some people, we might offer that choice, that support and that ability to deal with it here, at home, in a hospital that is close to their family, and not have to move the problem. That would be a huge step forward in dealing with a tragedy in as compassionate a way as we can and building in the supports that all of us would want to see, whatever choice that mother or that family might make. That is something that we have to recognise.

Like Mr Agnew, I would have preferred for it to be seen as a health issue rather than through the criminal law. I find it somewhat disturbing that the laws that we are seeking to amend are 150 and 70 years old. They seem so far removed from life in 2016, not just in Northern Ireland but probably anywhere in the world.

We are addressing tragedies, no more so than in the case of rape and incest. If we cast our minds back to a number of years ago, there was a case in the Republic of Ireland — I think that it was called the x case — of a young woman, who was maybe 14 years of age and who the state, at one time, was going to force to stay. I find that a difficult thing to defend or to say that that was the right decision. I accept that there are concerns, as Mr Allister said, about how you prove it. I, for one, am prepared to trust women on that. That is something that we have to do.

Standing here, I am acutely aware that I am a 40-something man who is talking about the rights of women. I do not have hugely liberal views on abortion on demand; I am not a supporter of it. I would much prefer to see our Departments working much harder on sex education and making sure that we drive down unplanned pregnancies and the need for abortions. What the amendments are about is us showing, in very limited circumstances, some compassion to people who are at an absolutely heart-wrenching point in their lives. That is why we have to support them.

As for the arguments that it is not the right way of doing it and that it is not the right time, we have had the debate for many years and have wrestled with it. Mr McGimpsey was the Minister of Health when the Department first brought in guidelines. Those guidelines were judicially reviewed, and the Department lost on two quite minor issues. Then we went into a new Administration, and more guidelines were produced. When the judgement came out there were even more guidelines. This is a crisis of governance in Northern Ireland. We have, to his credit, a Minister of Justice who has tried to get some of these issues through the Executive. I think that this deserves to come before the House as stand-alone legislation with Committee scrutiny through which we could bring all the experts, clinicians and legal people together to give evidence. So far, however, in the Executive, we have had a collective inability to agree legislation, and indeed can barely agree on much more than a consultation. In addition, we have a collective inability to get guidelines out or to get agreement on what they should be.

The First Minister and the Minister of Health have announced that a working group is to be set up. I am prepared to count that as a genuine effort to find a way forward, and I hope that I am not proven wrong. I hope

that it is a genuine effort. If these amendments are to fall tonight, I would regret it, but if it is a genuine effort, let us all set ourselves the task of finding some way to deal with these issues that lie at the core of circumstances that have limited outcomes. Let us see how we can find a way to deal with that in our health service.

Some people are worried that this will open the floodgates. This crisis has been created in Northern Ireland by a combination of previous guidelines, court cases and the fact that, 10 to 12 years ago, these cases were being dealt with in a way that still met the current view of the law. We trusted our clinicians to do that, but we got to a point by the 2013 guidelines, whereby we had closed the doors on clinicians making any decisions on this. That is something that we need to address. I am supportive of Mr Dickson and Mr Lunn's amendment on the very specific issue of fatal foetal abnormality.

It is very hard to defend cases involving rape and incest, such as that which occurred in the Republic of Ireland a number of years ago, or the case of a 14-year-old who became pregnant by a relative. I say that as someone who has three children. I know the joy that children bring to a family home, and this is not something that I ever want to be faced with. I am, however, aware that I am a man speaking about the rights of women. Let us all set ourselves the task of engaging meaningfully with Mr Hamilton's working group so that, if it does report in six months, maybe this time next year we can look at creating meaningful legislation that will help some other families not to have to face the agony and public exposure that Sarah Ewart had to.

Ms Sugden: This is probably the hardest decision that I will ever make as a politician. Certainly, up until this point, it will be the hardest decision that I have ever made. My journey to making this decision began a year ago when these proposals were put on the table by the Justice Minister. Initially I did not know what it was or really understand it, but a constituent came into my office — she was a girl whom I had worked with when we were younger — and explained that the child she had conceived had been diagnosed with encephalopathy. I was not sure what that was.

The way in which she put the argument to me, and I will put it to Members, is that she had a child — a son who she brought to me — and that the child that she conceived was very much wanted in order to give her son a brother or a sister. At her 20-week scan, anencephaly was diagnosed, and she asked what it was, because it is something that many young women would not have known about. The doctor told her that, essentially, her child did not have a head. She immediately took it as a miscarriage, and she was prepared to deal with it in that way. However, the doctor told her that she would have to carry the child to term or make the trip across the water to have an abortion. She could not believe that; she could not understand that the country that she lived in and the Government that was supposed to protect her rights and interests was not there to support her in this decision.

That is where the failure is. Tonight, I do not think that we should be asking MLAs to trust women; we should be asking women to trust MLAs. If a woman came to me and asked, "Can we trust our MLAs?", as one, I would say, "No, we cannot, because we are failing you". We are failing them on both sides of the argument, to be fair.

One of the arguments that I took on board when I was lobbied by the Evangelical Alliance is that, when a woman is faced with this decision, because there is such a fear among the medical profession, it is almost directed towards the clinical way of going, so there is no psychological support around that. It is probably skewed a little bit towards having an abortion. That is the only option, because right now in our health system — I am willing to be corrected on this — we do not have any support for that decision.

Equally, women who feel that they can carry to term a child with a condition as severe as a fatal foetal abnormality should be very much supported in doing that. However, women who, with all the support in the world, have said that they cannot carry that child to term, for whatever reason, should be supported too, but they are not. Whether you agree with abortion or not, women are travelling from Northern Ireland across the water to have terminations. In my constituent's personal experience, she said that she was made to feel like she was doing something wrong. She was wheeled in and out like a number, and the whole process and experience took less than a couple of hours. She had to get on a plane back to Northern Ireland that night, and she did not have any opportunity to grieve in the way that she should have been allowed to had this facility been available over here. So, we failed her; we really did. Equally, we are failing people who want to carry the child to term, and that is not good enough.

I commend the proponents of all the amendments for bringing them tonight, because we are talking about it. I have no doubt in my mind that the First Minister would not have proposed a working group had this amendment not been tabled. This is a reaction; it is not an action —

Some Members: Hear, hear.

Ms Sugden: — but it is getting us talking. Contrary to all of the above, I am disappointed that we have had to do it in this way. I understand the argument that we have been discussing this for a year and that the Justice Minister tried to table it at the Executive. However, probably because of the lack of being brave, the Executive did not want to push this issue. So it has been tabled by party colleagues. Do I agree with it? Not entirely; I do not really like the wording. I have significant reservations, particularly in relation to the comments that Mr Allister made. Further to his information, I looked it up, and I discovered that disability is defined as a condition that will be life-limiting up to 12 months or is one whereby children are severely deformed. That rationale suggests that this could be contrary to our disability legislation.

10.30 pm

That concerns me. It concerns me that we are going to find ourselves back here again, debating this, because we did not get it right, and we did not do it by the right vehicle. I will be really honest; in the year of my journey, most particularly in the past two weeks, I have changed my mind so often on this. I have changed my mind throughout the debate, to the extent that I do not know what to do. I do not know what to do that is right, and that leads me to say that I will probably not support this amendment.

Not because I do not agree that we should be supporting women; we should. I welcome the fact that this debate has been put on the table, and the largest party has said that it will try to bring forward a working group on it, but I

need a better commitment than that. Ideally, I would like a Programme for Government commitment on that. The junior Minister is here, and if she wishes to do that, or if any of the political parties in here want to do that, then to me, that is the solid proof that you are actually going to tackle this and you are not going to put it on the back burner because it is too dirty an issue to tackle. We have to be brave because it is our job to be brave, and we are the voice of the people of Northern Ireland.

People ask me, "Claire, you are a young woman, what would you do?". Honestly? I cannot really answer that. I imagine that I probably would not terminate the child, if I am really honest, but I cannot say that without being in that situation and knowing that feeling. But that is me. It is not about me; it is about the people of Northern Ireland. I am here as a representative, and if a woman says to me that she really cannot carry a child to term, who am I to say that she has to? So that is why I think we need to be realistic about changing the law in this respect. I will be honest, I do not like these amendments because I do not think it is the right vehicle to do it. But I do think that we should do it as soon as possible, and I really do look forward to doing that.

Mr Speaker: Order Members. I think it may now be appropriate to take a short comfort break. I propose, by leave of the Assembly, to suspend the sitting until 10:45 pm. The next speaker will be the Minister. The sitting is, by leave, suspended.

The sitting was suspended at 10.32 pm.

The sitting resumed at 10.45 pm.

Mr Ford: In December 2013, I said in public that we needed to consider whether it should be lawful for women to have an abortion in circumstances where there is no chance of a foetus being delivered and having a viable life. I said that after the Health Minister announced that guidance under the current law could not address abortion for fatal foetal abnormality. I said that I would conduct a full and proper consultation on changes to the criminal law and, in 2014, I launched such a consultation. In 2015, I responded in some detail to that and published proposals to change the law. In June last year, I asked the Executive for agreement to introduce those legislative proposals. I asked again in July, and then in December at the very first opportunity following suspension of the structures during the talks. Last month, I offered a further paper in response to a request from Executive colleagues for updated information. That was ostensibly to inform discussion at a future Executive meeting.

That clearly illustrates where I stand in relation to progressing my policy objective to change the law on fatal foetal abnormality. That is also why we are here today debating Back-Bench amendments, rather than scrutinising an agreed legislative proposal from a Minister that represents over two years of departmental work.

I hardly need to restate my position, which I have stated many times in the past few years. The law needs to change to allow women to consider the option of an abortion when faced with the devastating circumstances of carrying a foetus that has no prospect of independent survival. Clearly, that is only an option based on the opinion of two doctors. It is not an issue of disability; it is an issue of independent survival.

I am glad that the Assembly has finally been allowed an opportunity to debate the issue — well, at least to discuss it. I am also glad to have the chance to dispel some of the myths surrounding what the amendment proposed by Trevor Lunn and Stewart Dickson would do and what my policy would aim to do. Frankly, we need to expose some of the more unrealistic interpretations for what they are, which is nonsense. We need to stop the rhetoric, stop the posturing and start engaging positively and actually look at the facts.

First, the amendment that stands in the names of my colleagues and my departmental policy position will never allow for termination unless the condition is fatal. That does not include Down's syndrome, cleft palate, club foot or a disability of any nature unless the condition is incompatible with life outside the womb.

Secondly, doctors can and do diagnose when a foetal condition is fatal on a daily basis. The Royal College of Obstetricians and Gynaecologists assured me of that and, indeed, the chair of the Northern Ireland committee of the college referred in an interview with the BBC last year to patients who have a fatal foetal abnormality. So much for the suggestion that they do not recognise the term.

Thirdly, there will be no pressure put on women to agree to have a termination. That is just scaremongering and, frankly, it is an insult to doctors, nurses and midwives.

Fourthly, no guidelines on the current law will provide the necessary provision for any doctor to terminate a pregnancy for reasons of fatal foetal abnormality. That can be achieved only by making a change to the law similar

to that proposed in amendment No 61. Guidelines must reflect what the law says, which, in line with the Bourne judgement, is that termination is an option only to save the life of the mother or to prevent risk of serious long-term mental or physical damage.

Those are the facts. They are not opinions, party lines or skewed interpretations. Those are the simple facts. I believe that we owe it to the women whose stories have come to light over the past few years to treat this issue with honesty, sincerity, compassion, truthfulness and reason.

Mr Agnew has indicated that he will not move his amendments so, in effect, we are discussing amendment Nos 61 and 68. The principle behind amendment No 61 is clear. The proposers of amendment No 61 believe that the law should exempt from prosecution any medical professional who performs a termination or any woman who has a termination in the case of a fatal foetal abnormality, and I agree with them.

Some questions have been raised during the debate regarding the detail of the proposal and how the clause would operate in practice. With some of those questions in mind, and with a number of more technical drafting issues that have been pointed out to me, I intend, if the clause stands part of the Bill, and with the advice of legislative counsel, to bring at Further Consideration Stage amendments to ensure legislative clarity. I have been assured that that is quite possible. Part of the proposed clause contains provision for matters that are not strictly for the Justice Minister but which deal with health issues and the delivery of services to women. I want to hear from the Health Minister on that.

I want to touch on amendment No 68, tabled by Anna Lo. My consultation considered the issue of access to termination for women who were victims of rape or incest. It sought views and responses to 16 questions relating to whether the law should be changed in this regard and how such a change might be made. Those questions remained largely unanswered, and the Department is of the view that the complexities are such that it is not possible to make proposals to exempt cases of rape and incest. Therefore, I cannot support the amendment on rape and incest at this time.

I notified the First Minister and the deputy First Minister that I intend to support the modest but vital change to the law proposed by amendment No 61. I want to ensure that Sarah Ewart, and others in her circumstances, will never again have to face the prospect, potentially at over 20 weeks of pregnancy, of travelling to England, possibly alone and unsupported, without the medical team that cared for them, for an inevitably late-term abortion, with all the complication that that brings. I hope that others will share that aim.

I recognise that this is a difficult issue. I believe that it is a difficult issue for many who will walk through the Ayes Lobby with me this evening, and we should not underestimate that. We heard significant personal contributions from Members. It is an issue that many of us would have wished never to have to consider, just as, frankly, it is an issue that some women, and their husbands, partners and families wished had never come to their door.

During the departmental consultation, I received personal letters, and some made a significant impression on me. There were heartfelt statements from women who faced a

diagnosis of fatal foetal abnormality, continued to full term and felt a measure of comfort because they delivered a baby, even if it survived for only a few minutes. Nothing in what I seek to do would stop that being made available to a woman who wishes to proceed to full term, and there must be full medical care for those who are in those circumstances.

I also received two letters from members of the clergy, each describing the pastoral care of a woman who faced a diagnosis of fatal foetal abnormality and felt that she could not contemplate continuing with the pregnancy. Those two sides illustrate the sensitivity of this issue for many people.

In opening this section of the debate, Mrs Pengelly talked about compassion and love. She also talked about consultation, so I think that we should look at the history of where we have been over the last few years. On 12 March 2013, an amendment was proposed at Further Consideration Stage of the Criminal Justice Bill — the last conceivable stage — to make pregnancy terminated in premises not operated by a Health and Social Care trust a criminal offence. There was no consultation whatsoever and no opportunity, had it passed, to make any further amendments had there been issues with it.

On 23 April, following discussions on that, I met the Minister of Health to discuss the issue of termination of pregnancy and the regulation of private clinics. I wrote to him on 2 August suggesting a joint consultation on issues relating to termination of pregnancy. On 8 October, I wrote again with a summary outline for a joint consultation. Ironically, that was one day before the story of Sarah Ewart featured in the media.

On 16 October, one week after the issue became public through Sarah Ewart, the Health Minister announced that he would bring revised draft guidelines to the Executive within a matter of weeks to deal with the issue of termination of pregnancy in the case of fatal foetal abnormality. On 2 December, he wrote to the Executive stating that that issue could not be addressed by guidance, and that guidance could only reflect the law — a point that I made a few minutes ago — and that would require amendment to the criminal law.

On 5 December 2013, I announced my intention to consult on changes to abortion law. From January onwards, there were discussions between various people on how that might be defined. On 28 March 2014, I shared a first draft of the consultation paper with officials in DHSSPS. There were responses from them. On 16 May, I wrote to the Health Minister with a draft consultation paper suggesting that it would be best done as a joint consultation paper by the two Departments, given that there were issues which spanned Health and Justice. On 1 October 2014, I shared a draft consultation with a justice paper, having had no reply from the Health Minister about doing a consultation. On 8 October, that consultation paper was issued. The consultation closed on 17 January 2015.

On 16 April, I issued the response to the consultation and policy proposals. On 1 June, that was conveyed in an Executive paper seeking approval to draft a Bill on the law on fatal foetal abnormality. That Executive paper was refreshed on 1 July. After lengthy delays through the summer and autumn, I invoked the three-meeting rule to request that it be tabled at the next available Executive meeting, which was 10 December. I am grateful to Stephen

Farry and Carál Ní Chuilín for supporting me in that request. On 30 November, we had the ruling in the High Court from Mr Justice Horner about incompatibility with article 8 of the ECHR. That afternoon, a further draft paper was issued about guidelines from DHSSPS. On 10 December, the Executive discussed my paper and agreed to give it further consideration after final determination. On 25 January, I sent a further paper to the Executive responding to a request for an update. Yesterday, on 9 February, the day before this debate, there was an announcement by the DUP of a commission to look at the issue.

Mr Speaker, we have had a long period of time in which any genuine consultation or discussion of the issues was rejected by the Health Minister and other DUP Ministers. I must say that the coincidence of timing with regard to a number of factors and the way in which these things have been addressed suggests to me that there is little to assure us that there is a genuine intention to consult. That could have been done at any time over the last year-plus, and it has not happened. I really have some doubts as to why it was proposed yesterday.

I noticed that Mrs Pengelly said that we should listen to the experts. Then, she said that there was no such term as “FFA”, despite the fact that I have already highlighted that it is a term used by the Northern Ireland chair of the Royal College of Obstetricians and Gynaecologists. It is clear that it covers a number of conditions. It is not a single medical condition. She also said that we should take time to be informed. How long does it take? It has taken from late 2013 for people to be informed enough to produce a specious argument like that today.

Mrs Kelly, in her contribution, quoted extensively around the 1967 Act as it applies in GB, but amendment No 61 is far more precise, and offers were made by the proposer to make it more precise. I have made it clear that I believe that it would need to be made more precise at Further Consideration Stage if it were to pass. Nonetheless, it sets the basic tone, which is solely around fatal foetal abnormality and nothing else. Again, to talk about guidelines is talking only about defining the current law.

I notice that Mr Kennedy, in his contribution, started off by referring to his membership of the Presbyterian Church, which I should, perhaps, also declare. To the best of my knowledge, the last time that this issue was considered by the general assembly of the Presbyterian Church was as far back as 1982, when there was reference to accepting the concept of abortion in what I believe was termed “gross malformation of the foetus”. That sounds to me actually extraordinarily like what is currently being proposed in amendment No 61 and ties in with the policy proposals that I had made. Indeed, my feelings that I was in line with the stated position of the Church were reinforced by a recent conversation that I had with a former moderator, though I must say that I do agree with the specific point that Mr Kennedy ended on, which was that the issue of a foetus that is conceived by sexual crime and has a prospect of viable life is very different from the concept of a foetus with fatal abnormality.

11.00 pm

I do not know whether I need to repeat the point I made in my intervention to Mr McKinney about the consultation process, but I probably should, just to get it clearly on the record at this stage. The consultation process from the Department

had recommendations on fatal foetal abnormality and sought opinions on sexual crime. On the basis of that, I made further recommendations on FFA and there were no easy recommendations to make on sexual crime.

Some examples were given, and although I accept that the words “likely to prove fatal” are perhaps problematic and should be addressed at Further Consideration Stage, things like the use of a ventilator, which is not necessarily relevant in all the conditions we are talking about, do not improve the chances of survival. It may prolong the brief time, but it does not improve the chances. It was also quoted that the Royal College said that it is not possible to draw a line around the survival time. Yes, I accept that. If Members had looked at the detail of the consultation that was done by my Department, they would have seen that that was one of the issues that was considered. It was considered that it is not a realistic option, but it is realistic for two doctors to say that there is no prospect of a viable life and that the precise timing, whether it is minutes, hours or a day or two, is not relevant to that.

Again, in the spirit of agreement, just as I agreed with Danny Kennedy, I will agree with Fearghal McKinney that there are major problems with establishing whether a crime has taken place if we are talking about sexual crime. That is why I have to say to Anna Lo, Steven Agnew and Basil McCrea that I cannot agree with them on the amendments that they sought to table on sexual crime. I also say to Anna that, whilst I fully accept the graphic description she gave of the work she did with the police as an interpreter some time ago, as a result of an initiative by the PSNI and the Department of Health, at least the Rowan sexual assault referral centre is operating in Antrim hospital. One of the key treatments there is to allow somebody access to emergency contraception in whatever circumstances they are in, and that at least ensures that pregnancy is less likely.

I think I probably answered most of the points that Mr Allister made, to my satisfaction if not to his, though he did suggest that I had perhaps shopped around for legal advice. I do not think that comment is particularly worthy of a barrister and a QC to boot. He knows how these matters are accessed.

Mr McNarry concerned me when he referred significantly to the concept of the slippery slope. Let me make it absolutely clear: there is no slippery slope as far as I am concerned, nor do I believe that amendment No 61 will lead to one. From my discussions with Stewart Dickson and Trevor Lunn, I know that is not their intention. The slippery slope is a concept that some people wish to flag up as though it is an inevitable consequence. This is a modest significant change. One might say that, when the Bourne judgement was delivered in the court — technically the Bourne direction to the jury — that might have been interpreted as a slippery slope because, prior to that, it might have been said that only an imminent risk to the mother’s life was grounds for abortion. The Bourne judgement extended that to risk to long-term health and welfare. It did not open up the floodgates or create a slippery slope. It was not the thin end of the wedge. It was a narrow definition that dealt with a small number of cases, just as amendment No 61 is a narrow definition that deals with a small number of cases of FFA. It is not, as Mr McNarry and Claire Sugden said, about imperfection. It is about fatal abnormality with no prospect of viable life. I think that those who talked about

imperfections as though this is seeking to provide abortion in the case of any disability have not read the amendment and are doing a significant disservice to the limited proposal that is being made.

Mr McNarry: In your opinion.

Mr Ford: Like most people in the House, I give my opinion, but I give it honestly after a period of detailed consideration with the resources of the Department of Justice behind me.

I welcome the comments made by a number of Members. I did not name them because they were largely agreeing with me, at least on amendment No 61, though some would have gone further. For the sake of the record, I should thank Caitriona Ruane, Mike Nesbitt, Kieran McCarthy, Chris Lyttle, Basil McCrea, Steven Agnew, Anna Lo and John McCallister for their support on at least amendment No 61.

The fact that the Ulster Unionist Party was able to provide two Members who eloquently argued contradictory positions is at least something for which that party should be complimented on — its ability to allow freedom of conscience.

In closing, I must make my position clear and emphasise that it is my personal position, although it does appear to coincide with at least the majority, if not the unanimity, of my party colleagues. I favour legislation to allow for abortion in cases of fatal foetal abnormality. I accept that amendment No 61 is not the finished article. It was drafted with assistance in the Assembly by private Members, not with the normal process of legislative counsel, but my advice is that it requires minor amendment by legislative counsel, which can be made relatively easily, to make it fully competent and that the principle of what is in amendment No 61 is absolutely correct and can be turned into a finely crafted amendment at a later stage. I must also say that I believe that the consultation carried out by my Department aired all the issues for those who wished to engage in it, and I must also make it clear that I will not be supporting amendment No 68 and would not have supported any of the other amendments that seek to deal with sexual crime.

This is, I accept, a serious moral issue for Members. It has kept us much longer than any other group of amendments to the Bill, and it taken us to a late hour. I would like to see Members in a few minutes’ time deciding this issue by exercising their individual right of conscience and walking through whatever Lobby is right for them and not be subject to a whip, either for or against. There are people who tonight will go through the Noes Lobby as I go through the Ayes Lobby for whom I have significant respect. I will respect them because I will know that they are voting in line with their conscience, but I find it very difficult to hear talk about yet another consultation from those who have refused the opportunities to engage in consultation up to now over a period of years.

Mrs D Kelly: Will the Minister give way for one second?

Mr Ford: Sure.

Mrs D Kelly: I want to make it clear that our party has not been whipped. The Members here will be going through the Lobbies on the matter of their conscience.

Mr Lunn: What about the Members who are not here?

Mr Ford: As Mr Lunn said, we will see about the Members who are not here. I note what Mrs Kelly has said.

I also find it very difficult to take talk about due process from those who, on a previous occasion, produced an equally significant amendment at Further Consideration Stage, where there had been no consultation whatsoever as opposed to amendment No 61, based on the consultation of the Department of Justice. I find it quite difficult to take the serious misrepresentation being made that a modest amendment dealing solely with fatal foetal abnormality is being dressed up by some Members as if it were the 1967 Act by the back door.

I believe that amendment No 61 provides compassion for women, their partners and their families who find themselves in dreadful circumstances, including, I have no doubt, some who are facing that in Northern Ireland at this moment as we talk. I believe that it is entirely within our competence, and I am quite happy for that competence to be tested by the Supreme Court if necessary. I believe that, with a minor amendment at Further Consideration Stage, it could provide legislation that would improve the welfare of women who feel incapable of carrying to full term foetuses with fatal abnormality whilst also providing full support to those women who wish to carry to full term. I commend amendment No 61 to the House.

Mr Lunn: The hour is late, and we have all had a long sit. I do not intend to detain you unnecessarily for too long, but I do have a few things to say, although the Minister has stolen my thunder to some extent. That is fine; he is my boss.

First, I thank all the Members who contributed to the debate. It has been quite calm. I know that there have been some disagreements, but it has been reflective and constructive. We clearly have major differences of opinion across the House, but that is OK. It has also demonstrated that this is an issue of conscience for the Alliance Party, because so many of my colleagues wanted to speak. They have expressed, to greater or lesser degrees, some reservations about this matter, but I think that they are, probably, all on board and would like to go forward with, as many people have said, a few minor alterations, because, frankly, that is all that amendment No 61 needs. I think that it is competent as it stands, but there are differences of opinion over a word here and a word there, particularly "likely", which I notice was mentioned quite a bit. We have been advised by legal counsel that "likely", in these circumstances, is the most suitable word to use. It is the most suitable to give the medical profession the small degree of flexibility that it would need in these circumstances, because medical diagnosis, as surely we all know, is not an exact science. Every day, clinicians make decisions, which could sometimes be wrong, but, mostly, I hope, are right; I am sure they are. All of them are made genuinely and, as the amendment refers to, made "in good faith". I will come back to that shortly.

Mr Dickson, when he so ably presented the amendment, demonstrated a case of a young lady, as we all know, Sarah Ewart. I want to give brief details of another case. Forgive me if some of you have had the same letter that I have. I will not make it too graphic. I will pick out bits of the letter that came from a couple. The couple stated:

"It was clearly visible on the screen that our baby's internal organs, the stomach, the liver and the intestines, were growing outside of his body, a

condition called exomphalos. We also learned that our child had cysts on the brain and that there was a strong chance that this could be linked to a severe chromosomal defect. We then learned that our son had Edwards syndrome full trisomy 18. This condition in itself is incompatible with life, and together with the other condition, the cysts on the brain and the fact that his lungs could not develop because of a lack of space created in his abdomen, and the fact that he had already shown signs of reduced growth, meant his outlook was devastating and inevitable. The only option that was given to us by the Ulster Hospital was to continue on with the pregnancy, even knowing that the prognosis was fatal."

The couple went on to say:

"I'd say that choice was the only simple part, because even getting information about accessing a termination was near impossible. I watched the tortured expression on our midwife's face as she told us that she could not give us any details about accessing a termination, not even a phone number. She and a consultant expressed their own disgust at the situation we found ourselves in but told us that she could not legally give us any help."

To cut a long story short, the inevitable happened, and the couple had to travel to England, at huge expense, to have a procedure that should have been done here. That is the point of our amendment.

There has been a lot of talk about compassion here tonight. A lot of Members have used the word "compassion". Some of them, I believe, used it in the correct way. Ms Ruane, Mr Nesbitt and others have expressed compassion. Others, and I mean no disrespect to Mrs Kelly or Mrs Pengelly, have expressed heartfelt sympathy and compassion, I think, in one case. Mrs Pengelly started her address with the assertion that the DUP is a compassionate party. Demonstrate it. Demonstrate it. It is one thing to say it, but it is another thing to demonstrate it. When you hold the view that what happened to the lady I have just described is what you want, show me the compassion in that. I do not get it. I do not see it. I do not believe it. It is not a compassionate attitude — *[Interruption.]* If anybody wants to intervene at any time, please, just say so. I really have difficulty with that.

Our amendment has been well trawled over. I do not wish to go through it again. I am tempted to, but I am not going to. Let us look at one part of the amendment.

Two medical practitioners have formed an opinion as described in subsection 1. This is a diagnosis that there is virtually no hope of life outside the womb, and if a live birth should occur, there is no medical treatment that could be offered to alter the fatal nature or improve the chance of survival. That poor woman in that situation must be given a clinical assessment of the potential impact on her life of continuing or terminating the pregnancy.

11.15 pm

Mr McKinney: Will the Member give way?

Mr Lunn: Yes.

Mr McKinney: I have been sitting for a moment thinking about your words, and I feel that the two people that you refer to probably feel unable to speak on their own behalf

in that regard because it is difficult to talk about and defend your compassion. I have to say that, when people come to this Chamber and they reflect their opinions, they come with their bona fides intact. We can take political views from that, but, in this context and given the nature of the remarks that Mrs Kelly and Mrs Pengelly made, I think that the House should accept that they spoke with compassion.

Some Members: Hear, hear.

Mr Lunn: I hear some “hear, hears”. I do not agree. I do not doubt for one minute that, in their normal lives, Mrs Pengelly and Mrs Kelly — one of whom I know very well, the other less so — are normally compassionate people. I am talking about their —

Mr Weir: You are very gracious.

Mr Lunn: I am. What I am doing is contrasting what they have said tonight with the attitude of their parties. Let me put it that way, if that helps. Their parties are not showing compassion to people in a desperate situation.

Let me move on. I want to talk about the guidelines, or the fact that there are no guidelines. The Minister gave us the chronological order of all that has happened in this respect. Basically, after all these years, we do not have guidelines. I believe that there may be draft guidelines, but I have not seen them and the House has not seen them. They were circulated to Executive Ministers on a confidential basis.

Mr Hamilton: Are you on the Executive?

Mr Lunn: If you want to intervene, stand up. They were circulated on a confidential basis to Executive Ministers. I have not seen them. Frankly, I doubt if they are worth the paper that they are written on, because of where they are coming from. I will link that to the suggestion, which miraculously appeared yesterday, that we are going to have a commission to look at all the issues on this matter. The commission, apparently, will be composed of people outside this Assembly who will be charged to report back within six months, which is conveniently past the election date. I am not the first one to surmise that there is some connection there. It will also be charged to perhaps come back with draft legislation. Who are the legislators here? Is it some civilian group set up under the auspices of the Health Minister to come back with draft legislation on a matter that is more to do with the criminal law? Other people have said that they are prepared to give this a fair run to see what the outcome is. I have to take that view as well. *[Laughter.]* I know that it sounds cynical, but really —

Mr Dickson: I thank Mr Lunn for giving way. We really have to examine the whole issue of what was proposed yesterday. If my memory serves me right, the press statement from the leader of the DUP — not from the First Minister — said that the DUP had requested the Health Minister to convene that. That seems to me to be a rather party political decision, rather than a decision of the First Minister. It does not seem to me to hold a great deal of validity, and it would have validity if it were this Assembly voting tonight to set that up and for us and this Assembly to be setting the terms of reference. I am certainly uncomfortable with the DUP setting the terms of reference.

Mr Lunn: The Member makes the point for me, so I will move on to something else.

Mr Dickson: Sorry.

Mr Lunn: No, it is fine. I do not mind.

Mrs D Kelly: Will the Member give way?

Mr Lunn: Yes.

Mrs D Kelly: I just have one question for the Alliance Party. If it was so keen and adamant in wanting to bring forward legislation around abortion, why did it not put it in the Bill? Why has it done it by the back door, through amendments?

Mr Lunn: I thank Mrs Kelly for her intervention. The back-door reference is complete nonsense, as everybody else knows. We are perfectly entitled to bring forward an amendment. The Minister has already made the point that, on the previous Justice (No. 1) Bill two years ago, the DUP did exactly the same thing at Further Consideration Stage. Do not lecture us about that. If we dug down far enough, we would find that every party in the House — *[Interruption.]* — I wish that people behind me would shut up. *[Laughter.]* I hope that it is not my party.

If we trawl through the records, we would find that every party, at one time or another, has been guilty of doing exactly the same thing.

Mr Agnew: I thank the Member for giving way. Is that not exactly what the Consideration Stage and Further Consideration Stage are for? They are for those of us who are not in the Government to bring forward amendments to legislation. Otherwise, we might as well do everything by accelerated passage.

Mr Lunn: Again, I am getting well used to people making my point for me. It is grand.

I will move on to Mr Allister’s point. I do not generally lock horns with barristers; they are far too clever for me. I always listen with respect and interest when Mr Maginness, Mr Allister or the First Minister, as a solicitor, speaks. I have to take notice. However, I can remember an occasion, when we were discussing the Education and Skills Authority (ESA) Bill a couple of years ago, when a very learned barrister told me that that Bill contained a clause that meant that the Irish language would have to be taught in every grammar school in Northern Ireland. He could not point it out to me, but he said that it was there. That tempered my respect, slightly; but I respect the two gentlemen, one of whom is before me and the other behind. I say that, with respect to what could happen to a foetus with a disability. The notion has been put about tonight that the amendment could somehow lead to the destruction of children who would be capable of a healthy life. Do you trust doctors or not? How many people asked that question tonight? Doctors would be charged, in the terms of the amendment, to make a diagnosis that there is no chance of healthy life. Suddenly, however, we have talk about eugenics.

Mr A Maginness: Will the Member give way?

Mr Lunn: Yes.

Mr Allister: Will the Member give way?

Mr A Maginness: The day before yesterday, I met senior clinicians who deal with these specific issues. They said to me directly —

Mr Speaker: Will you share your learned comments —

Mr A Maginness: They said to me directly that they cannot possibly predict. It is simple as that; they cannot predict. They are the top people and that is what they are saying. They said that they are opposed to these clauses, particularly clause 61. It is as simple as that.

Mr Speaker: Will you clarify for me, given that we have to consider what others are saying, was that describing the precise moment when life would expire, or was that a determination that, in fact, there could not be sustainable life? There seems to be a substantial difference.

Mr A Maginness: In terms of diagnosis, they said that they could not predict; that it was not an accurate science.

Mr Speaker: When life would end?

Mr A Maginness: Or end. It is as simple as that. That is the way in which they approached it. They said, "You are putting us into a most difficult position if you pass this legislation".

Mr Lunn: I thank Mr Maginness. I will come to Mr Allister in just a moment. I would be more impressed by that intervention if the senior clinicians had said that they could not predict in every case.

Mr A Maginness: That is what they were saying.

Mr Lunn: Well, they are different clinicians from the ones I have been talking to. They make an honest judgement. All medical judgements are made with honesty and integrity, but they do not always get it right.

They do not always get it right about heart attacks.

A Member: That is the point.

Mr Lunn: I know, but it is not an exact science. Anyway, they are only — *[Interruption.]*

Mr Speaker: Order.

Mr Lunn: Thank you, Mr Speaker. Everybody else got quiet to speak.

They are making the best judgement that they can, as they do every single day. They make judgements like that 20 times a day. They are not forcing anybody towards one decision or another. They are giving, in the terms of the amendment:

"a clinical assessment of the potential impact on her health of either continuing or terminating the pregnancy".

The amendment also makes it clear that the mother must have all the available help, be it medical, physical, psychological or psychiatric. Everything should be there, including postnatal, prenatal and palliative care. That would be a step forward, certainly compared to what the poor mothers who have to travel across the water ever get when they do that. That really is the crux of this, Members. There are two decisions: whether you agree that the woman has a right to choose, and whether you agree that she has the right to have the medical treatment that she deserves and needs close to the place of her residence, and not this awful traffic across the water by easyJet or Stena Line. It is absolutely disgraceful. It has been going on for years, and it has to stop.

I do not believe that what I am hearing tonight, certainly from two parties, if it came to it, I would be hearing from all the individual members of those parties. There is such

a thing as body language, and, given what has been said outside the House, it is plain to see that not everybody in the DUP agrees with the line that is being taken over there. Frankly, I think that it is the same with the SDLP. I stand to be corrected, but we have had discussions with individual Members who have given different indications. We have been told that the SDLP might support FFA but that it would not support wholesale abortion. That is no different to my position. And so it goes on. The other parties have taken different views. At least the Ulster Unionists got a free vote, and I admire them for that.

I do not want to repeat everything that others have said, but, on the definition of fatal foetal abnormality, people say that it is not a defined condition. That is absolutely correct; it is not a condition. It is an umbrella term to cover a lot of conditions that are very clearly defined, and those are the conditions that affect the women and produce these situations.

I have talked to women who have different views on this. I talked at length in the Senate Chamber one day with a group of women. They were the group who had decided to carry their babies to full term even though the diagnosis was almost hopeless. There was a lady who was delivered of a dead baby but was still delighted. There was pain, but she was delighted because she had the opportunity to hold the baby, take a photograph, give it a name and arrange a burial. With others, the baby only lasted a few minutes or a few hours — in one case, I think that it was 26 days — but they made their decision. Nothing in our amendment is prompting those ladies to make a different decision.

I have also had the experience of speaking to women who just could not face going down that road. I have equal sympathy and equal admiration for them. Either decision is very difficult. A couple came in to see me two years ago. They were literally on their way to the Liverpool boat, because that was the route that they had to take. Their baby was suffering from anencephaly and there was no hope. That is what they had to do. They did not have the money to do it, and they did not have any backup to do it. They did not travel with anybody else. And so it goes on.

Mr McNarry was interesting when he spoke. You will be glad to know, Mr Speaker, that I will not review what everybody said. Mr McNarry said that we cannot do this and asked what had altered. What has altered, in the timescale that he is talking about, is that the world has moved on. We are far more able to deal with these situations now. We do not ignore them — and we should not ignore them — in the way that we did 50 years ago, when women who had children out of wedlock were locked away in laundries. We have moved on from that. The world moves on.

11.30 pm

Mr McNarry and others said that the amendment is part of the slippery slope to acceptance of the 1967 Act. That is complete nonsense. Where do you get that from? You can read into it what you want to, but you have to show me the connection between a simple, narrowly defined amendment and how that could possibly lead to the 1967 Act, which I do not think any Member would want to see invoked in Northern Ireland.

Mr McNarry seems to think that the amendment is a short track to abortion on demand. I would point out to him that his boss, Mr Farage, on behalf of UKIP, supports abortion. UKIP policy is to support abortion.

Mr McNarry: That is rubbish.

Mr Lunn: It is not rubbish.

Mr McNarry: On a point of order, Mr Speaker. Maybe you might give a ruling. When a Member speaks in debates such as this he should do factually and should not introduce matters that are not factual and that I contradict. My leader may have those views, but UKIP, as a party, does not.

Mr Speaker: I think it may be difficult for practising politicians to utter absolute facts on every occasion.

[Laughter.] I think that we are all replete with opinions. That is precisely why we are here. I invite Mr Lunn to respond.

Mr Lunn: Mr Farage made those remarks in the Crown Bar with a pint in his hand when he was over here. There may be a slight doubt about whether he was speaking on his own behalf or that of UKIP, but, frankly, it would be the first time that I heard Farage saying anything that was not on behalf of UKIP. He runs the party. It is a one-man band and is becoming smaller.

I will not go on about it all night. It is a question of compassion and sympathy. As I said, I have spoken to women on both sides of the argument.

I consider the procedure that we enforce on our women at the moment as a stain on our national character. When you go to England, as I do occasionally, it comes up, and people over there just cannot understand what is going on over here. That is not purely on terminations, but in a whole lot of ways. This is a serious issue and it really is time that we did something about it.

The other thing that I would say — and I think that somebody else mentioned it — is that it is not purely a decision for women; it is a decision for couples. It is pretty basic stuff, is it not? There is no baby without a man. Most couples, and most men, take a responsible attitude and would want to be involved in these decisions. It is important that we state that.

I will say the following with some trepidation. Some of us have had some experience of it. About 30 years ago, we should have had our third child. Mrs Kelly is not listening to me; it does not matter. About 29 years ago, we should have had our fourth child. The reason why we did not have our third child — and I have two lovely daughters — was because there were serious problems during the pregnancy. We were advised that the baby probably would not go full term, and it did not. The second time, a year later, things seemed to be OK, and then we suddenly hit the same problems.

Bear in mind how long ago this was. The doctors advised us that the baby was not likely to survive. In those days, you did not have the benefit of an amendment like ours, and you did not have the level of pastoral care, advice and support that you have now. We were advised that we would have to make a decision about that pregnancy. Our decision was to obtain a termination. In the period before we were able to organise that termination, I would like to think that either the good Lord or Mother Nature intervened, because the baby came away of its own accord. I do not like talking about this, because I get emotional, but, believe me, the pain of that decision lives with us to this day.

I have had long discussions at times with Mr Ó hOisín, who made a different decision — he does not mind me talking

about this — which was to allow the pregnancy to go to full term even though the prognosis was terrible. Both those decisions are extremely difficult to make. I do not mention this so as to get sympathy but rather to point out that, as a man, it gives you an insight that you would not otherwise have.

I am going to have to stop now, Mr Speaker, because you can see what is happening to me. This amendment is important. It is important to Northern Ireland. It is important to women in Northern Ireland, and to men, and it is important for the self-respect of this little country. Sooner or later, we will have to do something about it. I implore Members, as others have done, to think about voting with both your conscience and your own opinion, not particularly that of your party. I hear that there is no Whip. If that is the case, you can vote according to your own thoughts, so do. Thank you, Mr Speaker. I am finished.

Mr Speaker: Thank you very much. Given that this is a very sensitive and difficult topic, this has been a good day for the Assembly. Parties and individual Members all contributed to the debate with a sense of dignity and with an awareness that their words were impacting on others, some of them possibly in very desperate personal circumstances. Irrespective of the outcome, which will not satisfy everybody, the Assembly is demonstrating that we can reflect all those diverse views in our society. As Speaker, it was my privilege to preside over so much of the debate, because Members, and some of the contributions in particular, distinguished this Assembly as a representative body. Thank you all for that.

Question put, That the amendment be made.

The Assembly divided:

Ayes 40; Noes 59.

AYES

Mr Agnew, Mr Allen, Mr Boylan, Ms Boyle, Mrs Cochrane, Mr Dickson, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Mr Nesbitt, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Dickson and Ms Lo.

NOES

Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lyons, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr A Maginness and Mr G Robinson.

The following Members voted in both Lobbies and are therefore not counted in the result: Ms Hanna, Mr McCarthy.

Question accordingly negatived.

Amendment No 62 not moved.

Mr Speaker: Amendment No 63 therefore falls.

Amendment No 64 not moved.

Mr Speaker: Amendment No 65 therefore falls.

Amendment No 66 not moved.

Mr Speaker: Amendment No 67 therefore falls.

New Clause

Amendment No 68 proposed:

After clause 44 insert

“Defence to sections 25 and 26 of the Criminal Justice (Northern Ireland) Act 1945 and sections 58 and 59 of the Offences against the Person Act 1861 in cases of certain sexual crimes

44A.—(1) A person shall not be guilty of an offence under section 25 and 26 of the Criminal Justice (Northern Ireland) Act 1945 or sections 58 and 59 of the Offences against the Persons Act 1861 when a pregnancy is terminated if—

(a) the pregnant woman has made a complaint to the police alleging that the pregnancy could be caused by rape, incest or indecent assault, as soon as was reasonable in all the circumstances;

(b) the pregnant woman has produced to the hospital surgeon and/or medical practitioner evidence suggesting that the pregnancy could be caused by rape, incest or indecent assault; and

(c) the hospital surgeon and/or medical practitioner are of the opinion, formed in good faith, that there are no medical indications which are inconsistent with the allegation that the pregnancy could be caused by rape, incest or indecent assault.

(2) No evidence in respect of, or any matter connected with, the termination of a pregnancy in accordance with this section shall be admissible in any criminal proceedings relating to the alleged rape, incest or indecent assault, except with the leave of the court.”.—
[Ms Lo.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 32; Noes 64.

AYES

Mr Agnew, Mr Boylan, Ms Boyle, Dr Farry, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Ms Lo, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Ms Ruane.

Tellers for the Ayes: Mr Agnew and Ms Lo.

NOES

Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr A Maginness and Mr G Robinson.

The following Member voted in both Lobbies and is therefore not counted in the result: Mr Allen.

Question accordingly negatived.

12.00 midnight

Clause 45 (Ancillary provision)

Mr Speaker: The Minister’s opposition to clause 45 has already been debated.

Question, That the clause stand part of the Bill, put and negatived.

Clause 45 disagreed to.

Clause 46 (Regulations and orders)

Amendment No 69 made:

In page 33, line 3, leave out “or 30(5)” and insert “, 30(5) or 34(1)(a)”.— [Mr Ford (The Minister of Justice).]

Amendment No 70 made:

In page 33, line 9, at end insert“(aa) an order under section 23(2) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation;”.— [Mr Ford (The Minister of Justice).]

Amendment No 71 made:

In page 33, line 11, leave out paragraph (c).— [Mr Ford (The Minister of Justice).]

Clause 46, as amended, ordered to stand part of the Bill.

Clause 47 (Commencement and short title)

Amendment No 72 made:

In page 33, line 19, before “Part 3” insert “Section 23(2) and (3)”.— [Mr Ford (The Minister of Justice).]

Amendment No 73 made:

In page 33, line 19, after “Part 3” insert “(other than section 40A)”.— [Mr Ford (The Minister of Justice).]

Clause 47, as amended, ordered to stand part of the Bill.

Schedule 1 (Attachment of earnings orders)

Amendment No 74 made:

In page 37, line 17, after “court” insert

“in the first and third places it appears”.— [Mr Ford (The Minister of Justice).]

Amendment No 75 made:

In page 37, line 20, leave out “each place” and insert

“the first, third and fourth places”.— [Mr Ford (The Minister of Justice).]

Amendment No 76 made:

In page 37, line 35, leave out from “who” to “principal” on line 36 and insert

“whose earnings are paid by the body as principal and who is accordingly treated by virtue of section 13(5) as being employed”.— [Mr Ford (The Minister of Justice).]

Schedule 1, as amended, agreed to.

Schedule 2 (Collection orders: minor and consequential amendments)

Amendment No 77 made:

In page 39, line 25, at end insert

“POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989

4A. In Article 19(1) (power of constable to enter and search), in sub-paragraph (a), after paragraph (ii) insert “; or

(iii) a warrant of commitment issued under section 9(1) (i) of the Justice (No. 2) Act (Northern Ireland) 2015 (default by debtor);”.— [Mr Ford (The Minister of Justice).]

Amendment No 78 made:

In page 40, line 26, leave out

“clerk of petty sessions’ and insert ‘fixed penalty clerk”.— [Mr Ford (The Minister of Justice).]

Amendment No 79 made:

In page 40, line 40, at end insert

“JUSTICE ACT (NORTHERN IRELAND) 2015

6A.—(1) In section 24 (prosecutorial fines: registration of sum payable in default), in subsection (2)(a), for “21 days” substitute “28 days”.

(2) After section 24(3) insert—

“(3A) The fines clerk must refer the case to a district judge (magistrates’ courts) for the judge to consider whether to make a collection order; and the order may be made without a court hearing.

(3B) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under subsection (2)(a).”

(3) In section 25 (challenge to notice), in subsection (7), after “enforcing payment of that sum” insert “(including the making of a collection order)”.

(4) In section 26 (setting aside of sum enforceable under section 24), in subsection (3), after “enforcing payment of that sum” insert “(including the making of a collection order)”.

(5) In section 27 (interpretation), at the appropriate place insert—

““collection order” means an order under section 3 of the Justice (No. 2) Act (Northern Ireland) 2015;”.— [Mr Ford (The Minister of Justice).]

Schedule 2, as amended, agreed to.

Schedule 3 (The Prison Ombudsman)

Amendment No 80 proposed:

In page 41, line 22, leave out head (d) and insert“(d) if, on conviction of a criminal offence and in the aftermath of risk assessment and the relevance of the offence to the post and it is found that the person is no longer suitable for the post; or”.— [Mr McCartney.]

Question put and negatived.

Amendment No 81 made:

In page 43, line 6, leave out “Ombudsperson” and insert “Ombudsman”.— [Mr Ford (The Minister of Justice).]

Schedule 3, as amended, agreed to.

New Schedule

Amendment No 82 made:

After schedule 3 insert

“SCHEDULE 4

SECTION

AMENDMENTS OF FIREARMS (NORTHERN IRELAND) ORDER 2004

PART 1

FIREARMS - PERSONS UNDER 18

AUTHORISATION OF SHOTGUN CLUBS TO ALLOW USE OF SHOTGUNS BY PERSONS UNDER THE AGE OF 16

1.—(1) In Article 2(2) (interpretation), after the definition of “shotgun certificate” insert—

““shotgun club” means a club established for the purpose of promoting and practising skill in the use of shotguns;”.

(2) In the heading to Part 6, add at the end “AND SHOTGUN CLUBS”.

(3) After the heading to Part 6 add—

“FIREARMS CLUBS”.

(4) After Article 50 insert—

“Shotgun clubs

Authorisation of shotgun clubs to allow use of shotguns by minors for limited purposes

50A.—(1) If the Chief Constable is satisfied that there will not be a danger to public safety or to the peace, the Chief Constable may, on payment of the appropriate fee, grant an authorisation for a shotgun club to allow persons under the age of 16 who have attained the age

of 12 to use shotguns under appropriate supervision in accordance with the authorisation.

(2) An authorisation must state that it is limited to the use of shotguns for clay target shooting or for such other purposes as may be prescribed.

(3) The Chief Constable may at any time by notice in writing—

(a) attach conditions to an authorisation;

(b) vary or revoke conditions attached under this Article.

(4) An authorisation shall continue in force for a period of five years from the date on which it is granted but if the Chief Constable is satisfied that there is a danger to public safety or to the peace, the Chief Constable may revoke the authorisation.

(5) Any person who—

(a) operates a shotgun club which allows a person under the age of 16 to use a shotgun except in accordance with an authorisation, or

(b) contravenes any condition of an authorisation, shall be guilty of an offence.

(6) In this Article—

“appropriate supervision” means under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least five years;

“authorisation” means an authorisation granted under this Article;

“prescribed” means prescribed by regulations made by the Department of Justice.

(7) The Department of Justice may make regulations substituting a different age for the lower age mentioned in paragraph (1) and paragraph 11(4) of Schedule 1.

(8) The Department of Justice shall not make regulations under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”

(5) Before the heading to Article 51 insert—

“Power of entry”.

(6) In Article 51 (power of entry), in paragraph (1)—

(a) in sub-paragraph (a), after “club” insert “or a shotgun club”;

(b) after “Article 49” insert “or 50A”.

(7) In Schedule 1 (firearm certificates - exemptions), in paragraph 11, after sub-paragraph (3) add—

“(4) A person who is under the age of 16 but has attained the age of 12 may, without holding a firearm certificate, use a shotgun in accordance with an authorisation under Article 50A.”.

(8) In Schedule 5 (table of punishments), after the entry relating to Article 49(5)(b) insert—

“Article 50A(5)(a)	Operating a shotgun club which allows unauthorised use of shotguns	(a) Summary	1 year or a fine of the statutory maximum or both
		(b) Indictment	3 years or a fine or both
Article 50A(5)(b)	Contra-vention of conditions of authorisation	(a) Summary	1 year or a fine of the statutory maximum or both
		(b) Indictment	3 years or a fine or both”.

(9) In Schedule 5, in the second column of the entry relating to Article 51(2), after “club” insert “or shotgun club”.

OTHER AMENDMENTS RELATING TO PERSONS UNDER 18

2.—(1) Article 7 (purposes for which young person may acquire and have in possession certain firearms and ammunition), in paragraph (3)(b)(i), after “sporting purposes” insert “or for the purpose of pest control”.

(2) In Schedule 1 (firearm certificates—exemptions)—

(a) in paragraph 9 (air guns and ammunition), in sub-paragraph (3)(b), (person under 18 may not purchase air gun without a certificate unless the person has attained the age of 17), the words “unless he has attained the age of 17” are repealed;

(b) in paragraph 11 (shotguns), in sub-paragraph (3), at the end add “unless the person has attained the age of 16 and is under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least three years”.

PART 2

FIREARM CERTIFICATES AND OTHER CERTIFICATES

VARIATION OF FIREARM CERTIFICATE

3.—(1) In Article 11 (variation of firearm certificate), for paragraphs (3) to (5) substitute—

“(3) If a person—

(a) sells a firearm (“the first firearm”) to the holder of a firearms dealer’s certificate (“the dealer”); and

(b) as part of the same transaction purchases from the dealer another firearm (“the second firearm”); and

(c) paragraph (4) applies,

the dealer may, on payment of the appropriate fee, vary that person’s firearm certificate by substituting the second firearm for the first firearm.

(4) This paragraph applies—

(a) if both the first firearm and the second firearm are shotguns; or

(b) if—

(i) the second firearm is of the same type and calibre as the first firearm; and

(ii) neither firearm is a prohibited weapon or a shotgun; or
(c) if—

(i) the first firearm is a rifle of a description mentioned in the first column of Schedule 1A; and

(ii) the second firearm is a rifle of a calibre specified in relation to the same Band of Schedule 1A as the calibre of the first firearm; and

(iii) neither firearm is a prohibited weapon, a muzzle-loading firearm as defined in Article 45(9) or a shotgun; and

(iv) the second firearm will not be of the same calibre as any other firearm to which the firearm certificate relates; and

(v) the firearm certificate is not held subject to a condition that the first firearm may be used only for the purposes of target shooting.

(5) If a person—

(a) sells or transfers a firearm to the holder of a firearms dealer's certificate ("the dealer"); and

(b) does not as part of the same transaction purchase or acquire from the dealer another firearm,

the dealer may, on payment of the appropriate fee (if any), vary that person's firearm certificate by deleting that firearm.

(6) Where the holder of a firearms dealer's certificate ("the dealer") varies a firearm certificate under this Article, the dealer shall—

(a) notify the Chief Constable of the variation within 72 hours of the variation being made; and

(b) where the dealer receives the fee for varying the certificate, pay it to the Chief Constable.

(7) A person who fails to comply with paragraph (6)(a) shall be guilty of an offence.

(8) Schedule 1A (relevant firearms for Article 11(4)(c)) shall have effect.

(9) The Department of Justice may make regulations amending Schedule 1A if a draft of the regulations has been laid before, and approved by resolution of, the Assembly."

(2) After Schedule 1 insert—

"SCHEDULE 1A

ARTICLE 11(8).

RELEVANT FIREARMS FOR ARTICLE 11(4)(C)

BAND

CALIBRE

1. Small quarry air rifles

.177

.20

.22

.25

2. Small quarry

.17 Mach 2

.17 HMR (Hornady Magnum Rimfire)

.22 LR (Long Rifle)

.22 WMR (Winchester Magnum Rimfire)

3. Medium quarry

.17 Hornet

.17 Remington

.17 Remington Fireball

.22 Hornet/5.6x36Rmm

.222 Remington

.204 Ruger

.223 Remington/5.56x45mm

.220 Swift

.22-250

4. Large quarry

.243 Winchester

.25-06

6.5mm x 55/.256

7mm x 08 Remington

.270

7.62 x 51mm/.308 Winchester

.30-06".

(3) In Schedule 5 (table of punishments), after the entry relating to Article 10(3) insert—

"Article 11(7)

Failure of firearms dealer to notify Chief Constable of variation of firearm certificate

Summary

Level 3".

VARIATION OF FIREARMS DEALER'S CERTIFICATE

4. In Article 29(6) (variation of firearms dealer's certificate), at the end add "on payment of the appropriate fee".

UPDATED CERTIFICATES

5.—(1) In Article 5 (grant of firearm certificate)—

(a) in paragraph (5), after "duplicate certificate" insert "or an updated certificate";

(b) after paragraph (5) add—

"(6) In paragraph (5)—

"duplicate certificate" means a copy of the firearm certificate as granted; and

"updated certificate" means the firearm certificate revised up to such date as may be specified on the certificate."

(2) In Article 26 (grant of firearms dealer's certificate)—

(a) in paragraph (7)—

(i) after "duplicate certificate" insert "or an updated certificate";

(ii) the words "(if any)" are repealed;

(b) after paragraph (7) add—

"(8) In paragraph (7)—

“duplicate certificate” means a copy of the firearms dealer’s certificate as granted;

“updated certificate” means the firearms dealer’s certificate revised up to such date as may be specified on the certificate.”.

CERTIFICATES GRANTED IN GREAT BRITAIN

6.—(1) The following provisions of Article 17 (firearm certificate or shotgun certificate granted in Great Britain has effect in Northern Ireland if Chief Constable grants certificate of approval) are repealed—

- (a) in paragraph (1), the words from “if” to the end;
- (b) paragraphs (2) and (3);
- (c) in paragraph (4)—

(i) in the definition of “applicable conditions” the words from “, subject” to the end;

(ii) the definitions of “certificate of approval” and “modifications”.

(2) In Article 18 (air guns held without a firearm certificate in Great Britain)—

- (a) in paragraph (1)—
 - (i) after “an air gun” insert “to which paragraph (3) applies”;
 - (ii) in sub-paragraph (c) after “issued to him by the Chief Constable” add “on payment of the appropriate fee”;
- (b) after paragraph (2) add—

“(3) This paragraph applies to an air gun which is capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of one joule.”.

PART 3

SUPPLEMENTARY

FEES

7.—(1) For Schedule 6 (fees) substitute—

“SCHEDULE 6

ARTICLE 75.

FEES

FIREARM CERTIFICATE

1. Grant of firearm certificate

£98

2. Variation by Chief Constable

£30

3. Variation by firearms dealer under Article 11(3) to substitute firearm

£15

4. Variation by firearms dealer under Article 11(5) to delete firearm

No fee

5. Duplicate certificate

£14

6. Updated certificate

£14

MUSEUM FIREARMS LICENCE

7. Grant of museum firearms licence by Department of Justice

£110

8. Extension to additional premises

£75

VISITOR’S FIREARM PERMIT

9. Grant of visitor’s firearm permit (except where paragraph 10 applies)

£16

10. Grant of six or more permits (taken together) on a group application

£80

CERTIFICATE OF APPROVAL FOR AIR GUN FOR RESIDENT IN GREAT BRITAIN

11. Certificate of approval for air gun for resident in Great Britain

£11

FIREARMS DEALER’S CERTIFICATE

12. Grant of firearms dealer’s certificate

£300

13. Duplicate certificate

£14

14. Updated certificate

£14

FIREARMS CLUBS AND SHOTGUN CLUBS

15. Authorisation of firearms club

£71

16. Authorisation of shotgun club to allow use of shotgun by persons 12 or over but under 16, except where the shotgun club is also a firearms club and an authorisation under Article 49 is granted at the same time

£71.”.

CONSEQUENTIAL AMENDMENT

8. In Article 80(5) (regulations and orders made by the Department of Justice), after «Order» insert «, except regulations under Article 11(9) or 50A,.”.— [Mr Ford (The Minister of Justice).]

New schedule agreed to.

Long Title

Amendment No 83 made:

After “relating to” insert

“the penalties for certain animal welfare offences.”.— [Mr Ford (The Minister of Justice).]

Amendment No 84 made:

After “United Kingdom” insert

“and direct committal for trial”.— [Mr Ford (The Minister of Justice).]

Amendment No 85 made:

After “United Kingdom” insert “and firearms”.— [Mr Ford (The Minister of Justice).]

Amendment No 86 made:

At end insert

“; to make provision relating to the costs of the Accountant General of the Court of Judicature”.— [Mr Ford (The Minister of Justice).]

Long title, as amended, agreed to.

Mr Speaker: That concludes the Consideration Stage of the Justice (No. 2) Bill. The Bill stands referred to the Speaker. Thank you all very much.

Committee Business

Public Services Ombudsman Bill: Final Stage

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I have cleared bigger halls, Mr Speaker, but not as quickly.

Mr Speaker: Not as quickly as that, no. *[Laughter.]*

Mr Nesbitt: I beg to move

That the Public Services Ombudsman Bill [NIA 47/11-16] do now pass.

This has been the first Bill to be brought through the Assembly by a Statutory Committee. It is the result of work done by the present OFMDFM Committee, building on work begun by that Committee in the previous mandate. In fact, I believe that the Bill is 11 years in the making, which means that, when we started, nobody here had heard of Barack Obama, and we are going to get it over the line just before he finishes his second term as president of the United States.

It is a project commenced at the request of the current Ombudsman, Dr Tom Frawley, and undertaken with support from him and his deputy, Marie Anderson, and their staff. The project has enjoyed the support of the Department, and, through it, we had the benefit of input from Ministers and the Office of the Legislative Counsel (OLC). The Committee's work was very much informed by the views of a wide range of stakeholders who engaged with the OFMDFM Committee and the Ad Hoc Committee that undertook the Committee Stage scrutiny.

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

On behalf of the current OFMDFM Committee, I thank all of them for the valuable contribution that they made to the development of the Bill. In particular, I thank the Ad Hoc Committee for its amendments and scrutiny — scrutiny that contributed to some of the specific reforming measures that I will highlight to the House.

In broad terms, the Bill merges and reforms the offices of Assembly Ombudsman and Commissioner for Complaints into a new office of the Northern Ireland Public Services Ombudsman, or NIPSO. The key responsibility of investigating complaints of maladministration by public-service providers will continue. I will limit my remarks to highlighting the areas in which the Bill reforms and develops the current arrangements.

The Bill will enhance the NIPSO's independence, in part through a closer relationship between the ombudsman and the Assembly, reflecting their complementary and shared responsibility for holding the Executive and public-service providers to account. The Assembly rather than OFMDFM will put forward a candidate for formal appointment as the NIPSO, with the Assembly Commission undertaking the competition to identify a candidate and set that candidate's salary.

There is an explicit statement of the NIPSO's independence in clause 2, and a motion to remove the NIPSO on grounds of health or misconduct will require the approval of two thirds of MLAs. A single, seven-year term of office will be long enough to allow a new NIPSO to have real impact and avoid any perception that an investigation might be swayed by thoughts of reappointment.

The Audit Committee will consider the ombudsman's budget estimate and lay it in the Assembly. The NIPSO will lay an annual report in the Assembly, as at present, but there will be greater clarity and the power to report to the Assembly in certain circumstances.

A number of measures in the Bill will simplify citizens' access to the NIPSO. A complaint about any listed authority may be directed to this new single office. A member of the public may approach the NIPSO directly and need not go through an MLA, and the ombudsman may specify the form in which complaints must be made so as to adapt to developments in communications technology. A member of the public making a complaint will enjoy absolute privilege from defamation in respect of statements made in the course of communication with the ombudsman about that complaint.

The Bill follows the existing legislation by listing, in schedule 3, all the bodies that are within the NIPSO's investigative remit. The Bill will bring some new bodies within remit. These include Queen's University and the University of Ulster, which now trades as Ulster University, for complaints of maladministration by students. The schedule also lists further education institutions, grant-aided schools, the Comptroller and Auditor General, and the Northern Ireland Assembly Commission.

The Bill removes the right of public-sector employees to complain to the ombudsman about employment disputes. The Committee considered that the NIPSO should focus on the citizen as the user of public services and not on those providing public services. The Committee was satisfied that the legal framework of employment rights and redress mechanisms, which have developed since 1969, removed the necessity for an additional layer of complaint mechanism available only to public-sector employees.

The Committee decided to remove the bar on the investigation of contractual or commercial transactions in the current Assembly Ombudsman Order. While the parties to such transactions will normally not be able to complain to the NIPSO because they could have recourse to the courts, the Committee preferred to leave it to the NIPSO's discretion to provide a mechanism whereby smaller providers seeking to do business with the public sector that are without the resources to bring a High Court challenge could seek redress.

The power of investigation will be extended from April 2018 to allow the NIPSO to initiate an investigation where systemic maladministration or injustice is suspected. This is a power used by the Irish ombudsman and which has not been previously available to any UK ombudsman.

Members will be aware that the current Commissioner for Complaints has the power to investigate complaints arising from the exercise of clinical judgment in the field of health. The Bill will extend that power to include investigation of complaints arising from the exercise of professional judgment in the closely related field of social care.

The Bill also makes a number of changes with a view to encouraging earlier resolution of complaints. These are as follows: providing the explicit power for the ombudsman to take informal action to resolve a complaint; giving the NIPSO discretion to accept complaints referred by a public body; requiring that complaints be brought to NIPSO within six months of the public body's complaints process being exhausted; and requiring the public body to signpost, by

way of written notice, the option of referral to the NIPSO, the time limit for referral and how to contact the NIPSO.

Investigation by the ombudsman is enhanced in a number of ways. Under the current Ombudsman Order, a listed authority is not entitled to rely on privilege to withhold documents such as relevant legal advice from the ombudsman. The Bill makes provision for disclosure of legal advice by all listed authorities to the NIPSO, subject to certain safeguards to prevent privileged information from being revealed in reports or used against the public body in legal proceedings.

The Committee considered a provision in the Ombudsman Order that disapples, for the purposes of an ombudsman's investigation, any obligation on persons in the service of the Crown to maintain secrecy or other restrictions as regards disclosure of information. The Committee agreed that the Bill should make similar provision across all listed authorities.

The Committee was divided on the need to provide a power for Ministers and the Secretary of State to issue non-disclosure notices where they consider that disclosure would be prejudicial to the safety of Northern Ireland or the United Kingdom or otherwise contrary to public interest.

12.15 am

While some members were consistent in their opposition in principle to such powers, the Committee agreed by a majority that the NIPSO Bill should make similar provision. Following engagement with the Attorney General, the Committee agreed that the power should be exercisable where disclosure would be prejudicial to public safety or otherwise contrary to the public interest. The amendment agreed by the Assembly at Exceptional Further Consideration Stage underscored that provision. Members will recall that the retention of that power and the provision for the Secretary of State and the ombudsman to agree a code of conduct in relation to its exercise were key to securing the Secretary of State's consent to the Assembly considering the Bill.

The Committee was keen to minimise any duplication of investigation by public bodies whose remits might overlap. Provision for cooperation was welcomed; it includes other UK ombudsmen, the Irish ombudsman, bodies such as the Equality Commission, the Human Rights Commission and the commissioners for older people and for children and young people. In merging the offices, the Committee decided not to replicate the automatic right to legal representation in the Commissioner for Complaints Order where a report might be critical. The Bill will provide that the NIPSO may determine whether any person may be represented in the investigation by counsel, solicitor or otherwise.

While reports of an investigation will normally be sent to only the parties involved, the Bill includes a new power to publish an investigation report where the NIPSO considers that it would be in the public interest so to do. The rationale for publication must be set out in a notice served on those involved. If it appears to the ombudsman to be desirable, having carried out an investigation, to bring about a settlement of a complaint, explicit provision is made for the ombudsman to recommend that a payment be made by the listed authority to the person aggrieved or that the parties take certain actions.

The Bill also makes provision for those rare occasions when the ombudsman's recommendations are not

followed. One mechanism is a special report by the NIPSO to the Assembly so that we are informed and can consider what further action may be appropriate. Another mechanism is the extension to all public service providers of the provision in the Commissioner for Complaints Order for the person aggrieved to use the NIPSO's investigation report as the basis for a claim for damages from the County Court. In those proceedings, a report of the NIPSO is to be accepted as evidence of the facts stated, unless the contrary is proven. A further option is provision for the NIPSO to request the Attorney General for Northern Ireland to seek relief in the High Court in cases where the NIPSO is of the opinion, following an investigation, that there is systemic maladministration in a listed authority and that that is likely to continue unless the High Court grants relief. Where the NIPSO launches an own-initiative investigation into systemic maladministration, he or she must lay the report on that investigation in the Assembly and publish it.

Other key features of the Bill include a new responsibility to establish standards for complaints handling by public service providers. That is in Part 3 of the Bill. The amendment was brought forward by the Committee in response to evidence and submissions received from the Ad Hoc Committee, particularly the submission of the Scottish ombudsman and the evidence of the Irish ombudsman, which highlighted the value of similar provision in improving public service complaints resolution in Scotland. The Bill also provides, at the request of the Department of Justice, for the office of the Northern Ireland Judicial Appointments Ombudsman to be held by the person holding office of NIPSO. The provisions in the Local Government Act 2014 for the investigation and adjudication of local government code of conduct complaints by the Commissioner for Complaints are updated to refer to the corresponding provisions in the NIPSO Bill.

On the question of compatibility of the Bill with the Human Rights Act 1998, the Committee welcomed the work of the Ad Hoc Committee, which carefully considered a number of stakeholder submissions on the issue, including the right to legal representation and provision for disclosure to the NIPSO of relevant legal advice. The Committee for the Office of the First Minister and deputy First Minister believes that it has explored that issue thoroughly and is satisfied that the provisions of the Bill are compatible with the Human Rights Act.

The Committee, in developing its policy and bringing forward the Bill, has been mindful of the difficult public expenditure climate in which it is proposing change. It commissioned Assembly research, with the cooperation of the ombudsman's office, to prepare an assessment of the financial implications of the proposals.

While the Bill will produce some savings, it will increase the NIPSO's remit overall and the Committee is conscious that, in the short term, the NIPSO will probably have to do more with less.

The Committee has staggered commencement of some extensions of the remit. For example, the power of own-initiative investigation will not commence until 1 April 2018, and the complaints standards role in Part 3 will not commence until the Assembly Commission appoints.

The Bill represents evolutionary, progressive reform. It retains the strengths of the existing legislation. In some areas, we have learned from developments elsewhere in the UK and Ireland, and, in other areas, the Bill leads the way. It reconciles differences in our current legislation and levels up, where possible, protection for the citizen as a consumer of public services. It provides for and encourages cooperation with other public oversight bodies to increase effectiveness and avoid waste. It brings the ombudsman into a closer relationship with the Assembly, reflecting our shared responsibility for holding Ministers, Departments and other public bodies to account.

On behalf of the Committee for the Office of the First Minister and deputy First Minister, I recommend the Bill to the Assembly.

Mr Principal Deputy Speaker: I call Mr David Hilditch, who is speaking on behalf of the Ad Hoc Committee.

Mr Hilditch: I rise as a member of the former Ad Hoc Committee on the Public Services Ombudsman Bill. I would like to thank my fellow members who came together to form the Ad Hoc Committee for their duties, which were in addition to their obligations to other Committees. I would also like to thank my colleagues on the Committee for the Office of the First Minister and deputy First Minister for their positive communications and willingness to heed the concerns of the Ad Hoc Committee.

This was a highly unusual, cross-cutting Committee Bill, which the House does not see very often. It required the establishment of an Ad Hoc Committee to consider and report on it. Indeed, it was a Bill with an extraordinary number of amendments — one of the largest that the Assembly has ever had to deal with — during its Further Consideration Stage. That resulted in a robust Consideration Stage, which left the Bill markedly different from its introduction. It now addresses and reflects issues that the Ad Hoc Committee had considered at great length, even at Further Consideration Stage, which, for many, is a much briefer affair.

I welcome the opportunity to briefly reflect on the Ad Hoc Committee's work on the Bill. While the Committee did not oppose any clauses in or schedules to the Bill in its consideration, and was content with the amendments that were put forward by the Committee for the Office of the First Minister and deputy First Minister prior to its formal clause-by-clause scrutiny, members did express concerns on a number of issues. The Committee's report on the Bill outlined these issues and made recommendations to the Committee for the Office of the First Minister and deputy First Minister, as the sponsor of the Bill, to take steps to address the Committee's concerns.

In particular, members of the Committee expressed their reservations that the Bill's provisions for the NIPSO to lay a special report before the Assembly could be construed as coercive and that such a report had the potential to have a detrimental impact on a medical practitioner. During Consideration Stage, the Chairperson of the Committee for the Office of the First Minister and deputy First Minister reminded us that the power can be exercised only when the NIPSO finds that the aggrieved person has sustained an injustice and that it has not or will not be remedied. He advised us that the Committee for the Office of the First Minister and deputy First Minister had taken its own advice on the matter and had concluded that it was content that it

would be a matter for the NIPSO, as a public authority, to exercise the power in a manner that is compatible with the convention rights of the listed authority.

The Committee also strongly recommended that the Committee for the Office of the First Minister and deputy First Minister, as the Bill's sponsor, take steps to address concerns that were raised by the Audit Committee to ensure that there is sufficient protection from the Executive's controlling or directing the NIPSO's access to resources. The Ad Hoc Committee recommended that a memorandum of understanding acknowledging the safeguarding of the NIPSO's financial independence should be agreed at the earliest opportunity. I note that, during Consideration Stage, the Committee for the Office of the First Minister and deputy First Minister gave an undertaking to explore the matter again with both the Committee for Finance and Personnel and the Audit Committee to identify how best to conclude the memorandum of understanding.

A number of other clauses of the Bill proved to be contentious. The Committee sought its own legal advice before agreeing that it was content with these clauses, notwithstanding the concerns that were also recorded by individual members. These included clause 18, which provides for the inclusion of universities within the NIPSO's remit. That supersedes the existing power of the board of visitors to investigate complaints by students. The Committee considered the concerns that were raised by student bodies, Queen's University Belfast and the Ulster University. Following consideration of its legal advice, the Committee was satisfied that clause 18 did not interfere with the limits on the availability of the judicial review in relation to the jurisdiction of the board of visitors. The Committee noted concerns raised by one member in respect of the inclusion of universities in the remit of the Public Services Ombudsman.

The Committee raised concerns about the number of clauses relating to legal representation, legal privilege, court proceedings and privileged information. The Committee considered those clauses at length and sought legal advice in respect of the issues raised by the stakeholders. Accordingly, the Committee was satisfied that the provisions of those clauses did not breach convention rights or interfere with privilege, and was content with the clauses. Again, the Committee noted the concerns of a number of members in respect of the provisions of the Bill on privileged and confidential information.

The Committee also sought legal advice in respect of concerns raised about the power in clause 11(b) for the ombudsman to recommend:

“the listed authority make a payment to the person aggrieved”,

where it appears to be desirable in order to bring about a settlement. Following consideration of the evidence received and the legal advice in respect of the issues raised by stakeholders, the Committee was content with the provisions of clause 11.

During its deliberation on the Bill, the Committee considered in some detail the new power in clause 8 for the NIPSO to launch an investigation without waiting for a complaint from the person aggrieved. The Committee noted that that power is common to most European

ombudsmen and those in Australia and New Zealand.

The Committee noted that while a number of stakeholders welcomed the power of own-initiative, others expressed concern about a perceived lack of clarity in respect of the criteria to be used by the NIPSO. The Committee noted the safeguards provided in clauses 9 and 42 to address those concerns and was content with the provisions of clause 8.

Finally, it would be remiss of me not to refer to the Ad Hoc Committee's amendment to change the title of the new office from Public Services Ombudsperson to Public Services Ombudsman. I know that individual members of the Committee had differing views on that change of title, and these were aired during the Bill's Committee and Consideration Stages. In agreeing to make the change, the Committee noted that the intention of the Bill's sponsor, the Committee for the Office of the First Minister and deputy First Minister, was that the name be unambiguously gender-neutral. Although, initially, some members of the Committee preferred “ombudsperson” as an explicitly gender-neutral form, following consideration of a research paper on the etymology of the term, the Committee agreed the proposed amendments to change “ombudsperson” to “ombudsman”. These amendments were accepted by the Committee for the Office of the First Minister and deputy First Minister and the Assembly.

Mr Principal Deputy Speaker, on behalf of the Committee, we support the Bill.

Mr Maskey: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. On behalf of Sinn Féin, I rise to support the Final Stage of the Bill, and gladly do so. First, I thank the Chair of the Committee, Mike Nesbitt, for his professional conduct in chairing the very lengthy process of taking the Committee through all of the wheels and turns of the provisions within the Bill. It has been quite a complex Bill. As I said, I want to place on record our thanks, as a party grouping, to the Chair and acknowledge his ability to manage the business to get us to this point. I also thank all the Committee officials who, again, worked very, very hard, tirelessly and professionally to help us all through our deliberations on what were a lot of complex issues.

In his presentation, the Chairperson highlighted the complexity of the Bill. We tried to maximise the benefits from the merger of the two offices. I think that some of us said that, when we merged them, we did not want to dumb anything down. We wanted to maximise the strength of the offices of the commissioner and the ombudsman, and I think that we have managed to do that. Again, as the Chairperson has highlighted, it is important that we have brought the role, which, essentially, is to maximise protection for citizens and consumers — people who are availing themselves of very important services on a day-to-day basis.

It is a good Bill and an important piece of legislation — one which I think will add comfort and, more importantly, protection to a wider range of citizens. The work that has been put in so far has been very important and, ultimately, will be beneficial for the citizens whom we represent. Clearly, the Bill provides for the maximisation of protections for citizens. I think that it gives people better access to redress where they have complaints and criticisms. A lot of concerns were raised by members and other contributors in terms of evidence that we might have been opening the floodgates for more complaints and

additional litigation. We are satisfied as a Committee that that is not the case.

Quite clearly, it extends the range of access that people will have if they have a justifiable complaint. So, we believe that there are sufficient mechanisms built in to make sure that there is no abuse of the system, but it was fundamental to all of us on the Committee to make sure that the citizens out there have the maximum protection that they require as citizens availing themselves of public services. Go raibh maith agat.

Sorry, I want to place on record — and the Chairperson, thankfully, has done it — that our party has consistently taken the view, in Committee and in the Chamber, during the passage of the legislation, that we saw no necessary or justifiable role whatsoever for the Secretary of State or to introduce provisions around what was termed national security or public interest. I want to put on the record that we still see no role for a Secretary of State and, as I have said, any provisions relating to national security, but, notwithstanding the fact that we have taken a principled stand on that, made objections about that matter and voted against it consistently, we support the Bill overall.

12.30 am

Mr Attwood: One of the essential principles of any deepening democracy is the ability of the citizen to have accountability for the actions of public institutions. The fact that the Bill is now going through its Final Stage will, in the fullness of time, deepen in our own democracy that principle of the citizen having accountability for the actions of public officials and public bodies. In that way, the Assembly is doing a service to the citizens and communities of Northern Ireland.

This is an exceptional Bill in a lot of ways. The gestation period for the Bill was exceptionally long, as the Chair indicated in his opening remarks. There was an Exceptional Further Consideration Stage. It is not the first time, but it is one of the few times, that that has happened. It is exceptional because this is the first time that a Committee of the House has sponsored legislation, and that legislation has got to Final Stage. It is exceptional also in the diligence of not only Members but, more particularly, those in this House who serve the interests of Members and, therefore, serve the interests of citizens across Northern Ireland. It is also exceptional in the diligence of a number of phases of Committee staff and other people in this Building who assisted the Committee to manage the Bill. Legal Services was heavily involved, not least because of the belated intervention of the Attorney General. The Bill Office was heavily involved, and a lot of other specialist individuals in the life of this Building were involved. All those should be acknowledged, as Mr Maskey and the Chair did, but, in many terms, this is a product of their work, not just a product of the work of those on the political side.

Mr Lyttle: I welcome the opportunity, on behalf of the Alliance Party, to support the passage of the Bill to Final Stage. As other Members have said, it is a historic moment for the Assembly, as it is the first Bill to be passed by a Committee. Like other Members, I congratulate the Chair of the Committee, Mr Nesbitt, for the work that he undertook in relation to this important Bill. I also extend my sincere thanks to the Committee officials. I have rarely seen the level of work that went into the Bill on any other

range of issues by officials in this Assembly. They can take a large amount of credit for the passage of the Bill.

I hope that the Bill ensures that every citizen in Northern Ireland has access to fair and efficient public administration that is based on accountability, openness and quality of service. To that end, I commend the Bill to the House.

Mr Lyons: The Chairman of the Committee mentioned that this has been a very long, slow, drawn-out process over many years. Perhaps then, it is fitting that it is at this time of the morning that we are debating its Final Stage.

I have not been on the Committee for very long — only a few months — but I place on record my thanks to the Committee staff for the work they have done. An awful lot of work has been involved in this, and there has been an awful lot of back-and-forth, seeking legal advice and ensuring that everything is in place so that we can get to this stage.

Mr Nesbitt and Mr Hilditch gave a very comprehensive overview of the Bill, and I certainly support what they said. At this stage in the debate, there is not much to say other than that I concur with what the other Members have said. I am sure that Members are looking forward to getting home, so I will finish by saying that I am very glad that we have got to this stage and that we will be, of course, supporting the Bill.

Mr Nesbitt: I thank Mr Hilditch, Mr Maskey, Mr Attwood, Mr Lyttle and Mr Lyons. Because of my almost supernatural powers of shorthand, I managed to note down just about every word they said. If it pleases them, I will read those remarks into the record again — or perhaps we will just stop.

Mr Weir: The Bill might fall. *[Laughter.]*

Mr Nesbitt: Yes, at risk of the Bill falling, let me give heartfelt thanks to Mr Hilditch and the Ad Hoc Committee, which did great work at the scrutiny stage. To all my colleagues on the Committee, I say this: it has taken a long time, but it was incredibly complex. Sometimes, when we thought we had just a little technicality to get over, a whole new can of worms opened up and we had to put in an awful lot more work.

My final thanks go to the Bill team and the staff of the Committee for the Office of the First Minister and deputy First Minister, who did all the heavy lifting and made it possible to finally get to this great point, where the Committee has brought a Bill to its Final Stage, the first since 1998 to do so.

Question put and agreed to.

Resolved:

That the Public Services Ombudsman Bill [NIA 47/11-16] do now pass.

Adjourned at 12.38 am.

Northern Ireland Assembly

Monday 15 February 2016

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

Members observed two minutes' silence.

Assembly Business

Mr Weir: On a point of order, Mr Speaker.

Mr Speaker: A point of order.

Mr Weir: Thank you, Mr Speaker. Over the last couple of days, there have been some erroneous and mischievous allegations against the Assembly that strike at its integrity. May I ask the Speaker questions on a couple of points? First, there has been an allegation of a secret appeal mechanism in terms of expenses. Can the Speaker confirm that no such appeal mechanism exists or has ever existed; that there has never been any challenge to the determination of the panel; that the only query that any Member can make is directly with the finance office, which has been published and in existence since the first Members' handbook in 1998; and that, during that period, no query has been brought to the Commission in that regard?

Secondly, can the Speaker confirm that when the determination was made by the panel, in March 2012, one of the provisions concerned payments to other connected parties but that the initial determination referred to contracts on or after 1 April 2012; that that mistake in the drafting was clearly noticed by the panel, which issued, in December 2012, in their own words, a fresh determination to deal with the apparent ambiguity of their first one, which, from 1 January 2013, banned any payments to parties other than those employees or pooled employees; and that, from that date, no payment was made to anybody other than employees or pooled employees?

Ms Ruane: Further to that point of order, Mr Speaker.

Mr Allister: Further to that point of order, Mr Speaker.

Mr Speaker: I am not absolutely convinced that that is a point of order. I understand, however, that Members may have questions arising. Given the significance of it, I will respond and will take further points. I have also been exercised by this, and I can confirm the facts as you have outlined them. I think that that will be a matter of record. It is of significant concern and regret to me that the chief executive was working directly with the panel on these issues. I am extremely disappointed at the publicity that has been generated, apparently at the behest of the two senior members of the independent panel.

Mr Allister: Interesting as it is that it is the DUP that rides to the rescue of Sinn Féin on the issue, given the nature of the matter and the abuse of public money, is it not time that the Assembly Commission came to the House with a statement explaining how it conducted itself and how it carried on making payments after the independent panel

apparently told it to stop? When will we get a statement from the Commission?

Mr Speaker: It is of no help at all for Members, including one with the legal background that you have, to put information on the record that is clearly wrong.

Some Members: Hear, hear.

Mr Speaker: We are talking here about the entire Assembly. The fantastical theory that parties would combine and collude to give money to Sinn Féin is, I think, something that would cause even you to have second thoughts.

Ms Ruane: Further to that point of order, Mr Speaker, can you confirm that the Assembly Commission's finances are audited internally by internal auditors and externally by the NI Audit Office?

Mr Speaker: I can confirm that on the basis of personal experience and having double- and treble-checked it this morning before the sitting. We will now move on to other business.

Mr Campbell: On a point of order, Mr Speaker.

Mr Speaker: Is it further to that point of order, Mr Campbell?

Mr Campbell: No, it is a completely separate one. Last week, the Education Minister took a topical question from me in which I raised the issue of rebuilding schools in my constituency. In his reply, he stated:

"I do not recall the Member lobbying that strongly for any schools in his constituency". — [Official Report (Hansard), Bound Volume 112, p109, col 1].

Immediately after those comments were made, I checked the record of the House, which reveals that there were 17 such occasions on which I lobbied the Minister for schools in my constituency. I wrote to him immediately afterwards asking him to correct his inaccurate assertion. I then wrote to him on Thursday and asked him whether he was planning to do that in the House. Can you, Mr Speaker, confirm or otherwise whether the Education Minister has applied to you to rectify what appears to be his politically prejudiced, inaccurate comment to me last week?

Mr Speaker: In the first instance, I am sure that the Member is aware, because he is one of the most experienced Members here, that it is not for me to query how Ministers answer questions. On the latter point, I can confirm that I have had no information whatsoever — that is not to say that it has not happened — in the affirmative on any arrangements that the Minister wishes to make.

Public Petition: Better Care for Children with Autism Spectrum Disorder in Northern Ireland

Mr Speaker: Mr Kieran McCarthy has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Mr McCarthy: My petition pleads with the Health Minister and the Education Minister for much better care for children with autism spectrum disorder (ASD). Of course, those children grow into adults and continue to need that special attention. The increasing number of children with autism who are being forced to wait 20 months and longer for assessment and statements, and the further delay in specialist care and educational support, is pretty scandalous. It is simply not good enough. As this is the final petition that I will present to you in the Chamber, Mr Speaker, and having had personal family experience of a child, now an adult, requiring special needs provision, I am extremely passionate and totally committed to the Assembly delivering on the Autism Act 2011. The last thing that a parent needs after a child's diagnosis is to have to spend time running around Departments looking for help. I appeal to both Ministers to act immediately and help all children with autism; indeed, both children and adults with autism.

I am extremely proud, along with other MLAs, to have served for many years on the all-party group on autism here at Stormont under, I may say, the excellent chairmanship of Dominic Bradley, who is in the Chamber with us. Along with Autism NI, the National Autistic Society and other parent groups, we assist, inform and help parents. We have championed the Autism Act 2011, which was new legislation to end the desperate waiting and uncertainty for parents. I have to say that progress has been very slow since 2011, and that has given rise to frustration, anxiety and, sometimes, total breakdown.

Our petition is begging for swift enactment of the legislation, the autism strategy and, indeed, the action plan. All children with autism must be treated as equal citizens and must have equal access to rights and opportunities, which have to be protected and enforced.

Over 8,271 people have signed this petition. Many are in the Public Gallery today and many have put heart-stopping comments on the petition. I pay tribute to all the parents and friends who have faced lengthy delays and waits. Their expectation in signing this petition has to be realised, and the Assembly, which is their Assembly, must deliver now. I acknowledge that the Special Educational Needs and Disability Bill is going through Stormont at present, and I also acknowledge the positive nature of the health board, the Public Health Agency and the early support team in each trust, but action speaks louder than words.

In conclusion, the 130% increase in calls for help to the Autism Northern Ireland helpline indicates a huge problem for us all. It is no wonder that parents are crying out for help and guidance. Let all Ministers hear that cry for help, play their part and end the nightmare for children with ASD and their parents now.

Mr McCarthy moved forward and laid the petition on the Table.

Mr McCarthy: One is for the Health Minister and one is for the Education Minister.

Mr Speaker: Thank you very much. Congratulations to you and to those who helped you to compile the petition.

I will forward it to the Minister of Health, Social Services and Public Safety, the Minister of Education and the Committees.

Standing Orders 10(2) to 10(4): Suspension

Mr Swann: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 15 February 2016.

Mr Speaker: Before we proceed to the Question, I remind Members that this 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 February 2016.

Ministerial Statement

North/South Ministerial Council: Health and Food Safety

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I wish to make a statement on the twentieth North/South Ministerial Council (NSMC) meeting in the health and food safety sectoral format, which was held in the NSMC joint secretariat offices in Armagh on Wednesday 20 January 2016. Minister Michelle O'Neill MLA and I represented the Northern Ireland Executive at the meeting, while the Irish Government were represented by Leo Varadkar TD, Minister for Health, and Dr James Reilly TD, Minister for Children and Youth Affairs. Minister Varadkar chaired the meeting. This statement has been agreed with Minister O'Neill, and I am making it on behalf of us both.

We agreed that our respective officials will progress deliberations on potential additions to the current work programme and noted that officials have already commenced a review of the child protection agenda work programme. The Council received an update on the ongoing collaboration to maximise the drawdown of EU funding in the health sector and noted that our respective officials continue to seek to identify opportunities to collaborate on the drawdown of EU funds. We also welcomed a presentation from the Health Research Board on Horizon 2020 funding streams in the health sector. The Council was informed that legislation to introduce standardised packaging of tobacco products and to transpose the EU tobacco products directive is expected to come into force in May 2016.

Ministers welcomed the update on suicide prevention initiatives in both jurisdictions. The Council noted that construction of the radiotherapy unit at Altnagelvin hospital is on target and that it is planned that the unit will open and be in operational use by late autumn 2016. We also received updates on the work of the US-Ireland R&D Partnership and on the ongoing work of the All Ireland Institute for Hospice and Palliative Care.

Ministers noted that the child protection work programme agreed at the NSMC meeting in July 2012 continues to be progressed and that a review of the current child protection work programme will be reported at a future NSMC meeting in that sector.

12.15 pm

The Council noted the Safefood chief executive officer's report and, in particular, the launch of Safefood's weight-loss app. The Council also noted the Safefood annual report and accounts 2014 and approved the appointment of four new members and one reappointment to Safefood's scientific advisory committee, as well as the appointment of Professor Margaret Patterson as chair of the committee.

Finally, we agreed that the next NSMC health and food safety meeting will be held in the autumn.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I very much welcome the progress on the radiotherapy unit as someone who visited the site last Friday. It is incredible to have it on site, and it will have a huge impact in relation to patients in the north-

west who have made horrendous journeys for their cancer treatment.

Will the Minister provide a bit more detail on the work around suicide prevention? Is he thinking about the zero-suicide model being targeted, specifically when we look at the desperate need across our communities? Are we likely to see an all-Ireland approach?

Mr Hamilton: I thank the Chair of the Committee for her question. This is an issue that, sadly, affects Northern Ireland, the Republic of Ireland and, indeed, all countries and regions. We have particularly seen the shadow cast by suicide in this part of the world in recent times. Even though the number of people taking their lives has fallen, we are still by some distance the region with the highest number of suicides in the United Kingdom. From talking to counterparts from the Irish Republic, I know that they are having similar problems, if not, perhaps, at the same level.

The Council acknowledged and supported the work being done by some organisations that have an all-Ireland focus. For example, the four main Christian Church denominations have been working through the Flourish project. Sporting organisations, including the GAA for example, have been raising awareness among their members on both sides of the border. As with many issues in health and social care, we have services in place to deal with the particular problems in Northern Ireland. While there is, perhaps, a higher prevalence in some communities than others of people taking their lives, we will always have to target our resources and attention at those. There is certainly no monopoly on wisdom and ideas to deal with suicide in this part of the world. We will learn from, and share with, others, including the Government of the Irish Republic, any good practice we have, and seek to learn from their best practice as well.

Mrs Cameron: I thank the Minister for his statement. What other areas have been identified for North/South cooperation?

Mr Hamilton: I thank the Member for her question. Some see North/South cooperation as something for the optics or just for the sake of it. It does not necessarily need to be of any substance. I have to say, with some pride, that the area of health is full of substance in what we have developed on a cross-border basis. It is absolutely not the case in health that we are doing things just for the sake of it or to say that we are doing them on a cross-border basis. There are lots of positive and practical examples of both jurisdictions working together to identify and meet need in a way that is mutually beneficial.

The Chair of the Committee mentioned the good example of the radiotherapy unit at Altnagelvin, which will be on-stream towards the end of the year, we hope, treating patients from both sides of the border. I was also at Altnagelvin Hospital just before Christmas and saw for myself the 24/7 cath lab, which is providing primary percutaneous coronary intervention (PCI) and coronary care for patients in the Western and Northern Trust areas, and in other parts of Northern Ireland. It will not be too long before it is also providing support for people from County Donegal.

It is estimated that around 500 patients will receive catheterisation in the cath labs in Altnagelvin.

There is scope for further development, and there are opportunities in two areas. One of those is deep brain

stimulation for Parkinson's patients, which we are very good at in Northern Ireland, and there is an opportunity for us to provide that support for patients from the South. Another area that was discussed at the North/South Ministerial Council meeting was human transplantation. There are two transplantation centres, one in Belfast and one in Dublin, which have operated with very little contact between each other over the last 25 or 30 years. That started to break down with informal contacts, and I have asked officials to formalise that more so that we can try to develop a corridor between Belfast and Dublin to increase the opportunities for human transplantation right across the island of Ireland.

Mr McKinney: The Minister will be aware of the extent of suicide in Northern Ireland. In fact, since 1998, almost as many people have died from suicide as died in the Troubles. The Minister may also be aware that Jeremy Hunt has now announced further funding for mental health throughout the UK. Will the Minister give some assurances that he will write to Minister Hunt about any Barnett consequential that flow from that and that that money will be ring-fenced and used for mental health in Northern Ireland?

Mr Hamilton: I noticed the comments from the Secretary of State for Health and NHS England on increasing mental health spend in England. We still have a lot of work to do to get our emphasis right on mental health versus physical health. We have had lots of debates and discussions on that in the Chamber, even in my time as Minister. There is a record of good improvement from the Department over the last number of years, particularly post publication of the Bamford report. That saw not just a 25% increase in the amount of funding for mental health in the subsequent years, with more than £250 million a year being spent on mental health, but a shift away from such care being provided mostly in institutions, which, in many cases, were inappropriate and not helpful, to a more community-based type of care. That care has now switched to around 60% in the community and 40% in institutions, which is a positive move.

I noticed a report over the weekend that was aired by the BBC about mental health spending across the UK. It is interesting to note that the only country in the United Kingdom that has increased expenditure on mental health in each of the last two years is Northern Ireland, where we increased it by 1% last year and by around 2.5% or 2.6% this year. All other jurisdictions in the United Kingdom have not been able to increase that expenditure over the last two years. The Member knows the pressures that the Health budget faces, and the limitations and many demands on that spend, but he and the House have an assurance from me that I am deeply committed to promoting better mental health.

Mrs Dobson: I also thank the Minister for his statement. Given the North/South Ministerial Council's arrangements for surgical treatment of children with congenital heart conditions, will he update the House on when Our Lady's Children's Hospital in Crumlin will have the capacity to treat our children from Northern Ireland?

Mr Hamilton: That is another very good example of cross-border cooperation having practical benefits for people from Northern Ireland. The Member will be well versed in progress over the last number of years on the decision to set up the network and the funding that has been provided for it, particularly, in recent years, through the Executive's change fund. It is fair to say that the progress has probably

been slower than many of us would like in getting the network fully established. That has not been for any want of trying on this side of the border. I can update the House that we recently received a costed implementation plan and business case for the full establishment of the network. It was received in the Department around 1 February, but we need, in particular, to develop sufficient intensive care unit capacity in Dublin at Our Lady's Children's Hospital in Crumlin for the approximately 140 Northern Ireland patients who would have to use those facilities annually.

There has been an issue, I understand, with opening up two further beds in the intensive care unit. I understand that the beds and the attendant equipment are there, but the issue is the staffing complement. You need six nurses for each bed, and, at this stage, there has not been the ability to provide them. If they were provided, that would allow us to move the next cohort of patients: 30, 35 or 40 urgent cases per annum could move there. That issue was raised formally with the Irish Health Minister at the NSMC meeting, and he indicated that they hoped to make some positive progress in the not too distant future. It is still moving forward. I commend all those who have been involved in the work, particularly the board and the work that it has been doing to try to make this a reality. I am still hopeful that it will be up and running very soon.

Mr Buchanan: I, too, thank the Minister for his statement to the House. I notice, Minister, that, at the meeting, there was a presentation from the Health Research Board on Horizon 2020 funding. Will you advise what success Northern Ireland has had thus far in bidding for Horizon 2020?

Mr Hamilton: As the Member knows, Horizon 2020 is a huge fund. I think that around €80 billion is available across the whole of the European Union, and aspects of that are available for health and social care. So far, Northern Ireland has had a pretty good success rate in converting applications into successful bids. I think that about 12% of bids are successful. That might not sound like a terrible lot, but it is up there with the best conversion rates for turning applications into successful bids. Long may that continue, and hopefully it will. Some very good projects are getting through and getting Horizon 2020 funding, and Northern Ireland is taking a lead on those.

I was at the launch of one such project a couple of weeks ago at the Ulster University, Jordanstown. A project to provide mobile assistance for groups and individuals in the community — project MAGIC — has received €3.6 million and is focused on improving after-stroke care. It works in conjunction with other European regions, but Northern Ireland is very much taking the lead. Another one, project NEPHSTROM, looks at novel stromal cell therapy for diabetic kidney disease. I think that Queen's University has been involved in that project, which has received €6 million. Northern Ireland is doing well with Horizon 2020 funding.

There is a suite of funding through INTERREG IVa as well, with around €50 million available for health and social care projects, particularly those focused on older people, disability and R&D. The first call for that received some 21 applications. Whether it is INTERREG funding or Horizon 2020 funding, there are huge opportunities for Northern Ireland and the health and social care system here, working in conjunction with our universities and, indeed, the private sector to avail themselves of the sizeable funding that is out there.

Mr McCarthy: I thank the Minister for his statement today and for his statement over the weekend about the £2 million for autism. The people who were here this morning very much welcomed that announcement, and I hope that it will be the start of a process.

My question on today's statement relates to the standardised packaging of tobacco products. The Minister mentioned legislation:

"to transpose the EU tobacco products directive".

Can he explain what exactly that means? Does it mean that something is happening within the EU directive? Are we going against that directive?

Mr Hamilton: I begin by thanking the Member for his words of thanks on the package of additional funding for autism services in Northern Ireland. That is another area in which there has been work on a North/South basis in the past, and I hope that the additional £2 million of funding that I announced will go some significant way towards reducing the unacceptably long waiting times that have developed over the last number of years.

The knock-on impact that tobacco use has on health and social care is an issue and a problem that has afflicted every region and state. In Northern Ireland, it is estimated that we spend around £160 million a year — I think that that is a very conservative figure — on treating tobacco-related illnesses.

12.30 pm

The Member will be aware that standardised packaging will roll out right across the UK in May 2016. The transposition of the EU tobacco products directive that I talked about means that a range of measures will be brought into domestic law, including our own law. Those are things like a ban on flavours of tobacco, an increase in the size of the health warnings that appear on cigarette packets, a minimum size of 20 in a pack and the regulation of e-cigarettes. The Member will be familiar with the Health and Personal Social Services (Amendment) Bill — I think that I have got that right — which is going through the House. It contains clauses to regulate the sale of e-cigarettes in Northern Ireland. That is an example of how we are putting that directive into practice here.

Mr Middleton: I thank the Minister for his statement. Will the Minister give an indication of how many patients from Northern Ireland will be treated in the new radiotherapy centre at Altnagelvin?

Mr Hamilton: I thank the Member for his question. It is an issue that I know he is very close to. In fact, the Member and I visited the construction site just before Christmas. We got our hard hats on and looked around what is going to be an absolutely fantastic facility for people in that part of the world. As the Chair said earlier, it is impossible for us to make it easy for people to get cancer treatment; it is a very difficult time in their lives. However, the fact that so many people have had to travel so far for so many years to get the treatment that they need will now be addressed by the fact that we are opening this absolute state-of-the-art radiotherapy unit at Altnagelvin. We should be proud of having taken that forward in this Assembly mandate.

The Member asked specifically how many people from Northern Ireland will benefit from the centre. It is estimated

that around 1,150 or so patients from Northern Ireland will use it annually. Around 385 patients from the Republic of Ireland will also benefit from the facility. I think that it is an absolutely great project. It is a good example of us working in a practical way on a cross-border basis for mutual benefit, and it will significantly improve the standard of cancer care for patients in the north-west of Northern Ireland.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I will go back to something that is near and dear to your own heart, which is Horizon 2020. Will the Minister advise how many applications the Department or trusts in his remit have submitted in relation to those streams of funding? What has the drawdown figure been so far specifically on Horizon 2020?

Mr Hamilton: I am looking here for information. I do not think that I have the precise numbers. I have figures for INTERREG Va but I do not have the full figures for Horizon 2020. I am happy to come back to the Member in writing with more specifics around that.

I recall the figure of around 12% of a success rate for applications that have a Northern Ireland lead, which, the Member will appreciate, is a reasonably good success rate. Even though it sounds like quite a low figure, the Member will know that these are hugely competitive funds and you need to be at the top of your game to get anything out of them. That is why the two projects that I highlighted to Mr Buchanan — project MAGIC, which is looking at stroke care; and project NEPHSTROM, which I think I said was with Queen's University but is actually with the National University of Ireland at Galway, but it involves the Belfast Trust, and it is looking at kidney disease — have acquired nearly €10 million between them. There is also another project — project MERCuRIC — which is led by Queen's University. It partners with the Belfast Trust and the Royal College of Surgeons in Ireland, and that got €6 million to research bowel cancer.

A lot of projects from FP7 and Horizon 2020 are working their way through the system. My message is that I think Northern Ireland is exceptionally well placed to benefit from Horizon 2020 funding. We have a very vibrant research and development sector in health and social care and in partnership with our universities. Our universities are very clued in and switched on to the potential, particularly around health and social care, of availing themselves of some of the vast amount of Horizon 2020 funding that is out there.

Mr Swann: The Minister referred to the drawdown of EU funding. Will he clarify whether he has had any requests or whether his officials are looking at any collaborative approach across the borders in regard to Duchenne muscular dystrophy?

Mr Hamilton: I am not aware of any, but I will contact the Member with any particular details to clarify that. Indeed, if the Member is aware of any projects or potential projects where charities or others are working in that space and think that there is an opportunity, he should please let us know, and we will certainly get them in contact with the right people to try to take forward their ideas.

Mr G Robinson: I thank the Minister for his statement. Have all the various staff members been appointed to the very welcome radiotherapy unit at Altnagelvin?

Mr Hamilton: The Member will know that there have been issues across Northern Ireland, particularly sometimes

in the Western Trust, in getting the requisite staff to look after the various services that are provided. It has been a challenge to get the appropriate numbers of staff, particularly at consultant level, into Altnagelvin to be able to look after the radiotherapy centre properly. My understanding from the Western Trust — I will clarify it with the Member if I am inaccurate — is that it has been running a fairly aggressive recruitment programme — indeed, it is an international recruitment programme — to try to get people in to staff the radiotherapy unit. From speaking to the chief executive of the trust a few weeks ago, my understanding is that that has been successful.

The fact that we have invested so much in a state-of-the-art radiotherapy unit at Altnagelvin, which has all the best equipment and a fantastic team that is well networked and is international in its focus, is something that, in and of itself, attracts the best people to it. That is something that I want to see in Northern Ireland, not just in cancer care but across a range of different specialisms.

Mr Allister: Although it was not mentioned in the statement, I note that, in the communiqué, there was discussion about the European Court of Justice's decision to strike down the Scottish Government's attempts at minimum pricing for alcohol. Does that mean that the Department's proposals in that regard are now dead in the water? Does the Minister agree with me that, if the people of the United Kingdom were wise enough to exit the EU, we would be freed from the shackles and restraints of the European Court of Justice and could pass our own legislation on these issues without interference?

Mr Hamilton: That was a very admirable attempt by the Member to get that subject matter into the questions on the statement. Minimum unit pricing has been considered carefully by my Department for some time. We have obviously looked at it in a broader UK context, but we have particularly looked at it in a cross-border context to see what impact it would have on one jurisdiction if the other moved ahead with it, and so on and so forth. To that end, a study was carried out by, I think, Sheffield Hallam University, and its outcomes have been published recently.

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

The Irish Government have indicated their desire to move ahead with minimum unit pricing for alcohol, and we continue to monitor that. We do so in the context of the judgement in the recent Scottish case. That was an interesting judgement in that it was not clear one way or the other whether it was legal. It pushed it back to the Scottish Court of Session to take a decision, and I am not sure where it is in its consideration.

It is an issue that we have carefully considered and that we have to carefully consider. It is worth noting that, whether it is a minimum unit pricing on alcohol or a sugar tax on sugary drinks that some are calling for, none of those interventions are, in and of themselves, a silver bullet that will resolve all the issues with the overconsumption of alcohol or sugary drinks. We have to be very careful about moving forward with policies like that and to make sure that they are grounded firmly, or else there is a risk in some cases of doing more damage than of achieving positive outcomes.

Mr Principal Deputy Speaker: That concludes questions on the statement.

Executive Committee Business

Housing (Amendment) Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I call on the Minister for Social Development, Lord Morrow of Clogher Valley, to move the Further Consideration Stage of the Housing (Amendment) Bill.

Moved. — [Lord Morrow (The Minister for Social Development).]

Mr Principal Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Housing (Amendment) Bill today. Members will, of course, be able to have a full debate at Final Stage.

The Further Consideration Stage of the Bill is therefore concluded. The Bill stands referred to the Speaker.

Budget Bill: Consideration Stage

Moved. — [Mr Storey (The Minister of Finance and Personnel).]

Mr Principal Deputy Speaker: No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group the eight clauses for the Question on stand part followed by the five schedules and the long title. There are no objections.

Clauses 1 to 8 ordered to stand part of the Bill.

Schedules 1 to 5 agreed to.

Long title agreed to.

Mr Principal Deputy Speaker: That concludes the Consideration Stage of the Budget Bill. The Bill stands referred to the Speaker.

I invite Members to take their ease for a moment before we commence the next item of business.

(Mr Speaker in the Chair)

Rural Needs Bill: Consideration Stage

Mr Speaker: Good afternoon again. I call the Minister of Agriculture and Rural Development to move the Consideration Stage of the Rural Needs Bill.

Moved. — [Mrs O'Neill (The Minister of Agriculture and Rural Development).]

Mr Speaker: I must inform the House that a valid petition of concern was presented today in relation to amendment No 5 for the Consideration Stage of the Rural Needs Bill. Under Standing Order 28, the vote cannot take place until at least one day has passed. The vote will therefore be taken at the beginning of business tomorrow, Tuesday 16 February. I would also like to remind Members that the vote on amendment No 5 will be on a cross-community basis.

Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments — amendment Nos 1 to 14 — dealing with the duty on the public authority, including defining “public authority”; due regard; training and monitoring; and reporting. We will debate the amendments in turn. Once the debate on the 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. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 (Duty of public authorities to consider rural needs)

Mr Speaker: We now come to the group of amendments for debate. With amendment No 1, it will be convenient to debate amendments Nos 2 to 14. Members should note that amendment No 3 is consequential to amendment No 2; amendment No 4 is consequential to amendment No 3; amendment No 13 is consequential to amendment No 2; and amendment No 14 is consequential to amendment No 1.

12.45 pm

Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development): I beg to move amendment No 1: In page 1, line 2, leave out “consider” and insert “have due regard to”.

The following amendments stood on the Marshalled List:

No 2: In page 1, leave out lines 7 to 9 and insert

“any body or person listed in the Schedule.”.—

[Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

No 3: In page 1, line 9, at end insert

“(2A) The Department must, at least every three years from the coming into operation of this section, review the list of bodies and persons set out in the Schedule and, if it thinks it appropriate, amend the Schedule to—

(a) add a body or person to the Schedule;

(b) remove a body or person from the Schedule; or

(c) modify any entry in the Schedule.”— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

No 4: In page 1, line 15, at end insert

“(4A) An order under subsection (2A) may contain such transitional provision as the Department thinks appropriate.”— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

No 5: In clause 2, page 1, line 19, leave out “may” and insert “must”.— [Mrs O’Neill (The Minister of Agriculture and Rural Development).]

No 6: After clause 2 insert

“Training

2A. The Department may take such steps as appear to it to be appropriate to ensure all staff who develop, adopt, implement or revise policies, strategies and plans receive training connected with identifying and meeting rural needs.”— [Mrs Dobson.]

No 7: In clause 3, page 2, line 6, at end insert

“(aa) include this information in its annual report; and”.— [Mrs Dobson.]

No 8: In clause 3, page 2, line 8, leave out “prepare” and insert “publish”.— [Mrs O’Neill (The Minister of Agriculture and Rural Development).]

No 9: In clause 3, page 2, line 9, at end insert

“(aa) its assessment of how each public authority considered rural needs; and”.— [Mrs Dobson.]

No 10: In clause 3, page 2, line 12, at end insert

“(2A) The Minister of Agriculture and Rural Development must, on or after the day on which the report is laid before the Assembly, make a statement to the Assembly about the content of the report.”— [Mrs O’Neill (The Minister of Agriculture and Rural Development).]

No 11: In clause 4, page 2, line 14, leave out from second “with” to “securing” on line 15 and insert “to secure”.— [Mrs Dobson.]

No 12: In clause 5, page 2, line 19, after “appoint” insert

“but no later than 1 June 2017”.— [Mrs Dobson.]

No 13: After clause 7 insert

SCHEDULE SECTION 1.

PUBLIC AUTHORITIES FOR THE PURPOSES OF THIS ACT

A Northern Ireland department

A district council

The Chief Constable of the Police Service of Northern Ireland

The Council for Catholic Maintained Schools

The Education Authority

A Health and Social Care Trust

Invest Northern Ireland

The Northern Ireland Fire and Rescue Service Board

The Northern Ireland Housing Executive

The Northern Ireland Library Authority

The Northern Ireland Tourist Board

The Regional Agency for Public Health and Social Well-Being

The Regional Health and Social Care Board

The Sports Council for Northern Ireland.”— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

No 14: In the long title, leave out “consider” and insert “have due regard to”.— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

Mr Irwin: It is my pleasure to speak today as the Chairperson of the Committee for Agriculture and Rural Development. Before I present the Committee’s position on the amendments, I will take the opportunity to outline the work that the Committee did in its scrutiny of the Bill and highlight some of the issues that came out of that scrutiny. I thank the Committee members for all the work that they did on the Bill. Considerable hours of Committee time and dedication of members went into the scrutiny, and the Committee Clerk and her staff put in a big effort.

I also want to mention the previous Deputy Chairperson, Mr Joe Byrne, who has since retired from the Assembly. He was heavily involved in the initial scrutiny of the Bill and took a deep and very informed interest in its provisions.

Following the Bill’s introduction on 9 November 2015, the Committee wrote to key stakeholders and inserted public notices in the ‘Belfast Telegraph’, ‘The Irish News’ and the ‘News Letter’. A total of 19 organisations responded to the request for written evidence, and a copy of the submissions that were received is included in the Committee’s report. The Committee also commissioned the Assembly’s Research and Information Service (RiSe) to provide research on the content and implications of the Bill. Those papers are also included in the Committee’s report.

On Tuesday 24 November, the Committee held an all-day meeting to take oral evidence on the Bill from relevant stakeholders and the Department of Agriculture and Rural Development. On that day, the Committee heard from the Department; local rural support networks; the Rural Community Network (RCN) and the Rural Development Council (RDC); the Northern Ireland Local Government Association (NILGA) and the Society of Local Authority Chief Executives NI (SOLACE NI); and the Ulster Farmers’ Union (UFU) and the Northern Ireland Agricultural Producers Association (NIAPA). The Committee also agreed a motion to extend the Bill’s Committee Stage until 26 January 2016.

The Committee had discussions with departmental officials on the Bill’s key issues at its meeting on 1 December 2015. As a result of the evidence gathered and its consideration of a range of issues, the Committee agreed to ask the Minister to bring forward amendments on certain matters. Those matters were, first, the strengthening of the duty to consider rural needs and, secondly, the inclusion of public bodies other than Departments and local government in the Bill. The third matter was an amendment to clause 2 to leave out the word “may” and insert the word “will”. The fourth and final matter was in connection with transparency and accountability on reporting arrangements in clause 3.

I will speak about all those matters in more depth later. For now, I wish to note that the Minister agreed with the

Committee on the need for those amendments. She forwarded the text of amendments to the Committee but made the Committee aware that the amendments in connection with the strengthening of the statutory duty and the inclusion of additional public bodies represented a policy change and therefore needed the agreement of the Executive. To be clear, that concerns amendment Nos 1, 2, 3, 4, 13 and 14. At our meeting on 9 February 2016, the Committee received a letter from the Minister indicating that Executive agreement had not been obtained for those amendments. Officials could not explain in detail why that was the case. The Committee debated and ultimately agreed that, as it had initially sought the amendments about strengthening of the duty and the additional public bodies, it would table them in its name. The letter from the Minister indicated that she would table the amendments that did not require Executive approval.

Before I complete this introduction, I wish to make a very brief reference to some of the other issues that were discussed but on which the Committee decided that no amendments were required. The Committee, aware that there were concerns regarding the apparent lack of teeth in the Bill, explored the issue of sanctions and enforcement. It is a central provision of the Bill that public authorities comply with the new duties that are imposed by it. To that end, there will be monitoring and reporting arrangements on how public authorities comply with that duty. However, as was pointed out by stakeholders, there is no means of enforcing the provision, nor is there any sanction for non-compliance. The Committee deliberated on the issue, and it reflected on the fact that it had achieved amendments to clause 1 in connection with the strengthening of the duty on public authorities to have due regard to rural needs and on the naming of additional public bodies.

The deliberation took account of the amendment to clause 2 that would strengthen the duty of the Department regarding the provision of guidance, advice and information. Reference was also made to the amendments to clause 3 to strengthen the transparency of the reporting arrangements. The Committee agreed that, together, the amendments, if accepted by the Assembly at Consideration Stage, would strengthen the Bill. This would address some of the concerns around lack of enforcement, while not imposing a separate and potentially costly enforcement mechanism.

Another matter discussed by the Committee was clarification of the definitions and terminology used in the Bill. Many of the stakeholders who provided evidence to the Committee expressed reservations regarding the definitions in the Bill, with a focus on clause 6 and the definition of rural needs. The Committee deliberated on the issue, noting that it was highly desirable that DARD would work closely with all relevant public bodies on definitions. The Committee noted a letter from the Minister that confirmed the intentions of the Department in that regard. The Committee was therefore content that DARD would provide supplementary advice and guidance on definitions to public bodies.

Other matters raised and discussed by the Committee included the need for training and the provision of baseline information to be used to review the effectiveness of the Bill. The nature of the cooperation arrangements was also discussed. The issue of whether the Bill should make provision for decisions relating to the closure

of rural schools was raised as well. However, after due consideration and deliberation, the Committee decided that it would not pursue those matters by way of amendments or other means.

I now move to discuss the amendments dealing with the “due regard” matter — amendment Nos 1 and 14. I want to make it clear that I speak as Chairperson and represent the views of the Committee for Agriculture and Rural Development. After its initial consideration of the Bill, the Committee had concerns about clause 1. The issues identified were also reflected in many of the responses received to the Committee’s call for evidence. The principal issue was the need to strengthen the statutory duty that the Bill would place on certain public authorities. As drafted, the Bill imposed a duty on public authorities to consider rural needs. The evidence presented to the Committee suggested that this was quite weak. There was concern that it would not result in any action being taken to protect rural communities from the adverse impacts of policy decisions. Practically all of the voluntary and community groups that we heard from voiced the same concern. Many of those who responded suggested that the duty to consider should be replaced by a duty to give due regard. The Committee considered the two aspects of, first, strengthening the due duty and, secondly, dealing with adverse impacts identified as a result of undertaking a consideration of rural needs.

After detailed discussions with DARD officials and amongst members, the Committee decided not to look to amend the Bill to address the issue of mitigating adverse impacts. When it came to considering the strengthening of the duty, the Committee obtained further information on the section 75 duties. The duty to have or give due regard has the advantage of having been legally tested in the context of Section 75 equality and good relations duties in the courts. Broadly speaking, a “due regard” duty means that consideration must be given in advance of a final decision being made, not afterwards, and it must be done with an open mind to achieve the goals set out in statute. The Committee deliberated on the matter and, after some debate, agreed that it supported the inclusion of this higher threshold of statutory duty in the Bill. It will require public authorities to take rural needs into account and give the duty the required weight when making policy. However, it will not impose a requirement on authorities to undertake their functions in a particular way or to achieve a specific outcome or result.

The Committee succeeded in securing an amendment from the Department to strengthen the duty. However, as the amendment would have resulted in a change from the original policy proposals agreed, it required Executive approval. As I indicated, the Committee heard at its meeting on 9 February that the Minister had not obtained the approval of the Executive, and, after a fair amount of debate, the Committee voted to table the amendments. As Chairperson, I fulfilled my duty and put my name to the amendments.

I now present the Committee’s position on the amendments dealing with adding other public bodies or persons: amendment Nos 2, 3, 4 and 13.

The Committee was concerned about the provision in clause 1 that will allow the Department to impose a statutory duty on other bodies. As it stands, only central and local government will fall immediately under the remit of the Bill once it is commenced. However, the Bill gives the Department the

power to specify, through subordinate legislation, the bodies to which a duty will extend in the future.

The Committee considered the Department's rationale for adopting the phased approach to extending the duty. The Department provided a two-part explanation: first, it allows time for further consultation with the bodies that will be subject to the duty; and, secondly, the Department stated, it was difficult to know which bodies should be listed in the Bill and time was needed to refine and clarify that. However, the Committee remained concerned at the omission of named non-departmental public bodies (NDPBs) from the Bill, especially given the fact that so many of our public services are delivered by those arm's-length bodies. During the discussions about which bodies should be listed in the Bill, reference was made by various stakeholders to the Local Government (Community Planning Partners) Order (Northern Ireland) 2015. Draft regulation is being considered by the MLAs on the Committee for the Environment. It contains a schedule listing organisations that will be required to participate in the local government community planning process. Stakeholders indicated that it would be appropriate to adopt that list and include the organisations named in the schedule in the Rural Needs Bill.

The Committee considered the list, which includes the PSNI, the Council for Catholic Maintained Schools, the Education Authority, health and social care trusts, Invest Northern Ireland, the Northern Ireland Fire and Rescue Service board, the Housing Executive, the Northern Ireland Library Authority, the Tourist Board, the Regional Agency for Public Health and Social Well-being, the Regional Health and Social Care Board and the Sports Council. The Committee also commissioned the Assembly Research and Information Service to produce other lists of potential bodies that could be included. The lists of every NDPB in Northern Ireland proved to be very extensive and long. It was apparent that picking and choosing public bodies from such lists would present its own difficulties. I should point out that the Committee considered other ways of addressing the issue and noted that the Bill, as it stood, allows for other public bodies to be added at a later date.

Mr Allister: Will the Member give way?

Mr Irwin: OK.

Mr Allister: Can the Member explain why the Northern Ireland Environment Agency, which can be very intrusive in rural life, is not included in the list? Is it not the case that amendment No 2 removes, at line 9, the catch-all capacity to add further bodies to the list?

Mr Irwin: As far as I am aware, other agencies can be added to the list. The Member reads it differently, but I am told that they can be added. The planning agency is one that could be added, and maybe it should be. The Member makes a valid point in that regard.

The Committee acknowledged that this approach would have certain advantages, namely that it would allow proper thought to be given to what bodies could be added. It would also allow time for such bodies to prepare for taking on the additional duty.

One other area that caused minor difficulties for some members of the Committee was the lack of consultation with the public bodies that may be added to the Bill. There was discussion of whether it was fair to add public bodies to the

Bill and not give them any warning or time to prepare for that duty. It was asked whether it was fair not to take time to talk and get opinions on the pros and cons of having a duty to consider rural needs; for example, such bodies might need to consider whether any additional financial or administrative resource was required to comply with the duty.

I should make it clear that the Committee probed the issue of the cost of the Bill to central and local government. In our questioning of both DARD and local government representatives, we asked questions around the additional financial or administrative resource that might be required.

DARD officials informed the Committee that, overall, it was not expected that the duty would be very onerous or expensive to carry out.

1.00 pm

The Committee also considered the use of a mechanism that named those public bodies in the Bill but allowed a gap of one to two years before the provisions of the Bill applied to them. After significant discussion, the Committee decided to go back to the list suggested by the majority of those who provided evidence to the Committee. This list, as I mentioned, was taken from the Local Government (Community Planning Partners) Order (Northern Ireland) 2015. The list has the merit of creating a cross-cutting element. It would bring together the bodies that expect to work together in a local government community planning process. There is, after all, an expectation that all those involved in the community planning process would have to consider the needs of rural dwellers in a council district.

The Committee, therefore, requested that the Minister bring forward an amendment to add those bodies to the Bill. The Committee did not request any delay in the application of the provisions of the Bill to those bodies. The Minister concurred and provided the amendment, which the Committee considered and subsequently agreed.

The current Bill names Departments and local government as falling immediately under its remit. It has provision for other public bodies or persons to be added at a later date by subordinate legislation. The amendments would act to remove the reference to central and local government and other persons specified at clause 1(2). The amendments would then create a schedule to the Bill naming Departments, local government and the additional bodies that I referred to, such as the PSNI, education bodies, health trusts and Invest Northern Ireland. For members' information, these are all listed in amendment No 13.

The Committee was also conscious of the need to retain flexibility to adapt to changes in the future. The Committee felt that it was important that any list of bodies added to the Bill should be subject to regular review. This would allow public bodies to be added to the list and defunct NDPBs to be removed as appropriate. So, in addition to adding named organisations, the Committee requested an amendment requiring that the list be reviewed and amended as necessary at given intervals. This is amendment No 3.

The Minister agreed and provided the amendment to the Committee. She suggested one further amendment to make transitional provision for these bodies. This is amendment No. 4. The Minister indicated that she was willing to provide these amendments but that, as was the

case with the previous amendments inserting “have due regard to”, Executive approval was required. At its meeting on 9 February, the Committee heard that the Minister had not obtained Executive approval for these amendments, and, after a fair amount of debate, the Committee voted to table the amendments on additional public bodies. As Chairperson, I fulfilled my duty in putting my name to the amendments on behalf of the Committee.

I will now move on to present the Committee’s position on amendment No 5. When the Committee considered evidence from stakeholders, there was a concern relating to the need to strengthen the wording of clause 2. Many stakeholders suggested that the first line of clause 2 be amended from:

“The Department may take such steps”

— as originally drafted — to:

“The Department will take such steps”.

The main reason appeared to be a concern that there was nothing in the legislation to compel anyone to have regard to the guidance, advice or information.

The Committee discussed this with DARD officials, who asked the Committee to note that the intention is that clause 2 provide an enabling power, which will have a broad scope. Nevertheless, after due consideration, the Committee agreed that it required an amendment to clause 2 with the effect of deleting “may” and inserting “will”. The departmental officials indicated that the Minister was content to take this amendment forward. The Committee noted that the amendment will strengthen the role of the Department in providing support for rural proofing and the implementation of the Bill. The Committee noted and had no concerns with the advice that the wording of such an amendment be “must” rather than “will”. The Committee, therefore, supported that amendment.

I will now present the Committee’s position on amendment Nos 8 and 10, which relate to clause 3, “Monitoring and reporting”. Clause 3 imposes a statutory duty on public authorities to compile information on the exercise of its functions under clause 1 and provide that information to the Department. In addition, it places a statutory duty on the Department to prepare an annual report. This report will contain the information sent to it by the other public authorities and details of the exercise of DARD’s functions under the Bill. Clause 3 also requires that the report be laid before the Assembly.

In consideration of the evidence provided, it became clear that many stakeholders agreed that the provisions under clause 3 required strengthening in order to ensure accountability and transparency. There was a suggestion from several organisations, including the Rural Community Network, the Rural Development Council, the Northern Ireland Rural Women’s Network, the Northern Ireland Local Government Association (NILGA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) NI, that the clause be amended to require the Minister to make an annual statement to the Assembly assessing the impact of the Rural Needs Bill. The Department’s report informed the Committee that, in principle, the amendment could be made to provide for a ministerial statement on the monitoring report. However, legal advice provided to the Department indicated that it would not be appropriate for such a statement to cover

the impact of the Bill, as this would require a judgement to be made on the extent to which public authorities had discharged their duties. The Department felt that making such an amendment would go beyond the intended monitoring and reporting arrangements and create a false sense of the accountability of public authorities to DARD. The Committee deliberated on the matter and agreed that the amendment that required the Minister to provide an annual statement was desirable. However, the Committee did not want such a provision to be prescriptive and felt that it should read:

“allow the Minister of the day to decide what any such statement should contain”.

That would allow the Assembly to receive an account of how rural needs were being considered by Departments and other public bodies in the policymaking process. It could also act as an incentive to encourage Assembly Statutory Committees to undertake scrutiny of the issue. Having clarified this position, the Committee requested that the Department consider such amendments. We were pleased that the Minister agreed to the amendments requiring the Minister to give an annual statement to the Assembly. The Assembly will, therefore, have the opportunity to question the Minister every year on the whole range of issues relating to the Rural Needs Bill and its operation in practice. It will also open up the opportunity for Statutory Committees of the Assembly to hold their Department and appropriate arm’s-length bodies to account. A further amendment was proposed to require the Department to publish the annual monitoring report. The Committee indicated that it was content with the two amendments.

I have presented the Committee’s position on those amendments agreed by the Committee and tabled in the name of the Committee and the Minister. The Committee has no position on any of the other amendments.

I will say, as spokesperson for the Democratic Unionist Party, that we have some concerns. We have concern with amendment No 5. Replacing the word “may” with “must” creates a problem for us. We believe that it goes too far and is too prescriptive. We also have issues —

Mr Swann: I thank the Member very much for giving way. I realise that he is speaking now as a member of the DUP. In the Committee deliberations on this amendment, it was the Committee that asked it to be strengthened by moving from “may” to “will”. The Department came back looking for it to be strengthened from “will” to “must”. Why does the Member’s party have such a concern about strengthening what the Bill will deliver? It is perverse that the DUP is using a petition of concern, which was originally envisaged as something to protect minorities. I am concerned that there is a perception from that side of the House that the rural community is no longer a minority that needs protection, which is the basis of the Bill.

Mr Irwin: I thank the Member for his comments. As a party, we looked at that in detail and feel that it creates an issue for us. That is the decision we have made. The Member may have another opinion, but that is the opinion of my party.

We also have concerns about amendment No 6, in the names of Jo-Anne Dobson and Robin Swann. It could create a very heavy financial commitment so we have concerns about that and will not be agreeing to it.

Mr McGlone: I thank the Member for giving way. The whole issue around some of the amendments — I have looked at them — is to give more and stronger protections to rural communities and people living in rural areas. I, like you, am one of them. I would like to hear more on what the DUP rationale is. It appears that we are going to a point of being anti-rural. I am sure that that is not your logic, but that seems to be the conclusion.

Mr Irwin: That is certainly not the case. I have been a rural person all my life. We are absolutely not anti-rural. The situation is this: when we look at amendment No 6 in the names of Jo-Anne Dobson and Robin Swann, we believe that it could be very expensive and it is not necessary. We also feel that amendment No 9, which is in the name of the same two Members, creates a considerable duty that could be very costly. That is the position of my party on those issues and we will be voting against those amendments. I look forward to hearing from my fellow MLAs on the Bill.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. A key concern for many of our rural stakeholder organisations over the years has been the sustainability of our rural communities. We have witnessed, on a continual basis, the pressures on our public finances, which have put this issue centre stage. There is a growing sense of concern in rural communities that further potential cuts or reductions in services could end up having a disproportionate effect on those communities and how they are serviced.

At present, the cost of living in the countryside is much higher than in urban areas. Wages, travel to work, fuel, house prices, rates and some of the planning laws are just a few of the issues that continue to stifle rural life on a weekly basis. We continue to lose more and more of our young people to emigration, either out of the country or to the cities, due to the lack of continuous employment, suitable public transport or suitable inward investment. One of the biggest drivers of our rural life going into the future will be the new councils. They now have powers over planning, community well-being and community plans. Councils must now put rural proofing in their future plans and policies. Indeed, councils have, in the consultation, supported the proposed Bill.

The Executive adopted rural proofing in their second Programme for Government in 2002, including a commitment to:

“ensure that the rural dimension is routinely considered as part of the making and implementation of policy, by a new process of ‘rural proofing’.”

Since then, DARD has played a key role in supporting rural proofing actively across the Executive. In 2005, DARD commissioned a study of rural policy. The final report highlighted:

“a level of disappointment with the application of rural proofing and the extent to which it has been able to effectively influence decision-making ... In particular there are concerns regarding the lack of resources/funds to address issues identified as a result of undertaking the rural proofing process coupled with perceived difficulties”.

The Agriculture and Rural Development Minister, Michelle O'Neill, introduced a public consultation on

the proposed Bill for the introduction of rural-proofing legislation. Between February and March 2015, nine public consultation meetings were held across the North of Ireland in key areas. There were written responses, and representatives of public bodies and individuals came before the Committee to give their views.

1.15 pm

As a result, the Rural Needs Bill was introduced in the Assembly on 9 November 2015. It completed its Second Stage on 17 November 2015 and was referred to the Agriculture and Rural Development Committee. The Committee Stage was finished, and the Committee ordered its report to be printed at its meeting on Tuesday 26 January 2016.

The content of the Bill was framed by the information that was given by the public at all the public meetings, in the written submissions and by the representatives of public bodies who came to give evidence at the Committee. So, nobody can say that the consultation or the Bill was framed by one party or two parties; it was framed around the public. It was informed by the public meetings that we had, not only the ones that we had at the Assembly but those that my party had publicly over the last two years.

We had coming before the Committee representatives of public bodies, such as the Rural Community Network, NILGA, SOLACE, the Ulster Farmers' Union and NIAPA to name but a few. Those are people who are at the coalface of rural life and know what it is like to make a living and live every day with the cuts to budgets and with austerity. Those are the people who took the stories to us, and we have to be thankful to each and every one who came to the Committee to give that information and to the people who made written submissions. Those people cannot be thanked enough. Their knowledge and support for the Rural Needs Bill is very clear; it is something that is needed.

In all of the consultations, there were no objections from anyone or any public body. There were times when people questioned different aspects of the proposed Bill, but when the issues were all teased out, there was genuine support for the Bill.

The Bill should unite the Assembly. We are putting together a framework that will see better regulation of government funding and public services and will give a better quality of life to those who choose to live in a rural environment. That is something that we have looked for for years. I said earlier that it is more expensive to live in a rural area than an urban area, and that is borne out by all the costs. If anybody wants to question that, you can answer them quite well.

Young people from rural areas who are on benefits are made to travel 18 and 20 miles to sign on. They have to take public transport to do that, which comes out of their benefits. There is a raft of examples like that. Even for those who are disabled, we have very little in our local areas. Everything is centralised. The centralisation of services and sporting facilities means that we have to travel. The disability group in my area has to travel 42 miles, and those who have been chosen for the Special Olympics team have to travel a 75-mile round trip just to train.

Sinn Féin will support all of the Agriculture and Rural Development Committee's amendments. Also, we will support Michelle O'Neill's amendments. Whilst recognising

the good intentions of Mrs Dobson and Mr Swann in their attempt to strengthen the Bill, Sinn Féin will oppose UUP amendment Nos 6, 7, 9 and 11. The reasons for that will be explained by my colleague Mr Milne. As I said, the Bill should unite the Assembly.

Mr Swann: What is the Member doing on amendment No 12?

Mr McMullan: My colleague Mr Milne will come back on that.

I ask the Assembly to keep it in mind that we must unite on the Bill. We cannot use it as a form of politics in any way. Go raibh maith agat.

Mr Rogers: I welcome the opportunity to speak on the Consideration Stage of the Rural Needs Bill. I look forward to working alongside the Committee for the remainder of the mandate as Deputy Chair. Unfortunately, I was not in that position during Second Stage, but, fortunately, my colleague Joe Byrne was able to voice the SDLP's position on the Bill.

If I may, I will give a brief idea of my overall feelings on the purpose of the Bill. I assure the Chamber that that will be relevant to my thoughts on the proposed amendments. The Rural Needs Bill seeks to ensure that public authorities and central and local government consider rural needs when making policy decisions. That is in keeping with the Assembly's belief that policy decisions must be properly proofed to consider their impact on rural areas and communities and, when appropriate, be adjusted to mitigate any damaging outcomes. At the previous stage, my colleague outlined the SDLP position, and today I will echo that and state my belief that there should be a strict adherence to rural-proofing policies and that the Assembly, through legislation, must ensure that every Department considers adverse impacts on rural communities when deciding policy.

Mr McGlone: Will the Member give way?

Mr Rogers: I will, yes.

Mr McGlone: Does the Member accept that that has been the big issue and problem with rural proofing, in that, before, it was like grandma and apple pie, as it considered it but did not really do anything about it? The major point in and the nub of the issue for those living in rural communities is that we do not want another wish list. We do not want more grandma and apple pie; we want to see productive delivery.

Mr Rogers: I thank the Member for his contribution, and I reiterate that point. As the previous Member mentioned, our youth have either migrated or emigrated in their hundreds and thousands. In times of austerity, it seems to be the rural areas that get the biggest pinch, whether that is through the closure of our rural schools or of accident and emergency facilities at night, which is the case in my local hospital, the Downe. Rural areas get hit very hard.

The Bill is relatively short and, in broad strokes, seeks to enforce the duty on government and public authorities to consider that rural needs be enshrined in the guidance required to ensure that the duty is upheld and that the data is compiled to assist in determining rural-proofing progress. I believe that the amendments go some distance to modify the Bill to guarantee that those intentions are met.

At the previous stage, the SDLP voiced its concern about the availability of rural research and how subsequent databases can be used to ensure accountability and

improvements in rural proofing. In that regard, I welcome the Minister's amendments, such as amendment No 8, which will ensure that annual reports are published for the public's benefit. Without an annual report, it becomes difficult to evaluate services on offer. If you cannot evaluate services, how can you improve them?

Regardless of the outcome of this stage today, I reiterate that clear communication from DARD is vital for the success of rural proofing and to ensure that communities are protected. DARD must be willing to step forward to enforce rural proofing so that it is not simply given lip-service but that all Departments and bodies fully respect it in policy formulation.

Moving on to the amendments, let me say that I do not believe that they are in any way controversial. In many ways, they serve to secure accountability, create greater clarity and overall improve the operation of the future Act. There are 14 amendments, six from the Agriculture Committee, three from the Minister, and five from our UUP colleagues. Amendment Nos 1 to 4 have been put forward by the Committee and seek to modify clause 1. Clause 1 relates to the duty of public authorities to consider rural needs, and amendment No 1 will replace the word "consider" with the words "due regard" and should ensure that public authorities place appropriate weight on determining rural needs.

Amendment No 2 will replace the original outline of a public authority so that the schedule can determine what will be considered a public authority under the Act. That will help to determine specific organisations and people.

Amendment No 3 will introduce a review mechanism under clause 1(2) for what constitutes an appropriate public authority under the schedule, to be enacted at least every three years. It will give the power to amend the schedule to replace, remove or modify any entry in it. The amendment will ensure that the Bill will contain all relevant organisations and people necessary for its operation and will ensure that any future Act is not constrained.

Amendment No 4 relates to the previous amendment to allow for any transitional provision that the Department may find appropriate to the operation of clause 1(2). Amendment No 5 has been proposed by the Minister and is an amendment to clause 2, which seeks to provide guidance, advice and information on rural needs and the proper implementation of rural-proofing policy. The amendment will change the wording from "may" to "must", bringing in tighter language and placing a direct duty on the Department to provide guidance, advice and information on rural needs.

Amendment No 6, tabled by Mrs Dobson and Mr Swann, relates to clause 2 and seeks to replace the entirety of clause 2(a). In operation, it is similar to the Minister's amendment but instead places an emphasis on the need for the Department to provide training on identifying and meeting rural needs to all staff who develop and implement policies related to rural proofing. There is therefore a bit of a conflict between amendment Nos 5 and 6. Amendment No 5 will place a harder duty on the Department to provide a person with guidance, advice and information on rural needs. However, it remains broad, and presumably guidance, advice and training could manifest themselves as training. The UUP amendment uses softer language but is more specific on

who needs guidance — the relevant policymakers — and introduces the need for appropriate training.

Training would clear up the confusion on how to develop, implement and review rural-proofing policies. Arguably, the UUP amendment is superior, as it includes a specific need for training, which is crucial to ensuring that rural needs are being identified and dealt with appropriately.

Clause 3 imposes a statutory duty on public authorities to compile information and develop reports based on the data. The UUP's amendment No 7 relates to clause 3 and, I believe, seeks to ensure that the information compiled by public authorities on their duty to consider rural needs appears in their annual reports, which will subsequently appear in the Department's own annual report.

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

The Minister's amendment No 8 further seeks to ensure that such information under clause 3 is in the public domain. The amendment clears up language — the wording is to change from "prepare" to "publish" — to ensure that material is compiled and brought forward publicly.

Amendment No 9 would place a new duty on the Department to prepare an annual report assessing how each public authority has considered rural needs. In combination with the Minister's amendment No 8, that would mean that the Department must publish that assessment. That would be useful, as it would allow public authorities to review their practices and see where they are succeeding or failing to meet rural needs and where they can improve their facilitation of such needs. The operation of those amendments will ensure greater consideration from organisations and greater progress in rural needs development.

The Minister's amendment No 10 will place a direct duty on the Minister to make a statement to the Assembly following publication of the rural needs annual report. That will allow the Minister to outline the content of the report and demonstrate the strengths and weaknesses in policy development. That will ensure greater accountability and give a greater level of recognition to rural needs.

Amendment No 11 refers to clause 4, which relates to the cooperation between the Department and other bodies. The amendment would create tighter language in that regard. It would place a clear duty on the Department to secure cooperation and exchange of information between public authorities.

Amendment No 12 relates to clause 5 and the commencement of the legislation. It seeks to ensure that the legislation is in operation no later than 1 June 2017. I agree with the amendment's sentiments, which are to ensure that the legislation is not left to wallow and will be in operation to serve the needs of rural communities as soon as possible. That clearly shows that the Assembly is dedicated to rural proofing and recognises the importance of rural needs.

The final two amendments were tabled by the Committee and relate to two of the earlier amendments. As such, I have already spoken on their general function.

Amendment No 13 would introduce a new schedule that states that the Act will consider the organisations listed as being public authorities. They include Departments, district councils, the Chief Constable of the PSNI and health and social care trusts. As discussed earlier, those will be changeable through amendment No 3. Amendment No 14

would alter the long title of the Bill, along the same lines as amendment No 1. As such, it would change the phrasing of "consider" to "have due regard to". As with previous amendments, I support those two amendments.

The SDLP supports the majority of the amendments, but we reserve the right to consider future amendments at the next stage.

Mrs Dobson: I welcome the opportunity to speak in this stage of the Rural Needs Bill. As I said in the Second Stage debate, it is essential that the Bill carry weight and be much more than a mere box-ticking exercise. Although the previous rural White Paper action plan included a lot of positive sentiments, unfortunately, I, like many, felt that it focused more on show than on substance.

The lack of targets and measurable outcomes meant that it always had the potential to become just another dormant Executive strategy.

1.30 pm

I, like many Members, know at first hand that living in the countryside has many wonderful benefits, not least the tranquility, but it has, undoubtedly, its challenges. Public transport and access to essential public services are very often much reduced, compared with that available to our urban-dwelling neighbours. People in the countryside do not expect to have a GP clinic in every small village, but, when changes are being made to existing provisions, they should expect that their additional challenges are at least considered. On a side note, that certainly did not happen in my home village of Waringstown, where the branch surgery was, first, temporarily and then permanently closed without any notice to patients. The same goes for schools. Whilst our amendment to the Bill on a presumption against rural school closures was not accepted, it is my hope that it will be, in some other legislation.

I am glad, however, that the Minister has taken the Bill forward. Whilst it is difficult to see anything in the Bill that anyone would disagree with — I may refer to that in closing — I felt that parts of it could have been improved and strengthened. As a result, Robin Swann and I tabled a number of amendments, several of which, I was glad to see, appear in the Marshalled List. Those amendments, as we know, are amendment Nos 6, 7, 9, 11 and 12. I will take each of them in order. However, given that none of them is particularly technical, I hope that they will be fairly self-explanatory to Members.

Amendment No 6 is probably one of the most important amendments. Therefore, I was somewhat bemused by Mr Irwin's comments that it was, he felt, expensive and not necessary. In my opinion, if staff are going to have a role in identifying and meeting rural needs, it is essential that they have the capacity and the awareness to allow them to generally understand the challenges that our rural communities experience. The training does not necessarily need to be that onerous or burdensome — or expensive, Mr Irwin — but it does need to be wide enough to ensure that staff in positions of importance are properly informed on the issues relating to the impact on rural areas of Northern Ireland that they will be addressing.

Amendment No 7 places a duty on public authorities to include in their annual reports information on how they have complied with the legislation. It will not be good

enough to say simply that they have considered the needs of our rural population; they will need to detail how.

Amendment No 9 places a duty on the Department of Agriculture to give its assessment on how each public authority has met its obligations under the legislation. As the sponsor of the Bill, and the Department with lead responsibility for implementing it, DARD must surely be prepared to take some responsibility for enforcing it. The first step of that must be to keep an overview on how public authorities are responding to it in practice. In addition, I hope that it will be a clear desire of the House to ensure that when a public authority falls below expected standards, DARD will not be found wanting in its criticism of it.

Amendment No 11 is fairly minor but important. It proposes a change of emphasis from hoping to secure cooperation between public authorities to placing a duty on the Department to secure it. There have been too many instances over recent years of Departments and arm's-length bodies working in isolation from each other. A typical example was the widely discredited area planning and viability audit processes in our school sector. The Council for Catholic Maintained Schools (CCMS) continues to operate within its individual area of interest, showing no regard whatsoever for anything that the Education Authority or the previous boards were doing. My amendment will place a responsibility on DARD to try to coordinate and handle the sharing of information.

Our last amendment, amendment No 12, simply puts in the Bill a date, 1 June 2017, by which these new responsibilities will commence. I fully trust that the Bill will come into operation well in advance of that date, but the amendment will act as a safeguard, just in case.

In addition to our amendments, I, unlike other Members, support those that have been tabled by the Chair of the Committee and the Minister. Amendment No 1, for instance, will place a higher threshold on statutory duty, and despite the Department's protestations, I hope that it will appreciate why a general duty to consider was not sufficient in this case.

I am disappointed that the DUP decided that it was necessary to table a petition of concern against amendment No 5. I am still waiting to hear a credible reason for that. The purpose of the amendment was to tighten some of the language and indeed, when the Minister herself advised the Committee that she would support it, she acknowledged that it further strengthened the Bill.

The only other amendment that I want to comment on is amendment No 13, which lists the public authorities. It is an important one. Bodies such as the Education Authority and the Health and Social Care Board provide absolutely key public services. Whilst they may operate outside the Department, I believe that it is important that they are named in the Bill.

In closing, I want to say that I am disappointed that the Minister's party cannot support our amendments, given the fact that Oliver McMullan recognised that they were designed to strengthen the Bill. Finally, in trying to strengthen the Rural Needs Bill for our rural communities, you just cannot win with the DUP: 'A Fresh Start', but the same old "say no" DUP.

Mr McCarthy: I very much welcome the Rural Needs Bill. There is no doubt that rural dwellers, whilst enjoying

our wonderful green and fresh environment, face many drawbacks and endure extra expense and, indeed, inconvenience. I will speak briefly, as there is not a great deal of controversy about the Bill — at least, there ought not to be. We all want to see rural dwellers enjoy life and, indeed, continue to contribute to ensuring that our landscape and farmland are preserved for generations to come. I do not intend to oppose any of the amendments, as I am of the view that they contribute to improving the outcome of the Bill.

I do have to express my dismay at the DUP's use of the petition of concern on the Bill. Surely rural needs affect all of us regardless of our community, where we are from or where we go to church on a Sunday. They affect everyone living in the community. Coming from a rural community, I know the challenges which face all rural areas. I know that they do not happen on the basis of religion. Surely that is a total misuse of the petition of concern. There may be a debate about whether "may" or "must" is appropriate, but I do not believe that it warrants a petition of concern.

I simply want to pass comment on one of the amendments, amendment No 3, which puts in place a reporting mechanism. That is essential for ensuring that we correctly assess rural needs. As that is a new process, it will provide a valuable learning experience. I hope that it will inform not just the Assembly but the various Departments and public bodies which are required to assess those needs. I hope that the report will spread best practice.

Other amendments make smaller but equally important changes, and I will support them as well. Hopefully it will be a relatively simple process. I hope that the Bill will continue its progress through the House.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. I would like to take the opportunity to speak in support of a number of the amendments and on the broad thrust of the Bill.

Six hundred and seventy thousand people live in rural areas. We feel very strongly that the Rural Needs Bill will go a long way to help to address their needs. Living in a rural area has a lot of issues and challenges. Those have been well talked about today, and I have no need to go into them in any great detail. I will say that during the course of deliberations on the Bill in the Committee, and indeed in our stakeholder engagement, we heard a very strong view from rural stakeholders that whilst rural proofing has been an Executive commitment since 2002, it did not really work: it was a bolt-on or something like a tick-box exercise, and there was a need for it to be included in legislation.

They feel very strongly about and are very excited by the fact that the Bill has come into place.

It is important to point out that our bringing in such legislation is a first for Europe. Indeed, our counterpart in Leinster House, Martin Ferris TD, is simultaneously bringing in a rural needs Bill. This will be the first country in Europe to have Rural Needs Bills to provide legal protection for people who live in rural areas.

During the process, we spent hundreds and hundreds of hours deliberating, discussing and negotiating. Indeed, on 24 November, we spent an entire day taking evidence. It is important to reiterate the thanks to Stella and the team in the Committee for Agriculture and Rural Development for helping to facilitate that. Indeed, thanks very much to

the organisations that responded to the consultation and to groups like the local rural support networks, the RCN, the RDC, NILGA, SOLACE, the UFU, NIAPA and, indeed, to the DARD officials who made themselves available to the Committee to answer questions and to provide clarity as and when required. The organisations that came before us to make presentations represent thousands of people who live in rural areas, such as farmers, rural dwellers and non-farmers.

I will recap on some of our positions on the amendments. All the amendments — certainly all those that have come through the Committee — came from the grass roots. They came through rural stakeholder organisations. They did not come from political parties, individual MLAs or any section of the community; they came from the grass roots and from people who are on the ground working every single day for the betterment of rural areas. We felt that the people are having their say on the Bill, and that is the way we moved on. There was consensus in the Committee on how we moved through the amendments.

With amendment Nos 1 and 2, there was a strong unanimous view from all rural stakeholder organisations that we met that “consider” should be replaced with “have due regard to” and that groups should be listed in the schedule. The local rural support networks felt strongly that groups should be listed in the schedule. Indeed, during a previous debate in the Chamber, Mr Allister said that groups should be referenced. There was a suggestion — it may have been from SOLACE — that we should refer to the draft local government order 2015, which specifies the community planning partners, and those are the groups that are listed in the amendment. Of course, amendment No 3 allows that to be reviewed every three years.

Amendment Nos 6 and 7 have been tabled for debate today by the Ulster Unionists. Amendment No 6 requires DARD to train all staff. Is that all staff in the Civil Service or all staff in public authorities? That needs to be clarified. I should also point out that DARD provides training —

Mr Swann: Will the Member give way?

Mr McAleer: Go ahead, yes.

Mr Swann: The amendment states that it is:

“all staff who develop, adopt, implement or revise policies, strategies and plans”.

It is very detailed as to whom we think the Department may take steps to train. While a lot of attention has been paid to the good work that the Bill will deliver, it is important that all staff at all levels throughout the bodies and organisations that will now be named in schedule 1 have the ability to understand the implications and requirements of the legislation.

Mr McAleer: I thank the Member for that clarification. I am reading the amendment: it refers to “all staff”. There will be severe resource implications if the Department is required to train all staff.

On amendment No 7, we feel strongly enough that the duty to report and the monitoring arrangements are included in clause 3.

Amendment No 9 calls for DARD to assess how each public authority considers rural needs. There may be an implication for DARD standing in judgement of other

Departments. We do not want to create anything like a false sense of accountability, as William Irwin mentioned.

1.45 pm

In amendment No 12, the time limit for the commencement of the Bill —

Mr Swann: Will the Member give way?

Mr McAleer: Yes, go ahead.

Mr Swann: Our desire in amendment No 9 was to give to the Department of Agriculture and Rural Development an appropriate duty to have due regard to other Departments to make sure that they live up to what it requires of them. The Bill was brought about by the Minister’s desire to make sure that rural communities are looked after and developed by all public bodies. This amendment was to give DARD the ability to make sure that other Departments and organisations fulfil their commitments and roles — as already required, although not in legislation, in the rural White Paper action plan. That is the requirement behind the amendment, and the Member and his party have been asking for that. Mr McMullan said that our amendments strengthened the Bill, so I am slightly surprised and disappointed that the Member’s party is not supporting this amendment.

Mr McAleer: The point about amendment No 9 is that it places quite a high duty on the Department. The Minister will, no doubt, pick up on that. You do not want to create the false expectation that DARD has the legislative power to stand over other Departments and hold them to account.

Amendment No 12 concerns the time limit for the commencement of the Bill. We are content to support that amendment, but stakeholders — I believe that it was SOLACE — made the point that it would be desirable to give public authorities a lead-in time to get themselves ready to implement rural proofing so that you could stagger it. I was one of those during the Committee briefings who said that rural proofing was not a new phenomenon. It has been around for a long time, so it should not be new to public authorities. In that respect, we are content to support amendment No 12.

Amendment No 13 lists the public authorities in the Bill. That is the useful thing about having a debate: the last time this issue was raised, it was brought back to the Committee, this suggestion was made and now we have it in front of us.

We feel that the Bill is good news for rural communities. It is very much informed and driven by the grass roots, and it is important for the Chamber to reflect on that. It is good news for the 37% of the people of the North of Ireland who live in rural areas. A point that I made during the last debate is that we see the Bill as part of a package of measures to improve their quality of life, including CAP reform, the £623 million rural development programme and, indeed, the protection of the tackling rural poverty and social isolation (TRPSI) budget.

We see the Bill as a huge step forward to achieving a fair and equitable rural society. It is incumbent upon us as legislators to make and shape the Bill to make it as effective as we can for the people whom we represent.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Like the Chair of the Committee, I thank the DARD staff

and Committee members for their hard work. I thank the stakeholders, who gave up a tremendous amount of time and produced a lot of good, valuable stuff for the Committee in helping it to make its decisions.

I am in favour of all the amendments tabled by the Committee and amendment No 5 tabled by the Minister, Michelle O'Neill. We are against amendment Nos 6, 9 and 11, which were tabled by Mrs Jo-Anne Dobson and Mr Robin Swann. I am content that the amendments put forward by the Committee and the Minister will enhance the Bill, particularly amendment No 2, which seeks the inclusion of public bodies and persons, as opposed to just Departments and public authorities.

I recognise the intention of Mrs Dobson and Mr Swann to strengthen the Bill, but, after scrutiny, I feel that their amendments would lead to duplication, sometimes confusion, and impose a duty on DARD that is unrealistic.

We are against amendment No 6, which calls for training for all staff subject to the Bill, on the grounds that it is already covered in clause 2, as explained by my colleague Declan McAleer. In fact, it is enhanced by amendment No 5 from the Minister. Although we are content that amendment No 6 is covered in the Bill, we do not feel that we could go against Mr Swann and Mrs Dobson on it.

Potentially, amendment —

Mr Swann: Will the Member give way?

Mr Milne: Yes.

Mr Swann: This is a technical point. I know that I will not convince you on this, but I want to point out the difference between what is in the Bill and what is in the amendment. Clause 2(a) says that the Department can "provide any person with guidance". The provision of guidance is not the same as training. That is where we were going specifically with amendment No 6 and the new clause. It is all right being given the piece of paper that says what rural needs are about, but our amendment involves somebody sitting down with the officials and explaining to them what their duty is.

Mr Milne: I thank the Member for his intervention. You make your point well, but we are of the opinion that amendment No 6 is superfluous. We feel that we can go ahead and support amendment No 7.

Amendment No 9 potentially makes all those subject to the Bill accountable to DARD, and, as it does not have the power to impose sanctions, it would become meaningless. Amendment No 11 proposes that DARD must secure, rather than make arrangements with a view to securing, the cooperation and exchange of information from all of those subject to the Bill. This, however, raises its responsibility to an unrealistic level and has the potential to change the focus from a failure to comply with the legislation to DARD's inability to make them comply.

The Bill, as others have said, is necessary to ensure that the needs of rural dwellers are considered when policy and public services are being developed, implemented and delivered. As my colleague Oliver McMullan outlined, rural dwellers' experience of public services differs in many ways and in many areas to that of their urban counterparts. During this process, the contributions made by the various stakeholders have highlighted difficulties faced by rural dwellers when it comes to assessing services and opportunities, employment and the cost of living, to

name but a few. They also raised the negative impact that the current model of measuring deprivation has when it is applied to rural areas. That subject was debated at length in the House a few months ago.

The Minister, the Department and the Committee have put a focused effort into identifying and tackling poverty, social isolation and disadvantage in rural areas. This Bill will be a welcome addition to all who are engaged in that work. The legislation builds significantly on the commitment made by the Executive in 2002, and I hope that it will give confidence to those working and living in rural areas.

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a LeasCheann Comhairle. Before I speak on the amendments in the group, I will start by taking the opportunity to thank the Chairperson and the members of the Committee for their very detailed scrutiny of the Bill. I am very grateful to the whole Committee for its support to secure the Bill's passage through the Assembly within the current mandate. I also want to pay particular thanks to the many stakeholders who have contributed to the Bill and its development. As many Members have said, their advice and contributions have been invaluable. I also want to thank and acknowledge other Executive Ministers for the positive support that I have received for what I believe is a really important Bill.

Following its scrutiny of the Bill, the Committee has tabled a number of amendments that I believe will strengthen this legislation and will help to ensure that consideration of rural needs becomes an integral part of policy development and service delivery across all sectors of government.

With your indulgence, Deputy Speaker, before I address the amendments in detail, I would like to remind the Assembly why this legislation is necessary. As a rural dweller, I am acutely aware of the difficulties facing our rural communities. In meetings with farmers and other rural dwellers, I often hear about the plight of the most vulnerable, be they elderly people who can often feel isolated and alone, young people who feel that they have limited opportunities because of where they live, or people with disabilities who face challenges that are exacerbated by living in a rural area. I am conscious that our rural communities are facing even greater challenges due to the impact of reduced budgets on the delivery of public services. It is therefore crucial that government continues to focus on the needs of rural dwellers to ensure they are not unfairly disadvantaged.

Although the Executive first committed to rural proofing in 2002, the existing requirement for Departments to assess whether their policy proposals are likely to have any adverse impacts on rural dwellers is non-statutory. While there is evidence of some good practice in rural proofing, the consistent message we have heard from rural stakeholders is that rural proofing is not currently undertaken in a consistent or systematic way. There are also concerns about a lack of transparency in the process. I firmly believe that this legislation will address the issues that have been highlighted by stakeholders, both by placing a statutory duty on public authorities to take rural needs into account when developing and implementing government policies and strategies and delivering public services, and by providing the appropriate mechanisms to support and monitor the exercise of that

duty. The legislation will not only provide a firm basis for the effective and consistent consideration of rural needs but demonstrate our commitment to the fair and equitable treatment of people in rural areas.

I will now turn to the proposed amendments to the Bill. Amendment No 1 deals with the nature of the duty in clause 1. Clause 1, as introduced, places a statutory duty on public authorities to consider rural needs when developing, adopting or implementing policies, strategies and plans and when designing and delivering public services. Amendment No 1 changes that to a duty for public authorities to “have due regard to” rural needs in relation to their policy development and service delivery. A duty to “have due regard to” rural needs is a higher level of duty than one to “consider” rural needs. It would require public authorities to give an appropriate and proportionate level of consideration to rural needs in carrying out their policy development and service delivery functions, without restricting their ability to take decisions on the exercise of those functions or prescribing the outcome of any policy or strategy.

Although a “due regard” duty would have some additional resource implications for public authorities, I believe that any additional resource commitment would be proportionate to the better outcomes that it can achieve. The exercise of a “due regard” duty does not have to be an overly bureaucratic process, and the guidance that DARD issues, under clause 2, will assist public authorities in understanding and discharging their obligations. I also believe that a “due regard” duty strengthens the rural proofing process, which is about the systematic consideration of whether any given policy or strategy is likely to have a different impact in rural areas because of particular circumstances or needs; the proper assessment of those impacts, if they are likely to be significant; and consideration of whether to adjust a policy or strategy to meet those particular rural needs and circumstances. Let me be absolutely clear: the amendment strengthens the process of consideration; it does not affect the autonomy of the final decision maker.

I welcome the amendment tabled by the Committee Chair. I know that, in deciding to table that amendment, the Committee had listened to the wide range of stakeholders who wanted the Bill to be as robust as possible. I believe that it and the related amendment — amendment No 14 — which would change the long title of the Bill to reflect the change to the nature of the primary duty in clause 1, will achieve that aim. As I have indicated, I wish to support the amendment; I have indicated that to the Committee on a number of occasions. I have sought agreement from the Executive on the proposed amendment. However, that agreement is yet to be obtained.

(Mr Speaker in the Chair)

Amendment No 2 and the related amendments — amendment Nos 3, 4 and 13 — each concern the application of the Bill to public authorities. Clause 1, as currently drafted, defines “public authority” for the purposes of the Bill as Departments, district councils and any other person appearing to DARD to exercise functions of a public nature that DARD may specify in subordinate legislation. Amendment No 2 proposes to change the definition of “public authority” to be those persons included in a schedule to the Bill, to be inserted by amendment No 13. That would mean that all those public bodies that

are listed in the draft local government order, as well as Departments and district councils, would be included in the Bill. Those bodies are the PSNI; CCMS; the Education Authority; health and social care trusts; Invest NI; the Fire and Rescue Service; the Housing Executive; Libraries NI; Tourism NI; the Public Health Agency; the Health and Social Care Board; and Sport NI.

Responses to my Department’s public consultation on the policy proposals for the Bill indicated unanimous support for extending the scope of the legislation beyond Departments and councils. The importance of including arm’s-length bodies that discharge public functions was also highlighted by key stakeholders and by the Agriculture and Rural Development Committee during the Bill’s Committee Stage. I believe that extending the provisions of the Bill to all the public bodies that are listed in the schedule will provide consistency and cohesion in the application of rural proofing across government, particularly given the new community planning arrangements.

The commencement provisions in the Bill, as currently drafted, provide flexibility in relation to when its various provisions would come into force. That will allow for sufficient time for the additional public authorities that would be included as a result of those amendments to prepare for their new statutory duties coming into force.

Mr Speaker: Minister, I am very sorry for interrupting you at this time. As you know, Question Time is scheduled to begin at 2.00 pm. This debate will continue after Question Time, when you will have the opportunity to complete your contribution.

2.00 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Employment: Fermanagh

1. **Mr Flanagan** asked the First Minister and deputy First Minister for an update on the ministerial subgroup on regional opportunities in relation to creating employment opportunities and infrastructural improvements in County Fermanagh. (AQO 9639/11-16)

Mrs Foster (The First Minister): The focus of the ministerial subgroup on regional opportunities has, to date, been on the north-west, but it has always been our intention that, as its work progresses, it should consider the measures required to promote economic opportunity across other areas of Northern Ireland. That will include, in due course, infrastructural and economic needs and opportunities in the south-west, including County Fermanagh.

Mr Flanagan: Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answer. I take the opportunity to congratulate her on her elevation to the position of First Minister and wish her well in the time ahead.

Will the First Minister accept that it would make some sense for the next meeting of the regional opportunities subgroup to take place when the Executive come to Fermanagh for their meeting and that the focus of that meeting should be about potential infrastructural and other economic interventions that the Executive could make to create economic opportunities in the county?

Mrs Foster: I thank the Member for his question and, indeed, for his acknowledgement that the next Executive meeting will be in Enniskillen in the town hall on 25 February. The fact that we are bringing the whole Executive to County Fermanagh is even better than bringing the regional opportunities subgroup of the Executive to Fermanagh. We will have the whole Executive there. I hope that they take the opportunity to get out and about in County Fermanagh to make some visits. Who knows? We may even have some announcements made when they are there as well. I hope that the initiative of bringing the Executive closer to the people who elect us will make it more relevant to people on the ground and will allow some of my colleagues from the east of the Province to visit the most beautiful county in Northern Ireland.

Mr Campbell: As part of the regional opportunities group, will the First Minister endeavour to make sure that Northern Ireland has the best possible mobile phone network across all parts of rural Northern Ireland so that people can communicate by phone, text and other social media outlets, such as Twitter and Facebook, and can do so effectively, safely and without the prospect of running up a huge bill, directly or indirectly?

Mrs Foster: Absolutely. As the Member is probably aware, in my previous work in the Department of Enterprise, Trade and Investment, we made a number of interventions in relation to mobile phone and broadband coverage. I very

much welcome the fact that my colleague the Minister of Enterprise, Trade and Investment recently announced another broadband intervention. Two pilot areas have been identified, one of which is County Fermanagh. I encourage everyone to look at the broadband pilot and to take advantage of what is available to them.

Social Investment Fund: Upper Bann

2. **Mrs Dobson** asked the First Minister and deputy First Minister how many groups in Upper Bann are still waiting to receive funds from the social investment fund. (AQO 9640/11-16)

10. **Mr Anderson** asked the First Minister and deputy First Minister for an update on the progress of social investment fund projects in Upper Bann. (AQO 9648/11-16)

Mrs Foster: With your permission, Mr Speaker, I will ask junior Minister Pengelly to answer the question.

Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister): Mr Speaker, with your permission, I will answer questions 2 and 10 together.

Social investment fund momentum is growing. Some 25 projects valued at £37 million have commenced, 10 projects are operational, and many hundreds of participants are already benefiting from early intervention and employment projects. It is making life-changing differences to people and communities facing disadvantage. No groups in Upper Bann are waiting for SIF funding from OFMDFM; indeed, there are four projects, with commitments of around £6.3 million, expected to impact on Upper Bann residents. They have all received a letter of offer from OFMDFM, and it is now over to the lead partner to progress further.

Good progress is being made. For example, Work IT has recruited participants, sustaining infrastructure and new directions of appointed design teams, and the community sports programme has received a letter of offer.

Mrs Dobson: I thank the junior Minister for the answer and update. I note that the southern steering group last met on Tuesday 1 December. Will the junior Minister explain, given the long delays with the fund and the impending end of the Assembly mandate, whether the groups will meet more frequently to move processes along?

Mrs Pengelly: I thank the Member for her question. I am not sure whether the Member is aware, but the steering groups are independent of the Office of the First Minister and deputy First Minister. The hallmark of the scheme was that it was a community-up scheme; it is not dictated to or influenced by the Office of the First Minister and deputy First Minister. It is up to the local steering group to meet, and I presume that it meets when it feels that it needs to meet. The Member may want to raise the issue of the local steering group with her party colleague and other members of the group.

Mr Anderson: Junior Minister, now that all the projects are being progressed, can you confirm that the social investment fund objective of ensuring a wider benefit for all the traditional schemes, such as DSD's neighbourhood renewal scheme, has been achieved?

Mrs Pengelly: I thank the Member for his question. When we were designing the social investment fund, we listened to the frustrations of many people — community

organisations and communities — who felt excluded from the very tight criteria of a number of schemes, such as the neighbourhood renewal scheme in the Department for Social Development. They made it absolutely clear, in particular to the First Minister and the deputy First Minister, that there were considerable needs around dereliction, community halls, employment, childcare and educational underachievement that were much wider than simply the 10% most deprived areas in the multiple deprivation indexes. Therefore, now that we have looked at all the projects that have come through under the scheme, I am glad that there will be a much wider impact. I am glad that places such as Portadown, Banbridge, Fermanagh, Markethill and large parts of my constituency of South Belfast can now benefit from the scheme, when before they were excluded. It has taken time to achieve that, because it is a different way of working, but I am glad that those areas will benefit and will see progress made on the ground.

Brexit: Referendum Discussions

3. **Mr Murphy** asked the First Minister and deputy First Minister for an update on any discussions they have had with the British Government on the proposed referendum on an exit from the European Union. (AQO 9641/11-16)

Mrs Foster: The renegotiation of the United Kingdom's membership of the European Union is being taken forward by the Prime Minister and a select group of Ministers in Whitehall. The deputy First Minister and I will meet the Foreign Secretary on 1 March 2016 and will raise matters with him face-to-face. The issue directly affects everyone in Northern Ireland, so we have specifically requested engagement from the UK Government. Unfortunately, the request has not secured a meaningful response on the detail. We have been kept informed of developments but have not been involved.

Mr Murphy: Go raibh maith agat, a Cheann Comhairle. I thank the First Minister for her response, and I share her obvious frustration at the dismissal of concerns, not just those of the people in the North. The people in Scotland and Wales are suffering from the same sense of being ignored and, to a certain extent, being treated with contempt by the British Government.

Given that the proposal seems to be for a referendum fairly close on the other side of our Assembly election, does she share my concern that there has not been a proper debate about the disastrous consequences of the British Government and, essentially, the people of England deciding to leave the European Union, particularly for here and for people in our farming communities, people along the border area and people in business? Those very serious consequences have not been debated properly and will not get the opportunity to be debated if we are forced into a referendum soon after our election.

Mrs Foster: I thank the Member for his question. Our concern with the date of the referendum being so close to the Assembly election is that all the issues relating to the European referendum would come on top of the Assembly election issues and there would be a lack of clarity on those issues. I accept that people have said to me, "Do you not think that we can make up our mind about the Assembly elections and the European referendum?". That is absolutely right. However, I have to take cognisance of the fact that the European Union referendum campaign

will be a national campaign. Therefore, it will get national attention and will be on our screens a lot of the time at the same time as we are fighting an Assembly election, when we no doubt want to set out our visions of where we would like to see the Assembly and Northern Ireland going in the next four years. It is a problem and is something that we will have an opportunity to discuss with the Foreign Secretary. It may be too late at that stage, because, of course, we are very aware that the Prime Minister hopes to close off the negotiations this coming weekend. I regret that: if the Government are to give respect to the devolved Administrations, they should be listening carefully to what we have to say.

I hear what the Member says about the substance — we probably have differing views on that — but I think that we can all agree that we need a very clear debate about the referendum. Unfortunately, I do not think that that will happen.

Mr Nesbitt: The Minister's colleague the Enterprise Minister spoke in the House recently about the options that could be available if the United Kingdom were to withdraw from Europe. The Norwegian, Swiss and Turkish models were discussed.

Can the First Minister share with the House her assessment of the pros and cons of those various options for Northern Ireland?

Mrs Foster: I think it is important that we have a very clear referendum. The Member may prefer different types of models, and it is up to him whether he prefers a Swedish model as opposed to a Turkish model, and I cannot comment in relation to those issues. What I can comment on is the fact that we need a very clear debate on the implications of remaining and the implications of leaving. Unfortunately, we have not been able to have that debate yet. Of course, we have to wait for the conclusion of the negotiations, but it looks very likely that the negotiations will be completed this weekend, and then things will become very clear.

Mr Givan: Will the First Minister confirm that, whatever the United Kingdom's relationship is with the European Union, she will ensure that we continue to benefit from the most important relationship of all, that being Northern Ireland's place within the United Kingdom?

Mrs Foster: Of course I will continue to make sure that the union between Northern Ireland and the rest of the United Kingdom is to the fore of all that I do. As the UK is the fifth largest economy in the world, the union is critical to our future, and we must make the most of it. Indeed, when we go across the world, part of our selling point is that we are part of the United Kingdom and benefit from the regulatory system that the United Kingdom gives to us. That includes the currency issues as well. Absolutely, I agree with the Member that, going forward, this is a critical relationship and will remain so.

Delivering Social Change

4. **Mr Lyons** asked the First Minister and deputy First Minister for their assessment of the success of the Delivering Social Change signature programmes. (AQO 9642/11-16)

5. **Mr D McIlveen** asked the First Minister and deputy First Minister for their assessment of the value of the Delivering Social Change programme. (AQO 9643/11-16)

Mrs Foster: Mr Speaker, with your permission, I will answer Questions 4 and 5 together.

Lead Departments are undertaking an outcomes-based approach to the individual success of the initial six programmes announced in October 2012. More detailed reports on particular projects are anticipated from lead Departments in due course.

Three further signature programmes, jointly funded with Atlantic Philanthropies, are progressing well. These are in the areas of early intervention transformation, dementia services and shared education. In line with the Programme for Government commitment, OFMDFM is currently evaluating the success of the Delivering Social Change framework. It is hoped that the evaluation findings will be available in the near future.

Mr Lyons: I thank the First Minister for her answer so far. Can she give me her specific assessment of the success of the literacy and numeracy programme?

Mrs Foster: The literacy and numeracy programme is a critical part of the Delivering Social Change framework and was completed in June of 2015. It is hoped that we will have the full evaluation very soon, but already we know that some 18,653 — a very specific figure, I know, Mr Speaker — primary and post-primary children have received additional maths and English support as a result of this programme. I think it has made a phenomenal impact in terms of additional help and support. On average, 85% of those pupils have achieved or, indeed, exceeded their individual target level in literacy and numeracy. So we have made a big impact with the literacy and numeracy programme. I also very much welcome the fact that we were able to employ over 300 recently graduated teachers to assist with that programme.

Mr D McIlveen: I thank the First Minister for her answers so far. The Minister will also be aware that another central component of the Delivering Social Change initiative was the nurture unit programme. Can the Minister give us an indication of the impact so far of the nurture unit programme?

Mrs Foster: This is another fundamental part of what we were trying to achieve. In the short time that I have been in this post, I have had the opportunity to visit a couple of these nurture units, which are placed in primary schools. They have made a big impact for the children who have been able to avail themselves of them. Over 400 children have attended a Delivering Social Change nurture group. There are other children as well, in the 20 schools, who can benefit from the short-term support available in the nurture room. Indeed, when I was going around the various nurture units, I was lobbied very hard to make sure that these nurture groups continue.

2.15 pm

I know that the Department of Education is looking at funding to allow that to happen, because it recognises that this early intervention has made a big impact on getting kids ready for schooling. Before this, there was a real difficulty with that and, in fact, many children were being presented for school who were not ready for it at all. These nurture units have made a real difference to those children.

Mr McMullan: Go raibh maith agat. How will any review or evaluation of the Delivering Social Change programme

help to inform any new Programme for Government process?

Mrs Foster: As I have indicated, we are hoping that the evaluation is looking at the outcomes. I have mentioned a couple of figures relating to the number of children we have been able to interact with, either through the nurture groups or through literacy and numeracy. We are looking at the impact that those schemes have had on the children and whether the children have improved since they were involved in those schemes. The early evidence indicates that they have benefited from the interventions. You have to understand and remember that the framework approach under Delivering Social Change was a completely new way of bringing these projects to fruition. The idea was to make an intervention and, if the intervention was a positive one, that it would be mainstreamed, perhaps through other Departments. I hope that that is what is going to happen in this case.

Mr Dallat: I welcome the First Minister's responses so far, particularly in relation to the improvements that she has indicated in literacy and numeracy. Does she agree, given that we have 250,000 people between the ages of 16 and 64 with serious literacy and numeracy problems, that this particular issue should not be dependent on charities, even ones as noble as Atlantic Philanthropies?

Mrs Foster: The way in which we are working with Atlantic Philanthropies is to have a co-design, so that it comes in and works with us and then we design a programme that is good for society. We have talked a lot recently about the fact that government cannot do everything, but we need to identify what we can do along with partners, perhaps in the private sector or the third sector, that can make a real difference, and this is a good example of that. Atlantic Philanthropies is an absolutely marvellous organisation that does a lot of good in our society. The fact that it is working with us, through OFMDFM, will make a real difference, and I welcome the approach.

Mrs Overend: I thank the First Minister for the detail that she has provided this afternoon. Given the success of the literacy and numeracy programme, can the First Minister indicate whether the Minister of Education made a case for it to be streamlined rather than closed down last year?

Mrs Foster: As I have already indicated, the whole idea behind these programmes was that we would have an intervention and evaluate whether that had made a positive impact and then, hopefully, other Departments would come alongside and take them up. It was never intended that OFMDFM would continue to fund literacy and numeracy or, indeed, nurture units, because there is a recognition, of course, that those belong in another Department. Once the evaluation has been completed overall on Delivering Social Change, it will then be a matter for the Minister of Education as to whether he wants to take the issue forward.

Paramilitary Organisations

6. **Mr Allister** asked the First Minister and deputy First Minister to outline any discussions they have had with the Department of Justice or others on the disbanding of paramilitary organisations since 'A Fresh Start' was published. (AQO 9644/11-16)

Mrs Foster: The former First Minister, Peter Robinson, and the deputy First Minister wrote to Lord Alderdice, Professor Monica McWilliams and John McBurney in

December 2015 with the terms of reference for the three-person panel which is to bring forward a strategy for disbanding paramilitary groups before the end of May. The deputy First Minister and I subsequently discussed the matter during our quarterly review meeting on 14 January with the Secretary of State, Theresa Villiers, and the Irish Minister for Foreign Affairs and Trade. On Tuesday 9 February, the deputy First Minister and I met Lord Alderdice, Professor Monica Mc Williams and Mr John McBurney to discuss their work to date.

Mr Allister: Does the First Minister still think that one of the signatories to 'A Fresh Start', namely her partner, Sinn Féin, is inextricably linked to the still-active IRA, as she said in September? If she does still think that, does that amount to an acknowledgement that she is in government with the IRA, Army Council and all?

Mrs Foster: The last time I looked, my partner was somebody completely different, but that is another matter. I refer the Member to various parts of the Fresh Start Agreement; I do not know whether he has had the opportunity to read it yet. That agreement clearly states that no party to the agreement will accept:

"authority, direction or control on our political activities other than our democratic mandate alongside our own personal and party judgment."

It is clear to me that we have set out a very good road map to deal with paramilitarism, which has not been dealt with to date and which I regret. In Fresh Start, we have set out a clear road map to deal with the issues, including a strategy to disband the paramilitary organisations that have been referred to. A task force has been put in place, and a Pledge of Office, which, I understand, is being put into legislation at Westminster as we speak. As far as I am concerned, there is a very clear road map ahead. The Member may want to go backwards, but I want to move forwards.

Mr Allister: With the IRA.

Mr Speaker: Thank you. Order.

Mr I McCrea: The Secretary of State recently made a speech about the role of paramilitary groups during the Troubles. Does the First Minister agree with the sentiments expressed by the Secretary of State and that it is time that paramilitary organisations went out of business once and for all?

Mrs Foster: I could not agree more with the Member, and I welcome the Secretary of State's speech last week. Over the past couple of months if not years, there have been attempts to try to rewrite what happened here over the past 35 to 40 years. It is important that the facts remain, which are that 90% of those who were murdered in Northern Ireland were murdered by terrorist organisations. It was not the state that caused those terrible deaths, and it is important that we remember that when we have a narrative about what happened in the past. Certainly, as far as I am concerned, there will be no amnesty and no rewriting of the past, and we will provide support for victims in their search for justice.

Mr Attwood: The Minister referred to the legislation at Westminster and the Pledge of Office. Clause 7 states:

"to support the rule of law unequivocally in word and deed and to support all efforts to uphold it;"

Given the new Pledge of Office, does she agree that there should be no doubt whatsoever that that includes endorsing, in word and deed, the activities of the National Crime Agency in the North and the Criminal Assets Bureau in Ireland?

Mrs Foster: I can give a very short answer to that: of course it does. Indeed, the Member refers to paragraph 2.5 of the 'A Fresh Start', and those words will be faithfully translated into the legislation, which, I understand, is to get its Second Reading next week.

Mr Beggs: It was of course as a result of the actions of the Ulster Unionist Party that paramilitarism made its way to the highest point of the agenda. Following the paramilitary murders last autumn — and just last week in Dublin, there were murders involving paramilitaries from this part of the world — does the First Minister agree that the community wants more concerted and concrete action to show how paramilitarism is being undermined and removed from our society?

Mrs Foster: I find it absolutely bizarre that a member of the Ulster Unionist Party can stand up, without laughing, and say that that party brought the issue to a conclusion when it was not even there. The Fresh Start Agreement is a good start to dealing with paramilitarism and criminality, and I look forward to the time when the Ulster Unionist Party admits that it made a mistake and should have stayed and dealt with the issue instead of walking away.

Urban Villages: Funding

7. **Mr Lunn** asked the First Minister and deputy First Minister how funding for Urban Villages will be allocated during 2016-17. (AQO 9645/11-16)

Mrs Foster: With your permission, Mr Speaker, I will ask junior Minister Pengelly to answer this question.

Mrs Pengelly: The Urban Villages team is undertaking a programme of engagement in each of the five urban villages. Stakeholder engagement workshops are taking place until March 2016. The outcome of the engagement will be the creation of integrated development frameworks for each urban village, which will detail, in priority order, the capital and revenue projects identified from the extensive stakeholder engagement. Funding for Urban Villages in 2016-17 will be allocated following consultation with all Departments to identify the funding required to progress headline actions, of which Urban Villages is one.

Mr Lunn: I thank the junior Minister for her answer. Will she perhaps give us a bit more detail about the timescale for all that, particularly in view of the intervention of the election and the summer recess? It could be Christmas before we know it.

Mrs Pengelly: I thank the Member for his question. Through the Strategic Investment Board, we have appointed a team and a director to coordinate the work, which will continue regardless of the election. It is led by a professional team comprising construction experts, urban experts and regeneration experts. They have been involved in detailed engagement with community organisations and have held community consultation events to really talk to residents, retailers and businesses.

I am confident that this work will continue regardless of the election cycle. The aim is to have the development

frameworks produced by the end of March, so we are about six weeks away from having those draft plans. There will be an extensive process of consultation. We want the communities to own those plans and see their ideas reflected in them. We want the plans to be workable and be able to be phased in. Once we get the plans, they will inform funding decisions on the way forward, probably scheduled over the next two, three and five years, to give us some indication of the drawdown that we need. We expect this to be a largely capital programme. However, at the very heart of this is, under Together: Building a United Community, building the social capital of these communities, so there will be a project or revenue element on encouraging identity, confidence and community spirit within it.

We are already working on some projects, including those on events, cultural identity, education and capacity building, while consulting on what capital works are required. In many of these areas, there is a need for capital investment.

Mr Dunne: I thank the junior Minister for her answers. Will she advise what plans other Ministers have to maximise support for Urban Villages from other funds that may be available?

Mrs Pengelly: I thank the Member for his question. There are two very distinct elements of the Urban Villages programme. One is the additional funds that will be given centrally through the Together: Building a United Community fund, particularly in support of tackling dereliction, physical regeneration and some of the project support that I mentioned. The second element of it, though, is to help many of those communities to be better coordinated and to maximise existing external funds. That may be identifying a plan of action and looking at where the most appropriate fund for that may be. It could, for example, be European funding, funds from the Department for Social Development, or the Department for Communities as it will become. It could be from local government, or perhaps funding entirely external to government. We want to be able to support these communities directly, through the Northern Ireland Executive, and maximise the benefit through better coordination and the identification of other opportunities.

Mr Speaker: That is the end of time for listed questions. We move to topical questions.

Dealing with the Past: Chief Constable's Comments

T1. **Mr Kennedy** asked the First Minister and deputy First Minister for their reaction to the Chief Constable's recent comments on dealing with the past. (AQT 3481/11-16)

Mrs Foster: I have to say that, when we comment on the past, we all need to be very careful that we are not adding to the trauma that many live with daily. Some of those whom I met recently recounted to me that, when something is said — it may not be a big moment to the person who said it — the victims who hear it are deeply hurt, and many can be re-traumatised. I certainly do not agree that a line should be drawn under the past.

We have to deal with the issues. We have to go through the processes and we will continue, as I have said over the past couple of days, to support the victims in getting justice if that is what they want to do. Indeed, the Member knows, having dealt with victims' families at close quarters, that

some want the truth, others want justice, and others simply want it all to go away. For those who want to continue the search for justice, we must continue to support them.

2.30 pm

Mr Kennedy: I thank the First Minister for her answer. Can the First Minister confirm that no discussions or negotiations are taking place at present with any other parties on the issue of dealing with the past?

Mrs Foster: We indicated after the Fresh Start Agreement that we would continue to discuss issues, particularly with victims' families and various groups. Those discussions continue; indeed, I have a number of meetings today with families and victims' groups. We want to listen to what they have to say to us, so it would be wrong to say that no discussions are taking place. The outstanding issue that prevented agreement in Fresh Start on dealing with the past is one for discussion between Sinn Féin and our Government, as I understand it. Those discussions may well be continuing but, as far as I am concerned, I am engaging with and listening to the various victims' groups.

Mr Speaker: Mr Chris Hazzard is not in his place. I call Mr Trevor Clarke.

Corporation Tax: Jobs

T3. **Mr Clarke** asked the First Minister and deputy First Minister, given the First Minister's work on the reduction of corporation tax, what they will do to attract jobs to Northern Ireland when the rate is lowered. (AQT 3483/11-16)

Mrs Foster: I thank the Member for his question. It is not a question of waiting until April 2018, which, as he knows, is the date set for the devolution and reduction of corporate tax in Northern Ireland; we have to start selling the proposition now. Invest Northern Ireland is currently setting about a programme to let the rest of the world know what is happening here in April 2018 and, when I go to the United States in March with the deputy First Minister, we will undertake some visits in relation to this very positive story for Northern Ireland. We will speak to companies that, heretofore, we have not been able to attract, not just about the proposition that we already have but about the fact that we are going to have a lower rate of corporate tax. Those meetings will take place in March in and around the St Patrick's Day events.

Mr Clarke: I thank the First Minister for her answer. I am sure that the First Minister will use the opportunity in America to demonstrate, through the lower corporation tax and other incentives, that Northern Ireland is the best place in Europe for investors to come to.

Mrs Foster: We will not just talk about corporate tax, although that is a new tool, but about the fact that we have a low cost base in comparison with other parts of the United Kingdom and, indeed, the Republic of Ireland; the fact that we have a very young, able and skilled population; and the fact that, when companies come, staff are very loyal and work very hard for them. We have a very good story to tell, and that is why we have been able to attract the number of jobs that we have over the past five years — indeed more jobs at any time than under any other Administration here. We have a good story to tell, but now

we have an even better story to tell, and I look forward to telling it.

OFMDFM Budget

T4. **Mr Maskey** asked the First Minister and deputy First Minister, given that, last week, the SDLP proposed taking £800,000 from the OFMDFM budget to be allocated elsewhere, to outline what the removal of that £800,000 would mean to services provided by OFMDFM. (AQT 3484/11-16)

Mrs Foster: I did not hear that last week. People always want to dip into the budget of OFMDFM but you have to understand, as I am sure the Member does, that our budget in OFMDFM has been cut by 5% from its baseline last year and that our resource is therefore just a little over £59 million. Taking close on £1 million out of that would certainly have an impact on other services.

Mr Maskey: I thank the Minister for her response. Will she join me in reminding people that the Department provides essential services to asylum seekers and refugees, as well as to people who are reliant on the Department's very important services, for example the Victims and Survivors Service?

Mrs Foster: Absolutely. He will know that we have allocated more money to, and indeed protected, the Victims and Survivors Service, so that is certainly not one that we would be entertaining. It goes back to the point that I used to make frequently when I was Finance Minister. We have a fixed Budget. If you take money from the pot that we have, understandably enough, money will have to be cut from another service that is delivered. People should remember that when they make pleas for more finance for x, y or z. That is all very good, but could you tell me where you want the cut to fall? That is the key issue when you are arguing about a fixed Budget.

He mentioned ethnic minorities. I am very pleased to say that the ethnic minority fund is now open for applications. That issue was raised at my last Question Time. I am glad to say that, as of last Friday, that fund is now open for applications.

Executive Places

T5. **Ms Hanna** asked the First Minister and deputy First Minister to confirm when parties would be required to notify or to confirm their intention to take up Executive places, given that paragraph 1 of 'A Fresh Start' states, "and before the FM-DFM are selected and the d'Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government". (AQT 3485/11-16)

Mrs Foster: Certainly. In recognition of that commitment, in the past, d'Hondt had to run within seven days of the election as far as I can recall. Under the legislation that is going through Westminster, it will be 14 days. That will give us a little bit more time to come together and decide on the way forward. So, 14 days will be the period before we run d'Hondt. We will need to know in that period whether or not parties are going to take up positions in the Executive.

Ms Hanna: Do you intend this provision to be in place in the next mandate; ie this May? If so, will that be reflected by amendments in the legislation going through Westminster?

Mrs Foster: The 14 days is actually in the legislation, so, yes, I intend that that will be operative after the Assembly election. The thinking is that it will give us time to have conversations and look at the Programme for Government work. As you know, work in relation to that is ongoing, but obviously it would be disrespectful of the new mandate if that were finished before the election. That work will be completed during that period as well. It will be 14 days, and then we will have our new Government in place.

Mr Speaker: Mr Jonathan Craig is not in his place. I call Mr Gerry Kelly.

Arlene Arkinson

T7. **Mr G Kelly** asked the First Minister and deputy First Minister for the First Minister's views on the news that the NIO approved a request from the PSNI to withhold documents relevant to the murder of 15-year-old Arlene Arkinson, bearing in mind that this murder has never been described as a conflict-related death. (AQT 3487/11-16)

Mrs Foster: I am very conscious of my answer to Mr Kennedy's question at the start of topical questions. I certainly do not want to add to the very obvious distress and trauma that the Arkinson family is going through. It was one of the most horrific murders, made all the worse by the fact that Arlene's body was never found. Here we are having the inquest nearly 22 years later. It is a very difficult time for the family. I hear what the Member says about the public-interest immunity (PII) certificate. I am a little unclear as to whether the coroner has the right to make a judgement on the appropriateness of that PII certificate. I am reading conflicting reports on that, but I know that it is causing a lot of distress.

Mr G Kelly: Gabhaim buíochas leis an Aire le haghaidh a freagra. I thank the Minister for her answer. I agree with her about the sensitivity of this. However, it has come to public attention in a very dramatic way. I also agree with her about the family, but it is on having listened to the family on the radio this morning that I am asking about this. Does she believe that the refusal of access to these documents could compound the family's difficulties and grief?

Mrs Foster: The Member understands that I do not have sight of any of the documents that he is referring to, so it is impossible for me to make a determination on that issue. Obviously, it is a matter for the Northern Ireland Office and the Minister who made the determination as to why he made that determination. Therefore, I advise the Member to raise those issues with him.

A5: Future Funding

T8. **Mr McCrossan** asked the First Minister and deputy First Minister whether the First Minister is confident that future funding will be secured for the development of the A5 beyond this year's Budget and to state whether this project will be a top priority in the next Programme for Government. (AQT 3488/11-16)

Mrs Foster: As the Member is probably aware, we identified seven strategic capital projects in our Budget for 2016-17, recognising, of course, that we could not set the Budget for those strategic projects because we were dealing with only a single year. One of those strategic projects is the A5.

Mr McCrossan: Thank you for your answers so far, First Minister. During the transport Minister's announcement

of the consultation, she said that the development of the A5 would be subject to the successful completion of statutory procedures. How confident is the Minister that such procedures will be overcome and that the A5 will be delivered for the people of the west?

Mrs Foster: I hear my colleagues saying “DRD”. It is a matter for the Department for Regional Development. Obviously, I am not au fait with all the statutory processes that have to be gone through to allow the road to proceed. All I can say to the Member is that that is a commitment that all of the Executive have signed up to. It is in our Budget as a strategic proposal, along with the A6 and a whole list of other issues. I think that it is something that will happen for the people of the west. We want to see all of Northern Ireland benefiting from good infrastructure, which means good roads, good broadband and all the other elements that some people in this country take for granted.

Mr Speaker: Mr Paul Frew is not in his place.

FM/DFM American Trip

T10. **Mr Flanagan** asked the First Minister and deputy First Minister what sort of meetings they intend to have with political and business leaders during their trip to America in March. (AQT 3490/11-16)

Mrs Foster: It is Mr Flanagan’s lucky day: he starts and finishes today’s Question Time with me.

We intend to have meetings organised by Invest Northern Ireland on the issue that I was speaking about: corporation tax. We will have some political meetings as well. We will have the Northern Ireland Bureau breakfast, which is always a highlight. I am very much looking forward to that and to bringing the good news from Northern Ireland that we have stable government that is looking forward to and planning for the future and that people should look to us to invest.

Mr Flanagan: I thank the First Minister for her answer. I applaud her efforts to send out the positive message that we now have stable government. Will she give me a commitment that, as part of her meetings with political leaders in America, she and the deputy First Minister will raise the plight of citizens from this part of Ireland who are living in America and are deemed to be undocumented and highlight the continuing campaign to get them the ability to travel back to Ireland and then go back to America legally?

Mrs Foster: If there are any residents of Northern Ireland who have difficulties in the USA, I am certainly happy to speak about those matters. If the Member will share the information with me, I will be able to take the issue up.

Mr Speaker: Time is up. Well done, Minister, on getting through them all. Members should take their ease until we change the top Table.

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

2.45 pm

Environment

Cyclists: Road Safety

1. **Mr Douglas** asked the Minister of the Environment to outline what his Department is doing to encourage road safety amongst young cyclists. (AQO 9653/11-16)

Mr Durkan (The Minister of the Environment): The road safety strategy recognises cyclists of any age as vulnerable road users and includes a range of actions that relates to cyclist safety. A new cyclist safety television campaign, titled “Don’t forget”, was launched in April 2014, where cyclists and drivers are encouraged to take personal responsibility for their behaviour on the roads and to give other road users due consideration. The core message of the campaign is this: “Respect everyone’s journey”.

The campaign messages are addressed more fully in the online campaign, which is available on the NI Direct website, where each scenario in the ad is developed, and more detailed advice is provided to drivers and cyclists alike. The campaign has been supported by outdoor, digital and social media activity. A cyclist safety education pack that is based on the television campaign has been developed and made available to all schools and other interested organisations. It includes an eight-minute DVD, which provides a wealth of advice for cyclists. Some clips from the DVD are also available on YouTube; namely, on the use of cycle lanes and on HGV and cyclist blind spots.

Each year, my Department offers the cycling proficiency scheme (CPS) to every school in Northern Ireland. This year will be the second year of the new enhanced CPS being delivered in primary schools. During the most recent CPS season, approximately 400 schools and over 7,000 pupils participated.

A cycling skills and cycling safety guide, developed jointly by DOE and DRD, is available in hard copy and online and provides information on the benefits of cycling, basic safety requirements and the rules of the road. I recognise the continuing challenges of reducing casualties on our roads and will take forward further actions as appropriate from my Department’s ongoing analysis and research of road safety issues.

Mr Douglas: I thank the Minister for his comprehensive response. I was in the wonderful Victoria Park in east Belfast recently to support Sustrans Northern Ireland in its cycling proficiency and safety scheme for children with autism, which is a wonderful scheme. The Minister mentioned schoolchildren going through some of the safety training. Only in some schools — not all — are P6 pupils afforded that opportunity. Is the Minister interested in looking at the potential for widening the scheme to include all P6 pupils in Northern Ireland?

Mr Durkan: I thank the Member for the question. Cycling is something that he is very passionate about, and I had the pleasure — well, the experience — of being out on the bike with Mr Douglas and trying to keep up with him as he cycled through his constituency one afternoon. It is important that we make the cycling proficiency scheme available to anyone, or to any school that wishes to avail itself of it. Therefore, I will certainly look into the issue. I will look at who is being denied access to the scheme and why they are being denied access. It is vital that we get all our road safety messages out to as wide an audience as possible. Where there are keen learners, it is important that we take advantage of that.

Mrs Overend: I thank the Minister for his response and his keenness for cycling, which I very much support. What impact will the recent budgetary allocations and reductions have on road safety programmes?

Mr Durkan: I thank the Member for her question. I have to confess that my keenness for cycling pales in comparison to that of her party colleague the former Minister for Regional Development.

Undoubtedly, the budgetary constraints that have been faced by my Department, the Executive and the Assembly have had, and will continue to have, an impact on the amount of money available to me, as the current Minister, or to any future Minister with responsibility for road safety, to spend on road safety. One thing that those constraints has caused us to do, however, is to look at how we are spending the money that we get for road safety. Doing that has enabled us to be a bit more inventive. We have increasingly looked at social media as a means of getting out our road safety messages to the traditionally hard-to-reach audience; namely, young people who are less inclined to sit and watch 'Coronation Street' and are more likely to be up in their room online.

That is proving to be very successful so far, and the feedback that we are getting from young people shows that it is proving to be quite popular. Time will tell how effective it proves to be. We should continue to look at new media as a means of getting out the messages.

The Member asked specifically about the impact of last year's Budget cuts on our road safety spend. I saw a reduction in the £1.8 million that I was able to spend on road safety to £1.1 million.

Mr Dallat: I thank the Minister for his answer and readily accept that my bicycle is gathering rust in the garage, which is a pity. Does the Minister agree that the safety of cyclists on the roads is so serious that studying it should not be an option in schools but should be compulsory, so that every child who attends a school should have an opportunity, by right, to participate in road safety studies?

Mr Durkan: I thank the Member for that question. As I said, I do not think that anyone should be denied the opportunity to learn how to stay safe on our roads. It is important that we explore every avenue to get the message to as many people as possible about how they can stay safe on our roads. It is shocking to think that some people are being denied that. Unfortunately, there are many children across our school estate who do not have access to bicycles. That is something else we should look at.

The safety of cyclists is extremely important, as is, as I said, the safety of all road users. While, a couple of years ago, we saw an increase in casualties and fatalities involving cyclists — that was perhaps attributable to the huge increase in the number of people choosing to cycle on our roads — in the last couple of years, we seem, fingers crossed, to be seeing a downward trend in that. That suggests that motorists are more aware of cyclists on the roads and, indeed, that cyclists may be becoming more aware of their responsibilities as road users.

Taxis: Dead Miles

2. **Mr Weir** asked the Minister of the Environment whether his Department intends to bring additional regulations, or amend current regulations on taxis, to address the issue of dead miles. (AQO 9654/11-16)

Mr Durkan: My Department has undertaken some further research into the matter, and I have accepted that there is an issue to address. Therefore, my officials are examining

this in conjunction with the Department's legal advisers. I have made a commitment to the Environment Committee that a legislative amendment will be made within this Assembly mandate to ensure that no negative impact is experienced by taxi operators or customers in rural areas. I expect to be able to advise the Committee of my intended course of action before the end of this month.

Mr Weir: I thank the Minister for his response. It is good to see that there will be a response within this mandate. Getting the detail right on a lot of the regulations as well as the implementation for the taxi industry has been very difficult at times. What monitoring arrangements are being put in place to make sure that what we have is fit for purpose so that we may need to look at whether any tweaking needs to happen in the future?

Mr Durkan: I thank the Member for that question, and I think his description of this process as "very difficult" is perhaps the understatement of the day.

It is important that we monitor it, and the Member will be aware of the timelines that have been set out for the implementation of regulations. That monitoring has started already. Over the past week or more, I have been inundated with calls and have had several meetings with people at various levels of the taxi industry: drivers, taxi company owners and the providers and manufacturers of meters. I am already looking at some of the dates we set out to see what room there might be to push them back to ensure that this transition, important as it is, is managed and carried out in a way that does not make it too difficult or impossible, as, in fact, has been the case many times, for drivers to comply with what is being asked of them.

Mr Patterson: I thank the Minister for his responses so far. In relation to the taxi regulations — as he is aware, they have generated much heated debate at times — one area that has received little attention is how they will work on a cross-border basis. Can the Minister explain whether taxis coming from the Republic will have to conform to the modifications being forced on Northern Ireland taxi firms?

Mr Durkan: I thank the Member for that question. He has pointed to one of the aspects that makes this such a complicated area to legislate in and for. Currently, the cross-border arrangement for taxis is, in my opinion, unacceptable. That applies across all vehicles that might be classed as taxis, including wedding cars, for example, which are classified as taxis under the legislation, albeit as class C taxis.

For many years and with just cause, I believe, a blind eye has been turned by the authorities on both sides of the border to cross-border taxi journeys. I have raised the issue with the Transport Minister in the South previously, and I would like to see something in legislation to enable the smooth carrying out of this business across borders for our constituents. I know that many of my constituents — well, they are not my constituents any more because they live maybe five minutes away in County Donegal — would be inclined to lift the phone and ring a taxi office in Derry to come and get them and bring them into Derry, which is, strictly speaking, not permissible. However, it is what people do, and it is what works for them. It is also what works for drivers, and it is ridiculous that it should not be allowed.

Ms Lo: I appreciate that the issue of dead miles came about only recently and the Minister has agreed to bring an SL1 to the Committee by the end of the month. I

also understand that he has just had a meeting with the Consumer Council on the issue. Maybe he can brief us on the steps he is taking between now and the end of the month to bring forward the SL1. Will there be an option for taxi drivers to opt out of the dead miles regulations?

Mr Durkan: I thank the Chair of the Environment Committee for that question. I have not yet had the meeting with the Consumer Council to which she refers; it is possible that I may meet the council in the near future on the issue as we try to get a robust and workable way forward. I am aware — I alluded to it in my initial answer to Mr Weir — of the difficulty that this will cause for drivers and, ultimately, passengers and customers, particularly in rural areas. That is why I have given the commitment to bring something to the Committee in the next couple of weeks on how this can and should be resolved.

Mr A Maginness: I thank the Minister for his answers. Only a Minister like Mr Durkan, who has the patience of Job, could have successfully concluded this legislation. I welcome the dead miles recommendations and look forward to them. Will the Minister outline the net benefit to the consumer in relation to the overall taxi changes?

Mr Durkan: I thank Mr Maginness for that question and for the compliment. However, I point out that the process is far from concluded, and I believe that the legislation, which was initially passed by the House in 2008, will soon be due to be reviewed. It ought to be reviewed as soon as possible once the regulations are in.

Throughout the long development of the new legislation, the driving force was a desire to improve the experience of the taxi-using public here by bringing our taxi law up to date. You will recall that the original raft of subordinate legislation included provision for a single-tier system. This meant that any taxi could be hailed at any time by anyone across the North. Following the annulment of that legislation last February, my officials worked closely with the Environment Committee to establish common ground on which to base new draft legislation, which has now passed successfully through the Assembly and will become operative at the end of May.

Key aims of the reform of the industry are improved accountability, so that taxi users can be sure that they are being charged an appropriate rate, and improved access to taxis in general for ordinary taxi users, wheelchair users and other customers with a disability. I am happy to say that the new regulations will go a long way towards achieving those aims. It also means that passengers will be protected by the introduction of a mandatory maximum fare, and the introduction of meters into all cars will mean that passengers can see what they are being charged, safe in the knowledge that it will not be above the maximum fare stipulated.

3.00 pm

Mr Principal Deputy Speaker: Before I call the next Member, I remind the Minister to speak through the Chair and through the mic so that Hansard can pick up all the remarks.

Fish Kills: South Antrim

3. **Mr Girvan** asked the Minister of the Environment for an update on prosecutions in relation to fish kills in South Antrim since February 2014. (AQO 9655/11-16)

Mr Durkan: There have been three fish kills on the Glenavy river: in June 2014, in October 2015 and in December 2015. The offender in the June 2014 incident received a formal caution and paid compensation to the local angling club. The 2015 incidents are under ongoing investigation concerning a recurrent pollution source.

A file is being prepared for submission to the Public Prosecution Service regarding polluting premises discovered in follow-up investigations to the October 2014 fish kill on the Sixmilewater at Ballyclare. It was not possible to link fish mortalities conclusively to those premises.

Investigation of the major fish kill on the Ballymartin water in August 2015 is nearing completion.

Mr Girvan: I thank the Minister for his answer. I also thank him for his continued support and his endeavours to get to the bottom of some of the issues. Government bodies could be the inadvertent cause of pollution, because they have no control over what comes into their site but do have control over what happens going out of the site. Will they also be subject to major investigation by the Department?

Mr Durkan: I thank the Member for the question and, indeed, for raising the issue again. I have worked closely with him and his constituency colleagues on the issue. I like to think that the work that we have done with local elected representatives and, most importantly, anglers in that area could be replicated across the North, because it is important that the NIEA and other government agencies build relationships with angling groups. It should not be a gamekeeper/poacher-type relationship, if you pardon the analogy. There is a lot to be gained through working in partnership. Let me assure the Member and the House that no person or organisation, be that government or otherwise, will be immune from investigation or punishment should they be found to be the cause of fish kills or any pollution-type incident.

Mr Cochrane-Watson: Minister, thank you for your answers to date. Unfortunately, there is a long history of fish kill and pollution incidents in South Antrim, particularly in the Sixmilewater, and industrial sites have allegedly been the culprits. Have there been prosecutions, and has investment in the infrastructure, particularly in the industrial sites in the Mallusk area, been encouraged, supported and overseen by the Department?

Mr Durkan: I thank the Member for that question. First and foremost, it is not within the remit or gift of my Department to provide financial support for infrastructural improvements. However, we can and do provide advice to people in that regard. While I am on the subject of providing advice and education, let me say that that is precisely what my Department and officials have been doing over recent weeks and will be doing for months to come with regard to the industrial estates that the Member referred to. My officials are visiting premises to examine how they do things and to point out where and how they could do things better. Hopefully, that will reduce the risk of potential future pollution incidents. A similar exercise had been carried out in the area a few years ago, but it is always good to refresh memories and remind people of their responsibilities and the simple actions that they can take that can have major environmental benefits.

Mr Principal Deputy Speaker: Before I call Mr Rogers, I remind the Member that this is a constituency-specific question.

Mr Rogers: It is about fish kills. Thanks for your answer, Minister. What do you see as the main cause of fish kills, and, following on from what the previous Member said, what action is there, beyond issuing advice, to minimise them?

Mr Durkan: I thank the Member for his question on fish kills in that constituency. Fish kills can have several causes. It could be natural causes, which include post-spawning stress or the deoxygenation of the water due to the breakdown of naturally occurring organic matter and the stirring up of anoxic sediments during stormy weather. Fish kills can be caused by human impacts on the natural environment, including the release of organic materials such as slurry, silage, effluent, sewage or even milk. Disease causes fish kills, as can stress following the restocking of a river.

The Northern Ireland Environment Agency is committed to preventing pollution and fish kills throughout the North and is looking critically at its previous and current pollution prevention programmes with a view to identifying whether anything extra can be done. Following the most recent fish kill on the Ballymartin river, an extensive resurvey of Mallusk industrial estate, which I referred to in the previous answer, is under way. Work is also being undertaken on business premises adjacent to the Glenavy river.

NIEA continues to pursue robustly polluters throughout Northern Ireland through enforcement action. A core reality, however, is that, regardless of how much pollution prevention or enforcement work is undertaken by the agency and, indeed, other agencies, there will remain a small risk of some catastrophic failure, accident or criminal act leading to pollution, so there cannot be an absolute guarantee that pollution or fish kills will never happen again.

Derelict Houses: Malone

4. **Mr Ó Muilleoir** asked the Minister of the Environment for his assessment of the steps his Department has taken to address the concerns of residents of lower Malone in relation to the issue of derelict houses in the Malone conservation area. (AQO 9656/11-16)

Mr Durkan: Responsibility for dereliction spans a number of organisations in central and local government. In particular, district councils have powers under the Pollution Control and Local Government Order 1978 and other local legislation to deal with dilapidated and dangerous structures. They also have primary responsibility under planning legislation to deal with listed or historic buildings in conservation areas that have deteriorated to the extent that their preservation may be at risk.

DOE has specifically addressed some of the concerns raised by residents of the Malone area by producing supplementary planning guidance, 'A Design Guide for the Malone Conservation Area'. That non-statutory guidance was prepared with the aim of encouraging a well cared for historic environment by promoting the retention of authentic historic fabric and the use of appropriate materials and historic construction methods for repairs and alterations. It also seeks to promote development that will reinforce the character of the area and townscape to safeguard the landscaping of the area.

In more general terms, I have also initiated a review of the legislation and powers available to district councils to deal with dilapidation. Much of this legislation dates back to the 19th century and is often restricted to a specific geographical area, leading to inconsistency in the powers available to councils across the North. It is a very complex area of legislation, and I am considering a range of options to make it easier for district councils to carry out this important function effectively. While much of the responsibility for direct action on dereliction falls to the relevant district council, I am committed to supporting that action wherever and whenever that is appropriate.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mo bhuíochas fosta leis an Aire as na geallúintí sin, go háirid as an athbhreithniú atá beartaithe aige. I thank the Minister, especially for the review that is promised and for underlining his commitment.

I think, Minister, you will agree that there are some parts of Belfast, including the Malone conservation area, where dereliction is really spoiling the entire environment. I came out of St Bride's Church on Saturday and saw beautiful listed homes derelict at Sans Souci Park and Wellington Park. As we come to the end of the mandate, Minister, will you meet some of the residents of that area to discuss your ideas and your commitment and to perhaps put together their ideas and those of other Departments to see what could be done in the time ahead about that dreadful dereliction?

Mr Durkan: Gabhaim buíochas leis an Chomhalta. I thank the Member for the question. I also thank him for the virtual tour of his constituency. I would be happy to take him up on his offer to meet groups or individuals from the constituency who have an interest in preserving the rich built heritage that they are so blessed to have there. It is vital that we take what steps we can collectively to ensure its conservation. I am happy to have that meeting.

Some Members will be aware that a second survey is ongoing of the whole of Belfast. We are now three quarters of the way through that, and the final quarter that has not been commenced yet is south Belfast. Work will commence on that surveying exercise in the coming months. That will give those with an interest in our built heritage in south Belfast a very good opportunity to engage with my officials and the expertise that is retained in the NIEA.

Gold-mining: Sperrins

5. **Mr McAleer** asked the Minister of the Environment how he will address community concerns regarding the environmental impact of gold-mining in the Sperrins. (AQO 9657/11-16)

Mr Durkan: My Department's objectives for minerals development are set out in the strategic planning policy statement for Northern Ireland. The objectives seek to facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment. My Department will seek to minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage and the water environment, and, where development occurs, secure restoration of the site at the earliest opportunity.

I am aware that Dalradian Gold Ltd is in the process of developing a proposal for a gold mine outside Greencastle

in County Tyrone. Since July 2015, I have introduced a statutory obligation on prospective developers to consult with the community before any major planning application is submitted to my Department. I consider that engagement an essential component in addressing community concerns and environmental impacts at an early stage in developing a project. When an application is submitted to my Department, it will also be subject to the normal procedures of consultation, and any representations received will be taken into account in determining the application.

Proposals for minerals developments, including proposals for gold-mining, will also be subject to a wide range of consultation to assess the impacts on the environment, including on air, soil, water quality, wildlife habitats, landscape, sites of archaeological and historic interest, and on people. Applications for planning permission will be expected to be accompanied by robust environmental information to allow an assessment of the impacts of mining and, where required, by an environmental statement. Whilst there are clearly a number of environmental challenges in developing such mining proposals, those are matters that fall to be addressed through the planning system. I am satisfied that the system will allow community concerns to be highlighted and addressed through the range of measures highlighted.

Mr Principal Deputy Speaker: We have time for a short supplementary question and a short answer.

Mr McAleer: Go raibh maith agat. I thank the Minister for his answer. First of all, I should say that the recent proposal by Dalradian to develop a processing plant at Greencastle using cyanide has caused huge local concern. I welcome the local group here today. In other examples throughout the world where these things have gone wrong, there have been devastating consequences, not just for the local area but much further afield. Does the Minister share the concerns of the local people from that area?

Mr Principal Deputy Speaker: Sorry, Minister, time is up. We need to move on. *[Laughter.]*

Mr Durkan: Yes. Yes.

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

Road Infrastructure/Road Safety: Department for Infrastructure

T1. **Mr Lunn** asked the Minister of the Environment for his assessment of the effect that the new Department for Infrastructure will have on road infrastructure and road safety and to state whether he agrees that there are potential benefits for road safety. (AQT 3491/11-16)

3.15 pm

Mr Durkan: I thank the Member for that question. The functions carried out by DOE will be split across three new Departments. I am on record, as are party colleagues of Mr Lunn, voicing concern about where some of those functions might end up and the fear that maybe our classic environmental protection function might be subsumed into another Department rather than amalgamated with one.

On the issue that Mr Lunn is referring to, its new home in the Department for Infrastructure is where it truly belongs.

It is nonsensical — Mr McCarthy might recall me referring to this in a previous Question Time — that the Department with responsibility for road safety has been separate from the Department with responsibility for implementing road safety measures. Those being realigned in the new Department for Infrastructure is only a good thing and can and should lead to improved safety on our roads.

Mr Lunn: I thank the Minister for his answer. Would he then agree with me that this initiative might give impetus to the obvious desire to do away with gap junctions on our existing dual carriageways? I notice that the new dual carriageways are being constructed without gap junctions.

Mr Durkan: I thank the Member for his question, but he is proceeding before the light is green. The Departments have not changed yet, and, as of yet, I am Minister of the Department of the Environment and it is not within my remit to answer questions on measures that are the responsibility of the Department or Minister for Regional Development. That does not normally stop people from asking me about them, be they Assembly Members, colleagues in here or members of the public.

However, it is important and will allow us to look at and establish the causation factors for many of the collisions on our roads — many of the casualties and, sadly, fatalities — and maybe work more closely not just within the new Department but with our road safety partners and emergency services to get a more collegiate and collective approach to dealing with these issues.

Wedding Cars: Regulations

T2. **Mr Dickson** asked the Minister of the Environment why, for vintage wedding cars, he did not introduce conditions similar to those in England and Wales, with exemptions for vintage wedding cars, given that, at a meeting with representatives of the wedding car industry, he agreed that he would be light-touch when it came to the regulation of the use of vintage vehicles, which are perhaps driven only a couple of times a year, albeit that the new regulations require the drivers of such cars to be fully PSV'd taxi drivers. (AQT 3492/11-16)

Mr Durkan: I thank the Member for that question. I know that this issue is close to the Member's heart. My personal experience of wedding cars has been a negative one — a joke. However, I do recall meeting the Member and representatives of the wedding car industry. A lot of exemptions in the legislation have been introduced for wedding car drivers. They are classed as class C taxis. Indeed, some of them are very classy when you have Rolls-Royces, Jaguars and what not.

I do, though, agree that there are still concerns. For example, part-time wedding car drivers who might drive 20 days a year in their profession are expected to undertake continuous professional development or training as well as pay the full price of a licence. I said earlier that this legislation will be due a review. It was passed in 2008, and it is a sad indictment of the Assembly that the regulations are being implemented only now. I imagine that the review will commence as soon as this summer. I think that wedding cars will be looked at, especially as we do not have to reinvent the wheel: we can just look at other jurisdictions and see how they dealt with this matter.

Mr Dickson: Minister, the reality is that the regulations came in only a couple of weeks ago. You have completely and utterly failed the wedding car industry, and, much further than that, you have disappointed many brides and grooms. Quite simply, you have driven the wedding car business out of business, particularly when it comes to the use of vintage cars. Will you agree, yet again, to meet me and the industry to see whether we can hammer out a solution and a settlement of the issue?

Mr Durkan: Oh. I am happy to meet any Member and representatives from any industry. I am conscious that this is the second successive Question Time in which a Member from Alliance has accused me of failing something. He must be dying to get into the press with something. I know that it has been a quiet four or five years for the Member. *[Laughter.]* However, I am certainly happy to meet him. I do not accept that I have failed; I think that I have succeeded where others have failed in getting this through. I will be the first to put my hand up, as I did during Question Time proper, and say that this is not perfect. However, I will work with Members and with the industry to get it as close to perfect as it can be.

Renewable Heat Incentive Scheme

T3. **Mr McKinney** asked the Minister of the Environment to comment on the recently announced termination of the renewable heat incentive scheme. *(AQT 3493/11-16)*

Mr Durkan: I thank the Member for that question. I think that all Members will probably have been inundated with correspondence about the announcement by the Minister of Enterprise, Trade and Investment of the termination of the scheme. Like, I am sure, most Members, I have concerns about it. I have particular concerns as Minister of the Environment about potential impacts on our ability as an Assembly to meet our emissions reduction targets. That is something that I have reflected on, and I will make direct representation to the Minister on it.

Mr McKinney: Of course, this is not the first time that we have had implications around those targets affected by action by the Department of Enterprise. Combined with the earlier ending of the ROC support scheme, there will be a further impact, so what conversations can the Minister now have to ensure that we make a meaningful contribution to mitigating climate change against this backdrop?

Mr Durkan: I thank the Member for the questions. While I have responsibility for our climate change policy and for meeting the targets in the Programme for Government and elsewhere, including by the UK and by Europe regarding emissions reductions, energy policy is the responsibility of the Minister of Enterprise, Trade and Investment. I spoke to Mr Lunn about my inability to speak for other Ministers, and the same will apply here. However, I will take the opportunity to give some sort of overview of where we stand with regard to our targets. Current projections indicate that we are close to the target of a 35% reduction in greenhouse gas emissions by 2025, and that was agreed in the Programme for Government. However, its achievement remains challenging, and decisions such as the two referred to by the Member on the renewable heat incentives and the ROCs will make it even more challenging. It is something that we need to look at again collectively as an Executive.

Road Safety: DOE Campaigns

T4. **Mr Cochrane-Watson** asked the Minister of the Environment for an overview of the traffic safety campaigns the Department is involved in, not just for bicycle safety, in light of the fact that, on 20 December 2015, he received a phone call to inform him of a fatal traffic collision in which a pedestrian was killed, and, unfortunately, he knew the pedestrian and the driver, with talking to both families one of the most difficult things he has had to do. *(AQT 3494/11-16)*

Mr Durkan: I thank the Member for that question. He recounted his experience as a community or elected representative of dealing first-hand with a grieving family who had just lost someone on our roads. The key message across all road safety campaigns coming out of my Department has to be — I used the phrase earlier — “Respect everyone’s journey”. Everyone has to respect everyone else’s journey. When I say “everyone”, I mean all road users, be they drivers, cyclists or passengers in vehicles, who need to know not to distract the person behind the wheel. Indeed, pedestrians have a responsibility, too. We had a campaign on that in the not so distant past. Pedestrians have a duty to ensure that they are seen, for example. If people are out walking or running on these dark evenings, as many are, they have a responsibility to wear high-vis gear, for example, to make life easy for motorists and so forth to see them.

In the next couple of weeks, I will launch another couple of road safety campaigns. I spoke to the Member’s colleague earlier about the use of social media: there will be a couple of social media campaigns targeted, again, primarily at young people. We have been looking at a couple of the major causation factors of collisions involving young people, one of which is the use of handheld devices or mobile phones while driving. The other one is in-car distraction, when a younger driver has passengers on board, and how easy it is to become distracted. You need only be distracted for a split second for there to be disastrous consequences on the road.

Mr Cochrane-Watson: Thank you for your answer to date, Minister. Have you got a commitment or an understanding in the financial programme that you have that the money to promote and highlight road safety and to educate the community will be ring-fenced so that that work can be carried on by the new Department?

Mr Durkan: I thank the Member for that question and, again, for his interest in the subject. It is fair to say that everyone from every party and none in the Chamber would like to see that money protected. Although I have not had or even sought that assurance to date, I think that I or whoever the new Minister in the new Department is will be able to count on support from Executive colleagues and, indeed, the Assembly for that.

Let us not forget that over the past number of years — say, 30 years — we have had tremendous success in driving down the number of fatalities on our roads. Three years ago, we had a record low. However, unfortunately, we are seeing the figures creep up again, and that is not where we want to be. We need to redouble our efforts in that regard and take every action possible to ensure that as few lives as possible are lost and that fewer families are left devastated as a result of death on our roads.

Mining: Rousky, Gortin

T5. **Mr Hussey** asked the Minister of the Environment, in the light of Mr McAleer's question about the mine at Rousky in Gortin, whether DOE has sufficient experience and knowledge to deal with the complexities of mining, including intricacies such as those at Rousky and the use of cyanide. (AQT 3495/11-16)

Mr Durkan: I thank the Member for that question. He lost out on the opportunity to ask a supplementary to Mr McAleer's question.

I am satisfied that my Department has the experience, skills and capability to deal with any proposal that may be submitted for a gold-mining project. Any application for planning permission will be expected to be accompanied by, as I said earlier, robust environmental information; to demonstrate application of best available technology; and to meet recognised international mining industry standards. My Department will also engage in specialist consultation with an extensive number of agencies and rigorously scrutinise all the information that is submitted in assessing all impacts of the project.

Mr Hussey: I thank the Minister for his response so far. I am sure that he is aware of the concerns of the people of Cavanacaw, where a similar mine was granted permission, including concerns about a lake of poisonous liquids. Can you again give me an assurance that that will be followed up on robustly?

Mr Principal Deputy Speaker: You have time for a quick answer, Minister.

Mr Durkan: OK. I give the Member the assurance that any such concerns that are raised with me or my Department are looked into and dealt with robustly.

Mr Principal Deputy Speaker: Time is up.

Mr Craig: Mr Principal Deputy Speaker, I am almost tempted to call you Father Newton because, for the second time this month, I find myself confessing to not being in my seat. I apologise to you and the House. Unfortunately, I was in a meeting with Lord Morrow, which overran, and I did not get back in time, so I apologise to you and the House, and I hope that you can absolve me of my sin.

Mr Principal Deputy Speaker: I am sure that the Speaker will note your remarks. I ask Members to take their ease for a moment before we move on to the next item of business.

3.30 pm

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

Executive Committee Business

Rural Needs Bill: Consideration Stage

Clause 1 (Duty of public authorities to consider rural needs)

Debate resumed on amendment No 1, which amendment was:

In page 1, line 2, leave out "consider" and insert "have due regard to".— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

The following amendments stood on the Marshalled List: Nos 2 to 14.

Ms O'Neill (The Minister of Agriculture and Rural Development): Amendment No 3 makes provision for DARD to review the list of bodies and persons included within the definition of "public authority" for the purposes of this legislation. DARD would be required to undertake a review at least every three years and would also have a power to amend the list if it considered it appropriate to do so. That would ensure that the list of public authorities is kept under review and that there is scope to extend the Rural Needs Act to other public authorities in the future.

Amendment No 4 is consequential to amendment No 3 and allows DARD to include transitional provision in any order that would amend the list of public authorities and would facilitate the extension of the Act to other bodies. I support amendment Nos 3 and 4.

Amendment No 5, which I have tabled, concerns DARD's proposed statutory role in providing support for matters connected with rural needs, which is set out in clause 2. The clause, as introduced, makes provision for DARD to have a power to take such steps as appear to it to be appropriate to provide guidance, advice and information about issues connected with rural needs, and to undertake, commission or support research into matters concerning rural needs. Amendment No 5, which was suggested by the Agriculture and Rural Development Committee to further strengthen DARD's role, changes that to a duty on DARD rather than an enabling power.

I have listened to the debate today, and based on the petition of concern that has been lodged, I am minded to not move amendment No 5. However, I believe that the issue, as identified by the Committee for Agriculture and Rural Development, identifies that DARD has the enabling power.

I come now to the first of the amendments tabled by Jo-Anne Dobson and Robin Swann. I am grateful to the Members for their contribution and for their detailed scrutiny of the Bill, which has resulted in a number of amendments being proposed. I welcome the spirit in which those amendments have been tabled, aimed at building capacity across government for undertaking rural proofing and improving the transparency and availability of information on rural proofing. However, for a number of reasons, I do not intend to support some of the amendments.

Amendment No 6, tabled by Jo-Anne Dobson and Robin Swann, proposes a new clause to provide DARD with a power to take such steps as appear to it to be appropriate to ensure that all staff involved in the activities set out in the clause receive training. The current rural proofing training was developed by DARD and is available to officials in Departments who are involved in policymaking. It is my intention that my Department will review and update that training for staff in all public authorities to which the legislation extends to reflect the obligations under the Bill when it is enacted. It is my view that the amendment is unnecessary as it gives DARD a power that it already has. Therefore, I will not support that amendment.

Amendments Nos 7, 8, 9 and 10 all relate to clause 3, which sets out the proposed arrangements for monitoring and reporting on how public authorities have discharged their duties under the legislation.

Amendment No 7 would require public authorities to include information on how they have exercised their duty under clause 1 in their annual reports. This amendment appears to be aimed at maximising the availability and transparency of information on rural proofing. However, I have concerns that it is unnecessary and could lead to some duplication of effort, as clause 3 already contains a requirement for DARD to publish information that is provided by all public authorities in an annual report. It is my view that a single report containing information on all public authorities is the simplest way of achieving the aim of making information available in a transparent and consistent way. Amendment No 8, which I will come onto in a moment, will help achieve that aim by requiring the publication of the annual monitoring report.

Amendment No 10 will place a duty on the Minister of Agriculture and Rural Development to make a statement in the Assembly on the content of the annual monitoring report. I believe that those requirements, combined with the requirement to lay the report before the Assembly, will provide the required level of transparency. Therefore, I intend to oppose amendment No 7.

Amendment No 9, which has also been tabled by Jo-Anne Dobson and Robin Swann, would require DARD to include in its annual monitoring report its assessment of how each public authority considered rural needs. This amendment seems to be aimed at ensuring that there are appropriate accountability mechanisms in place in relation to rural proofing. Whilst I support the principle of ensuring that public authorities are properly accountable for fulfilling their duties under the Bill, I have concerns that the amendment could potentially create a false accountability of public authorities to DARD. That would be an undesirable and unintended consequence when the intention of the monitoring and reporting arrangements is to enhance transparency and accountability. Therefore, I oppose amendment No 9.

Amendment No 8, which I tabled and have briefly mentioned already, places a duty on DARD to publish the proposed annual monitoring report, as well as laying it before the Assembly. I believe that this amendment, which was suggested by the Committee, will address the concerns expressed by some stakeholders during the Committee Stage that the arrangements currently set out in the Bill do not offer enough transparency. Amendment No 10, which I tabled, was suggested by the Agriculture and Rural Development Committee. Again, as I have

already mentioned, it places a duty on the Minister of Agriculture and Rural Development to make a statement in the Assembly on the content of the annual monitoring report. I believe that this would enhance the monitoring and reporting arrangements and would help raise awareness of the importance of taking account of rural needs and of the availability of information concerning how public authorities have done that. I call on Members to support amendment Nos 8 and 10.

Amendment No 11, which has been tabled by Jo-Anne Dobson and Robin Swann, relates to clause 4, which provides for DARD to make arrangements for cooperation and the exchange of information. The amendment proposes to change the wording in clause 4 from "with a view to securing" to "to secure". The intention here, I believe, is to strengthen the arrangements for cooperation and exchange of information. Cooperation and exchange of information, including, for example, sharing good practice, is in the interests of all the public authorities that will be subject to the Bill. I hope that we can work collaboratively to ensure equitable treatment for our rural dwellers. However, the proposed amendment raises the level of duty on DARD, and it would be impossible for DARD alone to absolutely secure cooperation and exchange of information. DARD cannot do that alone. My Department does not have sole responsibility for rural areas, nor will it have all of the solutions. It is therefore vital that we all work together, both within and outside of Government, to seek to deliver better outcomes for rural dwellers. Therefore, I intend to oppose amendment No 11.

Amendment No 12, again tabled by Jo-Anne Dobson and Robin Swann, requires that the provisions of the Bill are commenced no later than 1 June 2017. I, too, am keen to see the legislation brought into force at an early stage. It will be important to ensure that the necessary supporting framework, such as guidance and training, as well as the new monitoring and reporting arrangements, are in place prior to the new duties coming into force for the public authorities affected.

I envisage that the provisions of the Bill can be commenced for Departments and councils approximately a year after Royal Assent. During the Committee Stage of the Bill, there was discussion on a later roll-out date for other public authorities to allow them sufficient time to prepare. If amendments No 2 and 13, which relate to the inclusion of additional public authorities in the Bill, are passed today, as I hope they are, the effect of amendment No 12 would be that it would apply to all the public authorities listed by 1 June 2017 at the latest. That would limit the scope for a phased approach to implementation.

If amendment Nos 2 and 13 are not passed, the Bill will be commenced for Departments and councils by 1 June 2017 at the latest, and DARD can bring forward subordinate legislation at a later date for other public authorities. I am not opposed in principle to a time limit for the Bill's commencement; however, the precise date of this time limit will have implications for my Department and other public bodies.

I am willing to support the proposed amendment on the understanding that I may wish to bring forward a further amendment at Further Consideration Stage to change the specified date, depending on the outcome of today's proceedings.

I have spoken about amendment Nos 13 and 14, which are consequential to amendment Nos 2 and 1 respectively.

That concludes my comments on the amendments. Once again, I thank the Chair and members of the Committee not only for their contributions to the debate and but for their contributions throughout the legislative process of the Bill.

Mr Irwin: I thank Members and the Minister for their contributions, which have been wide-ranging and covered all aspects of the Bill. It has been interesting and informative to sit here today and listen to the views and opinions.

In light of the manner in which Members presented their position on the amendments and the detail covered in the debate, I will try to be relatively brief. I will try to cover broadly the topics discussed and make particular reference to the amendments.

There are 14 amendments, and the Bill has seven clauses. The Bill is relatively short and has a somewhat modest objective. That objective is to impose a duty on certain public authorities to consider rural needs, and that is the crux of the two fundamental matters that Members have debated and on which we are about to vote: the nature of the duty to consider rural needs and the authorities that should be covered by it.

Amendment Nos 1 and 14, which is consequential, will, if voted through the Assembly, change the nature of the duty on public authorities from that by which they “consider” rural needs to that by which they “have due regard to” rural needs. That amendment would impose a higher duty on public authorities

Many Members spoke in support of the amendments that would strengthen the duty from “consider” to “due regard”. Those included Oliver McMullan, who talked about the ineffectiveness of rural proofing to date and the importance of putting the practice on a legislative footing. Strengthening the duty to “due regard” is an important step in ensuring an improved quality of life for those living in rural areas. Mr McGlone echoed those sentiments, noting the weaknesses of the current rural-proofing process and the need to ensure that the new statutory duty will prove productive. Mr Seán Rogers also commented on the importance of rural proofing but added that he would like mitigation for adverse impacts to be included in the Bill. Mrs Dobson spoke about the need to strengthen the Bill in this way, as it is important to ensure that rural proofing is no longer simply a tick-box exercise. Mr McCarthy also supported the amendment, believing that it will ultimately serve to improve the outcome of the Bill. Finally, Declan McAleer made an important point, highlighting the fact that the amendments reflect the call made by many of the grass-roots organisations that gave evidence to the Committee that the duty be strengthened.

The second substantive set of amendments — amendment Nos 2, 3, 4 and 13 — deal with adding specified public bodies to the Bill. There has been good discussion on this issue in the Chamber, including by Mr Allister, who wanted to know why the NIEA had not been included in the list of additional bodies to be added. Mr McAleer noted that the list of bodies in amendment No 13 was suggested by stakeholders, with particular reference to SOLACE. Mr McMullan referred to the new role of councils in community planning and how rural proofing would fit with that role. Mrs Dobson also spoke to this set of amendments, noting that all public bodies listed in amendment No 13

provide key public services, and, as such, they needed to be included in the Bill. Mr Milne and Mr McMullan also spoke in favour of adding these additional bodies, and Mr McCarthy indicated that he was content with the list.

Other Members spoke ably about the amendments in the names of Mrs Dobson and Mr Swann. Those amendments cover a new provision on training staff to identify and meet rural needs. They also cover the inclusion of information required to demonstrate that public authorities have fulfilled their duty to consider rural needs in their annual report.

A further amendment would place a duty on the Department to make an assessment of how each public authority considers rural needs. Mrs Dobson also spoke clearly about the need to cooperate and quoted many examples of public bodies not doing so. She said that this lack of cooperation was not in the interests of rural communities.

3.45 pm

These matters were brought to the Committee’s attention during Committee Stage, and the Committee decided not to move forward with amendments. Mrs Dobson put forward a clear rationale for why she and Mr Swann believe that these amendments are necessary. In summary, she stated that they will strengthen the Bill and ensure that it carries weight and that DARD must take some responsibility for how public authorities carry out their duties. She also noted that it is essential that those involved in rural proofing are trained so that they are informed of the impact that decisions may have on rural communities.

Mr Milne and Mr McAleer put across their party’s position on why they do not support these amendments. Mr Milne, in particular, wanted to recognise the good intentions behind them, but he believed that there was some duplication with existing provisions. He also noted that some of these amendments had potential resource implications that had not been allowed for. He made specific mention of amendment No 9, stating that it took DARD in the direction of having to sit in judgement on other Departments, which could ultimately create an expectation that DARD would stand over and make other Departments behave in certain ways.

I hope that I have provided a fair representation of all the views expressed today. That concludes my remarks, and I look forward to the outcome of Consideration Stage.

Amendment No 1 proposed:

In page 1, line 2, leave out “consider” and insert “have due regard to”.— [*Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).*]

Amendment No 1 agreed to.

Amendment No 2 made:

In page 1, leave out lines 7 to 9 and insert

“any body or person listed in the Schedule.”.—
[*Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).*]

Mr Deputy Speaker (Mr Beggs): Amendment No 3 has already been debated and is consequential to amendment No 2, which has been made.

Amendment No 3 made:

In page 1, line 9, at end insert

“(2A) The Department must, at least every three years from the coming into operation of this section, review the list of bodies and persons set out in the Schedule and, if it thinks it appropriate, amend the Schedule to—

(a) add a body or person to the Schedule;

(b) remove a body or person from the Schedule; or

(c) modify any entry in the Schedule.”— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

Mr Deputy Speaker (Mr Beggs): Amendment No 4 has already been debated and is consequential to amendment No 3, which has been made.

Amendment No 4 made:

In page 1, line 15, at end insert

“(4A) An order under subsection (2A) may contain such transitional provision as the Department thinks appropriate.”— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

Clause 1, as amended, ordered to stand part of the Bill.

Amendment No 5 not moved.

Clause 2 ordered to stand part of the Bill.

New Clause

Amendment No 6 proposed:

After clause 2 insert

“Training

2A. The Department may take such steps as appear to it to be appropriate to ensure all staff who develop, adopt, implement or revise policies, strategies and plans receive training connected with identifying and meeting rural needs.”— [Mrs Dobson.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 31; Noes 62.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Eastwood, Mr Gardiner, Ms Hanna, Mr Hussey, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Mr Swann.

Tellers for the Ayes: Mrs Dobson and Mr Patterson.

NOES

Mr Anderson, Mr Bell, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr McAleer, Mr McCallister, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCreagh, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen,

Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Anderson and Mr Milne.

Question accordingly negated.

4.00 pm

Clause 3 (Monitoring and reporting)

Amendment No 7 made:

In page 2, line 6, at end insert

“(aa) include this information in its annual report; and”.— [Mrs Dobson.]

Amendment No 8 made:

In page 2, line 8, leave out “prepare” and insert “publish”.— [Mrs O’Neill (The Minister of Agriculture and Rural Development).]

Amendment No 9 proposed:

In page 2, line 9, at end insert

“(aa) its assessment of how each public authority considered rural needs; and”.— [Mrs Dobson.]

Question put and negated.

Amendment No 10 made:

In page 2, line 12, at end insert

“(2A) The Minister of Agriculture and Rural Development must, on or after the day on which the report is laid before the Assembly, make a statement to the Assembly about the content of the report.”— [Mrs O’Neill (The Minister of Agriculture and Rural Development).]

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (Co-operation with other bodies)

Amendment No 11 proposed:

In page 2, line 14, leave out from second “with” to “securing” on line 15 and insert “to secure”.— [Mrs Dobson.]

Question put and negated.

Clause 4 ordered to stand part of the Bill.

Clause 5 (Commencement)

Amendment No 12 made:

In page 2, line 19, after “appoint” insert

“but no later than 1 June 2017”.— [Mrs Dobson.]

Clause 5, as amended, ordered to stand part of the Bill.

[Interruption.]

Mr Deputy Speaker (Mr Beggs): Order, Members.

Clauses 6 and 7 ordered to stand part of the Bill.

[Interruption.]

Mr Deputy Speaker (Mr Beggs): Order, Members. I ask that, if you wish to retire from the Chamber, you do so quietly.

Amendment No 13 is consequential to amendment No 2, which was made.

New Schedule

Amendment No 13 made:

After clause 7 insert

SCHEDULE SECTION 1.

PUBLIC AUTHORITIES FOR THE PURPOSES OF THIS ACT

A Northern Ireland department

A district council

The Chief Constable of the Police Service of Northern Ireland

The Council for Catholic Maintained Schools

The Education Authority

A Health and Social Care Trust

Invest Northern Ireland

The Northern Ireland Fire and Rescue Service Board

The Northern Ireland Housing Executive

The Northern Ireland Library Authority

The Northern Ireland Tourist Board

The Regional Agency for Public Health and Social Well-Being

The Regional Health and Social Care Board

The Sports Council for Northern Ireland".— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

New schedule agreed to.

Mr Deputy Speaker (Mr Beggs): Amendment No 14 is consequential to amendment No 1, which was made.

Long Title

Amendment No 14 made:

Leave out "consider" and insert "have due regard to".— [Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development).]

Long title, as amended, agreed to.

Mr Deputy Speaker (Mr Beggs): That concludes the Consideration Stage of the Rural Needs Bill. The Bill stands referred to the Speaker.

I ask Members to take their ease for a few moments.

Mr Allister: On a point of order, Mr Deputy Speaker. You said, if I heard you correctly, that the Rural Needs Bill stands referred to the Speaker. Surely there is a Further Consideration Stage of the Rural Needs Bill.

Mr Deputy Speaker (Mr Beggs): I will seek clarification, but my understanding is that the Speaker is part of the process of scheduling it for the next appropriate stage. We will seek clarification, as the Member has indicated, and ensure that there is clarity on that.

Legal Complaints and Regulation Bill: Final Stage

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

That the Legal Complaints and Regulation Bill [NIA 50/11-16] do now pass.

I welcome this final opportunity to speak about the Legal Complaints and Regulation Bill, which relates to certain aspects of the regulation of lawyers, particularly how complaints against lawyers are handled and overseen. The new statutory framework for legal complaints set out in the Bill, coupled with the enhanced oversight by a Legal Services Oversight Commissioner, will be of considerable value to consumers in Northern Ireland and those who avail themselves of legal services.

The scheme set out in the Bill will shift the responsibility for complaints away from professionals — lawyers — and more into the hands of laypersons. That was the key message that came out of the Bain report. That group found that the system here was working quite well but that it would benefit from a copper-bottoming of various aspects, most particularly in relation to complaints. In doing so, the group, and, with the Bill, we, as lawmakers in the Assembly, have recognised that devolved Administrations are best placed to make decisions about issues at a local level. Bain could have easily followed the recommendations and reforms that were occurring elsewhere but instead adopted proposals that he considered to be tailored for the issues arising here. That approach has been commended by many in the Assembly throughout the progress of the Bill. I, once again, place on record my thanks to Professor Bain and his team for that work. It has, as has been noted at various junctures, been a long wait for the proposals to be enshrined in law. I am pleased that we have arrived today at a stage where that journey has almost ended and that we have a statute that is appropriate, proportionate and has our stamp on it.

It was the now First Minister, my colleague Arlene Foster, who introduced the Bill in the Assembly in June of last year. At the time, she indicated that the Bill would help to raise the profile of regulation and enhance how complaints are handled. The Bill was referred to the Committee, and I place on record again my thanks to its members for their work on the Bill. The Committee Chair welcomed the Bill at its Second Stage but indicated that the Committee would look closely at how it could be improved. That process, which was undertaken mainly in the autumn, was a very constructive one, and it has led to the Bill we have in front of us today.

4.15 pm

The work of the Committee led to a number of amendments that I was content to bring forward at Consideration Stage and which have helped to improve the Bill. With those additions, we will have an Act that is strong and fair and will greatly assist anyone who has a problem with their lawyer and help them to get a satisfactory resolution. The Committee came back to the issue of first-tier complaints. The Bill, as amended, has reflected on that issue and will lead to improved outcomes in that area. I commend the work of the Committee and the interaction it has had with my Department, which serves as another good example of how a Department and a Committee can

work together in a constructive manner in the delivery of good legislation.

I draw my comments to a close by welcoming the Bill. At times, the process has been lengthy and frustrating, but the journey has, nonetheless, been worthwhile. Its final destination will see it become what the Member for North Belfast Alban Maginness described at an earlier stage as a good piece of law. It will lead to an improved complaints handling regime for lawyers, bring more openness and transparency and deliver a proportionate and fair outcome to all involved in the process. Accordingly, 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. As Members are aware, this Bill will bring about significant and long-awaited reform of the existing system for handling complaints against solicitors and barristers. What has been described as a “copper-bottoming” of the complaints handling arrangements here will include, amongst other things, a shift to layperson-led control, with enhanced powers and oversight, including through the establishment of the post of Legal Services Oversight Commissioner. The commissioner will, therefore, play a key role in overseeing the complaints process and, through this legislation, will hopefully have sufficient powers and the necessary teeth to take further action where the required standards have not been lived up to.

A fundamental concern of the Committee throughout its scrutiny was on the need to capture information on complaints against solicitors made at the “first tier” and whether the published figures represent only the tip of the iceberg and do not present a full picture. As the Minister said, arising from the Committee’s concern, the Bill was amended to take account of that and empower the oversight commissioner and the Law Society to require members of the profession to provide reliable data on the number of complaints. Whilst I suspect that that may mean an increase in the number of recorded complaints, that will equalise over time and provide a reliable baseline of information. This primary legislation will also lead to important subordinate legislation, including on the levy that will be payable by barristers and solicitors, who will fund the costs of the oversight commissioner’s office. That will require close scrutiny in order to ensure that the costs are proportionate and do not needlessly overburden the legal profession, particularly small practices.

The Committee acknowledges the contribution of all stakeholders, particularly the responsiveness of the responsible DFP official, Mr Michael Foster, in providing clarification, explanation and assurances on issues that arose from the evidence. In this particular example, as the Minister said, the Department took into account the views of the Committee and made some reasonable and worthwhile amendments, which is not, unfortunately, always the case when it comes to departmental officials and Committees. This instance is a very good example of how the Department and the Committee should work together.

Whilst the Committee was prepared to bring forward a number of amendments to strengthen the Bill, the productive relationship between it and the Department resulted in the necessary amendments being tabled by the Minister. I believe that the additional amendment from the Committee to provide for a statutory review mechanism will also offer a further element of assurance.

The Bill also reflects changes that will support and facilitate the legal profession by placing a greater emphasis on client care. Arising from the evidence from the Law Society, for instance, the Bill will address the concern about the ability for any apology to be used as evidence of liability in civil proceedings. That will make it easier for lawyers to apologise to their clients when things have gone wrong and when the necessary standards have not been met. I am sure that Members will accept that, in many cases when something has gone wrong, a genuine apology at an early stage is often enough to satisfy the complainant.

Finally, where effective scrutiny is concerned, I consider that the experience with the Bill demonstrates how constructive engagement assists the legislative process and provides better laws for our citizens. That should be seen as another example of how this locally elected institution is delivering solutions tailored to local circumstances.

I acknowledge that the new arrangements provided for in the Bill will take time to bed in. I look forward, therefore, with a keen interest to the implementation of the legislation and to the outworkings of the statutory review, which will provide a further opportunity for the Assembly to scrutinise progress in this important area.

Mr I McCrea: Like the Chair, I will be brief, if not briefer than him, perhaps because I have less to say, given that it is his function, as Chair, to go through the details. I will resist doing that, but it is important to say that, in joining the Chair in his comments, I have no doubt that the scrutiny of the Bill — this has been the case, certainly as long as I have been in the Assembly — is evidence of the good relationship between the Department and the Committee and of the work to ensure that any concerns that the Committee and the stakeholders that came before it had were listened to and addressed by the Department. It is important that we put that on record to show how the Committee and the Department can work together to deliver good legislation.

I do not want to repeat things, but I liked what Alban Maginness said in a previous debate about this being a local Bill with a local tailor-made solution for dealing with legal complaints in Northern Ireland. That is an important aspect of the Bill.

All in all, I have no doubt that, when the Bill is enacted, it will make a major difference to the way in which legal complaints are dealt with in Northern Ireland. I hope that it passes Final Stage.

Mr Cree: I am pleased to be able to speak at the Final Stage of the Legal Complaints and Regulation Bill. Much of what is pertinent has been said. This is not a root-and-branch reform, but it will bring significant change to the system and establish the new position of the Legal Services Oversight Commissioner.

The Committee took evidence from interested stakeholders and published its report on the Bill last December. As I said at Consideration Stage, the Committee’s detailed scrutiny resulted in a range of issues being raised with the Department for clarification and improvement. Satisfactory amendments were made that improved and, indeed, strengthened the Bill. One such amendment, which has been referred to, was that on the discovery of information on first-tier complaints. I believe that that is very necessary.

The Committee's scrutiny is an excellent example of how a Department has worked with a Statutory Committee to improve legislation. I record my thanks to the Committee staff and the departmental officials for the excellent way in which differences of opinion were resolved. On behalf of the Ulster Unionist Party, let me say that we will support the Final Stage of the Bill.

Mr Storey: I would like to express a word of appreciation and thanks to the Committee members who contributed to the debate this afternoon. I also thank, in particular, the Chair and members for the work that they have done, alongside my officials, which ensured that the legislation reached this stage today.

It is an example — I have said this on other occasions when we set ourselves to legislate — of the relationship between the Department and the Committee in ensuring that we have an outcome. I take Mr Cree's point that this is not root-and-branch reform, but it is a good start. We have commenced at the right place in relation to what was needed, and I look forward to the Bill being given Royal Assent and becoming law. I would like to express a word of appreciation to my officials for the work that they brought to the Committee and for doing all the preparation necessary to bring the Bill to the House. I personally thank them for their work. I thank all concerned and commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Legal Complaints and Regulation Bill [NIA 50/11-16] do now pass.

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a moment before we move on to the next item of business.

Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016

Mr Bell (The Minister of Enterprise, Trade and Investment): I beg to move

That the draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 be approved.

This statutory rule is being made under section 113 of the Energy Act 2011, which prescribes that these regulations must be laid in draft for approval by affirmative resolution of the Assembly.

I will begin with the technicalities of the legislation. These regulations amend the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012, which I will refer to as the 2012 regulations, and the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014, which I will refer to as the 2014 regulations. The 2012 regulations established a renewable heat incentive (RHI) scheme for the non-domestic sector, and the 2014 regulations established a renewable heat incentive scheme for the domestic sector.

The amendments to the 2012 and 2014 regulations give the Department power to issue a notice suspending the schemes to new applications. The power arises where it appears to the Department that it does not have, or is not likely to have, sufficient funds available to it for the purpose of meeting the full cost of payments under both schemes. It is important to highlight that the purpose of these regulations is to establish the power for the Department to suspend the RHI schemes in the circumstances that I have described. They do not, in themselves, close the schemes. Closure requires a notice to be issued suspending the schemes from a particular date.

I appreciate that the majority of those involved in the schemes will be anxious for clarity on their closure, so I confirm that the position is that, if the Assembly passes this legislation, I will issue a notice closing both schemes to new applications from 29 February.

The period since I announced my intention to close the schemes on 5 February gives those who are in the process of installing renewable heat equipment the month of February, effectively, to complete installation before the scheme closes. That reflects a reasonable balance between the need to manage scheme expenditure and giving those who are in the process of installation time to make decisions on whether to proceed. I have listened to the concerns raised about immediate closure of the scheme: that is why, with the agreement of the First Minister and deputy Minister, I have decided to defer closure for a further two weeks.

4.30 pm

I have no doubt that there are a range of views on closure. At one end of the spectrum, there are those who are not convinced that we should subsidise expensive renewable technologies. On the other hand, there are those who believe that we should invest more in the future of renewables. The speed of closure of the RHI can be debated either way. However, to anyone who intends to oppose the legislation, I have to sound an important

warning: opposing the legislation means opposing the ability to suspend the scheme at all. That means continuing with an open-ended commitment to fund renewable heat, no matter what the cost. I cannot believe that, given the competing priorities for funding that we face, it is tenable that we give open-ended funding commitments. I apologise for repeating the point, but I want to make it absolutely clear that anyone who opposes this legislation is voting for an open-ended funding commitment.

Mr Allister: Will the Minister give way?

Mr Bell: The nature of legislation, Mr Allister, is that you get unlimited time, I understand, to make your points. You will have your time, and I will answer those —

Mr Deputy Speaker (Mr Beggs): Order. I ask everyone to address the Chair.

Mr Bell: Mr Deputy Speaker, the Member should be aware that he will have his period to make whatever points he wishes to make, and I will have my period to consult on what he has to say and come back to him at the end of the debate.

As I was saying, let me apologise for repeating the point, but I want to make it absolutely clear that anyone who opposes this legislation is voting for an open-ended funding commitment.

The RHI scheme currently works to require government to fund all properly made applications for renewable heat installations. There is no choice but to make those payments and no way of turning off, slowing down or phasing out payments if we do not pass this legislation. We can debate when the scheme should close but, unless we pass the legislation, that debate would be pointless. We would have no choice but to keep making payments, regardless of the budgetary position.

I turn now to why we need to close the scheme. The renewable heat incentive, introduced in November 2012 to the non-domestic sector and in December 2014 to the domestic sector, has been taken up very successfully. The non-domestic RHI incentivises the uptake of renewable heat technologies such as biomass, heat pumps and solar thermal installations. It provides payments for 20 years on the basis of heat energy generated. The tariff is dependent on the size and type of technology and is calculated to cover capital costs, operating costs and non-financial hassle costs over the lifetime of the technology. The domestic scheme provides for upfront capital grants and seven years' support thereafter.

Overall, with over 3,900 renewable heating installations incentivised to date, uptake has been higher than in GB. We have exceeded the Executive's PFG target of 4%, with around 6% of Northern Ireland's heating needs now provided through renewable heating technologies. We are well on the way to attaining the Executive-endorsed target of 10% renewable heat set out in the strategic energy framework. That will contribute to the UK's target of 15% renewable energy by 2020 as required by the EU renewables directive.

The focus during the initial period of the scheme was on trying to improve the performance of the RHI scheme to achieve the Executive's PFG target and ensure that the renewable heating sector and the wider Northern Ireland economy benefited from the investment. To that end, advertising campaigns were conducted during 2013-14 and 2014-15, and the domestic scheme was introduced at the end of 2014. That has resulted

in increased scheme uptake, particularly over recent months. The total number of renewable heating installations under the non-domestic scheme increased from just over 250 to over 1,800 during the last 14 months. A significant and unexpected surge in applications occurred in the six-week run-up to scheme changes in November 2015 that were intended to help manage demand. Over 900 applications were made in that short period. That, together with reductions in available funding, means that we now face significant budgetary pressures.

Both RHI schemes — non-domestic and domestic — are paid out of annually managed expenditure (AME), which is in addition to Northern Ireland block grant funding. Normally, it would not have an impact on the Northern Ireland departmental expenditure limit (DEL) block funding. However, even though total renewable heating capacity through the NI RHI equates to over 6% of total capacity in the GB scheme, the Chancellor's autumn statement confirmed that an AME cap for Northern Ireland would be set at the Barnett share of circa 3%. That means that the block DEL will have to meet any funding in excess of that.

Total application numbers for the Northern Ireland non-domestic scheme now exceed our highest estimates. That means that the available AME budget for the next five years is now already committed to meeting payments for existing RHI installations. Therefore, in the circumstances, I have no choice but to move to close the RHI scheme to minimise further costs and impact on the Northern Ireland block.

In bringing this course of action to the Assembly, I want to be clear how reluctant I am to close a scheme that brings such benefits in jobs, investment, environmental protection and meeting our renewable targets. Ensuring a more competitive and diverse heating market in Northern Ireland is therefore a key priority for me. We need to reduce our current reliance on fossil fuels. Heat from indigenous and renewable sources must therefore be promoted.

Despite my support for RHI and however beneficial the scheme, I have to acknowledge that we cannot manage an Executive Budget on the basis of individual schemes taking off or incurring costs that were formerly funded from the UK without agreement.

The Executive have many other priorities that demand funding, and if we do not move to close the RHI, those will be put at increased risk.

I want to make the point, however, that some of the reaction to the closure of the RHI implies that money has been squandered or investment lost. That is not the case. The RHI has seen over £50 million brought in to Northern Ireland over the last four years. That has gone to help some of our most important local industries, to bolster the rural economy and to provide much needed jobs. Existing scheme participants will continue to receive support for 20 years. Those who hoped to avail themselves of the scheme will, naturally, be disappointed, but let us not forget what benefits the scheme has brought.

There have been allegations of abuse of the scheme in some cases. I take those allegations very seriously. The evidence is not clear at the moment. I have asked officials to work with Ofgem, which administers the non-domestic scheme across the UK, to undertake extra checks and to look at existing processes to make sure that the scheme is operating in compliance with the legislation. An audit of internal procedures is also under way to assess

management of the scheme and how it was set up to see where things could have been improved. However, we need to be careful when talking about abuse of how the scheme is operating. Many hard-working and committed households and businesses will have properly complied with the scheme, and it would be quite wrong to suggest that abuse is common without any evidence to back that up.

To conclude, by looking to the future, I believe that the renewables sector can play a part in helping to reduce our CO2 emissions and bringing investment to our economy. I am open to suggestions on how we might engage with developers, installers and others to see where we might go in the future on renewable heat. That might involve consulting on the long-term position, looking at developments in other jurisdictions or considering options. However, any debate on the future must take place in an environment where costs are controlled. The only way to ensure that is to support, however reluctantly, the suspension of the scheme at this time. I ask Members to support the regulations.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as an ráiteas sin. I thank the Minister for his contribution.

The first official notification that the Committee had of these proposals was through papers from the Department that were tabled at last week's Committee meeting on Tuesday 9 February. The proposals were for an immediate closure of the scheme following the agreement of the Assembly today. As the Committee had no prior notification of the proposals, it could not engage in proper scrutiny and was only able to note the statutory rule. Therefore, the statutory rule comes to the House without proper scrutiny of the proposals as laid down in Standing Order 43(1). It is important, however, that I provide the House with details of the Committee's scrutiny of the renewable heat incentive and of the Committee's limited consideration of the SR.

I want to start by putting on the record a very brief history of the Committee's consideration of the renewable heat incentive. On 11 April 2013, the Committee asked the Department to provide biannual updates on the implementation of the scheme. That resulted in an update being received more than one year later on 5 June 2014 and a further written briefing five months after that on 4 November 2014. Since that time, the Department has not considered it necessary to provide further progress reports or updates to the Committee, despite requests for updates on a twice-yearly basis.

It is important to make it clear from the outset how the renewable incentive works. The point of application is after the installation is complete. Once a valid application is received, it must be supported. Therefore, the supplier and the customer have already invested considerable amounts of money, often taking out loans, in the expectation that they will be able to complete their installations and make an application before 31 March. Although the latest proposal to close the scheme on 29 February may alleviate the problem for some people, this question remains: how many businesses and individuals who have already invested considerable sums will be affected, and to what extent, by the decision to close the scheme early? As MLAs, we have all received those details in our emails and in phone calls to our constituency offices.

4.45 pm

The Minister's letter that accompanied the draft regulations referred to the serious and urgent risk to public finances, and we have heard more about that today. However, questions remain for the Committee whether the problem should have been recognised sooner and whether steps could have been taken earlier to manage those risks?

The briefing to the Committee in June 2014 stated:

"the current NI uptake compares favourably with the GB uptake at the same point in time on a pro-rata basis."

It also stated:

"this suggests that the NI RHI could experience a higher volume of applications but for smaller installations. Projecting forward it could be expected that around 300 applications could be received by end March 2015."

I am quoting from departmental documents, and I have them with me. The briefing to the Committee six months later, in November 2014, stated:

"as of 15 October 2014 [Ofgem] have received 308 applications."

Therefore, in November 2014, applications had already exceeded expectations for March 2015. Should that have started alarm bells ringing?

Officials informed the Committee last week that the process of thinking about the issue and asking questions began in March 2015, when it was noticed that the level of applications was rising. That was three months after the Department informed the Committee of the very same fact. Officials said that the Minister was formally made aware of the problem in July last year. That was followed by a consultation, issued on 22 July, that contained proposals to introduce, among other things, demand management measures from November 2015. Given the fact that demand exceeded expectations, and that that was apparent from as far back as at least November 2014, did anyone in the Department try to work out the impact of the announcement or think at least to ask this question: what impact will this July announcement have on the level of applications between now and the introduction of new measures in November?

There were 900 applications in the six weeks running up to the introduction of the legislation. Last week, officials acknowledged that, although a spike in applications was expected, its extent was not known until later. Was it not reasonable to assume that there would have been a considerable spike? How much time and effort did the Department put into calculating what that spike could conceivably be? Although the Department was aware in September past that it had a financial problem, it said that it committed to a course of action that could not be changed until November because that is the way in which the legislative process works. However, that is not the way in which the legislative process has worked in this instance, as we see this evening.

The Committee raised the issue that there was a belief in the industry that tariffs would be in place until 31 March 2016. Officials dismissed that as speculation, however, stating that there was no announcement to that effect. The legislation introduced in November past — and Committee members were shown it at the meeting — stated that

the tariffs would be in place until 31 March 2016. That suggests more than mere speculation. It is in the text of the statutory rule at paragraph 10(3): “31st March 2016”. Not 15 February 2016, not 29 February 2016, but 31 March 2016. Would that deadline, in the text of the legislation, not have raised a reasonable expectation in the industry, and, indeed, among householders, that that was the deadline to which they could work in order to avail themselves of the current tariff levels?

Can the Department explain how the tariff runs until 31 March but the scheme ends on 29 February? It is bizarre.

When it was put to officials last week, they agreed that it would be reasonable to infer that the reference in the statutory rule would raise the expectation that applications at this level would be received until that date. They said that it would be reasonable to expect it to run until that date. However, as officials put it, there was the overriding issue of preventing a further increase in the financial pressure faced by the Department. When questioned about the failure to follow proper procedures, officials stated that the Department had been looking at how to resolve the issue since December and that to have opened the problem up at an earlier stage would, in itself, have carried the risk of increased applications. They said it; I did not. They said that the previous spike had occurred because people had had time to consider and make applications. That is usually the whole idea behind a scheme.

When the legislation came into effect last November, announcing that the tariffs would apply until 31 March 2016, would it not have been reasonable to assume, given recent history, that there would be a further spike in applications before the 31 March deadline? Officials said that, if they had gone through proper procedures and had come to the Committee, that would have allowed time for a spike — a spike that was coming because people had been anticipating the March deadline anyway since a consultation had been brought forward last July for legislation that was introduced last November. They knew about the date. Is it the case that the Department has only now anticipated a further spike during March and has decided, without regard to the consequences for jobs, businesses, homes and the environment, to close the renewable heat incentive to avoid facing that spike? As I said, the Department acknowledged that it was reasonable for homeowners and the industry to expect that the scheme would run until 31 March, given that that was the date until which the tariffs were valid.

The Committee has received considerable correspondence from industry representatives, as we all have as individual MLAs, about the impact of the legislation on their businesses and on jobs. I was listening to the Minister speak about this earlier, and I will give him a few examples that he obviously has not heard. One business has indicated that, if it stops work now, it will lose over £100,000 in committed supplies and equipment, but, if it keeps working on jobs that are already in place but will not be covered by the scheme, it stands to lose over £1 million and 25 jobs. Another business informed the Committee that it has a large number of clients who have borrowed money for investing in renewable heating systems that are part way through installation and repayments have been calculated to banks and other lending institutions on the strength of obtaining payments under the scheme. The businesses say that the clients will not pay for work

currently being installed if they cannot obtain the RHI. As other Members will be aware, one supplier company has invested over £600,000 in stock for projects that will probably be cancelled as a result of closure, and the business is now under threat of going into administration. That is the harsh reality of this unusual decision.

When officials were questioned about the impact of closure on people who took business decisions to buy stock to develop schemes on the strength of the renewable heat incentive, the Committee was told, “That would be a matter for themselves”. When they were asked if any consideration had been given to the economic implications and whether any consideration had been given to putting the proposals out to consultation, the Committee was informed that the options were considered and a judgement made that the need to stem the flow of uncovered expenditure was the overriding consideration. When asked about the uncovered liabilities for businesses that had already invested in stock for unfinished projects and whether they had been left high and dry, officials stated that the potential consequences were part of the analysis, that all factors had been considered and that there was no provision to compensate any business or individual affected.

When questioned in more detail about the Department’s assessment of the economic implications of the proposals, the officials said that they had limited information on this because it was hard to predict the number of applications. However, officials were able to say that, if the scheme were left open until the end of March, it would roughly double the pressure over the next five years; in other words, they were predicting the level of applications. The Department must therefore have made some assessment of the number of applications that it could have anticipated until the end of March. How difficult would it have been to use that measure to estimate the impact of early closure on jobs, businesses and the economy? When questioned about the risk of a legal challenge to the legislation, officials informed the Committee that the Minister was aware of the risk of challenge and that the analysis presented to the Minister included analysis of the risk. My question is this: what was the analysis of the risk that the decision would be challenged? Was the view taken that it would be less expensive to face legal challenge than to continue with the scheme? That is a risky one.

Committee members also questioned officials about any safeguards that could or should have been put in place to protect businesses and the Department’s budget. The Department provides preliminary accreditation for very large applications; however, there have been few of those. Preliminary accreditation is provided before the plant is built, but it applies only to plants over 200 kilowatts, which take a lot longer to plan and involve a lot more finance. Officials said that smaller installations did not have that facility because they did not need it. I bet you there is a whole lot of them out there today — hundreds of them — who wish they had that protection. These questions arise: how many people out there now wish they had exactly that facility to avail themselves of, and would such a facility or even a facility for preliminary notification, which would give advance warning that an application is coming, have given the Department some earlier indication of what it could expect?

That leads me on to the next part of the process, which is about exactly that type of management. Officials were questioned on the demand management measures

that had been put in place in GB and asked why similar measures had not been put in place here. In GB, in a process known as digression, an assessment of applications is set out against a budgetary position, and, if applications approach certain budgetary levels, the tariff is automatically lowered to dampen demand. However, that was not implemented here. Officials said that it was not considered because the scheme was underperforming and resources were limited. There you are; not exactly that now. These questions need to be asked: why was that option not revisited in November 2014 when it was seen that the applications were over three months ahead of expectations, and why was it not —

Mr Agnew: Will the Member give way?

Mr McGlone: Sure.

Mr Agnew: When the original consideration on the digression model took place, the Department stated to the Committee that it had other priorities and the domestic scheme was the priority. That suggests that it cannot manage two priorities.

Mr McGlone: I thank the Member. He is well across this, and I thank him for his expertise in the area. Obviously it raises that question too. Why? What was going on over there? Again, why was it not revisited when an increase in demand became evident in March 2015? Why was it not included in the consultation that issued on 22 July 2015? The need for it was actually mentioned in the document that it issued in September 2015. Gone; not there.

The permanent secretary outlined the details of an audit of the scheme that the Department would undertake. It will consider whether the scheme was adequately designed to cope with an unprecedented increase in demand, look at whether there were administrative errors and examine whether the budget situation may have been clarified at an earlier stage. There is also the issue of DFP approval, which was missed for a deadline to seek re-approval for the non-domestic scheme, and the audit will check that there has been no breach in obligation of the scheme there too. So we are not seeing a happy picture over at the Department. The permanent secretary informed the Committee that, as accounting officer, he has concerns about the scheme and will make sure that it is examined objectively and transparently, which is why the audit is being conducted on his behalf. Given the short time until dissolution, the Committee for the Economy will no doubt wish to consider the outcome of the audit, and the Committee will want to include the matter in its legacy report.

As I said at the outset, the Committee was given very little time to consider this highly complex and very controversial issue. It is also evident from my contribution that the evidence from the Department has raised many more questions for the Committee and, indeed, others outwith the Chamber than it has answered, which is why the Committee was only able to note the statutory rule.

5.00 pm

In summation, I will say a few words in my capacity as an SDLP Member for a constituency where a number of the businesses are located. Many feel deeply let down. Indeed, some of the business organisations that have been in touch with me feel that it is an issue of honour. If they cannot plan with certainty on government decisions, why depend on an Executive? Why rely on an

Executive? Why even make those decisions on investment if the commitments that have been given on behalf of government — DETI, in this case — are fly-by-night commitments that disappear like snow off a ditch without any notification to those people?

Trust is lost with businesses and others who wanted to engage in the scheme and contribute to the protection of the environment, as well as people who took out loans and invested in stock because they were committed to the environment. Who will compensate those people for the investment? Who will compensate them for job losses as a consequence? Who will compensate people who took out loans in good faith? It really is an unmitigated mess.

Mr Dunne: The renewable heat incentive scheme, which was established in 2012 for the non-domestic sector and in 2014 for the domestic sector, was designed to encourage the use of renewable energy. It was also designed to help Northern Ireland not only to meet its targets as set out in the Programme for Government but to meet the 10% European target by 2020. In November 2015, new tariffs were introduced for combined heat and power to coincide with the changes to the NIRO and the ROCs. With that change in tariffs, the demand spiked in November, with 900 applications in six weeks. The success of the scheme is underlined by the fact that the Programme for Government target of 4% of our total heating needs being provided through renewable technologies has been exceeded and is now estimated to be around 6%.

Both those RHI schemes have been paid out of annually managed expenditure, which does not normally impact on our block funding. However, the Chancellor's autumn statement in November confirmed that the AME cap for us would be set out of the Barnett formula at around 3%, meaning that the block DEL would be penalised for any excessive spend. Total expenditure by Northern Ireland for both schemes in 2015-16 is now forecast to exceed £30 million, plus £18.2 million from the AME, which is a considerable investment. The success of those schemes has resulted in the budget being exceeded. Those issues raise a number of questions on how the scheme was managed when tariffs were changed in November.

I question why DETI officials did not bring a submission to the Minister when price controls were established in GB. That would have enabled us to manage the budget in the way that GB has managed it. DETI officials put in place a scheme to manage tariffs against demand, but fund limits were soon exceeded. Perhaps the Minister could advise us as to when the Department had confirmation that it was not going to be met out of the AME budget.

We also have two bodies: Ofgem, which is based on the mainland and is responsible for managing the operation on the ground in Northern Ireland, and DETI, which is responsible for managing the strategy, policy and administration of the scheme. Two separate bodies creates a risk in itself. We also understand that the regulators, Ofgem, did not have inspectors based in Northern Ireland and relied instead on subcontractors, which, to my mind, creates a potential risk.

At last week's Committee meeting, departmental officials stated that they were aware of a number of issues with control and verification, so they planned to review and audit the processes and procedures to establish any evidence of non-compliance or otherwise.

As outlined by the previous Member who spoke, there is no doubt that there has been genuine concern in the renewables sector about the enforced early closure, particularly for those who planned new schemes and were working towards the end of March deadline. However, it is important that the Department does what it can to support those businesses in this difficult time, which results from the proposed closure on 29 February.

Mr Murphy: Go raibh maith agat, a LeasCheann Comhairle. I endorse the account given by our Committee Chair, Patsy McGlone, about the Committee's treatment in the matter: the way that the announcement and its consequences were bounced on it at very short notice, and the restrictions that that placed on its ability properly to scrutinise the decision and any process by which the scheme would be suspended.

I will add to the Chair's commentary on the notion of some irregularities or some abuse of the scheme and the system, which was also floated in general terms by the Minister in his opening contribution. The Minister said that there was no "clear" evidence of that, but the senior officials who came before the Committee were questioned about this, and they said that they had no evidence whatsoever of any abuses. Maybe complaints were made and there might be inquiries, but I would not like the suggestion that something untoward was going on to hang as a backdrop to or rationale for the decision taken today. There was a clear statement from the most senior officials in the Department that they had heard no evidence that any abuse was going on.

There is absolutely no doubt that the scheme has been very badly handled by the Department. Its operation has run very seriously over budget, which threatens not only the Department's finances and core function of growing the economy but the Executive's finances to the tune of, we are told, some £95 million over the next five years and tens of millions of pounds in future years. That is money that the Executive have not budgeted for. That money has to be found, which will undoubtedly impact their priorities, such as protecting front-line services.

I acknowledge and appreciate Mr Dunne's point about the sudden announcement by the British Chancellor, George Osborne, on the cap on AME. That was obviously a serious blow to the Department's ability to finance the scheme.

Mr Agnew: I thank the Member for giving way. When Arlene Foster first announced the scheme in 2012, she described it as a £25 million scheme. That suggests to me that there was always a cap and that this was not news.

Mr Murphy: I thank the Member for his point. The officials put forward the notion that the Chancellor's announcement in November contributed to the difficulty that the Department found in managing the scheme. I was going on to say was that it was very clear from their evidence to the Committee — the Member was there last Tuesday morning — that the scheme was already being run in a way that was not sustainable. As I said, I acknowledge that that decision contributed to the difficulties, but the way that the scheme was run, managed and conceived made it unsustainable. Over the last week, we have all been consulting people in the industry, and they told us that they had made it clear to the Department that it was not a sustainable scheme.

I acknowledge the Minister's decision to provide a variation from his original plan, which was a proposal to shut down the scheme immediately, and that, after representation, he has given it a further two weeks. I have spoken to people in the industry who said that that will allow a number of schemes to be completed and applications to be processed. However, it is clear, and many Members will have evidence of it, that there are still those who were operating on the basis that the scheme would continue until the end of March and who stand to lose investments already made. Potentially, jobs will also be put at risk or lost as a consequence of the Department's action. I ask the Minister and the Department to undertake an assessment of all the schemes that have already begun work to see whether they can be honoured within the system proposed for suspension and closure. We in the Assembly are now faced with a Hobson's choice between potentially damaging some companies that have invested in the renewable heat initiative scheme, as was mentioned, or creating an even larger hole in the Executive's finances for years to come, which could damage all sectors of the economy and impact the delivery of public services.

As I said, the departmental officials were in front of the Enterprise, Trade and Investment Committee last week. They gave a commitment to examine what went wrong with the scheme. I sincerely hope that a very long and hard look at this is taken within the Department and that appropriate lessons are learnt. I had the opportunity at a Public Accounts Committee meeting to speak to the Comptroller and Auditor General, and I understand that the Audit Office has an interest in how this was managed.

The renewables industry now faces a very dismal and uncertain future as a consequence not just of the actions of DETI in relation to this scheme but because of what is potentially coming down the tracks in relation to the wind energy schemes. Undoubtedly, the incoming Executive in the new mandate will have the responsibility to devise new schemes that are sustainable and meet the Executive's targets for renewable energy. I hope that we can, in doing that, give some degree of hope and certainty to those involved in the renewables industry because there is a huge amount of frustration and dismay out there due to the potential cost and the way that these schemes are being handled. People have said to us that the industry is, in effect, closed down now.

We have a responsibility in this House to try to clean up the mess that is at the tail end of this scheme and to offer some hope that we can, in new mandate and with a new Executive, put together proper sustainable schemes for renewable energy. We have a responsibility to deliver those schemes in a way that not only supports our targets for a cleaner and greener energy supply but that supports those who are involved in that industry and sustains economic development.

Mr Cochrane-Watson: DETI's enterprise policy states that its focus is on:

"promoting enterprise and entrepreneurship and creating the necessary conditions that will enable businesses across all sectors of the economy to start and grow."

What we have in front of us today is a story of failure, incompetence and ignorance within devolved Government for which there must be consequences. I agree entirely

with the Committee Chair, Mr Patsy McGlone, who very clearly took us through the detail of the embarrassment we witnessed last Tuesday.

It is worth reflecting on how we got to where we are today. RHI is a UK Government scheme set up to encourage the uptake of renewable heat technologies through financial incentives. The UK Government expect RHI to contribute 12% by 2020. Our devolved Government, through the Programme for Government, set a target of 10%. The scheme was launched on 1 November through the non-domestic sector. In October 2012, the then Enterprise, Trade and Investment Minister Foster, introducing RHI through the non-domestic sector, said:

“Financial incentives have already been successful in the local renewable electricity market. Since the introduction of the Northern Ireland renewables obligation (NIRO) in 2005, the level of electricity generated from renewable resources has increased from 3% to 14%. It is now vital that a similar commitment is made for the renewable heat market. It is expected that the RHI will support the installation of over 20,000 technologies by 2020, as well as securing our target to have a level of 10% renewable heat.” — [Official Report (Hansard), Bound Volume 78, p298, col 2].

Minister Foster announced the extension of RHI to domestic customers on 3 October. That is the background.

Minister Bell took up office in May 2015. On 17 November last year, the Minister brought to the House an amendment to the regulations introducing a second tier of lower payments for small and medium biomass systems. The targets were clearly set for a period beginning on 18 November and ending on 31 March. That was a clear commitment to this sector. This led to a predictable and significant increase in applications in the run-up to the date of the new targets being introduced, which locked DETI into a commitment over many years. However, we heard nothing until the Friday before last. At 6.02 pm on 5 February, a press release was issued in Minister Bell's name stating that the scheme had become massively oversubscribed and had to close almost immediately. Nothing happened between the middle of November, when the spike happened, and that Friday evening in February.

5.15 pm

Mr Agnew: I thank the Member for giving way. Does he agree that the spike was entirely predictable, which means that it is worse than nothing happening from November? Every time there was a tariff reduction in GB, there was a spike; why would we anticipate anything different here?

Mr Cochrane-Watson: I thank the Member for his intervention, and I agree with him. Of course, we knew that there would be a predicted spike on those applications that were trying to beat the change in tariff. Among the questions that the Minister must answer today are these: when did he first become aware that the scheme was massively oversubscribed and the money was running out? How did he and his Department get the figures so wrong? Did the scheme initially involve too many incentives? Why did he announce the sudden closure in a press release after 6.00 pm on a Friday evening? Last Tuesday, at Question Time, yet again he blamed someone else; it was the Chancellor of the Exchequer's fault for

moving the goalposts. Again, in November, we heard nothing; but, last Tuesday, he stated:

“My Department faces a huge budgetary pressure, given the Chancellor of the Exchequer's decision to limit the amount of money paid to Northern Ireland out of the UK pot for renewable heat.” — [Official Report (Hansard), Bound Volume 112, p193, col 1].

However, detail included in the autumn statement also indicated that the original allocated £860 million was to increase to £1.15 billion, but there have been no details as yet as to how that scheme would be reformed and a consultation is expected soon. So, will the Minister please explain why he is blaming Westminster, or is he just doing what the DUP's partner in Government, Sinn Féin, does so well, which is to blame the Brits?

A Fermanagh firm that I have been talking to, and which plans to install biomass boilers, is saying that it is currently struggling to compete with other UK-based manufacturers. They are receiving up to 5.6p per kilowatt RHI payment on similar boilers, yet the RHI tariff for Northern Ireland is 1.5p per kilowatt, which is less than a third, and the scheme is still open in GB.

The Minister also said last week that:

“there will be an investigation into why we have found ourselves in this position. I have, as a matter of urgency, asked my own officials to ensure that the scheme is running to the letter and spirit of the law.” — [Official Report (Hansard), Bound Volume 112, p197, col 2].

If he is saying that the scheme was wide open to fraudulent activity, is that what we are now going to be told? The Ulster Unionist Party will not support the statutory rule; the situation has arisen because of incompetence and ignorance of this sector. If government sets the rules on something, the public expect those rules to be adhered to, not changed at the drop of a ministerial hat.

The Minister needs to take responsibility and sort it out. The original 31 March deadline for the sector should be reinstated and honoured. He needs to agree, through consultation with the industry groups such as the Federation of Master Builders, a phased winding-down period, which will allow businesses the opportunity to plan for the change in their revenue stream. In the longer term, we also need to give some clarity and certainty to the whole area of renewable energy. Does he have a plan to replace RHI and the NIRO, or is the fledging renewables sector in Northern Ireland going to be allowed to go to the wall? How are we going to meet the 2020 renewables target of 10%? Will the Minister recognise that DETI has made a mess of this issue? DETI has been shown to be incompetent and ignorant of business in Northern Ireland, and you, Minister, need to take responsibility because the buck stops with you. Minister, will you do the decent thing and consider your position?

Mr Lunn: I do not have a place on the Committee for Enterprise, Trade and Investment, so I have not been privy to all the discussions and the limited information that it has been given. However, I listened with interest to Mr McGlone, who has given me a pretty fair outline of what has happened over the last year or year and a half, and it does not make for pretty listening. Somebody here has been asleep at the wheel. I do not know who to blame, but

there appears to have been a complete lack of any forward planning or anticipation of what was going on here.

It is a pity, because it is actually a good news/bad news story. It is good news because it is an excellent scheme. A lot of people have already benefited from it, and a few more may do so before the thing closes. However, it is bad news because of all the concerns that people have about employment prospects in the industry for a start. I must confess, although I may be naive, but I cannot think of a scheme in my experience where you make an application after the work has been completed. Am I reading this right? You do not actually have to notify that you are going to commit the Department to spending to £10,000, £20,000 or £30,000-worth of expenditure in advance? You just throw in the bills after completion. It is hard to believe, frankly.

If I read what the Minister said correctly, there are enough applications already in the pipeline to deal with the budget or whatever money has been set aside as manageable for the next five years. If no more comes in, we are still committed to spending all this money for five years. As other Members have said, companies have ordered equipment in. I am getting the same emails as everybody else here. Will householders who have perhaps part-paid for a contract be compensated? Will companies that have spent money obtaining the necessary microgeneration certification scheme (MCS) approval to do this work be compensated? Although not on the £1 million scale that Mr McGlone talked about, a small company in Lisburn, in my constituency, has eight employees and an order book of £185,000 that they expect to disappear. None of that work will happen, and the company anticipates having to go to Scotland and elsewhere to look for work where it is still available.

Another point that I do not think has been mentioned is the fact that DETI — the Department involved — has given considerable support to companies such as Dimplex, Warmflow and Kingspan that are heavily involved in supplying equipment with support from Invest NI. And so it goes on. It has been — I think that if I said the word that is on my mind, I would probably get slung out, Mr Speaker. It is, as the Member said, an unmitigated mess. That will do; that is as far as I can go.

Mr McCallister: I am grateful to the Member. Will he also agree that it puts smaller businesses, in particular, in a precarious place when it comes to managing and ordering in stock when they think that a scheme will last for a certain time? Even single traders and plumbers — it leaves all those businesses in a very difficult state in which to plan and budget for the future.

Mr Lunn: Yes, I completely agree. I think that we have all received something from Action Renewables today that indicates an immediate potential loss of about 140 jobs. You might think that that was bearable in the overall scheme of things, but the knock-on effect across all the service and support industries is about 2,000 jobs. All this because the Department did not do its work in anticipating properly. It set up a scheme that, by the sound of it, was too successful for its own good. I wonder where we go from here.

The Minister has given us a dire warning that, if we do not support the regulation today, the scheme will run on out of control, with catastrophic effects on forward planning, on the budget and on the Executive's whole expenditure plans. I take that on board. Frankly, however, if he wants support from us in the longer term — he will not get it

today — he would have to assure my party colleagues and me that some sort of transitional arrangement or compensation scheme will be set up. We have to ensure that nobody — companies supplying, companies performing the contracts, householders, businesses or anybody else who has committed money to the scheme — is left out of pocket by government action or inaction.

Mr McGlone: Thanks very much for giving way, Mr Lunn. The scheme does not trundle on interminably, as the Minister said. It is for the Minister to bring in fresh legislation on this. What most of us are arguing this evening is that the Minister should stick to what he said. He should live up to the commitments given and live up to the — *[Interruption.]* That must be a few of those firms waiting for us outside. The Minister should live up to commitments given and comply with the date that the Department gave. That is what people worked to and committed their businesses to.

Mr Lunn: I thank Mr McGlone for that. If that means sticking to the date of 31 March instead of changing to 29 February, it does not sound to me as though it is sufficient. Companies plan and commit forward. It sounds like a very short timescale. My concern is that companies, on the back of this, will do what they can to mitigate their loss, but their loss could still be considerable if they have a signed contract. I really want to hear from the Minister, when he responds, what his plans are to let people down gently — let me put it that way. You cannot just close this down and walk away. You cannot just say, "It is too bad. It was a good scheme, but it was too good for its own good". We cannot operate like that. I will reserve judgement, but, frankly, I do not know what the Minister can say today that would make us vote in support of his proposition.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. Éirím go tromchroíoch, nó níl romhainn inniu ach rogha an dá dhíogha, mar a thuigfeas an Cathaoirleach.

I rise with a heavy heart, because it really is, as they say in Irish, rogha an dá dhíogha — the lesser of two evils or Hobson's choice. Whatever decision we take today will ensure that some people lose out. Small companies have brought in orders hoping to install renewable heating; some people are waiting to bring it into their business. However, if we do not take a decision today, the hole in the budget gets bigger, and the money available to us in the future from the block grant to build the economy is less.

I want to make one point that, I think, has come out in all the contributions of members of the Enterprise, Trade and Investment Committee. It is that there is a pattern of the Committee not being informed and not being properly brought up to date with what is happening in the Department. This is not the only issue on which it happens, but it is the most egregious example of us being kept in the dark. For me, it is not good enough. At meeting after meeting over the past six or seven months, the Chair has had to tell us that he has not received information in a timely fashion or has not received information at all. For me, that shows a disrespect to the Committee that we really need to get beyond. I am not happy with that, and, even though I may go into a different Division Lobby from the Chair later, when the debate finishes, that disrespect towards the Chair needs sorted out. I implore the Minister to sort it out, because it infects the entire relationship between the Committee and the Department.

That relationship should be vigorous, vibrant, constructive and positive, even though, of course, we have a duty to scrutinise what the Minister does.

Over recent days, I, too, have been lobbied by all sorts of people, including the social enterprise sector. Aisling Brady of the Donaghmore District Community Association has been lobbying, because that community association decided that going into renewables was a good idea. As government money retracts, they thought that perhaps they could have other enterprises, and they will be hit by this. Gavin McGuire of the Federation of Master Builders was on to me as well, as was a private nursing home in north Belfast that had planned to install renewable heating. We are not blind to the pain that is out there or to the real consequences of this.

When I spoke to the Minister last Tuesday, after we had gone through a full two-hour meeting about this debacle in the Enterprise Committee, I implored him not to close the scheme today. In fact, he has not done that, and there has been a compromise. We are getting until the end of the month. While that is not satisfactory for everyone, it represents a compromise.

Three points sum it up for those of us in Sinn Féin. One is that, without a doubt, this is a dog's dinner. The situation should never have been allowed to get to this point. The renewable heat initiative was a scheme that got totally out of control. It seems to me that there was no one at the wheel. There was no one watching or giving advice in a timely fashion.

The Committee and the Minister should have been told much earlier that we had a funding crisis and that, if we did not act immediately, it would just get worse. I hope that we can learn from this and, if the scheme is suspended today, come back in a new mandate for a fresh look at not only the renewable heat incentive but ROCs and the problems with the renewable obligations.

5.30 pm

All I can say to those in the sector who have been in touch with me over recent days is that we have fought for the compromise of two weeks but the sums are huge. We are told that the difference to the Budget is £95 million over five years, or almost £20 million a year extra, because the scheme has grown so much bigger than was ever intended. That represents such a blow to the Executive and to our Budget, especially the economic development budget, that we have to make that Hobson's choice of finishing the scheme at the end of February or suspending it in order to look at it again, so that we have the money to stimulate the economy in the time ahead. The renewables sector has been a boon to the entire economy, and we hope that it will be improved and do well. However, when it comes down to that Hobson's choice of either continuing to spend money just in this sector on a scheme that has been mismanaged and has got out of control or cap it and rein it in, then we have to vote for its suspension.

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

Finally, and I know that he will come back when we finish, the fact that the Minister has had to come today shows the seriousness of the situation, and I really hope that lessons have been learned and will be learned through the review that he mentioned. Without being cruel, I hope that those

responsible for monitoring this scheme are not responsible for monitoring any other renewables schemes. I hope that, when we come forward with alternatives to the renewable heat incentive scheme in the time ahead, we can look back at this mess — this dog's dinner — having ensured that it will not happen again and that those responsible have been brought to account.

There has been talk about something having been skewed in the applications, but, for me, the blame lies, and I hate saying this — I hate saying this — in the Department. People were in over their head and did not let us know in time. I do not like criticising officials, but where the public purse is involved, we have to insist that lessons are learned and that the Minister comes back in future to assure us that this will not happen again.

Mr McKinney: I endorse the account of the Committee's lack of awareness of this situation as reflected by my colleague Mr Patsy McGlone. I also welcome the outlining of some of the issues as they reflect on individuals.

Mr Lunn referred to what Action Renewables has done to inform Members, and it is important to remember that Action Renewables is a respected institution, which gave evidence to the Committee when that was sought. Indeed, it is worthwhile putting on record in the House just what it said. It sampled 14 different companies — Members will have this, but I think that it is important to read it into the record — and, basically, it says that, next year, £22 million of pipeline work may not now go ahead. To break that down for three of the headline constituencies: that is over £5 million in Upper Bann, £6 million in South Down and maybe £16 million in Mid Ulster. As I said, 14 companies were surveyed, but the organisation underscored that there was a potential impact of 140 lost jobs. That could rise to 2,000 overall, or so it claims. It also talked about working capital, and the stock that is either held or in transit here is around £3.6 million.

It is also important to consider the implications for renewable energy policy here. In particular, what drivers will there be to allow us to achieve the 2020 10% target if the ROCs are gone and this renewable heat incentive scheme is gone as well? There was reflection earlier of the contradictory implications of other companies that we were encouraging to do this work and sell, both internally here and for export, being in receipt of Invest NI grants. It is important that we ask some of those questions as well.

The Chair reflected very well the concerns that we should all have about how this scheme increased but nothing was done. In England, when they experienced an increase, they took action to try to mitigate those increases. However, nothing was done here. I do not know whether that was during the time that the Minister was in and out of his seat, but certainly that was not helpful.

I have to say that I take issue with the Minister talking about abuse of this scheme and then saying, in the same sentence, that he does not have any evidence. If he is going to bring people to the Chamber and ask us to endorse an allegation about abuse when he does not have any evidence of that nature at all, and in fact admits that he does not have any evidence and may now start searching for that evidence, I think that he will get a different response from us than the one that he would like.

We are not going to accept a gun-to-our-head proposition from the Minister on this issue. Work was not done. More

explanations are needed. More mitigation should be forthcoming. The SDLP will not respond to dire warnings. We want to see further mitigation action taken, potentially sliding-scale propositions, but certainly not a gun to our head on a Monday afternoon in the Chamber. This was brought late. The Department, the Minister and others should have known so much more about it and alerted us at a much earlier stage.

Mr Allister: What a shambles. It is hard to look at this matter otherwise than to acknowledge the gross departmental, and thus ministerial, mismanagement. If this situation had evolved under direct rule, can you imagine the outcry and allegations from those, namely the DUP and Sinn Féin, who will seek tonight to brush it all under the carpet by voting through what the Minister wants? Can you imagine the outcry about Ministers being asleep at the wheel, taking their eye off the ball, having no interest in the job, being more interested in something else, allowing things to get out of control and having no thought for the people or the economy of Northern Ireland? Can you not hear it all? Yet every one of those things could be said in a situation where we are supposed to have caring, local, responsive devolution. It is under that regime of supposedly caring, local, responsible devolution that this shambles has come to fruition.

This was a scheme that, in many ways, was a win-win. The Westminster authorities were paying for it. It was coming out of the AME funding. However, it was so mismanaged that, instead of following the provisions wisely taken elsewhere in GB where you adjusted the tariffs with demand, it was simply allowed to run out of control. Then someone wakes up and decides, "Oh, this cannot go on," as if it had nothing to do with them; as if they were not the ones in charge of this scheme; as if they were not the ones who were told last July that it was running in the wrong direction with demand; and as if they were not the ones who, in November, with tariffs reducing, issued an indication that it would run to the end of March.

It was not some third party in some distant place that failed to control this; it was a supposedly hands-on local Minister. Whatever he was doing, he did not have his eye on this ball. Wherever he was — China or wherever — he was not looking after the shop as far as the scheme is concerned. Now he comes along, almost as if it has nothing to do with him, but it has everything to do with him. Sadly, as far as the consequences are concerned, it has everything to do with many of our constituents, who will pay the price for the incompetence that has been manifested.

I am sure that we have all been inundated with difficulties from constituents. I think of two families who, because of the peculiar nature of their scheme, have to wait for custom-built stoves, which will not be available until the middle of March. The work has started and expenditure has been committed, but the custom-built stoves cannot be provided until the middle of March. Courtesy of a unilateral drawing of a pen across a page and saying, "Nothing from the end of February", they are simply expected to bear all that loss.

When government conducts itself in the manner in which this scheme evolved, it creates a reasonable expectation for those who come to avail themselves of the scheme that it will be there to be availed of. When the Minister reaffirmed the deadline of 31 March, he created such a reasonable expectation. Now he wants to pull it away

unilaterally. I suspect that some of this will end up before the courts because, in public law, the creation of reasonable expectation is a very important principle. I suspect that he may learn more about that as matters unfold.

I think of a supplier in the Ballymena area who, in forward planning, as businesses are meant to do, looked at the orders he had and ordered in the stoves, and he will be left sitting with them. That is a huge outlay because of the incompetence of a Department and a Minister. All the stock that that supplier will have to pay for is lost to him. We then wonder why small and medium-sized businesses find it so tough. We hear all the platitudes and sound bites from DETI about how it is the friend of business and is there to help SMEs. It is crucifying SMEs with that measure. That is what is happening.

The very least that the Minister can do to make some amends for that which has been mishandled to date is to have transitional arrangements in place so that those who have not contributed to this but will suffer greatly in consequence of it have their situation ameliorated. He really needs to put in place transitional arrangements and funding to cover that.

5.45 pm

Mr Cochrane-Watson: I thank the Member for giving way. The Department informed the Committee last week that it had had no consultation with the sector and did not know how many jobs and businesses were at risk. The Department does not have a clue about the sector. Does the Minister agree that that is totally unacceptable and shows a lack of leadership and vision in the Department?

Mr Allister: This Member agrees, but I doubt that the Minister will agree.

It is one of the worst manifestations that we have seen of the mismanagement and bungling of a scheme at departmental level. Those who took up the scheme did so in good faith, believing that they were working with responsible government and that they could trust what was said in the small print, which was that the scheme would be open until 31 March. They now find that they cannot do that and that it will cost them hugely. I trust that they will well remember whom to blame for that. The people to blame for that are those in the two parties that will, evidently, ram through this proposal tonight.

Mr Agnew: In front of us today is the latest in a list of renewable energy failures by this Department and successive Enterprise, Trade and Investment Ministers.

First, in 2014, we had the loss of a £1 billion offshore wind development under the previous Minister, Arlene Foster. That would have produced 400MW of renewable energy. It was only for Northern Ireland, but it was bigger than anything proposed across the rest of the UK. We lost that because the then Minister and her Department did not fight to save it, and we accepted that that scheme, that investment and those jobs were lost.

Then, we had a new Minister who was going to stand up for the renewable energy industry. When DECC introduced changes to the renewables obligation certificate, our Minister said, "No, we will not have those changes in Northern Ireland". He gave a commitment to businesses in Northern Ireland that there would be no early closure of the scheme here. Then, the DECC Minister stepped in and

said, "Yes, you will", the Minister buckled and the scheme is to close early.

We had another commitment to a reduction in RHI tariffs. That was acceptable, and there was no huge outcry about it. He said that the new tariffs would be in place until 31 March. We have had a rollback on that commitment, too. We have to wonder whether, when this Minister makes a commitment to the renewables industry, we should take heed of it at all.

It is almost as if we were coming down with jobs in Northern Ireland and could, therefore, afford to play fast and loose with the one industry that grew throughout the recession. It is the one industry whose needs Northern Ireland has the skills and tools to meet. We in Northern Ireland are steeped in engineering and manufacturing.

Mr McGlone: Will the Member give way?

Mr Agnew: I will give way.

Mr McGlone: Does the Member also accept that, with the downturn in the construction industry, many associated with that industry sought gainful employment in the renewables sector, carved out a niche for themselves and became specialists?

Mr Agnew: The Member is absolutely right. Many have retrained, and the South Eastern Regional College's Ards campus focuses on many of the skills needed to work in the sector.

People have retrained because of the commitment from government — I go back to the word "commitment" because that is what was given — to the sector, to those workers and, indeed, to those in education who saw the future in renewables and invested their time and energy in retraining to take part in the industry. Now that commitment is being withdrawn, and we are asked to support that withdrawal here today.

The RHI was about ending our dependence on fossil fuels, which are polluting and depleting and have ever-fluctuating costs. We were told in Committee, "It is OK to close this now. We have overreached our target for 4% in 2015". That again ignores the commitment that was made to reach a 10% renewable heat target by 2020.

The scheme was announced by Arlene Foster in 2012, and we were told then that it was a £25 million investment. That was money that was coming directly from the Westminster Government at no cost to our block grant. All we had to do in Northern Ireland was effectively administer a scheme that had been established and was being funded by the Westminster Government. We simply had to administer it. Despite that, we still managed to have, in a £25 million scheme, a £30 million overspend. That is a shambles. It is serious financial mismanagement. I questioned the officials in Committee and asked when the decision was made and why we did not follow the model that will continue in the rest of the UK. We will be the only part of the UK not to have a renewable heat incentive. I asked these questions: "Why is it continuing to operate there and not here? What did they do differently? Why is their scheme sustainable and ours unsustainable?". I was told, "They had this system whereby, if demand went up, they reduced the tariffs to manage demand and keep it sustainable". I asked, "Why did we not do that? It seems sensible". I was told, "Our priority was to introduce the domestic scheme". This Department can cope with only

one priority. Where is the capacity? Where was the management from the then Minister, Mrs Foster, to meet the workload of the Department with the resources that were required? That model would have saved our scheme and prevented the £30 million overspend, and we would not be in the crisis we are in today.

It is worrying that the Department can manage only one priority with this scheme, but there are many priorities coming forward. There is the review of the strategic energy framework as well as the need to resolve the issue of the renewables obligation certificates and to work out what we do when they come to an end. There is the energy Bill that did not come forward in this mandate but is expected in the next. Does the Department have the capacity to deal with those issues effectively? Does it have the capacity to deal with them competently? That is a question that we are perfectly entitled to ask.

The announcement was made late on a Friday — it was early on a Friday evening, late in the afternoon — that the scheme would close with immediate effect. We then had a further announcement that said, "Well, we'll extend it for two weeks". I wonder whether it was always the plan to give the worst-case scenario and then say, "It's OK; we will give you two weeks and hope that that will dissipate some of your anger, frustration and annoyance". It is too late for that. Given the way people have been treated, I do not think any resolution will quell the disquiet. The commitment was given that the tariffs would be in place until 31 March, and people had a reasonable expectation that that was what would happen.

The Minister also tells us that, if we vote no today, there is no other option. When I am told that there is no other option, I will find that other option. There are always alternatives; there are always options. One option for the Minister would have been to put a date on the statutory rule, so that we could debate that date. If it was rejected, he could come back with an alternative proposal; indeed, he still has that option, should this be rejected today. There are options; there is a choice. I certainly cannot choose the option being presented by the Minister.

Further, the Minister exposed his and, I suspect, the Executive's ambivalence in supporting renewables. He said, "Well, some people think we support renewables too much, and some people think that we do not support them enough. So we have supported them a bit. If we close this now, isn't that meeting everybody in the middle?". That is one way to look at it. However, the Minister could show leadership. He could adhere to his commitments and those of his predecessor to the renewables industry and say, "No. There are two sides to the argument, but I will stand with one side, which is that renewables are the way forward for our heat and electricity production and the way forward for creating jobs and backing a growing industry in this society". He has exposed the lack of commitment.

All along, I have this said about the RHI scheme: it was funded by the UK Government. It was not, in itself, a case of the Executive showing commitment; it was simply a case of saying, "Well, if there is free money, then, yes, we will take it". A commitment would be the Executive saying, "This scheme has been successful. This scheme has overreached the demand". I maintain that it has been badly managed and we should not have this degree of overspend. However, a commitment would be to say, "We have made a commitment to 31 March, and we will fund

those schemes and see out the renewable heat incentive scheme. We will spend the extra money in renewables. Thank you for the £25 million from the UK Government, but we will invest Northern Ireland money in renewables”.

Thirty million pounds is a lot of money. It was also a lot of money when we committed £32.5 million to gas infrastructure to bring gas to the west. It is not unheard of that we will invest such sums in energy infrastructure. Whilst the Minister might point to “costly renewables”, as he put it, just remember how costly the gas industry has been in terms of subsidies for gas to the west, for the gas network and for the boiler replacement scheme. It is not all about renewables. We subsidise energy because it is part of our infrastructure, and renewables are a key part of that.

I call on the Minister to withdraw his proposal, meet the commitment and continue the scheme until, at least, 31 March. I call for a deep, exhaustive review of the scheme, assuming there is the capacity to do so, and for it to come back. Absolutely, there are flaws in how the scheme has been run, but its principles are right. The technology is right. Those businesses deserve to be supported. That review must take place, and the scheme must be reinstated in a sustainable way. This is about sustainable energy, and we need sustainable funding.

Alternatively, the Minister will have to compensate those companies. It will likely take the form of legal proceedings; that was clear. Indeed, I asked that question of the officials when they came to the Committee, and they accepted that legal proceedings were likely.

So why ask our small businesses to go through those hoops? Meet your commitments, Minister. Whilst I will not call on the Minister to go today because, as I said, it was this Minister and his predecessor, Mrs Foster, who have collective responsibility for this shambles, I call for him to apologise for the mess that he has brought to the Chamber.

6.00 pm

Mr McCallister: I represent one of the constituencies that will be very heavily affected by this. Part of the Minister’s remit is to, very often, travel round the world and sell Northern Ireland as a place to invest and as a place where there is a skilled workforce and to talk about all the things that we can do. Here, we have a scheme that, as Mr Agnew said, was very successful in creating skilled employment and local jobs yet also in meeting an environmental obligation. We have all those. We have small companies, some of which are subcontractors; perhaps they are self-employed plumbers, working on other smaller businesses. Mr Allister talked about one in his constituency. I have one in south Down that has £1 million of equipment on order, knowing — in the sure and certain knowledge, they thought — that the Government had guaranteed the scheme until 31 March. Where does that business go? When does it start to lay people off? If it is as bad as many Members think, where are we going to stop with redundancies? Will it be at 1,000? Will it be at 1,500? Will it be at 2,000?

Mr Cochrane-Watson: I thank the Member for giving way. Does the Member agree with me that it is totally unacceptable that he is talking about job redundancies in businesses in south Down but that there will be no job redundancies in DETI? No one in DETI will be held to account through this investigation. The senior civil

servants who have been mismanaged by the Minister will get off the hook.

Mr McCallister: Not only off the hook, I suspect; maybe out on the voluntary exit scheme. That is the problem that we face. Many colleagues here ran or were involved in small businesses in a previous life. How do you manage that? Very often, it is cash flow that takes businesses down. How do you order £1 million of equipment and then find out that it is not by 31 March but by 29 February that the work has to be done? It is impossible to manage and deal with the scheme that way.

The frustrating thing is related to the points that Mr Agnew made. We look across the water at the rest of the country and see that it is managing it and doing it properly. Where there is supply and demand, a balance has to be struck on where, perhaps, a limit has to be placed on what can be used. Most of us would probably say, “That seems reasonably sensible. That seems as if we could make and use this scheme and stretch it far beyond and get the maximum benefit out of it”. We end up being the only part of the UK that has to call time on this — even earlier than we had hoped to. Of course, we end up with all the problems associated with that, such as the possibility of businesses running into financial hardship, or businesses not knowing whether they should have been putting workers on notice last Friday, this Friday or whatever Friday. It creates uncertainty for the subcontractors. It makes doing business on a government scheme very difficult. This is exactly the type of business that we want to support: home-grown business that is not going to move to a lower cost base at some point in the future, because it has to be here. The scheme is therefore something that we should have been supporting.

From the perspective of the agrifood sector, it could have a huge impact.

Mr McGlone: Will the Member give way?

Mr McCallister: Certainly.

Mr McGlone: I am glad that the Member has referred to the agrifood sector. I am sure that he is aware of the fact that the Ulster Farmers’ Union has been in touch about the potential risk to upwards of 50 projects if the scheme is denied to them.

Will the Member also accept that, for many of those SMEs, what this does dissipates and crashes public confidence in the ability of the Department and Executive to do things effectively and efficiently and with some degree of dignity and honour? It just crashes it. I trust that the Member will take that point.

Mr McCallister: I am grateful. I do take that point, because why on earth would you, at a point in the future, enter into or believe in a Government commitment or project? You would have to have a fair degree of suspicion when you entered into such an agreement. It reminds me of the old saying, “I’m from the Government, and I’m here to help”. That level of suspicion around what would happen would be created. Not only is this hugely damaging to DETI’s reputation in Northern Ireland but it deals a huge blow to confidence.

The agrifood sector availed itself of the scheme, which was helping to deliver on some of its targets, and it could have been used and managed every bit as well as it is being done in England. If only the Minister could see whether there was any way of tapping into some more of that

resource in the national target and build on the successes. To stop the scheme effectively a week from now is putting huge pressure on businesses in my constituency and across Northern Ireland, and that is huge source of regret.

Mr Bell: I thank all those who have contributed to the debate. Energy matters are a major issue for the Assembly, local households and businesses. A number of issues were raised today, and I will go through them forensically. Everyone has had their say. Let me try to address some of the points that have been made.

The Committee Chair, Mr McGlone, raised the issue of 31 March 2016. I hope that everyone will take away, if they take away nothing else, that the date of 31 March applied only to tariffs. It did not apply to scheme closure. Anybody who examines this or looks at the legislation will understand that the only way in which the scheme can be suspended is through legislation. The date of 31 March applied to the tariffs, not to the suspension and ending of the scheme. I want to be clear on that, because I have heard people say that the legislation refers to 31 March as a closure date. I am surprised that the Chairman of the Committee does not know that that is simply not the case. One would have thought that he, the QC, Mr Agnew or anybody who had read the legislation would have known that. Let me say that what people are referring to as a closure date in the legislation is simply not that. The date of 31 March is referred to simply as the point at which the existing tariff changes to take account of inflation. The legislation provides for the scheme to be ongoing. That is why we need the legislation; otherwise, the scheme would stay open indefinitely.

The question was raised by Conor Murphy, Adrian Cochrane-Watson and others about investment and about RHI money being wasted.

We need to be clear: the RHI scheme has already brought over £50 million of investment into Northern Ireland. We now face a significant pressure going forward because Treasury will no longer fund the entire RHI. Let me say that again: we face a significant pressure going forward because Treasury will no longer fund the entire RHI. Nonetheless, the RHI will still bring something like £130 million into the Northern Ireland economy over the next five years. We will have to contribute around £100 million over the next five years, but the £130 million is additional investment over and above our block grant.

People have asked about timings. I want to refer to a letter dated 21 December 2015 that went to the Department and that I received through officials. That letter is very clear. It states:

“However, while her Majesty’s Treasury are still considering the funding issue”.

Some of arguments that have been made will go off like snow out of a ditch when you refer to the facts and to the letter of 21 December 2015, which states:

“However, while her Majesty’s Treasury are still considering the funding issue”.

For those who want to be precisely clear on the energy issue and on the fact that March refers to tariffs, let me refer them to the Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015. Section 10(3) states:

“for the period beginning with 18th November 2015 and ending with 31st March 2016, are the tariffs”.

It is in black and white in the legislation that you should have read. If you have not read it, you should have read it, even in the previous years. You will see that, at every stage, even in the 2012 legislation, it refers to tariffs changing on 31 March. Anybody who did even a cursory examination of the legislation would realise that that does not amount to suspension on 31 March. The legislation is very clear. It only refers to tariffs.

Members have made a number of statements, and I do not intend to engage in any of the silly politicking or personal abuse. I refer Members to the Hansard report of 17 November. I will read it into the record. It states:

“That investment brings benefits in terms of job retention and creation in the energy services sector.”

Listen to what I said verbatim in November 2015:

“Unfortunately, however, all that success comes at a cost. Total applications for the Northern Ireland non-domestic scheme are now exceeding our highest estimates. Therefore, we need to look at the full range of cost-control measures that have been introduced in GB. Of necessity, that will include measures to curtail the scheme should Treasury funding be restricted. I will take a decision in the light of any announcements in the spending review.” — [Official Report (Hansard), Bound Volume 109, p267, col 2].

That is the statement that I made to the House on 17 November 2015. It appears to not have been well understood.

Mr Dunne asked some questions about timing. During the debate on 17 November 2015, I talked about bringing forward the legislation to limit the RHI tariffs. I will reiterate what I said at the time and what I have read into the record:

“I will take a decision in the light of any announcements in the spending review.” — [Official Report, (Hansard), Bound Volume 109, p267, col 2].

Given my statement on 17 November, no one should be surprised today that the scheme is being suspended.

6.15 pm

The November spending review in the UK sought to curtail spending, as is now well known. The letter from the Treasury that I referred to was dated 13 January 2016, and received by the Department on 15 January 2016. Official-to-official engagement ended on 22 December, and the Chief Secretary to the Treasury wrote to our Finance Minister on 13 January 2016 to fully outline what the November statement meant for the application of the RHI to Northern Ireland. As we know today, the scheme has enormous budgetary pressures, and must be suspended. We simply have no option. My officials and officials in DFP have exhausted all options in negotiating with the Treasury, and the scheme must now be suspended.

People raised the issue of fraud. I thought I had made that clear in my opening remarks. However, it is clear that the unprecedented increase in demand does require special scrutiny. My Department has initiated procurement of additional auditing and checks to supplement the programme of audits that are already completed by Ofgem, which administers the non-domestic scheme. Measures

will be taken to ensure that the operation of the scheme is in compliance with the scheme requirements and the underpinning legislation. I do not think that the general public would expect anything less.

Conor Murphy raised the issue of allegations of fraud, as did others, including Fearghal McKinney. Let me put it on the record that we have received anonymous correspondence alleging abuse of the non-domestic scheme. I want to confirm to the House that I have brought that to the attention of the scheme administrator, Ofgem.

Look at the management of the scheme — Members have raised that issue. The low levels of uptake initially created a £15 million underspend in the first three years. Uptake improved in 2015 following promotional campaigns and the introduction of the domestic scheme in December 2014. A sustained increase in applications in the spring was the catalyst for the demand control measures brought forward for the non-domestic scheme in November 2015. However, in the run-up to those changes, there was an unprecedented surge in applications, with over 900 received in six weeks. That doubled the number of installations on the non-domestic scheme. The increased costs associated with the surge in applications, together with budgetary reductions arising from the November spending review, mean that the available budgets for new applications have been exceeded. Meeting existing RHI commitments, let alone new ones, would have a significant impact on the Northern Ireland Budget, and that is why both schemes must close.

We should not necessarily look away from the success of those schemes. The RHI has provided homes, businesses, hotels, leisure centres, churches and schools with the opportunity to receive ongoing financial assistance to cover the costs incurred when switching to renewable heating. The RHI has been very successful. It is supporting 3,500 renewable heating installations. The RHI is an innovative scheme designed to support the achievement of 10% renewable heat by 2020. That is a challenging target, considering the baseline position of 1.7%. The Programme for Government interim target of renewable heat by 2015 has not only been met; it has been exceeded. The current estimate suggests that 6% has been achieved. By securing increased levels of renewable heating, Northern Ireland becomes more self-sufficient and more energy-secure, and it reduces our carbon footprint. The RHI is a positive news story for the Northern Ireland energy market as consumers embrace new technologies, reduce their carbon emissions and help to support the development of this new sector.

The issue of seeking the Enterprise, Trade and Investment Committee's approval has been raised, and I want Members to understand that, given the urgency of the situation, I am seeking the Assembly's approval of the necessary legislation to close both RHI schemes. Regrettably, the situation did not allow time to follow the established convention of seeking the Enterprise, Trade and Investment Committee's approval of the policy and draft legislation. I recognise the importance of the Committee's role, but I must take the course of action that addresses the risk to public finances and seek to progress the necessary legislation that I have laid before you today.

Mr Agnew said that we have a very poor record on renewables. He and others say that we have done badly, but we have exceeded our Programme for Government

targets on heat and on renewable electricity. As I said, 4% was set for heat renewables by 2015, and we are at 6%. The target that was set for us on renewable electricity was 20%, and we have hit 23%. Now that we have exceeded the targets that the Programme for Government set for us on renewables, it is the time for us to bring our collective wisdom together to look at how these schemes and others can be progressed in an affordable way.

In conclusion, everyone should consider why the RHI is closing. The renewable heat incentive was introduced in November 2012 to the non-domestic sector and in December 2014 to the domestic sector, and it has been taken up very successfully. As I pointed out, with over 3,500 renewable heating installations incentivised to date, uptake has been higher than in GB. We have exceeded the target of 4%, with around 6% of Northern Ireland's heating now provided through renewable heating technology. Over the last 18 months, the number of non-domestic RHI applications has grown from around 200 to over 1,800. Over 900 applications were received in the run-up to the scheme changes of 18 November 2015. This, however, together with reductions in available funding, means that we all have to face up to the significant budgetary pressures.

In the circumstances, I have no choice but to propose closure of the scheme to prevent further overspend. The urgent need to manage the financial risk means that legislation must be brought forward at the earliest possible juncture. I commend the motion to the House.

Question put.

The Assembly divided:

Ayes 60; Noes 34.

AYES

Mr Anderson, Mr Bell, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCreagh, Mr McElduff, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Murphy, Mr Newton, Ms Ni Chuilin, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

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

NOES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dickson, Mr Diver, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Gardiner, Ms Hanna, Mr Hussey, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr B McCreagh, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Mr Swann.

Tellers for the Noes: Mr Cochrane-Watson and Mr McKinney.

Question accordingly agreed to.

Resolved:

That the draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 be approved.

Committee Business

Commissioner for Standards: Appointment of an Acting Commissioner

Mr Deputy Speaker (Mr Dallat): The Business Committee has agreed to allow up to 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 are called to speak will have five minutes.

Order. If Members are leaving the Chamber, they should do so quietly. Otherwise, they should resume their seats so that we can be heard.

Mr Givan (The Chairperson of the Committee on Standards and Privileges): I beg to move

That this Assembly notes that the Northern Ireland Assembly Commissioner for Standards is unable to act in relation to a complaint from Mr Sammy Wilson MP dated 15 December 2015; appoints Mr Gerard Elias as an acting commissioner, in accordance with section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, to investigate all such complaints; directs that this appointment shall cease when Mr Elias has reported on all such complaints; and further directs that the terms of his appointment, in particular his remuneration, will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards.

On 6 January 2016, Douglas Bain, the Northern Ireland Assembly Commissioner for Standards, wrote to inform the Committee on Standards and Privileges that he did not consider that he was able to act in respect of complaints by Mr Sammy Wilson MP because of a significant risk that any decision that he would take could be perceived to be biased. These complaints relate to an issue of declaring interests in a meeting of a Committee.

Mr Bain informed the Committee that, in the course of an interview in June 2015, Mr Wilson made comments about the commissioner that he considered defamatory and that they have been the subject of a pre-action to Mr Wilson from Mr Bain's solicitors. The commissioner therefore believes that whatever the outcome of his consideration it could be perceived as being biased and that, to retain the integrity of the process, it would be appropriate to appoint an acting commissioner who is perceived to be impartial.

The Assembly has always recognised that there may be circumstances in which the commissioner is unable to act. That is why section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act 2011 states:

"When the office of the Commissioner is vacant or the Commissioner is, for any reason, unable to act, the Assembly may appoint a person to discharge any function of that office until such time as may be specified by the terms and conditions of such appointment; and a person so appointed is referred to in this section as an 'Acting Commissioner'."

What we seek to do today, Mr Deputy Speaker, is exactly that: to appoint an acting commissioner in relation to these particular complaints because the commissioner has told us that he is unable to act.

This is the second occasion when the Committee has had to seek to appoint an acting commissioner. The first was in 2013, when the Assembly appointed the then Scottish Commissioner for Ethical Standards in Public Life, Mr Stuart Allan, to consider complaints following a declared interest by the commissioner.

The question of how the Assembly might use this power was considered in 2013 during the Standards Network conference, which brought together the various commissioners and standards officials from across the UK and the Republic of Ireland. It was recognised at the time that there was statutory provision to appoint an acting commissioner not only here at the Assembly but at the Scottish Parliament and the National Assembly for Wales. It was also acknowledged that the respective commissioners would be well placed to carry out the role of acting commissioner in the other jurisdictions, should the need ever arise.

Mr Deputy Speaker, I was pleased when the Standards Commissioner for Wales, Mr Gerard Elias, indicated that he would be willing to carry out the role of acting commissioner in this instance if the Assembly wished him to do so. Gerard Elias QC is a leading criminal QC with over 40 years' legal experience who has been involved in many of the most important criminal cases on the Welsh circuit in recent years. He also has many years' experience in the field of professional discipline at a high-profile UK level, particularly in sport. Mr Elias is a highly qualified and experienced public office holder with considerable experience in the investigation of complaints against elected representatives. It is also important to point out that Mr Elias has confirmed that he is not disqualified from being appointed as an acting commissioner.

Mr Deputy Speaker, the motion before the Assembly today provides for Mr Elias to be able to investigate these specific complaints and any further related complaints. That means that, should further related complaints be submitted, Mr Elias would be able to investigate them without our needing to bring forward a further motion. The motion directs that this appointment shall cease when Mr Elias has reported on all such complaints. The motion also directs that the terms of Mr Elias's appointment, in particular his remuneration, will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards.

That is an important point, particularly for those who may have had concerns about the costs of appointing an acting commissioner.

6.45 pm

Under the terms of his appointment, the commissioner is not paid a salary; rather, he is paid for those pieces of work that he undertakes. If he does not undertake a particular piece of work, he does not get paid for it. Of course, that means that, where an acting commissioner investigates a complaint instead of the commissioner, and where his remuneration is the same as the commissioner's, there is no additional cost to the public purse for the time taken to carry out that investigation. I want to emphasise the point: save for perhaps some travel costs, there is no additional cost to the Assembly as a result of this appointment.

That brings to a close my remarks in my capacity as Chairperson of the Committee on Standards

and Privileges. I will now make some comments as a Democratic Unionist Party MLA. It is somewhat disappointing for the party that Mr Bain has felt the need to recuse himself in these circumstances. Mr Wilson made very significant complaints, and we believe that there is no reason that Mr Bain could not carry out this investigation. However, as I have already indicated, the 2011 Act provides him with the power, for any reason, to recuse himself. There have been some exchanges of correspondence between Mr Wilson and Mr Bain on the issue, and we are, as a party, surprised that Mr Bain felt it necessary to seek clarification from Mr Wilson as to whether he was content for Mr Bain to be the person to carry out this investigation.

I will quote from a letter from Mr Wilson, which the Committee had sight of, in response to Mr Bain's request as to whether he would be content for Mr Bain to carry out the investigation. Mr Wilson wrote:

"To date, I am unaware that any other complainant has been asked to meet conditions imposed by yourself prior to your agreement to proceed with their complaint. If you do make this a regular requirement, perhaps you could furnish me with examples of others who have had some sort of filter applied to their issue before you decided to act. I trust that your letter is not some ham-fisted attempt to carry out a vendetta against someone who had the temerity to stand up to you. I will give you the benefit of the doubt on that and will look forward to an early indication as to how you intend to deal with the very serious matters which I have drawn to your attention and which I am sure the public would expect you to investigate without preconditions."

Therefore, Mr Wilson has been making it very clear that he is content for Mr Bain to carry out this investigation. He is not aware that either of the individuals complained of have expressed any dissatisfaction with Mr Bain being the investigator to do that. Therefore, we are surprised that Mr Bain has felt the need to recuse himself. In a recent piece of correspondence from Mr Bain to Mr Wilson, he explained that his decision was based on paragraph 6.3 of the general procedures direction to justify his decision. That direction states that the commissioner:

"must at all times act in accordance with the principles of natural justice and fairness."

The direction goes on to state that it includes the right of the complainant and the Member about whose conduct the complaint has been made to have the matter determined by a commissioner who is impartial or who is perceived as being impartial.

Mr Wilson, in this most recent letter, dated 9 February, back to Mr Bain, responded:

"Since I have not asked for the matter to be dealt with by another commissioner, and since I understand you have not sought the view of the person about whom I complained, it is clear that the paragraph to which you refer cannot and does not give the opportunity for you to evade your responsibilities on this matter."

Suffice it to say, we are putting on the record that we are not satisfied with the reasons that have been given by Mr Bain. That having been said, there is a recognition that the

power rests with him to recuse himself. He has decided to do that, and, as such, we are left with no alternative in these circumstances but to agree with the motion, as we did at the Committee, that we will appoint the acting commissioner to take the complaint forward. Therefore, the party will support the motion.

Mr Diver: The Committee Chairperson has outlined his position on the matter. However, given the commissioner's thoughts on the matter, which are that he feels that it is inappropriate that he should oversee the complaint, it is only right that we proceed along these lines. We will support the motion.

Mr Givan: I thank Mr Diver for his contribution. *[Laughter.]* He is one of our new members to the Committee, and he has been very diligent in his attendance and the scrutiny role that he has carried out, so I welcome his contribution today. Given that this is a very straightforward motion today, I am happy to commend the motion to the house.

Question put and agreed to.

Resolved:

That this Assembly notes that the Northern Ireland Assembly Commissioner for Standards is unable to act in relation to a complaint from Mr Sammy Wilson MP dated 15 December 2015; appoints Mr Gerard Elias as an acting commissioner, in accordance with section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, to investigate all such complaints; directs that this appointment shall cease when Mr Elias has reported on all such complaints; and further directs that the terms of his appointment, in particular his remuneration, will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards.

Inquiry into Inclusion in the Arts of Working-class Communities Report

Mr Deputy Speaker (Mr Dallat): The Business Committee has agreed to allow up to two hours for this debate. The proposer will have ten minutes to propose the motion, and 10 minutes to wind up the debate. All other Members who wish to speak will have five minutes.

Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure): I beg to move

That this Assembly approves the report of the Committee for Culture, Arts and Leisure on its inquiry into inclusion in the arts of working-class communities [NIA 298/11–16]; and calls on the Minister of Culture, Arts and Leisure to implement the recommendations contained in the report.

It is a great pleasure to rise today as the Chairperson to move this motion on the Culture, Arts and Leisure Committee's inquiry into inclusion in the arts of working-class communities. I would like to thank the other members of the Committee and the Committee staff for the considerable work that they have put into an important inquiry report. Additionally, I want to thank the Minister for agreeing to respond today. I would also like to thank all the individuals and groups who contributed to the inquiry, through written submissions or by giving evidence before the Committee, and to those who attended the discussion events held by the Committee at the Flowerfield Arts Centre in Portstewart and the Lyric Theatre in Belfast.

I am sure that all the Members here this afternoon will agree that it is vital that everyone in Northern Ireland has equal access to the arts, irrespective of their socio-economic status. The arts and culture can and do enrich all our lives. The Committee's core motivation for undertaking this inquiry is the Members' strong belief in the benefits that participation and inclusion in arts activity can bring to individuals and communities. Such benefits include health and wellbeing; the development of personal and community capacity and skills; and a range of other socio-economic benefits.

There has been much said about the Committee's use of the phrase "working-class communities" in the title of the inquiry. It has been suggested that a more technical term should have been used, however, the Committee agreed that the term "working class" still has great resonance and meaning. Therefore, Members felt that it was appropriate to use it when referring to disadvantaged, marginalised or deprived communities. It is also a phrase that people can identify with regarding their origins. They may no longer live in a working-class community, however, those origins shaped their attitudes towards the arts and culture. The Committee has also not used any specific index or matrix to measure deprivation, as Members wanted the inquiry to be more about people's views and ideas than where they fitted in on an index.

The Committee believes that everyone in the community should have regular access to the arts and the benefits these provide. The Committee does not believe that access to the arts and culture should be diluted for working-class communities. The arts should be part of the everyday lives of all of the people who live in Northern Ireland. However, the Committee also acknowledges that people cannot, and should not, be forced to engage with

the arts and culture. The ideal is that people are exposed to arts and culture from an early age and can then see what aspects they are particularly drawn to.

The Committee is firmly of the belief that the best way to ensure that everyone has access to, and an understanding of, the arts is to develop a wide-ranging Executive strategy that cuts across a range of Departments and provides an access point to the arts and culture through an individual's life and in a variety of contexts. To this end, the Committee welcomes the Minister for Culture, Arts and Leisure's consultation on a culture and arts strategy, and the inquiry report's recommendations were written with such a strategy in mind.

Research that the Committee commissioned strongly suggests that inclusion in the arts is lower for those in disadvantaged communities; however, the evidence provided to the inquiry suggests that the situation is much more complex. Research has tended to focus on ticketed events, where information can be more easily gathered, and does not deal with more informal, unticketed arts events. The Committee believes that working-class communities are often more likely to engage with informal, unticketed arts and culture events and that members of those communities would not necessarily regard those events as the arts but rather see them as part of their cultural identity.

Members are clear that there is a great deal of arts and cultural activity going on in those communities. However, the inquiry has a greater focus on how working-class communities are engaged by arts and cultural venues. The inquiry examined the accessibility and outreach activity of arts venues and bodies and how those impact on inclusion in the arts of working-class communities. We sought to pinpoint and understand the barriers to inclusion in the arts faced by folk from those communities and to seek ways to overcome them. As I have indicated, the Committee heard from a wide range of bodies and organisations, including key arts venues across Northern Ireland. We also heard from our arts establishment, as well as Departments, on what they are doing to widen access to the arts and include the communities that we are referring to. Obviously, a key part of the inquiry was about hearing from arts and culture practitioners in disadvantaged communities, and the Committee is grateful to them for sharing their insight and experiences.

The Committee has identified a number of broad barriers to communities' being included in the arts. Those were economic and financial barriers; barriers linked to geography or location; educational barriers; barriers around the availability and structure of funding for the sector; barriers with respect to awareness and information; lack of value placed on the arts; and community, cultural or psychological barriers. That is not an exhaustive list, and it is clear that some barriers are beyond the control of the communities and, therefore, government intervention is required. There are also many barriers that can be eroded only with the active cooperation of the communities and individuals in question. While it is clear that there is a vibrant arts and culture scene in Northern Ireland, both in rural and urban areas, the Committee believes that arts and culture can and should be part of the work carried out by government on a daily basis centrally and locally. That is why the creation of an Executive arts and culture strategy is the key recommendation of the inquiry and why

the majority of the other recommendations are based on the development of such a strategy.

While there are complex sets of barriers to inclusion, the Committee believes that it is important that the issue is considered and that rural proofing takes place to provide greater opportunities for inclusion in arts and culture activities in rural areas. In the same vein, the Committee is conscious that those with special needs and/or disabilities face particular challenges in accessing and engaging with the arts, and that is another issue that needs to be taken forward.

The Committee is aware that there is a great deal of publicly owned art that is never accessible to view. The evidence received from the inquiry showed the Committee that there is a need for art to be brought to people and to be available in places that they access on a daily basis, such as schools, libraries or other public buildings. We recognise the difficulties that we will face in that, but we think it is an important opportunity.

Partnership is necessary to ensure that access to and participation in the arts and culture is widened as much as possible through partnerships between the Departments and so on. All those partnerships must be based on clearly understood aims, objectives and outcomes. Exposure to the arts and cultural activity from an early age is key, and the Committee is clear that children and young people must have regular and planned access to the arts and to cultural experiences. Access at an early age is more likely to allow an interest to develop and more likely to provide mitigation of family or community antipathy or apathy towards the arts.

In essence, the Committee believes that the arts must be democratised to maximise inclusion. As I have already outlined, the strategy that we encourage the Executive to bring forward should seek to creatively bring publicly owned art to public buildings and spaces, to allow all communities to enjoy and be inspired by art. Particular focus should be given to schools, libraries and other cultural and community hubs. There are a number of very detailed and specific recommendations in the report: we encourage the Minister to consider them in detail and to incorporate them into her strategy. As the executive summary states, there are no simple answers.

7.00 pm

I have spoken as Chair of the Committee, but I want to make some personal observations as a DUP representative. As a party, we were disappointed by the cancellation of funding for musical instruments for bands. We believe that it is one of the most important sectors in many working-class communities, in that 20,000 to 25,000 people are learning and practising music week by week in bands. Yet, the Minister abandoned the opportunity to support the sector through funding for instruments. That was a wrong decision and a retrograde step that was totally unjustified. There was always a very good take-up and a good geographical spread for the allocation, including rural areas.

I will make two observations on the Minister's strategy for culture and arts, which is out for consultation. First, the document seems somewhat vague and vacuous. A more substantial document could have gone out to consultation. Secondly, as a party, we believe that it is important that cultural rights and equality are embedded in the strategy,

and there is not sufficient evidence that they have been taken into account.

I commend the report to the House and look forward to the debate.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an deis labhairt ar an rún seo inniu. I welcome the opportunity to speak on the motion today.

The motion comes from the Committee inquiry into inclusion in the arts of working-class communities. It arose from a sense that people living in areas of deprivation were less likely to have access to or participate in activity that came under the broad description of arts. Mar sin de, le teist a dhéanamh agus le torthaí deafacha a bhaint amach, chuaidh an Coiste i mbun fiosrúcháin. To test that and to seek some positive outcomes, the Committee inquiry was undertaken.

It is a fairly widely held opinion that participation in the arts, whatever the arts might mean for an individual, can make a positive contribution to a person's sense of well-being and good health. It is certainly my view that no one should be excluded from the arts. The arts should be available to be enjoyed by everyone, regardless of background, gender or, indeed, any of the section 75 categories.

Throughout the inquiry, evidence was taken from a wide range of individuals and organisations — statutory, voluntary and community. Agus mo bhúochas do na daoine agus na grúpaí a ghlac páirt san fhiosrúchán. I thank the people who participated in and contributed to the inquiry. The presentations about what is being done to promote the arts were comprehensive and impressive. We heard from the main theatres as well as community theatre. We learned about all the musical genres and the numerous enterprises and community organisations that make artistic contributions to our society.

Some of the main themes that emerged from the inquiry were not surprising. They included the barriers that came under the general headings of financial, geographical, educational and funding. Other issues related to disabilities and special needs, rural-specific concerns and general awareness.

Mr Ó hOisín: Gabhaim buíochas leis an Aire as mo ligean isteach. I thank the Member for giving way. Does she agree that, in the case of funding bodies such as the Arts Council, there is a geographical barrier to funding? I think of the Ulster fleadh a couple of years ago. It was held in Dungiven two years in a row, and the organisers really had a struggle to have their case for funding recognised. It was not seen as important, despite the fact that over 30,000 people attended, including the Minister on both occasions.

Mr Deputy Speaker (Mr Dallat): The Member has an extra minute.

Ms McCorley: Mo bhúochas leis an Chomhalta as sin. I thank the Member for his input. I agree that one issue that needs to be addressed is the different understandings and perceptions of what happens to be regarded as the arts and how they are supported.

The Committee has produced a report and is asking the Assembly to approve it today. While I endorse the report, I have to express my disappointment over one regrettable aspect.

During one evidence session, I was prevented by the Chairperson from asking questions that I believe were

very pertinent. I sought to have the incident specified in the report, but the majority of the Committee voted against this. As a result, I have had to settle for an amendment in the appendix. I will read out that amendment:

“As part of the inquiry, the Confederation of Ulster Bands gave evidence to the Committee. During their presentation, they raised the issue that the media tended to present them in a negative way. Some members wished to explore this issue with them to see if perhaps they agreed that there were perceptions of them which arose as a result of the actions of some of their bands. A total of three Committee members were prevented by the Chairperson from pursuing this line of questioning, and, as a result, we feel we have missed out on some very valuable information which would have added to the report. We would have appreciated hearing the confederation's opinions on the behaviour of some specific bands over recent years, which leads many people, not just the media, to take a negative view of them. This may have a bearing on the feelings of some bands that they are excluded from the arts.”

The incidents that I referred to were the disgraceful behaviour of some marching band members who provocatively sang the notorious famine song outside St Patrick's Church, and incidents that occurred at Twaddell Avenue, showing band members involved —

Mr McCausland: Will the Member give way?

Ms McCorley: — in serious rioting and violent attacks.

Mr McCausland: Will the Member give way? No, the Member does not want to give way.

Ms McCorley: No.

These were all shown in the media. I wished to ask the Confederation of Ulster Bands for its views on that behaviour and how it may have contributed to a negative media perception and a feeling of being excluded from the arts. However, as I said, we were prevented from asking those pertinent questions.

Notwithstanding that, the Committee report contains a total of 22 recommendations that, if implemented, could go some way to increasing the inclusion of working-class communities in the arts. I wish to emphasise the first of these, which calls for an Executive arts and culture strategy that has the full support of all Departments. The strategy would be comprehensive and have coordinated targets, key performance indicators and a monitoring and review process. A consultation on an arts and culture strategy is under way in the Department. We hope that this will provide a vehicle to achieve the requirements of recommendation 1 of the report. Some of the recommendations focus on the need to address transport issues, the provision of musical instruments for all genres of music and the idea of making art accessible and available for all to enjoy by bringing it into public spaces and places.

Mr Deputy Speaker (Mr Dallat): Will the Member bring her remarks to a close?

Ms McCorley: In conclusion, I believe that exclusion from the arts should not be felt by any community, working class or otherwise, and that the recommendations in the Committee report will help to address that. Molaim an rún.

Mrs McKeivitt: As a member of the Culture, Arts and Leisure Committee, I support the report and hope that the Minister will take the necessary measures to ensure that the recommendations are implemented in full.

The benefits of participating or engaging in the arts are universally recognised. From tackling social exclusion to promoting mental and emotional well-being, the arts make a positive contribution to our society and the lives of individuals. The inquiry was undertaken to address inequalities faced by those who live in deprived areas. Research has shown that adult participation rates in the arts are 31% lower in the most deprived areas. The research also confirmed that participation is lower amongst those who have never worked, have no qualifications or have a limiting or long-term illness. I, along with my party's members, welcome all initiatives to ensure that the arts can be accessed and enjoyed by every individual.

Implementation of the main recommendation for an Executive arts and culture strategy, with targets and measurable outcomes similar to the Programme for Government, would be a positive step. I am sure that this would be welcomed by arts and cultural organisations across the region. The purpose of an Executive-led strategy is to ensure that it will be meaningful and get sufficient support and resources from all Departments. Throughout the inquiry, Committee members had the opportunity to engage with organisations and individuals involved in the arts and listen to their needs, concerns, hopes and aspirations. It is important that any strategy is backed and guided by experts who know the industry best.

I strongly support the need for such a strategy to be rural proofed to ensure that the arts are performed in rural societies, particularly disadvantaged rural areas. The report recognises that the lack of affordable and suitable transport provision can be a barrier to individuals. The transport barrier can, of course, apply to people who live in urban zones, but it is a particular challenge for those who live in a rural community.

I am pleased that the report identifies the role that our libraries can play in delivering arts and cultural experiences to rural audiences. Libraries need to be used as multipurpose art spaces. Indeed, many already house arts and cultural events, including the annually run March creativity month, but there are opportunities to develop that further. I hope that the ever-expanding potential of our libraries is recognised by the Minister and her Executive colleagues so that, going forward, we will not see any further reductions in services or opening hours.

There are many public buildings that should continue to be used for arts and cultural purposes, including our museums, schools, town halls and more. Using those public buildings as multipurpose centres will inevitably increase the number of people, young and old, using the buildings. I again repeat my call to have automated external defibrillators present in all public buildings; we should be working towards that goal. It is also vital that those buildings cater for people with disabilities to ensure that everyone can get involved in the arts. Servicing a building for people with disabilities not only means ensuring that it is fully wheelchair accessible; it should have aids for people who are blind, those who suffer from hearing loss, people who are autistic and more. The purpose of the inquiry and the report is to bring about a

positive change that would see working-class communities have easy access to the arts. We also need to make the arts available to absolutely everyone.

Another recommendation in the report, if implemented, would see publicly owned art brought to public buildings and spaces so that all communities can enjoy it. That welcome initiative would help to develop the stock of the art displayed in cities, towns and hamlets across the region, while giving communities access to locally relevant art. The report further recommends the need for the funding structure for the sector to be changed, particularly the use of short-length funding styles, which can be beneficial for one-off projects but fail to protect the long-term health and well-being of arts and cultural organisations.

It would be remiss of me not to pay tribute to the hard work and dedication of the Committee Clerk and the whole Committee support team throughout the inquiry. They are a constant support to all members of the Committee. I also put on record the dedication of the previous Chairperson of the CAL Committee in introducing the inquiry.

Mr Cree: In October 2013, the Committee agreed to conduct an inquiry into the inclusion in the arts of working-class communities. That followed on from the Committee's inquiry into maximising the potential of the creative industries. Disadvantage was of particular concern. Much evidence was taken from a wide range of stakeholders over a considerable period. In 2015, the Committee agreed to include the rural development programme with respect to how the arts and culture can be supported in rural communities. Targeted visits and focus groups were also used to understand the nature of the problems and the relationship between poverty and the arts. The Minister of Culture, Arts and Leisure, during her briefing, fully supported the value of the arts. She stated:

"The arts are not a luxury to be enjoyed by an elite few, they should be enjoyed by all who wish to enjoy them regardless of community background, age, gender, disability, race, sexual orientation, political opinion or income level."

That sums it up pretty well.

It has to be said that all the existing bodies involved in arts and culture perform well, but everyone accepts that an overall strategy is necessary at Executive level to cater for the arts and culture going forward. That strategy needs to be thoroughly rural-proofed and adequately resourced to ensure that disadvantaged rural communities are able to participate fully. Disability is also a major issue.

There are 22 recommendations in the Committee's report and I commend them fully to the House. There are a number of barriers — they have been referred to — to working-class communities being included in the arts. Those include economic and financial barriers, educational barriers, awareness and information, and community, cultural or psychological barriers. However, there is no shortage of arts and cultural activity going on, and it is often first class.

It is also spread across Northern Ireland in rural and urban areas. There is a need for a coordinated and overarching approach to the arts and culture, and that must come from the Executive.

7.15 pm

The Committee's findings identify the need to have professional arts practitioners going into communities to engage directly with groups and individuals. That is labour- and resource-intensive and must be funded over a reasonable period to allow it to be embedded and for a worthwhile legacy to be achieved. There is also a need to provide recognisable careers in those sectors, which in turn would assist the creative industries.

Whilst the Committee has produced a good report, it is not the end of the matter. More work will be necessary to improve culture and arts in Northern Ireland. It is a continuing process. I close by paying credit to the Committee staff for their excellent work in producing the report, which I commend to the House.

Ms Lo: I am not a member of the CAL Committee, but I wish to speak on behalf of the Alliance Party in support of the motion.

In 2012, I was delighted to help the Arts Council launch the first ever intercultural arts strategy. That was a significant step in addressing the barriers facing ethnic minority groups in Northern Ireland. I have witnessed at first hand the positive impact that arts initiatives can have at grass-roots level.

Whilst I welcome the report's overarching recommendation that an Executive arts and culture strategy be brought forward, I have some reservations about how that will work, given the potential difficulties in getting the buy-in from Departments. It is essential that, as recommended, the strategy does not duplicate existing arts strategies. It should have coordinated targets, key performance indicators and a monitoring and review process to evaluate outcomes. It also needs to be rural proofed and adequately funded.

I particularly welcome the recommendation that the strategy should seek to bring publicly owned arts to public buildings and spaces like libraries and schools, so that all communities can enjoy and be inspired by local art. On the recent Environment Committee visit to the warehouse of the Ulster Museum, we saw thousands of pieces of archived artwork stored away. They should see the light of day whenever possible.

I welcome the recommendation that the strategy seeks to forge partnerships with theatres and theatre companies to facilitate them in working with disadvantaged communities. The suggestion that the strategy will facilitate research and address the specific difficulties that those communities face in accessing the arts and cultural activities is a good one. I agree that proper consultation with community groups in disadvantaged areas must be made and that that should be aimed at rural and urban areas.

It is reasonable that the report proposes exploring the idea of social clauses for publicly funded performance venues to facilitate young people and musical groups or bands in disadvantaged communities. It is also important to look at how the provision of costly equipment, such as musical instruments, might be aided.

I welcome this comprehensive report, which has considered barriers to the arts from many angles. In it are recommendations that the strategy address transportation, education, technology, data gathering and volunteering. It is timely that there is a recommendation that the strategy be underpinned by a strategic partnership with local

councils to ensure a more joined-up approach regarding the arts, as councils are in the process of developing their community plans.

Short-term funding has been a problem for voluntary organisations when planning and developing in recent years. The report made a valid point about the short cycles of funding that make planning and developing projects difficult. I support the Committee's suggestion that the strategy examine the use of tiered funding periods that take account of the level of deprivation in the target community and of the need for legacy work. The strategy supporting the development of funding between business and arts is vital, particularly for those in disadvantaged communities. Consideration must be given to how Invest NI might encourage participation when providing foreign direct investment and other grants.

I support the Committee's view that having representation from disadvantaged communities on board should also be looked at, as those communities are often not heard in the development of public policies.

Mr Deputy Speaker (Mr Dallat): The Member's time is up.

Mr Dunne: I too welcome the opportunity to speak to the House on this important report on the inclusion in the arts of working-class communities. There is no doubt of the value of the arts in Northern Ireland today, and I believe that that value has not yet reached its full potential. I commend the efforts of my colleague Mr William Humphrey, who was keen to get the inquiry under way. He was certainly one of those who initiated it long before my time on the Committee.

The arts provide a sense of social inclusion, engagement and community cohesion and can provide many lasting health and well-being improvements for any community or individual. This was a very useful inquiry, and I welcome the publication of the report, including the key summary of recommendations. Throughout the inquiry, we heard from a wide range of stakeholders and agencies in the arts sector, and I thank them for taking part in the inquiry. I also thank the Committee staff for collating the information and putting together the report.

All of us, as Members from across Northern Ireland, can point to valuable examples of where the arts are an important part of civic life. I have only to look at the Ulster Folk and Transport Museum in my constituency to see a centre of excellence that showcases the very best of what we have to offer. It has historical artefacts that are complemented by artists' displays throughout. Other examples in my constituency include the new SPACE facility at the South Eastern Regional College. We, as a Committee, visited it and saw that it is a top-class facility that focuses on the performing arts. It has a seated theatre with multiple uses and a full range of recording studios; indeed, it is the first public facility in north Down that acts as a theatre. That type of facility is most welcome and broadens outreach by trying to get right across all the various communities.

Events such as Culture Night are a great way of mobilising communities to get engaged in the arts. We even have local success in our area with Hollywood Culture Night, where thousands of people descend on High Street and enjoy a full range of culture, arts performances and live music from early afternoon through to the early hours. We have Ulster-Scots music, and we even have Irish dancing

and folk music. We have the full range in north Down. The event has become a highlight of the local calendar and showcases the very best of local talent. One of the ingredients that make it such a success is the involvement of the community, as it is organised from the ground up by the community, for the community.

One of the main themes to come through in our inquiry was the valuable role of volunteers. Many organisations, clubs and societies would not flourish, let alone survive, were it not for the dedication and commitment of volunteers from all classes and backgrounds. Volunteers must be supported and cherished, and they must be given their place. There is also a key role for our schools and libraries, as other Members mentioned, in making sure that young people are properly engaged and understand what the arts are about.

Our libraries are very much part of our community, and they provide space for such events. Again in north Down — in Bangor and Holywood — the libraries do an excellent job, and the staff are most helpful for such events, with arts displays and community outreach for activities for young people. People of all ages visit our libraries and engage in many arts-based events.

There is no doubt that there is a level of disengagement by some of our working-class communities from what are known as the arts. More needs to be done to encourage and educate children from an early age about what the arts really are.

Another example is how the Ulster Orchestra has broadened its appeal by bringing music out to communities, different venues and smaller venues, and by engaging, as part of its marketing and outreach, with schools and various groups, fairs and organisations. That is something to be commended.

There is some confusion around what exactly is included in the arts. There needs to be real leadership shown to deal with the disconnect that is felt in some of our communities.

Marching bands were mentioned earlier —

Mr Deputy Speaker (Mr Dallat): The Member's time is up.

Mr Dunne: I fully support the role that they play.

Mr B McCrea: Worthy although it is, a Committee motion and report, even if it were about the discovery of life on Mars, could be made to sound dull. The thing that I like about the arts is that they are so fantastic. The highlight for me — I do not know whether it was the same for others — was when we went to see rice being cooked on the stage. Do you remember that, with all of the drummers — 12 out of 15 of in the world — and we sat mesmerised for an hour and a half, and we did not even know the tune? Fantastic.

I see that Mr Dunne is laughing. I was down at his great theatre to see a play by Laurence McKeown called 'Those You Pass on the Street'. Fantastic. Absolutely thought-provoking. This is what we want to see. I have also seen 'Fly Me to the Moon'. That was good. That play was by Marie Jones, and it raised really interesting moral questions about how we deal with these things. That is what it is about the arts. They unite, they inspire, they innovate and they bring us together. We should do more of them. We should look at the jobs that they give and the things that they do to bring us all together and at how they enhance tourism: all of those good things.

Some other things that I enjoyed in my tour through this was that I got to see 'All Through the House'. That was good. That was at the Crescent Arts Centre. I enjoyed that. Just recently, we had the Lilliput Theatre Company down from the Playhouse in Derry/Londonderry. That was brilliant. It was what you can expect when you are in a hospital if you have learning disabilities. The company put it on and produced it itself. It was absolutely fantastic, and it just shows you how the arts really inspire us about what we can do.

What other things did I see? Burns Night at the Ulster Hall. The only thing that put me off slightly was that our Chairman was sitting in front of me. He was getting in the way of my view. Apart from that, it was really good, and some of us even tried to take photographs — I am not sure whether you tried to take photographs, Chairman — but it was wonderful. This is what we should be expressing to people: look at how good the arts are.

Therefore, when you get to the issue of inclusion, I think that the biggest thing that I found — this probably shows what a minnow I am when it comes to these things — is that so many people were doing so much already. I went to see the Belfast Community Circus School. I have to say to you that I did not think that the circus was really art. Boy, did I have my eyes opened when I went down and saw it and all of the things that it could do. Anything that inspires young people, gives them confidence and lets them believe in themselves, whether it be riding a unicycle or being able to go up and down one of those ropes is fantastic. I really think that we should be champions for the arts. They are not party political. They are not even from one culture.

Mr Ó hOisín: I thank the Member for giving way. I share his enthusiasm for many of the events that he talks about. Will he agree that all arts venues should have a relatively neutral name attached to them so that they can be shared by all. I refer to an attempt to change the name of the Roe Valley Arts and Cultural Centre in Limavady.

7.30 pm

Mr Deputy Speaker (Mr Dallat): The Member has an additional minute.

Mr B McCrea: The Member may be surprised to know that I am aware of the issue. Maybe we should name the big hall beside it, and call it the Alexander whatever. I do not care. Do you know what really matters to me? It is not about buildings; you need to have buildings, but it is about people engaging, whether on a voluntary or a professional basis. One of the best things that I was ever involved with — the thing that got me started in this — was a show called 'The 25th Annual Putnam Country Spelling Bee'. A great actor from this place — from Belfast Met, actually — came through; Gerard McCabe got me up on the stage and made me look an ass. *[Laughter.]* Nicely. It was brilliant. You get engagement and you get people involved.

Of course, there will be different cultural interpretations. I spoke to the Minister about Laurence McKeown's play. I did not even know who Laurence McKeown was, but I thought his play was good. I understood that he knew what he was talking about, and I thought that it was challenging.

Do you know what? There are other things. Just before I came down, I saw that Queen's is putting on a fusion play. It is going to involve people from a flute band mixing with people involved in traditional music. All of these issues are good. You are not trying to supplant somebody else's

culture. You are trying to get involved in it, to understand it and be part of it.

I think that I owe some Members an apology, because it was me who put a hand up and said, "I think we should have two hours for this debate, because I don't get in all the time". Looking around me, I realise that my concern was, perhaps, a little exaggerated. I need not have worried about being able to get a chance to speak. Do you know what? One of the greatest things that I heard was something that the Minister said. I think I am right in saying this — she can correct me if I am wrong — but, when we had the rally in defence of the arts, she said, "Isn't it good that we get cross-party support?". I want to have cross-party support for the arts. It should be neutral; it should be inclusive; it should be for everybody. The biggest problem that we have is that we have to get people who may not think that arts is for them to go along, because if they go along, they absolutely enjoy it. They feel that it is part of them —

Mr Deputy Speaker (Mr Dallat): The Member's time is almost up.

Mr B McCrea: — and they will do more. On that basis, I commend the Clerk and his team for the excellent, if slightly lengthy, report that they have produced.

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an deis freagra a thabhairt ar an díospóireacht seo. I welcome the opportunity to respond to the debate, maybe less energetically than Basil, though it was certainly refreshing. I think that it was heartfelt. Let me also place on the record my thanks to the Chair, the members and, indeed, the staff of the Committee for the lengthy work that they have done to bring the report forward. I very much welcome the report. The fact that the report's publication coincides with the ongoing work in my Department on a strategy offers a great opportunity. I certainly will carefully consider the report's recommendations. I have read some, but I will make a commitment to feed them into the development of the strategy.

It also goes without saying, but I will put it on the record, that arts are, and should be, part of everyday life, and I think that we all mean everyone's life. It is not to say that anyone is forced to engage in the arts, as has been mentioned; it is quite the opposite. The opportunity for engagement should be available to everyone so that they can exercise their choice.

The idea of quality arts or excellence is often viewed as a contentious subject, and I believe that the quality of arts engagement is a subjective and, indeed, personal experience for each individual. The role of the Government, in my opinion, is to ensure that we have a properly funded and resourced arts and cultural sector that is capable of delivering quality arts and culture.

I have often acknowledged, as does the inquiry report, that there is a great deal of arts and cultural activity going on in working-class communities and, indeed, across the North and this island. I also suggest that that is true of many communities, should it be communities in rural areas, ethnic minorities, the LGBT community or Irish or Ulster Scots. I appreciate however that the Committee inquiry focused on working-class communities.

It has explained its reasons for doing so and acknowledges the limitations of that scope. I note the Committee's comments that it is for those who are developing the

strategy to decide on specific indices to gauge deprivation and disadvantage.

The inquiry's focus on understanding the barriers to and exclusion from the arts and indeed, more importantly, inclusion into the arts has been very helpful. It has been a vexed question for a long time and was one of the focuses of the consultation on the strategy for culture and arts. I also found it interesting to note that some of the barriers identified in the Committee's report were around economic and financial areas; geographical location; education; availability and structure of funding; awareness and information. It is too early to report on any considered analysis of the consultation responses to the strategy, as it closed only on Friday past. However, I can say that those particular barriers certainly resonate with many people with whom I have had discussions and a lot of the feedback that I have received when meeting groups in the community, and indeed arts and cultural organisations. I am delighted that all that evidence, in my view, lends great support and impetus to ensuring that a strategy for culture and arts is taken forward and embedded in future Programmes for Government.

I welcome the Committee's endorsement of a need for an overarching culture and arts strategy, supported and resourced by the Executive, Departments and arm's-length bodies. I look forward to doing all that I can to make that happen before I leave the Department.

The Committee puts forward the case for the need for rural proofing in any culture and arts strategy. I will take this opportunity to confirm to Members that I have already received a commitment from the Department of Agriculture and Rural Development to facilitate any assessment of the impact on rural areas. I recognise that rural proofing is a key component to ensuring equality for everyone.

The Committee also highlighted the challenges that are faced by those with special needs and disabilities. Fundamental to the culture and arts strategy is the principle of equality. I will ensure that all that I can do will be done to help to fulfil that principle and many others.

As the Committee also points out, partnerships with councils are essential to ensure effective delivery of the strategy. Again, I support the principle of partnership and agree that it must be inherent in the future delivery of the strategy. I also take the opportunity to clarify ownership of the strategy. I think that we all should own it. Essentially, it will be an overarching departmental Executive-owned strategy. The effective delivery of the strategy will require collaborative partnerships throughout government and, indeed, the arm's-length bodies and beyond.

I will turn briefly now to the concept of publicly owned art. I do not particularly want to give the impression of valuing one particular genre of arts and culture over another, but I have noted with interest the Committee's views on the accessibility of publicly owned art. I also believe that Museums has a particular obligation to make as much of its holdings accessible to the public as possible, provided that the environmental, safety and security conditions are met. I think that we would all agree that that is a responsible step. It is my view that libraries, schools and other public venues at the heart of local communities can and should be used for exhibiting Museums' items. That is why I welcomed the Out and About programme, which opens up access to Museums' collections. It launched in September last year, in collaboration with Libraries. That innovative programme

widens access to some fascinating collections and brings them directly into communities. That is a great step forward.

The Committee also talks a lot about partnership in the report: partnerships between Departments, government, arts and cultural sectors, venues and communities, local government and arts and businesses. I concur entirely with that view. It is critical that those who are charged with government funding can ensure that it is dispersed strategically through the appropriate funding structures. The underpinning objective and duty is to obtain value for money. In my opinion, that can be best achieved by effective partnerships.

One of the critical findings in the Committee's report — again, a theme that I believe is central to a culture and arts strategy — is the theme that revolves around exposure to arts and culture from an early age. Certainly, that notion echoes strongly with discussions that have been held as part of the consultation. The role of education as one example in introducing children to culture and arts from an early age, delivering value and benefits to society and facilitating the opportunity to engage through lifelong learning cannot, in my opinion, be underestimated. Establishing and respecting the core foundation of the value of arts and culture will help in the transition to career pathways for our young people. For those reasons, I believe that integration and investment in our arts and culture throughout the education curriculum is essential.

The Committee report also touches on the availability of information and data and the accessibility of information, and I agree that those are important areas that will require further examination in developing a culture and arts strategy. Volunteering has been mentioned by all Members and is recognised in the Committee's inquiry. I absolutely agree that a culture and arts strategy needs to recognise fully the importance of the third sector.

I will return to the focus of the Committee's inquiry. Like the Committee, I accept that there are no simple answers to ensuring greater social inclusion in the arts. I firmly believe that an agreed Executive strategy for culture and arts is an essential step in ensuring that government policy and funding is brought forward, and it will be brought forward on the basis that it will improve our society, as set out in the report. Indeed, there will be consultation for everyone. As I said at the outset, I will give careful consideration to all the report's recommendations in taking forward the strategy.

This is my last remark. I assume that there is a typo on page 11, where it states:

"It is only through this carefully considered framework and through taking a strategic approach that disadvantaged communities will be presented with greater opportunities with respect to arts and cultural activity."

I assume that it is as dull as a typo rather than opening up a new departure for some of our Committee members.

I support the motion and the amendment in the Committee report, and I believe that it is an excellent job. Maith sibhse.

Mr Humphrey: I have looked to the side of the House, and the colour of Mr Hall's face suggests that it is not "tarts".

I am pleased to make the winding-up speech on this Culture, Arts and Leisure Committee debate on its

inquiry into the inclusion in the arts of working-class communities. I start by thanking Committee members for their contribution to today's debate and throughout the process over the last year and a half. I also thank the Minister for responding to the debate. It has been a measured, constructive and most useful debate. I also echo the Chair's remarks in thanking the Committee Clerk and his team and, of course, Dan Hull, the Committee's researcher. Thank you very much to Mr Hall and his team.

It is clear that the Committee's inquiry has proved to be very valuable work. I know that the Committee will work hard with the Minister to ensure that all 22 of its recommendations are implemented.

I want to make a few points about the inquiry. The Committee Chairman is absolutely right to state that the Committee believes that the best way to ensure that working-class communities are included in the arts is through a comprehensive arts and culture strategy that is owned, supported, facilitated and resourced by all the Executive Departments. It should operate in a similar way to the Programme for Government, with coordinated targets, key performance indicators and a monitoring and review process.

Another key point to stress is the need to bring publicly owned art to places where disadvantaged communities can enjoy it and be inspired by it. Schools and libraries would make excellent exhibition spaces, as would arts clubs and cultural hubs. I will throw in there that hospitals would also be a very good location for art to be placed. Partnerships can be created between museums, schools and libraries to bring arts and culture to all our young people. It is clear that theatres and theatre companies must work with disadvantaged communities to support their inclusion in the arts. However, that work needs to be properly resourced and should have agreed outcomes. Community groups have a vital role to play in the development of the Executive arts and culture strategy.

On many occasions, the Committee has considered the important role of councils and what they can do to bring arts and culture to disadvantaged communities. A coordinated strategy for the arts and culture must see a better, more considered partnership being established between central and local government and between the councils themselves.

7.45 pm

It is the Committee's belief that an early introduction to the arts and culture is essential for our young people. That introduction should be sustained by the school curriculum at all Key Stages. Education has a key role to play in any Executive arts and culture strategy.

Once our young people have developed a taste for the arts and culture, it is important that they are provided with clear pathways to careers with that focus through the expansion of existing apprenticeships and the creation of new ones. We must examine creative ways to use digital technology and gaming, the bodies that promote the application of technology and the existing activity in the creative industries here to further develop employment in the sector.

Mr B McCrea: Will the Member give way?

Mr Humphrey: I will, yes.

Mr B McCrea: I wonder whether his use of technology includes Periscope.

Mr Humphrey: I leave that to the expert, Basil.

The Committee found that funding was a key issue, particularly the short funding cycles that make the development of project legacy difficult, and believes that there should be tiered funding periods that take into account levels of deprivation in the target community and the need for legacy work.

The Committee suggests that an Executive arts and culture strategy supports the development of funding and in-kind relationships between business and arts and culture organisations, particularly those in disadvantaged communities. Invest Northern Ireland should encourage participation in those relationships when providing foreign direct investment and other grants to their clients.

I would like to reflect on Members' contributions. The Chairman, Mr McCausland, talked about the term "working class". We were determined at the outset that working class would be used in this work. He said that the arts should be part of everyday life for all people, that exposure to the arts at an early age was key and that public access to the arts, because much of it is hidden, was essential. He talked about the democratisation of the arts and appealed to the Minister to restore funding for musical instruments for bands.

Ms McCorley endorsed the report and raised the issue of being unable, along with two colleagues, to ask questions about their concerns about marching bands. From my perspective, the view that the majority of members of the Committee took was that the line of questioning being pursued was not relevant to the work of the Committee or this report.

Mrs McKeivitt talked about rural proofing and about the lack of transportation being a barrier. She talked about libraries being important in the cultural approach to including all in the community.

Mr Cree talked about the recommendations, and he, too, mentioned, the barriers to participation in the arts. He also talked about professional arts practitioners.

Ms Lo talked about libraries and schools and said that a full consultation, joined up with local government, was necessary.

Gordon Dunne welcomed the report. He talked about the Ulster Folk and Transport Museum and gave us a virtual tour of north Down, including Culture Night in Holywood. Basically, he said that, if you were not going away on holiday this year, you should holiday in north Down. He mentioned the Ulster Orchestra and how important it was.

Mr McCrea talked about how the arts unite communities and enhance tourism, and he made a clear pitch for more tickets for Members to attend events. He said that there was cross-party support for the arts.

The Minister said that the arts should be part of everyone's everyday life and that the inquiry was helpful in its inclusivity. She welcomed the Committee's recommendations and said that she would do all that she could to make them happen. She talked about rural proofing and the need to be accountable for publicly owned art by putting it on display. She talked about the inclusion of arts in the curriculum.

I will make some remarks as a member of the Democratic Unionist Party. I pay tribute to Michelle McIlveen, our former Chair, and thank her for her support when I approached her about this work. I thank the Committee for supporting the work as we went forward.

A number of contributions from practitioners who came in front of the Committee stood out for me, which suggested that we were doing the right thing. East Belfast Arts talked about people not wanting to cross the river to attend venues in the city centre.

New Lodge Arts talked about people from that area in the lower part of north Belfast feeling detached and needing transportation to go to the MAC. Bobby Foster from the Spectrum Centre on the Shankill talked about the Protestant community not recognising its culture as arts but recognising it as culture. Again, on that note, I appeal to the Minister to restore funding for instruments for marching bands.

I congratulate the MAC, the Lyric, the Ulster Orchestra and Flowerfield in Portstewart on their work in connecting with the community and encouraging people to get involved using various routes to reach out to working-class communities and young people in those communities. When I initially called for this inquiry, I was criticised by some of the great and the good in the arts world. I was criticised by some key arts organisations in this city. However, I have met and spoken to others who were very supportive and most encouraging. Indeed, when I heard of the Ulster Orchestra and the Arts Council making approaches to organisations on the Shankill in my constituency, practising in schools and working and rehearsing in the Spectrum Centre, I knew that a nerve had been touched.

Going back a number of years, significant investments were made in the culture and arts infrastructure of this city by regional government and Belfast City Council. That includes the MAC, the Lyric, the Ulster Hall etc. It is important that all our people have the opportunity to benefit from these multimillion-pound investments. I hope that this inquiry will ensure that those living in areas such as Ballygomartin, Ballymacarrett, Ballymurphy, Shankill, Woodvale, Ardoyne, New Lodge etc will have access to these facilities on an ongoing and regular basis. For too long, working-class communities have been not part of the arts but apart from them.

I thank everyone for their contribution. I commend the work that has been done and the 22 recommendations in the report. I welcome the report, which is comprehensive, wide-ranging and inclusive. It is a report for all. If we are serious about building a united community and a tolerant society, the implementation of this report is essential.

Mr Deputy Speaker (Mr Dallat): Will the Member draw his remarks to a close?

Mr Humphrey: I commend it to the House.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee for Culture, Arts and Leisure on its inquiry into inclusion in the arts of working-class communities [NIA 298/11–16]; and calls on the Minister of Culture, Arts and Leisure to implement the recommendations contained in the report

Adjourned at 7.52 pm.

Northern Ireland Assembly

Tuesday 16 February 2016

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

Members observed two minutes' silence.

Assembly Business

Plenary Business: 15 February 2016

Mr Speaker: The first item of business is the consideration of business not concluded on Monday 15 February. As all the business in yesterday's Order Paper was considered, we will move on.

Executive Committee Business

Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016

Mr Speaker: The next three motions are to approve statutory rules relating to the Proceeds of Crime Act (POCA) 2002. The Business Committee agreed that there should be a single debate during which the Minister and Members should address all three motions. I shall ask the Clerk to read the first motion and call on the Minister to move it. The debate on all three motions will then begin. When all who wish to speak have done so, I shall put the Question on the first motion. The second motion will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion. After the Question is put on the second motion, the third motion will be read into the record, and I will call the Minister to move it. The Question will then be put on that motion. If that is clear, I shall proceed.

Mr Ford (The Minister of Justice): I beg to move

That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016 be approved.

The following motions stood in the Order Paper:

That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 be approved. — [Mr Ford (The Minister of Justice).]

That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016 be approved. — [Mr Ford (The Minister of Justice).]

The Proceeds of Crime Act 2002 is designed to provide law enforcement agencies with tools to recover the proceeds of crime and deny criminals the opportunity to accumulate assets secured by illegal means. The Act empowers law enforcement officers to seize cash that they believe is crime-related and to secure its forfeiture in court proceedings and enables courts to freeze a suspect's assets at the start of a criminal investigation. POCA gives investigators the power to seek court orders directing financial institutions in certain cases and places an onus on any professional person working in regulated industries to immediately report any suspicion of crime.

The purpose of the orders before the Assembly today is to give effect to the first Northern Ireland-specific codes of

practice. They tailor guidance on the use of POCA powers to this jurisdiction rather than previous arrangements under which guidance was issued on a UK-wide basis in UK-wide codes of practice. I believe that it is only proper that local codes of practice should apply where the functions fall under devolved responsibilities, as is the case in Scotland and Northern Ireland.

The Northern Ireland codes under scrutiny today mirror previous guidance that continues to apply in codes issued by the Secretary of State, with appropriate updates and modifications for Northern Ireland. They also closely follow codes with which we are perhaps more familiar under the Police and Criminal Evidence Act (PACE). The codes provide important safeguards to ensure that powers are used appropriately in a targeted, effective and consistent way.

POCA has been subject to review and amendment to strengthen its powers. The codes have been updated with all the changes and, in that way, form a consistent and consolidated manual for those using the powers. They provide reassurance to the general public and provide information for those who may be affected by the powers.

POCA stipulates that my Department must prepare and publish a draft of any new or revised code of practice. Consultation on that was undertaken over a 12-week period between August and November 2015. Representations were considered, and the codes were subsequently amended where the Department thought it appropriate. The consultation did not recommend policy changes or raise any equality or other impact issues. The updated codes were laid before the Assembly in draft. I will outline briefly the content of the three codes.

The search, seizure and detention of property code of practice provides guidance to constables and accredited financial investigators on the exercise of powers to search, seize and detain property that may be needed to satisfy a future confiscation order. Those new powers will be introduced to Northern Ireland on 1 March 2016.

The recovery of cash search powers code of practice provides guidance on the operation of the powers to search for cash where there are reasonable grounds for suspecting that it is obtained through, or intended for use in, unlawful conduct.

The investigations code of practice provides guidance on the exercise of the investigation powers in POCA.

On 1 March 2016, POCA amendments will be commenced in Northern Ireland, including the following: powers to allow the search of a vehicle for criminal cash, similar to searching a person or property; powers to prevent the dissipation of property that may subsequently be used to satisfy a confiscation order; expanded civil recovery powers; and the change of court jurisdiction for detained cash investigations from the High Court to the Crown Court.

Those changes will be introduced by secondary legislation at Westminster, as the responsibility has not been devolved. My Department has worked closely with the Home Office, and the changes have been reflected in the Northern Ireland codes.

Removing the profits that fund crime serves to disrupt the cycle that sustains criminal enterprises and fraudsters. The strengthening of the POCA regime, reflected in the codes of practice, will help to disrupt, deter and reduce organised

crime and will, ultimately, help to protect the public from the serious harm that it causes.

In the UK, between 2010 and 2014, criminal assets worth more than £746 million were seized across all methods of recovery, and assets worth more than £2.5 billion were frozen. In Northern Ireland, in 2014-15, £2 million was recovered through confiscation orders. There is still more to do to reclaim the proceeds of crime and facilitate more effective enforcement. The changes being addressed today are a step in that direction.

In conclusion, POCA removes criminal assets that could be used to support further criminality; it stifles criminal activity and sends a clear message that crime does not pay. Used to its maximum effect, it will, ultimately, disrupt and deter criminality, and the Northern Ireland codes of practice are an important part of that. I commend the three orders to the House.

Mr Ross (The Chairperson of the Committee for Justice): I will speak very briefly on behalf of the Committee. As the Minister has already outlined, the rules before us today will bring three distinct Northern Ireland codes of practice into the operation of powers under the Proceeds of Crime Act 2002. The codes of practice will provide necessary guidance for constables and officers with responsibility in that area and specifically in relation to cash searches, investigations, and the search, seizure and detention of property.

At its meeting on 28 January, the Committee noted that the draft codes of practice form part of a wider POCA commencement programme and that the Department has been working closely with the Home Office in scrutinising proposed legislation, engaging in consultation and providing consent where required.

The Department has consulted and kept the Committee updated on the development of the three codes of practice throughout the past year.

I will briefly highlight the Committee's consideration of those matters. In June 2015, the Department wrote to the Committee to outline its intention to hold a public consultation on the three draft codes of practice. At its meeting on 11 June, the Committee agreed that it was content for the consultation to take place and to consider the matter further when the results of the consultation were available. At the meeting on 19 November, the Committee noted the outcome of the consultation and agreed that it was content with the draft codes of practice, which it noted would bring the POCA regime up to date and into line with England, Wales and Scotland, subject to jurisdictional variations. In December, the Committee agreed that it was content with the Department's proposal to bring forward the statutory rules required to bring the codes of practice into operation. At the meeting on 18 January 2016, the Committee noted that the Examiner of Statutory Rules had raised no issues with the technical aspect of the rules. The Committee therefore agreed to recommend that the statutory rules be affirmed by the Assembly, and it supports all three motions that have been laid.

Mr Kennedy: I am grateful to say that the draft orders are consistent, good and sensible, and I am happy to indicate support for them. They are consistent with UK-wide codes of practice but are now perhaps made more local because of devolution.

In welcoming the orders being put in place by the Minister and the House, I ask the Minister to reflect on what memorandums of understanding or issues we have with the Republic of Ireland, given the high propensity for cross-border criminality. Of course, the very unedifying events in the criminal world in Dublin at present give rise to concern as to whether we have memorandums of understanding and similar codes of practice that can be worked to the benefit of the justice authorities in Northern Ireland.

Mr Ford: Once again, the debate satisfies Ford's rule of Assembly business. It has been a brief debate, but it has covered very significant issues. As I frequently do, I thank the Committee Chair, but in a genuine way, for his comments and for the consideration by the Committee of the necessity of getting the codes of practice into place.

In response to the very specific points made by Mr Kennedy, I say that it seems to me that he has put his finger on it: we now have codes that are consistent across the UK but that are tailored to match devolution. Given that POCA is purely a UK piece of legislation, there are clearly limitations on its applicability to our cross-border relationships, but, as the Member will know, the new cross-border task force that is being led by the two police services will be a key way of ensuring that cross-border criminality is addressed. In the near future, I hope that we will be launching the revision of the cross-border policing arrangements. That will show that good work can continue across the border. Certainly, when assets are being seized, which is a key part of the draft orders, there is very significant cooperation between the various agencies involved, including the two police services and the National Crime Agency, to ensure that work is coordinated as far as possible. Although it is not directly part of today's discussion, I think that I can give Mr Kennedy the assurances that he wants.

I condemn all three codes to the House in the terms in which I and the Chair outlined them. *[Interruption.]*

Question put and agreed to.

Resolved:

That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016 be approved.

Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016

Mr Ford: I commend and move the motion, Mr Speaker.

Some Members: Hear, hear.

Mr Ford: I beg to move

That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 be approved.

Question put and agreed to.

Resolved:

That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 be approved.

Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016

Resolved:

That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016 be approved. — [Mr Ford (The Minister of Justice).]

10.45 am

Working Time Regulations (Northern Ireland) 2016

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

*That the draft Working Time Regulations
(Northern Ireland) 2016 be approved.*

I am seeking the Assembly's approval for The Working Time Regulations (Northern Ireland) 2016. They will not come into operation until approved by this Assembly. They will consolidate and replace the provisions of the Working Time Regulations (Northern Ireland) 1998 and ten statutory rules which amended it from 1998 to 2009. A reduction in the administrative burden to employers will be achieved through the consolidation of a number of separate statutory rules into a single set of regulations. This will make navigation of the provisions of the regulations easier for users.

The Working Time Regulations, as amended, implement European Council directives on working time and the protection of young people at work. They lay down minimum conditions relating to weekly working time, rest entitlements and annual leave, and make special provision for working hours and health assessment in relation to night workers.

Under the Executive's economic strategy, my Department committed to a review of employment legislation in seeking to stimulate business confidence while maintaining the rights of individual employees. As part of the review my Department initiated pilot reviews of a number of substantial sets of employment regulations. The overall aim was to seek to reduce the administrative and financial burden of regulations without impinging on individual employment rights.

The working time regulations were chosen for review because they are substantial in content; they impact on a significant number of employers and employees; and they afford the opportunity to cover all elements of better regulation principles. One of the key desired outcomes of the pilot was a reduction in the administrative burden for the regulations, which was to be achieved through a combination of better regulation measures including removal of outdated legislation; updating some legislative references, including making the regulations gender-neutral; consolidating a number of separate legal provisions into a single regulation; and strengthening of existing guidance and support.

I am grateful to the project team, representative of employee and employer interests, that reviewed the regulations. This mix of interests helped to ensure that the review was informed by the knowledge and expertise of practitioners and key stakeholders. The project team achieved consensus on a number of actions, including the reduction in administrative burden through consolidation of the regulations.

The provisions of the 1998 regulations and the regulations amending it have previously been the subject of public consultation. As the draft regulations largely consolidate and replace the provisions currently contained in those existing regulations, no further public consultation was deemed necessary.

I am most grateful to the Committee for Employment and Learning for their detailed scrutiny of the regulations.

I hope that I have provided sufficient explanation of the purpose of these regulations and will, of course, respond to any points made by Members in my closing remarks.

Mr Speaker: I call Mr David Hilditch, who will be speaking on behalf of the Committee for Employment and Learning.

Mr Hilditch: Thank you Mr Speaker. I welcome the opportunity to outline the views of the Committee for Employment and Learning on the statutory rules relating to the working time directive. This statutory rule is made under powers conferred by section 2(2) of the European Communities Act 1972 and article 15 of the Work and Families (Northern Ireland) Order 2006 and is subject to the draft affirmative resolution procedure before the Assembly.

The Working Time Regulations (Northern Ireland) 1998 were designed to protect the health and safety of workers by providing them with rights such as daily and weekly working time limits, health assessments for night workers, in-work rest breaks and paid annual leave.

This statutory rule will consolidate and replace the provisions of the Working Time Regulations (Northern Ireland) 1998, referred to as the 1998 regulations, and the ten statutory rules which amended it from 1998 to 2009. A reduction in the administrative burden to employers will be achieved through the consolidation of a number of separate statutory rules into a single set of regulations. This will make navigation of the regulations easier for users.

The departmental officials briefed the Committee at its meeting on 10 December 2014 on the better regulation pilot reviews of employment regulations.

At the briefing, it was agreed that the document 'At a Glance Guide to the Working Time Regulations' would be forwarded to the Committee. The guide was intended for use by employers and was drafted and agreed in conjunction with members of the working time stakeholder group. The Committee noted that correspondence from the Department on 14 January 2015.

The Department advised the Committee on 20 January about the proposed SR 2016-000, the Working Time Regulations (Northern Ireland) 2016. The Department later contacted the Committee on 26 January with a technical amendment to the statutory rule (SR). The Committee considered the SR, including the technical amendment, at its meeting on 27 January and agreed that it was content. The Committee agreed to recommend that the rule be affirmed by the Assembly.

Dr Farry: I thank Mr Hilditch, who spoke on the Committee's behalf, as the sole contributor to the debate. I put on record my thanks, once again, to the Committee for its detailed scrutiny, as always, of the business we put before it.

In closing, I reiterate that this does not mark a change in the effect of working time regulations in Northern Ireland but is a simplification, in that we are consolidating a host of different regulations. That should be something that is very much in the interests of employers and employees, and it is a reflection of the overall commitment of the Executive to address regulation and the principles of better regulation as a whole. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the draft Working Time Regulations (Northern Ireland) 2016 be approved.

Assembly Members (Reduction of Numbers) Bill: Further Consideration Stage

Mr Speaker: I call junior Minister Ms Jennifer McCann to move the Further Consideration Stage of the Assembly Members (Reduction of Numbers) Bill.

Moved. — [Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister).]

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 is a single group of amendments — amendment Nos 1 to 3 — dealing with the coming into effect of the reduction in the number of Members and a review of and report on the effect of a reduction. We will debate the amendments in turn. Once the group debate is completed, any further amendments will be moved formally. If that is clear, we shall proceed.

Clause 1 (Reduction of number of members returned for each constituency)

Mr Speaker: We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 and 3.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move amendment No 1: In page 1, line 5, leave out “next Assembly” and insert “2016”.

The following amendments stood on the Marshalled List:

No 2: In page 1, line 7, at end insert

“2016 election” means the election held in 2016 in accordance with section 31(1) of that Act.”— [Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister).]

No 3: After clause 1 insert

“Review of number of members of the Assembly
1A. *Standing orders shall provide that the committee established in accordance with section 29A of the Northern Ireland Act 1998 shall—*
(a) review the impact section 1 would have on the total number of Assembly members, should changes be made to the number of constituencies; and
(b) report on its review, including in relation to the desirability of reducing the number of Assembly members below 90, by 1 December 2018.”— [Mr McCallister.]

Ms J McCann: Amendment No 1, together with amendment No 2, makes a technical adjustment to the Bill that does not change its substance or affect the policy behind it. The policy intent of the Bill is to reduce the number of MLAs elected to the first Assembly after the next election, that is, the 2016 Assembly election. For the Bill to achieve that, it must be enacted before the Assembly election on 5 May 2016; otherwise, the next election to which the reduction will apply will be the 2026 election, rather than the anticipated 2021 election.

We are grateful to the Assembly for agreeing to accelerated passage for the Bill, but even with that, there remains a risk that, at this late stage, Royal Assent may not be obtained in time because of the need to complete

subsequent stages after Final Stage. As the Bill deals with a reserved matter that is not ancillary to a transferred matter, the Speaker is, therefore, required to refer it to the Secretary of State before it enters Final Stage. The Secretary of State is subsequently obliged to lay it before Parliament for 20 sitting days before it can be submitted for Royal Assent.

To address that potential problem, we have, therefore, brought forward two technical amendments to the Bill. Amendment No 1 makes a minor change to clause 1(2) to refer to the 2016 election. Linked to that is an amendment to clause 1(3), which provides a definition of the term “2016 election” by referring to section 31(1) of the NI Act 1998. These amendments will guarantee that, should Royal Assent not be obtained before the election on 5 May, the reduction in the number of MLAs will still apply to the next election held after the forthcoming election in May.

As the previous debates on the Bill focused mainly on the question of an earlier date than 2021 for it to come into effect, we think it unlikely that any Member would want a situation where it was deferred until 2026. Therefore, I ask Members to support these amendments, which preserve the policy objective of the Bill.

We note the provisions in John McCallister’s amendment No 3 that, should there be a change to the number of constituencies as a result of the 2018 parliamentary boundary review, the Assembly and Executive Review Committee (AERC) would be legislatively mandated to review the proposed reduction in the number of Members returned for each constituency. We further note that the amendment also calls for AERC to report on the findings of its review before 1 December 2018 and give consideration to the desirability of reducing the number of Assembly Members to below 90.

The Assembly Members (Reduction of Numbers) Bill has a very specific objective: to reduce by one the number of Members returned by each constituency and for this change to have effect from the first Assembly election after that of 2016. While Mr McCallister’s amendment goes beyond the scope of the institutional reform provisions outlined in the Fresh Start Agreement, it is the view of Ministers that the question of whether the Assembly needs to place on itself a legislative imperative for such a review, in addition to its existing power to commission one from AERC, and, therefore, whether to accept or reject this amendment are matters that should be left to the judgement of Members.

Mr Attwood: There is a passing temptation to oppose the technical amendments so that the reduction in the number of MLAs is pushed to 2026. On this occasion, however, I will resist that temptation and say that we are content to support the amendments outlined by the junior Minister in order to create certainty on the matter. I was anxious to hear from Mr McCallister about his amendment, because the SDLP was prepared to be persuaded by an argument on the terms in the amendment to have a review in 2018. Maybe we will yet hear that argument. The junior Minister indicated that it is a matter for Members to consider, but it would be interesting to know whether there is anything more than that from the First Minister and deputy First Minister, given that the Bill, *inter alia*, arises from political discussions. In one way, it arises from Fresh Start, so it would be interesting to know whether the First Minister and deputy First Minister, in the context of Fresh Start, on

the amendment that was to have been proposed by Mr McCallister.

Mr Frew: I speak in support of the Bill. It was forged out of agreement, and I am glad that that agreement has come about. One of my party's objectives is to reduce the number of Assembly Members. We did not get everything that we wanted, but we are making progress. That must be welcomed, and we are certainly going in the right direction. That is all that I have to say on the matter.

Mr Allen: The Ulster Unionist Party has been clear and consistent on this issue. We support the reduction in the number of Members and the timeline. We did not support it earlier, because we felt that we should not be hasty or rush these decisions. We need to make sure that the Assembly is inclusive and diverse, and that it provides proper government for our people. To that end, we support the reduction in the number of Members and the First Minister and deputy First Minister technical amendments. I would like to hear more from Mr McCallister on his amendment. That is all that I have to say on the matter at the moment.

Ms J McCann: I thank Members for their contributions and for the issues that they raised. As I said, amendment Nos 1 and 2 make small technical adjustments to the Bill. They do not change the substance or affect the policy. They are necessary so that, should Royal Assent not be obtained before the election on 5 May 2016, the reduction in the number of MLAs will still apply to the next election held after the forthcoming election in May. I ask Members to support amendment Nos 1 and 2.

11.00 am

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

Concerning amendment No 3, tabled by Mr McCallister, as I have also previously said, it is the view of Ministers that the question of whether the Assembly needs to place on itself a legislative imperative for such a review, in addition to its existing power to commission one from AERC, and, therefore, whether to accept or reject this amendment, should be left to the judgement of Members. I hope that that answers Mr Attwood's request.

Again, I thank Members. In conclusion, the Assembly Members (Reduction of Numbers) Bill is important legislation, and I am glad to see it progress through the Assembly.

Mr Principal Deputy Speaker: I ask the House to take its ease for a few minutes, please.

Amendment No 1 agreed to.

In page 1, line 5, leave out "next Assembly" and insert "2016".— *[Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister).]*

Amendment No 2 made:

In page 1, line 7, at end insert

"2016 election" means the election held in 2016 in accordance with section 31(1) of that Act."—
[Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister).]

Mr Principal Deputy Speaker: Mr McCallister is not in the Chamber to move formally amendment No 3.

Amendment No 3 not moved.

Mr Principal Deputy Speaker: That concludes Further Consideration Stage of the Assembly Members (Reduction of Numbers) Bill. The Bill stands referred to the Speaker.

I ask the House to take its ease for a few moments.

Budget Bill: Further Consideration Stage

Moved. — [Mr Storey (The Minister of Finance and Personnel).]

Mr Principal Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Budget 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.

I ask the House to take its ease for a few minutes.

Order. As the Minister of Enterprise, Trade and Investment is not in his place to move the next item of business, which is the Draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016, the item falls. The House should take its ease for a few minutes to allow us to proceed with other business.

Mental Capacity Bill: Consideration Stage

Mr Principal Deputy Speaker: Order, Members. The sitting will now resume. I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move the Consideration Stage of the Mental Capacity Bill.

Moved. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are five groups of amendments. I remind Members intending to speak during the debate on a group of amendments that they should address all the amendments in the group on which they wish to comment. Once the debate on the 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 debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Notice taken that 10 Members were not present.

House counted, and, there being fewer than 10 Members present, the Principal Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Mr Principal Deputy Speaker: No amendments have been tabled to clauses 1 to 3. I propose by leave of the Assembly to group these clauses for the Question on stand part.

Clauses 1 to 3 ordered to stand part of the Bill.

Mr Principal Deputy Speaker: We now come to the first group of amendments for debate. These amendments will deal with principles, safeguards and protection from liability. Members should note that amendment No 10 is mutually exclusive with amendment No 9; amendment No 31 is mutually exclusive with amendment No 30; amendment Nos 230 to 232 are mutually exclusive with amendment No 229; amendment No 432 is mutually exclusive with amendment No 431; and amendment Nos 438 and 439 are mutually exclusive with amendment No 437.

11.15 am

I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move amendment No 1 and to address the other amendments in the group.

Clause 4 (Meaning of “unable to make a decision”)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move amendment No 1: In page 2, line 41, after “means.” insert

“and references to enabling or helping a person to make a decision about a matter are to be read accordingly.”

The following amendments stood on the Marshalled List:

Amendment Nos 2, 7, 8, 10, 11, 14, 16-26, 29, 31, 39-41, 43, 46, 48, 49, 57, 59-63, 75, 76, 82, 94, 137, 140, 145, 146, 176-180, 183-186, 189, 196-202, 204-207, 209-214, 216-221, 230-232, 234-238, 244, 246-248, 331, 369-378, 403, 409-412, 421-423, 425-429, 431-457, 459-462.

Just another 500 or so to go. With your indulgence, Mr Principal Deputy Speaker, I will begin by placing on record my thanks to the Chair, members and staff of the Ad Hoc Joint Committee for the extremely thorough and efficient manner in which they conducted their scrutiny of the Bill. The Committee's report, which was published on 28 January, is testament to their hard work, and it speaks to the magnitude of the task before them. Not only is the Bill one of the largest, if not the largest, to come before the Assembly, it is also one of the most complex. Added to that the pressing nature of the timetable as we fast approach the end of the mandate, the conclusion of the Committee Stage is a significant achievement. It would be remiss of me not to acknowledge that today.

I will start with amendment Nos 1, 2 and 177, which relate to clauses 4, 5 and 158 respectively. Together, the amendments address a point raised by the Royal College of Speech and Language Therapists and by the Committee about the important role of communication support. The amendments make it clear in the Bill that help and support must be given to enable a person to communicate his or her decision, for example, by involving someone who can provide communication support, such as a speech and language therapist. I am pleased that we were able to address that point to the satisfaction of the Committee, as noted in its report.

I will now deal with amendment Nos 7, 8, 10, 11 and 31, which have been tabled by Ms McCorley, Mr McCartney and Mr Lynch. Amendment No 7 adds the words "or injury" to clause 10(1)(a), which provides that the protection from liability in clause 9 does not extend to any:

"civil liability for loss or damage resulting from a person's negligence in doing an act".

I am advised that, strictly speaking, the amendment is unnecessary as personal injury would already be caught by the wording of clause 10(1)(a) as it stands. I do not, therefore, support the amendment to clause 10.

Amendment No 8 seeks to replace the word "threat" in clause 12(4)(b) with the phrase:

"an expressed intention to use force"

I confess that I am not clear as to the motivation behind that amendment. Perhaps the Members proposing it will enlighten us when speaking to it during the debate, but, at this point, I do not see what it adds to the clause or what objective it aims to achieve other than to create a drafting issue with the repetition of the words "to use force". That would have to be corrected at Further Consideration Stage if made by the Assembly today. Therefore, I do not support the amendment to clause 12.

Amendment No 10 is to clause 14(4). It would make sense to cover that with amendment No 31 to clause 31(3), both of which are tabled by Ms McCorley, Mr McCartney and Mr Lynch. The intended effect of those amendments would appear to place a duty on my Department to make regulations prescribing the types of people who are suitably qualified to carry out formal assessments of capacity for the purposes of clause 14 and who can gain access to the home of a person, subject to a community residence requirement for the purposes of clause 31. It is already the case that neither clause 14 nor clause 31 can come into operation before the relevant regulations are made. In other words, the proposed amendments are unnecessary.

However, when reviewing those clauses following their introduction, the Office of the Legislative Counsel suggested rewording the relevant subsections in recognition that the word "may" could cause confusion. Amendment Nos 9 and 30 resulted. Those were accepted by the Committee, as noted in its report. Those amendments fall into the second group of amendments to be debated today. They better address the perceived problem that perhaps motivated the Members' amendments.

I also do not support amendment No 11 to clause 16, the effect of which is to remove electroconvulsive therapy (ECT) from the list of serious treatments requiring a second opinion under the Bill. While it is for the Members proposing the amendment to explain their rationale, I suspect that it might have been prompted by the view expressed by some stakeholders during the public consultation and Committee Stage that to single out ECT goes against the underlying aim of the Bill to destigmatise mental health.

Although I am sympathetic to that view, I am more persuaded by the counterargument that, if it is not expressly mentioned in clause 16, the Bill could be perceived to be weakening protections for persons who are undergoing ECT. ECT is specified as requiring a second opinion in the Mental Health (Northern Ireland) Order 1986, which is to be replaced for over-16s by the Bill.

Amendment Nos 14, 16 and 17, all of which amend clause 18, also relate to the issue of second opinions. Among other things, clause 18 requires the doctor giving the second opinion to do certain things before he or she gives it in the form of a certificate. For example, the doctor must consult with those treating a person generally. The effect of amendment No 14, which I am proposing on foot of points raised by some stakeholders during Committee Stage and agreed by the Committee in its report, is to require the doctor to examine a person who is lacking capacity and any relevant health records before providing a certificate.

Amendment No 16 further strengthens the second-opinion safeguard by making it clear in the Bill that the doctor providing the second opinion should be independent of the doctor providing the treatment. Amendment No 17 is a technical amendment that is consequential to that.

I now turn to amendment Nos 18, 22, 23, 24 and 25, tabled by the Chair of the Committee, which relate to what is referred in the Bill as the "prevention of serious harm condition". Although I fully understand the motivation behind the amendments, which were prompted by evidence from the Law Centre during the Committee's deliberations, when you work them through, they could produce some very perverse outcomes for the very people whom the Bill is trying to protect, and that would be difficult to justify. It could, for example, result in people not receiving treatment because they are unable to consent to themselves even though it is clearly in their best interests. For example, a fear of needles or a belief that the doctor is trying to poison them may cause them to resist that treatment. There is already a power in the Bill to prescribe circumstances in which a trust's authorisation would be required where a person is resisting the provision of serious treatment. That is proportionate and workable, but also to require a doctor to be satisfied that, in all such cases, the treatment is necessary to prevent serious harm would not be. I would therefore be concerned if those amendments were to be supported today. As I said, although well-intentioned, they may do more harm than good, which is not the outcome

that any of us wants for those who require the protections that the Bill aims to give them.

That brings me to amendment Nos 19, 20 and 21, which were tabled by Ms McCorley and others and which also relate to the prevention of serious harm condition. It is perhaps worth explaining that, as it stands, the Bill requires that condition to be met where it is proposed to deprive people of their liberty or to treat people on a compulsory basis. It means that the person proposing the interventions must reasonably believe that they are necessary to prevent serious harm coming to the person who is unable to consent to the care or treatment required or to prevent serious physical harm coming to others. That is a very high bar, and rightly so.

The effect of the proposed amendments would be to permit the detention of, or the provision of serious treatment on a compulsory basis to, vulnerable individuals who have not done anything unlawful, never mind illegal or criminal, on the basis of there being a risk of something less than serious physical harm to another person. Specifically, it would permit such serious infringements of a person's liberty on the basis of a risk of psychological harm to another person, which is notoriously difficult to prove. Such a lowering of the threshold for detention is not something that we as elected Members should countenance without a full and open debate, particularly when it is not advocated by stakeholders who are deeply committed to the Bill and when the reasoning that I just outlined was explained to, and accepted by, the Committee.

Before dealing with the issue giving rise to the largest number of amendments in this group — again, tabled by Ms McCorley and others — I briefly refer to amendment No 26. That amendment relates to the proposed new schedule 7A, which provides for supervision and assessment orders. I will say more about those orders when debating the fourth group of amendments, but, in essence, amendment No 26 seeks to align the protections available to people, subject to a supervision and assessment order, where it is proposed to treat them, and that treatment is serious, with the protections available to people who are being similarly treated when subject to a measure of a compulsory nature under Part 2 of the Bill. That means that authorisation by a health and social care trust must be sought under schedule 1 in such cases in prescribed circumstances. I hope that Members will support that amendment, which has been accepted by the Committee, as is noted in its report.

Amendment No 29 is the first of 101 amendments that add “approved clinician” or “approved responsible clinician” to references in the Bill to “medical practitioner” or that replace “medical” with “clinical” to describe reports that must be made for very specific purposes in the Bill. The amendments in question are amendment Nos 29, 39 to 41, 43, 46, 57, 59 to 63, 137, 140, 145, 146, 176, 178 to 180, 183 to 186, 189, 196 to 202, 204 to 207, 209 to 214, 216 to 221, 230 to 232, 234 to 238, 244, 246 to 248, 369 to 378, 409 to 412, 421 to 423, 425 to 429, 432, 434 to 436, 438 to 440, 442 to 449, and 459 to 462. Now that should fill somebody's bingo card.

You will all be glad to hear that I propose to deal with all those amendments together as they all appear to be motivated by the same aim. I hope that others follow suit. *[Laughter.]* That aim is to widen out the professional roles provided for in the Bill. This is not a new issue; it came

up in the consultation phase and at Committee Stage. The main difficulty with those amendments, as I see it, is that the term “clinician” is very wide and, based on our legal advice, could capture practitioners who would not be suitably qualified to perform the functions and duties envisaged in the Bill. Those functions and duties relate to some of the most serious interventions that might be made in a person's life and require objective medical evidence in order to comply with the relevant legal obligations under the European Convention on Human Rights (ECHR).

There is a real risk, therefore, that those amendments might negatively impact on the Bill's compatibility with the ECHR, particularly when it comes to the provisions relating to deprivations of liberty and the associated authorisation process in schedule 1. As I said, this issue has been on our radar for some time and was raised by the Committee, which accepted the Department's position.

I should also make Members aware that, from a technical standpoint, the proposed amendments are likely to necessitate further changes to the Bill, which would have to be identified before and then made at Further Consideration Stage. With limited time available, there is a risk that not all of those further amendments would be identified in time, increasing the risk of needing a further Bill in the next mandate to deal with the issue.

I now turn to the issue of automatic referrals to the review tribunal, which is the subject of amendment Nos 48 and 49. Those amendments would change the duty on health and social care trusts to refer a person's case to the tribunal, where it has not been considered, from two years to one year, or, if the person is under 16, from one year to six months. In my view, those amendments are unnecessary because there are other mechanisms in the Bill that can be used to bring a person's case to the tribunal. First, the person in respect of whom an authorisation has been granted under schedule 1 or schedule 2, or his nominated person, can apply to the tribunal at various times during the authorisation period. Secondly, at any time during an authorisation period, various people can refer the person's case to the tribunal to consider whether the criteria for that authorisation are still met. Those referrals can be made by the Attorney General and the Department, as well as the Master of the Office of Care and Protection, if directed to do so by the court. There is an additional duty on the trust to notify the Attorney General if somebody in its care lacks the capacity to make an application to the tribunal. The Attorney General can then decide to make an application to the tribunal if not to do so would be a breach of that person's rights.

Taking into account all those various access routes to the tribunal, I do not believe these amendments are necessary. Furthermore, they would have an obvious cost implication that cannot be ignored in the current financial climate. Tribunals would be convened more frequently, requiring significant additional resources and an accompanying increase in the legal aid bill.

Amendment No 75 relates to clause 73, which deals with the nominated person additional safeguard in Part 2. Clause 73 currently provides that, where a person is unable to appoint his nominated person himself or herself, and one must be appointed, the default nominated person cannot be somebody who lives outside the UK, the Channel Islands, the Isle of Man or Ireland. I believe that this is a reasonable, sensible and proportionate

restriction that the proposed amendment would remove, creating what I consider unnecessary practical difficulties. For example, what if the default nominated person lives in Australia and the person who lacks capacity is here in Northern Ireland? Surely it is preferable to have someone close by who may be consulted as frequently and freely as necessary. I do not, therefore, support that amendment to clause 73.

11.30 am

Amendment Nos 76 and 94 are related. They aim to clarify the nature of information that may be disclosed to a nominated person and the independent advocate, and they serve to align the language in the Bill with that in the Data Protection Act 1998.

Amendment No 82 addresses a concern raised by the Law Centre and the Committee about the independence of independent advocates, which is a further safeguard provided for in Part 2. It removes the words “so far as practicable” from clause 84, with the aim of strengthening the requirement for independence. The amendment was endorsed by the Committee, as noted in its report.

That brings me to amendment No 331, which inserts a new clause into the Bill relating to advance decisions. This is a significant policy amendment that I have agreed to make in light of the Committee's scrutiny of the Bill. I should like to begin my brief comments on this by saying that the Committee was right to devote time to it. It is not straightforward, as I hope I will explain, and the conclusion ultimately reached by the Committee reflects that. As Members may be aware, an advance decision is a decision that a person makes when they have capacity to refuse a specific treatment in the future should they lose capacity. Clause 11 gives statutory recognition to advance decisions but does not include provisions on how they should be made or operate. That will continue to be governed by common law.

The main reason for adopting this approach is flexibility. The common law can continue to evolve, as the provisions are not set in stone. That is different from the approach taken in the English Mental Capacity Act 2005, which codified the common-law rules, although Scotland did not go down that route. Perhaps influenced by the position in England, some stakeholders argued that the Bill here should include similar provisions. However, my Department has consistently maintained that fusing mental health and mental capacity legislation will create a radically different legal framework to that in which the common-law rules were developed and which has not yet been attempted anywhere else. Simply following the English approach is not the answer in our circumstances. The more prudent course, which I am convinced is the right one for now, is to give this Bill time to bed in before deciding what the rules on advance decisions should be. As far as I can see, there just is not the consensus or the certainty to be able to legislate for it now. We, as an Assembly, are better taking the time to get it right, and the Bill allows us to do that.

However, I also accept that it is our responsibility to set the policy in matters such as these, which the Committee rightly reflects in its report. I want to be absolutely clear that the position adopted in the Bill is in no way an attempt to shirk that responsibility, which is why I had no difficulty in agreeing to the Committee's very reasonable suggestion to look again at this within a set time frame and to commit

my Department to that in the Bill. That is reflected in new clause 272A, which is covered by amendment No 403 and which I hope will find support in the Chamber.

Before I conclude my remarks on the first group, I want to briefly refer to the remaining amendments in it. None of them changes the policy intent of the relevant provisions; they simply clarify that intent. Amendment Nos 431, 433, 437 and 441 relate to paragraph 11 of schedule 2, which deals with short-term detention in hospital and the requirement to examine, on admission, the person being detained. Amendment No 431 makes it clear that the examination must be done immediately on admission. That mirrors the approach in the equivalent article 9 of the Mental Health (Northern Ireland) Order 1986. Amendment Nos 433, 437 and 441 are technical amendments consequential to amendment No 431.

Finally in this group, amendment Nos 450 to 457 relate to reports made under schedule 2 to the Bill that are found to be defective or incorrect. Amendment Nos 450 and 451 limit the type of errors that can be corrected under paragraph 20 of schedule 2 to administrative errors only. Amendment Nos 452 to 456, which are to paragraph 21, allow the medical report required for the authorisation granted under schedule 2 to be corrected within the permitted period. Amendment No 457 inserts new paragraph 22, which allows for a new report to be issued if the original report does not comply with the requirements of the Bill. The amendment also requires a new examination of the person and a statement that the detention conditions have been met at all times since the original report. As I mentioned, these amendments do not change the policy intent, but they do ensure that errors can be corrected without putting the person being detained at risk.

I am very glad to say that I thank Members for bearing with me, and I look forward to hearing their views on the amendments in this group.

Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill): I will endeavour to be as quick in getting through my speech as the Minister was. I speak on behalf of the Ad Hoc Joint Committee, which is the first Ad Hoc Joint Committee to be established by the Assembly. Its membership was drawn from the Health Committee and the Justice Committee. We began our work in May 2015, with the task of looking at the Committee Stage of the Mental Capacity Bill, which is, as the Minister acknowledged, one of the largest Bills to have ever come before the Assembly.

Members will be aware that the background to the Bill is the Bamford review, which concluded in 2007 that, for the first time, there should be a single legislative framework to reform the existing mental health legislation and to introduce capacity legislation to Northern Ireland. Mental health law is broadly concerned with the reduction of the risks flowing from the mental disorder to the patient and to other people, whilst mental capacity law is designed to empower people to make decisions for themselves, whenever possible, and to protect people who lack capacity.

The key purpose of developing a single legislative framework to cover mental ill health and mental capacity is to attempt to reduce the stigma and inequalities that can sometimes flow from having specific mental health legislation. However, the production of such legislation is in no way a straightforward task, and, indeed, Northern

Ireland is the only place in the world to attempt such an approach. England and Wales passed the Mental Capacity Act in 2005, for example, but it does not cover the treatment of mental illness. They have maintained two distinct legislative frameworks. The closest that anywhere has come to contemplating the approach is Victoria, Australia. In 2012, it considered bringing together mental health law and mental capacity law and produced a report. It decided, however, not to proceed further and concluded that it was a matter for ongoing debate. Given that we are leading the world in this regard and that it is such groundbreaking legislation, one would imagine that every Member would want to speak. Given that very few Members will contribute, I suggest that that perhaps reflects the complexity and difficulty in getting your head round such a complex Bill. It is important to note up front the complexity of the task that we faced in scrutinising a Bill that fuses 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.

As I said, the Ad Hoc Joint Committee was established in May. We considered the Bill each week until we reported on 25 January. It is a long Bill, comprising 295 clauses, which are divided into 15 Parts and 11 schedules. The Committee worked its way through the Bill, starting off with introductory briefings with the Departments during June. Towards the end of June, we also held a round-table evidence session with international experts and academics in the fields of mental health and mental capacity to provide us with another perspective on the key issues in the Bill. The Committee received 53 submissions in written evidence and, during September and October 2015, took oral evidence from a wide range of interested parties. The remainder of our time was spent deliberating on the Bill, including fairly detailed negotiations with the Department of Health on a number of clauses.

The Committee's scrutiny led to its recommending to the Department of Health that it make a number of significant amendments to the Bill. The majority of the recommendations have been accepted by the Minister and are reflected in the amendments that we are considering today. I thank the Minister for his cooperative approach and for taking on board the Committee's views. I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and the Bill teams, which were composed of officials from the Department of Health and the Department of Justice. Officials made themselves available to answer our queries, in writing and in person, when required. That certainly helped us to come to an agreed position on many issues in the Bill.

Before I speak specifically about the amendments in the first group, I will provide a brief overview of the key issues that we identified as we went through the scrutiny process. First, the Department's decision to recognise but not codify advance decisions in the Bill and to leave it to common law; secondly, the Department's approach to the future role of enduring powers of attorney; thirdly, whether criminal justice disposals provided for in the Bill were sufficiently broad to deal with offenders who pose a risk of serious psychological harm to others; and, fourthly, the extent of the powers in the Bill to allow the Department to amend primary legislation by means of secondary legislation. I will return to those issues later in the debate.

There was also the financial cost of the Bill, which I want to focus on for a few minutes before I turn my remarks to the detail of the amendments. There are major questions on how and when the legislation will be implemented. The introduction of the Bill will require a substantial change to practice and culture across the health and social care and justice sectors. Major change, which will necessitate staff training, additional staffing, an increased legal aid budget, the establishment and operation of a review tribunal and an Office of the Public Guardian, comes with a hefty price tag. The Departments have estimated that between £76 million and £84 million will be required for year 1 implementation costs and between £68 million and £76 million for recurrent costs on an annual basis.

Therefore, the outworkings of the Bill would cost the Executive an additional £70 million each year, and every year going forward. If the Health and Justice Departments were required to find that money from their existing baseline, it would place significant pressure on both budgets.

Given the current financial climate and the likely financial climate over the four or five years, the question genuinely arises of whether Northern Ireland will be able to afford the implementation of this substantial legislation. If we cannot afford it, what happens then? Will we have passed legislation that could end up being out of date by the time that it is commenced five or 10 years down the line? These are serious questions, and I am interested to hear the Minister's thoughts on the Bill's affordability as the debate progresses throughout the day.

I will now comment specifically on the first group of amendments. All the amendments in the group that were tabled by the Minister were supported by the Committee. Given the sheer number of ministerial amendments, I will not go into detail on every single one. Rather, I will focus my remarks on those that are, from the Committee's point of view, most significant.

Amendment Nos 1 and 2, tabled by the Minister, relate to one of the key elements of the Bill, which is that people must be supported to make their own decisions wherever possible. Clause 5 sets out the steps that must be taken to allow that to happen. Stakeholders welcomed clause 5. However, some organisations believed that it could be strengthened further. The Royal College of Speech and Language Therapists was keen to ensure that the clause made clear that communication support must be given to those who require it. The Committee supported that view and asked the Department to consider amendments to address the issue. The Department tabled amendments to clauses 4 and 5, which are before us today as amendment Nos 1 and 2.

Amendment No 1 makes clear in the Bill that help and support must be given to enable a person to communicate his or her decision. Amendment No 2 amplifies the point that help and support must be given to enable a person to communicate his or her decision, without affecting the generality of clause 5(2). Those amendments were welcomed by the Committee.

Amendment No 14 also came about as a result of Committee scrutiny. The RQIA and the Commissioner for Older People queried the way in which clause 18 was drafted as it implied that a second opinion could be made without a doctor being obliged to visit patients or obtain their medical records. The Committee agreed that the

clause should make absolutely clear that both would be required in the course of producing a second opinion. The Department agreed to amend clause 18, and the Committee welcomes amendment No 14, which requires a medical practitioner to make at least one visit to a patient and to have made at least one request for their records before he or she can issue a certificate.

Amendment No 82, tabled by the Minister, was also in response to an issue raised by the Committee. It relates to clause 84 and the matter of independent advocates. Under the Bill, people have a right to an independent advocate in certain circumstances. These circumstances are set out in clauses 35 and 36 and are referred to as “relevant acts”. A relevant act is defined as one of the following: deprivation of liberty; a requirement to attend a certain place to receive treatment with serious consequences; the imposition of a community residence requirement; or the provision of serious compulsory treatment. Therefore, it is clear that independent advocates have a role to play when people find themselves at a point in their life when serious decisions about their future treatment or care are to be made.

Clause 84 sets out the arrangements for instructing independent advocates. As drafted, clause 84(3) requires that the health and social care trust must have regard to the principle that the advocate must be independent of the person who proposes to do the act or give the treatment, so far as practicable. As the Minister mentioned, the Law Centre flagged its concern at the use of the phrase “so far as practicable” and suggested that it be removed from the clause for what the Committee viewed as very sound reasons. The Law Centre argued that independent should mean independent and that it should be entirely possible to appoint an advocate who is completely independent of the decision-maker. Given that independent advocates are instructed only when the most serious interventions are proposed — those that will have a major impact on a person’s life — the Committee felt that it was right and proper that the independence of the advocate should be without doubt. The Department accepted that rationale and tabled amendment No 82, which was also welcomed by the Committee.

Amendment No 331, tabled by the Minister, concerns one of the key issues that the Committee focused on during its scrutiny. Clause 11 deals with advance decisions and states that protection from liability does not apply if, for example, a doctor carries out treatment:

“that conflicts with an effective advance decision to refuse treatment”

that has been made by the patient. A range of stakeholders was concerned that, whilst clause 11 recognises effective advance decisions, it does not set out the rules for what constitutes an effective advance decision or how people can go about making one. Instead, the Department is leaving those issues to common law.

11.45 am

Stakeholders pointed out that, in contrast, advance decisions are codified in the English Mental Capacity Act 2005. The concerns about the Department’s approach to advance decisions were flagged up by the Northern Ireland Association for Mental Health, the Commissioner for Older People, the Children’s Law Centre, Compassion in Dying, the Medical Protection Society, Disability Action

and the Alzheimer’s Society. For example, Compassion in Dying was concerned that the Bill has the potential to create confusion for people who would like to plan ahead for their future treatment in the event of loss of capacity; and for healthcare professionals who may be faced with an advance decision but are unsure as to whether it is “effective” and are therefore unsure of their obligations to respect it. However, other stakeholders, such as the Northern Ireland Association of Social Workers and the Royal College of Psychiatrists, took the position that case law and the wider societal debate about advance decisions was still developing. They suggested that the code of practice should contain guidance on how advance decisions should be drafted.

The Committee explored the issues involved with the Department in some detail. We wanted to understand its rationale for relying on case law rather than using the Bill to provide clarity and direction on advance decisions. The Department’s position was based on a number of arguments. One of its key points was that because the Mental Capacity Bill fuses mental health and mental capacity legislation, there could be a wider range of treatments covered by advance decisions than is the case in England and Wales. The courts have not yet considered those issues. In the Department’s view, the courts should have the opportunity to develop common law rules further. The Department also suggested that it would be preferable to allow for greater public debate on advance decisions once the Bill is in operation rather than setting the rules in law at this point. Officials advised that consultation on the Bill had demonstrated that there is not enough evidence or consensus to allow the rules around advance decisions to be set down in the Bill and that there are still key policy issues to be determined, such as, for example, whether the rules should be the same for all treatments or for people of all ages.

The Committee was concerned that an issue of such significance was going to be left to the courts to determine rather than the policy being developed by the Department and approved by the Assembly through the Bill. Members questioned the Department further on existing case law. Officials revealed that, in fact, there had been no cases on advance decisions to date in the courts in Northern Ireland. They then stated that public awareness raising, as part of the implementation phase of the Bill, might result in people being more aware of advance decisions and that that could generate more court cases. The Committee did not accept the notion that people being forced to take court cases because of a lack of clarity in the law was somehow a positive thing in that it would help to develop case law. In the Committee’s view, that would be evidence of failure, not success. In addition, it would leave healthcare professionals and patients in a vulnerable and uncertain position, particularly in connection to advance decisions for mental health conditions.

The Committee acknowledged that not enough policy work has been done by the Department to allow the rules around advance decisions to be put in the Bill. For example, a range of issues would need careful consideration, such as whether advance decisions should be limited to refusal of a specific treatment or should allow for positive statements requesting a specific treatment; whether children and adults should be allowed to make advance decisions; and whether an advance decision could be confined to an already diagnosed condition or extended to a future condition or future circumstances. The Committee

therefore agreed to ask the Department to bring forward an amendment to provide for a “review and report” clause, which would require the Department to review the law on advance decisions within a certain period from the Act becoming law and lay a report before the Assembly. The Department agreed to make such an amendment to require it to review the law on advance decisions and produce a report to be laid in the Assembly within three years of the Bill coming into operation. That is amendment No 331, and it has been welcomed by the Committee.

I will now turn to the Committee amendments in this group. Amendment Nos 18, 22, 23, 24 and 25 are Committee amendments and relate to clauses 21 and 22. Clauses 21 and 22 come under Part 2 of the Bill, which deals with additional safeguards for what is called “treatment with serious consequences”. This is defined in clause 20 and broadly means treatment that causes the person serious pain, distress or side effects, is major surgery or has a serious impact on their day-to-day life. Under the Bill as drafted, a nominated person can object to a proposed treatment with serious consequences. In most cases, the nominated person would be a family member or carer. In those instances, the treatment can proceed only if the prevention of serious harm condition is met. That condition is that failure to provide the treatment would create a risk of serious harm to the individual in question or to other persons. However, if the individual who lacks capacity resists the treatment with serious consequences, that does not trigger the prevention of serious harm condition. The Law Centre had significant concerns about what it saw as that discrepancy. It argued that it is unfair that resistance from the person who was actually the subject of the treatment did not have the same weight as an objection from a nominated person. The Law Centre was of the view that clause 22 should be amended so that the prevention of serious harm condition applies.

The Committee sought the Department’s view on this proposed amendment. Its response, much like the Minister outlined earlier, was that the prevention of serious harm condition is a high bar that a decision maker must be satisfied is met before providing certain types of treatment. In the Department’s view, that high bar is proportionate when a nominated person is objecting but not when the person themselves is resisting. The rationale is that the person’s resistance could be unexpected or unrelated to the treatment itself.

The Committee was not convinced that that was a sound rationale. For example, it might be convenient to say that the person’s resistance is due to some other factor and not the treatment that they are about to receive but that is a subjective judgement call. The Committee therefore agreed to bring forward its own amendments to require the prevention of harm condition to be met where a person resists treatment, so that the same standard is required as when a nominated person objects to treatment.

I ask the House to support these amendments.

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Cuirim fáilte roimh an deis labhairt ar an Bhille seo inniu. I welcome the opportunity to speak at the Consideration Stage of the Mental Capacity Bill. At the outset, I state that I support the general principles of the Bill, including its safeguards and protections from liabilities.

Issues around mental capacity could affect any one of us directly or indirectly in our lifetime. It is important that robust legislation is in place that outlines the rights of individuals and the roles and responsibilities of statutory agencies. The principles of this Bill will transform mental health legislation here in the North, and I believe that —

Mr Principal Deputy Speaker: Can I just interrupt the Member? Could you just move your mic forward for the sake of Hansard?

Ms McCorley: Sorry about that. The Bill’s passage will benefit hugely those who lack capacity or may lack capacity in the future.

We proposed a number of amendments, and I would like to refer to some of them. Amendment No 8 to clause 12 relates to acts of constraint. The amendment proposes:

“Leave out ‘a threat’ and insert ‘an expressed intention to use force.’”

In evidence at Committee Stage, a lot of concerns were raised about using restraint and the terminology of how it was physical and an invasive act. It provoked a lot of comment. Clause 12(4)(b) states that an act restraining a person:

“is a use of force or a threat to use force”.

We believe that a better form of words would be “an expressed intention to use force” so that someone would not be restrained without proper grounds. We need to be clearer about an expressed intention to use force so that people are not going to be restrained unnecessarily. That is the rationale behind that amendment.

Amendment No 11 to clause 16 is in relation to electroconvulsive therapy. Again, that was an issue that came up at Committee Stage. We listened to what we were hearing from people, and as part of our responsibility we raised the issue and put forward the amendment. However, having listened to the Minister’s explanation of why it needs to be there, we are happy enough not to move that amendment.

Amendment Nos 19 and 20 to clause 21 relate to treatment with serious consequences. They concern the prevention of serious harm condition under additional safeguards. The Bill says that the prevention of serious harm condition is where:

“failure to provide the treatment in question to P would create a risk of serious harm to P or of serious physical harm to other persons”.

During the Committee Stage, it was expressed that serious physical harm is included but that that leaves out the fact that serious psychological harm could be caused to a person and that limiting it to physical harm meant that the type of psychological harm that could result from whatever could happen would not be considered. That is why we feel that “physical” should be left out so that the definition is “serious harm”. That would have the capacity to include physical or psychological harm.

I move on to amendment No 29. The Minister went on to list all the ensuing amendments that would be affected by this one. I will be honest and say that I was not exactly clear about what the Minister was saying. We had very robust evidence at the Committee as to why we needed to

have approved clinicians as part of the decision-making process. I can go into that in detail, but is the Minister prepared to confirm what he said? I did not hear what he said; it was a wee bit unclear. I am happy to listen to him if it that is appropriate. If you could maybe —

Mr Hamilton: I am happy to intervene if the Member wishes to give way, or I will do it in my summation.

Ms McCorley: In amendment No 29, we seek to insert “approved clinician” after “medical practitioner” on the basis that it would allow other therapists and clinicians to be part of the decision-making process rather than limiting it to just a medical practitioner. That is people who are involved in psychological assessments and that. The Minister said that, because there are several amendments that ensue from amendment No 29, he would deal with all those amendments together, but I did not quite catch what the Minister said.

Mr Principal Deputy Speaker: Are you asking the Minister to respond now or when he makes a winding up speech? He is happy to do it now.

Ms McCorley: Ok.

Mr Hamilton: Thank you, Mr Principal Deputy Speaker. There are several concerns that flow from the raft of amendments, of which there are 101. I am glad that you did not read all the numbers out as well; I did that courtesy for you. The first issue comes from the fact that “clinician” is quite a wide term and runs the risk of including and capturing practitioners who are not suitably qualified to make important and difficult decisions. They are some of the most difficult decisions that might have to be taken in a person’s life. I do not think that any of us want to be in a position where we have people who are not suitably qualified to perform the important functions and duties envisaged in the Bill having to take those decisions. That is why I think that a much narrower term is required.

Moreover, there is a risk that, by doing that, we could stumble over European Convention on Human Rights (ECHR) obligations, as the Bill could be incompatible because of the breadth of that definition. Those are the issues that we are concerned about. When it comes to the provisions that relate to the deprivation of somebody’s liberty and the associated authorisation process, which is set out in schedule 1, there are those concerns around the European Convention on Human Rights. In such circumstances, I think and hope that the House will agree that, on one hand, we do not want to fall foul of the ECHR and that, on the other hand, we want to have the right, suitably qualified people taking the very difficult and life-changing decisions envisaged in the Bill.

Mr Principal Deputy Speaker: I ask the Member to continue.

Ms McCorley: Go raibh maith agat. Can I maybe ask whether that would include suitably qualified registered psychologists? Can that be written into the Bill in some way?

12.00 noon

Mr Hamilton: I will perhaps reflect on that and come to it in my winding-up remarks. If we are unable to do that, we will reflect on the issue and perhaps discuss it at Further Consideration Stage. I am happy, however, to reflect on it and come back to it in my winding-up remarks.

Ms McCorley: Thank you very much. I accept that. On the basis of what the Minister has said, we will not now move those amendments.

I move on to amendment Nos 48 and 49. Again, we tabled those amendments because of issues and concerns raised during Committee Stage about the period before a case could be considered again. The Minister has laid out the rationale for that and given us some explanation of how safeguards will be put in place to address the concerns. Therefore, we are happy not to move those amendments.

Finally, clause 73 states that the default nominated person has to be somebody who is resident in the Channel Islands, the UK, the Isle of Man or Ireland. We believe that there is no strong reason that it cannot be someone who is resident in another country, and we feel that there is no need to have that limitation. I do not believe that there is a strong reason why that needs to be there, so I am content to move amendment No 75.

Mr McKinney: I welcome the opportunity to contribute to the Consideration Stage of the Mental Capacity Bill. Before getting on to the group 1 amendments, it is worthwhile sketching out some of the broader issues underpinning the need for change. It is worthwhile reiterating some stark statistics on the number of people whom today’s Bill will impact on. We have almost 20,000 people living with dementia in Northern Ireland, and that number is likely to rise. We have 1% of the population suffering from schizophrenia, 13% suffering from depression and almost 214,000 carers 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 the Bill will be for those with mental illness, their families and extended families.

The development of the Bill, as we all know, 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. Finalised in 2007, it recommended having a single piece of legislation that would provide a framework for the reform of mental health legislation.

I welcome the group 1 amendments, which, as I said, have the 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 tightened through the amendments to ensure that individuals are protected when decisions have to be made on their behalf. It is worth underscoring the point that we really have an opportunity with the Bill 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, and that has to be recognised as a positive move.

The Bill calls for suitable and adequate support to be given to individuals when all decisions relating to capacity are taken. I welcome the approach taken by the Minister in tabling amendments in that regard to ensure that there

is a clear measure of support available, whether that be through minimum standards or otherwise. We also need to ensure that, when older people make 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.

I will touch on the practicalities of the Bill. There is an obvious need to ensure at the outset that the bodies and individuals operating under the Bill are adequately funded and resourced. It is important to mention that the SDLP previously noted its concerns over the Bamford action plans and asked that the appropriate funding be made available to implement them. I will touch on that later.

There is a broad spectrum of individuals who do not receive the care or support that they need, and it is important that the Assembly reflects on that. However, it is positive, in the context of today's debate, to see some outcome from the Bamford action plans.

At Second Stage, the Chair of the Ad Hoc Committee referred to finance and the extra cost. I am sure that it would be beneficial to have some sort of economic audit carried out of that. While some people see everything as cost, there could be savings as well.

I turn to the group of amendments. The Committee received a large amount of correspondence and briefings and undertook significant discussion of safeguards and protections from the liability section of the Bill. The SDLP made clear at Second Stage that, while we support the principles of the Bill, as I have underscored, we have lagged behind in the UK for decades in not having that fully tailored legislative framework for mental capacity, and we have relied on the antiquated Mental Health 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.

The SDLP recognises that advance decisions can be a useful tool with which patients and professionals can work together to draw up a plan of what to do when a patient is unwell. That means that their wishes can be respected. The Alzheimer's Society related to the Committee that the Bill must operate as a stimulus to encourage the practice of making advance decisions, but it had significant concerns about who triggers the practice and how that happens so as to maximise the capacity of people with dementia at an early stage. They stated that their voice must be clearly audible in decisions being made close to the end of their life when they cannot make those decisions. Amendment No 331 is the new clause on advance decisions. It provides for a review, after three years, of the law relating to advance decisions to refuse treatment. We welcome that and will support it.

Clauses 35 and 36 provide for the inclusion of the independent advocate as an additional safeguard in all cases where the individual lacks capacity. We support the technical amendments in that regard.

Clauses 45 to 51 provide for rights of review of authorisation, that is to say a right to apply to a tribunal to

review decisions relating to capacity. There are significant amendments to the tribunal section in Part 6 of the Bill, but, first, I would like to note some of the points made to the Committee on the tribunal.

The Law Society noted the expanding remit of the tribunal but sought confirmation that there would be a corresponding increase in resources.

Mr Principal Deputy Speaker: Can I just ask you to confirm that you are speaking to the group 1 amendments?

Mr McKinney: Yes, though I have to say that that inclusion may have drifted beyond the — *[Laughter.]*

Mr Principal Deputy Speaker: Not for the first time. I draw you back to the group 1 amendments.

Mr McKinney: I was about to conclude my remarks on the general issue of budget. Departments have estimated that between £75 million and £129 million is required —

Mr Principal Deputy Speaker: Mr McKinney, the budget is not part of this debate.

Mr McKinney: Thank you, Mr Principal Deputy Speaker.

Mrs Dobson: I also welcome the opportunity to speak on the first group of amendments. I am glad that the Bill has reached this stage, as, for a time, there was concern about whether it would get caught up in the dissolution of the Assembly. I, again, express my disappointment at how long it took for the Bill to come to the Floor, especially considering that it and the wider single legislative framework were first proposed as far back as 2009 following the Bamford review. Nevertheless, as the Chair of the Ad Hoc Committee explained, it is a very important Bill, and I believe that all members of the Committee showed a willingness to see it reach this stage. There was, understandably, significant stakeholder interest in the Bill, and I was impressed by the quality of the evidence that we heard. It was important, however, that the bodies that will, ultimately, implement the Bill had sufficient opportunity to feed into it.

I support the first group of amendments. The Minister has reflected many of the issues that we heard in Committee.

I also support the amendments that have been tabled by Sinn Féin. Those that would insert the term "approved practitioners" into the Bill should hopefully ensure that it will remain flexible to changes in service provision in years to come.

The only other comment that I have at this stage is that, while I note that the Sinn Féin amendments would tighten the language in some areas of the Bill, such as clause 14, it was disappointing that they did not show the same consistency with my amendments yesterday.

Mr McCarthy: Like others, I am pleased to contribute briefly to the debate on this important legislation. On this occasion, I will take the advice of the Minister and, indeed, the Chair of the Ad Hoc Committee and not repeat things that have been said. I place on record my thanks to the Committee staff, officials from both Departments and all the stakeholders who gave evidence during the process. I also thank, of course, our officials, who helped to get the Committee through this important work.

It has been an extraordinarily complex piece of legislation. It has involved detailed scrutiny by the Ad Hoc Committee

for the best part of six months and two Departments — Health and Justice — which are to be commended for working together on this important legislation. Of course, the Bill has long been under development and has been necessary for a considerable time. Therefore, it is particularly important that we complete its remaining stages before the end of the mandate. We must not let it fail and, in doing so, lose all the work to date and, moreover, the reforms that it will deliver. It is important that we press on and make good progress in the time that remains.

The Assembly will be pleased to note that I do not intend to go systematically through each amendment in the group, but I pass my admiration on to the Minister and the Chair of the Committee for seeking to do so.

I put on record my support for the amendments from the Minister and the Committee. They reflect the detailed work that has been conducted by both Departments and the Committee over the past months to ensure that a robust and informed exchange took place so that there was a balanced outcome. The amendments in the group reflect the importance of the underlying principles and the need for adequate and appropriate safeguards in their application.

The Bill will hopefully improve the lot of people who suffer from mental illness. Mental health and learning disability have always been regarded as the Cinderella of the health service. Hopefully, this work will now bring them to a level playing field. That is what we are all striving to attain. All the work comes on the foundation of the sterling work of the Bamford working group on mental health and learning disability. As others have stated, by offering a single, integrated Mental Capacity Act, the Bill is groundbreaking and, in fact, world-beating in best practice by international standards.

Mr Principal Deputy Speaker: I ask the Member to come back to the amendments.

Mr McCarthy: OK, Mr Principal Deputy Speaker. I am, therefore, sceptical about the many amendments tabled by Sinn Féin at the eleventh hour outside the context of the structured scrutiny that was offered through the Ad Hoc Committee, where proposed amendments could be tested and the full implications taken into account. In particular, the amendments that introduce the term “clinician” alongside “medical practitioner”, while maybe well-intentioned, may have the unintended consequence of not being compliant with the European Convention on Human Rights, in that they dilute the standard of evidence used in any intervention.

In conclusion, I will comment on the point of finance, which was raised by the Chair of the Committee. Not least given the huge volume of work that has been conducted to date, it is vital that we now place the Bill on the statute book. Obviously, in the context of some very tight public finances and pressures on the health budget, consideration will have to be given to resourcing, but that can be for another day. Nevertheless, the direction of travel should be clear so that the Bill can be passed and implemented in full as soon as possible.

12.15 pm

Mr Hamilton: I thank all Members for their contribution to the debate on group 1.

It will be abundantly clear to everyone listening to the debate just how much consideration the Committee and

members have given to the Bill. It is also clear how many important issues the Bill touches on, and there is still a lot more to go. It is important, therefore, that we get it all right.

What we are talking about today will affect the lives of many people in Northern Ireland. One small change to a clause could have a massive impact on someone's life. We should not forget that as we debate and take decisions on amendments. With that message to the front of my mind, it is apt that I turn to the amendments tabled by Sinn Féin, which account for the vast majority in the group. It is apt, because, although a significant number of amendments were tabled, they relate to only four or five issues or concepts. Crucially, all of them were raised with my officials during Committee Stage, either in evidence sessions or in correspondence. As noted in the Committee's report, the Department's explanation or position on them, which I reflected in my opening remarks, was noted or accepted by the Committee, so it should not be surprising that I am opposed to the amendments today.

Ms McCorley made a specific point on the 101 amendments relating to definitional changes. In general, I welcome the fact that several amendments tabled by Sinn Féin will not be moved. I noted the ECHR concerns that Mr McCarthy raised regarding amendment No 29 and subsequent amendments about diluting the standards of those making very important assessments, as well as the suitability of the qualifications of the people making those assessments. I will give the Member a fuller explanation in writing on the issue of psychologists, but there is a role for other professions in other areas of the Bill, particularly in the formal assessment of capacity. I will give the Member a much fuller explanation in correspondence of the issue she raises between now and Further Consideration Stage.

I turn briefly to the Committee amendment relating to the prevention of serious harm. I listened carefully to the contributions, particularly that of the Chair. It is clear that this is well intentioned, but I fear that there is a problem because of the way in which the condition works, and its potential extension to a much wider group of people, as proposed by the amendment, could up end up doing more harm than good. Put bluntly, none of us wants to end up in a position in which people would be worse off than they would otherwise have been as a result of the Bill. There is a real risk of that happening if the relevant amendments to clauses 21 and 22 are made today.

The Chair raised the issue of costs, and other Members touched on it. From the outset, we have acknowledged that, because of the complexity of the Bill and the scale of the legislation, this would be expensive to implement. Initially, there were some very high cost estimates that we were not content with. We looked at the cost estimates again and have significantly reduced them to between £76 million and £85 million for the first full year of implementation and, for each year thereafter, between £68 million and £77 million. The costs have significantly reduced, but it is still a sizeable amount, particularly in the current budgetary climate. To be fair, we have been honest about that from the start.

The best course of action is to pass the Bill into law. Many Members have asked where the money is for this and why we have not put money aside, but it would not be proper to start to put resources against a Bill that has not been passed into law. The appropriate time to look at an implementation timetable is when the Bill passes into law,

after which funding can be accordingly applied. Clearly, we can do that in a way that would, for want of a better phrase, phase in the implementation of the Bill. We will need to consider that when implementing the Bill in the future.

I again place on record my thanks to the Committee for its work on advance decisions. The Chair tackled the issue with his customary enthusiasm. As he noted, the strength of the views of stakeholders on advance decisions rightly dictated that the Department's position required close scrutiny.

I take issue with the view expressed that the position adopted in the Bill leaves patients and healthcare professionals in a vulnerable and uncertain position. I argue that the Bill, as a whole, does the exact opposite. As I said in my opening remarks, I am pleased to table an amendment that commits the Department to review this area of law and report in three years' time. That brings me to the end of my concluding remarks on the group 1 amendments.

Amendment No 1 agreed to.

In page 2, line 41, after "means)" insert

"and references to enabling or helping a person to make a decision about a matter are to be read accordingly."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Supporting person to make decision)

Amendment No 2 made:

In page 3, line 29, at end insert

"(3A) For the purposes of providing the information or explanation mentioned in subsection (2)(a) in a way appropriate to the person's circumstances it may, in particular, be appropriate—

(a) to use simple language or visual aids; or

(b) to provide support for the purposes of communicating the information or explanation.

(3B) The reference in subsection (2)(c) to persons whose involvement is likely to help the person to make a decision may, in particular, include a person who provides support to help the person communicate his or her decision."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7 (Best interests)

Mr Principal Deputy Speaker: We now come to the second group of amendments for debate, which deal with subordinate legislation-making power, amendments to the Mental Health (Northern Ireland) Order 1986 and technical changes.

Mr Hamilton: I beg to move amendment No 3: In page 5, line 17, after "independent" insert "mental capacity".

The following amendments stood on the Marshalled List:

Amendment Nos 4, 6, 9, 12-13, 15, 27-28, 30, 32-38, 42, 44-45, 47, 50, 52-55, 58, 64, 65-74, 78-81, 83-93, 95-115,

120-122, 124, 126-127, 129-132, 134-136, 138, 143-144, 152-171, 175, 181, 190, 194, 222, 225-226, 250, 252, 255-256, 261-262, 264, 268-269, 273-274, 278, 280-286, 290-291, 297, 299, 301, 315, 320, 322-323, 325-329, 332-339, 343-346, 348-353, 355-358, 360, 364-368, 379-388, 392-402, 404-408, 413-420, 424, 430, 458, 463-469, 471-480, 482-485, 487-488.

With your permission, Mr Principal Deputy Speaker, I propose to deal with this group's technical amendments together. They are minor and do not, in my view, require a great deal of explanation. I will deal first with amendment Nos 3 and 4, which relate to clause 7. As introduced, clause 7 makes further provision in relation to the best interests principle. I have been asked by the Committee, following a suggestion made by the Law Centre, to replace the term "independent advocate", which appears twice in that clause, with "independent mental capacity advocate". The change will help to differentiate between advocates who will be instructed under the Bill and advocates who will be commissioned by the health and social care trusts for other purposes. It in no way affects their role. Amendment Nos 6, 33-37, 44, 58, 64-67, 73, 79-81, 83-89, 91-93, 95-115, 334, 339, 392-393, 413, 430 and 436 make the same change to references to independent advocates throughout the rest of the Bill. I am pleased that we were able to address this point to the satisfaction of the Committee.

Amendment Nos 12, 13, 15, 55, 70-72, 78, 90, 124, 126, 127, 129, 130-132, 134-136, 143, 144, 152-171, 175, 181, 190, 194, 222, 225, 226, 250, 252, 255, 256, 261-262, 264 — I am about halfway through — 268, 269, 273, 274, 278, 281, 290-291, 297, 299, 301, 315, 320, 328-329, 332, 333, 335, 336-338, 343-353, 355-358, 360, 364, 365-368, 394, 396, 397, 399-401, 414, 419, 420, 465, 466-468, 469, 483 and 484 — I will repeat those in case anybody did not hear them — [*Laughter.*] — are simply drafting improvements or clarify policy intent. Thankfully, they do not, I think, require any explanation. I have done them enough justice already.

Moving on to amendment Nos 27 and 28, which amend clause 28. These amendments are to avoid any potential confusion around the use of the word "likely". They aim to simply clarify that the doctor needs to be satisfied that the chances of the treatment turning out to be serious are more than negligible. The word "likely" suggests that the doctor needs to be satisfied that the proposed treatment will probably be serious, which is not what is intended. Amendment Nos 32, 38, 74, 406 to 408, and 415 carry this change through to other provisions in the Bill where the word "likely" is used in the same context. Consequential to these amendments is my opposition to clause 65. Clause 65 explains what is meant by references in the Bill to treatment likely to be treatment with serious consequences, and will be made redundant if the amendments that I have just outlined are made.

I turn now to amendment No 42, which affects clause 39. This clause sets out requirements around extension reports; that is, reports that extend a period of authorisation, one of the additional safeguards provided for in Part 2 of the Bill. One such requirement is to make an assessment of a person's capacity to apply to the tribunal to seek a review of the authorisation. The amendment clarifies that this assessment should be at the time that the extension report is being made. In other words, it is not a speculative assessment. No change in effect is intended. Amendment Nos 45, 52, 221, 280, 286, 408, 416, 418,

424, 458, and 464 carry this change in wording to other provisions in the Bill where necessary.

Amendment No 47 relates to clause 48. Clause 48 imposes a duty on the relevant health and social care trust to refer a person's case to the review tribunal if an authorisation has been granted and extended. The aim of the amendment is to make it clear that the policy is that the authorisation must have been in force for at least two years, or one year for under-18s, at the time of the extension for the clause to apply. Amendment Nos 50, 282, 283, 284, and 285 are consequential to this amendment.

Amendment No 68 clarifies that Part 2 of the Bill is not applicable where there is a legal obligation to act under other legislation. Amendment 120 clarifies that it is the court that specifies the individuals who the person lacking capacity may have contact with rather than their deputies.

Amendment Nos 121 and 122 are related.

Amendment Nos 124, 126 and 127, 129 to 132, 134 and 135 are technical amendments to align the language used in the Bill with the Mental Health (Northern Ireland) Order 1986.

Amendment No 327 clarifies that proceedings in relation to an offence under clause 266 may be brought by the Director of Public Prosecutions in addition to a person who has the consent of the Director of Public Prosecutions and the Regulation and Quality Improvement Authority (RQIA).

Amendment No 384 is a consequential technical amendment on foot of the amendment to clause 205, which I will discuss in more detail when the debate on group 4 arises.

Amendment 417 to paragraph 20 in schedule 1, clarifies the circumstances in which an interim authorisation may be made. Amendment Nos 53 and 54 are consequential to that amendment.

I now want to turn to the amendments in this group that relate to subordinate legislation-making powers. Amendment No 9 relates to clause 14. Clause 14 defines what is meant by formal capacity assessment and includes a regulation-making power to prescribe in regulations who is deemed to be suitably qualified to undertake that assessment. The amendment clarifies that only someone prescribed by the regulations can carry out the assessment. Any ambiguity over whether those regulations will be made is, therefore, removed. With this in mind, I would like to draw Members' attention to amendment No 10 again, which has been tabled by Ms McCorley and others. I referred to this during the debate on the first group of amendments. It should now be clear to the House that amendment No 10 is not required. I would, therefore, ask for amendment No 9 to be supported and for amendment No 10 to be opposed.

A similar issue arises in relation to amendment Nos 30 and 31, which relate to prescribing healthcare professionals permitted access to someone who is subject to a community residence requirement. Again, my tabled amendment No 30, removes any ambiguity around the need to make these regulations: they must be made. Amendment No 31 is, therefore, not required, and I urge Members to oppose it and instead support amendment No 30, which already deals appropriately with the issue.

I now want to turn to one of the more significant amendments that I propose to make. The Committee

made it clear to the Department that it was not prepared to support clause 288, which confers powers on the Department to make further provision in regulations. Members were concerned that the powers conferred were too wide.

12.30 pm

I have, therefore, been asked by the Committee to bring forward a more limited version of clause 288. Before turning to my proposals, I want it to be clear that the rationale for clause 288, in its original form, was to deal with the unknown unknowns, that is, any unintended consequences that the introduction of such an innovative framework might have.

The amendments that I now propose provide a compromise, given the Committee's clear stance on that issue. However, I should make Members aware, as I did the Committee, that they will increase the risk of needing a further Bill in the future. The relevant amendments are amendment Nos 69, 379 to 383, 385, 387, 388, 398, 404 and 405, all of which are consequential to my opposition to clause 288. In summary, those amendments insert a new clause 58A to replace — but to mirror the effect of — subsection (3) of clause 288, as originally drafted. That power continues to be required. My Department must be able to modify provisions in Part 2 of the Bill to deal with cases where an intervention is proposed in relation to a child under 16, who will actually be 16 when the intervention is carried out. It also gives my Department a power to make regulations for the rectification of reports made under Part 2 that have been found to be incorrect or defective, within a prescribed period. It is important that that power be retained.

A power to make regulations amending other primary legislation in consequence of the Bill only is now contained in clause 290. A power to make transitional, transitory or a saving provision, by regulations in connection with the commencement of the Bill, has been moved to clause 294 and does not now include a power to amend or modify other primary legislation.

Amendment Nos 379 to 385 and 387 to clause 289, are largely consequential on the changes to clause 288, and the Department's acceptance of the recommendations in the report of the Examiner of Statutory Rules.

Moving on to other subordinate legislation-making powers, amendment No 138 gives effect to comments made by the Examiner of Statutory Rules on clause 131, which deals with research. I thank the Examiner for that advice. The aim of the amendment is to ensure that any regulations relating to clinical trials that are not to be treated as research for the purposes of Part 8 must be prescribed by regulation, subject to negative resolution rather than by way of an administrative designation.

Amendment Nos 322, 323, 325, 326 and 402 are purely technical in nature, clarifying policy intent, which we will not go into.

Amendment No 386 makes the regulation-making power in paragraph 14 of schedule 7A, which deals with supervision and assessment orders, subject to affirmative resolution, as some regulations could have a significant policy impact.

Amendment No 402 clarifies that the principles in Part 1 apply to regulations made under the Bill.

It is also worth pointing out that amendment No 395, although minor, ensures that any references in the Bill to “prescribed” attracts the same definition as that for regulations.

I conclude my comments on the second group by detailing those amendments that relate to the Mental Health (Northern Ireland) Order 1986. Again, there are some minor technical changes brought forward by amendment Nos 471, 474, 475 and 482. Amendment No 472 relates to the repeal of Part 6 of the Mental Health Order, which sets out the functions of the Regulation and Quality Improvement Authority. Those functions were transferred from the Mental Health Commission to the RQIA in 2009 but, at that time, were not amended to take account of the wider functions conferred on the RQIA by the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

The purpose of repealing Part 6 of the Mental Health Order is to address overlaps and to make provision for all of RQIA’s functions in one piece of legislation, that is, in the RQIA 2003 Order. Amendment No 472 addresses a dual registration problem relating to private mental health hospitals. Currently, they must be registered under Part 7 of the Mental Health Order and Part 3 of the RQIA 2003 Order. The effect of the amendment is that any future registration and inspection of private hospitals must be done in accordance with the provisions of the RQIA 2003 Order. Members will wish to note that there are currently no private mental health hospitals in Northern Ireland. I am simply tidying up provisions so that they are dealt with under one piece of legislation.

That is also the intention behind amendment No 473, which is in part linked to the new clause 277A, which is amendment No 341 in group 3. We will discuss that amendment in more detail when the debate on group 3 arises. What is worth mentioning now, however, is that amendment No 473 ensures that the duty in article 118(4) of the Mental Health Order to maintain a register of people:

“receiving medical treatment for mental disorder as in-patients in hospitals”,

applies to people under 18 and not under 16, as requested by the Committee.

Amendment No 476 replaces references to “a place of safety” in article 129 of the Mental Health Order with the term “an appropriate place”, in order to avoid confusion with the new “place of safety” regime in Part 9 of the Bill. Amendment Nos 477 to 480 are consequential. Amendment No 487 removes the words “any police station” from article 129(7) of the Mental Health Order so that it will no longer be possible to take a child under 16 to a police station, as both stakeholders and professionals alike agreed that that is not appropriate and, indeed, that the provision is rarely used.

Other minor consequential amendments are brought forward by amendment Nos 485 and 488.

Mr Principal Deputy Speaker, you and Members will be glad to hear that that concludes my contribution on the second group of amendments regarding subordinate legislation-making powers, changes to the Mental Health Order and technical matters. I look forward to hearing Members’ views.

Mr Ross: I think that the Minister used more numbers in that speech than in any speech that he made during his time as Finance Minister. That perhaps reflects the number of amendments tabled to the Bill. Again, I will not comment on all of them; rather, I will focus on those that were of most interest to the Committee.

Amendment No 3 is the first of many amendments that will bring about a change of terminology throughout the Bill. Part 4 of the Bill deals with independent advocates. Under the Bill, people have a right to an independent advocate in certain circumstances, which are set out in clauses 35 and 36 and referred to as “relevant acts”. A “relevant act” is defined as being one of the following: a deprivation of liberty; a requirement to attend a certain place to receive treatment with serious consequences; the imposition of a community residence requirement; or the provision of serious compulsory treatment.

In its evidence to the Committee, the Law Centre proposed that the term “independent advocate” should be changed to “independent mental capacity advocate” so that there is no confusion between general advocacy services and an advocate appointed under the Bill. It argued that, given the extensive independent advocacy work already taking place in Northern Ireland — for example, for children in care and people with learning disabilities — there is a concern that the use of the phrase “independent advocate” in the Bill could lead to confusion about what is a very specific statutory role. The Law Centre further advised that in England, Wales and Scotland the equivalent term in legislation is “independent mental capacity advocate”. It proposed that that would be a better term to use in the Bill in order to make it clear that a very specific kind of advocacy function is being carried out.

The Law Centre’s view was backed up by the written evidence that the Committee received on the Bill. Looking at that evidence, it was clear that some organisations misunderstood the role of the independent advocate in the legislation. Some stakeholders were of the impression that independent advocates provided for by the Bill play a part in giving general support to people who lack capacity, in assessing capacity, or in the best-interests decision-making process for all decisions, whether routine or serious.

The Committee asked the Department for its views on changing the terminology. Initially, the Department was opposed to the suggestion and contended that the term “independent mental capacity advocate” would cause confusion, because it is used in the English Mental Capacity Act 2005. The Committee was not convinced by the argument that somehow people in Northern Ireland would be thrown by the term “independent mental capacity advocate” because it is also used in English legislation in a slightly different way. Health and Social Care staff in Northern Ireland will operate according to this Bill and not in accordance with the English legislation, and it would be likely that a very small number of staff would even be aware of the terminology used in the English system. The Department eventually came round to the Committee’s view and agreed to bring forward a raft of amendments to rename “independent advocates” as “independent mental capacity advocates” throughout the Bill. The Committee therefore supports all those amendments.

There are a number of amendments tabled by the Minister that emanate from the Committee’s opposition to clause 288. Those are amendment Nos 69, 379-388, 404 and

405. The Committee has given notice that it is opposed to clause 288. The Minister has also given notice that he opposes clause 288, and I welcome the fact that he has agreed to adopt that position. As he said, clause 288 gives the Department the power to amend or modify by way of secondary legislation any primary legislation in connection with the Bill. To be clear, that means that it could make amendments to the Bill itself when enacted or to any other primary legislation, and not through, for example, a miscellaneous provisions Bill but through regulations.

In the Committee's view, such powers could not be justified. We are fully aware that secondary legislation comes before Committees for consideration, but the crucial difference is that a Committee or a Member cannot put down an amendment to a regulation — our only option is to pray against it. Furthermore, regulations are often brought in quite a number of years after the primary legislation has been passed. The collective knowledge of the Committee that scrutinised the original Bill may not be there, and therefore the House is not as fully attuned to the context and background of the secondary legislation being considered.

The Committee requested that the Department prepare a more limited version of clause 288 for its consideration.

In response, the Department submitted a range of linked amendments to clauses 289, 290 and 294 and a new clause 58A to address the Committee's concerns.

Amendment Nos 69, 379-388, and 404 and 405 are based on the premise that clause 288 will be removed from the Bill. In effect, the powers to make consequential amendments to the Act are now restricted to Part 11, and the powers to modify the Act in relation to children transitioning from being under 16 to over 16 and in relation to correcting errors in documents are now clearly limited to Part 2 of the Bill. Residual powers to amend other primary legislation in consequence of the Bill once enacted is provided for in the amendment to clause 290. It will be used to, for example, amend and substitute references to the "Mental Health Order (NI) 1986" in other primary legislation with the "Mental Capacity Act", where appropriate. The Committee accepts that the need for this sort of tidying-up power is inevitable with a Bill of this size and complexity.

Whilst the Department will argue that the removal of clause 288 and its replacement with more limited powers will increase the chance of a further Bill being required in the future to supplement or amend the Act, the Committee is of a view that there has to be a cut-off point in giving Departments free rein to amend primary legislation by way of regulations. We think that the amendments before the House today bring an appropriate balance of flexibility and accountability. Given that there may be significant time lags in bringing the key provisions of the Bill into effect, there may actually be time for the Department to bring an amending Bill, if required.

I am grateful that the Minister gave a more rational response to this position at the Committee than the Justice Minister did when we took a similar view on the Justice (No. 1) Bill and the Justice (No. 2) Bill. It is an important function of Committees to make sure that we do not give Departments free rein to introduce significant policy issues through secondary legislation. I think that it is important that, at times, Committees flex their muscles in that regard, and the Committee was in agreement with that. It is something that is increasingly creeping into all Bills being

brought forward by all Ministers in the Executive, and it is something that we need to be alert to.

Amendment No 473, tabled by the Minister, came about, again, through Committee scrutiny. The RQIA advised the Committee that, under the Mental Health Order 1986, the health trusts are required to maintain a register of all persons under 18 who are receiving medical treatment for a mental disorder as inpatients in hospital in an adult ward. A Department of Health circular requires the trusts to send that register to the RQIA so that it can do unannounced inspections to review the effectiveness of the safeguarding provisions put in place by the trusts for under-18s on adult wards. However, under the Bill as drafted, the amendments to the 1986 Order will mean that the children recorded in the register by the trusts will only be those under the age of 16. As a result, the RQIA will not receive information in relation to 16- and 17-year-olds being treated in adult wards. The RQIA suggested that the Bill be amended to require the trusts to notify the RQIA of any 16- or 17-year-old accommodated in an adult psychiatric facility. The Committee believed that this was a sensible approach and asked the Department if it would be prepared to make such an amendment. The Department provided a proposed amendment, namely amendment No 473.

That concludes my comments on the group 2 amendments.

Mrs Dobson: We are content to support the amendments in group 2. Again, these reflect many of the issues that came up during the Committee deliberations. Several of the amendments in this group, such as amendment Nos 403, 404 and 405, relate to commencement. I am aware that the Minister has indicated in response to a written question that the Bill's timetable still allows for Royal Assent by the end of the current mandate and has further indicated that the commencement date is to be confirmed subject to progress on implementation arrangements. Given the considerable efforts and, indeed, hope of those who presented evidence to the Committee, is the Minister able, at Consideration Stage, to provide us with an update on the implementation arrangements and on when those who will fall under this important legislation will begin to see a positive change in their daily lives as a result?

Finally, I do not think that we would be able to have this debate without mentioning the costs. This is an issue on which the Committee regularly sought information, not least because the costs provided by the Department were pretty vague. Even as we stand here today, the Department is unable to say how much this Bill will cost and how it is going to pay for it. The Minister said earlier that it would not be proper to put money against a Bill that had not been passed into law. Today, we are passing the next stage of this legislation, and it appears that the Department is no more equipped than it was when this was first proposed by Bamford. I feel it is very important for us to pass legislation in this Building that makes a real change to the lives of our constituents. However, it is equally important that the Government are ready and prepared to act once the ink is dry.

12.45 pm

Mr McCarthy: I, like Mrs Dobson, am happy to go along with the Minister and, indeed, the Chair of the Ad Hoc Committee on this occasion. I was somewhat taken aback by some comments that were made by the Chair of the Ad

Hoc Committee when he seemed to be slightly critical of the Justice Department. I will not allow Mr Ross to criticise the Minister of Justice, because I know that the Minister is, and has been from day one, totally and absolutely committed to working with the Health Minister on this issue. I hope that that was just a blip in —

Mr Ross: Will the Member give way?

Mr McCarthy: As long as you are not going to further criticise the Minister, I will give way for a second.

Mr Ross: I would not dream of it, nor would I criticise the Member. If he reviews what I said, he will see that I said that all Ministers in all parties in all Departments are falling into the bad habit of introducing what is known as the Henry VIII clause. I am sure that the Member, who takes his scrutiny role very seriously in the House and in the Committees he is on, would be concerned if we were giving powers to Departments to make regulations through secondary legislation. We, as legislators, do not have the same ability to scrutinise that. That is the point I was making, and I am sure that the Member would want to agree with me about that.

Mr McCarthy: I thank the Member for his clarification. Yes, I accept what you say. Perhaps I misunderstood. We are all trying to move forward and keep going on this. I will not, in this instance, concede any drawback from the Justice Minister's contribution. As I said, I know that he is totally and absolutely committed.

Mr Hamilton: That was a bit of light relief for a moment or two in this very heavy debate. I was starting to enjoy that a little too much.

I thank all the Members who contributed to the debate on the second group of amendments. The amendments are largely technical and consequential and have not, therefore, required a great deal of explanation, with the exception of perhaps clause 288. I thought there was a risk that we would get through this group of amendments without the Chair of the Committee referring to such a clause as a Henry VIII clause. He has known me long enough, and he knows me well enough, to know that I have no autocratic tendencies at all. It would not be the sort of thing that I would be looking to do, which is why I am content that clause 288 should not stand part of the Bill. We are going to oppose it. I am also bringing forward a number of other amendments that will collectively limit the powers conferred on the Department to make further provision in regulations. I will take this opportunity to remind the Chamber once again that that approach will increase the risk of needing a further Bill to amend what, hopefully, will be the Mental Capacity Act.

Mrs Dobson raised cost. I refer to the comments that I made in response to the group 1 debate. We have significantly reduced the cost of implementing the Bill from original estimates to estimates that are much lower but still quite high. Yes, it is an expensive Bill to implement, and I have been clear about that from the very outset. But I think it is right that we continue to press ahead with the legislation. I do not think it is appropriate for any Minister to presume the mind of the Assembly when they start to apply resources — in my case, those are limited resources, and I am sure the Justice Minister would agree that they are limited in his Department — without having the Bill passed. I assure the Member and the House, as I did in group 1, that, when the Bill is passed, we will

consider putting in place an implementation timetable and to start to apply resources to it accordingly, perhaps in a phased way, to make sure that we get aspects of the Bill implemented as quickly as possible.

I am pleased to commend the amendments tabled in my name in group 2 to the House.

Amendment No 3 agreed to.

Amendment No 4 made:

In page 5, line 19, after “independent” insert “mental capacity” — [*Mr Hamilton (The Minister of Health, Social Services and Public Safety).*]

Mr Principal Deputy Speaker: I am reluctant to move on to the group 3 amendments as the Business Committee has arranged to meet at 1.00 pm today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.49 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Finance and Personnel

Strategic Policy and Reform Directorate

1. **Mr Nesbitt** asked the Minister of Finance and Personnel for an update on the work of the strategic policy and reform directorate. (AQO 9609/11-16)

Mr Storey (The Minister of Finance and Personnel):

The work of the strategic policy and reform directorate is very wide and varied. The directorate comprises four divisions. Some of the key work areas that have recently been progressed include the following: preparations for the transfer of corporation tax powers to the Northern Ireland Assembly from April 2018; finalisation of the OECD review; a review of the non-domestic rating system; implementation of the Peace IV and INTERREG Va programmes; and leading on public-sector reform, including delivery of innovation labs and implementation of the cross-cutting review programme.

Mr Nesbitt: I thank the Minister for his answer and I note the wide and varied range of activity by the strategic policy and reform directorate. As the Minister will be aware, it is proposed that the new Executive Office will have a strategic policy and innovation unit. Will the Minister inform the House where he sees the difference, and will he ensure that there will be no overlap?

Mr Storey: I thank the Member for his supplementary question. He asks a valid question. Since I came into post, while I was making myself aware of all the various elements of the reform division, I certainly became aware that its work is wide and varied. In fact, I just got some information, for example, in relation to the cross-cutting reform programme and the summary of projects involved in that. I am quite happy to share that with the Member. What needs to be done in the ongoing work of the division and the Executive is the point that he makes; that there is no duplication and that they are working together for the same objective. What is that objective? It is about ensuring that we have a streamlined system and that delivery of public services across a range of issues is done in a way that is efficient, effective and gives us the best possible value for money.

Mr Speaker: Before we move on, I inform Members that questions 7 and 15 have been withdrawn.

Financial Process in Northern Ireland

2. **Mr Kennedy** asked the Minister of Finance and Personnel why the report on the review of the financial process in Northern Ireland, which was approved by both the Committee for Finance and Personnel and the Assembly, has not been acted upon. (AQO 9610/11-16)

Mr Storey: The report on the review of financial processes in Northern Ireland has not been discussed by the Executive, and without the Executive's agreement the

proposals it contains cannot be implemented. Of course, one of the proposals in the paper related to departmental structures and, with the move to a nine-Department structure, this will have to be revisited.

Mr Kennedy: I am grateful to the Minister for his initial response, but he will know that it is now over six years since the report was forwarded to the Executive for action. Surely, by any standard, action should have been taken by now to improve a very cumbersome system that does not provide read-across and proper accountability. What steps is the Minister prepared to outline? He has indicated that, with the new number of Departments, there may be some changes. Change is necessary for proper accountability, and I think that the entire House will be anxious to see that.

Mr Storey: I thank the Member for his supplementary question. When the House debated the Committee for Finance and Personnel motion on the review of the financial process some time ago, there was widespread support for the overall aims of the review, as the Member alluded to. That included Members from all the main political parties in the House.

As for the way in which we move this issue forward, some of that has been superseded by the creation of the new nine Departments. However, as we discussed regarding the Budget process, I want to see, in my time in office — and I trust that it would be the same for my predecessor — that we have a budgetary and financial process in the Assembly that is fit for purpose and gives us an overall view of what is going on in each Department in a way that gives us, as I said to the Member who asked the first question, efficient and effective delivery of government.

When I came into post, I was made aware that this issue had been around, as the Member rightly said, for a number of years. I would like to see progress on it, but I have to re-evaluate what has been done to date and see how best we can, if necessary, salvage many of the points raised when the issue was first brought to the House.

Mr Murphy: Go raibh maith agat, a Cheann Comhairle. I share the sentiments expressed by my neighbour Mr Kennedy in his supplementary question. I think that it is widely accepted that we have an unnecessarily convoluted and complicated budgetary process. Now the Minister seems to share that sense that things can be improved, and now that we have moved to nine Departments — if that was an obstacle at all, it is out of the way — can he perhaps consider giving some time frame for when there will be a serious look at the budgetary process? Let us get a streamlined one that Members can engage in more readily than the unnecessarily convoluted one that we have at the moment.

Mr Storey: I thank the Member. Obviously, that will require not only myself as Finance Minister but also Members and the parties in the Executive to take collective responsibility, so that if the paper was to be put back to the Executive it would be given the due consideration that I believe it deserves. However, I take the view that, before that happens, we need to look at it again to see how it can be refined and how we can give the assurance, or at least the commitment, that we are creating a process that is transparent, gives us accountability, and delivers for us in the way that we have intended.

I also have to say that I do not want in any way to bring forward something that Ministers in the new Executive feel

is an interference; I think that that may have been one of the issues that was to the fore in the past. Ministers who come to the Executive table should come with the attitude that we need to change the processes that we have and that we need more transparency across all Departments on how those financial processes operate, as that will give great confidence not only to the House but, more importantly, to the people who elect us to serve in this Chamber.

Mr A Maginness: I note what the Minister has said. I also note the neighbourliness between Mr Murphy and Mr Kennedy, and long may it reign. In relation to the current financial process, the Minister talks about transparency. I do not see much transparency; I see a lot of opaqueness. Having been here for 18 years, I would like to see an improvement. Can the Minister guarantee that?

Mr Storey: There may be some who will say that the Member should go to Specsavers, and then he might be able to have a bit more transparency. Maybe our budgetary process is a bit like the advert where the person responsible for clipping the sheep ends up clipping the dogs. However, I do agree, and I genuinely take the point. I saw this question when it was tabled, and it does raise serious issues about the entire process that we use. It has been raised, as I said, in terms of the budgetary process.

I came into post four weeks ago, and the way that we have to work through the budgetary process, as well as having all the arrangements with regard to the financial situation, is extremely challenging. I would say, however, that much of that is governed, of course, by Treasury rules. I always want to ensure that I tread carefully when dealing with the Treasury. Of course, your colleague from west Belfast always reminded me, when I was at DSD, that I was an employee of DWP, and I am sure that I do not want now to be accused of being a member of, or associated with, the Treasury in London. The serious point is this: now is the time for us to look at how we can make improvements, but it will depend on the commitment of all those parties that will be in the Executive post the election on 5 May.

Construction Sector: Financial Assistance

3. **Mrs Cameron** asked the Minister of Finance and Personnel to outline the financial assistance that the Executive are giving to the construction sector to increase the supply of domestic houses and high-quality office accommodation. (AQO 9611/11-16)

Mr Storey: The Department for Social Development plans to deliver some 1,500 social homes in this financial year, at a cost to the public purse of £101 million. That funding is expected to lever in around £80 million of private sector funding. Support for affordable homes is also provided, primarily through the co-ownership scheme, with £95 million of financial transactions capital (FTC) being allocated in this financial year. That is expected to support up to 700 homes in each of the next four years.

As the Member will be aware, my officials are in the process of establishing an investment fund. The overall aim of the proposed fund is to promote investment, economic growth and jobs in Northern Ireland. The fund will seek to address access to finance markets where there has been failure. It is also expected that the fund's initial focus will be on urban regeneration projects, including grade A property, but energy efficiency and housing projects are also under consideration.

Mrs Cameron: I thank the Minister for his answer thus far. Will the Northern Ireland investment fund support office and private housing development?

Mr Storey: In how we envisage this being rolled out, the Member will be aware that, when I was in DSD, I gave a commitment to ensuring that we would keep our focus clearly and specifically on the benefits that we would generate as a result of housing. Indeed, I was at the meeting of the all-party working group on construction today, at which I reiterated my personal view — in fact, I think that it needs to become a collective view of the Assembly — that, if we could unlock the potential that there is for housing, social and in the private sector, across Northern Ireland, we would make an invaluable contribution to our communities and to the construction sector.

The Member also asked about investment fund support for private housing. Housing is still under consideration in the context that the Executive are already providing significant support through the Department for Social Development's social and affordable housing schemes.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. What steps is the Minister taking to protect subcontractors who are involved in public-sector contracts, especially those working on projects that do not fall within the project bank account range?

Mr Storey: I thank the Member for his question. In consultation with the construction industry, through the Construction Industry Forum for Northern Ireland (CIFNI), my Department has implemented a range of measures to promote access to small- and medium-sized government opportunities. Those include breaking larger contracts into lots to bring them within the scope of smaller businesses; requiring contracts that have a value above the EU threshold to have a procurement strategy that includes engagement with the supply base; increasing the opportunities for SMEs to bid for government contracts by setting proportionate minimum standards; and accommodating applications from consortia. We are doing a number of things.

I take the Member's point. As I reiterated today at the all-party working group, we can always do more. The focus needs to remain on trying to make legislation, EU rules and the rest of the suite of legislation for the sector as simple as possible, recognising the challenges that are out there. As we know, the construction industry has undoubtedly seen a particular challenge over the last number of years because of the downturn. It is not my place, nor do I think that it is the place of government, to put any more impediments in the sector's way. Rather, we need to continue to work with it and get positive outcomes that will help to sustain and grow what is a vital industry for Northern Ireland.

2.15 pm

Mr Dallat: I acknowledge the Minister's commitment to housing in his previous post and his present post. Can he give an outline of the extent of departmental assistance for those who want to avail themselves of the help-to-buy scheme in 2015-16?

Mr Storey: I thank the Member for his question. Obviously, there are a number of schemes. I almost sound as though I have resorted to type here and am now the Minister for Social Development again. However, if you look at

co-ownership, you will see that we used FTC money extensively to support that sector because that was the right thing to do. It was the right financial vehicle that we were able to use. I would, however, reiterate my concern. It really follows on from the Office for National Statistics (ONS), given what has happened on the mainland in relation to reclassification. That will bring a particular challenge to bear over the next number of months, as I believe that it is the intention of ONS to come to Northern Ireland as its first port of call when looking at the devolved regions. Clearly, I, along with my colleague Lord Morrow, will want to deal sensitively with that issue, but that is a reality that we will have to face, amongst many others, when it comes to the challenging environment that housing brings in Northern Ireland.

Mr Patterson: I thank the Minister for his responses so far. As someone who comes from a construction background, it was good to hear that we will give the assistance that is needed to the construction sector. I understand that financial transaction capital has been included in the Budget for the housing sector. Can the Minister advise whether that option is more favourable than the use of conventional capital for new housebuilding?

Mr Storey: When you look at the financial resource that is available to us, you see that there will always be a challenge for the Executive and Assembly around maximising what is available and getting the best possible outcome. Clearly, FTC has come at a time when we are able to capitalise on it and use it. The investment fund and the work that we are doing with the European Bank to have that fund established will give us somewhere in the region of £100 million and will, I believe, focus specifically on the delivery of grade-A property in cities such as Belfast and other parts of Northern Ireland.

Those two financial tools are not the only ones. We should not restrict ourselves solely to two particular funds. We need to be innovative and look at what else we could do. The Member was present at the meeting earlier. He heard the concerns that were raised. We will continue to listen to the construction industry and others to see whether we have the right models in place and what else could be done to help that particular sector.

Non-domestic Rating Review

4. **Mr Lyons** asked the Minister of Finance and Personnel for an update on the review of the non-domestic rating system. (AQO 9612/11-16)

Mr Storey: The review of the non-domestic rating system consultation exercise officially closed on 25 January. The Department did, however, allow respondents until the end of January, with the final response accepted by 5 February. The Department considers the consultation process to have gone well, with some 113 responses from organisations and individual ratepayers presenting a good outcome in the level of engagement.

DFP officials have also participated in a series of events organised by NICVA, NILGA and the Federation of Small Businesses. Officials have also held a number of individual meetings with key stakeholders throughout the consultation period. The Department is compiling a consultation report, summarising the responses. The report will be independently validated by the economic policy centre at the Ulster University. At the moment, I

am reading my way through the responses. If you saw a particular file that sits on my desk with 113 tabs on it, you would know that that is my nightly homework.

Mr Speaker: Who marks his homework? *[Laughter.]*

Mr Lyons: We will all be glad to hear that the Minister is keeping himself busy and has lots of work to get on with. Charity shops play a very important role in our country. However, many will argue that they dominate our high streets and main streets across Northern Ireland. What steps, if any, can be taken to ensure that that imbalance is addressed?

Mr Storey: I thank the Member for his question. Let me say that we have to deal with the issue sensitively. I am well aware of correspondence that I have had and of the lobbying that there has been. When you come to this issue and begin to change the rules that govern rating, in particular, there is always the tendency to in some way go after one element that seems to be the easiest. However, my approach to this will be cautious and equitable. I have listened to the concerns of other retailers who have said that there are undoubtedly disparities and differences that need to be addressed. My commitment to the House today is that this will be looked at sensitively, given the nature of what we are dealing with in relation to charity shops.

Ms Hanna: I thank the Minister for his responses. I am glad you are enjoying the consultation responses. I have been reading some of them, and one disparity that people have noticed is between the rates bill for businesses here and comparable businesses across the water in Scotland, where many do not pay rates at all, and in the Republic, where a hotel, for example, might pay about a third of the rate it would pay here. What is the Minister's assessment of that differential, and is there anything that might be done to support traders here?

Mr Storey: In making decisions on our system, we have to make them fit the circumstances in Northern Ireland. While there are many occasions when it is right to look at exemptions in other jurisdictions for certain reasons, I still think that we always need to remember that, in Northern Ireland, we are still, per head of population, in a better position with regard to the overall taxation of our people than other parts of the United Kingdom. However, that brings challenges. There are those who argue that we should maybe increase that burden. My party has taken the view that we are a low-taxation party, and we want to find a way — I underscore this — that is fair. It has to be fair.

There are many who came out of the revaluation recently who raised serious concerns about the way it was done. Part of the reason for that was the long time it took us to get to a revaluation. We have to now look at whether three years is the proper time. Is four years? Those are the things that are now all part of the mix when we look at our rating system. I will give serious thought to how it is done in other jurisdictions, but I will make the caveat that it has to be suitable to the needs of the people of Northern Ireland.

Mr Ó Muilleoir: Go raibh maith agat, a Cheann Comhairle. Minister, it is midterm break, so there is no homework this week. That is the good news.

You mentioned the Ulster University Economic Policy Centre. Neil Gibson was with the Enterprise Committee this morning, and he is very strong on the concept that derelict land should be taxed and rated on the basis that it will spur economic regeneration. He used the example of

Crossgar, where I do not go often enough, where there is an empty site in the centre of town that inhibits economic development in other shops. Are you minded at this stage to give any direction to the incoming Executive about derelict sites on our main streets and in our city centres?

Mr Storey: I thank the Member. He raises a valid point about how we tackle the issue. We all know of locations in our constituencies where there are problems. The difficulty that we face and that the incoming Executive will face is that, as soon as you make a proposal to deal with it, there will be those who will be very inventive in finding a way around it. We have to give a broader view of the way in which that could be done so that we do not introduce a policy that has the right intent but ends up with unintended consequences. We saw that with vacant properties, when some went to extreme lengths to avoid paying the revenue due on those properties. It is a valid point and should be given consideration, but, as I said about charity shops, we have to deal with it sensitively and wisely so that the outcome reflects the intended policy.

Rates: Amateur Sports Clubs

5. **Mr Hazzard** asked the Minister of Finance and Personnel whether structures for spectators within the grounds of a community amateur sports club, that does not have a licensed premises, will be exempt from rates. (AQO 9613/11-16)

Mr Storey: I thank the Member for his question. Exemption from rates under the legislation would apply only to the parts valued as sporting facilities and used by persons engaged in a prescribed recreation. That is set out in primary legislation and cannot be adjusted through the new regulations being made by my Department in the area. That principle applies to the existing level of relief and to the proposed enhancement under my preferred policy of using the new enabling power in the Rates (Amendment) Bill.

It has been noted in exchanges with the Committee that the term "sports facilities" was unlikely to include stands. There is an exemption to that general rule where areas other than sporting facilities make up less than 20% of the total NAV. In such cases, that element of the NAV will be treated as de minimis and relief will be awarded on that area. In very general terms, it would be rare for unlicensed clubs to exceed that threshold. These issues will be outlined in greater detail in the Department's forthcoming consultation.

Mr Hazzard: I thank the Minister for his answer and look forward to the consultation. Does he agree that the consultation provides an opportunity to tackle the issue, especially when so many rural clubs have smaller stands that could be part of the changes?

Mr Storey: Members and, maybe, the general public are always suspicious and sceptical of consultations because they believe that we have a predetermined outcome and are only ticking a box. In the Departments that I have had responsibility for, I have always believed that a consultation should be just that: genuinely listening to views and then evaluating the response.

The consultation will seek views on my preferred policy and aim to address the gaps in the consultation on the private Member's Bill. There were gaps — the Member

is well aware of the process that we had to engage in — and they included seeking views from the wider business community, such as the hospitality sector. Those strongly held views were largely omitted from the private Member's Bill consultation, so I want to ensure that this consultation is as wide and as informed as possible. That will give us the opportunity to ensure that we get the right outcome.

Mr Cree: The Minister will be aware that spectator space is currently rated, but certain sports clubs appear to enjoy rates relief despite the fact that they are licensed. Is that correct?

Mr Storey: Yes, some relief is given. The Member will be glad to know that, later this afternoon, I am meeting a variety of clubs and organisations that want to talk to us specifically about this issue. As soon as you move to look at a particular element of the rating system, you can be absolutely sure, as the Member knows from his colleagues in the pigeon fraternity, that a gathering, a collective or a flock will circle you and ask, "What does this mean for us? Why are we not included?". I want to ensure that we listen to the consultation. I will, I trust, be able to give the Member a more informed answer after my meeting with clubs and federations this afternoon and, ultimately, when we get the consultation responses.

2.30 pm

Mr Speaker: That brings us to the end of the period for listed questions. We now move on to topical questions.

A5: Legislative Progress

T1. **Mr McAleer** asked the Minister of Finance and Personnel whether he is satisfied that enough legislative progress has been made on the A5 scheme to allow for its projected spend, following the very welcome news in the recent Fresh Start Agreement, which announced it as a flagship project, with £229 million allocated over the next number of years. (AQT 3501/11-16)

Mr Storey: I thank the Member for his question, and he is right. The Minister for Regional Development announced the start of the consultations on the new draft statutory orders and a new environmental statement for the A5 western transport corridor dual carriageway scheme just a few days ago. Subject to successful completion of the statutory procedures, construction work is due to commence next year on the £150 million Newbuildings to north of Strabane section of the road. I think that that is a clear indication. The Executive and Assembly have been criticised in the past for not making decisions, and we are criticised when we make decisions. However, here is a clear example of a considerable degree of investment that is being made. We also have identified this particular route in relation to one of the flagships, and we have profiled the capital over the next number of years. Am I satisfied? As the Member will know, there were particular problems that were outside of our control, however we have now given a commencement and, I believe, the green light to this process. I think that that is evidence that, when you have a DUP Minister in charge of the roads, there is progress.

Mr McAleer: Go raibh maith agat. I thank the Minister for that answer. No doubt the Minister will welcome the proposals for the land acquisition Bill. He referred to the fact that phase 1 will cost in the region of £150 million.

That leaves a surplus of £79 million. Is it envisaged that that will be used to commence some of the future phases?

Mr Storey: We have to get the current process under way. This is important, so I want to place it on the record of the House, and I am quite happy to make this available to Members: Land and Property Services has published three very helpful booklets on compensation in regard to domestic, agricultural and other classes of property. These are available online via my Department's website or in hard copies that can be obtained by contacting LPS. I am sure that the Member, like other Members in the locality, will be asked questions around the issue, particularly regarding compensation. It is an issue that is associated with projects such as this, and, as Minister with responsibility for Land and Property Services, I want to ensure that this is done in an effective and efficient way and that landowners' rights are protected under statute when property is vested and they will receive full compensation for their loss based on the principles that are set out in those documents. I encourage Members to become aware of those and to make them available to landowners in the area and to the general public who have an interest in this issue. I trust that we will continue to see progress on what is an important infrastructure project for Northern Ireland.

Industrial Derating: Benefits

T2. **Mr I McCrea** asked the Minister of Finance and Personnel, given that he will know that his party is a low-tax party, for an update on the benefits of industrial derating to Northern Ireland businesses. (AQT 3502/11-16)

Mr Storey: I thank the Member for his question, and he is right. I have already alluded to that in an earlier answer. The Member will also be aware that my predecessor previously stated on a number of occasions that industrial derating will continue and that there are no plans to remove that support for manufacturing. That support provides a valuable boost to manufacturing; a sector that, while growing in Northern Ireland, has had its particular problems and difficulties in the past. To put it into some context, the relief is of the magnitude of some £58 million a year, helping some 4,300 businesses a year, and is already committed to in the 2016-17 Budget.

Mr I McCrea: That is certainly welcome news, and it will no doubt be more than welcome news for the business fraternity. Whilst the Minister has said that that is the case, can he give a 100% assurance — it is maybe difficult to do that — that there will be no changes to industrial derating and that, as this party is a low-tax party, as I have said, that assurance will go forward into the new Assembly term?

Mr Storey: I am glad that it is a colleague asking that question and not one of my political opponents. I can say without fear, favour or contradiction that, as far as we are concerned, there are no plans to remove that support, which I see as being key; I can confirm that. I underscore this: industrial derating is a key element in sustaining our manufacturing base in Northern Ireland. I have no doubt that, should there be any move to remove it, there would rightly be opposition from many in the manufacturing sector. I want to allay any concerns, doubts or fears: there are no plans to remove that support.

Flagship Projects: Capital Funding

T3. **Mr G Robinson** asked the Minister of Finance and Personnel to list the flagship projects that received capital funding in the latest Budget. (AQT 3503/11-16)

Mr G Robinson: The Minister may have touched on my question in his response to the first topical question.

Mr Storey: I thank the Member for his question. The Budget, which is still going through the House, sets out a number of elements in relation to spending plans for 2016-17. The nature of some capital projects means that it is important to provide funding certainty to Departments. I think that that may have been an issue of concern in the past. The seven projects and the amounts to be allocated over five years are as follows: £229 million for the A5; £258 million for the A6; £59 million for the Belfast rapid transit project; £122 million for the Belfast transport hub; £243 million for the mother and children's hospital; £79 million for Desertcreat training college; and £91 million for regional and subregional stadia. I think that that gives a clear commitment to capital investment and shows how the Executive will spend capital money in a planned and focused way.

Mr Speaker: I call Mr Robinson for a supplementary question. Can you use the microphone please, as that would help us?

Mr G Robinson: I thank the Minister for his answer. I want to ask him about the A6, which will reduce commuting times between East Londonderry and Belfast and, indeed, eventually provide a much-needed bypass for Dungiven. When does he expect that project to go ahead?

Mr Storey: Well, they say that all politics is local. The two major elements of the road project to improve the A6 are the Randalstown to Castledawson section and the Londonderry to Dungiven section. The A6 Randalstown to Castledawson dualling scheme is a significant project and will help to remove a major bottleneck, improving safety and journey times on that strategically important route. The development of the A6 Londonderry to Dungiven section, which includes a bypass at Dungiven, is well advanced. It has been through a public inquiry, and the inspector has produced a report embracing various recommendations. DRD has prepared a report addressing those recommendations, and the Minister for Regional Development is considering them in full and will then take a decision on how the scheme should proceed.

Dormant Bank Accounts: Distribution of Funds

T4. **Mr Girvan** asked the Minister of Finance and Personnel for an update on the creation of a fund to distribute money from dormant bank accounts. (AQT 3504/11-16)

Mr Storey: I thank the Member. The issue has been raised in the House in the past. The name will change. It was originally known as the dormant bank accounts scheme, but it will become the community finance fund. I think that that is the trajectory that we are setting for ourselves.

I wish to inform the House and the Member that I have written to Executive colleagues, advising that I will now publish a Northern Ireland community finance fund. The fund will utilise moneys made available to Northern Ireland from the UK-wide reclaim fund and will be utilised and

distributed as set out in the Dormant Bank and Building Society Accounts Act 2008. The intention to establish a fund was announced as part of the Budget in 2015-16 under the working title of the social innovation fund. Through the creation of a community finance fund, I believe that the Northern Ireland Executive can improve access to finance for a range of organisations across the third sector, including social enterprises, church groups and smaller community-based organisations to make further investment in their activities, grow their organisations and, more importantly, become self-sustaining. The investment will enable such organisations to increase their relevance, revenue and capability of resource, as well as the level of social benefit that they deliver to their communities.

Mr Girvan: I thank the Minister for his answer. In relation to the information that we have received, can we have a timetable as to when we would expect to have some of those funds rolled out?

Mr Storey: As required under the Dormant Bank and Building Society Accounts Act 2008, my Department will now direct the Big Lottery to develop a strategic plan for the utilisation of the funds in Northern Ireland. The strategic plan will be laid before the Assembly, and the fund will be distributed by a third party appointed by the Big Lottery. However, it should be noted that the dormant accounts funding is separate and distinct from Big Lottery funding. I expect the fund to be operational by late 2016.

I want to pick up on that point in relation to the use of the Big Lottery. There are many organisations that, in the past, have felt that, for the right reasons, they could not access lottery funding. This will only be administered through the way that it has been set up nationally, which is through the Big Lottery, but we will have a third party, and I believe that that will give confidence to many organisations that they will now have additional access to a funding stream that, in the past, they might have felt they could not access.

Mr Speaker: Question 5 has been withdrawn within the appropriate timescale.

Unemployment: North Belfast

T6. **Mr A Maginness** asked the Minister of Finance and Personnel whether there has been any improvement in the unemployment figures in the North Belfast constituency. (AQT 3506/11-16)

Mr Storey: I thank the Member for his question. Unemployment figures are always a challenge for all of us in the House. We all have to realise that it is a challenge, and none of us knows the intention of organisations or companies in the employment market. Many factors are brought to bear on that issue. I recognise that North Belfast is an area where there are particular economic and social challenges, but the number of individuals claiming unemployment benefit in North Belfast peaked at over 5,700 in February 2013. However, over the last three years, there have been steady improvements in the local labour market, with the number of individuals claiming unemployment benefit there cut by almost half by the end of 2015, which is down some 42%. I welcome that positive progress. However, we need to remain focused and vigilant on that issue.

Mr A Maginness: I thank the Minister for that good news in relation to unemployment in North Belfast, but we still have a particular problem with economic inactivity. Does the Minister have any indications as to the level of economic inactivity in North Belfast? Has there been an improvement? What is the situation?

2.45 pm

Mr Storey: I do not have the specific figures with me, but I will quite happily provide them to the Member. What I will say is that we have endeavoured to address the issue in a number of ways. One way in particular has been to look at how we can encourage further and higher education to focus on skills, and I committed an additional £20 million to ensuring that the issue of skills is looked at. We need to continue to work with our education system and other government agencies in a very coordinated way to address the very challenging situation that is the overall figure for young people who are in neither full-time employment nor training. We have to address that problem. Some steps have been taken, but more progress needs to be made.

Mr Speaker: Thank you very much, Minister. That is the end of questions to the Minister of Finance and Personnel.

Health, Social Services and Public Safety

Waiting Lists

1. **Mrs Overend** asked the Minister of Health, Social Services and Public Safety what proportion of patients waiting longer than 13 weeks to access psychological therapies were waiting to access adult mental health services. (AQO 9624/11-16)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): As at 31 December 2015, 50% of patients who had waited longer than 13 weeks to access psychological therapies were waiting to be seen by adult mental health services. The equivalent figure on 31 December 2014 was 64%. Therefore, although the figure is clearly too high and further work is needed, I am pleased to say that we have been able to make some progress in addressing the pressures on our adult mental health services waiting lists. As part of that work, I recently allocated £1.6 million to the Health and Social Care Board (HSCB). That will provide a much-needed boost to the provision of specialist mental health/psychological services for individuals with complex mental health problems and directly enhance services to help general practitioners avail themselves of talking therapies for patients with depression.

Mrs Overend: Thank you. The available figures are very concerning, and the Minister referred to them. I could ask half a dozen questions about the figures. Almost half of all patients — some 569 patients — who were waiting longer than 13 weeks to access psychological therapies at the end of November 2015 were in the South Eastern Trust area; 92% were waiting longer than 13 weeks for mental health services in the Southern Trust area; and 56% were waiting longer than 13 weeks in the Northern Trust area. It is difficult to define those figures for Mid Ulster specifically,

but they are concerning. Will the Minister advise whether he has identified specific problems in various trust areas?

Mr Hamilton: I agree and accept the point that the figures for the length of time over 13 weeks that people are having to wait for psychological therapies and adult mental health services that the Member has specifically enquired about are not acceptable and are worrying. I am happy to look at whether we can furnish the Member with more specific information about her constituency or, indeed, some subset of the Western Trust area.

Mrs Overend: The Northern Trust as well.

Mr Hamilton: The Northern Trust area as well. There is obviously a range of pressures, not just in that area of the Department and the health service's work but in a range of different areas.

It is not that I do not recognise that there is an issue or that I am saying that there is not a problem in the area. It is also not the case that we are not seeing some improvement year-on-year. As I mentioned in my answer, 64% of patients were waiting longer than 13 weeks in December last year, and that has now fallen to 50%. I am not saying that that is in any way an acceptable level, but it is a measure of some improvement and reflects some additional investment that has gone into the area, particularly through the creation of talking-therapy hubs in many parts of Northern Ireland, including in areas that cover the Member's constituency.

I mentioned some investment, particularly the £1.6 million that went into making sure that we were delivering what are referred to as directly enhanced services, which are about 12,000 sessions that are done a year, particularly counselling sessions with those who are suffering from depression. There are a lot of things going on.

The Member asked specifically about spaces and perhaps blind spots in particular trusts areas. I am happy to reflect on that and come back to her with any details that I might have.

Mr Douglas: By how much has spending on mental health services in Northern Ireland increased since the publication of the Bamford report?

Mr Hamilton: I thank the Member for his question. Over the last number of days, as a result of both criticism of mental health services in England and investment in mental health services in England, an interesting public debate, led in part by the Prime Minister, has been going on. This has, again, brought to the fore the need to discuss mental health and try to destigmatise it. In an earlier debate today, Mr McCarthy referred to mental health services as having been for many years the "Cinderella service" of the health service. That is a reasonable description.

I am not saying that we have, by any means, made everything perfect or right, but the Bamford review and report and the recommendations that flowed from it were a watershed moment, in many respects, for mental health in Northern Ireland. It will be a long and probably quite slow and, at times, frustrating journey to make the vision in the Bamford report into a reality. What is significant is that, since that report, we have increased expenditure on mental health services by over a quarter, from roughly £200 million annually to a quarter of a billion pounds. It is significant that there has been a switch away from spending money on looking after people in hospitals or in institutions, many of which were no longer fit for purpose,

to spending it in communities. Before Bamford, in 2004-05, we were spending 46% of that money in a community setting, but that has now increased to about 57%. That is as significant as any increase in expenditure would be. We are spending the money looking after people in their community and close to their home and their family.

Mr Sheehan: Does the Minister agree that the appointment of a mental health champion, as recommended by Action Mental Health and others, to promote the rights and the interests of people with mental health problems here in the North would go a long way to improving the affairs of those with mental health problems? Go raibh maith agat.

Mr Hamilton: I thank the Member for his question. I am aware of the suggestion that has been made by Action Mental Health and other mental health charities in recent times. To be honest, I have not met the range of charities to discuss the proposal and hollow out what they mean by a "mental health champion" and what that person might specifically do. I am happy to have that discussion and am sure that Members will encourage me in doing that. We need to be careful of appointing someone into a role that would cover everybody with mental health conditions in Northern Ireland. There is a breadth of mental health conditions for which people are already receiving support through, for example, the work of the Victims' Commissioner, the Commissioner for Older People or other public bodies and appointees. We need to make sure that this would improve the situation rather than confusing things and adding to the myriad commissioners and champions that we already have across the public sector.

Waiting Lists

2. **Mr Allen** asked the Minister of Health, Social Services and Public Safety how many outpatients have been waiting longer than 52 weeks for their first consultant-led appointment. (AQO 9625/11-16)

Mr Hamilton: Provisionally, at the end of December 2015, 32,544 patients were waiting longer than 52 weeks for a first outpatient appointment. I wish to make it clear that I find those figures totally unacceptable. It is regrettable that more people are waiting longer due to the financial constraints that led to the decision to suspend independent sector and additional in-house activity last year. It was extremely frustrating that, this year, £9.5 million from Northern Ireland's public finances was being lost to Westminster each and every month as a result of welfare reform being blocked. Such a sum could have funded many thousands of assessments and procedures. However, I welcome the allocation of an additional £40 million from the November monitoring round that will go towards tackling waiting lists. I expect this to benefit the many thousands of patients who would otherwise be waiting.

Since November, significant efforts have been made across the health and social care system, within a very tight time frame, to secure additional outpatient clinics and treatments in trusts and to put in place appropriate arrangements with independent sector organisations to transfer suitable patients for assessment and/or treatment. Of course, this is just a start, and much more additional funding will be needed to get us back to where we were. However, we are now moving in the right direction, and I

hope that patients, particularly those waiting the longest, will see the benefit of this as soon as possible.

Mr Allen: I thank the Minister for his answer. The number of patients waiting beyond the maximum of 18 weeks is shocking, so those waiting longer than 52 weeks are being wholly failed. Does the Minister share my concern that the patients waiting longer than the 18 weeks are being forced into a situation where they may be put at greater risk?

Mr Hamilton: I repeat the point that I made in my original answer to the Member: I do not find the waiting lists acceptable. They are far too long, and I look to the board and particularly the trusts to deal with the very long waiting lists that they have. To be fair, this has been occurring against the backdrop of various things that have been happening, not least the pretty significant increase of 14% in the last number of years in referrals for outpatient appointments. There has been a huge increase in that at the same time as the budget of my Department has been under pressure.

I do not find the waiting lists acceptable, but neither did I find acceptable the fact that we were losing tens of millions of pounds every month because of our failure — I am sorry: the failure of some to move forward with welfare reform. The Executive lost around £200 million from their coffers over the last three years because of our inability to agree welfare reform legislation in this place. Whilst I do not think that my Department would have had dibs on all that money, if we had had our share commensurate with the rest of the Budget, which would have been close to half, we would have made a significant dent in those waiting lists.

It is interesting, when you look at the figures, to note that we had been making significant and positive progress on eating into waiting lists over the last number of years. They went decisively in the wrong direction, I have to say, around the time when the tap for the independent sector contract and the ability to fund more in-house activity was turned off by my predecessor because of the difficult financial circumstances he found the Department to be in.

I do not find the waiting lists acceptable, but they are another example, I hope, of where we are now thankfully investing some £40 million to help between 60,000 and 70,000 patients. I expect the Member and his constituents and, indeed, other Members and their constituents to start seeing the benefits of that. If they have not already started to see them, they should start to very soon.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I take issue with the Minister's analysis of the impact of welfare reform; indeed, the ultimate result of the approach of some in his party is that they would make more people sick. I want to ask specifically about waiting times: will the Minister consider the imposition of the referral-to-treatment targets that have been put in place in other countries?

Mr Hamilton: The Member may take exception to what I said, but I certainly take exception to what she said about the approach of the DUP or, indeed, that of any other party in the House in seeking to move forward on welfare reform legislation that we were not necessarily happy with either. We fought the fight at Westminster against it when others were absent and then sought to deliver the best possible deal for Northern Ireland. I do not accept the criticism that that has made people sick. I do not want to get into some

sort of argument with the Member opposite about the fact that they ultimately signed up to that welfare reform legislation. We have at least now moved forward and beyond that, hopefully, and that has freed up a welcome injection of £40 million into waiting lists in Northern Ireland, which, as I said, will ensure that some have already got their treatment, some are getting their treatment and some will get their treatment in the next number of weeks. Between 60,000 to 70,000 patients across a range of specialisms will get the help and care that they need.

I am content to consider ways in which we can look at targets. Targets are important, but sometimes we focus a little too much on them and not enough on the qualitative rather than the quantitative aspects. I am content to have a conversation and to consider targets that other jurisdictions have to see what they have put in place, what impact they have had and whether they are a more accurate measure of the reality of the situation. I am not saying specifically that that is the case in this instance, but a lot of the targets that the health and social care system has to achieve are not always up to date or clinically that beneficial. I am more than happy to have a conversation and to look at other ways in which we might measure targets for waiting times.

3.00 pm

Mr Easton: How many patients are being helped by the investment of £40 million in waiting lists, and does the Minister feel that the work of the expert panel will result in more timely access to procedures and appointments?

Mr Hamilton: I thank the Member for his question. I think that, in my initial public pronouncements on the £40 million of expenditure, I underestimated the number of people who would receive outpatient appointments, as well as the number of inpatients, day cases and other treatments. I said that up to 40,000 people might get outpatient appointments, with about 15,000 getting treatments, but it looks like it will be a much higher number: between 60,000 and 70,000 patients across a range of specialisms. As I said, it will include outpatients, inpatients and day cases.

There will also be allied health professional activity, so people will get appointments with physiotherapists, occupational therapists and others, and there will be many diagnostic tests, scans and so forth. There is a range of specialisms and activities that some 60,000 to 70,000 people will benefit from. That will by no means solve the problem, but a sizeable chunk of it will be dealt with. Obviously, more people will join waiting lists in the intervening period, and that is why it is incredibly important that we continue to keep up that level of investment in elective care into the next Budget period.

The expert panel will not look at this issue particularly. This is a significant week for the panel and its work: we have our summit tomorrow, and I hope that that might find a way forward through an agreed set of principles. I hope that the outcome of all that work is that we agree to create not only a better but a more efficient health service in Northern Ireland. I think that the panel, in looking for efficiencies, should look at how we can better deliver the elective care that our population needs. If we had a more efficient system, it could be done much better.

Cervical Screening

3. **Mrs Cameron** asked the Minister of Health, Social Services and Public Safety for his assessment of the uptake of cervical screening. (AQO 9626/11-16)

Mr Hamilton: I am pleased to say that, over the past 10 years, there has been an increase in cervical screening coverage rates in Northern Ireland. In 2005, the coverage rate was 71%; by 31 March 2015, the rate was 77%. The target coverage for cervical screening is 80%, and, for some age groups, that is being met. Work is ongoing to improve the uptake in all age groups by promoting and supporting informed decision-making. It is vital that people participate in cancer screening programmes when invited, because they are important public health initiatives aimed at reducing deaths from cancer in our population.

Mrs Cameron: I thank the Minister for his answer and welcome the statistics. Will the Minister introduce HPV testing as a primary screening test for cervical cancer? Will he outline his position on women under the age of 25 who present at their GP with concerns and, perhaps, symptoms, and request a cervical smear test?

Mr Hamilton: I thank the Member for her question. I know that she has long taken an interest in and been a champion of this issue. In January, the UK National Screening Committee, from which we take advice on screening matters, recommended the introduction of human papillomavirus testing as the primary screening test for cervical cancer, and the Public Health Agency in Northern Ireland has undertaken a scoping exercise on its introduction. We will assess its findings as part of the scoping exercise, and I hope that this work will come forward with conclusions very soon. I hope that we will also introduce the HPV test, which would be good news for people in Northern Ireland.

I think that the position of women under the age of 25 has changed recently, although the Member will be more familiar with this than me. It used to be that those aged 20 or over would get a smear test, but that rose to 25. Scotland reduced the age to 20, but I understand that it is also going back up to 25. It may be worth saying that, if GPs are worried about exceptional cases — there will always be exceptional cases of people who present with abnormalities — they can and should, if they deem it clinically appropriate, contact their local screening laboratory to arrange a screening test. In essence, what I am saying is that no one under the age of 25 who has concerns about abnormalities should fear going to their GP and presenting their symptoms. They can get cervical smear tests performed, even though they are under 25, because the doctor has clinically decided that that is appropriate given their set of circumstances. It is just the case that we will not be doing that, universally, for everybody under 25. However, in cases where people present themselves and their GP thinks it appropriate, they can get smear tests.

Mr Speaker: Brilliant timing, Minister, just on the two minutes.

Ms McCorley: Go raibh maith agat, a Cheann Comhairle. The Minister referred to raising public awareness, which is very important in cases like this, as in all cases. Will the Minister give us some more detail about what the public awareness campaign might look like?

Mr Hamilton: When I saw the question come forward from Mrs Cameron, I was interested in that as well. How well are we advertising the need for people to go for their tests when called for? It is good to see that there has been an increase, but we are still not quite at the 80% target. There are some age groups that are well in excess of that target; in particular, younger people of around the ages 25, 30 and 35 are now exceeding the 80% target.

A range of advertising and promotional work goes on, which is monitored on a regular basis by the Public Health Agency (PHA). It involves the usual things that you would expect: information leaflets, videos and a dedicated website. Focus-group work has been carried out with those who attend and also with those who do not, particularly, to find out why they do not attend and what we can do to further tailor the service and make sure that any fears or concerns that they might have are alleviated. One interesting piece of work that the Member might be interested in is that the PHA has been working with the Women's Resource and Development Agency to particularly target those groups that have lower rates of attendance for tests, in order to see what the particular issues are and what can be done, through that network, to get more people to come forward.

At the end of the day, this is an exceptionally important public health message. We are not doing these tests just for the sake of it; this is about saving people's lives, and we will make every effort that we possibly and reasonably can to increase the uptake of the tests because they are so critical.

Mrs D Kelly: I thank the Minister for his answer, and I am sure that, like me, he laments the loss of the late Una Crudden who was a great advocate of cervical screening. In relation to the vaccination programme in schools, what has the uptake been like among young women?

Mr Hamilton: I do not think that I have information about what is happening in schools. It may be something that the Minister of Education has better information on. I am certainly happy to go away, get that information and give it to the Member in due course.

As with a lot of public health messages, the earlier, the sooner and the younger people get the message — in an appropriate manner, because we do not want to scare people unnecessarily, particularly young people — that looking after your health in every aspect is incredibly important, the better. I am very keen to work with schools, and the Public Health Agency does that in a range of ways, as do the board and the trusts as well. I am happy to come back to the Member with any information that I might have, or, if it is in the domain of the Minister of Education, I will ensure that he passes it to the Member.

Zika Virus

4. **Mr Ross** asked the Minister of Health, Social Services and Public Safety what advice he is providing in relation to the Zika virus. (AQO 9627/11-16)

Mr Hamilton: The Public Health Agency is leading the response to the Zika virus in Northern Ireland. It issued advice to health professionals in December 2015 and again in February of this year. The PHA also issued a press release in early February giving advice to pregnant women, as well as providing up-to-date information on its website.

It is important to note that the Zika virus is an infection transmitted by mosquitoes that are not native to Northern Ireland and, therefore, the public health risk posed by the Zika virus in Northern Ireland is extremely low. It is no greater than the risks posed by other mosquito-borne infections such as malaria, for example. Almost all cases of the virus are acquired through mosquito bites and not through human-to-human contact, although a very small number of cases have occurred through sexual transmission. At the moment, the key actions for Northern Ireland are to ensure that travellers to and from infected areas, especially pregnant women, receive appropriate advice and that clinicians are aware of the symptoms and, where appropriate, the actions to be taken for returning travellers.

Mr Ross: Obviously, it is something that has caused a great deal of concern across the world, and we have seen the images of the horrific outcomes of the virus. What specific advice is the Department offering those who find themselves travelling to South America on the steps they can take to make sure that they are protected?

Mr Hamilton: The Public Health Agency is understandably and rightly advising people, in particular pregnant women and those planning pregnancy, to consider avoiding travel to any country or area where Zika virus outbreaks are reported. Outbreaks have been reported in a number of countries in south and central America, and all travellers to affected countries should ensure that they seek travel health advice from their GP or, indeed, a travel clinic well in advance of their trip.

A possible link between exposure to the Zika virus during pregnancy and microcephaly and other congenital malformations has been identified and is being investigated. Women returning from the affected countries should avoid getting pregnant for 28 days. Anyone who has been in an affected country needs to be particularly mindful of the signs and symptoms of the infection and, if necessary, contact their GP, who will offer the appropriate advice. Updated advice on the Zika virus can also be accessed through the Northern Ireland Direct and PHA websites, and I encourage anybody who is travelling to those areas to consider that advice very carefully.

Mr McKinney: Of course, there were two cases in the Republic. What conversations is his Department having with colleagues in the Department of Health in the South to ensure full protection on the island?

Mr Hamilton: It is standard practice in such situations — it does not matter what the virus, condition or illness might be — for officials in my Department to be in touch, as they have been in this case, with their counterparts in the Department of Health in Ireland to ensure that any queries regarding the issue are discussed as required. It is important to stress that it is not a Northern Ireland response or an Ireland-wide response that is required: this is international. The response of the UK, as a whole, is being led by Public Health England (PHE). The Public Health Agency's health protection service is working very closely with colleagues in Public Health England and contributes to the twice-weekly teleconferences organised by Public Health England. The Public Health Agency, as I said, has also been in touch with the Health Service Executive in the Republic of Ireland to ensure that appropriate guidance and information is disseminated on both sides of the border.

Care Homes Review

5. **Mr Lyttle** asked the Minister of Health, Social Services and Public Safety to outline the terms of reference of his Department's review of the statutory care homes process. (AQO 9628/11-16)

Mr Hamilton: Following the decision made by Four Seasons Health Care to close some nursing homes, I asked the Health and Social Care Board to halt and review the current process examining the future role and function of statutory residential care homes as a precautionary measure. I want to develop a broader understanding of the issues facing the residential and nursing home sector and their implications before making any final decision on the future of statutory homes. It is also right to pause, reflect and give careful consideration to issues arising in the independent sector.

The terms of reference for the review are as follows: to re-examine the proposals for closures in the light of the emerging challenges facing the adult care sector in particular; to consider issues around capacity, accessibility, quality and sustainability, which will include reconsideration of the local needs assessment exercises that informed the original proposals for change; to consider whether sufficient independent sector capacity can be identified to ensure a secure supply of appropriate places on a regional basis to meet demand; to consider the timing of any proposed closures, with particular reference to the current perceived instability in the market; and, finally, to consider whether there is a requirement to review the current position on admissions as a means of addressing current challenges in the care sector.

Mr Lyttle: I thank the Minister for his helpful update. Can he go into any more detail on his review of the sustainability of the independent residential and nursing home sector, including issues such as trust aid, staff costs and nurse shortage? Can he also advise the House when he will report on the review and how many of the 254 older people affected by the closures have been appropriately resettled to date?

Mr Hamilton: There were quite a few questions asked in that one. The Member beside him might welcome the fact that I am on to question 5, although I am now being held back by the seven or eight questions asked by Mr Lyttle.

The last issue — how it directly affects individuals — is probably the most important one. Our trusts have done quite good work in coordinating with residents and their families to ensure that their transition to new accommodation is smooth. Everyone has now moved from one of the homes in the Member's constituency — I think it is the Victoria Park Care Home — to appropriate accommodation. I am sure that nobody wanted to move away so I am unwilling to say that they were content to move, but everybody has found appropriate accommodation. Work is ongoing in many of the other homes as well.

3.15 pm

It is critical that, as well as looking at statutory residential care homes and doing the work that I outlined in my initial response, we take some time to look at the independent sector and what is happening there. That is why I commissioned work to look at the market stability of the

sector and any threats to it. That will examine a range of issues including nursing and the overall viability of many of those businesses. I have responded to those pressures in recent times by announcing a further investment of £1.6 million in the care sector in this financial year. That goes in two ways: a 2% increase in the rates paid to domiciliary care companies and £11 a week more for every resident who has been placed in a home by a trust. I know that that will not solve all the problems, but, hopefully, it will bring further stability to the market, deal with some issues, particularly staff retention, and move us to a more stable position in the future.

Mr Speaker: We now move on to topical questions.

Waiting Lists: Private Sector Usage

T1. **Mr McNarry** asked the Minister of Health, Social Services and Public Safety to detail the impact that his usage of the private sector will have on reducing waiting lists for people who are in pain and awaiting a hospital procedure. (AQT 3511/11-16)

Mr Hamilton: I thank the Member for his question. Some in the House and in this country turn their nose up at the use of the independent sector to help to deal with issues such as our unacceptably long waiting lists. I know that the Member is not one of those, and neither am I. As I said in response to an earlier question, we have been using the £40 million that we got through the November monitoring round to treat 60,000 to 70,000 more patients in a range of ways. Obviously, we want to maximise the output from inside the health and social care sector. There will be 9,000 more outpatient appointments, around 1,000 more inpatient day cases, 15,000 more allied health professional physiotherapy and occupational health appointments and 13,000 more diagnostic tests.

We have, however, been relying quite significantly on the independent sector. It has been awarded 27,000 contracts for outpatient appointments and 8,000 inpatient appointments. Patients have now been referred for all of those, so all those appointments are being taken up. Many people have been seen already, some are being seen and some will be seen in the weeks ahead. Whatever people might think about using the independent sector, the fact is this: without that additional capacity, over 30,000 people who required outpatient appointments or inpatient procedures would not have been able to get them. I do not think, in the circumstances in which we find ourselves, that it would have been acceptable to do anything other than use the independent sector to deliver those much-needed appointments for over 30,000 people in Northern Ireland.

Mr McNarry: I suspect that most if not all people in pain do not give a toss or care who does the procedure at the end of the day. Will the Minister tell the House what the cost differences between the private sector and the public sector work out as? Will he say why, he believes, the spare capacity in the private sector is sitting there and not being matched by the NHS? Minister, why do we have the worst record for stillbirths, as reported on the news today? Is that anything to do with a lack of resources?

Mr Hamilton: I will deal with the first points first and then come on to the other issue. Sometimes, there is a misconception: people who are opposed to using the independent sector will use words like “profiteering” as if it is a bad thing to make a profit in this society. However,

in these circumstances, the independent sector is not paid any more for an operation than what it would cost to provide the same operation in the health and social care system. That important point is very often missed or ignored by some who criticise the use of the independent sector. Clearly, the independent sector has a much more efficient model.

There are particular pressures on the health and social care system that make it difficult to get to that level of efficiency, but, as I said in response to Mr Easton, I hope that some of the changes and reforms that we envisage through the work of the panel will allow us to produce an even more efficient system that allows us to get up towards the level of efficiency that the independent sector provides.

The issue of stillbirths has been in the media for the last number of days. It has not been treated in all areas of the media with the sensitivity that it should be. Every stillbirth, whatever the circumstances, is a tragedy for the family and parents involved. Some sort of contrived league table has been produced by some in the media. There is no joy to be had, whether you are at the top or the bottom of that league table, because of the individual tragedies that each of them adds up to. Some in the media did not reflect on Northern Ireland’s particular circumstances. I do not want to invite upon the House another debate like the one that we had last Wednesday night, but it has been recognised by many midwives, in some of the comments that they made in the press, that we are not comparing like with like when we look at Northern Ireland stillbirth figures because of issues around termination and abortion in Northern Ireland.

Antrim Area Hospital: Emergency Department

T2. **Mr Cochrane-Watson** asked the Minister of Health, Social Services and Public Safety whether he can offer any help and support to the emergency department (ED) at Antrim Area Hospital, which Mr Cochrane-Watson was privileged to tour last Friday, when he was humbled to meet and talk to its staff, albeit that, on Friday, the department was forecasting the admission of 270 people over the subsequent 24-hour period, making it the busiest ED in Northern Ireland — it is consistently the first, second or third busiest ED — even though it was commissioned originally to comfortably cope with about 240 admissions and is, unfortunately, dealing with admission numbers that overwhelm its staff. (AQT 3512/11-16)

Mr Hamilton: I echo what the Member said about the dedication of the staff in Antrim Area Hospital. I visited Antrim Area Hospital’s ED during the week of very high pressures on the service at the start of the year. I noticed that, although it was incredibly busy, the staff were deeply committed to what they were doing, really dedicated to their work and absolutely in control of a very difficult situation. I commend them for the work that they put in not just over the Christmas or early new year period, when it is always very busy, but the whole year.

There have been issues in the past at Antrim Area Hospital, but I recognise the efforts that have been put in by the trust under new leadership. I have every faith in that leadership and in the work that it is doing. It is slowly but surely starting to turn the situation around. It is far from perfect, and they are under pressure. That reflects a pressure right across the service. In the last five years, there has been an increase of nearly 14% in

unplanned admissions across Northern Ireland. Places like Antrim Area Hospital have perhaps borne the brunt of that. In recognition of that, I have invested an additional £8 million in winter pressures this year. A share of that — over £1 million — will have gone to the Northern Trust to deal with the pressures that it faces. I hope that, in spite of the pressures that it is facing, it continues with the improvements that it has made in recent times.

Mr Cochrane-Watson: Minister, I agree with you about the commitment of the staff, leadership and senior management team of the trust. One of the concerns raised by senior staff and doctors at the ED was about what they termed the back end of the service, where people were being bed-blocked and care packages were not being put in place. They were looking at the availability of beds. As they highlighted, people were waiting on trolleys, but they were being treated; drugs were being administered and there were MRI scans and X-rays. However, there was still the wait time, which was all down to the back end, as they termed it, of the service.

Mr Hamilton: I always listen to the experiences of people on the front line. That is certainly the message that I received in Antrim when I was there in January and from talking to two other emergency departments about the pressures that they are facing. I was in the emergency department in the South West Acute Hospital on Friday and received a similar message. Looking back over our performance in the past number of years, particularly around this time of the year when there is a spike in activity, I can say that our emergency departments have been able to cope with the range of pressures that they have been facing. However, different, broad problems appeared in each year that we sought to address in the subsequent year through funding and various innovations. This year, the pressure that was quite acute was that of the “back end”, as the Member described it.

People are getting treated quite quickly in many instances. I sat and reviewed the website that updates the times that it takes for people to get treated over the Christmas period, and it was interesting to see that, in many cases, the times taken for people to be seen were quite short. Therefore, looking at it superficially, you would say that there should not have been a problem in the emergency department. The problem was coming from the fact that people could not leave and get the care package that they required or get a bed in the hospital. We have identified that as a problem, and it is something that we are going to have to address next year.

That fits in with the question that Mr Lyttle asked about the independent care sector and the pressures that it is facing. That is why I am keen to support, bolster and ensure the stability of that sector so that we can use it to alleviate some of the pressures that our emergency departments and our hospitals in general are facing.

H1N1 Cases

T3. **Mr Attwood** asked the Minister of Health, Social Services and Public Safety to confirm the number of cases referred to his Department of persons infected with the H1N1 virus and to state whether he is satisfied that the trusts and other health authorities are putting

into the public domain all possible information in relation to the risk of H1N1 and the number of confirmed cases. (AQT 3513/11-16)

Mr Hamilton: I thank the Member for his question. It is a bit like the question that Mr Ross asked, in that there is concern among our community when we hear some of the stories and about some of the deaths possibly connected to a virus. In this case, the virus is what is colloquially referred to as swine flu.

During the 2015-16 flu season, there have been 303 lab-confirmed cases of seasonal flu in Northern Ireland, with 239 of them being the H1N1 strain. The main defence in place for seasonal flu, including the H1N1 strain, is the annual vaccination programme. We procured 675,000 doses of the vaccine in Northern Ireland this year. Protection against H1N1 is contained within that seasonal flu vaccination. There have, of course, been some issues and problems, and, without being able to speak authoritatively about every case, many of those will involve people who have underlying health conditions that mean that the vaccination has not been able to work in the full way that we had hoped that it would.

Mr Attwood: Following up on the last point that the Minister made, can he confirm the number of cases in which H1N1 has been the cause of death or a contributory factor? To go back to my substantive question, are you satisfied that, regarding the scale of the threat, all that can be done is being done to bring information to the attention of the public and to make interventions to protect the public?

Mr Hamilton: I do not have the information related to the first question. I suspect that that may be because analysis is still going on to make sure that, if we say that something is the case, it absolutely is the case. That way, we will not scare people in Northern Ireland unnecessarily.

We have to be very sensitive of the need to provide timely and accurate information. Everybody in the system is open and honest about the fact that there are issues with H1N1 — swine flu — but the vaccination programme that we have in place is the best defence against that. That is why we procure so many doses of the vaccine each year and why vaccination is promoted so heavily. We encourage so many people to have the vaccination to act as a defence against influenza, of whatever type it might be.

Mr Speaker: I call Mr Mike Nesbitt. I am sorry that there will not be time for a supplementary question.

Mr Nesbitt: Not your fault, Mr Speaker.

Mental Health: Funding

T4. **Mr Nesbitt** asked the Minister of Health, Social Services and Public Safety whether he can assure sufferers of mental ill health in Northern Ireland that they will not be the poor cousins within the United Kingdom in light of the Prime Minister's promise of £1 billion in England to end discrimination between physical and mental illness. (AQT 3514/11-16)

Mr Hamilton: I very much welcome the Prime Minister's announcement, not just because of the monetary aspect, which I will come back to, but because of the fact that someone as senior as the Prime Minister said what he said. I think that it is incredibly important that all of us in public life, particularly those in positions like the Prime

Minister, talk about the importance of mental health — not versus physical health but alongside it — and the impact that poor mental health can have on one's physical health.

3.30 pm

The additional resources are very welcome. The Member will know that, in my position and in this Department, we welcome resources, wherever they come from. We are still analysing exactly what the Prime Minister means by an additional £1 billion and whether that is an additional sum or whether it is included in the £8 billion increase. I have seen one recent report that states that it is part of the overall £8 billion increase by the end of the decade.

I am not saying that we are absolutely where we need to be in our levels of expenditure in Northern Ireland. The Member is well versed in the acuity of the problem in Northern Ireland and some of the particular circumstances causing that, especially those related to our past. However, I was pleased to see and note that a BBC report over the weekend, which helped to spark some of this debate, showed that, of all regions of the United Kingdom, the only one to have increased expenditure on mental health in the past two years was Northern Ireland. We increased it by 1% last year and by around 2.5% this year. While that does not resolve all the problems and is not a full answer, it does show the commitment of me, this Department and the Executive to invest further in mental health because of the particular problems that we face in Northern Ireland, never mind the general problems that people in Northern Ireland and the rest of the UK are facing in respect of poor mental health.

Mr Speaker: Time is up. Before we return to the Consideration Stage of the Mental Capacity Bill, Members will wish to take their ease while we change the top Table.

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

Executive Committee Business

Mental Capacity Bill: Consideration Stage

Debate resumed.

Clause 7 (Best interests)

Mr Deputy Speaker (Mr Beggs): We now come to the third group of amendments for debate. These amendments deal with enduring powers of attorney, lasting powers of attorney and the oversight bodies, including the Public Guardian, the review tribunal and the Attorney General. A valid petition of concern has been tabled in relation to amendment No 116, so cross-community support is required for that amendment. I call the Minister to move amendment No 5 and to address the other amendments in the group.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move amendment No 5: In page 5, line 23, after second "attorney" insert

“, or an enduring power of attorney,”.

The following amendments stood on the Marshalled List:

Amendment Nos 51, 56, 77, 116-119, 123, 125, 128, 133, 139, 287, 289, 293, 313, 324, 330, 340-342, 361-363, 486.

The third group of amendments relates to enduring powers of attorney, lasting powers of attorney and the oversight bodies. Amendment No 5 inserts a reference to "an enduring power of attorney" into the list of relevant people to be consulted as part of the best-interests determination. This amendment to clause 7 has been put forward with the agreement of the Committee, as noted in its report. Similar amendments adding reference to "an enduring power of attorney" to clauses, which, as introduced, provided the lasting power of attorney with a particular role but not the enduring power of attorney, are also proposed where appropriate throughout the Bill, as recommended by the Committee. The relevant amendments are amendment Nos 77, 123, 125, 139, 313, 324, 330 and 340.

At this point, I propose to move on to amendments relating to Part 5 of the Bill on lasting powers of attorney. I will return to the Committee's opposition to clause 110 and schedule 5, as well as amendment No 119, at the end of my remarks on this group.

Amendment No 116 has been tabled by Ms McCorley, Mr McCartney and Mr Lynch. Its effect would be to lower the age at which a person can execute a lasting power of attorney from 18 to 16. A lasting power of attorney is a legal document that gives an attorney the power to make decisions about the donor's care, treatment or finances when the donor has lost the capacity to do so. I will not leave any room for doubt about my stance on this amendment. I strongly caution the Chamber against supporting it today for two reasons. First, it is a rather crude attempt to extend to children a system predicated on the law on capacity and consent that applies to adults, with no consideration whatsoever of the implications of what the law says about children and decision-making. Those implications extend well beyond the scope of this Bill to other significant pieces of legislation, such as the Age of

Majority Act (Northern Ireland) 1969. The second reason why I urge Members not to support the amendment is that work is under way within the Department of Finance and Personnel to examine those implications. The more prudent course of action would be to let that work conclude before the Chamber takes a vote on a matter of such importance.

I will now turn to amendment No 117, which has also been tabled by Ms McCorley and others. Clause 98 allows an attorney acting under a lasting power of attorney to make gifts to the donor's relatives or associates on customary occasions, such as birthdays, as long as the value of the gift is not unreasonable. The clause allows the attorney to be included in the list of persons who can receive gifts, so effectively the attorney could buy a gift for themselves. The effect of amendment No 117 would be to prohibit an attorney from being able to gift themselves. I am sure that the Members will clarify their intentions when speaking to this amendment. However, my assumption is that it has most likely been motivated by a concern that an attorney may abuse their power in some way. I understand that possible argument, but the problem with it is twofold. First, the amendment would not have the desired effect. If the attorney is a relative or associate of the donor, the clause as amended would still allow the attorney to receive gifts. Secondly, donors making lasting powers of attorney are likely to appoint family members as their attorney. Therefore, to exclude that family member from receiving gifts on behalf of the donor just because they are acting as an attorney could have the perverse effect of deterring a donor from making that close family member an attorney. Furthermore, any concern regarding the potential to abuse that power is already addressed by the fact that the clause states that the gift must not be:

“unreasonable having regard to ... the circumstances and ... the size of the donor's estate.”

For all those reasons, I do not support this amendment to clause 98.

Amendment No 118 has also been tabled by Ms McCorley, Mr McCartney and Mr Lynch. It relates to clause 99, which sets out certain requirements for attorneys. For example, anyone who is bankrupt may not be appointed as a property and affairs attorney. The effect of the amendment would be to insert a new requirement that any person convicted of fraud be subject to a risk assessment for suitability for the post of attorney.

Again, there are difficulties with this amendment. For example, it raises a number of unanswered questions. Who or what body would undertake the assessment? What criteria would be applied to determine suitability? What would be the consequences of such a risk assessment? There is also the fundamental point that the Bill is about respecting people's decisions, even if unwise, provided they have the capacity to make them. To put it bluntly, if the donor has capacity and wishes to appoint an attorney who has been convicted of fraud, that is his or her prerogative, however unwise that decision might seem. In any event, there are already safeguards built into the lasting power of attorney system specifically to deal with situations in which there may be concerns about an attorney. For example, persons other than the donor can object to the registering of a lasting power of attorney on prescribed grounds. I believe that those safeguards are sufficient and proportionate. For those reasons, it is my

view that amendment No 118 is insufficiently precise and unnecessary.

I will now turn to the amendments relating to the oversight bodies. Amendment Nos 51 and 56, which create new clauses 48A and 51A, relate to the review tribunal. New clause 48A will introduce a referral mechanism to the tribunal for young people once they reach the age of 16. It will ensure that a young person's case will be referred to the tribunal if the detention was renewed under article 13 of the Mental Health (Northern Ireland) Order 1986 and a year has elapsed since the case was last considered by the tribunal. New clause 51A will provide an additional power for the review tribunal, when considering a person's case, to recommend the taking of specific actions and to allow it to further consider the case in the event that the recommendations are not complied with. Those new clauses will ensure that the tribunal adequately reviews the cases of all individuals subject to the Bill.

Amendment No 128 inserts new clause 121A, the effect of which is to ensure that, when an application is made to the court under Part 6, the Attorney General is notified of the application and can intervene in proceedings where he considers it appropriate to do so. That is a protective measure for those who lack capacity to make decisions that may result in Part 6 being utilised in their case.

Amendment No 133 amends clause 125(5)(a) and addresses the Committee's concerns that the Public Guardian can access healthcare records held by not only the health and social care trusts but agents and employees of the trusts. As a result of this amendment, the Public Guardian will be able to access records held by, for example, providers of domiciliary care and supported living arrangements.

Amendment No 287 amends clause 228 to clarify that a person can be detained under Part 2 or, if aged under 16, the Mental Health Order, even if he or she is discharged under Part 10.

Amendment No 289 inserts new clause 230A, which contains additional powers for the review tribunal when considering the issue of detention under a public protection order. It allows the tribunal, where it has decided not to release a person, to recommend taking specified actions with a view to a future release, and further considering a person's case if those actions are not complied with.

Amendment No 293 inserts new clause 234A. This provision contains additional powers for the review tribunal when it is considering continued detention under a hospital direction or hospital transfer direction. The clause allows the tribunal, where it has decided not to release a person, to recommend taking specified actions with a view to a future release, and further considering a person's case if those actions are not complied with.

Amendment No 341 creates new clause 277A, which places a duty on my Department and the health and social care trusts to furnish such returns, reports and other information about an individual who is the subject of proceedings under the Bill as the High Court, the review tribunal and the Public Guardian may require for the exercise of functions under the Bill. Associated amendment No 486 is a repeal consequential to amendment No 341.

Amendment No 342 creates new clause 277B, which places a duty on my Department and the health and social care trusts to provide facilities, such as a room, for example, as the High Court, the review tribunal and the Public Guardian may require for the exercise of functions under the Bill.

Amendment Nos 342 and 343 ensure that the bodies providing judicial oversight of interventions under the Bill have adequate access to all of the necessary resources and information required to perform their role.

Amendment Nos 361, 362 and 363 relate to clause 283, "Panels". In response to a concern raised by the Committee, amendment No 361 provides that all panel members must be in attendance during proceedings of the panel. Amendment Nos 362 and 363 are technical amendments that subsume two subsections into one to improve the drafting of the clause.

Finally, I propose to address amendment No 119 to clause 110. It was tabled by Ms McCorley, Mr McCartney and Mr Lynch and is somewhat at odds with the Committee's opposition to clause 110 and related schedule 5, which I will also address. I will start by providing Members with background to the issue at hand. As Members are aware, the Bill creates a new scheme of lasting power of attorney to replace the existing outdated enduring power of attorney scheme. Under the new lasting power of attorney system, an attorney can be appointed to deal with not just property and affairs decisions but decisions relating to the donor's care, treatment and personal welfare. Importantly, the lasting power of attorney system builds on the safeguards in the enduring power of attorney scheme, offering more protection for donors and attorneys. On that basis, the effect of clause 110, as introduced, would be to repeal the Enduring Powers of Attorney (Northern Ireland) Order 1987, with the effect that no further enduring powers of attorney could be made once clause 110 was commenced. Enduring powers of attorney already made under the current law, however, would be preserved through the savings provisions in schedule 5.

The Committee has made it clear that it is not content with the approach outlined. During its deliberations, the question was raised of why the enduring power of attorney system could not run alongside the new lasting power of attorney system. My officials, with input from the Department of Finance and Personnel and the Northern Ireland Courts and Tribunals Service, argued that running two systems would be confusing, costly and operationally difficult, and that, ultimately, the new lasting power of attorney system provides better safeguards than the enduring power of attorney system. The Committee did not accept those arguments and proposes to oppose clause 110 and schedule 5. That will have the effect of allowing enduring powers of attorney to continue to be made alongside the new lasting powers of attorney.

3.45 pm

My own view is that, should the Chamber agree with the Committee stance, the more prudent course of action would be to retain the relevant provisions but make their commencement subject to the approval of the Assembly rather than removing them entirely from the Bill. Doing that would place a constraint on the Department's ability to remove the enduring power of attorney system, so enduring powers of attorney could continue to be made

for the foreseeable future as the Committee desires, but would avoid the need for new primary legislation and associated resources if difficulties were to arise in the future or a decision were to be taken to remove the enduring power of attorney system following a review in, say, three years' time, which was also suggested by the Committee in its report.

To be clear: that compromise option would require Members to support clause 110 and schedule 5 as they stand, on the basis that I commit to bringing forward an amendment at Further Consideration Stage to make their commencement subject to the approval of the Assembly. That will allow the two systems to run alongside each other until such time as the Assembly decides otherwise.

Finally, I will briefly address the related amendment No 119, tabled by Ms McCorley and others. The key point to make is that the compromise option would make the proposed amendment redundant, as would the Committee's opposition to clause 110. In essence, they all seek to achieve the same objective. However, as I have said, my strong preference, if the Chamber agrees with the Committee that the enduring power of attorney system should be retained, would be to proceed along the lines of the compromise that I have outlined.

That concludes my remarks on the third group of amendments regarding enduring powers of attorney, lasting powers of attorney and oversight bodies. I look forward to the debate that will ensue.

Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill): Again, as with the previous groups, all the amendments that have been tabled by the Minister are accepted and supported by the Committee. Therefore, I will not go over the detail of every amendment that has been tabled, but rather focus again on particular areas of concern or significance to the Committee deliberations.

Amendment No 5 is tabled by the Minister. Again, it came about as a result of an issue that was raised by the Committee. Clause 7 deals with the process for determining the best interests of a person who falls under the Bill's remit. The Law Society pointed out that an attorney acting under an enduring power of attorney, known as an EPA, was not included in the list of relevant people in clause 7 who would be consulted on what was in someone's best interests. That appeared to be an omission. The Department advised the Committee that it could foresee situations where it would be useful to consult the EPA and agreed therefore to make the amendment.

The Department, on reviewing the Bill, made note of other clauses where there should have been reference to an enduring power of attorney and rectified the situation; for example, through amendment Nos 77, 123, 125, 139, 313, 324, 330, and 340. The Committee welcomes those amendments and the fact that they recognise the important role that an attorney acting under an EPA has in making decisions on behalf of a person who comes under the Bill's remit.

Amendment Nos 361, 362 and 363, which have been tabled by the Minister, were in response to an issue that was raised, again, by the Committee. Clause 283 deals with the panels that will consider applications to authorise detentions and extensions of public protection orders made without restrictions. Given the seriousness of the

decisions that these panels will take in terms of the impact on an individual's liberty, the Committee was concerned that clause 283 does not specify quorum requirements, but simply states that the panel has three members. The Committee also queried the fact that the clause states that provision for cases where the panel cannot reach a unanimous decision will be provided for in regulations.

Firstly, we wrote to the Department and advised that we favoured a quorum of three being specified in the Bill. The Department responded positively to that suggestion and proposed the amendment that is before us today that clarifies that all three panel members must be in attendance during proceedings of the panel, which includes when a decision is to be made.

We also asked the Department for its views on the suggestion that, in cases where the panel cannot reach a unanimous decision, the decision be taken on a majority vote. The Department identified a number of drawbacks. For example, it could be the case that the panel member in the minority may indeed be the person with the most relevant experience and expertise in that particular subject area. It is fair to say that the Committee was not entirely convinced by that logic, given that the assumption would be that anyone who sat on the panel should surely be there because they had the necessary knowledge and expertise in the first instance. However, we ultimately accepted that there are a number of unknowns still at play and that it would therefore be more sensible to allow the matter to be consulted on further in the process of the Department's putting together the necessary regulations in the future. Therefore, the Committee was content that the Department restricted its amendments to clause 283 to the issue of quorum.

I will now turn to the key issue for the Committee within this group of amendments. The Committee has given notice that we are opposed to clause 110 and the related schedule 5 standing part of the Bill.

As the Minister has outlined, Part 5 of the Bill creates a new system for lasting powers of attorney. I will say up front that the Committee supported the introduction of LPAs and we can see the rationale behind them in that they give people an opportunity to put powers of attorney in place in relation to future decisions that have to be made about their health, welfare and finance. However, we diverged from the Department on the future role of EPAs under the Bill.

To set the context; at present, only EPAs are available to people in Northern Ireland, and they can be made by a person in relation to decisions about their property and affairs. Under the Bill as drafted, through clause 110, no further EPAs could be made once the legislation comes into operation. A range of stakeholders, including the Law Society, are fundamentally opposed to that suggestion. In their view, there are serious drawbacks in having a system that only permits the making of lasting powers of attorney (LPA), which is what the Bill proposes to do.

Experience from England and Wales has shown that the forms required for making an LPA are lengthy and complex and that, when legal services are employed, it typically costs the client around £500 plus VAT in addition to a £110 registration fee that is payable immediately. The Law Society believes that those high costs have discouraged people from making lasting powers of attorney.

In contrast, the cost of making an enduring power of attorney is relatively modest at around £100 for legal services and a registration fee of £115 that is payable only when there is a need to bring the power of attorney into effect. The Law Society believes that the modest costs and relatively straightforward nature of making an EPA — for example, at the same time as somebody is making a will — means that there are fewer barriers to people making an EPA.

The Law Society put it to the Committee that the current EPA system could run alongside the new LPA system that is created by the Bill. It suggested that this would provide people with more flexibility and accessibility in planning for their future needs. Its key concern was that, if the only option available to people was to make a lasting power of attorney, with all the associated complexity and expense, many of them would simply do nothing. When that happens and someone loses capacity to make certain decisions, it can create serious bureaucratic obstacles for the person's family or carers, particularly in being able to manage their finances for them. However, if an EPA is in place, the management of a person's property and financial affairs is a lot more straightforward and you avoid getting into situations where, for example, someone's household bills cannot be paid.

The Committee put it to the Department that it seemed logical and sensible to maintain the EPA system alongside the new LPA system. As Members have heard from the Minister, the Department was not in favour of that proposal. We listened to its arguments carefully, but I must say that we were not convinced by the logic of some of them. For example, the Department stated that, in practical terms, managing two systems would be unworkable. However, under the Bill, existing EPAs will not become invalid; it is simply that no more can be made. Therefore, as soon as the Bill becomes operational, the Department will be managing two separate systems automatically, irrespective of the Committee's opposition to clause 110. The Department has not given us the facts and figures, but one can only assume that there are thousands of EPAs already in existence in Northern Ireland. Some will have been made by people who are now in their 70s or 80s, but others will have been made by those who are in their 40s, 50s and 60s and who will be able to legally rely on those EPAs for the next number of decades, up to maybe 40 or 50 years. Therefore, it simply does not add up as an argument to state that no further EPAs should be made because it is too difficult to run two systems.

The Committee bought into the argument that we should give people choice and that, for those who could not afford, or are not willing to pay, the amount for an LPA, we should at least offer them some protection in the form of an EPA. I listened to the Minister's attempt at a compromise. My view and, I think, that of the Committee is that we should assess how things operate over the next number of years and, if it is proven to be creating a significant difficulty, we could return to it at that point. I am not sure that we would be satisfied with passing the Bill and putting some sort of commencement order around getting rid of the EPA system. I will have no difficulty if new primary legislation is required in five years to deal with the issue. It comes back to the point on the Henry VIII clause and ensuring that we have maximum scrutiny for the Assembly. Therefore, if, in five years' time, the Departments were able to prove that there is a significant issue with running LPAs and EPAs in tandem, legislation could perhaps be

brought forward at that point by the Department, given that we will at least have an evidence base to work on. The Committee position is that we will maintain our opposition to clause 110, and we believe that we should be able to offer people the option of either an LPA or an EPA.

Concerns were raised about the potential complexity of the forms required to make an LPA, and the Minister of Justice provided a written assurance that they would be kept as straightforward as possible. Whilst the Committee appreciates that assurance, it did not alter our position on maintaining EPAs. Fundamentally, our position is to give people choice and flexibility, taking into account how much they are willing to pay for the future.

I will make some personal comments about the two Sinn Féin amendments. The Minister outlined his views on amendment No 119. Given the Committee opposition to clause 110, I do not think that amendment No 119 is required. Effectively, it is trying to do the same thing but in a different way, so, hopefully, Sinn Féin will not move it.

Whether somebody convicted of an offence, particularly fraud, should be allowed to be an attorney provoked discussion at the Ad Hoc Joint Committee, and amendment No 118 references the issue. I understand why it was an issue. I agree with the Minister that, if somebody is of sound mind and has capacity to make a decision, it is up to that person whether to appoint somebody who has such a conviction. It may be a husband or relative who may have a conviction, but that person still feels it appropriate to have him or her as attorney. On that basis, I do not support the amendment. We have to give individuals the option to make choices when they have capacity to do so, whether or not, as the Minister said, they are choices that we think sensible.

I hope that the House will support the Committee position on clause 110.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I will speak on the amendments tabled in our names in group 3. We will support the amendments tabled by the Minister and the Committee amendments as outlined by the Chair.

A petition of concern has been lodged on amendment No 116. The Minister outlined two reasons why he opposed the amendment. The second reason is to do with a process that is taking place in DFP, and we want to allow that to go forward. The amendment has its origins in concerns raised by the Children's Commissioner and the Children's Law Centre. The issue might come back at Further Consideration Stage or at some other time. There are 16- and 17-year olds who should be allowed to make those types of decisions for themselves, but, given what the Minister said about DFP, we will not move the amendment today.

Amendment No 117 is about preventing an attorney from giving himself or herself a gift from an estate or carrying out work. In fairness, the Minister accepted that there could be a perceived conflict of interest. That is what we are trying to address. I accept that, as the Minister said, if the attorney happened to be a relative, that in itself is a complication. Perhaps we could tighten that at Further Consideration Stage, but we note the Minister's comments.

I note the Minister's comments, and the Chair speaking as an individual and on behalf of his party, on amendment No

118. We tabled that amendment in case the appointment of an attorney was contested by other family members, or that the attorney later had a power but that the other person was incapable of changing or altering the decision. In those cases, when a person has been convicted of fraud, we need some protection. We are not saying that it should be automatic, because we do not believe in debarring somebody simply because of a conviction. If, however, the fraud is directly related to the person concerned, there should be some measure to assess the suitability of the person acting as attorney.

The last amendment that we have tabled in the group is amendment No 119 to clause 110. In response to the comments made by the Minister and, indeed, by the Chair of the Committee, we accept that the Committee's opposition to clause 110 no longer necessitates amendment No 119, which we will not move.

4.00 pm

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to address the group 3 amendments considering EPAs, LPAs and oversight bodies. Clauses 95 to 110 set out lasting powers of attorney in the Bill. In evidence sessions, there were numerous representations on enduring power of attorney and lasting power of attorney. The Law Society broadly welcomed the majority of the proposals in the Bill. In particular, it welcomed the proposal to introduce the health and welfare lasting power of attorney, which will give attorneys the ability to make decisions on health and welfare matters. We too welcome that proposal because, if used correctly, it can provide more certainty for people when deciding their future.

The society noted with concern, however, that the Bill proposes to abolish enduring powers of attorney entirely. It is the society's view that EPAs have brought benefits to Northern Ireland and that the current system of EPAs should be retained. Retention of enduring powers of attorney alongside the new lasting power of attorney would give, it says, the client maximum flexibility and accessibility to meet their legal needs. It is for that reason that we welcome the Sinn Féin amendment No 119 and the Minister's intention to oppose clause 110. To remove EPA would be a premature attempt to reduce potential fraud and make the system more efficient.

Most of the rest of the amendments, bar amendment No 116, on which a petition of concern has been put down, are technical. The simplicity of the current EPA system has led to its widespread use by members of the public. It has also meant that the legal cost of putting an EPA in place from assisting with the completion of the prescribed forms and the court fees for registration of the EPA has been kept low. Many related to the Committee that an LPA introduction without EPA would see costs increase and act as a barrier to some utilising the service.

One of the main drivers for the introduction of the LPA is the intention to decrease fraud and to provide more protection for the patient. However, in England and Wales, much larger numbers of fraud cases are being prosecuted than under the previous EPA system. There were 2,200 safeguarding referrals to the Office of the Public Guardian (OPG) in England and Wales in 2013-14. According to the KPMG fraud barometer published this month, fraud on families perpetrated by one of their own grew by 384% in

the first half of 2015 compared with the same period in 2014. It was KPMG's view that that was largely due to the frustration of family members having to wait longer for their inheritance as a result of increased life expectancy. There you go. By value, 72% of family fraud was committed by fraudsters aged over 45.

It was the view of the Law Centre, and of many other stakeholders, that the EPA system has operated very effectively in the North without any evidence of widespread fraud and that the introduction of LPA alone will not solve the problems that exist. That is not to say that the introduction of LPAs is a bad thing in itself; the opposite is true. For example, the Commissioner for Older People made some very interesting points about LPAs, indicating that the introduction of lasting powers of attorney will have a significant impact on the lives of many older people. The LPA may influence where an older person lives; what care home they reside in; how they are looked after, including the provision of care; and the types of care, including top-up fees that have to be paid.

The legislative framework extends existing powers to allow the attorney the authority to make decisions not just on financial but on welfare and health matters. We in the SDLP stress, however, that the LPA process should be made as simple as possible for those who wish to use it. In the House of Lords post-legislative scrutiny review of the Mental Capacity Act, witnesses provided evidence that the process of applying for an LPA was complex and that the paperwork was considered onerous. We must avoid that.

A petition of concern has been tabled to amendment No 116, which attempts to reduce the age at which a donor may appoint an attorney. We will support that Sinn Féin amendment. We voted for 16-year-olds to be able to vote, yet we would deny them the opportunity to appoint an attorney should a situation arise in which they might need to do that. That would be entirely inconsistent, so we will support the amendment and the other group 3 amendments on EPAs, LPAs and oversight bodies.

Mrs Dobson: I welcome the opportunity to comment on the third group of amendments. I start by expressing my disappointment that, for the second day running, a petition of concern that could not have any detrimental impact on one community or the other has been tabled to important Executive legislation. It would have been much better for the House to consider amendment No 116 in a genuine manner rather than it effectively being vetoed by a single party. Nevertheless, I and my party also oppose the amendment. Committee members received some stakeholder evidence on the issue, and, although I am sympathetic to the principle of giving 16- and 17-year-olds the power to make a lasting power of attorney, I am aware that the Department of Finance and Personnel is currently reviewing that. Given the sensitivity of the issue, my party would rather wait until that review is complete. We will therefore be opposing amendment No 116.

Mr Hamilton: I thank all the Members who have contributed to the debate. As I did with groups 1 and 2, I will try to keep my closing remarks very brief. I think that it is fair to say that the amendments that I tabled in group 3 relating to oversight bodies are straightforward and sensible, and Members appear from their comments not to have any issues with them today, which is encouraging. That allows me to concentrate my closing remarks on the

key issues in the group, which relate to lasting powers of attorney and enduring powers of attorney.

My view remains unchanged on the amendment proposed by Sinn Féin to extend the lasting power of attorney system to 16- and 17-year-olds, although I welcome the fact that it is now not going to move the amendment. I think that that is right, in order to give everybody time to reflect on the work that the Department of Finance and Personnel is doing on the issue. That does not do any damage to the ability of the Members opposite or, indeed, any other Member to come back to the issue at a later stage, if they so wish.

As anticipated, the debate largely focused on the effect of the Bill as introduced on the existing enduring power of attorney system. Although the position adopted by the Committee on the issue would cause us, I believe, to miss a timely opportunity to draw a line under a piece of legislation based on outdated concepts, the strength of views on the retention of the enduring power of attorney system seems clear. I need to emphasise, however — I think that other Members, including the Chair of the Ad Hoc Committee, mentioned this point — that those views persist in spite of Minister Ford's reassurances that the new lasting power of attorney forms will be kept short and straightforward, despite the fact that the costs of making a lasting power of attorney have yet to be determined, and despite the substantial year-on-year increases in the numbers of lasting powers of attorney being made in England and Wales over recent years. Moreover, we cannot ignore the potential for confusion for the general public that will arise from having two systems that cover the same ground but in very different ways, not to mention the operational difficulties of running them alongside each other.

Mr Ross: I thank the Minister for giving way. Perhaps I did not mention another issue around that potential confusion. It is the case that the vast majority of people who will be getting either an EPA or an LPA will go to a solicitor in order to do that. It is a solicitor's job to explain to those individuals the options that they have. Therefore, again, I am not sure that I have bought the argument that it will cause confusion, given that members of the public will have explained to them the differences between the two and the options that they have. I just do not get where this confusion will come from.

Mr Hamilton: I and other Members have used the word "confusion", but that is possibly the wrong word. It does present people with a choice, and the Chair and I will be keen to offer people choice, particularly when purchasing such products that offer people choice. I do take on board his point that it is absolutely the job of a solicitor to explain to people what they should be going for. However, I hope that he and, indeed, others accept that there is at least a risk that, when presented with the choice, given that one may be more expensive — even though that has not been set yet, but let us take the English example as something to go on — individuals may have a propensity to go, "Yes, I've heard the explanation of the choice, but the price difference is so stark that I'm going to go for the cheaper one". That may not be appropriate in every case.

I have put forward a possible compromise that would allow EPAs to remain in place until the Assembly decided otherwise. I am not sure from listening to Members that that will find a terrible lot of favour. I have never been a politician not to understand and appreciate the direction in

which the wind is blowing, and I will reflect on that as we move through the stages of the Bill.

The issue has been well aired in the debate and through the deliberations of the Ad Hoc Committee. That concludes my remarks on group 3.

Amendment No 5 agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 (Compliance with section 2)

Question put, That the clause stand part of the Bill.

Question put a second time and agreed to.

Clause 8 ordered to stand part of the Bill.

Clause 9 (Protection from liability for acts in best interests of person lacking capacity)

Amendment No 6 made:

In page 6, line 33, after “(independent)” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (General limitations on section 9)

Amendment No 7 proposed:

In page 7, line 3, after “damage” insert “or injury”.— [Ms McCorley.]

Question, That the amendment be made, put and negatived.

Clause 10 ordered to stand part of the Bill.

Clause 11 ordered to stand part of the Bill.

Clause 12 (Acts of restraint: condition that must be met)

Amendment No 8 proposed:

In page 8, line 18, leave out “a threat” and insert “an expressed intention to use force”.— [Ms McCorley.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 37; Noes 56.

AYES

Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilin, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Lynch and Mr Sheehan.

NOES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke,

Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Irwin, Mr G Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, 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, Mr Ó Muilleoir, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Question accordingly negatived.

4.30 pm

Clause 12 ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

Clause 14 (Section 13: formal capacity assessments and statements of incapacity)

Mr Deputy Speaker (Mr Beggs): Amendment No 9 has been debated, and is mutually exclusive with amendment No 10.

Amendment No 9 made:

In page 9, line 22, leave out subsection (4) and insert

“(4) In this section references to a “suitably qualified” person are to a person of a prescribed description.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Deputy Speaker (Mr Beggs): I will not call amendment No 10 as it is mutually exclusive with amendment No 9, which has been made.

Clause 14, as amended, ordered to stand part of the Bill.

Clause 15 ordered to stand part of the Bill.

Clause 16 (Second opinion needed for certain treatment)

Amendment No 11 not moved.

Amendment No 12 made:

In page 10, line 10, leave out “for P”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17 ordered to stand part of the Bill.

Clause 18 (Second opinion: relevant certificates)

Amendment No 13 made:

In page 11, line 24, leave out “for P”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 14 made:

In page 11, line 32, leave out from “consulted” to end of line 33 and insert

*“—
(a) examined P;*

(b) examined any health records relating to P that have been produced under subsection (2)(b) and appear to the practitioner to be relevant (having taken reasonable steps to require the production of relevant health records); and

(c) consulted such person or persons as appear to the practitioner to be principally concerned with treating P (generally).— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 15 made:

In page 11, line 41, leave out “for P”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 16 made:

In page 11, line 42, at end insert

“(5A) Where RQIA receives a relevant request and proposes to ask a medical practitioner to provide an opinion on whether it would be in P’s best interests to have the treatment, it must (when considering who to ask) have regard to the desirability of asking a medical practitioner who is independent of any medical practitioner concerned with the provision to P of the treatment.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 17 made:

In page 12, line 1, leave out “subsection (5)” and insert “this section”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 and 20 ordered to stand part of the Bill.

Clause 21 (Section 19: the prevention of serious harm condition)

Amendment No 18 made:

In page 13, line 10, leave out “section 19” and insert “sections 19 and 22”.— [Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill).]

Amendment No 19 proposed:

In page 13, line 14, leave out “physical”.— [Ms McCorley.]

Question put.

The Assembly divided:

Ayes 39; Noes 53.

AYES

Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lunn, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Lynch and Mr Sheehan.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Question accordingly negated.

4.45 pm

Mr Deputy Speaker (Mr Beggs): I will not call amendment Nos 20 or 21, as they are consequential to amendment No 19, which was not made.

Clause 21, as amended, ordered to stand part of the Bill.

Clause 22 (Resistance etc by P to provision of certain treatment)

Amendment No 22 made:

In page 13, line 38, leave out from “(and” to “act)” on line 39 and insert

“; and (b) the prevention of serious harm condition (as well as the conditions of section 9(1)(c) and (d), and any other conditions that apply under this Part) is met”.— [Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill).]

Mr Deputy Speaker (Mr Beggs): Amendment Nos 23 to 25 are consequential amendments to clause 22.

Amendment No 23 made:

In page 13, line 40, leave out “This section” and insert “Subsection (2)(a)”.— [Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill).]

Amendment No 24 made:

In page 14, line 1, leave out “(2)” and insert “(2)(a)”.— [Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill).]

Amendment No 25 made:

In page 14, line 3, at end insert

“(5) See section 21 for the prevention of serious harm condition.”.— [Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill).]

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23 (Meaning of “subject to an additional measure”)

Amendment No 26 made:

In page 14, line 14, at end insert

“; or

(d) the act is done at a time when a supervision and assessment order (see Schedule 7A) is in force in respect of the person.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 27 ordered to stand part of the Bill.

Clause 28 (Requirements to attend for certain treatment)

Amendment No 27 made:

In page 16, line 22, leave out from “which” to “to” on line 23 and insert “that would or might”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 28 made:

In page 17, line 1, leave out subsection (6).— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 28, as amended, ordered to stand part of the Bill.

Clause 29 (Duty to revoke requirement where criteria no longer met)

Amendment No 29 not moved.

Clause 29 ordered to stand part of the Bill.

Clause 30 ordered to stand part of the Bill.

Clause 31 (Meaning of “community residence requirement”)

Mr Deputy Speaker (Mr Beggs): Amendment No 30 is mutually exclusive with amendment No 31.

Amendment No 30 made:

In page 18, line 16, leave out subsection (3) and insert

“(3) In subsection (2)(a) “healthcare professional” means a person of a prescribed description.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Deputy Speaker (Mr Beggs): I will not call amendment No 31 as it is mutually exclusive with amendment No 30, which was made.

Amendment No 32 made:

In page 18, line 18, leave out “which is likely to” and insert “that would or might”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 31, as amended, ordered to stand part of the Bill.

Clauses 32 to 34 ordered to stand part of the Bill.

Clause 35 (Independent advocate: need to have in place and consult)

Mr Deputy Speaker (Mr Beggs): Amendment Nos 33 to 37 are consequential to clause 35.

Amendment No 33 made:

In page 19, line 39, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 34 made:

In page 19, line 41, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 35 made:

In page 20, line 2, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 36 made:

In page 20, line 5, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 37 made:

In page 20, line 12, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 35, as amended, ordered to stand part of the Bill.

Clause 36 (Section 35: relevant acts)

Amendment No 38 made:

In page 20, line 19, leave out from “which” to “to” on line 20 and insert “that would or might”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 36, as amended, ordered to stand part of the Bill.

Clauses 37 and 38 ordered to stand part of the Bill.

Clause 39 (Sections 37 and 38: extension reports)

Amendment No 39 not moved.

Mr Deputy Speaker (Mr Beggs): I will not call amendment Nos 40 or 41 as they are consequential to amendment No 39, which has not been moved.

Amendment No 42 made:

In page 22, line 13, leave out “is likely to lack” and insert “lacks (or probably lacks)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Deputy Speaker (Mr Beggs): I will not call amendment No 43 as it is consequential to amendment No 39, which has not been moved.

Clause 39, as amended, ordered to stand part of the Bill.

Clauses 40 to 42 ordered to stand part of the Bill.

Clause 43 (Extension reports: further provision)

Mr Deputy Speaker (Mr Beggs): Amendment Nos 44 and 45 are technical amendments to clause 43.

Amendment No 44 made:

In page 23, line 32, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 45 made:

In page 23, line 41, leave out “likely to lack” and insert “lacks, or probably lacks.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 43, as amended, ordered to stand part of the Bill.

Clauses 44 to 46 ordered to stand part of the Bill.

Clause 47 (Power of certain persons to refer case to Tribunal)

Amendment No 46 not moved.

Clause 47 ordered to stand part of the Bill.

Clause 48 (Duty of HSC trust to refer case to Tribunal)

Amendment No 47 made:

In page 26, line 4, leave out subsections (1) and (2) and insert

“(1) Where—

(a) on any date (“the extension date”), the period of an authorisation under Schedule 1 is extended under section 38 or Schedule 3,

(b) the authorisation has been in force throughout the relevant period (see subsection (2)), and

(c) the Tribunal has not considered the person’s case at any time in that period,

the relevant trust must as soon as practicable refer the person’s case to the Tribunal.

(2) The “relevant period” is—

(a) if the person to whom the authorisation relates (“the person”) is under 18, the period of one year ending with the extension date;

(b) otherwise, the period of two years ending with the extension date.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment Nos 48 and 49 not moved.

Amendment No 50 made:

In page 26, line 32, leave out “(1)(c)” and insert “(2)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 48, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 51 made:

After clause 48 insert

“References etc to Tribunal: persons formerly detained under the Mental Health Order

48A.—(1) This section applies where—

(a) immediately before the day a person reaches the age of 16 (“the relevant day”), the person is liable to be detained under Part 2 of the Mental Health Order; and

(b) on that day, there is in force an authorisation under Schedule 1 to this Act (“the authorisation”) that authorises the detention of the person in circumstances amounting to a deprivation of liberty.

(2) If an application to the Tribunal by the person, or a reference of the person’s case to the Tribunal, was made under Part 5 of the Mental Health Order before the relevant day but has not been dealt with by that day, the matters to be considered by the Tribunal include the question whether the authorisation is appropriate.

(3) If—

(a) on any date when the person is under 17, the period of the authorisation is extended (under section 37 or 38 or Schedule 3),

(b) a relevant authority has been in force throughout the period of one year ending with that date, and

(c) the Tribunal has not considered the person’s case at any time in that period,

the relevant trust must as soon as practicable refer to the Tribunal the question whether the authorisation is appropriate.

(4) In this section—

“the person’s case”—

(a) in relation to any time when the person was under 16, has the same meaning as in Part 5 of the Mental Health Order;

(b) in relation to any time when the person is 16 or over, means the question whether the authorisation is appropriate;

“relevant authority”—

(a) in relation to any time when the person was under 16, means an authority under Part 2 of the Mental Health Order for the detention of the person;

(b) in relation to any time when the person is 16 or over, means the authorisation;

“the relevant trust” has the same meaning as in section 48.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 49 (Duty of HSC trust to notify the Attorney General)

Amendment No 52 made:

In page 26, line 41, leave out “is likely to lack” and insert “lacks (or probably lacks)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 49, as amended, ordered to stand part of the Bill.

Clause 50 (Powers of Tribunal in relation to authorisation under Schedule 1)

Amendment No 53 made:

In page 27, line 27, leave out “it is more likely than not” and insert

“there is a good prospect of it being established”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 54 made:

In page 27, line 30, leave out from “it” to “not” on line 31 and insert

“there is a good prospect of it being established”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 50, as amended, ordered to stand part of the Bill.

Clause 51 (Powers of Tribunal in relation to authorisation under Schedule 2)

Amendment No 55 made:

In page 28, line 11, leave out from “prevention” to “2)” on line 12 and insert

“condition in paragraph 12 of Schedule 2”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 51, as amended, ordered to stand part of the Bill.

5.00 pm

New Clause

Amendment No 56 made:

After clause 51 insert

“Sections 50 and 51: additional powers of Tribunal
51A.—(1) This section applies where, under section 50 or 51, the Tribunal decides to do anything other than revoke the authorisation.

(2) The Tribunal may, with a view to facilitating the ending at a future date of a measure still authorised by the authorisation—

(a) recommend the taking of specified actions in relation to P; and

(b) further consider P’s case in the event of any recommendation not being complied with.

(3) Where the Tribunal further considers P’s case under subsection (2)(b), section 50 or (as the case may be) section 51 applies.’— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 52 (Medical reports: involvement of nominated person)

Amendment No 57 not moved.

Amendment No 58 made:

In page 28, line 28, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Deputy Speaker (Mr Beggs): I will not call amendment Nos 59 to 62 as they are consequential to amendment No 57, which has not been moved.

Clause 52, as amended, ordered to stand part of the Bill.

Clause 53 (Medical reports: involvement of independent advocate)

Amendment No 63 not moved.

Mr Deputy Speaker (Mr Beggs): Amendment Nos 64 to 66 are consequential amendments to clause 53. I therefore propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 64 made:

In page 28, line 40, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 65 made:

In page 29, line 4, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 66 made:

In page 29, line 13, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 53, as amended, ordered to stand part of the Bill.

Clause 54 (Sections 52 and 53: meaning of “emergency”)

Amendment No 67 made:

In page 29, line 31, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 54, as amended, ordered to stand part of the Bill.

Clauses 55 to 57 ordered to stand part of the Bill.

Clause 58 (Part 2 not applicable where other authority for act)

Amendment No 68 made:

In page 31, line 32, leave out “power” and insert “a power (or duty)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 58, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 69 made:

After clause 58 insert

“Power to make further provision

58A.—(1) The Department may by regulations make provision modifying any provision of this Part in relation to cases where—

(a) an act is proposed to be done in respect of a person after that person has reached the age of 16, but
(b) at the time the act is proposed, the person is under 16.

(2) The Department may by regulations make provision enabling prescribed relevant documents that are found to be incorrect or defective within a prescribed period from being made—

(a) to be rectified within a prescribed period, and
(b) to have effect as if originally made as rectified.

(3) In subsection (2) “relevant document” means an authorisation, or other document, made for the purposes of this Part.’— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 59 (Disregard of certain detention)

Amendment No 70 made:

In page 32, line 6, leave out “other” and insert “otherwise”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 71 made:

In page 32, line 8, leave out “at the end of that period, did not become liable to be” and insert

*“immediately after the end of that period, was not”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 72 made:

In page 32, line 32, leave out “liable to be”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 59, as amended, ordered to stand part of the Bill.

Clauses 60 to 62 ordered to stand part of the Bill.

Clause 63 (Section 62: definitions etc)

Amendment No 73 made:

In page 35, line 4, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 63, as amended, ordered to stand part of the Bill.

Clause 64 ordered to stand part of the Bill.

Clause 65 (References to treatment “likely” to be treatment with serious consequences)

Mr Deputy Speaker (Mr Beggs): The Minister’s opposition to clause 65 has already been debated.

Clause 65 disagreed to.

Clause 66 (Interpretation of Part 2: general)

Amendment No 74 made:

In page 36, line 27, after “20.” insert

“treatment that ‘might be’ treatment with serious consequences: references to such treatment are to treatment where the risk of the treatment turning out to be treatment with serious consequences is more than negligible.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 66, as amended, ordered to stand part of the Bill.

Clauses 67 to 72 ordered to stand part of the Bill.

Clause 73 (Section 71: persons to be disregarded)

Amendment No 75 proposed: In page 39, line 37, leave out paragraph (b).— *[Ms McCorley.]*

Question put, That amendment No 75 be made.

The Assembly divided:

Ayes 38; Noes 52.

AYES

Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness,

Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr G Kelly and Mr McCartney.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Question accordingly negatived.

Clause 73 ordered to stand part of the Bill.

Clauses 74 to 76 ordered to stand part of the Bill.

Clause 77 (Formalities for documents under Part 3)

Amendment No 76 made:

In page 41, line 37, after “X” insert “(including sensitive personal information)”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 77, as amended, ordered to stand part of the Bill.

Clause 78 (Application to Tribunal for appointment of nominated person)

Amendment No 77 made:

In page 42, line 27, after second “attorney” insert

“, or an enduring power of attorney.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 78 made:

In page 42, line 31, leave out subsection (6) and insert

“(6) In this section “appropriate healthcare professional” means a person of a prescribed description.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 78, as amended, ordered to stand part of the Bill.

Clauses 79 to 83 ordered to stand part of the Bill.

Clause 84 (Independent advocates)

Mr Deputy Speaker (Mr Beggs): Amendment Nos 79 to 81 are consequential amendments to clause 84.

Amendment No 79 made:

In page 45, line 6, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 80 made:

In page 45, line 8, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 81 made:

In page 45, line 15, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 82 made:

In page 45, line 16, leave out from “, so” to “practicable,” on line 17.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 83 made:

In page 45, line 19, leave out “an independent” and insert “independent mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 84, as amended, ordered to stand part of the Bill.

Clause 85 (Functions of independent advocates: provision of support, etc)

Mr Deputy Speaker (Mr Beggs): Amendment Nos 84 to 87 are consequential amendments to clause 85.

Amendment No 84 made:

In page 45, line 39, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 85 made:

In page 45, line 41, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 86 made:

In page 46, line 13, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 87 made:

In page 46, line 17, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 85, as amended, ordered to stand part of the Bill.

Clause 86 (Request for independent advocate to be instructed)

Mr Deputy Speaker (Mr Beggs): Amendment Nos 88 to 90 are technical amendments to clause 86.

Amendment No 88 made:

In page 46, line 26, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 89 made:

In page 46, line 29, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 90 made:

In page 46, line 37, leave out subsection (6) and insert

“(6) In this section “appropriate healthcare professional” means a person of a prescribed description.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 86, as amended, ordered to stand part of the Bill.

Clause 87 (Steps to be taken before independent advocate may be requested)

Mr Deputy Speaker (Mr Beggs): Amendment Nos 91 to 93 are consequential amendments to clause 87.

Amendment No 91 made:

In page 46, line 41, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

*Amendment No 92 made:**Amendment No 93 made:*

In page 47, line 8, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 94 made:

In page 47, line 8, after “P” insert “(including sensitive personal information)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 95 made:

In page 47, line 9, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

5.30 pm

Clause 87, as amended, ordered to stand part of the Bill.

Clause 88 (Right to declare that no independent advocate to be instructed)*Amendment No 96 made:*

In page 47, line 12, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 97 made:

In page 47, line 19, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 88, as amended, ordered to stand part of the Bill.

Clause 89 (Instruction of independent advocate)*Amendment No 98 made:*

In page 47, line 27, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 99 made:

In page 47, line 32, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 89, as amended, ordered to stand part of the Bill.

Clause 90 (Powers of independent advocates)

Amendment No 100 made:

In page 47, line 35, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 101 made:

In page 47, line 38, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 102 made:

In page 47, line 40, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 103 made:

In page 48, line 1, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 104 made:

In page 48, line 5, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 90, as amended, ordered to stand part of the Bill.

Clause 91 (Right of person to discontinue involvement of independent advocate)

Amendment No 105 made:

In page 48, line 9, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 106 made:

In page 48, line 12, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 107 made:

In page 48, line 13, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 91, as amended, ordered to stand part of the Bill.

Clause 92 (Continuing duty of trust in relation to independent advocate)

Amendment No 108 made:

In page 48, line 22, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 109 made:

In page 48, line 23, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 110 made:

In page 48, line 27, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 92, as amended, ordered to stand part of the Bill.

Clause 93 ordered to stand part of the Bill.

Clause 94 (Power to adjust role of independent advocate)

Mr Deputy Speaker (Mr Beggs): Amendment Nos 111 to 115 have already been debated and are consequential to clause 94. I therefore propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 111 made:

In page 49, line 10, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 112 made:

In page 49, line 14, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 113 made:

In page 49, line 17, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 114 made:

In page 49, line 19, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 115 made:

In page 49, line 21, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 94, as amended, ordered to stand part of the Bill.

Clause 95 (Lasting powers of attorney)

Amendment No 116 not moved.

Clause 95 ordered to stand part of the Bill.

Clauses 96 and 97 ordered to stand part of the Bill.

Clause 98 (Scope of lasting powers of attorney: gifts)

Amendment No 117 not moved.

Clause 98 ordered to stand part of the Bill.

Clause 99 (Appointment of attorneys: requirements as respects attorneys)

Amendment No 118 proposed:

In page 53, line 14, at end insert

“(3) An individual convicted of fraud should be the subject of a risk assessment for suitability for post of Attorney.”— *[Ms McCorley.]*

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

Ayes 37; Noes 51.

AYES

Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Lynch and Mr McAleer.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Question accordingly negatived.

Clause 99 ordered to stand part of the Bill.

Clauses 100 to 109 ordered to stand part of the Bill.

Clause 110 (Enduring powers of attorney)

Amendment No 119 not moved.

Question, That the clause stand part of the Bill, put and negatived.

Clause 110 disagreed to.

Clauses 111 to 112 ordered to stand part of the Bill.

Clause 113 (Section 112 powers: care, treatment and personal welfare)

Amendment No 120 made:

In page 61, line 34, at end insert“(1A) In this section “specified” means specified by the court.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 113, as amended, ordered to stand part of the Bill.

Clause 114 ordered to stand part of the Bill.

Clause 115 (Appointment of deputies)

Amendment No 121 made:

In page 62, line 37, leave out paragraphs (a) and (b) and insert“(a) in specified circumstances or on the happening of specified events;

(b) for a specified period.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 122 made:

In page 63, line 14, at end insert

“(10) In this section “specified” means specified by the court.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 115, as amended, ordered to stand part of the Bill.

Clause 116 (Restrictions on deputies)

Amendment No 123 made:

In page 63, line 35, after “attorney” insert

“, or an enduring power of attorney,”.— [Mr Hamilton.]

Clause 116, as amended, ordered to stand part of the Bill.

Clauses 117 to 120 ordered to stand part of the Bill.

Clause 121 (Applications to the court)

Amendment No 124 made:

In page 66, line 11, leave out “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 125 made:

In page 66, line 16, leave out paragraphs (c) and (d) and insert“(c) where the application relates to a lasting power of attorney or enduring power of attorney and the application is made by the donor or any person who is an attorney under the power;”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 126 made:

In page 66, line 26, leave out “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 127 made:

In page 66, line 28, leave out “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 121, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 128 made:

After clause 121 insert

“Duty to notify Attorney General

121A.—(1) *A person who makes an application to the court under this Part must notify the Attorney General of that fact.*

(2) The notification must be made in accordance with rules of court.

(3) The Attorney General may intervene in the proceedings on the application in such way as the Attorney General considers appropriate.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 122 (Rules of court)

Amendment No 129 made:

In page 68, line 11, leave out “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 130 made:

In page 68, line 12, leave out “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 131 made:

In page 68, line 13, leave out “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 132 made:

In page 68, line 20, leave out “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 122, as amended, ordered to stand part of the Bill.

Clauses 123 and 124 ordered to stand part of the Bill.

Clause 125 (Further powers of the Public Guardian)

Amendment No 133 made:

In page 70, line 20, after “trust” insert “or its employees or agents.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 125, as amended, ordered to stand part of the Bill.

Clause 126 ordered to stand part of the Bill.

Clause 127 (Notifications under section 126: procedure and effect)

Amendment No 134 made:

In page 71, line 19, leave out first “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 135 made:

In page 71, line 19, leave out second “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 136 made:

In page 71, line 22, leave out “institution” and insert “bringing”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 127, as amended, ordered to stand part of the Bill.

Clause 128 (Court Visitors)

Amendment No 137 not moved.

Clause 128 ordered to stand part of the Bill.

Clauses 129 and 130 ordered to stand part of the Bill.

Clause 131 (Section 130: supplementary)

Amendment No 138 made:

In page 73, line 11, leave out from “and” to end of line 12 and insert

“that are designated by regulations made for the purposes of this subsection.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 131, as amended, ordered to stand part of the Bill.

Clause 132 ordered to stand part of the Bill.

Clause 133 (Requirement to consult nominated person, carer etc)

Amendment No 139 made:

In page 74, line 38, after second “attorney” insert

“, or an enduring power of attorney.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 133, as amended, ordered to stand part of the Bill.

Clause 134 (Section 133: exception for urgent treatment)

Amendment No 140 not moved.

Clause 134 ordered to stand part of the Bill.

Clauses 135 and 136 ordered to stand part of the Bill.

6.00 pm

Clause 137 (Power of police to remove person from public place to place of safety)

Mr Deputy Speaker (Mr Dallat): We now come to the fourth group of amendments for debate. The amendments deal with criminal justice aspects of the Bill, including supervision and assessment orders, psychological harm, detention in hospital and restraining orders. I call the Minister to move amendment No 141 and to address the other amendments in the group.

Mr Hamilton: I beg to move amendment No 141: In page 76, line 39, after first “serious” insert “physical or psychological”

The following amendments stood on the Marshalled List:

Amendment Nos 142, 147-151, 172-174, 182,187,188,191-193, 195, 203, 208, 215, 223-224, 227-229, 233, 239-243, 245, 249, 251, 253-254, 257-260, 263, 265-267, 270-272, 275-277, 279, 288, 292, 294-296, 298, 359, 390, 391 and 470.

Mr Hamilton: Part 9 contains powers for the police to remove a person from a public place to a place of safety. That power can be exercised by the Police Service of Northern Ireland in circumstances where failure to remove the person from a public place poses a risk of serious harm to the person or serious physical harm to others. It is a protective power, but the provisions also recognise a key feature of the recommendations of the Bamford review: the importance of a person’s autonomy to make decisions where he or she is able to do so. Therefore, the power cannot be exercised if the person is able to make a decision about whether or not they are removed to a place of safety.

At this point, I thank stakeholders for their input in the development of Part 9, particularly the Police Service of Northern Ireland, who have given great assistance to the Department of Justice in this respect. I also acknowledge the support of the Ad Hoc Joint Committee and commend the approach that it has taken to Part 9, which has been of particular interest to members of that Committee.

I consider that the amendments that I have tabled today will further improve these provisions and ensure that this important power to take a person to a place of safety so that he or she can obtain medical assistance acts to protect some of the most vulnerable people in our society. I now turn to the amendments, many of which I intend to group together, with your permission, Mr Deputy Speaker.

Amendment No 141 is intended to clarify what is meant by "serious harm" to a person in clause 137. The amendment makes it clear that the purpose of the power for the Police Service of Northern Ireland to remove a person from a public place to a place of safety is to prevent serious physical or psychological harm to that person. The amendment was tabled as a consequence of amendment Nos 187 and 188, which were tabled in response to the concerns of the Committee, whose thorough scrutiny identified a potential gap in clause 166. The Committee had expressed concern that, although a public protection order could be made on the basis of the risk of physical harm posed by an offender to other persons, it would not take account of the risk of psychological harm that the person posed to others. Therefore, amendment No 187 amends clause 166(2)(c) by including it as a criterion for the making of a public protection order that the court must be satisfied that dealing with the offender in any way not involving detention would create a risk of serious psychological as well as serious physical harm to other persons. Amendment No 188 amends clause 166(3)(d) by adding a reference to physical or psychological harm, reflecting the former amendment and clarifying the meaning of harm in that context. The amendments ensure that this healthcare disposal is available in all the circumstances in which it may be needed.

As a consequence of the proposed changes to the criteria for a public protection order in clause 166, in much the same manner as amendment No 141, the Department of Justice has chosen to clarify the meaning of "harm" in Parts 9 and 10 through a series of amendments. In respect of Part 9, I also highlight amendment Nos 147, 148 and 150, all of which propose similar changes to clauses 141, 142 and 143 in Part 9 in order to clarify that the harm in question may be physical or psychological. In addition, there are 19 further amendments in the group to amend the definition of harm for certain clauses in Part 10.

I will speak to the remaining "harm" amendments shortly. First, however, I would like to address the remaining amendments tabled to Part 9 and the police place of safety power. Amendment Nos 142, 149 and 151 have all been tabled in order to simplify the drafting of the clauses for the benefit of the reader. Amendment No 142 simplifies the current drafting of clause 137(2)(b) but does not change the effect of the provision, which is designed to limit the circumstances in which the power can be used. Removal of the person from a public place by the Police Service must still be proportionate to the likelihood and seriousness of the harm caused, either to the person or to others. Similarly, amendment No 149 amends

clause 142(2)(b) by simplifying the draft; however, that amendment does not change the effect of the provision, which requires the detention of a person in a place of safety to be a proportionate response to the likelihood and seriousness of the harm caused to the person or other people. Amendment No 151 also simplifies the current drafting of clause 143 but does not affect its meaning. The final departmental amendment to Part 9 that I will speak to in this group is amendment No 172, which amends clause 153(c) of the Bill. The effect is to ensure that article 56(12)(a)(iii) of the Police and Criminal Evidence (Northern Ireland) Order 1989 does not apply if a person who is detained in a place of safety is subject to an intimate search. Article 56(12)(a)(iii) allows a custody officer to seize and retain any item found during an intimate search of a person, if that person may use the item in question to interfere with evidence. That is not a provision that has relevance in a place of safety context, and therefore the amendment disapplies it.

I turn to the amendments relating to Part 10, which deals with criminal justice matters. Once again, it is important to highlight that those matters fall within the responsibility of Minister Ford and the Department of Justice. I thank him for the great deal of work that has been undertaken to ensure that the Bill contains a package of criminal justice measures that adequately reflect the Bamford review recommendations.

I will deal first with the remaining amendments tabled in order to clarify what is meant by "harm" in certain clauses in Part 10. Amendment No 182, for example, amends clause 163(1)(a)(ii), clarifying that, when it is considering remanding a person to hospital for medical treatment, a court must be satisfied that failure to provide treatment would result in serious physical or psychological harm to that person. Amendment Nos 195, 251, 263, 279, 288 and 292 make similar amendments to disposals and powers in Part 10, in order to clarify that consideration must be given to the risk that failure to provide treatment to a person as an inpatient in a hospital would be more likely than not to result in serious physical or psychological harm to that person.

Amendment Nos 191 and 192 amend clause 167 by clarifying the meaning of "harm" in clause 167(1) and (2)(c). Amendment Nos 193, 203, 208, 215, 227, 257, 270 and 275 all make comparable changes to clauses in Part 10. The remaining amendments relating to the definition of "harm" in Parts 9 and 10 are amendment Nos 359, 390 and 391. Amendment Nos 390 and 391 amend clause 292, which defines particular terms for the purposes of the Bill. Those amendments will change the definition of "harm" in the clause to reflect the changes made in Parts 9 and 10. All those amendments are a consequence of the amendments to clause 166 that I mentioned previously.

I now turn to the remaining amendments in the group that relate to Part 10. In the Bill, there is a regulation-making power for the Department of Justice to make provision for a community disposal that would be available if a person were unfit to be tried and had done the act with which he or she had been charged. The supervision and treatment order was provided for in clause 205(8). It was never the intention of the Department of Justice to make provision for those orders in secondary legislation. That was a pragmatic decision taken to allow for the progress of the Bill. The Department of Justice has therefore proposed a series of amendments that would make provision for

a community disposal in the Bill. The Department of Justice has also decided to rename the order to call it a "supervision and assessment order", and amendment Nos 243, 245, 294, 295 and 298 are all technical amendments to reflect that change in terminology. Regarding the detail of the scheme itself, amendment Nos 239 to 242 have the effect of providing for a new schedule to the Bill that contains the detail of the supervision and assessment order, as renamed. Related to those amendments, amendment No 470 inserts new schedule 7A into the Bill. It provides the detail of how the supervision and assessment order scheme will operate. That includes how the orders will be made and their effect, as well as the procedure if an order is breached.

Moving on, amendment No 249 will insert new clause 207A, which amends article 7 of the Protection from Harassment (Northern Ireland) Order 1997, referred to henceforth as the 1997 Order. The Department of Justice has brought forward this amendment to the Bill following discussions with the Committee. The Committee asked the Department of Justice to consider whether restraining orders under article 7 of the 1997 Order are available to the court following a determination of unfitness to plead. Legal advice confirmed that a restraining order was not available following a finding of unfitness and that carrying an amendment to the 1997 Order in the Mental Capacity Bill would be within its scope. Therefore, amendment No 249 creates a new clause 207A, which amends articles 7 and 7A of the 1997 Order to address the lacuna identified by the Committee. That concludes the substantive policy amendments to Parts 9 and 10 of the Bill.

I now turn to the remaining amendments, which primarily concern criminal justice powers relating to detention in hospital. Amendment Nos 223, 224, 228 and 229 all amend clause 196 of the Bill. Amendment No 223 places a duty rather than a power on the Department of Justice to direct that a prisoner be returned from hospital if he or she can no longer be detained there. Amendment No 224, however, inserts a new provision that does not require the Department to exercise that duty if a new intervening reason for a person to remain in hospital arises, despite there no longer being authority for the hospital direction to continue in effect.

Amendment No 228 is a technical amendment and has the effect of omitting "where A is detained" in clause 196(3)(c), as the words are superfluous.

Amendment No 229 is another technical amendment and refines clause 196(4) to 196(6).

Amendment Nos 253, 254, 258, 259 and 260 relate to clause 213, on the Department of Justice's power to transfer a civil prisoner or immigration detainee to hospital for treatment.

Amendment Nos 265, 266, 267, 271, 272, 276 and 277 to clause 219, relating to the transfer of other detainees within the criminal justice system from prison to a healthcare setting for treatment, make equivalent changes to that clause.

Amendment No 233 amends clause 198(2) by including reference to the powers to apply to the Sentence Review Commissioners under the Northern Ireland (Sentences Act) 1998. This has the effect of ensuring that a prisoner who is subject to that Act can apply to the Sentence Review Commissioners to have his or her sentence

considered, regardless of whether they are in hospital rather than in custody at the time of the application.

Finally, amendment No 296 inserts a new clause 242A. This amendment makes provision for an appeal against a hospital direction that is made by the Magistrates' Court.

Parts 9 and 10 of the Bill, as amended, will provide the criminal justice system with an important framework to compassionately and appropriately manage persons lacking capacity. The power of the police to remove a person from a public place to a place of safety is an important one. When a person is in a vulnerable state and in need of assistance, this power allows him or her to be taken to a safe place where medical expertise can be accessed. It is a power that can save lives. With this new approach in the Bill as introduced, together with the amendments moved today, it is fair to say that we can be confident that we have created, or will create, a scheme that promotes the well-being of people at a time in their life when they most need help. It ensures that we respect their autonomy to make decisions about whether to be taken to a place of safety, if they can make that decision. The scheme is clearly in line with the principles of the Bamford review, and I commend these amendments to the Assembly.

Furthermore, I believe that Part 10 of the Bill will be significantly improved as a consequence of the amendments tabled today. On behalf of Minister Ford, I once again commend the Chair and the Committee for their positive engagement with this Part of the Bill.

Several of the amendments to Part 10 of the Bill, specifically those in relation to the definition of "serious harm" and the proposed new clause 207A, have been drafted following interaction between the Department of Justice and the Committee. In addition, I am of the view that the new provisions in Part 10 and new schedule 7A relating to supervision and assessment orders will provide the courts with an important disposal to manage offenders suffering disorders in a community setting. Therefore, on behalf of Minister Ford, I commend these amendments to the Assembly.

I will conclude by speaking to amendment Nos 173 and 174, which have been tabled by the Chair of the Committee. These amendments relate to clause 154 of the Bill, which sets out the annual records and statistics to be collected by the Police Service of Northern Ireland regarding persons detained at places of safety. The proposed amendments would place specific obligations on the Police Service of Northern Ireland to record statistics on the use of place-of-safety powers in relation to young people and on the ultimate disposal of the young person. Along with Minister Ford, I am opposing those amendments on the grounds that they are unnecessary, given that the PSNI currently collects data relating to the age of persons detained at a place of safety and it is not anticipated that that will change once the Bill is introduced. That being said, we understand the motivation behind the amendments and accept that, if it is the will of the Assembly, they may be made.

I am very glad to say that that concludes my opening remarks on this group of amendments.

6.15 pm

Mr Ross: Again, we as a Committee support the amendments in this group tabled by the Minister.

Amendment No 141 is the first of many amendments to clauses in Parts 9 and 10 that are the result of Committee scrutiny into a very specific but significant issue. On the criminal justice provisions, public protection orders are being introduced for people who are judged to have been not culpable enough at the time of committing the offence to be deserving of a prison sentence, people who are unfit to plead and people who are guilty by reason of insanity. The idea behind public protection orders is that, if those people pose a danger to the public, they cannot be released, even though they are not culpable for their actions. However, public protection orders can be used only if the detention conditions set out in clause 166 are met. Specifically, clause 166(2)(c) requires that there would be a risk of:

“serious physical harm to other persons”,

if the offender was not detained.

The Royal College of Psychiatrists advised the Committee that the criteria for making a public protection order might not be met in cases where the person had been found to have committed a rape when the rape had not resulted in “serious physical harm” to the victim. The implication of that is that the person may be given an absolute discharge. The Royal College of Psychiatrists was of the view that the exclusion of consideration of serious psychological harm within the Bill is indefensible in the 21st century. In its view, the key question is whether the risk of harm was serious and there was a risk of serious physical or serious psychological harm.

When the Committee initially raised that with the Department of Justice, its view was that psychological harm is outwith compliance with article 5 of the European Convention on Human Rights. However, the Department agreed to go back and look at the issue more closely and to take further legal advice. After further consideration, the Department came back to the Committee to advise us that it was prepared to make amendments to clause 166 that deal with the detention conditions for a public protection order so that reference to “psychological harm” is inserted, provided it is of a serious nature. In effect, that means that the detention conditions for a public protection order include the potential of the individual to create a risk of serious physical or psychological harm to other persons. Those amendments are amendment Nos 187 and 188 and are supported by the Ad Hoc Committee.

Amendments were also proposed by the Department to clauses 167, 170, 178, 183 and 190. They deal with various aspects of public protection orders so that the potential of the individual to create a risk of serious physical or psychological harm to other persons must be considered. Those amendments are in this group and, again, are all supported by the Ad Hoc Committee. Similarly, an amendment was proposed by the Department to clause 230 to provide an explanation of the “prevention of serious harm condition” for the purposes of clauses 228 and 229 so that the potential of the individual to create a risk of serious physical or psychological harm to other persons must be considered.

On a related issue, the Department proposed amendments to clauses 282 and 293 in Part 15. It proposed to amend clause 282, which deals with the provision of special accommodation for persons that require care or treatment in conditions of special security for the protection of other

persons to allow for the detention of individuals who may pose a risk of serious physical or psychological harm. The Department also proposed amendments to clause 293 that provide a definition of “harm” for the purposes of the Bill so that the potential of the individual to create a risk of serious psychological harm is included in the scope of the definition. The Committee supports the proposed amendments.

Furthermore, the Department proposed a range of additional amendments to Part 10 to clarify what is meant by “harm” in various clauses and whether it means physical or psychological harm or both. That resulted in the Department tabling amendments to clauses 163, 173, 196, 209, 213, 216, 219, 220 and 234. The Committee supports those amendments as well. On the same theme, the Department proposed a range of amendments to Part 9, which deals with the power of police to remove a person to a place of safety. Those amendments clarify that the potential of the individual to create a risk of serious “physical or psychological harm” to themselves must be considered.

The Committee supports those amendments.

Amendment No 249 is on a slightly different but related issue from the raft of amendments that I have just referred to. The Committee, as part of our consideration of the criminal justice provisions, asked whether restraining orders were available for individuals found to be unfit to plead. The Department initially advised us that it was not sure of the law in that area and agreed to examine the matter further. The Department subsequently advised the Committee that a restraining order was not currently available under article 7 of the Protection from Harassment Order 1997 when an individual has been found unfit to plead. That is a similar provision to the one in England and Wales highlighted by a recent decision of the Court of Appeal, which held that a finding of unfitness was neither a conviction nor an acquittal, so no power was available to make a restraining order under the Protection from Harassment Act 1997. The Department, therefore, proposed amendment No 249 to insert new clause 207A, which would amend articles 7 and 7A of the 1997 Order to allow the courts to sentence an individual to a restraining order where that individual has been found unfit to plead. The Committee supports the proposed amendment.

Ministerial amendment Nos 242 and 470 relate to supervision and assessment orders. In June 2015, the Department advised the Committee that it intended to amend clause 205, which provides powers to deal with persons who are found to be unfit to be tried or not guilty by reason of insanity. In such cases, the court must make one of a number of disposals as provided by clause 205(2). One of the disposals is a supervision and treatment order. Clause 205(8) provides that the Department of Justice may make regulations about supervision and treatment orders. However, the Department advised that its intention was to remove that provision at Consideration Stage and instead make provision for such orders in the Bill, and it proposes to do that through amendment No 242. In November 2015, the Department advised that it had decided to rename supervision and treatment orders “supervision and assessment orders” and, therefore, any references in the Bill would be amended to reflect that change. That change in terminology is reflected in a range of amendments

before us today, such as amendment No 243. The Committee also supports those amendments.

The Department further advised that it had drafted new schedule 7A, which sets out the detail of the proposed scheme for supervision and assessment orders. That is before us today as amendment No 470. On 30 November, the Department provided oral evidence to the Committee on its proposals for the renamed supervision and assessment orders, explaining that it had not been possible to provide those clauses in the Bill as introduced because of the timescales involved. Whilst the Committee took the view that that was not an ideal approach to legislation, it was content in principle that clause 205(8) be removed from the Bill and that supervision and assessment orders be dealt with in the Bill. However, the Committee agreed simply to note the detail of proposed new schedule 7A, given that it had not had the opportunity to seek written or oral evidence from stakeholders.

I turn to Committee amendment Nos 173 and 174. Clause 154 is in Part 9, which deals with the power of the police to remove people to a place of safety. Under Part 9, the police can remove a person of any age to a hospital or police station in situations in which that person is in need of immediate care or control and where failure to remove them would create a risk of serious harm to themselves or others. Stakeholders, including the Children's Law Centre and the Northern Ireland Commissioner for Children and Young People, expressed concern at the use of a police station as a place of safety for a young person. They argued that bringing a young person who is vulnerable and frightened to a police station was not appropriate because it sent out the message that a criminal justice response was necessary when no crime had been committed.

The Committee was sympathetic to the concerns but did not think that the Bill should ban a police station from ever being used as a place of safety for a young person, particularly if they were at risk of harming themselves or others and the emergency department at that time was particularly busy. Our view was that there needed to be flexibility for officers on the ground in determining the most suitable place of safety for an individual at a particular time. However, we entirely agreed with stakeholders that using a police station as a place of safety for young people should be the exception rather than the norm. We believe that an amendment to clause 154 is the best way to monitor that situation. Clause 154 as drafted requires that the PSNI keep and publish annual records of the number of persons detained in hospitals and police stations. The Children's Law Centre and the Commissioner for Children and Young People suggested that the Bill place an obligation on the police specifically to record statistics on the use of place of safety powers in relation to young people and on the ultimate disposal of those young people. The Committee was of the view that, if separate statistics were not collected on young people, there would be a risk that such statistics would not be easily extrapolated from the data available and thus it would be difficult for the Department and others to monitor whether the police powers of safety were being used appropriately in relation to young people.

The Committee asked the Department if it would make an amendment to clause 154. Its response was that the clause as drafted was wide enough to facilitate the collection of specific information on age and disposal outcomes, as well

as other characteristics such as gender. The Department was unwilling to specify that particular statistics be collected, stating that areas of interest may change over time. That might well be the case, but, at this time, the key concern is about the use of police powers of safety in relation to young people and not, for example, gender or ethnicity. The other point is that specifying that statistics must be collected on young people does not preclude the collection of statistics on, for example, gender.

The Committee's view was that, whilst clause 154 might facilitate the collection of statistics, it did not require it. We noted the Department's intention for data to be collected on the age of people detained under police powers of safety. However, that is very different from it being a statutory requirement, and intentions can change over time, depending on, for example, available resources and competing priorities. The Committee therefore tabled amendment Nos 173 and 174, which would require that statistics are collected on under-18s detained under these powers and their ultimate disposal. I ask the House to consider the amendments tabled by the Committee.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. I will speak only briefly to group 4, as the Chair has covered a considerable amount.

Whilst most amendments in the group are technical, a considerable number of the Minister's amendments are welcome. As most of the amendments came after Committee Stage, members sought clarification from officials in the Department on them.

The main point I want to deal with is the Minister's inclusion of the points raised by the Committee members and other key stakeholders, including the use of the word "psychological", which he has covered. In Committee, concerns were raised regarding the limited understanding that harm, as considered in the Bill, relates just to physical harm. The concerns filtered around some of the cases that were highlighted. In particular, I draw attention to a comment by a representative of the Royal College of Psychiatrists, which was covered by the Chair:

"the failure to identify serious psychological harm by focusing only on serious physical harm is indefensible in the 21st century."

It also covers the risk a person poses to themselves. Although they may not be in danger of physical harm, their psychological well-being may well be at risk or be neglected.

The amendments also worthy of note relate to the technical changes to clause 205 on supervision and treatment orders. That is being amended to reflect the need for assessment. That clause provides for cases where somebody has been found by a court to be unfit for trial. If so, it stands to good reason that the person concerned is in need of an assessment of their capacity.

Mr Kennedy: I will not delay the House on such an important evening. The majority of this group of amendments are from the Minister, and they largely form part of a tidying-up exercise. Therefore, there is no great difficulty with them.

In terms of the criminal justice issues, including supervision and assessment orders, psychological harm, detention in a hospital and restraining orders, in

amendment No 141, as others have said, the Minister is moving to close a loophole. The amendment is the template for a further 20 amendments in the group that we are content to support. In those amendments, there is the change of language from “may” to “must”, which we are content to support.

6.30 pm

Amendment No 239 changes the word “treatment” in “supervision and treatment order” to “assessment”. That is the template for a further three amendments. The main change in amendment No 470, brought forward by the Minister, is the introduction of a new schedule to deal with the supervision and assessment orders. We are satisfied that this will help the situation and we are content to support it. The Committee amendments were all pretty much unanimously agreed. In that spirit, we are happy to continue our support for them.

Mr Hamilton: Parts 9 and 10 of the Bill, as amended, will provide the criminal justice system with an important framework to compassionately and appropriately manage persons lacking capacity. On behalf of Minister Ford and me — we are starting to sound like a married couple — I commend the Committee for its positive contribution and I thank Members for their various contributions this evening. There is a lot of support for the amendments in this group. Again, I thank all Members for their contributions to the debate and I commend the amendments in this group to the House.

Mr Deputy Speaker (Mr Dallat): As no specific time has been allocated by the Business Committee for a break, this would seem to be a reasonable point at which to suspend the sitting for a short time. I propose, by leave of the House, to suspend the sitting until 7.00 pm.

The sitting was suspended at 6.32 pm.

The sitting resumed at 7.05 pm.

Amendment No 141 made:

In page 76, line 39, after first “serious” insert “physical or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 142 made:

In page 77, line 2, leave out sub-paragraphs (i) and (ii) and insert

“the likelihood and seriousness of the harm concerned;”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 137, as amended, ordered to stand part of the Bill.

Clause 138 ordered to stand part of the Bill.

Clause 139 (Search of person on exercise of power to remove)

Amendment No 143 made:

In page 77, line 35, leave out “taken” and insert “removed”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 144 made:

In page 77, line 37, leave out “taken” and insert “removed”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 139, as amended, ordered to stand part of the Bill.

Amendment No 145 not moved.

Clause 140 ordered to stand part of the Bill.

Clause 141 (Power to detain in police station a person removed from a public place)

Amendment No 146 not moved.

Amendment No 147 made:

In page 78, line 25, after “preventing” insert “physical or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 141, as amended, ordered to stand part of the Bill.

Clause 142 (Sections 140 and 141: the detention conditions)

Amendment No 148 made:

In page 78, line 38, after first “serious” insert “physical or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 149 made:

In page 79, line 1, leave out sub-paragraphs (i) and (ii) and insert

“the likelihood and seriousness of the harm concerned;”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 142, as amended, ordered to stand part of the Bill.

Clause 143 (Transfer from one place of safety to another)

Mr Deputy Speaker (Mr Dallat): Amendment Nos 150 and 151 are consequential amendments to clause 143.

Amendment No 150 made:

In page 79, line 27, after “serious” insert “physical or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 151 made:

In page 79, line 31, leave out sub-paragraphs (i) and (ii) and insert

“the likelihood and seriousness of the harm concerned;”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 143, as amended, ordered to stand part of the Bill.

Clause 144 ordered to stand part of the Bill.

Clause 145 (Duty to inform certain persons where power of removal or transfer used)

Amendment No 152 made:

In page 80, line 12, leave out from “removes” to end of line 14 and insert

“takes a person (“R”) to a place of safety under section 137 or 143.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 153 made:

In page 80, line 15, leave out “the person (“R”)” and insert “R”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 154 made:

In page 80, line 18, leave out “(but this is subject to subsection (4))”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 155 made:

In page 80, line 20, leave out “person within subsection (3)” and insert “relevant person”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 156 made:

In page 80, line 22, leave out subsection (3).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 157 made:

In page 80, line 26, at beginning insert “But”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 158 made:

In page 80, line 28, leave out “but” and insert “and”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 159 made:

In page 80, line 29, leave out from “person” to “(3)” on line 30 and insert “relevant person”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 160 made:

In page 80, leave out lines 31 to 33 and insert

“subsection (2) has effect as if the reference in paragraph (b) to the appropriate person were to a relevant person.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 161 made:

In page 80, line 37, at end insert

“‘relevant person’ means a person who is 16 or over and is—

(a) named by R as someone to whom the information should be given;

(b) engaged in caring for R; or

(c) interested in R’s welfare;”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 162 made:

In page 80, line 39, leave out subsections (6) and (7).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 145, as amended, ordered to stand part of the Bill.

Clause 146 (Section 145: meaning of “the required information”)

Amendment No 163 made:

In page 81, line 5, leave out subsection (1) and insert

“(1) This section supplements section 145.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 164 made:

In page 81, line 9, leave out “That information is” and insert “‘The required information’ means”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 165 made:

In page 81, line 10, leave out from “removed” to “be)” on line 11.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 166 made:

In page 81, line 11, after “section” insert “137 or”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 167 made:

In page 81, line 13, leave out from “removed” to “be)” on line 14.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 168 made:

In page 81, line 18, leave out “removed” and insert “taken”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 169 made:

In page 81, line 22, leave out “removed or transferred” and insert “taken”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 170 made:

In page 81, line 23, leave out “removed or transferred” and insert “taken”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 171 made:

In page 81, line 23, at end insert

“(3) Section 145 applies instead of Article 10 of the Criminal Justice (Children) (Northern Ireland) Order 1998 in any case where (but for this subsection) both that section and that Article would apply.

(4) Article 57 of PACE (right to have someone informed when arrested and detained) does not apply in relation to a person detained in a place of safety under this Part.”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 146, as amended, ordered to stand part of the Bill.

Clauses 147 to 152 ordered to stand part of the Bill.

Clause 153 (Intimate searches)

Amendment No 172 made:

In page 83, line 39, after “(10A)” insert “, (12)(a)(iii)”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 153, as amended, ordered to stand part of the Bill.

Clause 154 (Annual records)

Amendment No 173 made:

In page 84, line 5, at end insert“(c) the number of children detained under this Part in hospitals;

(d) the number of children detained under this Part in police stations;

(e) final disposals in respect of children detained as mentioned in paragraphs (c) and (d).”— *[Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill).]*

Amendment No 174 made:

In page 84, line 8, at end insert

“(3) In this section “children” means persons under 18.”.— *[Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill).]*

Clause 154, as amended, ordered to stand part of the Bill.

Clause 155 (Principles applying for purposes of Part 9)

Amendment No 175 made:

In page 85, line 17, leave out from “, 2” to “interests)” on line 18 and insert

“to 3 and 5 to 8 (principles, best interests etc)”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 155, as amended, ordered to stand part of the Bill.

Amendment No 176 not moved.

Clause 156 ordered to stand part of the Bill.

Clause 157 ordered to stand part of the Bill.

Clause 158 (Definitions for purposes of Part 9)

Amendment No 177 made:

In page 86, line 19, leave out “has the meaning given by” and insert

“, and references to enabling a person to make a decision, are to be read in accordance with”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 158, as amended, ordered to stand part of the Bill.

Clauses 159 to 161 ordered to stand part of the Bill.

Amendment Nos 178 and 179 not moved.

Mr Deputy Speaker (Mr Dallat): I will not call amendment No 180 as it is consequential to amendment No 178 which has not been moved.

Clause 162 ordered to stand part of the Bill.

Clause 163 (Section 160: the treatment condition)

Amendment No 181 made:

In page 88, line 38, leave out “substantially likely” and insert “more likely than not”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

7.15 pm

Amendment No 182 made:

In page 88, line 38, after first “serious” insert “physical or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 183 to 185 as they are consequential to amendment No 178, which has not been moved.

Clause 163, as amended, ordered to stand part of the Bill.

Clause 164 (Effect of remand to hospital)

Amendment No 186 not moved.

Clause 164 ordered to stand part of the Bill.

Clause 165 ordered to stand part of the Bill.

Clause 166 (Section 165: the detention conditions)

Amendment No 187 made:

In page 91, line 39, after “physical” insert “or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 188 made:

In page 92, line 6, after “of” insert “physical or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Deputy Speaker (Mr Dallat): I will not call amendment No 189 as it is consequential to amendment No 178, which has not been moved.

Amendment No 190 made:

In page 92, line 21, leave out from “means” to end of line 22 and insert

“has the same meaning as in Part 8 of the Justice Act (Northern Ireland) 2015 (see section 76(1)).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 166, as amended, ordered to stand part of the Bill.

Clause 167 (Section 165: the restriction condition)

Amendment No 191 made:

In page 92, line 28, after “physical” insert “or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 192 made:

In page 92, line 32, after “of” insert “physical or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 167, as amended, ordered to stand part of the Bill.

Clauses 168 and 169 ordered to stand part of the Bill.

Clause 170 (Power to direct the ending of restrictions under a public protection order)

Amendment No 193 made:

In page 93, line 30, after “physical” insert “or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 170, as amended, ordered to stand part of the Bill.

Clauses 171 and 172 ordered to stand part of the Bill.

Clause 173 (Conditions for giving hospital direction)

Amendment No 194 made:

In page 95, line 24, leave out “substantially likely” and insert “more likely than not”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 195 made:

In page 95, line 24, after “serious” insert “physical or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 196 not moved.

Clause 173, as amended, ordered to stand part of the Bill.

Clause 174 ordered to stand part of the Bill.

Clause 175 (Interim detention orders)

Amendment No 197 not moved.

Clause 175 ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 198 and 199, as they are consequential to amendment No 197, which has not been moved.

Clause 176 ordered to stand part of the Bill.

Clause 177 ordered to stand part of the Bill.

Clause 178 (Discharge from detention by responsible medical practitioner)

Amendment No 200 not moved.

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 201 and 202, as they are consequential to amendment No 200, which has not been moved.

Amendment No 203 made:

In page 99, line 5, after “physical” insert “or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 178, as amended, ordered to stand part of the Bill.

Clauses 179 and 180 ordered to stand part of the Bill.

Clause 181 (Sections 179 and 180: extension reports)

Amendment No 204 not moved.

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 205 to 207, as they are consequential to amendment No 204.

Clause 181 ordered to stand part of the Bill.

Clause 182 ordered to stand part of the Bill.

Clause 183 (The criteria for continuation)

Amendment No 208 made:

In page 100, line 41, after “physical” insert “or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 183, as amended, ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 209 and 210, as they are consequential to amendment No 204.

Clause 184 ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 211 to 214, as they are consequential to amendment No 204, which has not been moved.

Clause 185 ordered to stand part of the Bill.

Clauses 186 to 189 ordered to stand part of the Bill.

Clause 190 (Power to recall person who has been conditionally discharged)

Amendment No 215 made:

In page 104, line 23, after “physical” insert “or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 190, as amended, ordered to stand part of the Bill.

Clause 191 (Reports by responsible medical practitioner)

Amendment No 216 not moved.

Clause 191 ordered to stand part of the Bill.

Clause 192 ordered to stand part of the Bill.

Clause 193 (Permission for absence)

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 217 to 221, as they are consequential to amendment No 200, which was not made.

Clause 193 ordered to stand part of the Bill.

Clause 194 ordered to stand part of the Bill.

Clause 195 (Detention under a hospital direction)

Amendment No 222 made:

In page 106, line 41, leave out “234” and insert “235”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 195, as amended, ordered to stand part of the Bill.

Clause 196 (Transfer to prison etc of person detained in hospital under a hospital direction)

Amendment No 223 made:

In page 107, line 7, leave out “may” and insert “must”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 224 made:

In page 107, line 10, at end insert

“(2A) But subsection (2) does not apply if (having received a relevant notification) the Department of Justice directs that with effect from a specified date —

(a) A is to be treated as if he or she had been removed to the hospital under the relevant provision from a prison specified in the direction under this subsection; and

(b) the hospital direction is to cease to have effect.”.—

[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Deputy Speaker (Mr Dallat): Amendment Nos 225 to 229 are technical and consequential amendments to clause 196.

Amendment No 225 made:

In page 107, line 15, leave out “not substantially likely” and insert “more likely than not”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 226 made:

In page 107, line 16, after “(2),” insert “no”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 227 made:

After first “serious” insert “physical or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 228 made:

In page 107, line 20, leave out “where A is detained”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 229 made:

In page 107, line 21, leave out subsections (4) to (6) and insert

“(4) In this section —

(a) “the disorder” means the disorder in respect of which the hospital direction was given;

(b) “the hospital” means the hospital where A is detained;

(c) any reference to “prison” is to be read, where A would (but for the hospital direction) be detained in a place of any other description, as a reference to a place of that other description;

(d) “the relevant provision” means —

(i) section 16(2) of the Prison Act (Northern Ireland) 1953; or

(ii) if A would (but for the hospital direction) be detained in a juvenile justice centre, paragraph 3 of Schedule 2 to the Criminal Justice (Children) (Northern Ireland) Order 1998;

(e) “a suitable medical practitioner” means the responsible medical practitioner or —

(i) if the disorder was mental disorder, any approved medical practitioner;

(ii) otherwise, any medical practitioner who appears to the Department of Justice to have special experience in the diagnosis or treatment of the disorder.”.—

[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 230 to 232 as they are mutually exclusive with amendment No 229, which was made.

Clause 196, as amended, ordered to stand part of the Bill.

Clause 197 ordered to stand part of the Bill.

Clause 198 (Duties and powers to release from detention)

Amendment No 233 made:

In page 108, line 10, at end insert“(e) any power to apply to the Sentence Review Commissioners;

(f) any power or duty of the Sentence Review Commissioners or the Secretary of State under the Northern Ireland (Sentences) Act 1998.”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 198, as amended, ordered to stand part of the Bill.

Clause 199 (Reports by responsible medical practitioner)

Mr Deputy Speaker (Mr Dallat): I will not call amendment No 234, as it is consequential to amendment No 200, which was not made.

Clause 199 ordered to stand part of the Bill.

Clauses 200 and 201 ordered to stand part of the Bill.

Clause 202 (Procedure where question of fitness to be tried arises)

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 235 and 236, as they are consequential to amendment No 200, which was not made.

Clause 202 ordered to stand part of the Bill.

Clause 203 ordered to stand part of the Bill.

Clause 204 (Procedure in relation to finding of insanity)

Mr Deputy Speaker (Mr Dallat): I will not call amendment Nos 237 and 238, as they are consequential to amendment No 178, which was not made.

Clause 204 ordered to stand part of the Bill.

7.30 pm

Clause 205 (Powers to deal with person unfit to be tried or not guilty by reason of insanity)

Amendment No 239 made:

In page 111, line 12, leave out “treatment” and insert “assessment”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 240 made:

In page 111, line 21, at end insert

“(5A) The power to make an order under subsection (2) (c) is subject to Schedule 7A, which makes provision about such orders.”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 241 made:

In page 111, line 24, leave out “(5)” and insert “(5A)”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 242 made:

In page 111, line 31, leave out subsection (8).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 205, as amended, ordered to stand part of the Bill.

Clause 206 (Remission for trial where person no longer unfit to be tried)

Amendment No 243 made:

In page 111, line 38, leave out “treatment” and insert “assessment”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Deputy Speaker (Mr Dallat): Members will take their ease while we change the top Table.

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

Mr Principal Deputy Speaker: I will not call amendment No 244 as it is consequential to amendment No 178, which has not been made.

Amendment No 245 made:

In page 112, line 7, leave out “treatment” and insert “assessment”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Principal Deputy Speaker: I will not call amendment Nos 246 to 248 as they are consequential to amendment No 178, which has not been made.

Clause 206, as amended, ordered to stand part of the Bill.

Clause 207 ordered to stand part of the Bill.

New Clause

Amendment No 249 made:

After clause 207 insert

“Restraining orders

Power to make restraining order following finding of unfitness to plead etc

207A.—(1) *In Article 7 of the Protection from Harassment (Northern Ireland) Order 1997 (restraining orders on conviction) (“the 1997 Order”) —*

(a) *in the heading at the end insert “etc”;*

(b) *for paragraph (7) substitute —*

“(7) *A court—*

(a) *which deals with a person convicted of an offence under this Article, or*

(b) *before which a person is acquitted of an offence under this Article,*

may vary or discharge the order in question by a further order.

(8) *In paragraphs (1) and (7) references to a person convicted of an offence include —*

(a) *a person in respect of whom findings that the person is unfit to be tried, and that the person did the act or made the omission charged against him or her in respect of the offence, have been made; and*

(b) *a person in respect of whom a public protection order (as defined by section 165 of the Mental Capacity Act (Northern Ireland) 2016) has been made in respect of the offence by virtue of section 207 of that Act.*

(9) *Where an order under this Article is made in respect of a person by virtue of paragraph (7)(b) or (8), the person has the same right of appeal against the order as if —*

(a) *the person had been convicted of the offence in question before the court that made the order; and*

(b) *that court had made the order when dealing with the person in respect of that offence.”.*

(2) *In Article 7A(2) of the 1997 Order (restraining orders on acquittal) after “7” insert “(and paragraph (8) so far as applying for the purposes of paragraph (7))”.*

(3) *The amendments made by subsections (1) and (2) apply in relation to offences committed (or alleged to have been committed) before (as well as after) the coming into operation of this section.*

(4) *In Article 7(8)(b) of the 1997 Order (inserted by subsection (1)) —*

(a) *the reference to a public protection order is to be read, until the coming into operation of section 165, as a reference to a hospital order within the meaning of the Mental Health Order; and*

(b) *the reference to section 207 is to be read, until the coming into operation of that section, as a reference to Article 44(4) of the Mental Health Order.”—*

[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 208 ordered to stand part of the Bill.

Clause 209 (Conditions for transfer under section 208)

Amendment No 250 made:

In page 113, line 26, leave out “substantially likely” and insert “more likely than not”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 251 made:

In page 113, line 26, after first “serious” insert “physical or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 209, as amended, ordered to stand part of the Bill.

Clauses 210 and 211 ordered to stand part of the Bill.

Clause 212 (Detention in hospital on removal under section 211)

Amendment No 252 made:

In page 114, line 31, leave out “234” and insert “235”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 212, as amended, ordered to stand part of the Bill.

Clause 213 (Duration of direction under section 211)

Amendment No 253 made:

In page 115, line 3, leave out “may” and insert “must”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 254 made:

In page 115, line 8, at end insert

“(3A) But subsection (3) does not apply if (having received a relevant notification) the Department of Justice directs that with effect from a specified date —

(a) A is to be treated as if he or she had been removed to the hospital under the relevant provision from a place, specified in the direction under this subsection, in which A might (but for the hospital transfer direction) be detained; and

(b) the hospital transfer direction is to cease to have effect.”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Principal Deputy Speaker: Amendment Nos 255 to 260 have already been debated and are technical amendments to clause 213. I therefore propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 255 made:

In page 115, line 13, leave out “not substantially likely” and insert “more likely than not”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 256 made:

In page 115, line 14, after “(3),” insert “no”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 257 made:

In page 115, line 14, after first “serious” insert “physical or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 258 made:

In page 115, line 18, leave out “where A is detained”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 259 made:

In page 115, line 21, at end insert

“‘the hospital’ means the hospital where A is detained.”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 260 made:

In page 115, line 24, at end insert

“‘the relevant provision’ —

(a) in the case of a civil prisoner (as defined by section 211), means section 16(2) of the Prison Act (Northern Ireland) 1953;

(b) in the case of an immigration detainee (as defined by section 211) means —

(i) if the place specified in the direction under subsection (3A) is a prison, section 16(2) of the Prison Act (Northern Ireland) 1953;

(ii) otherwise, removal centre rules (within the meaning of Part 8 of the Immigration and Asylum Act 1999);”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 213, as amended, ordered to stand part of the Bill.

Clause 214 ordered to stand part of the Bill.

Clause 215 (Detention in hospital on removal under section 214)

Amendment No 261 made:

In page 116, line 8, leave out “234” and insert “235”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 215, as amended, ordered to stand part of the Bill.

Clause 216 (Duration of direction under section 214)

Mr Principal Deputy Speaker: Amendment Nos 262 and 263 have already been debated and are technical amendments to clause 216. I therefore propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 262 made:

In page 116, line 29, leave out “not substantially likely that” and insert

“more likely than not that no”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 263 made:

In page 116, line 29, after first “serious” insert “physical or psychological”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 216, as amended, ordered to stand part of the Bill.

Clause 217 ordered to stand part of the Bill.

Clause 218 (Detention in hospital on removal under section 217)

Amendment No 264 made:

In page 117, line 36, leave out “234” and insert “235”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 218, as amended, ordered to stand part of the Bill.

Clause 219 (Duration of direction under section 217)

Amendment No 265 made:

In page 118, line 9, leave out “may” and insert “must”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 266 made:

In page 118, line 14, at end insert

“(3A) But subsection (3) does not apply if (having received a relevant notification) the Department of Justice directs that with effect from a specified date —

(a) A is to be treated as if he or she had been removed to the hospital under the relevant provision from a place, specified in the direction under this subsection, in which A might (but for the hospital transfer direction) be detained; and

(b) the hospital transfer direction is to cease to have effect.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Principal Deputy Speaker: Amendment Nos 267 to 277 have already been debated and are technical and consequential amendments to clause 219. I therefore propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 267 made:

In page 118, line 15, leave out “subsection (3)” and insert “this section”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 268 made:

In page 118, line 19, leave out “not substantially likely” and insert “more likely than not”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 269 made:

In page 118, line 20, after “(3),” insert “no”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 270 made:

In page 118, line 20, after first “serious” insert “physical or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 271 made:

In page 118, line 24, leave out “where A is detained”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 272 made:

In page 118, line 25, after “(3)” insert “or (3A)”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 273 made:

In page 118, line 35, leave out “not substantially likely” and insert “more likely than not”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 274 made:

In page 118, line 36, after “(5),” insert “no”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 275 made:

In page 118, line 36, after first “serious” insert “physical or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 276 made:

In page 118, line 40, leave out “where A is detained”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 277 made:

In page 119, line 3, at end insert

“the hospital” means the hospital where A is detained;

“the relevant provision” means—

(a) section 16(2) of the Prison Act (Northern Ireland) 1953; or

(b) if A would (but for the hospital transfer direction) be detained in a juvenile justice centre, paragraph 3 of Schedule 2 to the Criminal Justice (Children) (Northern Ireland) Order 1998;.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 219, as amended, ordered to stand part of the Bill.

Clause 220 (Conditions for transfer to hospital under section 211, 214 or 217)

Mr Principal Deputy Speaker: Amendment Nos 278 and 279 have already been debated and are technical amendments to clause 220. I therefore propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 278 made:

In page 119, line 32, leave out “substantially likely” and insert “more likely than not”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 279 made:

In page 119, line 32, after first “serious” insert “physical or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 220, as amended, ordered to stand part of the Bill.

Clause 221 (General provisions about hospital transfer directions)

Amendment No 280 made:

In page 120, line 27, leave out from second “is” to “lack” on line 28 and insert “lacks (or probably lacks)”.—

[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 221, as amended, ordered to stand part of the Bill.

Clause 222 (Right to apply to Tribunal)

Amendment No 281 made:

In page 121, line 33, at end insert

“(3) This section is subject to sections 232 and 233 (applications to Tribunal following conditional discharge of person subject to public protection order with restrictions).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 222, as amended, ordered to stand part of the Bill.

Clauses 223 to 225 ordered to stand part of the Bill.

Clause 226 (Duty of HSC trust to refer case to Tribunal)

Mr Principal Deputy Speaker: Amendment Nos 282 to 285 have already been debated and are technical amendments to clause 226. I therefore propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 282 made:

In page 122, line 38, leave out subsections (1) and (2) and insert

“(1) Where—

(a) on a relevant date, a person is liable to be detained under a public protection order or is liable to be detained in a hospital under a hospital direction or hospital transfer direction,

(b) the order or direction has been in force throughout the relevant period, and

(c) the Tribunal has not considered the person’s case at any time in that period,

the relevant trust must as soon as practicable refer the person’s case to the Tribunal.

(2) The “relevant period” is—

(a) if the person is under 18, the period of one year ending with the relevant date;

(b) otherwise, the period of two years ending with the relevant date.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 283 made:

In page 123, line 9, leave out “179 or”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 284 made:

In page 123, line 12, leave out sub-paragraph (i).— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 285 made:

In page 123, line 28, leave out “(1)(b)” and insert “(2)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 226, as amended, ordered to stand part of the Bill.

Clause 227 (Duty to notify the Attorney General)

Amendment No 286 made:

In page 123, line 38, leave out from second “is” to “lack” on line 39 and insert “lacks (or probably lacks)”.—

[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 227, as amended, ordered to stand part of the Bill.

Clause 228 (Powers of Tribunal as to public protection order without restrictions)

Amendment No 287 made:

In page 124, line 16, leave out subsection (4).—

[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 228, as amended, ordered to stand part of the Bill.

Clause 229 ordered to stand part of the Bill.

Clause 230 (Sections 228 and 229: the prevention of serious harm condition)

Amendment No 288 made:

In page 125, line 12, after “physical” insert “or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 230, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 289 made:

After clause 230 insert

“Sections 228 and 229: additional powers of Tribunal etc

230A.—(1) Where under section 228 or 229 the Tribunal decides not to discharge a person, the Tribunal may, with a view to facilitating the discharge of the person at a future date—

(a) recommend the taking of specified actions in relation to the person; and

(b) further consider the person’s case in the event of any recommendation not being complied with.

(2) Where the Tribunal further considers a person’s case under subsection (1)(b), section 228 or (as the case may be) section 229 applies.

(3) A discharge of a person under this Chapter does not prevent the person from being detained in circumstances amounting to a deprivation of liberty by virtue of Part 2 of this Act (or, where the person is under 16, under Part 2 of the Mental Health Order), if the criteria that apply to such detention are met.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 231 ordered to stand part of the Bill.

Clause 232 (Applications and references to Tribunal where person recalled)

Amendment No 290 made:

In page 126, line 9, at end insert

“(5A) No application under section 222 may be made in respect of the order.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 232, as amended, ordered to stand part of the Bill.

Clause 233 ordered to stand part of the Bill.

Clause 234 (Powers of Tribunal as to hospital directions and hospital transfer directions)

Mr Principal Deputy Speaker: Amendment Nos 291 and 292 have already been debated and are technical amendments to clause 234. I therefore propose, by leave of the Assembly, to group those amendments for the Question.

Amendment No 291 made:

In page 127, line 16, leave out “substantially likely” and insert “more likely than not”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 292 made:

In page 127, line 17, after first “serious” insert “physical or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 234, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 293 made:

After clause 234 insert

“Section 234: additional powers of Tribunal

234A.—(1) This section applies where under section 234 the Tribunal notifies the Department of Justice that it is satisfied that the prevention of serious harm condition is met in respect of a person.

(2) The Tribunal may, with a view to facilitating a transfer of the person at a future date—

(a) recommend the taking of specified actions in relation to the person; and

(b) further consider the person’s case in the event of any recommendation not being complied with.

(3) Where the Tribunal further considers the person’s case under subsection (2)(b), section 234 applies.

(4) In subsection (2) the reference to a “transfer” of the person is to a transfer to any place in which the person might (but for the relevant direction) be detained.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clauses 235 to 240 ordered to stand part of the Bill.

Clause 241 (Appeals: general)

Amendment No 294 made:

In page 130, line 31, leave out “treatment” and insert “assessment”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 241, as amended, ordered to stand part of the Bill.

Clause 242 (Appeals against orders made on findings of unfitness to plead etc)

Amendment No 295 made:

In page 131, line 3, leave out “treatment” and insert “assessment”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 242, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 296 made:

After clause 242 insert

“Hospital directions: cases stated by magistrates’ courts

242A.—(1) This section applies where a magistrates’ court makes a hospital direction.

(2) For the purposes of Article 146 of the Magistrates’ Courts (Northern Ireland) Order 1981 (cases stated by magistrates’ courts), the hospital direction is a determination of the proceedings in which the direction was made.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clauses 243 to 246 ordered to stand part of the Bill.

Clause 247 (Interpretation of Part 10: general)

Amendment No 297 made:

In page 133, leave out line 24.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 298 made:

In page 133, leave out line 25 and insert

“supervision and assessment order’ has the meaning given by paragraph 1(1) of Schedule 7A;”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 247, as amended, ordered to stand part of the Bill.

Clause 248 (Removal of detained persons from Northern Ireland to England or Wales)

Amendment No 299 made:

In page 134, line 6, leave out from “by” to “be” on line 7 and insert “is”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Principal Deputy Speaker: We now come to the fifth and final group of amendments for debate. These amendments deal with offences, warrants and transfers between jurisdictions.

Mr Hamilton: I beg to move amendment No 300: In page 134, line 22, leave out subsection (5).

The following amendments stood on the Marshalled List:

Amendment Nos 302-312, 314, 316-319, 321, 347, 354, 389, 481 and 489.

I never thought I would say that I was glad to get to a debate for a bit of a break. Part 11 will give you a far more deserved break than me, Mr Principal Deputy Speaker.

Part 11 deals with powers to transfer patients between jurisdictions within the United Kingdom, along with a number of technical amendments, of which amendment No 300 is one. Part 11 has been amended to insert new clauses concerning the transfer of patients within the criminal justice system between Northern Ireland, Scotland, England and Wales for the purpose of receiving treatment.

It is important to note that the transfer powers available in the new clauses are equivalent to and will replace powers currently available under the Mental Health (Northern Ireland) Order 1986. Patients in the criminal justice system may require treatment in other jurisdictions for several reasons. The foremost reason is the absence of a high-security treatment facility in Northern Ireland. In these circumstances, where a patient is too violent or dangerous to be treated in this jurisdiction, they will be transferred for treatment to the State Hospital at Carstairs in Scotland until their condition improves to the point at which they can be managed in a less secure environment in Northern Ireland. In other circumstances, the family or friends of patients may also request that they be moved elsewhere, or a patient may require specialist treatment for a rare condition that is best provided in another jurisdiction. The amendments proposed by the Department of Justice to Part 11 are, therefore, vital to ensure that all patients in the criminal justice system can receive appropriate treatment in all circumstances.

There are also amendments included in the group to the offences in Part 13. While some of the amendments are technical in nature, amendment Nos 312 and 316 are designed to include persons subject to the criminal justice provisions in Parts 9 and 10 within the scope of the offences of ill treatment or neglect and unlawful detention. The amendments will ensure that persons in the criminal justice system are afforded a similar level of protection to everyone else.

I now turn to amendment Nos 300 and 302. The first two amendments in the group make changes to clauses 248 and 249 that are designed to improve the drafting of the clauses. Amendment Nos 305 and 306 make similar changes to clauses 250 and 251 in order to provide greater clarity as to their meaning. Several additional technical amendments are proposed to other clauses as a consequence of the changes to Part 11, including amendment Nos 354, 389, 481 and 489.

Amendment Nos 303 and 304 will create new clauses concerning the transfer of patients in the criminal justice system between jurisdictions for the purpose of receiving treatment. Amendment No 303 will create new clause 249A, which provides the Department of Justice with the power to transfer certain persons detained under Part 10 to England and Wales for treatment. Similarly, amendment No 304 will create new clause 249B, which provides the Department of Justice with the power to transfer certain

persons detained under Part 10 to Scotland for treatment. Furthermore, amendment No 307 will create new clause 251A, which provides for how persons who have been transferred from England and Wales to Northern Ireland will be managed under Part 10. Amendment No 308 will create new clause 251B to provide for how persons who have been transferred from Scotland to Northern Ireland will be managed. The powers are akin to those currently available under existing legislation and will allow for greater flexibility when managing the treatment of patients in the criminal justice system.

I intend to oppose clauses 252 and 253 and instead insert by way of amendment Nos 309 and 310 new clauses 252A and 253A. Amendment No 309 will create new clause 252A, replacing clause 252 with a new version that takes account of the insertion of new powers in relation to Part 10 transfers from Northern Ireland. Amendment No 310 will create new clause 253A, replacing clause 253 with a new version that takes account of the insertion of new powers in relation to Part 10 transfers to Northern Ireland. Amendment No 311 will create new clause 253B, which has been drafted to provide definitions of certain terms for the purposes of Part 11. All the amendments are technical in nature to ensure consistency of drafting in Part 11.

I now turn to the amendments relating to Part 13, which contains the offences specific to the Bill. Amendment Nos 312 and 316, which will amend clauses 256 and 258, are designed to include persons subject to the criminal justice provisions in Parts 9 and 10 within the scope of the offences of ill treatment or neglect and unlawful detention. The amendments will provide an equal level of protection for all individuals who lack capacity and who are detained under or are subject to interventions in the Bill.

Amendment Nos 314 and 317 will also amend clauses 256 and 258 to ensure alignment with the consent requirements for the equivalent offence under article 121 of the Mental Health (Northern Ireland) Order 1986 and minimise the potential for vexatious prosecutions. Amendment No 317 also clarifies that the offence of unlawful detention does not interfere with the common-law offence of false imprisonment. Amendment Nos 318 and 319 will amend clauses 259 and 260 to address a concern about the mens rea required for the offences in those clauses. The amendments provide that a person can be guilty of an offence under the clause only if they know that the person whom they are assisting is liable to be detained under the Bill. Although clauses 259 and 260 have been substantially redrafted as a result, no other change in effect is intended.

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Amendment No 321 is proposed to ensure alignment with the consent requirements for offences by bodies corporate, as set out in section 20 of the Interpretation Act (Northern Ireland) 1954, and minimises the potential for vexatious prosecutions. Finally, I turn to amendment No 347, which allows an approved social worker to accompany a constable, as well as a medical practitioner, when entering premises following the issue of a warrant under clause 278. The amendment was requested by the Committee and supported by a number of stakeholders.

Patients who are difficult to manage are present in all psychiatric hospitals in Northern Ireland, and every effort is made to look after those patients locally. However, some patients may require care in a high-security facility

or access to specialist treatment that is not currently available in Northern Ireland. Therefore, I believe that the amendments to Part 11 are necessary in order to ensure that patients in the criminal justice system always receive the appropriate treatment. The amendments to the offences in Part 13 strengthen the protections that they provide to vulnerable individuals by broadening their scope to include individuals lacking capacity who are detained in the criminal justice system. The additional amendments tabled to the offences clauses and warrant powers address concerns raised by the Ad Hoc Committee and by stakeholders as well as ensuring that the relevant clauses are technically sound. I am confident that, as a consequence of the proposed amendments, the relevant clauses and Parts of the Bill will be improved. I am, therefore, pleased to commend the amendments to the House.

Mr Ross: I will endeavour to be incredibly brief on this group. All the amendments tabled by the Minister, which the Committee had sight of before it did its clause-by-clause scrutiny, were supported by the Committee. However, revised amendments were sent to the Committee at a later date, and we simply agreed to note them. They were amendment Nos 303, 304, 307, 308 and 309. Amendment No 347, which is a ministerial amendment, came about as a result of an issue that was originally raised by the Committee. The Southern Health and Social Care Trust and the Northern Ireland approved social worker training programme suggested an amendment to clause 278 to permit an approved social worker to accompany the medical practitioner and constable when entering premises by means of a warrant when there was concern about a person's well-being. The Department's response was that it could see merit in the suggestion and proposed an amendment that was supported by the Committee. I have no further comment to make on group 5. Hopefully, we will get through it relatively quickly.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the opportunity to contribute to the debate on the group 5 amendments, and I do so as a member of the Ad Hoc Committee. One of the first things to consider in the group is the removal of subsection (5) from clauses 248 and 249 and the inclusion of new clauses 303, 304 and 305. The SDLP is content with the Minister's new clauses, as they represent a better realisation of the Committee's intentions and those of stakeholders.

We have heard through evidence that situations can occasionally arise when people, both EU and non-EU citizens, need to be moved between countries, and, as we know, those arrangements are managed by the Department here in the North. However, as the Southern Trust and the Western Trust have a jurisdictional border with the Republic, and, as movement occurs across the border, the Mental Capacity Bill represents the opportune time to agree procedures in statute for transfers of persons who are either detained or deprived of their liberty under the law in either jurisdiction. Agreeing the roles and responsibilities of social workers concerned etc is an important aspect of that. Once an individual is transferred to Britain, the responsibility for care and treatment is devolved, and there appear to be few or no routes to appeal or to revoke a decision should the individual or family be unhappy with their treatment.

It may be difficult to have the decision revoked. I hope that the new clauses in the Bill can help address that potential difficulty.

Clause 256 will make it an offence to ill-treat or wilfully neglect a person who lacks capacity. The clause largely reflects section 44 of the Mental Capacity Act 2005. In its report on the 2005 Act, the House of Lords noted that the number of prosecutions brought under section 44 was low. Stakeholders have considered that that may be a consequence of the requirement to prove that a person who has been neglected or ill-treated lacks capacity. In particular, the decision-specific and time-specific nature of the capacity assessment in the 2005 Act was considered to present a difficulty. The Lords asked the Government to carry out a review of section 44, and we understand that that has not yet commenced. Owing to the wording of section 44, which is the same as our clause 256, a situation could arise in which two patients are mistreated and neglected by the same individual with the same intent but a prosecution for ill-treatment and wilful neglect can be brought only in respect of the treatment of the person who lacked capacity. That was brought up during evidence and seemed extremely disconcerting. Nevertheless, I welcome the relatively technical amendments to clause 256 and support it as amended.

Mr Hamilton: Patients who are difficult to manage are present in all hospitals and psychiatric hospitals in Northern Ireland. As I said before, every effort is made to look after those patients in Northern Ireland. However, some patients require to be in a high-security facility or to access treatment that we are unable to provide in Northern Ireland. I therefore believe that the amendments to Part 11 are very necessary to ensure that patients in our criminal justice system in Northern Ireland get the appropriate treatment.

Similarly, the amendments to the offences that are in Part 13 strengthen protections that are provided to vulnerable individuals by broadening their scope to include individuals lacking capacity who are detained in our criminal justice system. The additional amendments tabled to the offences, clauses and warrant powers, I hope, address the concerns raised by the Committee.

I thank the Committee again for its scrutiny of the Bill and the stakeholders who raised issues during the Committee's deliberations. I hope that the amendments ensure that the relevant clauses are now technically sound. Again, I thank Members for their contributions, not so sweet as they were, but short as they were. In this, my last contribution to the debate this evening, I thank everybody, particularly the Chair and members of the Ad Hoc Committee for all the good work and effort that they have put into the relatively smooth passage of the Bill through the House.

Amendment No 300 agreed to.

Clause 248, as amended, ordered to stand part of the Bill.

Clause 249 (Removal of detained persons from Northern Ireland to Scotland)

Mr Principal Deputy Speaker: Amendment Nos 301 and 302 are technical amendments to clause 249. I therefore propose, by leave of the Assembly, to group the amendments for the Question.

Amendment No 301 made:

In page 134, line 28, leave out from “by” to “be” on line 29 and insert “is”.— [*Mr Hamilton (The Minister of Health, Social Services and Public Safety).*]

Amendment No 302 made:

In page 135, line 8, leave out subsection (5).— [*Mr Hamilton (The Minister of Health, Social Services and Public Safety).*]

Clause 249, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 303 made:

After clause 249 insert

“Removal to other parts of UK of persons detained under Part 10

Removal of certain persons detained under Part 10 to England or Wales

249A.—(1) This section applies in relation to a person (“P”) who is—

(a) detained under a public protection order; or

(b) detained in a hospital under a hospital direction or a hospital transfer direction made under section 208, 211 or 217.

(2) If it appears to the Department of Justice that the conditions for removal to England or Wales are met in P’s case, that Department may authorise P’s removal to England or Wales and may give any necessary directions for P’s conveyance there.

(3) The conditions for removal to England or Wales are that—

(a) failure to remove P to England or (as the case may be) Wales would be more likely than not to result in serious physical or psychological harm to P or serious physical harm to other persons; and

(b) arrangements have been made for admitting P to a hospital in England or Wales in which care or treatment which is appropriate in P’s case is available for him or her.

(4) Where P is removed from Northern Ireland under this section, the order or direction mentioned in subsection (1) ceases to have effect when P leaves Northern Ireland (within the meaning given by section 98 of the Northern Ireland Act 1998); but this is subject to subsection (6).

(5) Subsection (6) applies where—

(a) P is not admitted to a hospital in England or Wales, and

(b) P returns to Northern Ireland at any time before the end of period for which the order or direction mentioned in subsection (1) would have continued in force (but for P’s removal).

(6) Subsection (4) ceases to apply to the order or direction, so that (accordingly) the order or direction applies to P on P’s return to Northern Ireland.

*(7) In subsections (3)(b) and (5)(a) “hospital” has the same meaning as in the 1983 Act.”— [*Mr Hamilton**

(The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 304 made:

After clause 249 insert

“Removal of certain persons detained under Part 10 to Scotland

249B.—(1) This section applies in relation to a person (“P”) who is—

(a) detained under a public protection order; or

(b) detained in a hospital under a hospital direction or a hospital transfer direction made under section 208, 211 or 217.

(2) If it appears to the Department of Justice that the conditions for removal to Scotland are met in P’s case, that Department may authorise P’s removal to Scotland and may give any necessary directions for P’s conveyance there.

(3) The conditions for removal to Scotland are that—

(a) failure to remove P to Scotland would be more likely than not to result in serious physical or psychological harm to P or serious physical harm to other persons; and

(b) arrangements have been made for admitting P to a hospital in Scotland in which care or treatment which is appropriate in P’s case is available for him or her.

(4) Where P is removed from Northern Ireland under this section, the order or direction mentioned in subsection (1) ceases to have effect when P leaves Northern Ireland (within the meaning given by section 98 of the Northern Ireland Act 1998); but this is subject to subsection (6).

(5) Subsection (6) applies where—

(a) P is not admitted to a hospital in Scotland, and

(b) P returns to Northern Ireland at any time before the end of period for which the order or direction mentioned in subsection (1) would have continued in force (but for P’s removal).

(6) Subsection (4) ceases to apply to the order or direction, so that (accordingly) the order or direction applies to P on P’s return to Northern Ireland.

*(7) In subsections (3)(b) and (5)(a) “hospital” has the same meaning as in the 2003 Act.”— [*Mr Hamilton (The Minister of Health, Social Services and Public Safety).*]*

New clause ordered to stand part of the Bill.

Clause 250 (Persons removed from England or Wales to Northern Ireland)

Amendment No 305 made:

In page 135, line 27, after “If (” insert “immediately”.— [*Mr Hamilton (The Minister of Health, Social Services and Public Safety).*]

Clause 250, as amended, ordered to stand part of the Bill.

Clause 251 (Persons removed from Scotland to Northern Ireland)

Amendment No 306 made:

In page 136, line 6, before “before” insert “immediately”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 251, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 307 made:

After clause 251 insert

“Persons to be detained under Part 10

Persons to be detained under Part 10 after removal from England or Wales

251A.—(1) This section applies where—

(a) a person (“P”) is removed from England and Wales to Northern Ireland by virtue of Part 6 of the 1983 Act; and

(b) immediately before being removed, P is subject to—

(i) a hospital order;

(ii) a hospital direction (within the meaning of the 1983 Act); or

(iii) a transfer direction.

(2) Immediately after P’s admission to an appropriate establishment in Northern Ireland in pursuance of arrangements made for the purposes of his or her removal from England or Wales, the relevant trust must notify RQIA of P’s admission.

(3) The relevant trust must also arrange for a report in the prescribed form, containing prescribed information, to be made by the responsible medical practitioner and given to the relevant trust within the period of 28 days beginning with the day P is admitted to the appropriate establishment.

(4) Where a report under subsection (3) is given to the relevant trust, that trust must as soon as practicable give RQIA a copy of the report.

(5) Where (immediately before being removed from England or Wales) P is of a description mentioned in the first column of the following table, an order or direction of a kind mentioned in the corresponding entry of the second column of the table, specifying the appropriate establishment, is treated as having been made or given in respect of P.

Description of person	Order or direction treated as made
Person subject to a hospital order and a restriction order	Public protection order with restrictions that provides as mentioned in section 165(4)(b)(i) (no time limit for treating the order as a PPO with restrictions)
Person subject to a hospital order but not a restriction order	Public protection order without restrictions

Person subject to a hospital direction (within the meaning of the 1983 Act)	Hospital direction under section 172
Person subject to a transfer direction given by virtue of section 47(1) of the 1983 Act	Hospital transfer direction under section 208
Person subject to a transfer direction given by virtue of section 48(2)(a) of the 1983 Act	Hospital transfer direction under section 217
Person subject to a transfer direction given by virtue of section 48(2)(c) or (d) of the 1983 Act	Hospital transfer direction under section 211

(6) An order or direction is to be treated as having been made or given under subsection (5), for the purposes mentioned in the first column of the following table, on the date mentioned in the corresponding entry in the second column of the table.

Purpose

Date on which order or direction treated as made

Duration for which P may be detained under section 177 and calculation of the “initial period” for the purposes of section 179 (where P is treated as being subject to a public protection order without restrictions)

Date of P’s arrival in Northern Ireland

Calculation of the “release date” within the meaning given by section 197 (where P is treated as being subject to a hospital direction made under section 172)

Date on which the hospital direction (within the meaning of the 1983 Act) was made

Right to apply to the Tribunal under the first entry in the table in section 222(1)

Date on which the hospital order, hospital direction (within the meaning of the 1983 Act) or transfer direction was made

Calculation of the “relevant date” for the purposes of section 226(3) (referral of case to the Tribunal)

Date on which the hospital order, hospital direction (within the meaning of the 1983 Act) or transfer direction was made

(7) The first report under section 191 (where P is treated as being subject to a public protection order with restrictions) must be made—

(a) if the most recent report on P under section 41(6) of the 1983 Act was made more than 6 months before P’s arrival in Northern Ireland, not later than 6 months after P’s arrival there, or

(b) otherwise, not later than 12 months after the most recent report under that section.

(8) Section 221(2) (direction ceasing to have effect if person not admitted within 14 days) does not apply to a hospital transfer direction which is treated as having been given under subsection (5).

(9) The date of P’s arrival in Northern Ireland is to be treated as being the end of a relevant period for the purposes of section 227 (duty to notify Attorney General).

(10) Where (immediately before being removed) P is subject to—

(a) a hospital direction (within the meaning of the 1983 Act), or

(b) a transfer direction made because P was serving a sentence of imprisonment (within the meaning of section 47 of that Act),

P is to be treated as if the sentence, order or committal in relation to which the direction has effect were a similar or corresponding sentence, order or committal imposed or made by a court in Northern Ireland.

(11) In this section—

“hospital order” has the same meaning as in the 1983 Act;

“relevant trust” means the HSC trust in whose area the appropriate establishment is situated;

“restriction order” has the same meaning as in the 1983 Act;

“transfer direction” has the same meaning as in the 1983 Act.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 308 made:

After clause 251 insert

“Persons to be detained under Part 10 after removal from Scotland

251B.—(1) This section applies where—

(a) a person (“P”) is removed from Scotland to Northern Ireland under regulations made under section 290 of the 2003 Act; and

(b) immediately before being removed, P is subject to—

(i) a relevant compulsion order;

(ii) a hospital direction (within the meaning of the 1995 Act); or

(iii) a transfer for treatment direction.

(2) Immediately after P’s admission to an appropriate establishment in Northern Ireland in pursuance of arrangements made for the purposes of his or her removal from Scotland, the relevant trust must notify RQIA of P’s admission.

(3) The relevant trust must also arrange for a report in the prescribed form, containing prescribed information, to be made by the responsible medical practitioner and given to the relevant trust within the period of 28 days beginning with the day P is admitted to the appropriate establishment.

(4) Where a report under subsection (3) is given to the relevant trust, that trust must as soon as practicable give RQIA a copy of the report.

(5) Where (immediately before being removed from Scotland) P is of a description mentioned in the first column of the following table, an order or direction of a kind mentioned in the corresponding entry of the second column of the table, specifying the appropriate

establishment, is treated as having been made or given in respect of P on his or her arrival in Northern Ireland.

Description of person	Order or direction treated as made
Person subject to a relevant compulsion order and a restriction order	Public protection order with restrictions that provides as mentioned in section 165(4)(b)(i) (no time limit for treating the order as a PPO with restrictions)
Person subject to a relevant compulsion order but not a restriction order	Public protection order without restrictions
Person subject to a hospital direction (within the meaning of the 1995 Act)	Hospital direction under section 172
Person subject to a transfer for treatment direction	Hospital transfer direction of a description specified in P’s case in a direction given by the Department of Justice under this subsection

(6) An order or direction is to be treated as having been made or given under subsection (5), for the purposes mentioned in the first column of the following table, on the date mentioned in the corresponding entry in the second column of the table.

Purpose

Date on which order or direction treated as made

Duration for which P may be detained under section 177 and calculation of the “initial period” for the purposes of section 179 (where P is treated as being subject to a public protection order without restrictions)

Date of P’s arrival in Northern Ireland

Calculation of the “release date” within the meaning given by section 197 (where P is treated as being subject to a hospital direction made under section 172)

Date on which the hospital direction (within the meaning of the 1995 Act) was made

Right to apply to the Tribunal under the first entry in the table in section 222(1)

Date on which the relevant compulsion order, hospital direction (within the meaning of the 1995 Act) or transfer for treatment direction was made

Calculation of the “relevant date” for the purposes of section 226(3) (referral of case to the Tribunal)

Date on which the relevant compulsion order, hospital direction (within the meaning of the 1995 Act) or transfer for treatment direction was made

(7) The first report under section 191 (where P is treated as being subject to a public protection order with restrictions) must be made—

(a) if the most recent report on P under section 183 of the 2003 Act was made more than 6 months before P’s arrival in Northern Ireland, not later than 6 months after P’s arrival there, or

(b) otherwise, not later than 12 months after the most recent report under that section.

(8) Section 221(2) (direction ceasing to have effect if person not admitted within 14 days) does not apply to a hospital transfer direction which is treated as having been given under subsection (5).

(9) The date of P's arrival in Northern Ireland is to be treated as being the end of a relevant period for the purposes of section 227 (duty to notify Attorney General).

(10) Where (immediately before being removed) P is subject to—

(a) a hospital direction (within the meaning of the 1995 Act), or

(b) a transfer for treatment direction made because P was serving a sentence of imprisonment (within the meaning of section 136(1) of the 2003 Act),

P is to be treated as if the sentence, order or committal in relation to which the direction has effect were a similar or corresponding sentence, order or committal imposed or made by a court in Northern Ireland.

(11) In this section—

“relevant compulsion order” means a compulsion order (within the meaning of the 1995 Act) that authorises the detention of the person in a hospital (within the meaning of that Act);

“relevant trust” means the HSC trust in whose area the appropriate establishment is situated;

“restriction order” has the same meaning as in the 1995 Act;

“transfer for treatment direction” has the same meaning as in the 2003 Act.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 252 (Removal from Northern Ireland: power to make further provision)

Question, That the clause stand part of the Bill, put and negatived.

Clause 252 disagreed to.

New Clause

Amendment No 309 made:

After clause 252 insert

“Removal or transfer from Northern Ireland: power to make further provision

252A.—(1) Regulations may make provision in connection with the removal of a person by virtue of this Part or Part 2 to a place outside Northern Ireland (whether or not a place in the United Kingdom).

(2) Regulations may make provision for and in connection with enabling the Department to authorise, and to give directions in connection with, the removal or transfer to a place outside Northern Ireland (whether or not a place in the United Kingdom) of prescribed descriptions of persons where—

(a) the person is subject in Northern Ireland to measures under this Act, and

(b) the person lacks capacity in relation to the removal or transfer and the removal or transfer would be in that person's best interests.

(3) Regulations may make provision for and in connection with enabling the Department of Justice to authorise, and to give directions in connection with, the removal or transfer to a place outside Northern Ireland (whether or not a place in the United Kingdom) of prescribed descriptions of persons where—

(a) the person is subject in Northern Ireland to measures under this Act, and

(b) either—

(i) the person consents to the removal or transfer, or
(ii) failure to remove or transfer the person there would be more likely than not to result in serious physical or psychological harm to the person or serious physical harm to other persons.

(4) In this section, references to the “transfer” of a person are to the transfer of responsibility for a person who is not detained by virtue of Part 2 or Part 10; and regulations may prescribe the powers and duties that constitute responsibility for a person for this purpose.

(5) References to persons subject to measures under this Act include, in particular,—

(a) in subsection (2)(a), persons in respect of whom an authorisation under Part 2 has been granted authorising a particular measure (within the meaning given by section 41);

(b) in subsection (3)(a), persons in respect of whom an order or direction has been made or given under Part 10 (including persons in respect of whom a warrant under section 189(1)(b) or an order under section 229(2)(b) is in effect).

(6) Regulations under this section—

(a) may prescribe steps to be taken before a person may be removed or transferred, or prescribe other conditions which must be met before a person may be removed or transferred,

(b) may provide that, where a person is removed or transferred, any prescribed measure to which the person is subject ceases to have effect, and

(c) may apply, or make provision similar to, any provision of Part 2 or Part 10 (with or without modifications).

(7) The powers to make regulations under this section must be exercised so as to ensure that, where under this Part the removal or transfer of a person from Northern Ireland is authorised—

(a) notice of the authorisation and proposed removal or transfer must be given to—

(i) the person to be removed or transferred, and
(ii) any prescribed person,

at least a prescribed period before the date of the proposed removal or transfer; and

(b) there is a right to apply to the Tribunal in respect of the authorisation (except where the Tribunal approved the removal or transfer before the authorisation was given).

(8) Regulations under this section may amend this Part, and may make supplementary or consequential amendments to other provisions of this Act.

(9) In this section “regulations” means—

(a) in relation to provision concerning the removal or transfer of a Part 10 transferee, regulations made by the Department of Justice;

(b) in any other case, regulations made by the Department.

(10) In subsection (9) a “Part 10 transferee” is a person—

(a) who is detained by virtue of Part 10 or (if not detained under this Act) in respect of whom an order or direction has been made or given under Part 10, or

(b) (in the case of a person who does not fall within paragraph (a)) whose removal is authorised on the ground that either of the conditions set out in subsection (3)(b) is met.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 253 (Persons transferred to Northern Ireland: power to make further provision)

Question, That the clause stand part of the Bill, put and negatived.

Clause 253 disagreed to.

New Clause

Amendment No 310 made:

After clause 253 insert

“Persons removed or transferred to Northern Ireland: power to make further provision

253A.—(1) Regulations may make provision, in respect of persons of a prescribed description removed to Northern Ireland under a relevant provision—

(a) requiring prescribed steps to be taken when the person arrives in Northern Ireland;

(b) providing for the person to be treated as if he or she were a person of a prescribed description subject to measures under this Act.

(2) The reference in subsection (1)(b) to persons subject to measures under this Act includes, in particular—

(a) persons in respect of whom an authorisation under Part 2 has been granted authorising a particular measure (within the meaning given by section 41), and

(b) persons in respect of whom an order or direction has been made or given under Part 10 (including persons in respect of whom a warrant under section 189(1)(b) or an order under section 229(2)(b) is in effect).

(3) Subsection (1)(b) permits the regulations to provide for a person to be treated as if an authorisation under Part 2 authorising a particular measure had been granted only where the person (before being removed to Northern Ireland) was subject under the law of England, Wales or Scotland to a corresponding or similar measure.

(4) Subsection (1)(b) permits the regulations to provide for a person to be treated as if an order or direction had been made or given under Part 10 only where the person (before being removed to Northern Ireland) was subject under the law of England, Wales or Scotland to an order, direction or other measure have corresponding or similar effect.

(5) Regulations may make provision about the application of this Act to persons who are removed to Northern Ireland under a relevant provision and who are treated, by virtue of this Part, as if they were subject to particular measures under this Act.

(6) In this section “a relevant provision” means—

(a) Part 6 of the 1983 Act;

(b) regulations made under section 289 or 290 of the 2003 Act; or

(c) any provision of the law of a country or territory other than the United Kingdom which is similar or corresponds to this Part or Part 2 or 10 of this Act.

(7) Regulations under this section may amend this Part, and may make supplementary or consequential amendments to other provisions of this Act.

(8) In this section “regulations” means—

(a) in relation to provision concerning a Part 10 arrival, regulations made by the Department of Justice;

(b) in any other case, regulations made by the Department.

(9) In subsection (8) a “Part 10 arrival” is a person who (by virtue of the regulations) is to be treated as if an order or direction under Part 10 had been made or given in respect of him or her.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 311 made:

After clause 253 insert

“Interpretation of Part 11

253B.—(1) In this Part—

“the 1983 Act” means the Mental Health Act 1983;

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995;

“the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003;

“appropriate establishment” has the same meaning as in Part 10 (see section 165);

“hospital direction”, except where otherwise provided, has the same meaning as in Part 10 (see section 247(1));

“hospital transfer direction” has the same meaning as in Part 10 (see section 247(1));

“public protection order”, “public protection order with restrictions” and “public protection order without restrictions” have the same meaning as in Part 10 (see section 165);

“the responsible medical practitioner” has the same meaning as in Part 10 (see section 247(1)).”.—

[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clauses 254 and 255 ordered to stand part of the Bill.

8.15 pm

Clause 256 (Ill-treatment or neglect)

Amendment No 312 made:

In page 138, line 23, at end insert“(aa) P is detained under Part 9 or 10, and is in the custody or care of X;”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 313 made:

In page 138, line 24, after second “attorney” insert
“, or an enduring power of attorney,”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 314 made:

In page 138, line 30, at end insert
“(4) Proceedings in respect of an offence under this section may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 256, as amended, ordered to stand part of the Bill.

Clause 257 ordered to stand part of the Bill.

Clause 258 (Unlawful detention of persons lacking capacity etc)

Amendment No 315 made:

In page 139, line 23, leave out “receives and”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 316 made:

In page 139, line 27, at end insert
“(1A) A person (“R”) commits an offence if—
(a) R intentionally detains another person (“P”) in circumstances amounting to a deprivation of liberty;
(b) R does so in purported reliance on Part 9 or 10; and
(c) P is not liable to be detained by virtue of that Part.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 317 made:

In page 140, line 2, at end insert
“(5) Proceedings in respect of an offence under this section may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.
(6) Section 20(1) of the Interpretation Act (Northern Ireland) 1954 applies in relation to the offence under this section as it applies in relation to other offences under this Act (so, for example, nothing in this section prevents a person from being prosecuted and punished for an offence of false imprisonment).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 258, as amended, ordered to stand part of the Bill.

Clause 259 (Assisting persons to absent themselves without permission)

Amendment No 318 made:

In page 140, line 4, leave out Subsections (1) to (5) and insert

“(1) A person commits an offence if—
(a) the person knows that another person (“P”) is, by virtue of this Act, liable to be detained in a place in circumstances amounting to a deprivation of liberty; and
(b) the person induces, or intentionally assists, P to absent himself or herself without permission from that place.
(2) A person commits an offence if—
(a) the person knows that another person (“P”) is, by virtue of this Act, liable to be detained in a place (“the relevant place”) in circumstances amounting to a deprivation of liberty;
(b) P has absented himself or herself without permission from the relevant place; and
(c) the person—
(i) allows P to live or stay with the person, knowing that P absented himself or herself without permission from the relevant place; or
(ii) gives P any assistance with the intention of preventing, delaying or interfering with P’s being returned to detention.
(3) A person commits an offence if—
(a) the person knows that another person (“P”) is, by virtue of this Act, liable to be detained in a place in circumstances amounting to a deprivation of liberty;
(b) P is being taken to that place; and
(c) the person induces, or intentionally assists, P to escape.
(4) In subsections (1) and (2) references to P absenting himself or herself without permission from a place where P is liable to be detained (“the relevant place”) include—
(a) P failing to return to the relevant place at the end of an occasion or period for which P was given permission to be absent, or on being recalled from a permitted absence; and
(b) P absenting himself or herself, without permission, from a place where P is required to be by conditions imposed on the grant of a permission for absence from the relevant place.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 259, as amended, ordered to stand part of the Bill.

Clause 260 (Assisting persons to breach community residence requirement)

Amendment No 319 made:

In page 140, line 31, leave out Subsections (1) to (3) and insert
“(1) A person commits an offence if—
(a) the person knows that another person (“P”) is required by a community residence requirement to live at a particular place; and

(b) the person induces, or intentionally assists, P to stop living at that place.

(2) A person commits an offence if—

(a) the person knows that another person (“P”) is required by a community residence requirement to live at a particular place;

(b) P has stopped living at that place; and

(c) the person gives P any assistance with the intention of preventing, delaying or interfering with P’s being returned to live at that place.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 320 made:

In page 141, line 3, leave out from “has” to end of line 4 and insert

“means a community residence requirement (as defined by section 31) that is imposed under Part 2.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 260, as amended, ordered to stand part of the Bill.

Clause 261 ordered to stand part of the Bill.

Clause 262 (Offences by bodies corporate)

Amendment No 321 made:

In page 141, line 39, at end insert

“(2A) Proceedings in respect of an offence committed by virtue of this section may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 262, as amended, ordered to stand part of the Bill.

Clauses 263 and 264 ordered to stand part of the Bill.

Clause 265 (Power to make regulations about dealing with money and valuables)

Mr Principal Deputy Speaker: Amendment Nos 322 and 323 are technical amendments.

Amendment No 322 made:

In page 143, line 9, leave out subsection (3).— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 323 made:

In page 143, line 37, after “made” insert “in accordance with this Act”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 324 made:

In page 143, line 37, after second “attorney” insert

“, or an enduring power of attorney,”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 325 made:

In page 143, line 39, after “made” insert “in accordance with this Act”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 265, as amended, ordered to stand part of the Bill.

Clause 266 (Contravention of regulations under section 265)

Mr Principal Deputy Speaker: Amendment Nos 326 and 327 are technical amendments.

Amendment No 326 made:

In page 143, line 42, after “265” insert “(2)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 327 made:

In page 144, line 3, leave out from “taken” to “has” on line 4 and insert

“brought only—

(a) by RQIA; or

(b) by, or with”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 266, as amended, ordered to stand part of the Bill.

Clauses 267 to 269 ordered to stand part of the Bill.

Clause 270 (Miscellaneous functions of HSC trusts)

Mr Principal Deputy Speaker: Amendment Nos 328 and 329 are technical amendments.

Amendment No 328 made:

In page 145, line 20, leave out from “, in” to “Act” on line 22 and insert

“is absent with permission from a place of detention”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 329 made:

In page 145, line 34, at end insert

“(2) In subsection (1)(b) “place of detention” means a place where the person is detained, by virtue of this Act, in circumstances amounting to a deprivation of liberty.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 270, as amended, ordered to stand part of the Bill.

Clause 271 (Direct payments in place of provision of care services)

Amendment No 330 made:

In page 146, line 34, leave out from “granted” to “and” on line 35 and insert

“or enduring power of attorney (within the meaning of the Mental Capacity Act) granted by P”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 271, as amended, ordered to stand part of the Bill.

Clause 272 ordered to stand part of the Bill.

New Clause

Amendment No 331 made:

After clause 272 insert

“Advance decisions to refuse treatment

Review of law relating to advance decisions

272A.—(1) Before the third anniversary of the day this section comes into operation, the Department must—

(a) review the law relating to advance decisions to refuse treatment; and

(b) produce a report setting out the conclusions reached on the review (including any proposals for changes to that law).

(2) The Department must lay a copy of the report before the Assembly.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 273 ordered to stand part of the Bill.

Clause 274 (Voting rights)

Amendment No 332 made:

In page 148, line 35, after “questions” insert “or propositions”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 274, as amended, ordered to stand part of the Bill.

Clause 275 ordered to stand part of the Bill.

Clause 276 (Codes of practice)

Mr Principal Deputy Speaker: Amendment Nos 333 to 338 are technical amendments to clause 276. I therefore propose, by leave of the Assembly, to group those amendments for the Question.

Amendment No 333 made:

In page 149, line 16, after “over” insert

“(or is under 16 and is detained under Part 9 or being dealt with under Part 10)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 334 made:

In page 149, line 18, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 335 made:

In page 149, line 19, leave out “of this Act”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 336 made:

In page 150, line 5, after “concerned” insert

“(and must in particular consult the Department of Justice if the code contains specific provision about persons detained under Part 9 or persons being dealt with under Part 10)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 337 made:

In page 150, line 12, at end insert

“(8A) For the purposes of this section a person is “being dealt with under Part 10” if—

(a) the person is remanded to hospital under Chapter 1 of Part 10; or

(b) a public protection order, hospital direction, interim detention order or hospital transfer direction has been

made in respect of the person and remains in force.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 338 made:

In page 150, line 13, after first ‘section’ insert

“—

“hospital direction”, “hospital transfer direction”, “interim detention order” and “public protection order” have the same meaning as in Part 10 (see section 247);”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 276, as amended, ordered to stand part of the Bill.

Clause 277 (Effect of code)

Amendment No 339 made:

In page 150, line 22, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 340 made:

In page 150, line 23, after second “attorney” insert “or an enduring power of attorney”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 277, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 341 made:

After clause 277 insert

“Provision of information and facilities

Provision of information by HSC trusts and the Department

277A.—(1) An HSC trust, and the Department, must provide to a relevant authority such returns, reports and other information as the relevant authority may require for the performance of its functions under this Act.

(2) In subsection (1) “relevant authority” means—

(a) the High Court;

(b) the Public Guardian;

(c) the Tribunal; or

(d) the Attorney General.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 342 made:

After clause 277 insert

“Provision of facilities by HSC trusts and the Department

277B.—(1) An HSC trust must provide to a relevant authority such facilities as are necessary to enable the relevant authority to perform its functions under this Act.

(2) In subsection (1) “relevant authority” means—

(a) the High Court;

(b) the Public Guardian; or
(c) the Tribunal.

(3) The Department must provide, to the Tribunal, such facilities as are necessary to enable the Tribunal to perform its functions under this Act.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 278 (Warrants)

Mr Principal Deputy Speaker: Amendment Nos 343 to 346 are technical amendments to clause 278. I therefore propose, by leave of the Assembly, to group those amendments for the Question.

Amendment No 343 made:

In page 150, line 37, leave out “justice of the peace” and insert “lay magistrate”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 344 made:

In page 150, line 39, leave out from “person” to “place” on line 40 and insert “relevant person”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 345 made:

In page 151, line 4, leave out “justice” and insert “lay magistrate”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 346 made:

In page 151, line 5, after second “the” insert “relevant”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 347 made:

In page 151, line 6, at end insert

“(2A) A constable executing a warrant under subsection (2) may be accompanied by an approved social worker (as well as a medical practitioner).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Principal Deputy Speaker: Amendment Nos 348 and 349 are technical amendments to clause 278. I therefore propose, by leave of the Assembly, to group those amendments for the Question.

Amendment No 348 made:

In page 151, line 7, leave out “person concerned” and insert “relevant person”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 349 made:

In page 151, line 9, leave out from “place” to end of line 10 and insert

“person’ means a person who—
(a) by virtue of this Act, is liable to be detained in a place in circumstances amounting to a deprivation of liberty; and
(b) is, by virtue of this Act, to be taken to that place.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 278, as amended, ordered to stand part of the Bill.

8.30 pm

Clause 279 (Warrants: persons liable to be detained under 1983 Act or 2005 Order)

Amendment No 350 made:

In page 151, line 12, leave out “justice of the peace” and insert “lay magistrate”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 351 made:

In page 151, line 15, after “(b)” insert “(a ‘relevant person’)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 352 made:

In page 151, line 19, leave out “justice” and insert “lay magistrate”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 353 made:

In page 151, line 21, leave out “person liable to be so taken” and insert “relevant person”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 354 made:

In page 151, line 23, leave out “1983 Act” and insert “Mental Health Act 1983”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 355 made:

In page 151, line 26, leave out “into custody in Northern Ireland any person who may be so taken.” and insert

“any relevant person into custody in Northern Ireland.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 279, as amended, ordered to stand part of the Bill.

Clause 280 (Provisions as to custody, detention etc)

Amendment No 356 made:

In page 152, line 4, at end insert

“(4) Nothing in subsection (3) affects any other power, or authority to do an act, that the relevant person (or any other person) may have.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 280, as amended, ordered to stand part of the Bill.

Clause 281 (Retaking of persons escaping from legal custody)

Amendment No 357 made:

In page 152, line 24, at end insert

“(6) Nothing in subsection (1) affects any other power, or authority to do an act, that a person mentioned in subsection (2) (or any other person) may have.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 281, as amended, ordered to stand part of the Bill.

Clause 282 (Special accommodation)

Amendment No 358 made:

In page 152, line 29, leave out “liable to be”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 359 made:

In page 152, line 31, leave out from “from” to “harm” on line 32.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 282, as amended, ordered to stand part of the Bill.

Clause 283 (Panels constituted to decide applications: general provision)

Amendment No 360 made:

In page 152, line 38, leave out “a panel” and insert “panel”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 361 made:

In page 153, line 3, after “members” insert
“*(all of whom must be present during any proceedings of the panel)*”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 362 made:

In page 153, line 4, leave out subsection (3).—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 363 made:

In page 153, line 5, leave out “provision about the procedure of such a panel” and insert
“*further provision about the membership or procedure of panels*”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 364 made:

In page 153, line 7, leave out “the panel to afford” and insert “panels to give”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 365 made:

In page 153, line 9, leave out “the” and insert “a”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 366 made:

In page 153, line 11, leave out “the” and insert “a”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 367 made:

In page 153, line 14, leave out “the” and insert “a”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 283, as amended, ordered to stand part of the Bill.

Clause 284 (Protection for acts done in pursuance of Part 9 or 10)

Amendment No 368 made:

In page 153, line 25, leave out “permission” and insert “consent”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 284, as amended, ordered to stand part of the Bill.

Clause 285 ordered to stand part of the Bill.

Clause 286 (Medical practitioners who may make certain medical reports)

Amendment No 369 not moved.

Mr Principal Deputy Speaker: I will not call amendment Nos 370 to 378, as they are consequential to amendments that have not been made.

Clause 286 ordered to stand part of the Bill.

Clause 287 ordered to stand part of the Bill.

Clause 288 (Power to make further provision)

Mr Principal Deputy Speaker: The Minister and Chairperson’s opposition to clause 288 standing part of the Bill has already been debated.

Clause 288 disagreed to.

Clause 289 (Regulations)

Amendment No 379 made:

In page 155, line 8, leave out “under a relevant provision” and insert “to which subsection (3) applies”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 380 made:

In page 155, line 11, leave out “Regulations under any other provision of” and insert “Any other regulations under”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 381 made:

In page 155, line 13, leave out “In this section ‘relevant provision’ means” and insert

“*This subsection applies to —
(a) regulations under*”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 382 made:

In page 155, line 13, after “22(1),” insert “36(4)(b),”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Principal Deputy Speaker: Amendment Nos 383 to 385 are consequential amendments to clause 289.

Amendment No 383 made:

In page 155, line 14, after “48(5),” insert “58A(2),”.—
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 384 made:

In page 155, line 14, leave out “205(8).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 385 made:

In page 155, line 15, leave out “, 288(3)(b).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 386 made:

In page 155, line 15, after “293(3)” insert

“, paragraph 14(1) of Schedule 7A”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 387 made:

In page 155, line 15, at end insert“(b) regulations under section 252 or 253 that amend this Act;

(c) regulations under section 265(2) containing any provision that creates an offence;

(d) regulations under section 290(3) that amend the text of Northern Ireland legislation or an Act of Parliament;

(e) any other regulations under this Act that are contained in a statutory rule that contains regulations within any of paragraphs (a) to (d).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 289, as amended, ordered to stand part of the Bill.

Clause 290 (Consequential amendments and repeals)

Amendment No 388 made:

In page 155, line 21, at end insert

“(3) The Department or the Department of Justice may by regulations make such other amendments of statutory provisions as it considers appropriate in consequence of this Act.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 290, as amended, ordered to stand part of the Bill.

Clauses 291 and 292 ordered to stand part of the Bill.

Clause 293 (Definitions for purposes of Act)

Amendment No 389 made:

In page 156, leave out lines 12 to 14.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 390 made:

In page 157, line 9, after “physical” insert “or psychological”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 391 made:

In page 157, line 11, before “includes harm” insert

“except in references to physical harm.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 392 made:

In page 157, leave out line 27.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 393 made:

In page 157, line 28, at end insert

“‘independent mental capacity advocate’ has the meaning given by section 84.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 394 made:

In page 157, line 33, at end insert

“‘liable to be detained’: any reference to a person who, by virtue of this Act, is liable to be detained in a place in circumstances amounting to a deprivation of liberty includes —

(a) a person who is detained in the place in such circumstances, where section 9(2) applies in relation to the detention, and

(b) a person who would fall within paragraph (a) if he or she were so detained,

whether or not an authorisation under Schedule 1 or 2 is in force in respect of the person.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 395 made:

In page 159, line 11, after “regulations” insert “and ‘prescribed’ mean”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 396 made:

In page 159, line 12, leave out “means”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 397 made:

In page 159, line 13, after “and” insert “prescribed by such regulations.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 398 made:

In page 159, line 14, leave out “section 289” and insert “sections 252, 253, 289, 290 and 294”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 399 made:

In page 159, line 15, leave out “means”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 400 made:

In page 159, line 15, after “Department,” insert “and prescribed by such regulations.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 401 made:

In page 159, leave out lines 16 and 17.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 402 made:

In page 159, line 17, at end insert

“(6A) Part 1 (principles) applies in relation to regulations made under any provision of this Act as it applies in relation to that provision.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 293, as amended, ordered to stand part of the Bill.

Clause 294 (Commencement)

Mr Principal Deputy Speaker: Amendment Nos 403 to 405 are consequential amendments to clause 294. I therefore propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 403 made:

In page 159, line 23, after “Sections” insert “272A.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 404 made:

In page 159, line 23, leave out “288, 289 and” and insert “289, 290(3).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 405 made:

In page 159, line 26, at end insert

“(3) The Department or the Department of Justice may by regulations make such transitional, transitory or saving provision as it considers appropriate in connection with the coming into operation of any provision of this Act.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 294, as amended, ordered to stand part of the Bill.

Clause 295 ordered to stand part of the Bill.

Schedule 1 (Authorisation by panel of certain serious interventions)

Mr Principal Deputy Speaker: Amendment Nos 406 to 408 are technical amendments to schedule 1. I therefore propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 406 made:

In page 160, line 33, leave out “which would be likely to” and insert “that would or might”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 407 made:

In page 161, line 40, leave out “be, or would be likely to be,” and insert “or might be”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 408 made:

In page 162, line 32, leave out “would be likely to lack” and insert

“would lack (or would probably lack)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 409 not moved.

Mr Principal Deputy Speaker: I will not call amendment Nos 410 to 412, as they are consequential to amendment No 409, which has not been moved. Amendment Nos 413 to 420 are technical amendments to schedule 1. I therefore propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 413 made:

In page 163, line 12, after “independent” insert “mental capacity”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 414 made:

In page 164, line 11, leave out “for P”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 415 made:

In page 164, line 15, leave out “which would be likely to” and insert “that would or might”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 416 made:

In page 167, line 28, leave out “likely to lack” and insert “lacks, or probably lacks.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 417 made:

In page 167, line 32, leave out from “in” to end of line 36 and insert

“—

(a) that it will not be possible within that period to decide whether the criteria for authorisation are met in respect of a measure proposed in the application, but

(b) that there is a good prospect of it being established that the criteria for authorisation are met in respect of the measure.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 418 made:

In page 168, line 23, leave out “likely to lack” and insert “lacks, or probably lacks.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 419 made:

In page 169, line 30, leave out “P is liable by virtue of an authorisation under this Schedule to be detained” and insert

“an authorisation under this Schedule authorises the detention of P.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 420 made:

In page 169, leave out lines 33 and 34 and insert

“the authorisation ceases to authorise any detention of P.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 421 not moved.

Schedule 1, as amended, agreed to.

Schedule 2 (Authorisation of short-term detention in hospital for examination etc)

Amendment No 422 not moved.

Mr Principal Deputy Speaker: I will not call amendment No 423, as it is consequential to amendment No 422, which has not been moved.

Amendment No 424 made:

In page 172, line 1, leave out from second “is” to “lack” on line 2 and insert “lacks (or probably lacks)”.— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

Mr Principal Deputy Speaker: I will not call amendment Nos 425 to 429 as they are consequential to amendment No 422, which has not been moved.

Amendment No 430 made:

In page 172, line 28, after “independent” insert “mental capacity”.— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

Mr Principal Deputy Speaker: Amendment No 431 has already been debated and is mutually exclusive with amendment No 432.

Amendment No 431 made:

In page 174, line 9, leave out sub-paragraphs (2) and (3) and insert

“(2) Immediately after being admitted or treated as admitted, P must be examined by a medical practitioner who—

(a) is within sub-paragraph (4); and

*(b) did not make the medical report under paragraph 4.”— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]*

Mr Principal Deputy Speaker: I will not call amendment No 432, as it is mutually exclusive with amendment No 431, which has been made.

Amendment No 433 made:

In page 174, line 19, leave out “An examination under this paragraph must be carried out by” and insert “The medical practitioners are”.— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

8.45 pm

Mr Principal Deputy Speaker: I will not call amendment Nos 434 to 436 as they are consequential to amendment No 432, which has not been made.

Amendment No 437 made:

In page 174, line 23, leave out sub-paragraph (5).— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

Mr Principal Deputy Speaker: I will not call amendment Nos 438 or 439, as they are mutually exclusive with amendment No 437, which has been made. I will not call amendment No 440 as it is consequential to amendment No 432, which has not been made.

Amendment No 441 made:

In page 174, line 33, at end insert

*“(10) If there is a failure to examine P in accordance with sub-paragraph (2), or to make a report in accordance with sub-paragraphs (6) and (7), the failure is an event which terminates the authorisation.”— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]*

Mr Principal Deputy Speaker: I will not call amendment Nos 442 to 449 as they are consequential to amendment No 432, which has not been made.

Amendment No 450 made:

In page 177, line 33, leave out sub-paragraph 1 and insert

“(1) Where a report under this Schedule is incorrect or defective in any respect as a result of an administrative error, the appropriate person may (subject to sub-paragraph (2)) amend the report for the purpose of correcting the error.

(1A) “The appropriate person”, in relation to a report (“the relevant report”), means—

(a) if the relevant report is a report under paragraph 2 and the amendment is to the medical report included in the relevant report, the person who signed the medical report;

*(b) otherwise, the person who signed the relevant report.”— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]*

Amendment No 451 made:

In page 177, line 40, leave out “But”.— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

Amendment No 452 made:

In page 178, line 10, leave out from “in” to “(‘P’)” on line 11.— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

Amendment No 453 made:

In page 178, line 14, leave out from “, or” to end of line 16 and insert

*“does not comply with the requirements of paragraph 4.”— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]*

Amendment No 454 made:

In page 178, line 19, leave out from “or” to “given” on line 20.— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

Amendment No 455 made:

In page 178, line 21, leave out sub-paragraph (4) and insert

“(4) But if, before the end of the permitted period—

(a) a fresh medical report is made in accordance with paragraph 4, and

(b) the fresh report states that in the opinion of the person making the report the condition in paragraph 12 is met, and has been met at all times since the making of the medical report mentioned in sub-paragraph (1)(b),

*the authorisation report is valid, and is to be treated as always having been valid.”— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]*

Amendment No 456 made:

In page 178, line 28, leave out sub-paragraph (5) and insert

*“(5) Nothing in this paragraph limits the application of paragraph 20.”— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]*

Amendment No 457 made:

In page 178, line 32, at end insert

“22.—(1) This paragraph applies where—

(a) a report under paragraph 2 (“the authorisation report”) has been made in respect of a person (“P”); and

(b) at any time before the end of the permitted period, it appears to the managing authority that a report under paragraph 11, 13 or 14 made in respect of P (“the original report”) does not comply with the requirements of that paragraph (“the relevant paragraph”).

(2) The managing authority may, before the end of the permitted period, give notice in writing to that effect to the person who signed the authorisation report.

(3) Where any such notice is given, the original report is to be disregarded.

(4) But if, before the end of the permitted period—

(a) P is examined, and a fresh report is made, in accordance with the requirements of the relevant paragraph (except any requirements as to the timing of the examination or report), and

(b) the fresh report states that in the opinion of the person making the report the condition in paragraph 12 is met, and has been met at all times since the making of the original report,

the authorisation has effect, and is treated as always having had effect, as if it had not expired by virtue of the relevant paragraph.

(5) Nothing in this paragraph limits the application of paragraph 20.

(6) In this paragraph—

“the managing authority” has the same meaning as in paragraph 21;

“the permitted period” has the same meaning as in paragraph 20.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Schedule 2, as amended, agreed to.

Schedule 3 (Extension by panel of period of authorisation)

Amendment No 458 made:

In page 180, line 19, leave out “would be likely to lack” and insert

“would lack (or would probably lack)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Principal Deputy Speaker: I will not call amendment Nos 459 to 462 as they are consequential to amendment No 39, which has not been made.

Amendment No 463 made:

In page 180, line 34, after “independent” insert “mental capacity”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 464 made:

In page 182, line 8, leave out “likely to lack” and insert “lacks, or probably lacks.”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Schedule 3, as amended, agreed to.

Schedule 4 (Lasting powers of attorney: formalities)

Amendment No 465 made:

In page 186, line 32, leave out “give notice of the fact in the prescribed form to” and insert “notify”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 466 made:

In page 187, line 9, after “revoked” insert

“or has otherwise come to an end”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 467 made:

In page 187, line 10, leave out sub-paragraph (2).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 468 made:

In page 187, line 31, at end insert

“NOTIFICATION ON CANCELLATION

19A. If the Public Guardian cancels the registration of an instrument as a lasting power of attorney, the Public Guardian must notify—

(a) the donor;

(b) each person appointed as attorney; and

(c) each person (if any) appointed as replacement attorney.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Schedule 4, as amended, agreed to.

Schedule 5 (Existing enduring powers of attorney)

Amendment No 469 made:

In page 201, line 36, leave out sub-paragraph (2).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Principal Deputy Speaker: The Committee Chairperson’s opposition to schedule 5 standing part has already been debated.

Schedule 5, as amended, disagreed to.

Schedules 6 and 7 agreed to.

New Schedule

Amendment No 470 made:

After schedule 7 insert

“SCHEDULE 7A

SECTION 205.

SUPERVISION AND ASSESSMENT ORDERS

PART 1

INTRODUCTORY

INTRODUCTORY

1.—(1) *In this Part a “supervision and assessment order” is an order made in respect of a person (“the supervised person”) containing—*

- (a) *a supervision element (see paragraph 3), and*
- (b) *an assessment element (see paragraph 4).*

(2) *A supervision and assessment order may also include a residence element (see paragraph 5).*

(3) *In this Schedule, references to the commission of offences by a person include the commission of offences in the circumstances described in section 204 (finding that person not guilty on the ground of insanity).*

PART 2

MAKING AND CONTENTS OF ORDER

CONDITIONS WHICH MUST BE SATISFIED BEFORE ORDER CAN BE MADE

2.—(1) *A court may make a supervision and assessment order only if the following four conditions are met.*

(2) *The first condition is that the court is satisfied, on the required medical evidence, that the supervised person has a disorder, or that there is reason to suspect that the supervised person has a disorder.*

(3) *The second condition is that the court is satisfied, on the required medical evidence, that examination of the supervised person (“S”) is necessary or desirable for the assessment of one or both of the following—*

- (a) *whether the disorder requires treatment;*
- (b) *whether consent to the giving of such treatment will be given by S, or by a person with authority to give consent on behalf of S, or whether such treatment will be capable of being given to S by virtue of Part 2 of this Act (or, if S is under 16, under the Mental Health Order).*

(4) *The third condition is that the court is satisfied that supervision under the order is desirable in the interests of—*

- (a) *securing the rehabilitation of the supervised person, or*
- (b) *protecting the public from harm from that person or preventing the commission by that person of offences.*

(5) *The fourth condition is that the court is satisfied that the making of such an order is the most suitable means of dealing with the supervised person.*

(6) *In this paragraph “the required medical evidence” means the written or oral evidence of at least two medical practitioners, including—*

- (a) *if the disorder is mental disorder, the oral evidence of an approved medical practitioner;*
- (b) *otherwise, the oral evidence of a medical practitioner who appears to the court to have special experience in the diagnosis or treatment of the disorder.*

SUPERVISION ELEMENT

3.—(1) *A supervision element is a requirement that the supervised person be under the supervision of—*

- (a) *a social worker, or*

- (b) *a probation officer,*

for a period specified in the order (“the supervision period”), which must be not less than 6 months and not more than 3 years.

(2) *The social worker or probation officer is referred to in this Schedule as “the supervising officer”.*

(3) *The court must not make a supervision and assessment order unless it is satisfied that the supervising officer is willing to undertake the supervision.*

(4) *If the supervising officer is a social worker—*

- (a) *the supervision and assessment order must specify the HSC trust for the area in which the supervised person resides or will reside, and*

- (b) *the social worker must be an approved social worker appointed as such by that trust.*

ASSESSMENT ELEMENT

4.—(1) *An assessment element is a requirement that, during a specified period (“the assessment period”), the supervised person must—*

- (a) *attend at a specified place at a specified time or times, or*

- (b) *make himself or herself available at a specified place at a specified time or times,*

for assessment by or under the direction of a medical practitioner.

(2) *The assessment period may be the whole or any part of the supervision period.*

(3) *Assessment under sub-paragraph (1) is to be assessment of such of the following as the medical practitioner considers appropriate at the time of the assessment—*

- (a) *the supervised person’s condition;*
- (b) *either or both of the matters mentioned in paragraph 2(3)(a) and (b).*

(4) *In sub-paragraph (1) “specified” means specified in the order.*

RESIDENCE ELEMENT

5.—(1) *A residence element is any requirement as to the residence of the supervised person during a period specified in the order (“the residence period”).*

(2) *The residence period may be the whole or any part of the supervision period.*

(3) *Before including a residence element, the court must consider the home surroundings of the supervised person.*

(4) *A residence element may not require the supervised person to reside as an in-patient or resident in a hospital or care home.*

PROCEDURAL REQUIREMENTS RELATING TO THE MAKING OF THE ORDER

6.—(1) *Before making a supervision and assessment order, the court must explain to the supervised person in ordinary language—*

- (a) *the effect of each of the elements included in the order, and*

(b) that a court of summary jurisdiction, and the court making the order, have power under paragraphs 8 to 10, 11 and 13 to review the order on the application either of the supervised person or the supervising officer.

(2) After making an order, the court must as soon as practicable—

(a) give at least 2 copies of the order to the supervising officer, and

(b) if the supervising officer is a social worker, send at least 1 copy of the order to the Probation Board.

(3) The supervising officer must give a copy of the order to the supervised person.

PART 3

EFFECT OF ORDER

7. Where an order is made, the supervised person must (as well as complying with the assessment element and any residence element) keep in touch with the supervising officer in accordance with such instructions as that officer may from time to time give, and must notify the supervising officer of any change of address.

PART 4

AMENDMENT OR REVOCATION OF ORDER

AMENDMENT OF ORDER: GENERAL

8.—(1) A court of summary jurisdiction may, on the application of the supervised person or the supervising officer, amend a supervision and assessment order—

(a) by cancelling any of the requirements of the order; or

(b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were the court by which the order was made and were then making it.

(2) The power of a court under sub-paragraph (1) does not include power to amend an order by extending any period specified in it beyond the end of 3 years from the date of the original order.

AMENDMENT OF ORDER: CHANGE OF AREA OF RESIDENCE

9.—(1) This paragraph applies where—

(a) a supervision and assessment order requires the supervised person to be under the supervision of a social worker, and

(b) (in accordance with paragraph 3(4)) the order specifies the HSC trust for the area in which the person resides (“the current trust”).

(2) If a court of summary jurisdiction is satisfied that the supervised person proposes to change, or has changed, his residence to the area of another HSC trust, the court may amend the order by substituting, for the current trust, the other HSC trust.

(3) The court must amend the order as mentioned in sub-paragraph (2) if the supervising officer applies for it to do so.

(4) Where—

(a) the court amends a supervision and assessment order under this paragraph, and

(b) the order contains requirements which in the opinion of the court cannot be complied with if the supervised person ceases to reside in the area of the current trust,

the court must either cancel those requirements or substitute for them other requirements which can be complied with if the supervised person ceases to reside in that area.

MEDICAL REPORTS

10.—(1) In this paragraph “relevant medical practitioner” means a medical practitioner by whom or under whose direction the supervised person—

(a) has been assessed in pursuance of a supervision and assessment order, or

(b) is being treated for a disorder in pursuance of such an order.

(2) Sub-paragraph (3) applies where any of the following conditions is met—

(a) the order requires the supervised person to attend or make himself or herself available for assessment at specified intervals, but a relevant medical practitioner considers that assessment at longer intervals is sufficient for the purposes mentioned in paragraph 2(3) (a) and (b);

(b) a relevant medical practitioner considers that it is necessary or desirable, for the purposes mentioned in paragraph 2(3)(a) and (b), to assess the supervised person more frequently than specified in the order;

(c) a relevant medical practitioner considers that the supervised person no longer requires treatment for his or her disorder;

(d) a relevant medical practitioner considers that the supervised person’s disorder is not (or is no longer) susceptible to treatment;

(e) a relevant medical practitioner considers that the assessment period should be extended (subject to sub-paragraph (5));

(f) a relevant medical practitioner is for any reason unwilling to continue to assess or treat, or direct the assessment or treatment of, the supervised person;

(g) a relevant medical practitioner becomes aware that the supervised person has been admitted to hospital as an in-patient.

(3) The relevant medical practitioner must make a report in writing to that effect to the supervising officer.

(4) The supervising officer must—

(a) in the case of a report made as mentioned in sub-paragraph (2)(a), inform the court which made the order;

(b) in the case of a report made as mentioned in sub-paragraph (2)(b) to (f), apply to a court of summary jurisdiction for the order to be amended as the court considers appropriate (including by cancelling the assessment element);

(c) in the case of a report made as mentioned in sub-paragraph (2)(g), apply to a court of summary jurisdiction for the assessment element to be suspended whilst the supervised person remains an in-patient.

(5) On an application made in the case of a report made as mentioned in sub-paragraph (2)(e)—

(a) if the court considers it appropriate for the assessment period to end later than the end of the existing supervision period, the court may extend the supervision period;

(b) the assessment period (as extended) must not end later than the end of the supervision period (as extended); and

(c) neither period may be extended beyond the end of 3 years from the date of the original order.

REVOCATION OF ORDER

11.—(1) A court that has made a supervision and assessment order may, on the application of the supervised person or the supervising officer, revoke the order under this paragraph.

(2) The court may do so only if the court is satisfied that, having regard to circumstances which have arisen since the order was made, it would be in the interests of the health or welfare of the supervised person to revoke the order.

PROCEDURAL REQUIREMENTS ON AMENDMENT OR REVOCATION OF ORDER

12.—(1) On the making under any of paragraphs 8 to 11 of an order amending or revoking a supervision and assessment order, the court must as soon as practicable give to the supervising officer at least 2 copies of the amending or revoking order.

(2) The supervising officer, when given copies under sub-paragraph (1), must give a copy of the amending or revoking order to—

(a) the supervised person, and

(b) if the supervised person is receiving in-patient treatment or is residing in a hospital, the person in charge of that hospital.

PART 5

BREACH OF ORDER

13.—(1) This paragraph applies where—

(a) a supervision and assessment order is in force, and

(b) the supervising officer applies to the court that made the order for the order to be revoked under this paragraph.

(2) If—

(a) it is proved to the satisfaction of the court that the supervised person (“S”) has, without reasonable excuse, failed to comply with any of the requirements of the order, and

(b) it appears to the court to be in the interests of justice to do so,

the court may revoke the order and deal with S, for the matter in respect of which the order was made, in any manner in which the court could deal with S if a finding mentioned in section 205(1) had just been recorded by it in respect of that matter.

(3) In doing so, the court must take into account the extent to which S has complied with the requirements of the order.

(4) In proceedings under this paragraph any question as to whether S has failed to comply with the requirements of the order is to be determined by the court and not by the verdict of a jury.

(5) Where the court proposes to exercise its powers under this paragraph, it must summon S to appear before the court and, if S does not appear in answer to the summons, may issue a warrant for the arrest of S.

PART 6

SUPPLEMENTARY

POWER TO VARY PERIOD FOR WHICH SUPERVISION ELEMENT MAY BE MADE

14.—(1) The Department of Justice may make regulations substituting, for the period of 3 years mentioned in paragraph 3(1), such other period (exceeding 6 months) as may be specified in the regulations.

(2) Regulations under sub-paragraph (1) may make in paragraph 8(2) any amendment which the Department thinks necessary in consequence of the substitution made by the regulations.

TRANSITIONAL PROVISION RELATING TO THE ABOLITION OF PETTY SESSIONS DISTRICTS

15.—(1) Until the day on which section 1 of the Justice (Northern Ireland) Act 2015 comes into operation, this Schedule is to be read with the following modifications.

(2) If the supervising officer is a probation officer—

(a) the supervision and assessment order must specify the petty sessions district in which the supervised person resides or will reside, and

(b) the supervising officer must be a probation officer appointed for or assigned to that district.

(3) If the supervising officer is a social worker—

(a) paragraph 6(2)(b) does not apply, but

(b) the court must, as soon as practicable after making the order, give to the probation officer assigned to the court at least 1 copy of the order.

(4) After making an order, the court must send to the clerk of petty sessions for the petty sessions district in which the supervised person resides or will reside—

(a) a copy of the order; and

(b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that district in the exercise of its functions in relation to the order.

(5) The functions conferred by paragraphs 8 to 10 are to be exercised by a court for the petty sessions district in which the supervised person resides or will reside.

(6) In paragraph 9—

(a) in sub-paragraph (1)(a), the reference to supervision by a social worker includes supervision by a probation officer appointed for or assigned to a petty sessions district;

(b) the references to an HSC trust or to the area of such a trust include a petty sessions district.

(7) If the court amends a supervision and assessment order so as to substitute one petty session district for another, the court which amends the order must

send to the clerk of petty sessions for the new petty sessions district—

(a) at least 2 copies of the amending order; and
(b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that district in the exercise of its functions in relation to the order.

(8) The clerk of petty sessions for the new petty sessions district, when given copies under subparagraph (7), must give a copy of the amending order to the supervising officer.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New schedule agreed to.

Schedule 8 (Amendments of Mental Health Order)

Amendment No 471 made:

In page 211, line 17, leave out “affects any liability of the patient to be” and insert “prevents the patient from being”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 472 made:

In page 218, line 18, leave out paragraphs 50 and 51 and insert

“50. Omit Part 6 (functions of RQIA).

51. In Article 90 (registration of private hospitals) omit paragraph (1).

51A. Omit Articles 91 to 94 (provisions about registration and inspections).

51B. Omit Article 96 (offences under Part 7).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 473 made:

In page 219, line 9, leave out sub-paragraphs (3) and (4) and insert

“(3) In paragraph (2) for the words from “facilities” to the end substitute “facilities to the Review Tribunal as are necessary for it to exercise its functions under this Order.”.

(4) In paragraph (3) for “and RQIA as are necessary for them to exercise their” substitute “as are necessary for it to exercise its”.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 474 made:

In page 219, line 13, at end insert

“(4) After paragraph (3) insert—

‘(4) Nothing in this Article applies in relation to a person detained by virtue of the 2016 Act.’.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 475 made:

In page 219, line 23, leave out paragraph 61 and insert

“61. Omit Article 128 (pay, pensions etc of patients).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 476 made:

In page 219, line 27, at end insert“(b) for ‘a place of safety’ substitute ‘an appropriate place’.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 477 made:

In page 219, line 28, at end insert

“(4) In paragraph (5) for ‘a place of safety’ substitute ‘an appropriate place’.

(5) In paragraph (7)—

(a) for “place of safety” substitute “appropriate place”;

(b) omit ‘any police station.’.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 478 made:

In page 219, line 30, leave out “omit ‘or’ and insert “for ‘a place of safety or’.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 479 made:

In page 219, line 31, at end insert

“substitute ‘an appropriate place (as defined by Article 129(7))’.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 480 made:

In page 219, line 38, after “(3)” insert

“—

(a) for ‘a place of safety’ substitute ‘an appropriate place’;

(b) “. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 481 made:

In page 220, line 13, leave out paragraph 67.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Schedule 8, as amended, agreed to.

Schedule 9 (International protection of adults)

Amendment No 482 made:

In page 226, line 15, leave out “permission” and insert “leave”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Schedule 9, as amended, agreed to.

Schedule 10 (Consequential amendments)

Amendment No 483 made:

In page 228, line 17, at end insert

“A1. In section 116(1) (fees) after ‘Enforcement of Judgments Office’ insert ‘or the Public Guardian’.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 484 made:

In page 231, line 11, at end insert

“(4) In paragraph (4) at the end insert ‘(and ‘sentence’ includes a hospital direction under Part 10 of the Mental Capacity Act (Northern Ireland) 2016)’.

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15. In Article 140 (appeals against conviction, sentence etc) after paragraph (2) insert—

'(2ZA) In paragraph (1) 'sentence' also includes a hospital direction under Part 10 of the Mental Capacity Act (Northern Ireland) 2016.'— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Schedule 10, as amended, agreed to.

Schedule 11 (Repeals)

Amendment No 485 made:

In page 234, column 2, leave out lines 19 to 34 and insert

“

	Part 6. Article 90(1). Articles 91 to 94. Article 96.

”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 486 made:

In page 234, column 2, leave out line 41.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 487 made:

In page 235, column 2, leave out line 2 and insert

“

	Article 128. In Article 129— (a) paragraph (3); (b) in paragraph (7) the words 'any police station,'.
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”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 488 made:

In page 235, column 2, leave out lines 4 and 5.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 489 made:

In page 235, column 2, leave out lines 17 to 28.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Schedule 11, as amended, agreed to.

Long title agreed to.

Mr Principal Deputy Speaker: That concludes the Consideration Stage of the Mental Capacity Bill. The Bill stands referred to the Speaker. I ask Members to take their ease for a few minutes.

Private Members' Business

Assembly and Executive Reform (Assembly Opposition) Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I call Mr John McCallister to move the Further Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill.

Moved.—[Mr McCallister.]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments for debate. The debate will be on amendment Nos 4 to 28 and the three amendments to the long title, which deal with motions, schedules and the long title.

Members intending to speak should address all the amendments on which they wish to comment. Once the debate 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 2 (Formation of the Opposition)

Mr Principal Deputy Speaker: With amendment No 4, it will be convenient to debate amendment Nos 5 to 28 and the three amendments to the long title. The amendments deal with motions, schedules and the long title. Three motions, three schedules and three long titles are proposed.

Amendment No 6 is mutually exclusive with amendment Nos 25 and 28. Amendment Nos 11 and 13 are mutually exclusive. Amendment Nos 20 and 23 are mutually exclusive. Amendment Nos 14, 17, 20 and 21 are consequential to amendment No 11. Amendment No 22 is consequential to amendment No 12. Amendment Nos 15, 16, 23 and 24 to 28 are consequential to amendment No 13. Amendment Nos LT1, LT2 and LT3 are mutually exclusive to one another and consequential to decisions on amendment Nos 11 and 13.

I call Mr John McCallister to move amendment No 4 and to address the other amendments in the group. The three amendments to the long title shall be decided at the end.

Mr McCallister: I beg to move amendment No 4: In page 1, line 20, after subsection (3) insert

“; or whose members comprise 8% or more of the total number of members of the Assembly, and which does not contain a member who is a Minister.”— [Mr McCallister.]

The following amendments stood on the Marshalled List:

Amendment Nos 5 to 28, LT1, LT2 and LT3.

Given the length of the day that we have had, I will be as brief as possible, although I am always aware that, when people say that, they then go on and speak for an hour. In guiding the amendments in my name, I have been in constant consultation with other parties, reflecting not only on the Committee Stage and some of the changes suggested there but listening to the debate at Consideration Stage and the parties' views.

I turn to amendment No 4 and the issue of 8% forming the basis for an opposition. Debates at Committee Stage and Consideration Stage showed that we had to find a balance somewhere. Originally, I proposed 5% of the Assembly membership, and, in 'A Fresh Start', it was moved to the d'Hondt threshold. No one is ever quite sure what the d'Hondt level is, but it is probably around 11% or 12%, maybe even 13% with the changes to the number of Departments. I hope that we can find some agreement around the 8% level and that amendment No 4 will be made. It strikes the balance between having an opposition of a reasonable size and not setting the bar so high that you have to meet the d'Hondt level. Hopefully, the 8% level will find favour with Members.

Amendment Nos 5 and 19 are very technical in nature. They are about addressing any possibility of dealing with things like Royal Assent coming late and d'Hondt being run before we have fitted in the time. That allows time for the Assembly to change its Standing Orders to meet those needs if a party were opting to take up its role as opposition after the 5 May Assembly election. That simply gives us to 30 June 2016. Amendment No 19 means that the Bill becomes law the day after Royal Assent. It, again, is technical in nature.

9.00 pm

I will deal with my amendments first. I will link amendment Nos 10 and 18. On amendment No 18, in the Consideration Stage debate I felt that there was widespread support for how we, as an Assembly, should have a debate around an Executive's legislative timetable. I think that even the Speaker, in his writings and correspondence on the Bill, talked about how we could create some family-friendly hours. There are many Members with young families, and it is a question of how we deal with that and make this place more family-friendly and easier for people to balance work and family commitments. That is important. It also is an important dynamic to make sure that we do not end up in the situation that we had in the last two mandates with a rush of legislation in the last few weeks and months.

Amendment No 10 addresses an issue relating to private Members' Bills. Our colleagues in the Scottish Parliament designate a Bill Clerk and give total support for private Members' Bills. It has been hard for our Bill Office to manage to do that because it is dealing with so many things. It has been unfair on staff, and the amendment is simply a reflection of how we could best deal with that. Amendment No 18, which is on the legislative timetable, found broad support from the Assembly and is aimed at finding a way of writing it into the main body of the Bill. I think that that is to be encouraged.

Amendment No 11 came about from reflecting on the Committee Stage and the Consideration Stage of the Bill. It was very much about asking how we find a mechanism to start the process of political maturation here. What are the items on which we could get broad agreement in the Assembly to say that we should at least start the process of moving from excepted to reserved matters? That is why amendment No 11 is important. It is set in with amendment No 20, which proposes a new schedule that would put in the time frame for agreeing the terms of a Programme for Government. There seems to be broad agreement amongst the parties that it is desirable that we have control

of that and that more responsibility is devolved as the Assembly continues its journey to maturity.

When I reflected on the Consideration Stage, I knew that we were not in a position to go as far as I would have liked with designations, petitions of concern or moving to weighted-majority voting. This proposal on the Programme for Government and amendment No 21 say that we should at least, at a future point, given cross-community support, have the ability and the power in the Assembly to decide how we or a future Assembly might elect its presiding officer or Speaker. That is all that this does; it does not set out how we would do it. You know from the original Bill what my views are on how that should be done, but that is not in these amendments. The amendments simply state that we should devolve those two powers to the Northern Ireland Assembly, with all the safeguards built in around cross-community support.

Amendment Nos 14 and 17 are technical amendments to tidy up the language in the Bill if amendment No 11 is made. Amendment No 11 gives you the mechanism to take those small but important steps on the road to maturity. It sends out a very important message to the public that we are starting on that road. We have just finished a lengthy debate on something that is crucial to many people. I wish to see the continuing process of how the Assembly matures and evolves over time reflected in the Bill through my amendment.

I now turn to amendments tabled by colleagues. The SDLP has proposed various amendments to the Bill and a new schedule on leaving the opposition and rejoining the Executive. I originally had a similar provision in the Bill, but my policy intent — I seek some clarification from Mr Attwood on this if he is speaking to it — was always that you would broadly make your decision at the start of a mandate: either you are in the Government or you are in the opposition. The reason I had written in a similar provision — it was not completely the same — was that, if you hit a crisis or needed to negotiate someone in, you could do that. Indeed, the reason I dropped it was that there is provision there to rerun d'Hondt. However, I am interested in and am not unsympathetic to that amendment.

On the SDLP's other amendments, amendment No 13 is mutually exclusive with my amendment No 11. I am not unsympathetic to the new schedule that it would create. Personally, I would certainly support moving back to the d'Hondt system for the election of the First Minister, the deputy First Minister and the Justice Minister, but it would be wrong of me not to point out to Members that we have a chance at getting agreement on amendment No 11 and at taking those small steps towards political maturity here. I very much welcome the engagement that I have had with Mr Attwood and his party colleagues on the Bill over recent weeks. I think that there is much merit in the new schedule, but I do not think that we will get support for it. I support, of course, his amendments on a motion to request a Programme for Government and on the function of Statutory Committees, which got some support in the last debate. However, I would probably pitch this around amendment Nos 11, 20 and 21, in saying that I think I can get enough support in the Assembly to take those steps towards that all-important political maturity.

I turn to the SDLP amendment on the establishment of a welfare reform and measures Committee. I am broadly supportive of a measure like that, although it would

probably have been better to do it before we gave some welfare powers back to Westminster. If it were to look at things like how we are spending the money or to hold to account how we might use the £585 million on welfare, it would be worth looking at that. Indeed, is that where we want to spend that money? Today, I got a response back from the Employment and Learning Minister in which he said that he effectively has no money to deliver an economic inactivity strategy. Those are the points that a Committee like that could certainly look at, so I am not unsympathetic to that amendment.

On the UUP amendments, I just worry that amendment Nos 7 and 8 are slightly contradictory. If one party formed the opposition, taking out the provision for a deputy leader of a non-Executive group could limit you in what is written into Standing Orders on a future occasion. However, I am very supportive of adding, through amendment No 8, "oral questions and statements". That is important.

Mr Kennedy: I am grateful to the Member for giving way. He seems to have an unhealthy fixation with the term "deputy leader". Given the difficult experience he had in both the posts that he held in different political parties, I wonder at the wisdom. We are not particularly stuck on titles, particularly "deputy leader". I have been deputy leader too.

Mr McCallister: I am grateful. I replaced the honourable Member as deputy leader of that party at that time, and I will not go into which of us performed the role better. I know that he certainly got to perform it for longer.

I accept his point that he is not fixated on titles: I simply make the point that, if the leader were not available, it might somehow limit things further down, or you would be depending on Standing Orders making more provision. I would simply say that, if it is in the Bill and your party was the party in opposition, you would not have to use the title but might be glad of having the position at the point when it comes to asking questions of the First Minister and deputy First Minister. That is the point. I support your amendment No 8; it is a sensible amendment.

I turn to the amendments in the names of Steven Agnew and Claire Sugden. Amendment No 12 is a stand-alone amendment and would effectively create a second schedule to the Bill. There are important issues, and I know that Mr Agnew and Ms Sugden have spoken before about what Assembly processes there are for holding Ministers to account or keeping within the ministerial code. They are good, sensible amendments that we should look favourably on.

Mr Ross: I thank the Member for giving way. Does he not think that there may be some confusion around that amendment, given that there is a distinction between the ministerial code and the ministerial code of conduct? The ministerial code is directly from the Northern Ireland Act 1998 and the Northern Ireland (St Andrews Agreement) Act 2006. Therefore, it is entirely appropriate that the courts would be the ultimate decision-maker regarding whether the code has been broken. The code of conduct for Ministers is something quite separate and contained within the ministerial code. That may be able to be decided in the Assembly or some other structure, but does he not see that there is a shortcoming in the way that the amendment has been drafted in that there is no distinction made between the two?

Mr McCallister: I am grateful to the Member for those points. It is up to those who tabled the amendments to speak more fully to them, but the general frustration in the Assembly is how we hold Ministers to account when things go wrong? We usually end up with a vote that breaks down into a petition of concern, which does not seem to get us anywhere. Sanction has been passed on very few Ministers. I suspect that some of that frustration is probably coming out in the amendments.

In conclusion, I hope that the amendments standing in my name find favour with the Assembly as I have tried to speak to every party on many occasions on this and have worked with them. If my amendments, including amendment No 11, are made, I will propose to move amendment LT1, which is the amendment to put the long title back in, with the transfer of responsibilities motion. I urge Members to support the amendments standing in my name because we have a chance to shape the Bill, move in the direction of political maturity for the greater good and improve the delivery and accountability of the Assembly and Executive.

9.15 pm

Mr Sheehan (The Deputy Chairperson of the Assembly and Executive Review Committee): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The amendments under consideration cover a range of issues, some of which were not considered by the Committee. I should point out that the Committee did not have sight of or consider the amendments tabled at Further Consideration Stage and, therefore, does not have a Committee position on them. I will confine my remarks to the amendments that deal with issues that the Committee considered during Committee Stage.

With regard to amendment No 4, the Committee had considered the Bill sponsor's previous amendment to the criteria for a qualifying party, which set a threshold of 5%, as opposed to the 8% proposed by him today. The Committee divided and agreed that it did not support it. In its deliberations on the matter, the Committee had before it the evidence of Professor John Coakley, who reminded the Committee of the need to be mindful of changes in the electoral support base for political parties with the proposed reduction in the number of MLAs from 2021.

Although the Committee did not have sight of amendment No 6 prior to formal clause-by-clause scrutiny, it considered the issue of Members leaving the opposition and joining the Executive, as provided for in that amendment. The amendment, which has been tabled by the SDLP, allows for Standing Orders to provide that a Member or Members, having previously declined ministerial office, could leave the opposition and join the Executive. Paragraph 12 of the schedule to the Bill as introduced had a similar provision for Members to leave the opposition and join the Executive. During Committee Stage, the Bill sponsor advised members that he would oppose that provision at Consideration Stage, and the Committee unanimously agreed that it was content for him to do so.

Amendment No 7, which has been tabled by the Ulster Unionist Party, removes the requirement for the nomination of a deputy leader of the non-Executive party when the opposition is formed by one qualifying party only. The Committee considered the titles proposed for the leadership of the opposition in some detail during Committee Stage. The Committee heard that, in Scotland and Wales, there are no titles of leader of the opposition

or deputy leader; there is only the designation "leaders of parties not in government". The Committee divided and did not agree on the clause and the amendments relating to the titles of the leadership of the opposition.

Amendment No 22, which has been tabled by Steven Agnew and Claire Sugden, proposes a provision in the new schedule that provides for a procedure for the investigation of alleged breaches of the ministerial code. During its deliberations on paragraph 9 of the schedule to the Bill as introduced, the Committee considered a submission from Mr Steven Agnew that called for the introduction of a mechanism to investigate breaches of the ministerial code as proposed in amendment No 22 today. The Committee did not seek an amendment to the Bill to that effect. However, in a previous Committee report on the review of Parts III and IV of the NI Act 1998, Committee members agreed that, subject to Assembly approval, the Assembly and Executive Review Committee may return to consider section 28A of the 1998 Act relating to the ministerial code.

Finally, I wish to address the amendments relating to a new schedule and the long title. I remind Members that the Committee divided and agreed that it was not content with the schedule and the long title of the Bill as introduced. The Committee did not have sight of any of the amendments relating to the new schedule and the long title and, therefore, does not have a position on them.

Ms P Bradley: I do not intend to prolong the proceedings any longer than I have to. I will simply outline the clauses that we intend to support and those that we will oppose. At this hour on a Tuesday evening, I do not know whether I should thank Mr McCallister for listening to the concerns that have been voiced by Members and producing yet another set of amendments. I suppose that we can be thankful that we have only one group to speak to this evening. Mr McCallister got up earlier and said that he would not speak for very long. For some, that means an hour, but, for him, it did not mean very long. Many of us are now into our seventh hour today in the Chamber, so I thank him for that.

Mr Principal Deputy Speaker, I will begin with amendment No 4 to clause 2. In the previous debate we opposed the amendment that a qualifying party be made up of 5% of the total number of MLAs. In the revised amendment to clause 2 we are happy to support the Bill sponsor and his increase to 8%, and we are happy to support amendment No 5 to clause 3.

With reference to amendment No 6 — the new clause — I look forward to the explanation from the Member opposite in deciding whether we support it or not. We will also be happy to support amendment No 7 to clause 5, but we will not support amendment Nos 8, 9, and 10.

On the subject of the new clause in amendment No 9 — "Establishment of Welfare Reform and Measures Committee" — I understand the sentiments behind the new clause and, like many others in the Chamber, I share those concerns. I know that, when we had a lengthy debate about the Welfare Reform Bill, this came up several times, so I share the Members' concerns, although I will not support their amendment as I do not believe that this is necessarily the right place for it. However, I want to put it on record that I understand the sentiments behind it.

We will support the Bill's sponsor in inserting a new clause through amendment No 11 but will not support amendment Nos 12 or 13. In clause 12 we are minded to support

amendment No 14 as opposed to amendment No 15 and will oppose amendment No 16. Amendment Nos 17, 18, and 19 make small changes, and we are happy to support the Bill's sponsor on them. Turning to the schedule, we will support the Bill's sponsor on amendment Nos 20 and 21. At this stage, we will oppose the remainder of the amendments to the schedule — amendment Nos 22 to 28. Finally, we will support amendment LT1 to the long title.

Mr Attwood: I again acknowledge the immense contribution of both John McCallister and the Bill Office. In a frenzied end of mandate period, that office in particular has been very supportive of Members from all parties across the range of legislation, including this Bill.

I will commence my comments by addressing amendment No 6 and other SDLP amendments and will then, very quickly, address the amendments tabled by other parties.

(Mr Speaker in the Chair)

We have proposed a welfare reform and measures Committee. I note that Ms Bradley said that she supported the sentiment but did not, from what I can conclude, support the method. Taking a step back from the wider politics around this issue and this place, I would like to advance a number of reasons why this is the time and place to introduce this mechanism. The first is that, if the history of the last two or three years demonstrates anything, it proves that we should try to build better mechanisms into the architecture of devolution so that we can better manage the welfare issue. The history of the past two or three years and the contention and turbulence around welfare suggest to us that the more we try to manage it, the better it is for the authority of devolution.

The second reason is that, at times, I wonder whether there is a full appreciation of the scale of what is happening in welfare reform, arising from the passage of the Northern Ireland (Welfare Reform) Act 2015 in Westminster before Christmas and the forthcoming passing of the Welfare Reform and Work Bill, which is going through Westminster and is the consequence of the legislative consent motion (LCM) passed in November in this place. Sometimes I wonder if the full scale of that is appreciated and how it will work through in the lives of the citizens and communities of this part of Ireland. A welfare reform and measures Committee would enable the Assembly, in recognition of the scale of what is happening and what is to come, to have an institutional mechanism to monitor and look at all of that.

I will not have the opportunity tonight to read into the record all that I intended to, but the SDLP leader will lodge a commentary in the Library on the scale of what the Assembly agreed in November by way of the LCM and what it will mean for people in Northern Ireland, the highlight of which is benefit freezes for four years. That is what we gave London the power to do. There will be benefit freezes for four years in jobseekers' allowance, employment and support allowance (ESA), income support, child benefit, applicable amounts of housing benefit and so on and so forth. The Work and Pensions Minister will have unilateral powers, when national circumstances require him to do so, to vary the benefits rate. There are enormous changes for people on work-related ESA and major cuts to their entitlements. Support for mortgage interest will now be treated as a loan. Those

are the powers that the Assembly gave to London through the LCM.

We owe it to our citizens that, given what London is doing and what London is going to impose, we in this place have an institutional mechanism to try to manage, monitor and mitigate all of that. We are now in the surprising position where it was Members of the House of Lords last week who voted down the London welfare proposals to reduce people's entitlement to ESA by £30 a week. We are relying on London to make the argument that the Assembly should have been making in terms of its own authority. Is there not a responsibility to our citizens and communities to manage all of that?

The reason why I say that it seems to me that some people do not understand this or pretend not to understand it is the comments that were made by two Ministers. On 7 December 2015, the deputy First Minister said that the vote on the LCM that took place in the House:

"was to deal with what I regarded as a technicality".

He added:

"I regard it as a technicality that saved us £40 million." — [Official Report (Hansard), Bound Volume 110, p76, col 2].

It is not a technicality to hand powers to London that see benefit freezes for four years. It is not a technicality to hand to London unilateral power to reduce the benefit cap when national circumstances, as London deem them to be, prevail. It is not a technicality that the House of Lords last week voted down the ESA proposals that form part of the Welfare Reform and Work Bill. Similarly, on 24 January, Mr O'Dowd said that London was:

"passing a piece of legislation which has more to do with timing than it has to do with policy."

What has freezing benefits for four years got to do with timing? It is all about hitting in the pocket people in Northern Ireland who will have, unlike in the couple of years since 2011, no uprating of their benefit.

There is a change coming, and there will be real timeline impacts as a result of what London is proposing in that people here will have to live with the consequences of the LCM for four years. For those three reasons, the SDLP again makes the argument that we should have a welfare reform and measures Committee.

Ms Bradley rightly pointed out that, this time last year, we made this proposal. When we made the proposal, this is what the then leader of the DUP and First Minister said:

"I say to the Member ... that I have no difficulty in supporting that kind of Committee, though it is not a matter for this legislation." — [Official Report (Hansard), Bound Volume 101, p429, col 1].

He added:

"You do not [have to] set up an Assembly Committee through DSD legislation. I have no difficulty in having continual monitoring and observation of how the welfare ... proposals are working out, and that will inform any future decisions that we have to take." [Official Report Vol101, No8, p48, col 1].

9.30 pm

A lot of water has passed under the bridge since that time, and I would argue that, given the nature of this issue, the surrender of welfare responsibility to London with the LCM in November and the severe impacts in real time and much more than a technicality that the current Bill in London will have upon our citizens, then people should think again about building into the institutions of this Assembly a mechanism that can, as the amendment suggests, keep under review the 2015 Act; keep under review the Bill that is going through the Chambers in Westminster at the moment; monitor the implementation of both; and consider all consequential welfare measures and absence of mitigation. We owe it to our citizens to build that into the architecture and, through that mechanism, come up with proposals that, through a motion in this Chamber, we put to London to try to mitigate their future thinking, not least when it comes to those matters that have not been devolved and are the responsibility of HMRC.

I say to the DUP in particular, have the circumstances not sufficiently changed in the last year for the DUP to take the natural conclusion of what Mr Robinson said a year ago and agree to establish a Committee here to influence what happens over the coming months and into the next mandate?

I now move to paragraph 3 in the schedule, which is a very simple proposal to revert to the process that governed the election of the First Minister and deputy First Minister further to the Northern Ireland Act 1998 and the Good Friday Agreement. That required of the Assembly a procedure to elect, in this Chamber, the First Minister and deputy First Minister by a majority of Unionists voting and Nationalists voting on a joint ticket. The reasons for that, at that time, were self-evident, and I do not intend to rehearse them.

We think that it is time now, nine years since that was undone at St Andrews and by the subsequent St Andrews Act, to revert back to the processes that were in place further to the agreement and the Northern Ireland Act, and to reverse from the process of the St Andrews negotiations and the St Andrews Act, whereby there was a process of nomination by envelope, rather than election under the rules of the Assembly prior to that time. I urge Members to consider whether this is not the time and place to return to that mechanism.

Similarly, amendment No 36, again reverts to the d'Hondt principle, laid down in section 18 of the Northern Ireland Act —

Mr Weir: Will the Member give way?

Mr Attwood: I will, yes.

Mr Weir: Just to confirm, unless I misheard the Member, he mentioned amendment No 36, but this only goes up to amendment No 28.

Mr Attwood: I stand corrected on that and correct the record, but the appropriate amendment, which the Member knows, even if I do not know its correct number —

Mr Agnew: No 26.

Mr Attwood: Amendment No 26. I thank the Member behind me. Amendment No 26 reintroduces the d'Hondt principle for the nomination of all other Ministers, per the provisions of the Northern Ireland Act and the Good Friday Agreement. On the bespoke arrangement that the SDLP opposed and that was introduced to the House further

to legislation in 2010 whereby the election of the Justice Minister was to be by a cross-community vote, we think that we are in a place and in a phase of politics where we should revert to the proposals that were in the Northern Ireland Act governing the nomination of all Ministers.

I will now touch on all the other amendments, including other amendments in the SDLP's name. In respect of amendment No 4, tabled by Mr McCallister, subject to what we hear in the debate, we are inclined to support it and amendment No 5 in relation to the timeline for the formation of an opposition. That is in the event that any opposition is formed because, whilst there may be a statutory provision further to the passage of this legislation for that to happen, there is no presumption that there will be an opposition. It may be that those parties entitled under democratic mandate and the d'Hondt principle to take up their entitlements in the Executive will do so. I am sure that that is the intention of all parties going into the election.

I will not speak on amendment No 6 because I do not intend to move it. We are against amendment No 7 in respect of the removal of the "Deputy Leader" reference. We support amendment Nos 8 and 10, both for the entitlements on the Floor of the opposition leader and deputy leader but, more crucially even than that, a review of the support for private Member's bills, as proposed by Mr Allister. This is a minimum amendment. It calls for a review on an occasional basis. It does no violence to anybody in the Chamber; in fact, it serves the interests of all parties and all private Members to have an occasional review about what support is necessary for private Members bringing forward a private Member's Bill. The character of devolution, in many instances, has been defined by the character and quality of private Member's Bills. I look behind me to people who have sponsored such legislation, and Northern Ireland is a better place because of it. Therefore, I ask Members to support that. I do not know the position of Sinn Féin on it. Ms Bradley said that she would oppose amendment Nos 8 and 10. Surely those amendments, especially amendment No 10, are a minimum intervention to serve the interests of everybody, including Ms Bradley, and I urge that the DUP to consider that further.

We listened closely to what the proposer of amendment No 11 said about the transfer of responsibilities. It brings me to make this point: the SDLP is minded to support the proposals tabled by Mr McCallister in respect of the change from excepted to reserved matters. We do that in a quite delicate way; we restrict it to the issue of the Programme for Government, even though that matter is already, in one way, addressed by the legislation that is about to be tabled in Westminster arising from A Fresh Start. We also do it in order to encourage a debate about the role and authority of the presiding officer or Speaker. We think that there is time and place to have a wider conversation about that issue and all the principles that were articulated in an earlier amendment from Mr McCallister in relation to the nomination of a Speaker and, thereafter, how a Speaker would conduct his affairs and whether the Speaker or presiding officer would stand for election in the future. On this occasion, we are minded to support amendment No 11 in order to test the waters.

We are not anxious about further powers being transferred to the Assembly or for mechanisms to be created whereby, in the fullness of time, the powers, role or character of devolution might be enhanced. It might be useful to test

the waters in a moderate way through the amendments proposed by Mr McCallister, both on the presiding officer and in respect of the issue of the PFG.

We listened closely to what Mr Agnew and his colleague had to say in relation to his schedule about breaches of the ministerial code, because, let us be frank, this Chamber has not covered itself in glory when it comes to claimed breaches of the ministerial code. Without going into detail, Ministers have escaped proper remedy, censure or intervention by the Assembly because people have not thought independently and objectively about the failure of Ministers to live up to the ministerial code. We listened closely to what has been said in that regard.

Finally, I ask Members to support amendment No 13, tabled by the SDLP. As the Deputy Speaker indicated, amendment Nos 11 and 13 are mutually exclusive. Members can, therefore, pass amendment No 11 and amendment No 13. By doing so, they can create further mechanisms for motions to come forward to the Chamber in relation to those matters identified in the schedule. I encourage Members to support that mechanism for bringing about further reform of the Assembly in future.

Mr Kennedy: The day is far spent, and some are far from home. I welcome the opportunity to speak on the Bill at Further Consideration Stage. It is always a pleasure to follow Mr Attwood. Neither I nor my party always agree with what he says, but at least he makes a contribution to the House in a very thought-provoking way, as he has tonight.

There were a huge number of amendments at the previous stage, and there are quite a few at this stage that, if made, will, once again, totally change the shape of the Bill from what we saw when it was introduced. Clearly, the sponsor of the Bill is keen to salvage whatever he can in the circumstances that he finds himself in.

My party's support for the establishment of an opposition in this House has long been on the record. It is the norm in pretty much every democracy, yet we are still waiting patiently to see those structures put in place in this House. We have seen the disengagement between this House and the public outside these walls. Offering them an alternative, or the chance to change their Government, could be a transformational way of reengaging the wider population and the electorate. There also needs to be better governance and increased delivery. We are seeing other measures, including a reduction in the number of Departments and MLAs, which, hopefully, will lead to improved governance in Northern Ireland. I am also hopeful that a number of the amendments tabled today that I will touch on will help to address public apathy towards this House.

I will now look specifically at some of the amendments, beginning with amendment No 4 on qualifying parties. We thought through who should be eligible for the rights and entitlements that will come with forming an opposition, as well as the differentials between parties that are in opposition to Government and parties that are not in the Government. In this amendment, the threshold has been heightened since the previous stage, but it still seems, broadly, a pragmatic approach that recognises that the institutions should evolve. It provides better future-proofing mechanisms than if the threshold were at the other end of the scale and parties were excluded at the point that they no longer qualified for a Ministry. It gives more space for

any future size or shape of the Assembly. It should also encourage a more dynamic democracy in this House.

9.45 pm

We have seen the lack of delivery since 2007. We have seen the relationship between the larger, more dominant parties in the Executive and the smaller ones. Indeed, we have seen Executive parties voting against the Budget, the Programme for Government and other issues. Rather than continuing to see, effectively, an opposition within the Government, hopefully we can create a robust enough space for those parties that decide that they do not wish to be part of the Government, for one reason or another, to provide an effective opposition voice.

Amendment Nos 5 and 19 are on the timing of the Bill's coming into effect. We can support those proposals to prevent a situation where parties still cannot form an official opposition following successful passage of the Bill. I do not think that, after all this time, we want to come back after the election and have parties unable to form an official opposition.

Amendment Nos 7 and 8, tabled by my party, are the removal of the need for deputy leader and opposition leader questioning rights. The first is to tidy up something on which I had an exchange earlier with Mr McCallister, who loves terms like deputy leader. We have always felt that any titles within the opposition should be informal. Deputy leader seems to be a party position. We are not convinced of the need to have that formal position within the opposition, especially given that, in this scenario, it would be formed by just one party.

On amendment No 8, it is vital that any opposition has adequate opportunity to question, scrutinise and debate in the House. This amendment is an attempt to broaden out the opportunities for the leaders of parties making up opposition to question the First Minister and deputy First Minister. It seems right that they should take up the first two questions in response to questions for oral answer and statements — alongside topical questions, as is already outlined in the Bill. There is not a great deal of detail on what enhancements the opposition will receive to their contributions in the House. This is a fairly modest adjustment and is compatible with what should be the natural order of things in a Government and opposition model of democracy.

We support the amendments tabled in the names of Ms Sugden and Mr Agnew on alleged breaches of the ministerial code. The current situation, where we have a process for independent investigation and reporting for MLAs but not for Ministers, is in many ways ridiculous and unsustainable. To continue to fail to take action on this will only serve to undermine public confidence in this House.

Mr Ross: I thank the Member for giving way. Of course, the MLA code of conduct is not a legal requirement, whereas the ministerial code is. That is where the distinction has to be made. I made the point to Mr McCallister earlier that, whilst the ministerial code of conduct may have some sort of mechanism for investigation within the Assembly or by an independent commissioner, surely the ministerial code, as a legal requirement, has to be settled ultimately in the courts.

Mr Kennedy: I am grateful to the member for his intervention. The improvement that is outlined in this

amendment will at least satisfy some of the public concerns about Executive Ministers being at loggerheads or capable of going on solo runs. It is outrageous that we do not have a process of independent investigation of any alleged breaches of the ministerial code.

Mr Ross: Will the Member give way?

Mr Kennedy: Yes.

Mr Ross: I really hate to labour the point but, of course, we do have an independent arbiter of the ministerial code. Two Ministers have been sanctioned in the courts around breaching the ministerial code. It is misleading to say that there is no mechanism there. That mechanism may be far from perfect and members of the public may be frustrated with it, but we have to acknowledge that there is an independent mechanism there to ensure that the ministerial code is enforced.

Mr Kennedy: I am grateful to the member for giving that information.

My memory of Ministers taking each other to court was that it was fairly unedifying for the Assembly and Executive generally and for local politics.

As indicated at Consideration Stage, we are happy to support amendment No 18, which concerns the legislative timetable. There has to be a better way of passing legislation through the House than the tidal wave that we have seen arriving in the latter part of this mandate. There has been a rush to the gate. This late sitting, other late sittings in recent days and predicted late sittings are part of that. Putting an onus on the Executive to lay a legislative timetable can provide a better and steadier flow of legislation through the House, allowing more time for scrutiny and proper debate.

Amendment No 23 has been referred to, particularly by Mr Attwood and less so by others. It concerns the joint election of FM and dFM. In moving away from the joint election by cross-community vote that was put in place in 1998, we have seen the compounding of sectarian headcounts at Assembly elections. Since the changes made at St Andrews, we have seen the DUP and Sinn Féin using it, during elections in particular, to go to the doors either scaremongering about the possibility of a member of Sinn Féin taking up the role of First Minister or to rally people behind the cause of beating unionism to the post.

Dr Farry: Will the Member give way?

Mr Kennedy: Yes.

Dr Farry: I appreciate the sentiments of the Member, and I probably concur with him on the amendment. However, is it not a little strange to make those comments in light of what happened during the general election in a number of constituencies, including his constituency of Newry and Armagh, as well as East Belfast and Fermanagh and South Tyrone?

Mr Kennedy: I am grateful to the Member for his intervention. It is clear that the Alliance Party is still sore at having lost East Belfast to the agreed unionist candidate on that occasion. Sour grapes do not contribute meaningfully to the debate.

We should return to joint election and, indeed, a shared future, if it is to mean anything. The largest parties agreed a shared future strategy on their own. I do not think that

any of the other parties signed up to that. If it is to be truly shared and not simply shared out, there should be a joint election. OFMDFM and its future reincarnation — the Executive Office — will have to be inhabited by a unionist party and a nationalist party. A joint election, with a majority of unionists and a majority of nationalists voting in it, would best reflect that.

The debate will not be that lengthy, but the votes and the consequence of those votes will be more telling in how the Bill emerges at Final Stage. That outcome is one that we look to with great interest.

Mr Lunn: I join others in congratulating John McCallister on his perseverance, fortitude and patience. He has managed to get the Bill through to this stage. Bits have fallen off it at every stage, but it is still a worthwhile Bill. There is useful stuff in it for us to pass tonight, so I hope that we will pass most of it.

So far, Sinn Féin has been very reticent about what it is going to do about the Bill. Mr Sheehan spoke as Deputy Chair of the Committee and reiterated some of the Committee decisions. I think that, at the last stage, Sinn Féin voted against everything, so, unless another Sinn Féin Member speaks, we will have to wait and see what way that party will vote.

Mr Kennedy made the point about the gradual transformation of this place. I agree with him that it is slow, but at least it is sure. We will have fewer MLAs and fewer Departments, and, if things go according to plan, either through this Bill or through 'A Fresh Start', we will eventually have some sort of opposition, which cannot be a bad thing.

I will go through the amendments, but I will not spend very much time on them. We agree with amendment No 4. The figure of 8% is a good compromise between what was originally proposed and what was threatened, and it is a useful addition to clause 2 as another option. It follows from amendment No 5 that there will be time for the qualifying parties to get their act together.

I would have had plenty to say about amendment No 6, except that Mr Attwood has said that he will not move it. That is a relief, because I certainly could not have voted for it.

Amendment No 7 in the name of Mr Kennedy and Mr Swann leaves out the paragraph that refers to the need for a deputy leader of the main opposition party. I would have thought that the main opposition party would have a deputy leader to start with, unless it happened to be NI21. *[Laughter.]* We are not going to object to that part of clause 5; it is not one of the most important features of what is left of the Bill.

We agree with amendment No 8 totally. Inserting "oral questions and statements" is a useful addition to the good workings of the Assembly.

I listened carefully to what Mr Attwood said about amendment No 9. He ranged far and wide on the reasons why we needed a Committee like the one proposed in the amendment, and he is clearly very sore about having to rely on London for some decisions. He talked about the scale of change and the breadth and effect of welfare reform, and I tend to agree with him about the new clause; it would be a good addition to our structure. I cannot help thinking that it would mostly discuss human rights and equality. I remember the Ad Hoc Committee talking about that before the Bill was passed. I have said it many times,

and I will say it again: in Westminster, they have a Standing Committee that looks at these issues across the board. Maybe we will get to that some day, but this would be a good start on a very important subject.

I am surprised that the DUP has indicated that it might vote against amendment No 10, because, frankly, I cannot imagine an argument against something that would provide support for the development of private Members' Bills at least once every three years. We have seen the difficulties that Members have had in trying to force private Members' Bills through the House. Those difficulties are not entirely due to the House not agreeing with them; it is a big job. Somebody mentioned that, in Scotland, a Bill officer is designated to deal with a private Member's Bill. Some of the private Members' Bills that have been proposed here have been at least as valuable as some of the government Bills.

Dr Farry: More.

Mr Lunn: Perhaps more, as somebody has whispered to me. The amendment has value.

Amendment No 11 inserts a new clause for the Executive's transfer of responsibilities motion. Maybe I misunderstood Mr Attwood, but it is mutually exclusive with amendment No 13, so it is interesting that the SDLP will support amendment No 11. It would have gone to the vote anyway. If amendment No 11 does not pass, we will support amendment No 13, because they are not vastly different. By the sounds of it, amendment No 11 will be the one to pass.

Amendment No 12 is on breaches of the ministerial code. I will not repeat what others have said about breaches of the ministerial code, but it is certainly something that needs tidied up. I am not satisfied that recourse to the courts of the land is the way to settle disputes between Ministers in the same Executive or Government. Perhaps we need amendment No 12, and we will certainly vote for it.

10.00 pm

As for amendment No 13, let us see where we go with amendment No 11. I do not think that we need to dwell on amendment Nos 14, 15, 16 and 17 because they are consequential. Amendment No 18 proposes:

"an annual debate on the Executive legislative timetable".

What a good idea, Mr Speaker; let us go for it. That would be a step forward. Amendment No 19 proposes to:

"Leave out 'one month after the day' and insert 'the day after'"

— Royal Assent. I imagine that that is the norm. I have never studied the subject but I thought that a Bill would come into effect on the day after Royal Assent. However, I am still learning here.

I move now to the schedules, or what I might call the wish list. There is not much in the schedules that I disagree with. On the issue of reserved rather than excepted matters, I must confess that I had to look up what that meant. I understand now that, if a matter is reserved, and if Westminster agrees, it may be passed to the Assembly to deal with, whereas if it is an excepted matter, Westminster has to deal with it. If we are maturing as an Assembly, surely we can manage those matters ourselves.

I am absolutely on board with the bit on the ministerial code. Amendment No 23 relates to the election of the First Minister and deputy First Minister. We agree with the SDLP and the Ulster Unionists on that. Amendment No 23 proposes that the Assembly shall elect the First Minister and deputy First Minister or joint First Ministers:

“with the support of a majority of the designated Nationalists voting,”

— it is a pity that we have designations, but there we are —

“a majority of the designated Unionists voting and a majority of Assembly members voting.”

That might give us some clout in the matter. Amendment No 24 proposes that political parties be required to establish a Programme for Government no later than two weeks after an Assembly election. That was discussed at Consideration Stage. It could be two, three or four weeks. I think that it started off at four weeks, and now it is two, or else the other way round. Two weeks is probably sufficient.

I do not know whether Mr Attwood will move amendment No 25. He is indicating that he will not, so I will not berate him about it.

Amendment No 26 proposes that all Ministers be nominated under the d'Hondt system. Let me put it this way: frankly, I doubt that Sinn Féin or the DUP will wear that one, so it is probably not going to have legs. It is purely symbolic; it is in the wish list of things that we might ask Westminster to rule on. I do not think that, in the present circumstances, it will pass tonight. At the minute, it is entirely up to the Assembly who gets the Justice Ministry, and I fancy that it will stay that way.

Amendment No 27 relates to the function of Committees to scrutinise Ministers, propose legislation and so on. I have no problem with that whatsoever. You can word it whatever way you want, but Committees will continue to scrutinise, criticise, support and propose legislation, as they always have.

I think that is about it, Mr Speaker. We instinctively support Mr McCallister's Amendment No LT1 as the long title to go for. We will see what way the votes go, Mr Speaker, but that is all that I have to say.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. I do not want to delay the House tonight because we laid out our stall to John McCallister and the House at Consideration Stage, when we stated that we believed that the need and demand for opposition had been realised and satisfied in the Fresh Start Agreement. That remains our position. There is nothing in any of these amendments that changes that opinion. It remains our belief that the content of the amendments could be steered through by convention or by amending Standing Orders, or a combination of both. Sinn Féin will be registering its opposition to all the amendments.

Mr Agnew: I will not speak to all the amendments. Rather, I will focus on amendment Nos 12 and 22 on the ministerial code; amendment No 26 on the appointment of Ministers; and amendment No 24 on agreeing a Programme for Government.

It was necessary to table amendment Nos 12 and 22 in my name and that of Ms Claire Sugden to correct an anomaly that has existed for as long as these institutions have been up and running: MLAs are held to a ministerial code that

is independently investigated when breaches are alleged, with published reports and full transparency around that process, but complaints against Ministers cannot be investigated in such a way. There is no transparency. Indeed, there is not even a procedure for dealing with complaints other than to appeal to the particular party leader to rein in that Minister. Unfortunately, in Northern Ireland, that has not taken place: no Minister has been disciplined by their party leader, and neither the ministerial code nor the code of conduct has been upheld.

At previous stages of the Bill and in other debates, I have talked about how we need to move beyond the institutions simply surviving to their producing good governance. This is another opportunity to show that we are serious about that, but I fear that it will be wasted.

Mr Ross: Will the Member give way?

Mr Agnew: I will. I suspect that I know the point.

Mr Ross: I will take you up on the other point. You heard the points that I made earlier, and I am sure that you will want to respond on the definitions of and distinctions between the two codes. I know that, in the past, the Member has been quite critical about how the investigation of the MLAs' code of conduct works and said that he is not entirely satisfied with that process. I wonder what process he suggests. In amendment No 22, it is not entirely clear who would do the investigation and whether it would be any different from the investigation of MLAs' conduct. How would it be an improvement on the current system for investigating MLAs, of which he has been quite critical in the past?

Mr Agnew: I thank the Member for his intervention, but I am somewhat confused by it. The only thing that I have been critical of is the scope of the code of conduct, in that it applies to MLAs only in their role as an MLA. It is quite strictly defined. An all too common defence is, "Well, even though I was in the Building and in my MLA office, I was at a party meeting and not acting as an MLA." That seems to be a reasonable defence to make a breach inadmissible, and I have criticised that. The scope should extend to all political acts. It is reasonable to assume that an MLA is being an MLA when he attends a political rally or party meeting. It is reasonable that the public expect MLAs to adhere to the code of conduct. The process itself is one that I support. I will give way to the Member if I have said anything different in the past, but that has been my only criticism. I made those points during the Committee's review of the code of conduct and was voted down by other parties. I accept that and move on.

The process that I envisage is similar. The Member is right that the detail is not in the amendment, nor is it intended to be there or in much of what is proposed in the schedules. It is about agreeing principles, and the principle that I ask the Assembly to agree today is that Ministers should be held to a code of conduct. The Member makes the distinction between the ministerial code and the code of conduct. Of course, the code of conduct is contained within the ministerial code. If the Member feels so compelled, and if there were a genuine will by the party opposite to correct that anomaly and open the code of conduct to full public scrutiny and a complaints procedure, we could agree the amendment because it is simply a compulsion on AERC to table an Assembly motion. The amendment does not give the detail; it agrees a principle and allows some flexibility.

If the Member is saying that he is agreed in principle to an independent investigation of the code of conduct, articulates that and votes on that basis, AERC, in acting on this, can look not just at the content of the amendment but at the content of the debate.

Mr Ross: I appreciate the Member giving way. My point is that there is an independent mechanism for the ministerial code, which is a legal requirement, and that is, appropriately, in the courts. The House deserves a little more information in that we are beyond debating the principles of the Bill, which is Second Stage, and are now looking for detail. If you are asking somebody to support an amendment, it is appropriate that we ask for the detail of how you think it will work in practical terms. The Member's amendments are lacking in that regard. The House is due the courtesy of a little more information about how the mechanism would work in practice.

Mr Agnew: I thank the Member again. In this case, I would distinguish between legislation in the main body of the Bill and the mechanism that Mr McCallister has devised to get around issues that are not within the competence of the Assembly. There is a different nature to the schedules, and it is clear that the intent of the motion is about agreeing a principle. I am not making a point about Second Stage as opposed to Further Consideration Stage; it is about the Assembly stating its intent that it wants independent investigation. I accept the Member making a distinction with the code of conduct. If we were to agree that, the matter could be resolved to the Member's and my satisfaction if he were minded to support independent investigation of the code of conduct. I do not accept that legal recourse is sufficient. You should not have to have the means.

Ministers and the Assembly have been brought into disrepute. Ministers have been ill served, and the public have been ill served. When Arlene Foster was Minister of Enterprise, Trade and Investment, for example, it was alleged that she had breached the code by not declaring that her husband owned land in an area licensed for fracking. I was close to that one. The public were ill served because that was never independently investigated. She said that she had not breached the code, and we were expected to take her word for it. Equally, the Minister was ill served because she did not have the opportunity to have an independent investigator declare that she had made no breach. It was left up in the air, left undetermined and left to the court of public opinion and to trial by media. That ill serves Ministers, the public and these institutions in terms of respect as we go forward.

Whilst I respect the Member and the role that he played on the Standards and Privileges Committee — he was a very strong, fair and conscientious Chair — with all due respect, his argument is a smokescreen to hide the fact that the DUP and Sinn Féin have held the positions of First Minister and deputy First Minister since 2007. They have been the two largest parties, and there has been no desire or willingness to have their Ministers held up to the code of conduct, public scrutiny, transparency and independent investigation. That needs to be put right. As I say, it is part of the good governance of the Assembly and part of moving forward on good governance. I call on Members, including Members opposite, to support the amendment. I hope that they will accept my explanation. Sinn Féin has made its position clear on all the amendments, and I will come to that presently. I call on Members to support this

and to make Ministers subject to some accountability for how they conduct themselves.

10.15 pm

I move on to amendment No 26. I want to speak on the appointment of Ministers and about bringing the Minister of Justice into d'Hondt. I think that my first contribution to the Assembly was when we debated the appointment of the Justice Minister. I said then — I hold to it now — that the current mechanism for appointing a Justice Minister effectively propped up a sectarian system. That was the whole rationale in 2010 for separating the Justice Minister from the others. I have no loyalty to d'Hondt: if we want to debate how we appoint Ministers on the whole, that is fine, but making special provision for the Justice Minister was purely and simply about one thing. It was about saying, "We have to keep them uns out of Justice". I do not know whether that was the DUP saying, "We have to keep Sinn Féin out of Justice". The spectre of Gerry Kelly being Justice Minister was often brought up — not by me, Mr Kelly, but by others. It was deemed equally unacceptable that the DUP should hold the post of Justice Minister. That mechanism was created to continue the sectarian attitudes of keeping the other out. Surely these institutions, when they were created, were about moving on from that.

I find it ironic that it is Alliance that holds that position. That is not even to criticise, because, if we go back to 2010, we see that it was a case of it taking the position or there was the potential that the institutions would collapse. I do not say that as an attack; it is simply an observation that, in doing that, we give justification to the argument that we must keep "them uns" out. It is time to move on. We talk about moving on and normalisation, and treating the position of Justice Minister like any other Minister is another step in doing that. If a party is capable of holding the position of Minister of Education or of taking up the role of Finance Minister or of First Minister and deputy First Minister, I see no reason why we should make an exception for the Minister of Justice.

A lot has been said about the need to agree a Programme for Government before running d'Hondt. The one point I will reiterate is the need for collective responsibility in government in Northern Ireland. I have made that point time and time again. Unfortunately, Mr McCallister's proposal to make the Executive a single legal entity was rejected. However, that measure, along with this proposal, would have helped to move us towards good offering governance.

I turn to Sinn Féin's blanket opposition to all the amendments and the Bill at large. They say simply that 'A Fresh Start' was the agreement. I was not a party to 'A Fresh Start'. Although many Members' parties may have been involved, many were not themselves a party to 'A Fresh Start'. It is right that, in full transparency and in full public view, the Assembly should decide how we reform the institutions. I have often argued that, given that the institutions were created as a result of a referendum — a public vote — the public should have much more say. Saying that a behind-closed-doors deal with little public scrutiny of the negotiations or certainly little public view of them should be the template for a better way forward, rather than a free, fair, open and transparent vote on detail in the Assembly, I find bizarre. You should oppose the amendments and the legislation if you think that the detail

of them is the wrong way forward. That is fine, but saying that a deal done behind closed doors is a better way forward than one done through full, transparent and fair debate in the Assembly is regrettable.

Ms Sugden: I appreciate the opportunity to speak on amendment Nos 12 and 22, tabled by Mr Agnew and me.

The Member across the Floor is right to distinguish between the ministerial code and the ministerial code of conduct. The St Andrews Agreement allowed for a statutory ministerial code. After approval by the Northern Ireland Assembly, the ministerial code took effect on 8 May 2007. It is a full document. It includes a pledge of office, a ministerial code of conduct, several principles of public life and provision on the role of the Executive Committee, North/South Ministerial Council and the British-Irish Council.

Outside of the Executive, in nearly nine years since that code came into effect, there remains limited opportunity to investigate breaches of the ministerial code, due a lot, in my opinion, to the fact that there is an absence of an independent adviser or indeed any direct mechanism to deal with complaints about Ministers in respect of the code. I do take Mr Ross's point that, yes, it is a statutory document, so it is held to account in the court system, but I think that what we are saying here, and what our amendments allude to, is that that is not good enough. We do not think that it is a realistic opportunity for the general public, for example, to take Ministers to court through judicial review for costs and all the other complications with that. We have tabled an amendment that tries to make this Assembly, this Government and these institutions more accountable by making those accountability mechanisms more accessible to the general public.

I will touch on how the current procedure for holding Ministers to account works. It begins in the Executive Committee. Ministers can begin a process of judicial review against their Executive colleagues. However, if anything, I think that this process undermines the ministerial code that was envisaged in the St Andrews Agreement, because a lot of what the St Andrews Agreement attempted to do in respect of the code was to engender some sort of collective responsibility, whereas Ministers taking each other to court kind of flies in the face of that. I know that I am not alone in my scepticism of the Executive leadership being without prejudice to bring forward the appropriate sanctions on Ministers when necessary. I do not think that impartiality can ever be agreed when you are a member of the same party as the person against whom you are bringing these complaints. I genuinely think that only an independent investigation can underpin a fair and balanced outcome.

We are coming to the end of a mandate that has been characterised by accusations of corruption, self-interest, greed and general public apathy about these institutions. We accept that this amendment is not detailed. It was deliberately designed in that way so that we could allow the opportunity to take this in the direction of an Assembly that, hopefully, is building towards more accountable institutions. If it passes today, it will provide the people of Northern Ireland with a shred of confidence that we are not in this for ourselves. I think that that is quite important as we come to the end of this mandate.

Again, I reiterate that the current procedure is not good enough. For the reasons that I stated above, I think that

it is actually an affront to the ministerial code that the St Andrews Agreement fought for. It really does just pay lip service. If you cannot access the appropriate accountability mechanism in respect of a judicial review, it is not really accountable, and it is not accessible. I think that, through this amendment, this is what we are trying to improve.

Other parties have spoken out against the process. Sinn Féin's Alex Maskey, following the outcome of the Committee's inquiry into former Minister Nelson McCausland last year, spoke about the problems in holding people to account, so, while the Statutory Committee has a formal role in a legislature to scrutinise and to hold the appropriate Minister and Department to account, it cannot fulfil that role because we do not have a mechanism in place. It is quite worrying: what is the Northern Ireland Assembly's role if we cannot hold Ministers and their Departments to account? The SDLP also spoke out about it at that time, so, again, I am really just reflecting the general mood of the House.

Interestingly, as Mr Agnew said, after the Committee came out with its decision, the Minister's own party produced a minority report, which, not surprisingly, exonerated the Minister at the time. The example that I outlined in respect of Mr McCausland is a foregone conclusion because, essentially, we now have two arguably politically biased outcomes that now have to be sidestepped because there is nothing else for it. Potentially, a Minister has breached the ministerial code and got away with it, or, fair enough, he is innocent and people have doubts about it because it was his own party that acquitted him. Either way, it is not a satisfactory outcome, and it demonstrates that the ministerial code is not really worth the paper that it is written on unless it is determined by, maybe, an independent investigation or another appropriate sanction.

I reiterate that we have not gone into that sort of detail in these specific amendments, but that can be worked towards. As I say an awful lot about this place, sometimes people do not really care what you say, but they remember how you made them feel. Right now, people are not feeling good about this place. If we make this amendment tonight, maybe they will start to believe that it is not about us.

Beyond political grievances or frustrations with not having a proper mechanism in place, the Westminster Committee on Standards in Public Life criticised the accountability mechanisms in the Executive in 2009-2010. Our own Assembly Committee on Standards and Privileges stated in 2010 that we need to have a more robust process for holding Ministers to account. In this mandate alone, I understand that 10% of the 70 complaints against MLAs were about Ministers, and those were turned away because this was not the appropriate mechanism to deal with them. So we need to find something that holds us to account.

To conclude and sum up — and I am speaking only to this amendment — what we are proposing today will lead to a robust, independent mechanism. It is not about what we are tabling; it is about what we hope will eventually come out of that. We are actually having a conversation about what we need to do to get this place back to being about the people. Putting in some sort of sanction, or way of getting to a sanction, might actually deter corrupt Ministers who want to go about business in the wrong way, and that can only be a good thing. Again, I think that, if we work towards having independent analysis and investigations

of these types of complaints, that will generally make everybody feel quite comfortable with it.

Our amendment is not an attack on the shortcomings of individual Ministers, if any party in the House is thinking that that is the case. It aims to underpin the purpose of the ministerial code, which actually seeks to engender a sense of collective responsibility. Governance in the previous year has not been the best. Some aspects of our Government were a farce and an affront to the people of Northern Ireland. Whilst many reasons have been given for leaving the Executive, either definitely or indefinitely, a lot of our problems came from their inability to work together. Even now, I am not quite sure that they can work together, but you have to keep up appearances for an impending election. If the ministerial code had been in place last year, with the appropriate mechanisms to hold Ministers to account, maybe we would not have wasted those six months and not now be under pressure to pass all this legislation; it is a just thought. I think that we need to start moving to put the message out that the Assembly is not about individual MLAs but about the people of Northern Ireland.

Mr McCallister: I will go through the contributions very briefly. I am grateful to Mr Sheehan who, in his role as Deputy Chair of the Committee, went through the amendments. I am grateful to him, his colleagues on the Committee and the Committee staff for all their engagement. Having served on the Assembly and Executive Review Committee, I know that it is not used to having a glut of legislation or lengthy meetings, so I am grateful for the work that it put in. I think it made a huge contribution to shaping the Bill and some of the thought processes on it.

I welcome Ms Bradley's comments in supporting many of my amendments, including amendment No 4 on the 8%, some of the ones on timing and amendment No 11, which proposes a clause to give rise to the motion. If I heard her correctly, I think she said that she supports amendment No 20, which proposes a new schedule, and amendment No 21, and I am grateful for that.

Mr Attwood has a huge interest in the welfare reform agenda and the impact that it will have on the vulnerable and those most dependent on it, not only in his constituency but across Northern Ireland. He spoke about the mechanisms for monitoring some of the mitigation measures. Are they targeted? Are they getting to where they need to go? I think that this adds value and is an important part of it.

10.30 pm

Mr Attwood and Mr Lunn mentioned the amendment on private Member's Bills. One of the issues that came out at Committee Stage was that, although it is important to create rights for an opposition, we must not forget about the rights of Back-Benchers, be they opposition Members or Government Back-Benchers. That was the motivation behind the amendment on support for all Back-Benchers involved in bringing private Member's Bills. Even those Back-Benchers who bring private Member's Bills that are not successful very often push the Government in the direction they might have been going close to, and they are given the motivation to move on and do something. I see Mr McKay in the House. He helped to move the Minister of Finance and Personnel and his Department to look at the rating of sports clubs. That was a useful intervention. How

we support that work, with Bill Clerks, Assembly officials and funding, is also important. I remind Members that it is not just opposition Members, as the Committee Stage reminded us, it is Back-Benchers from across the House.

I think that the key phrase for me in Mr Kennedy's contribution was the disengagement between this House and the public. That is something that we have to recognise, and it is at the very core of what I have broadly set out in the Bill. It is about how we re-energise the Assembly. How do we get it back to being very much focused on policy, delivery and, as Mr Agnew pointed out, good governance? How do you address the historical divisions and build in good governance around these issues?

Mr Kennedy welcomed the legislative timetable. There seemed to be broad support for it, including from Mr Lunn, who was also supportive of the private Member's Bill amendment. Ms Catriona Ruane reiterated Sinn Féin's position. While others might be critical, at least it has been consistent on it, and I am grateful for its engagement in the earlier part of this process.

Mr Agnew talked about good governance and the code of conduct and how sanctions can be so easily avoided if you are outside the scope of that code or are not deemed to have been acting as an MLA. All those things are important issues that the Assembly will have to face up to at some point in the future.

At least there is broad consensus now that we need to get to the point of agreeing a Programme for Government. I would like to have seen more around collective responsibility and legal entity, but his key point was that this is the venue, this is the place, this is the Chamber that should do the reform of our Assembly and Executive. I think that is key. That is what is set out in amendment No 11 to the schedule about that maturity that other colleagues have talked about. I think it is right and proper that it is based on legislation here and is open and debated through all the stages and all the votes that have taken place.

Ms Sugden made some good points around the ministerial code. She said that there is limited opportunity to investigate breaches. It can be unfair to Ministers who may be the subject of unfair and unfounded allegations that there is not some way of independently and robustly investigating that. That does not serve anyone well. She made the point that we need and hope that this will lead to a robust and independent mechanism for investigations to be dealt with impartially, fairly and in a way that can give confidence to those under investigation, but, most of all, give confidence to the public and to the people whom we seek to serve.

I am grateful for Members' support for a range of amendments. I will continue, right up to the very last, to urge you to support as many of the amendments that stand in my name as possible and, indeed, those amendments that I have spoken in favour of that stand in the name of colleagues.

Some Members: Hear, hear.

Amendment No 4 agreed to.

Clause 3 (Timing of formation of the Opposition)

Amendment No 5 made:

In page 2, line 4, at end insert“(d) the Opposition may also be formed by one or more of the qualifying parties before the 30th June 2016.”.— [*Mr McCallister.*]

New Clause

Amendment No 6 not moved.

Clause 5 (Leadership of the Opposition)

Amendment No 7 made:

In page 2, line 15, leave out paragraph (b).— [Mr Kennedy.]

Clause 6 (Topical questions from the leadership of the Opposition)

Amendment No 8 proposed:

In page 2, line 25, after "questions" insert ", oral questions and statements".— [Mr Kennedy.]

Question put.

The Assembly divided:

Ayes 30; Noes 51.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Durkan, Mr Eastwood, Dr Farry, Ms Hanna, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Ms Sugden, Mr Swann.

Tellers for the Ayes: Mr Kennedy and Mrs Overend.

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr G Robinson and Mr Ó Muilleoir.

Question accordingly negatived.

New Clause

Amendment No 9 proposed:

After clause 9 insert

"Establishment of Welfare Reform and Measures Committee"

9A.—(1) Standing orders must make provision for the establishment of a standing committee, to be known as the Welfare Reform and Measures Committee, which shall—

(a) keep under review the Northern Ireland (Welfare Reform) Act 2015;

(b) keep under review the Welfare Reform and Work Bill 2015;

(c) monitor the implementation of these and the effects on welfare provision in Northern Ireland; and

(d) consider all consequential welfare measures, options for mitigating arrangements and their implementation.

(e) this committee may table a legislative amendment request motion in the Assembly which would specify amendments which the Assembly might ask the Secretary of state to pursue. Such a legislative amendment request motion may address issues arising from the legislative measures named in this clause or measures in future Westminster Welfare legislation which the committee considers to have implications which the Assembly should seek to influence or avert.

(2) Standing Orders shall provide that the committee is to have powers under section 44 of the Northern Ireland Act 1998 (power to call for witnesses and documents).— [Mr Attwood.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 19; Noes 61.

AYES

Mr Agnew, Mr Attwood, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Diver, Mr Durkan, Mr Eastwood, Ms Hanna, Mrs D Kelly, Mr Lunn, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Rogers, Ms Sugden.

Tellers for the Ayes: Ms Hanna and Mrs D Kelly.

NOES

Mr Allen, Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr Lyons, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr G Robinson and Mr Ó Muilleoir.

Question accordingly negatived.

New Clause

Amendment No 10 proposed: After clause 11 insert

"Private Members' Bills"

11A.The Assembly Commission shall report to the Northern Ireland Assembly on the appropriateness of support available for the development of Private Members' Bills at least once every three years.— [Mr McCallister.]

Question, That the amendment be made, put and negatived.

New Clause

Amendment No 11 proposed: After clause 11 insert

“Assembly and Executive Transfer of Responsibilities Motion

11B.—(1) An Assembly and Executive Transfer of Responsibilities Motion is a motion, passed with cross-community support in the Assembly, requesting that the Secretary of State bring forward legislation (being legislation which is beyond the legislative competence of the Assembly), to allow matters to be dealt with as Reserved rather than Excepted matters.

(2) The Schedule makes further provision in respect of the arrangements to be dealt with as Reserved rather than Excepted matters.

(3) Only those arrangements laid out in the Schedule can be contained in the Assembly and Executive Transfer of Responsibilities Motion.

(4) If the Assembly passes an Assembly and Executive Transfer of Responsibilities Motion the Speaker must send a copy of it to the Secretary of State.”.— [Mr McCallister.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 53; Noes 28.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Ms Sugden, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

Mr Allen, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr F McCann, Mr McCartney, Ms McCorley, Mr McElduff, Mr McKay, Ms Maeve McLaughlin, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Ms Ruane, Mr Sheehan, Mr Swann.

Tellers for the Noes: Ms Fearon and Mr Ó Muilleoir.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 12 proposed:

After clause 11 insert

“Motion on alleged breaches of the Ministerial Code

11A. A Motion on alleged breaches of the Ministerial Code is a motion, passed by cross-community consent in the Assembly, requesting that the Secretary of State bring forward legislation (being legislation which is beyond the legislative competence of the Assembly) to reform governance in the Executive.”.— [Mr Agnew.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 30; Noes 51.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Durkan, Mr Eastwood, Dr Farry, Ms Hanna, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Ms Sugden, Mr Swann.

Tellers for the Ayes: Mr Agnew and Ms Sugden.

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr G Robinson and Mr Ó Muilleoir.

Question accordingly negatived.

11.15 pm

New Clause

Mr Speaker: I will not call amendment No 13, as it is mutually exclusive with amendment No 11, which was made.

Clause 12 (Tabling of Assembly and Executive Reform Motion)

Amendment No 14 made:

In page 3, line 19, leave out “Reform” and insert “Transfer of Responsibilities”.— [Mr McCallister.]

Mr Speaker: I will not call amendment No 15, as it is consequential to amendment No 13, which was not called.

Clause 13 (Reports by the AERC)

Mr Speaker: I will not call amendment No 16, as it is consequential to amendment No 13, which was not called.

Amendment No 17 made:

In page 3, line 29, leave out "Reform" and insert "Transfer of Responsibilities".— [Mr McCallister.]

Clause 14 (First topical question to Minister from chairperson of statutory committee)

Amendment No 18 made:

In page 4, line 4, after subsection (2) insert

"(3) Standing Orders must make provision for an annual debate on the Executive legislative timetable."— [Mr McCallister.]

Clause 16 (Commencement)

Amendment No 19 made:

In page 4, line 15, leave out "one month after the day" and insert "the day after".— [Mr McCallister.]

New Schedule

Amendment No 20 proposed:

After clause 17 insert

"SCHEDULE SECTION 12.
CONTENT OF ASSEMBLY AND EXECUTIVE
TRANSFER OF RESPONSIBILITIES MOTION
SCOPE OF ASSEMBLY AND EXECUTIVE
TRANSFER OF RESPONSIBILITIES MOTION
1. An Assembly and Executive Transfer of
Responsibilities Motion shall include the provisions set
out in this Schedule.
AGREEMENT OF PROGRAMME FOR
GOVERNMENT
2. The motion may request that the arrangements and
timeframes for agreeing the terms of the Programme
for Government are dealt with as reserved rather than
excepted matters."— [Mr McCallister.]

Mr Speaker: As amendment No 21 is an amendment to amendment No 20, we need dispose of amendment No 21 before returning to amendment No 20.

Amendment No 21, as an amendment to amendment No 20, proposed:

After clause 17 insert

"PRESIDING OFFICER
The motion may request that the arrangements
for election of the Presiding Officer are dealt with
as reserved rather than excepted matters."— [Mr
McCallister.]

*Question, That the amendment be made, put and
negatived.*

Amendment No 20 made:

After clause 17 insert

"SCHEDULE SECTION 12.

CONTENT OF ASSEMBLY AND EXECUTIVE
TRANSFER OF RESPONSIBILITIES MOTION

SCOPE OF ASSEMBLY AND EXECUTIVE
TRANSFER OF RESPONSIBILITIES MOTION

1. An Assembly and Executive Transfer of
Responsibilities Motion shall include the provisions set
out in this Schedule.

AGREEMENT OF PROGRAMME FOR
GOVERNMENT

2. The motion may request that the arrangements and
timeframes for agreeing the terms of the Programme
for Government are dealt with as reserved rather than
excepted matters."— [Mr McCallister.]

New schedule agreed to.

New Schedule

Mr Speaker: I will not call amendment No 22, as it is consequential to amendment No 12, which was not made. I will not call amendment No 23, as it is mutually exclusive with amendment No 20, which was made. As amendment Nos 24 to 28 are amendments to amendment No 23, which was not called, they now fall.

Long Title

Amendment No LT1 proposed:

At beginning insert

"A

B I L L

TO

*Provide for the formation of an Assembly Opposition;
to provide for the passing of an Assembly and
Executive Transfer of Responsibilities Motion; and
to reform the Assembly and the Executive."—
[Mr McCallister.]*

Question put, That the amendment be made.

The Assembly divided:

Ayes 53; Noes 28.

AYES

*Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Bell,
Ms P Bradley, Mrs Cameron, Mr Clarke, Mrs Cochrane,
Mr Craig, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas,
Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry,
Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Ms Hanna,
Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Lunn,
Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea,
Mr McCrossan, Mr McGlone, Mr D McIlveen,
Miss M McIlveen, Mrs McKeivitt, Mr McKinney,
Mr McQuillan, Mr A Maginness, Mr Middleton,
Lord Morrow, Mr Moutray, Mrs Pengelly, Mr Poots,
Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey,
Ms Sugden, Mr Weir, Mr Wells.*

Tellers for the Ayes: Mr McCallister and Ms Sugden.

NOES

*Mr Allen, Mr Beggs, Mr Cochrane-Watson, Mr Cree,
Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly,
Mr Kennedy, Mr Lynch, Mr F McCann, Mr McCartney,
Ms McCorley, Mr McElduff, Mr McKay,*

*Ms Maeve McLaughlin, Mr Murphy, Mr Nesbitt,
Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd,
Mrs O'Neill, Mrs Overend, Mr Patterson, Ms Ruane,
Mr Sheehan, Mr Swann.*

Tellers for the Noes: Ms Fearon and Mr Ó Muilleoir.

Question accordingly agreed to.

Mr Speaker: I will not call amendment No LT2 as it is mutually exclusive with amendment No LT1, which has been made. I will not call amendment No LT3 as it is mutually exclusive with amendment No LT1, which has been made.

That concludes the Further Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill. The Bill stands referred to the Speaker.

Adjourned at 11.28 pm.

Written Ministerial Statement

The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.

Written Ministerial Statement

The content of this ministerial statement is as received at the time from the Minister. It has not been subject to the Official Report (Hansard) process.

Regional Development

A5 Western Transport Corridor — Consultation on Draft Statutory Orders and Environmental Statement

Published at 11.15 am on Thursday 11 February 2016

Miss M McIlveen (The Minister for Regional Development): Today I am announcing the imminent start of consultations by my Department on new draft Statutory Orders and a new Environmental Statement for the A5 Western Transport Corridor dual carriageway scheme.

This announcement will begin a consultation process which, subject to successful completion of statutory procedures, will see construction start next year on the £150million Newbuildings to north of Strabane section of this road.

The A5 dualling scheme is one of the Northern Ireland Executive's flagship projects and the start of construction of the first phase of the scheme is a commitment within 'A Fresh Start: the Stormont Agreement and Implementation Plan'. It is one of five key Transport Corridors in Northern Ireland. The proposed upgrade will improve links between urban centres in the west of Northern Ireland.

Members will recall that the Environmental Statement and draft Statutory Orders for the above scheme were initially published for consultation in November 2010, but after a High Court challenge the Statutory Orders were quashed by a Court Ruling in April 2013.

Since then work has been carried out to address the area of concern raised in the Court Ruling. I am pleased to say that my Department is now in a position to publish new draft Statutory Orders and a new Environmental Statement for consultation.

The proposed road is predominantly a high quality dual carriageway. There will be no direct private accesses or gaps in the central reserve and major road junctions will be kept to a minimum while providing connectivity to towns and communities along the route and to the existing road network. Many of the local roads will not be connected to the dual carriageway but will be taken over or under the new road or stopped up where appropriate.

The documents planned to be consulted on are:

- a) a new Environmental Statement;
- b) a new draft Direction Order for the length between Newbuildings and Ballygawley;

- c) three new draft Vesting Orders for the scheme between Newbuildings and Ballygawley; and
- d) a new Stopping-up of Private Accesses Order.

These documents have been prepared to reflect changes arising out of the original Public Inquiry process in 2011 and to take account of any interim changes in legislation and design standards.

Three new draft Vesting Orders have been prepared as follows:

- a) Phase 1a - from Newbuildings to north of Strabane;
- b) Phase 1b - from south of Omagh to Ballygawley; and
- c) Phase 2 - from north of Strabane to south of Omagh.

My Department accepted the Inspector's Report from the 2011 Public Inquiry, which recommended that the section south of the A4 at Ballygawley (Phase 3) should not be progressed until there was a firm commitment from the Irish Government in relation to the N2 improvement scheme; and certainty in relation to funding provision for the construction of the section of the scheme between Ballygawley and Aughnacloy. Therefore, any reference to the proposed dates for delivery of Phase 3 within the new Environmental Statement are purely indicative, as no firm commitment on delivery of Phase 3 can be given until the conditions relating to the N2 and funding are met.

The publication of the draft Orders and the Environmental Statement, which will take place during week commencing 15 February 2016, will be followed by a public consultation period during which a series of public exhibitions will be held at venues local to the scheme. The consultation period will start next week and run until 4 April.

The main objectives of the exhibitions are to present and explain the proposed scheme in detail; inform landowners and the general public of the lands included within the draft Vesting Orders; engage with a range of stakeholders; and increase public awareness of the scheme. Staff from TransportNI, their consultants Mouchel and the appointed contractors will be at these exhibitions and available to discuss any issues raised.

My Department recognises the considerable uncertainty that road schemes of this nature can cause and, working in partnership with Land & Property Services, and also with its project consultants, contractors and landowner agents, will seek to ensure that it meets the needs and expectations of all landowners affected by the proposed scheme.

The ownership of land vested for the scheme will not legally pass to the Department until the operative date of

the vesting order, and for Phase 1A this will not be until autumn 2017 at the earliest. Landowners will receive the open market value of their property at that date. Given that this is still some time away, it is not possible to give future indications of value. However, it may be helpful to know that Land & Property Services in making budget estimates for the Department used current agricultural land values up to £12,000 / acre for good arable land, particularly in the northerly part of the scheme. Land & Property Services recognises that in some cases land would currently be worth in excess of that figure, and in contrast some could be worth £10,000 / acre.

Landowners' rights are protected under statute when property is vested, and will receive full compensation for their loss based on the principle of equivalence; this means that they should be no worse off in financial terms after the acquisition than before. No two properties are identical and there is a wide variation in the type and quality of the agricultural land and other property along the entire route of this scheme. Land & Property Services acting on behalf of my Department will carefully consider each individual claim for compensation and all evidence presented, and will seek to reach a settlement at the earliest possible opportunity. In default of an agreement, the Lands Tribunal for Northern Ireland will determine the fair and proper level of compensation, at no cost to the landowner.

There is clearly an anomaly in respect of compensation payments for property and landowners whose land or property is vested; for my Department, this is usually as a result of major road schemes. In England and Wales, property and landowners receive up to an additional 10% top up payment as compensation for the loss of their land or property but this does not apply in Northern Ireland.

That is why I am currently seeking accelerated passage for the Land Acquisition and Compensation Bill which would bring compensation levels for landowners in Northern Ireland affected by compulsory land purchase on a par with England and Wales.

Yesterday I received Executive agreement on the introduction of the Bill.

I have also written to the Speaker of the Northern Ireland Assembly seeking its introduction through accelerated passage with a view to it being debated in the Assembly. I would be hopeful that the Bill will complete its legislative process during this current mandate.

I welcome the progress on this important project which will not only have positive economic and construction industry benefits but will also help towards balancing regional infrastructure, while significantly improving road safety and journey times for all road users.

As well as providing much needed jobs within the construction sector, the proposed scheme should lead to an increase in demand for local suppliers of construction material as well as giving a significant boost to commercial trade in the surrounding area.

The publication of draft Orders and the Environmental Statement will commence a new formal consultation period for the project, following which, a decision will be made on the need for a new Public Inquiry on the scheme, currently tentatively programmed for autumn 2016.

I would encourage Members to attend the public exhibitions and view the documents that will be on display at a number of public offices over the next few months.

Please note the above statement is embargoed until 11.15am on 11 February 2016.

Committee Stages

Northern Ireland Assembly

Committee for Education

3 February 2016

Addressing Bullying in Schools Bill [NIA 71/11-16]

Members present for all or part of the proceedings:

Mr Peter Weir (Chairperson)
Mrs Sandra Overend (Deputy Chairperson)
Mr Jonathan Craig
Mr Chris Hazzard
Mr Trevor Lunn
Mr Nelson McCausland
Ms Maeve McLaughlin
Mr Robin Newton
Mr Seán Rogers

Witnesses:

Mr Alan Boyd Department of Education
Mrs Caroline Gillan

The Chairperson (Mr Weir): Our main item of business today is the Committee Stage of the

Addressing Bullying in Schools Bill. We have to do the formal clause-by-clause scrutiny. Obviously we have done it informally, but while there have been areas where we have agreed informally not to pursue any amendment, if members want to raise anything today, they are more than welcome to do so. There is an updated clause-by-clause table, and in the tabled papers there is a copy of the amendments. Hard copies of the Bill and the explanatory memorandum are available for members. The Committee will formally determine its position on each of the proposed amendments and each clause. If there are any Divisions, the Committee will divide as necessary. All decisions from the Committee's point of view will be final. That does not bind anybody when it comes to the debate in the Chamber.

It is anticipated that the Committee will conclude all formal deliberations at today's meeting. The Committee will then have a short meeting to agree its report on 8 February. I welcome to the meeting the following departmental officials, who are here to answer any questions that members may have: Caroline Gillan, the director of access, inclusion and well-being; and Alan Boyd, who is the head of the pupil behaviour management team. I appreciate that we have gone through these issues, but are there any brief comments that you want to make on the Bill or the proposed amendments?

Mrs Caroline Gillan (Department of Education): No, I am happy to wait until we go through each amendment and just comment on them as they arise.

The Chairperson (Mr Weir): OK. That is fine.

Clause 1 (Definition of "bullying")

The Chairperson (Mr Weir): Clause 1 prescribes an inclusive definition of bullying. Previously, the Committee agreed informally to consider an amendment to clause 1(1) that would introduce some flexibility to the definition of bullying to try to cover the issue of repeated bullying. The proposed amendment states:

"bullying' includes (but is not limited to)".

Does the Department want to make any remarks on that?

Mrs Gillan: As we mentioned previously, we feel very strongly that this is not required, because

"includes", in legal interpretation, means "is not limited to". We have consulted the Office of the Legislative Counsel (OLC), which has very strongly advised us that putting that amendment in will cast doubt where "includes" is used in other legislation; it could be implied that "includes" does not mean "is not limited to". The way to deal with this, if there is any lack of clarity, is through very clear guidance. In areas like child protection or pupil behaviour management, the schools tend to have the departmental guidance on their desks as they operate the policy, as opposed to necessarily going back to primary legislation. So we have strong concerns about putting that in, in terms of the impact on other legislation in Northern Ireland. Also, it is just not required.

The Chairperson (Mr Weir): OK. We are trying to find a way through this. A concern that was raised with us fairly consistently was that of the definition. There is obviously a specific reference to "repeated use". If that is not in any way qualified in what it can also include, I am not altogether sure that it simply includes repeated use. That wording sends out a signal that there can be a single oneoff incident.

Mrs Gillan: And that is what we would deal with in the guidance. As we discussed last week, there will be circumstances where, because of the circumstances of an event or indeed the history or significance of it, a single event may be bullying. We can take that back, in developing the guidance, that we specifically want to deal with that point. Indeed, from doing a bit of research, I see that it is mentioned in some guidance in England etc. Not every event will be a single event of bullying — that is dealt with under the discipline policy — but we absolutely want to acknowledge that it does not necessarily require a

repeated event, and we will deal with that in guidance. We can give that undertaking and assurance.

Mr Craig: Caroline, I just want to be absolutely sure about this. The guidance will need to be very clear and specific around this. Unfortunately, I must admit that I have come across cases where a one-off incident, because of the nature of it and the force used, went right up to the very last issue that you would try to implement around disciplinary procedures with children. It can happen; that is what I am saying, Caroline. It happens out there in the real world, so we need to be clear about that. If you write legislation that excludes from governors the final sanction, you have tied our hands.

Mrs Gillan: Obviously, you still have all the sanctions under your discipline policy for dealing with significant events. Without wanting to draft the guidance in our heads now, we see there being a substantial section on "What is bullying?". Obviously, it will outline the main understanding, but it must also go on to say, "However, this is not the only situation" and elaborate further. That will be a key component of the guidance.

The Chairperson (Mr Weir): Are there any other comments in that regard? Is there any wording that could be used that talks about the repeated use of something and then maybe explicitly references the legislation to also include individual or single cases?

Mrs Gillan: From reading some of the stuff, I know that we need to be very careful how we frame it. I think that we would rather talk to schools, pupils and stakeholders to see what those examples would be. As I have said, some events will be one-offs that should just be disciplined and should not be regarded —

The Chairperson (Mr Weir): I understand that.

Mrs Gillan: I worry about trying to draft something quickly, without having the benefit of discussions with schools to see what would be the most appropriate way to describe bullying and the examples that we would want to give them.

The Chairperson (Mr Weir): I appreciate what has been said by the draftsmen or draftspeople on that, but I am still not entirely convinced that "but is not limited to" will entirely throw up doubts in terms of inclusion, to be honest. It might be seen as a degree of reinforcement or tautology in that regard, but I do not see where it particularly undermines things.

Mrs Gillan: I can only pass on what the draftspeople say. That is how we draft legislation in Northern Ireland. When you start to clarify it in one piece of legislation, it might call into question the interpretation in other legislation where they do not feel the need to clarify it.

The Chairperson (Mr Weir): OK. I am in the hands of the Committee. What does the Committee want to do on this?

Mr Craig: I do not know, Chair. I am fearful of the message that will be sent out. Unfortunately, the interpretation of it will tie the hands of governors more than the reality of it. I think we have all seen examples of how that occurs in legislation.

Mr Lunn: Do you want us to flag up whether we intend to bring something privately?

The Chairperson (Mr Weir): It is entirely up to you in that regard, Trevor.

Mr Lunn: I will keep my powder dry, then.

The Chairperson (Mr Weir): OK. Reading between the lines, it may well be that you understand that side of things.

Mrs Overend: It would be helpful to know what the schools think. I appreciate what Caroline has said on the issue and what it is bringing out. Sometimes you just cannot tell whether it is bringing further implications on the school or what their consideration is. I do not know; it is a difficult decision.

Mrs Gillan: We will want to make it clear to schools that there is a risk, as we said before, that, if we go too far to say that it can be one-off events, we almost dilute the meaning of bullying and the longterm aspect of it, other than the very significant one-offs. That is why we would like to tease out with schools and stakeholders, including the Northern Ireland Commissioner for Children and Young People (NICCY) and the Children's Law Centre (CLC), as to how exactly they want it framed and the message that we want to put to schools and parents. I hope that that is helpful.

Mr Craig: Caroline, I am just going to give you an example, which was publicised widely across the airwaves. There was a bullying incident in a school — let us face it, there was physical contact; they were basically punching each other. There was one case that says that, ultimately, one punch can kill and, unfortunately, in this incident that is exactly what occurred. That has to bypass what is a repeated offence, because even the law is not going to see it that way.

Mrs Gillan: But remember that the sanctions for discipline and bullying are essentially the same, and the school will want to decide the sanction in the context of the case. It could be detention, suspension, expulsion or, obviously, in some cases, reporting to the police, so I do not think that anybody can escape that.

Mr Craig: Yes, Caroline, but the worry is that, if you place something in legislation — I see how these things happen — all of a sudden it will be the principal who will look at the legislation and go, "It is not a repeated offence; we cannot do that". We have to get some mechanism around —

Mrs Gillan: It could be dealt with under the discipline policy.

The Chairperson (Mr Weir): Yes, but whatever is there in terms of guidance or, indeed, other policies, I have some concerns that people will simply look at this and go, "'Repeated use of' — well, it is not a repeated use" irrespective of what is in the guidance. There needs to be something in there. I appreciate what you have said in relation to that. Sorry, Jonathan.

Mr Craig: No, no. The Chair has got it absolutely right here. In those circumstances, the school has only one sanction, which is expulsion. The police and the law will take care of the rest of what occurred there. I can clearly see that, if there is something in there that says that it has to be a repeated offence, the principal will look at it and go, "Well, this is the first time that this individual has ever done anything, but look at the severity of what they have actually done".

Mrs Gillan: It may not be bullying; it could be a discipline issue. If there has been no history of engagement between the two pupils, it is absolutely a bullying issue that could be acted on.

Mr Craig: I agree with you: it can be or it cannot be, but ultimately I do not want someone sitting there thinking, "I cannot do this. I cannot give that sanction".

Mrs Gillan: It is not that this duty says, "I cannot do anything with this pupil": the discipline policy, the bullying policy and the pastoral care are the whole package. This is not the end of the story; this is only for these types of bullying issues in schools. The principal will not say, "It is not bullying, therefore I cannot discipline the pupil".

Mr Craig: The difficulty is, Caroline, that I have met every armchair lawyer in the country when it comes to these things. Trust me: there are a lot of educated people out there who will use legislation like this against you. I know how school governors think. In those circumstances, they will want to give the ultimate sanction, which is expulsion, but you do not want some armchair lawyer coming to you and saying, "Well, actually this legislation prohibits you from doing that".

Mr Newton: I just want to make a comment. The Committee, the Department and the Minister all know the position that we want to get to; it is just about the route that we travel to get to that position. Am I right, Chair, that we have to take our position today?

The Chairperson (Mr Weir): Yes, possibly. I will wait until other members have had their say. I have a wee bit of thought that something might be able to be done, but it will not be very specific.

Mr Rogers: You are very welcome. It is just what members have said earlier. Caroline, I remember that you mentioned the word "appropriate" in relation to this. Whether it is a discipline issue, bullying or maybe a case in a special school where the child has particular special educational needs, once an incident happens, people will go to the bullying legislation and see use of the word "repeated", but it might be the first time that this has happened in this special school. You talked about "appropriate": can you tease that out?

Mrs Gillan: The definition we are using here is not inclusive. The duty is on the board of governors to ensure that policies at the school are pursued and to determine measures. Once this is enacted, boards of governors will have to develop their bullying policies and the more detailed measures underneath them, so they will have thought of all these issues. They may say, "Right, in our school, we're aware of situations in the past that have caused problems", so they will be able to shape the policies and the appropriate preventative measures and sanctions that can be taken. Those will be consulted on with the pupils, teachers and parents. This legislation will not be in isolation, never mind our guidance.

I was flicking through a few anti-bullying policies last night. Some schools' policies are actually already very detailed about what they will do and how they will sanction bullying events in the school and who should be informed. It will be for the board of governors, taking into account the context of their school and pupils, to decide how they approach preventing and addressing bullying. They will have that flexibility.

Mr Rogers: I know it is the responsibility of the board of governors, but it is putting an awful onus on the board of governors to develop that. What guidance and support are they going to get from the Department or through in-service training? I do not think that this can be covered by one two-hour session by the Education Authority.

Mrs Gillan: Alan will be able to elaborate. When we say "guidance", we mean good, full guidance that is properly

developed in conjunction with schools and stakeholders. We envisage using some sample anti-bullying policies and measures within those to give schools an idea. All schools already have an anti-bullying policy, and some are fulsome.

Alan, maybe you can give an idea of how we are thinking of approaching the guidance and training.

Mr Alan Boyd (Department of Education): In terms of guidance, as Caroline said, we recognise completely that we need to take in the views of governors, principals, staff and other stakeholders. In proceeding with the Bill, we have not had time to undertake that exercise, so we are aware that that is lacking. Until we get that information, we do not accurately understand what concerns governors will have and what training they believe will be appropriate. We are happy to undertake and have undertaken that we will ensure that the guidance addresses all the concerns that they have, even if that takes longer to develop. As far as we are concerned, that is an essential element of the process before we can bring the Bill into effect. What form that training might be will become apparent once we start to understand what those concerns are and not before, unfortunately. As policy officials, we cannot have a detailed understanding of what those practical, on-the-ground situations are like and what concerns they may give rise to. So we have not thought it through. We are acutely aware that that is a hole that needs to be filled as we work forward from the Bill.

Mr Rogers: Could we get into a situation where a school develops its own anti-bullying policy out of this, and, once an incident happens — it does not need to be a repeated incident — they see it as a bullying incident? Could we get into a situation where the legislation says "repeated bullying" and a school is saying the first hit, for want of a better word, is bullying?

Mrs Gillan: As we said, the legislation is uses "bullying" includes"; the legislation does not prevent one-off incidents. You would never get a situation, even in the legislation as it stands, in which schools would be precluded from developing policies that recognised that there can be other scenarios that they view as bullying. Schools are absolutely entitled to do that. What I am saying is that the guidance will assist schools in developing what those other events or situations might be or what they might want to take into account.

To assure you, the elements here are the key usual elements of bullying, but that is not to say that bullying cannot take place that does not exactly fit in with what we have put on the page. That is fine; the legislation gives the flexibility to schools to recognise other instances as they may wish to develop in their policy and measures. As Alan said, the guidance will assist them in that.

As you said before, we all want the same thing: we want to ensure that schools are able to tackle bullying and that pupils are protected from bullying, regardless of how it emanates. We are all on the same page. We just feel that we are not restricting ourselves to the definition on the page, but I appreciate that there are concerns.

Mr Hazzard: My point is about the repetition thing. Are we conflating two issues? I am not, of course, taking away from the fact that a one-off incident can be very severe, but I caution that there may be certain unintended consequences from classing one-off incidents as bullying.

The Chairperson (Mr Weir): The issue is that we want to make it fairly clear that it can be a one-off. My concern is that simply saying “includes ... repeated” does not make it clear enough that it can be bullying. That is the concern. I will take that as a comment.

Mr Lunn: We are in danger of taking an extreme example of a one-off incident, which could be bullying or, frankly, attempted murder, and using that as our benchmark, when most one-off incidents will be relatively minor. If they were repeated over a period, they would constitute bullying, but, in themselves, they are just one-offs. Did I hear you right, Caroline? Did you say that the legislation as it is proposed does not preclude one-off incidents from being treated as bullying incidents?

Mrs Gillan: No.

Mr Lunn: I do not know how many times I have read it, but I have not come to that conclusion.

Mrs Gillan: It is around that definition — “bullying” includes — but that is not the end of the story. It includes those elements, but, by implication, it can include other elements. That is maybe where the nub of the issue is.

Mr Lunn: I was as concerned about the use of the word “repeated” as anybody else right from the start. Frankly, the more I think about it, the more I do not know what amendment the Committee could come up with.

The Chairperson (Mr Weir): I am going to make a suggestion that might not entirely find favour with the Department but may, at least, try to find some way through. We have an amendment here that says “not limited to”, which I appreciate is not ideal. I suggest to the Committee that we agree that amendment, but suggest that the Department finds its own amendment. I would like to see something in the legislation. If the Department was to come up with a better formula, I would be happy, on behalf of the Committee, not to move our amendment and to accept the departmental amendment. That may be the way to do it. To entirely leave it with what is there in terms of the advice is a little weak: I want to see something in the legislation that governs the situation.

Mrs Overend: I appreciate what you are saying, Chair. Something just came to me, because there has been debate about the words:

“For the purposes of subsection (2)(a), motivation may include”.

We know already, from the explanation that has been there, that that could include others and is not an exhaustive list. If you changed it to “may include”, would that be something similar?

The Chairperson (Mr Weir): The only slight complication is that I am not sure that it clarifies the issue greatly, and I have problems with what is in the later bit. I think that there is a better way of dealing with it.

Mrs Overend: That is fair enough. It was just about a uniformity of language.

The Chairperson (Mr Weir): I suggest that, without prejudice, we put that forward very much with a plea to the Department. We need something in the Bill: if you can find a more appropriate amendment, I would be happy not to move that.

Mrs Gillan: Do you want the amendment to deal with the fact that you want to emphasise that there are situations other than this, or is it that you are purely concerned about repetition versus single act?

The Chairperson (Mr Weir): It is principally about repetition as opposed to a single act. There should be something around that. As you say, this is probably a situation in which we are all trying to arrive at the same destination. I am just not sure that it is satisfactory to not have anything in the legislation, but we are not doctrinaire on the wording.

Ms Maeve McLaughlin: I am mindful of the research that the Committee has received. The academic practice is to recognise repetition, but, increasingly, the practice or the trend is a single act. The approach that the Twenty-six Counties is taking to this is interesting: repetition is a criterion, but there is a single offence in relation to some acts, in particular cyberbullying. I am with the Chair on this: the Department should explore something that deals with it. The obvious concern is that repetition may be an obstacle in deciding where these acts start and how we tease that out. However, it is also worth reflecting on the academic trend to view bullying as repetition but the practice is increasingly a single act.

Mrs Gillan: We will definitely do that. My concern is whether we can capture adequately in legislation a single act of that nature while not wanting to capture every event in the school. Guidance allows you to develop that in more detail and have examples, whereas legislation requires you to try to capture it in a single sentence. However, we will certainly explore that. We will bring it back to the Minister.

Mr Rogers: Caroline, I have a very small point that you may be able to clarify for me. The first single act should really be caught by the discipline policy; is that right?

Mrs Gillan: Yes.

The Chairperson (Mr Weir): Trevor, did you want to add to that?

Mr Lunn: I wanted to talk about a different aspect of clause 1.

The Chairperson (Mr Weir): OK. We will come back to that. Are members agreed with that as a potential way forward? Are members content with the amendments on the understanding of what we have said?

Members indicated assent.

The Chairperson (Mr Weir): We then move to point 1.5. Obviously, the Committee had —

Mr Lunn: We kind of skated past point 1.1, which is on the rights or wrongs of including special schools in the legislation. It is yes or no really. The departmental response appears to just say that it would be wrong to exclude them. That is the argument really, isn't it? Some of us think that they should be excluded, and the Department thinks that they should not be. The rationale for excluding them is that teachers may be able to have a much closer relationship with pupils who have behavioural problems and deal with those. What might be perceived as bullying in a normal situation is completely different in a special school or a special unit. I am not speaking for anybody else here, but there is a case for special schools not being included in this legislation at all. What is the Department's

view on that? It is not good enough just to say, “We disagree”.

Mrs Gillan: I think that, the last time that I was here, I elaborated a bit more to capture the key points. Perhaps Alan wants to reiterate that.

Mr Boyd: In essence, the argument is that there are more scenarios in which special schools — it is not limited to special schools — can ensure, by virtue of the board of governors still having flexibility over the policies and the detailed measures that they put in place, that those give additional flexibility where they believe it is required, whether that is based on the specific needs of the child, where they are in the special needs code or other wider circumstances that the school feels are pertinent. They can then choose to graduate the severity of any sanction that they apply. It was touched on the last day that, in special schools, the ability to determine intent is very often lacking. That will automatically remove the incident from being classed as bullying under the current definition. For those incidences where the definition still fits, it is appropriate that schools record them so that they can monitor their own performance and see if there are any underlying issues in the school. However, they have flexibility in how they respond to that.

Mr Lunn: You are saying that you would like the legislation to apply to all schools but the board of governors of a special school will have some flexibility in how they draw up their anti-bullying policy and in how they apply the rules. Does the Department intend to offer any guidance to special schools in that regard?

Mrs Gillan: When engaging with stakeholders, it is important that we speak to all the sectors. We will undertake to speak to special schools and mainstream schools with learning support centres to see what particular aspects they want to see addressed in the guidance —

The Chairperson (Mr Weir): Sorry, Caroline, I appreciate the strength of the argument that you do not want complete exclusion of schools but want to retain a reasonable level of flexibility, particularly in certain circumstances and as regards intent. If there was a debate, could Mr Lunn or any other Committee member make an intervention on the Minister so that he could give that assurance on the Floor?

Mrs Gillan: Absolutely. I am sure he would be content to do that.

Mr Lunn: I just wonder what assurance he would give and whether this means the Department will draw up guidelines specifically applicable to special schools to advise them how to interpret the law. To start with, the same law will apply to them.

Mrs Gillan: I think there will be advice on the issues they want to take into account when developing their policies and their measures. We have to acknowledge, in all of this, that it is about protecting pupils. We want to give pupils in special schools and learning support centres the same protection as pupils in other schools. That said, we understand that it needs to be done in a way that is workable. We will ensure that the Minister touches on that aspect in the debate.

Mr Lunn: So will we. *[Laughter.]*

The Chairperson (Mr Weir): OK. I just want to touch on one other aspect of clause 1, and then I will open it up for members as regards any other issues with clause 1.

At 1.5 in the table, there is an amendment from the Department that was largely technical in its nature: informally, the Committee had agreed to support this. I wonder if the Department has any final comments on that.

Mr Boyd: Our position is still that this is a technical amendment with no material policy impact.

The Chairperson (Mr Weir): Are members content with the proposed amendment?

Members indicated assent.

The Committee Clerk: By way of tactics for the Committee on the earlier amendment about “but is not limited to”, would the Committee be content to support the Department’s amendment, as members have just indicated, but then table an amendment to the amendment? I have taken advice from the Bill Office, and that is probably the best way.

The Chairperson (Mr Weir): OK. We will do that. On that basis, if there is an amendment from the Department, I think we would be content to do that. OK.

Does anybody have any other issues they want to raise on clause 1?

Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.

Clause 2 (Duty of Board of Governors to secure measures to prevent bullying)

The Chairperson (Mr Weir): Point 2.8 in your tabled papers relates to clause 2 and requires that the board of governors review anti-bullying measures at least once every 5 years. Has the Department any comments on that?

Mrs Gillan: The Minister is content to support an amendment of that nature. I just wonder if the actual wording of “no more than” could be formalised in legalese — for example, “at intervals not exceeding”. I do not know what the appropriate drafting would be.

The Chairperson (Mr Weir): That came from the Bill Office, so I assume that is the wording. We can go back —

Mrs Gillan: Yes, but the Minister is supportive of that requirement.

The Committee Clerk: Can the Clerk take it that the Committee supports the amendment if the wording is slightly different but with the same effect as previously?

Mr Lunn: I am a bit behind the curve here. Which amendment are we talking about?

The Chairperson (Mr Weir): It is in the tabled papers. The amendment is:

“Clause 2, page 2

Leave out line 22 and insert —

‘(i) at intervals of no more than 5 years; and’”.

Mr Craig: The only query that I have — I have wondered about this — is why the period of five years was chosen. The life of a board of governors is actually four years

because they are tied in with local government, which has a four-year period.

Mrs Gillan: Yesterday, we discussed four or five years. We highlighted the four-year lifespan. Very often, boards of governors review it every two years, but we felt that, absolutely, for those who are not being proactive, we would not want it to drift on. I have a feeling that we talked about four or five years.

Mr Craig: Given the lifespan of a board of governors, it should be four.

The Chairperson (Mr Weir): Would the Committee be happy if the lifespan were four years?

Mr Newton: The discussion that Sandra and I had across the table yesterday was that it should be “not more than”.

The Chairperson (Mr Weir): Yes. It is “not exceed” or “not more than”. We can get the exact wording. I am asking whether the timescale should be four years.

Mr Newton: Yes. Four years is sensible.

The Chairperson (Mr Weir): OK. With that slight change, are members content with that amendment?

Members indicated assent.

The Chairperson (Mr Weir): The next area that we have flagged up is at 2.11. We had informally agreed to consider an amendment in respect of cyberbullying. Here, in the tabled papers, you have two versions: one that would extend the school’s responsibilities generally and the other refers only to electronic communications. You could go for only one amendment at most. You may not actually want either of them. Maybe we could tweak what is there slightly. First of all, I invite the Department to comment on both of them.

Mrs Gillan: The Minister has indicated that he would be extremely concerned about imposing an additional duty on boards of governors in that way. From our perspective and having done some brief research last night on the duties imposed on schools on cyberbullying, we feel that there is a range of varieties and indeed a lot of research papers that debate the effectiveness or otherwise of the legal liabilities of boards of governors. If the Committee were to put forward an additional duty which, let us face it, is on a group of people, not necessarily institutions, without being absolutely clear what the legal implications are, the Minister would have great concerns.

We are aware that schools are looking for clarity and guidance on cyberbullying. As we have said in previous evidence, we have commissioned the Anti-Bullying Forum to bring forward guidance in the immediate term. We are also working with the Safeguarding Board for Northern Ireland (SBNI) to look at the e-safety strategy. We feel that the appropriate thing to do would be to see how that additional guidance is working and whether that assists schools before we move to looking at legislation.

Even in looking at legislation, we would want to research what happens elsewhere, the implications for schools and how it is working, before drafting up and saying, “Here is the policy and the additional duties that we want to put on schools”, and saying to drafters, “Here is what we have decided we want in consultation with various stakeholders”, and then draft legal duties to respond to that, as opposed to, in this circumstance, putting

legal duties down and be faced with having to do, if you like, a post hoc rationalisation of what the implications will actually be. I know that the Minister is extremely concerned that we do not legislate for duties of that nature on boards of governors in that way.

The Chairperson (Mr Weir): Are there any comments? Do not all shout at once.

Mr Lunn: I hear what Caroline says. I think that the first amendment that is suggested with the wording:

“is likely to have a detrimental effect”

should keep it fairly simple. It is pretty much down the road of what we wanted to see.

The Chairperson (Mr Weir): It continues: “on a pupil’s education”. The only thing about the reference to a pupil’s education is how widely drawn that is.

Mr Lunn: That is what schools do. I do not mean to be facetious.

The Chairperson (Mr Weir): I know. At least, that is what the intention of the school is.

Mr Lunn: We are not trying to be psychologists here, but we are trying to ensure that pupils can enjoy their education unhindered. That indicates something that has a detrimental effect on a child’s education, which is what the rest of the Bill does too.

The Chairperson (Mr Weir): I wonder whether “a detrimental effect on a pupil’s education” is a bit widely drawn. I am thinking off the top of my head. There is a reference in clause 2(1)(b)(i) to:

“on the premises of the school during the school day”.

I throw this out as a suggestion: what about “or having a detrimental impact on the school day”?

Mrs Gillan: Again, how far does the Committee want schools to get into situations and events that arise entirely outside the school’s control?

The Chairperson (Mr Weir): As I said, Caroline, I was speaking off the top of my head, but we appreciate that there can be a general impact from cyberbullying that occurs somewhere else. I appreciate that it is difficult for the school to deal with that. However, you will have a situation in which something will have happened overnight and it is having an impact. It may not have occurred within the school, but it is having an impact in the school during the school day. It is about getting some level of that captured.

Mrs Gillan: Yes, but I believe that the Committee is introducing a duty on boards of governors without having a clear idea of what it reasonably expects boards of governors to do in those situations. It is wide open. What would you expect a school to do? You are clarifying there that the school and board of governors have a duty to put in place measures to address bullying in any scenario where it has an impact on the school day. You will have a situation that happens in the holidays, for instance. Do you want the policy and measures to, somehow, reach into monitoring Facebook accounts?

The Chairperson (Mr Weir): Presumably, if that is having an impact on what is happening from 9.00 am to 3.30 pm or whatever it is, it is relevant.

Mrs Gillan: Are we saying that we will ask the schools to say, "During holiday times or during weekends"? I do not believe that we can draft off the top of our head or, indeed, say, "Surely, this might mean that". I do not think that in this situation, where you have legal liabilities on a group of governors, we can impose additional duties in this way. I would much rather have a more considered process and legal advice.

The Chairperson (Mr Weir): I understand that. There is also the argument on balance, which I appreciate is the two sides of the one coin. The child has to get to and from school. Obviously, you want to prevent a situation in which the bully is waiting outside the school gates. On the other hand, that could be fairly loosely defined as well.

Mrs Gillan: The pupil has to go to and from school. There is a finite element to that journey. Translink is involved; there is guidance in place around bullying on buses. It is a much more definable situation and the pupil has no choice with regard to travelling to and from the school. If you were getting into a situation involving any other bullying event or one-off event that has a detrimental effect — I think of our previous conversation — I would not know off the top of my head what that might mean, nor would I want to guess what it might mean. Obviously, it would be for a court to decide. We would have the Committee imposing an additional duty on boards of governors and, then, obviously, the Department having to take legal advice to see what that means and then, as I said, post hoc, trying to give some advice. Certainly, in this situation, I would much rather that we had a considered view and proper research and consideration.

The Chairperson (Mr Weir): A number of members want to speak. I am not sure whether they are comments or questions.

Mr Hazzard: The warning from the Department is quite stark. I know that we want to get something in around cyberbullying or something like that, but I fear what the implications will be for boards of governors. At times, we have raised issues on the capacity and ability of boards of governors to tackle issues. We may be overstepping the mark here and setting down a duty that they will not be able to meet.

The Chairperson (Mr Weir): There is something that I want to pick up. Two alternative versions were drafted. I appreciate what the Department has said about a duty. It is clear that the amendment at 2(1)(b)(iv), which simply talks about where they must do things, is imposing a duty. The second draft amendment, which is the addition of subsection (1A), simply says:

"may consider measures to be taken."

That would give them a power to do things but not necessarily impose a duty. Would that alternative wording be an option?

Mrs Gillan: Again, I feel, as with everything in this arena, we should look at developing the guidance, seeing how that goes and engaging on it before we move to deciding whether we need to legislate. Even in that, "measures to be taken" can be preventative, but it is also about addressing it. Preventing bullying, in one situation, also means intervening in those situations. What is:

"reasonably likely to have a detrimental effect"?

What is "a detrimental effect"? The Department honestly feels that drafting in this way, to impose additional duties, is not the right way to do it. I know that I have harped on about it.

The Chairperson (Mr Weir): Sorry, with respect, "may consider measures" is not actually imposing an additional duty; it is a permission, which is a different thing. It would be a stronger argument if it said, "must consider measures".

Mrs Gillan: In a situation where you have a board of governors that decides not to consider the measures, is there an issue there?

The Chairperson (Mr Weir): Surely, if you have given somebody a power and they do not exercise it, it is within their power not to actually do something. That is the nature of it.

Mrs Overend: We have talked about this over and over, have we not? I know that schools are calling out for guidance on cyberbullying, and they are looking to the Bill to see where the responsibilities start and finish. The Bill has to be clear. We have talked about how the impact of bullying that might start at night-time or the weekend affects the child in school. I also relate that thought back to anything else that might happen a child at night or at the weekend. For instance, if the parents split up and there is a family drama, it will impact on a child's ability to participate in school work. Surely, a school deals with that.

Mrs Gillan: Absolutely, through pastoral care. What we have said in previous evidence is that, if the school is aware of incidents that take place through whatever means, if the parents inform the school, the school will, from its pastoral care perspective, take that into account. Also, from the discipline perspective, it will take that into account in practice in monitoring situations or relationships between pupils. That already happens, and it can be clarified further.

Mrs Overend: That is what I am trying to get at. The school does not need to fix what is happening outside school, but it needs to help the children. If one or two children are involved in that bullying incident, the school must deal with the children in school to fix the environment in the school. Maybe it would help if we had sight of the legislation or guidelines with regard to pastoral care, so that we can see how it impacts on cyberbullying incidents and whether it includes that, so that we do not need to amend this because we know it includes cyberbullying and the child can contribute properly at school. Can we have that?

Mrs Gillan: That is the reality of the pastoral care scenario, and schools, in operating discipline and general school life, take into account information that is brought to them about other factors. We are reviewing the pastoral care guidance, which is much more about child protection, at the moment. There is promoting positive behaviour guidance, dating from 2003, that probably needs to be updated. As it was written in 2003, it probably does not explicitly refer to cyberbullying as such. We can certainly provide copies of that and references to the current duties in relation to the wider welfare of pupils.

Mrs Overend: If we had an oral commitment from the Minister that that guidance would be updated, that would suffice.

Mrs Gillan: I think that we can deal with it. We can deal with precisely those issues in this bullying guidance. We can make sure that we cross-reference all the duties that schools have on the welfare and safeguarding of pupils. We can elaborate that clearly around the information that may come to them about things that are not necessarily happening in school but which, as you say, affect the operation of the school and the school day.

Mr Lunn: The Bill, as it stands, subject to bits and pieces of amendment, deals adequately with what we are trying to do, except it ignores possibly the biggest and most harmful form of bullying, outside of physical violence, that there is. I would like something in place that allows principals, in particular, but also boards of governors to set standards and do what they already do anyway. I will not go on about drawers full of phones again, but that is the kind of thing that I mean. It is just as likely — in fact, far more likely — to have a detrimental effect. I know that you say that you are uncomfortable with this. It is the usual argument — you could introduce guidance and so on — but I really would like this to be in the Bill.

The second amendment is so woolly, frankly, that a board of governors could probably do that anyway, even without an anti-bullying Bill. It is framed in such a way as to be completely ineffective and harmless. The first one is far more meaningful. It may not be perfect and maybe we need to tweak it a bit more, but something like, “likely to have a detrimental effect on a child’s education due to circumstances linked with the school but outside school hours or lawful control” seems perfectly valid to me. Somebody quoted a figure of 16% for such bullying incidents, but that is widely ridiculed. It is far more serious than that, and I do not see how we can ignore it.

Mrs Gillan: You are saying that you want the first amendment to say that boards of governors “must” determine measures to be taken at the school with a view to preventing bullying involving their pupils:

“in circumstances other than those listed”.

That would mean that a board of governors “must” have measures in place in circumstances including those when children are not at school. Without elaborating on what the measures might be, that is extremely wide, and it is not even caveated by “reasonable”. Any court or board of governors would blanch at that very wide duty.

Mr Lunn: I did not say that it was perfect. I love the word, “reasonable” in a lot of circumstances. You could just say, “in reasonable circumstances”. The more you water it down —

Mrs Gillan: As part of the preventative education element of the curriculum, schools already do a lot to educate pupils about staying safe online, protecting themselves and respecting healthy relationships. There is a lot that schools are good at doing that impacts not only on how pupils behave at school but on how they behave in their daily life. The Minister is concerned that we are expecting boards of governors to police and ensure the safety of pupils even in situations that are outside their reach. Schools do a great job and already, in circumstances in which it is practical to do so, intervene when they are aware of issues affecting the welfare of a pupil, but inserting a duty of that nature increases their responsibilities to such an extent that the Committee cannot today be sure where they end. We will find out only when the first case reaches court: for

example, when wee Jimmy has been bullied at a youth club on Saturday night, both pupils go to the same school and the school is asked what it has done about that. That seems frivolous, I know, but we have strong concerns about inserting a duty of that nature without really knowing the beginning and end of it.

Mr Lunn: Is the Department comfortable with principals already, in effect, exceeding their authority by intervening in that sort of situation? Say, for example, that a child sitting in class bursts into tears, the teacher asks what is wrong, and the child replies, “Look at my phone”. The teacher sees that half a dozen messages of a disgraceful nature were sent the night before by another pupil who happens to be sitting in the same class. We all know how a principal would deal with that, but, at the moment, they act informally — off their own bat. That is why some of us would like something in the Bill to at least strengthen their hand.

The Chairperson (Mr Weir): Without arguing for or against it, would the second amendment not provide a degree of cover for that situation? I appreciate what you said about it being the woollier of the two.

Mr Lunn: It is woolly. You can either strengthen the second one or tone down the first. The proper wording is in there somewhere.

Mr Craig: Not for the first time, I find myself in agreement with Trevor on this. It is probably the biggest bugbear that principals and boards of governors deal with today. I will not mention any names, but — trust me — my daughter could give you 20 names, half of which I have never heard tell of. It is a major issue for schools. If we miss addressing in some way, shape or form what is now the biggest problem for schools, we will have failed. We cannot ignore it. I am inclined to go with the second amendment. The other difficulty — I know that the police struggle with this — is how to get the definitive evidence to prosecute. Schools are no different. How do they get the information that allows them to go through the sanction process? It is a lot more difficult than you think. You can even get printouts, but the trouble is that, if something is deleted, it is gone from the system, and then you struggle.

Mrs Gillan: Therein lies the problem. You have talked about the problems that the police have, but they have much wider powers to confiscate property etc. How do you expect a school to deal with the issue when, as you said, it is very difficult to get the information?

Mr Craig: It is, but — I have to be honest — schools do not ignore the situation at present. Trevor is 100% right: we are flying by the seat of our pants, if the truth be told. There is nothing in the Bill to cover what school principals and governors are doing. That is why the second amendment is probably the one to go with. I could not care less about whether it needs to be beefed up — maybe it should be beefed up slightly — but we need to put something in the Bill to cover what schools are doing.

The Chairperson (Mr Weir): Irrespective of whether the wording of an amendment was not perfect, if it was agreed by the Committee and the House, there would be an opportunity, albeit not for the Committee, to tweak it at Consideration Stage.

Mr Lunn: I do not want to disturb the camaraderie — it is nice that Jonathan agrees with me — but the question is about evidence. Cyberbullying is where you are most likely

to have firm evidence. When it is stored in a cloud, it is there for all time. Perhaps that has made it easier to prove cyberbullying than some other forms of bullying.

Mr Newton: I very much understand where Caroline and Alan are coming from. Caroline talked about taking a considered view and doing a lot more research. There is a coming together. There is recognition that it is a major problem. At the moment, as Trevor said, principals are taking action, but they do so in a vacuum, and we have to take decisions to address the issue in a bit of a vacuum as well. We do not know what support you will finally offer principals and boards of governors and what training and information you will support them with. The Committee's desire is to see something in the Bill, and we can work together to ensure that that is the case.

Mr Hazzard: I wonder what protection the second amendment adds to what is already there. It says that a board of governors "may consider measures", but I am sure that they have that power already. For me, the first amendment is definitely out. It would mean that, if someone was bullied on holiday and was still affected by it after going back to school, the board of governors would be liable.

The Chairperson (Mr Weir): Possibly. That would be more accurate for the first amendment than the second because there is a duty —

Mr Hazzard: Yes, that is what I am saying. The first one, for me, is definitely out, on the grounds that it leaves the board of governors liable for absolutely everything. It would place a duty on the board of governors that does not apply to parents or anybody else. To me, that is a crazy situation. I do not know what the second amendment would actually do. This is legislation: what is the point in putting something in if it is not going to —

Mr Lunn: It is somewhere between the two.

Mrs Gillan: The second one asks a board of governors to take measures against bullying

"where that bullying is reasonably likely to have a detrimental impact".

It does not have to have a detrimental impact. Is it only if it is "reasonably likely" to?

Mr Hazzard: As things stand, can a board of governors "consider measures" anyway?

Mrs Gillan: At the moment, it is the duty of the board of governors to safeguard and promote the welfare of pupils attending the school at all times. Clause 2 refers to "on the premises" and "in the lawful control of". However, under wider safeguarding and the general duty of care, boards of governors take into account situations where, if they have concerns about the safety or welfare of a child, they must act under child protection. Some bullying incidents that take place outside are so severe that they merit child protection arrangements, and the police have to be involved in some circumstances. My understanding is that, at the moment, schools take into account the less severe incidents when providing support to the pupil who is the victim, but they are also aware of the wider discipline situation and the general operation of the school.

As I said before, we have commissioned the Anti-Bullying Forum to produce specific guidance on cyberbullying, and

that is being drafted. The forum is made up of a wide range of stakeholders. I would like to see that.

The Chairperson (Mr Weir): You mentioned "reasonably likely". The Department will be wary of any amendment in this area, but, if it was akin to the second amendment and included "reasonably likely", would that be a better form of words?

Mrs Gillan: My reading — I saw the amendments only on walking in here today — is that the second amendment is about measures that may help to reduce bullying by means of electronic communication:

"where that bullying is reasonably likely to have a detrimental effect".

I ask why "reasonably likely" is there.

The Committee Clerk: The Committee's thinking on this was that, when it comes to cyber communication, the board of governors has the power reasonably to protect pupils from actions that might have a detrimental impact. The idea is that a board of governors does not have to wait until there is a detrimental impact but should "consider measures". Members introduced some anecdotal evidence about what schools do currently, and the feeling was that this would give them some comfort and record the Committee's expectation.

The Chairperson (Mr Weir): Also, prevention is better than cure.

Mrs Gillan: If you want to introduce some sort of reasonableness —

The Chairperson (Mr Weir): This is without prejudice to your undying opposition to any amendment.

Mrs Gillan: This is without prejudice to our position. Perhaps this would be better: "The board of governors of a grant-aided school may, to such extent as is reasonable, consider measures".

Mr Lunn: That would be an improvement.

Mrs Gillan: What you are trying to capture there is that you want boards of governors only to do something that is reasonable.

Mr Lunn: Would we leave out the other "reasonably"?

Mrs Gillan: Yes, I think so.

The Chairperson (Mr Weir): So we now have, "may, to such extent as is reasonable, consider measures".

Mr Lunn: Chair, I think that Caroline means to leave out the other "reasonably".

Mrs Gillan: Yes, the one after "that bullying", but you can take advice from your drafters.

Mr Lunn: Putting "reasonably" there has no effect at all.

Mrs Gillan: You could leave it in. You want to capture the reasonableness, but I do not know that putting it there does that.

The Chairperson (Mr Weir): I understand, and I can see both points of view. Adding "reasonably likely" might confuse things. The flip side of the coin is that it might be slightly preventative, and I can see the merit in that. OK, members, we will call it the Gillan amendment. *[Laughter.]*

Mrs Gillan: The Minister will not be happy. *[Laughter.]*

The Chairperson (Mr Weir): I was going to tell you not to worry, Caroline, because there will be nine new Departments, and you will have plenty of opportunities in future. *[Laughter.]* The wording that you suggest is sensible, and everyone accepts it. Are members content to drop the second “reasonably”?

Members indicated assent.

Mrs Gillan: The Department does not agree with these amendments —

Mr Newton: You want that on the record.

Mrs Gillan: The second amendment states:

“consider measures to be taken by the school ... or other persons”

Boards of governors only have control over measures to be taken by the school and the staff; I do not know who those “other persons” would be. When we come to interpret all this, people will ask the same question.

Mr Rogers: That comes from clause 2(1)(b):

“whether by the Board of Governors, the staff of the school or other persons”.

Mrs Gillan: So it does — my mistake. I wonder what that means. *[Laughter.]*

The Chairperson (Mr Weir): We may be confusing, but at least we are consistently confusing.

Mrs Gillan: We will work that out.

The Chairperson (Mr Weir): Maybe, as a parting gift, Seán will get the award for being eagle-eyed.

There are two questions: whether we agree to table an amendment and, if we do, which of the two versions we choose.

Are members agreed that we table an amendment?

Members indicated assent.

The Chairperson (Mr Weir): Chris, do you want to be recorded as dissenting?

Mr Hazzard: Yes.

The Chairperson (Mr Weir): We have the slightly reworded second amendment or the first amendment, which begins, “in circumstances other”. We have agreed to table one of the two at Consideration Stage, and it may have to be tweaked. Although we have agreed, I have to put the Question on the amendment formally. May I have a show of hands so that it can be recorded? Sorry —

The Committee Clerk: If I understand it correctly, Chair, the Committee is considering the first amendment on the list, as that is the one that cuts first on the clause. The Committee is then being asked to indicate whether Aye, it wants to adopt that amendment; No, it does not; or to abstain.

The Chairperson (Mr Weir): The two amendments are exclusive of each another, so I will ask, first, whether members are in favour of the first amendment, which would insert sub-paragraph (iv).

Members indicated dissent.

The Chairperson (Mr Weir): Nobody is in favour of that. Next is the second potential amendment to clause 2.

Mr Lunn: Is that amended as suggested?

The Chairperson (Mr Weir): It has been amended by adding “to such extent as is reasonable” and leaving out the second “reasonably”. Any further changes will probably have to be made at Further Consideration Stage, unless there is a specific amendment that you want to make now.

Mr Lunn: No, not on the hoof like this.

The Chairperson (Mr Weir): I understand that.

The Committee Clerk: If members agree the amendment on a without prejudice basis now, I will have the revised wording by the time we come to agree the report on Monday.

The Chairperson (Mr Weir): In principle and without prejudice, are members in favour of the second amendment?

Mr Newton: In principle and without prejudice.

The Chairperson (Mr Weir): I need a show of hands.

Mrs Overend: I will abstain because I would like to see the information that I referred to earlier.

Mr Rogers: Is this based on what we will see on Monday?

The Committee Clerk: It is on a without prejudice basis.

The Chairperson (Mr Weir): Are members in favour of the second amendment?

Question put.

The Committee divided: Ayes 6; Noes 2; Abstentions 1.

AYES

Mr Craig, Mr Lunn, Mr McCausland, Mr Newton, Mr Rogers, Mr Weir.

NOES

Mr Hazzard, Ms Maeve McLaughlin.

ABSTENTIONS

Mrs Overend.

Question accordingly agreed to.

The Chairperson (Mr Weir): It is probably just as well that we do not have more amendments. Does anybody have any final remarks on clause 2?

Mr Rogers: It is a very small point, Caroline. The clause refers to reviewing policies within five years: why do we not have something there to ensure that it is part of the school self-evaluation process?

Mrs Gillan: The ETI would expect to see evaluation and for it to be tested.

Mr Rogers: In the school policy.

Mrs Gillan: In everything that schools should be doing for self-evaluation. It covers everything that they do and all their policies. John Anderson said that, when the ETI inspects schools, it asks them to fill in a questionnaire about all aspects of the school. Very often, those schools use the questionnaire even when they are not being inspected as a mechanism or tool for self-evaluation. That is good practice generally.

Mr Rogers: Will that be addressed in the guidance in some way or other?

Mrs Gillan: Yes.

Mr Rogers: That is fine.

The Chairperson (Mr Weir): We have dealt with clause 2.

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Clause 3 (Duty to keep a record of incidents of bullying)

The Chairperson (Mr Weir): Clause 3 has a table of motivations. Concerns were raised about the list of 10 motivations, such as what should be added and whether it is the right list. Caroline, you specifically referred to one motivation that had been omitted. There are a couple of possible amendments, but they are mutually exclusive. The first amendment would allow the Department to add to those 10 motivations by way of an order. The second amendment would put a requirement on the Department to bring forward regulations listing the motivations. Do you want to respond?

Mrs Gillan: The Minister's position is that we would not support any amendments to clause 3. The reason for the list, non-exhaustive as it is, being there is that the clause is about ensuring that schools keep a proper record, including the circumstances of the bullying and the motivation. The reason for the motivations being there is that it gives schools a flavour of whether there are any issues in the school that need to be addressed. We did not have to include a list, but we thought that it would be helpful to give schools an idea of what we mean when we talk about motivations. We have been criticised elsewhere for not putting stuff in the Bill, so we thought that we would try to be helpful about the type of issues, but, in doing so, we are conscious that a lot of stakeholders want their identity or motivation to appear. We felt that the clearest and fairest way to deal with that was to look to the section 75 groups and any other legislation that specifically has protected elements. That is why it is there.

Our fear about putting too much emphasis on the list and getting too hung up about it is that, if you want us to do particular regulations or expect the list to be updated, that could send a message out to schools that that is the list, that only motivations on the list are important and that, if you are not on the list, you are somehow of less importance or, indeed, cannot be counted. I come back yet again to the guidance. It will emphasise that those are some motivations but that there may be others to do with identity and other aspects. Our fear is that the Committee, by proposing these amendments, almost elevates the list to something that it is not designed to be.

The Chairperson (Mr Weir): Caroline, to play devil's advocate, the counterargument is twofold. First, I find it difficult to accept that we are elevating it. If you are saying that, although the list of 10 is boldly in the legislation but that, by making it by way of regulations, we are somehow raising it to something of greater significance, that is a little counter-intuitive, to put it mildly. Secondly, we had quite a few — I would not say controversy — submissions in which people said things like, "This is worded wrongly. This should be included in the list". As I said, while I appreciate that this is largely derived from section 75, some things on the list are moveable. I appreciate that the list of 10 is preceded by "may include", but, if you want to add to it in the future, primary legislation would be required.

Mrs Gillan: We feel that, because it is not exhaustive, schools have the freedom to identify other motivating factors, and we will assist with that in the guidance.

The Chairperson (Mr Weir): My concern is that, if you are given a checklist of 10, but you may include anything else, people will automatically look to the checklist as being comprehensive, and people with different attitudes take different views. There are things that are unforeseeable now, but you may, two years down the line, really want them on the list. Regulations give a little more flexibility to deal with future developments.

Mrs Gillan: The ultimate flexibility is there at the moment. Anything unforeseeable can be listed as a motivating factor for a school. Especially with the second amendment to clause 3, if the Department is to make regulations about motivating factors, we will have to consult, look to stakeholders and ensure that we have a full list, which would not be possible. Other motivating factors will always come along, we would then come to the Committee and spend time looking at them, and you would take evidence. This list, however, is not the end of the story anyway, and flexibility is already there.

The Chairperson (Mr Weir): I accept that. On some of the early arguments, the Department and the Committee have flipped sides. On other issues, we have said that we intend to bring such and such forward, and we will go out to consultation and get the views of schools and people as to what should or should not be there. On this issue, however, there is a concern that, to produce a final list, or at least as good a list as possible, you must have a consultation process. To be fair, I suspect that the Committee has flipped on the other side of that as well. It seems to run contrary to the arguments used earlier on other subjects. To be fair, that is a —

Mrs Gillan: We are putting great emphasis on, arguably, using a lot of resource in the Department and in the Assembly on something for which we have ultimate freedom. The guidance can give flexibility. Schools will be able to determine the motivating factors. There will be all sorts of motivating factors that will change over time. By implying that there should be regulations with a simple list, schools will then be wedded to that list, and we will tell them —

The Chairperson (Mr Weir): Again, the list —

Mrs Gillan: In terms of section 75 and other legislation, the list is minimal. It does not give the impression that we are leaving out other extra factors. We are acknowledging that there are lots of other motivating factors.

The Chairperson (Mr Weir): Regulations may simply say, "The motivation under this may include", followed by a list. At that stage, it does not have to be exclusive.

Mr Rogers: Caroline, there will be much emphasis on the guidance. Could this list not be in the guidance rather than in the Bill?

Mrs Gillan: Equally, when we went out to consultation, a lot of stakeholders wanted to see something in the Bill. A lot of the identities are prime identities where you will find bullying. There will always be others, but, as I said, when we recently tried to capture what was reasonable, we realised that we could not go on listing things forever and a day. We could never hope to cover it fully. That is why, in consultation with lawyers, we felt that it was best to rely

on the current section 75 and a number of other legislative duties.

Mr Rogers: I agree with you, but —

Mrs Gillan: Ironically, we were responding to stakeholders in trying to facilitate that.

Mr Rogers: Unfortunately, people will see just the list and not the preceding words “may include”.

Mr Lunn: I am looking at the first suggested amendment:

“The Department may by order ... amend subsection (3).”

Why put it in there? The Department can do that anyway. On that basis, what is the Department worried about?

The Chairperson (Mr Weir): No, Trevor, the Department could not do it anyway. Given that this is primary legislation, unless you put something of that nature in the Bill, amending it would require primary legislation as opposed to an order.

Mr Lunn: Fair enough.

The Chairperson (Mr Weir): I prefer the second amendment to the first one, but that is the technical reason for the first amendment.

Mr Hazzard: The list is not exhaustive, but it is important to have it in the Bill. For me, socio-economic background and physical appearance are the most prominent reasons for bullying in schools, yet they do not appear. Is it just a case of sticking closely to section 75?

Mrs Gillan: We stuck closely to section 75 and to other legislation. As we develop the guidance, we accept that socio-economic status, appearance and so on need to be drawn out and recognised.

The Chairperson (Mr Weir): Is it not sending a mixed message that some motivations are in the legislation because they mirror section 75, but the guidance will state that there are other things that we could also include? Would those not be interpreted by schools as being secondary factors that are given a lot less weight than those in the Bill?

Mrs Gillan: I do not think so. The guidance already talks about bullying and lists reasons and motivations for bullying. The guidance that is already out there draws out those issues.

Mrs Overend: I was also thinking that socio-economic factors and physical appearance are prime issues in bullying. If clause 3(3) and the whole list were removed, what effect would it have?

Mrs Gillan: We are responding to the consultation and the agreed policy of the Executive, who agreed to put the list in. The key thing is that schools record the details and motivations.

Mrs Overend: They would still be able to do that.

Mrs Gillan: They would still be able to do that, but, from a policy perspective, the Executive agreed to this policy and the drafting in this way. They could still do that.

Mrs Overend: Would it affect your guidelines if it were not there?

Mrs Gillan: No.

The Chairperson (Mr Weir): There are two possible amendments, and they are mutually exclusive. If you wish, I will put the Question on each amendment to the Committee. If you do not want either amendment, you vote against both. However, if the first amendment is agreed, I will not put the Question on the second one.

The second amendment states:

“Leave out from line 37 to line 4 on page 3 and insert — ‘any one or more factors prescribed in regulations to be made by the Department, subject to the draft affirmative procedure.’”

Essentially, it gives the Department the power to make amendments rather than to amend, for want of a better word. Is that clear to everybody?

Mrs Overend: Say that again.

The Chairperson (Mr Weir): The second amendment to clause 3 would more or less compel the Department to make regulations. The first amendment, which refers to negative resolution, leaves the current list in the Bill and gives a power to add to it by way of amendment.

The Committee Clerk: As the Chair says, the second amendment would delete the list:

*“(a) age;
disability;
gender reassignment;
marriage;”*

blah, blah, blah. It would then leave it to the Department to bring regulations, to be subject to draft affirmative resolution by the Assembly.

The first amendment would leave the list in but would add on:

“The Department may by order subject to negative resolution amend subsection (3)”

so that it could add to or, indeed, take away from the list.

The Chairperson (Mr Weir): I do not know whether this adds to the confusion or brings clarification, but the amendment that starts “Clause 3, page 3, line 4” is listed first on the page, but we are voting on the second amendment first because it comes in the legislation first. As I said, if you are in favour of either of them, it is an either/or; if you are against both amendments, you would vote against both.

Mr Rogers: Chair, could you clarify something? I thought that you said that the second amendment would leave the list in the Bill.

The Chairperson (Mr Weir): No. It is the amendment that we vote on second. The amendment that leaves the list in the Bill is the one that states:

“At end insert ‘() The Department may by order subject to negative resolution amend subsection (3).”

It leaves the list in the Bill but has the power to add to it. The second amendment — the one that we will vote on first — would more or less make it by drawing up the list in regulations.

Mrs Overend: Which one would be more complicated for the Department to deal with?

Mrs Gillan: It would be the regulation-making one for both the Department and the Committee, because we would prescribe motivations. Our starting point would be the list that we have, but another factor could arise or someone might argue for another motivation being added. We all could get ourselves tied in knots about where we end with the list.

The Chairperson (Mr Weir): That is probably true if you accept either of the amendments, because you are looking at what should and what should not be added.

Mrs Gillan: I reiterate that we will be clear about the meaning in the guidance to schools, pupils and parents. With all the pressures from all the issues that we have to address in the schools sector, do we want to tie ourselves in knots over something that we do not feel is fundamental to addressing bullying?

The Chairperson (Mr Weir): The amendment is:

“Clause 3, page 2, line 37

Leave out from line 37 to line 4 on page 3 and insert — ‘any one or more factors prescribed in regulations to be made by the Department, subject to the draft affirmative procedure.’”

Question put.

The Committee divided: Ayes 4; Noes 4; Abstentions 1.

AYES

Mr Craig, Mr McCausland, Mr Newton, Mr Weir.

NOES

Mr Hazzard, Mr Lunn, Ms Maeve McLaughlin, Mr Rogers.

ABSTENTIONS

Mrs Overend.

Question accordingly negatived.

The Chairperson (Mr Weir): The other amendment is:

“Clause 3, page 3, line 4

At end insert ‘() The Department may by order subject to negative resolution amend subsection (3).’”

Question put.

The Committee divided: Ayes 5; Noes 2; Abstentions 2.

AYES

Mr Craig, Mr McCausland, Mr Newton, Mrs Overend, Mr Weir.

NOES

Mr Hazzard, Ms Maeve McLaughlin.

ABSTENTIONS

Mr Lunn, Mr Rogers.

Question accordingly agreed to.

The Chairperson (Mr Weir): There is a departmental amendment that adds to the list persons “with dependants”. That group had been omitted. It is probably relatively uncontroversial.

Mr Lunn: Where is it?

The Committee Clerk: It is not on the list.

The Chairperson (Mr Weir): When the Committee dealt with the subject yesterday, it was indicated that the list of 10 motivations reflected section 75. However, there was a realisation that one of the section 75 categories had been left out: persons with dependants. The Department is seeking an amendment that adds those “with dependants” to the original list. Broadly speaking, people were happy enough with that yesterday.

Mr Rogers: Would that cover all carer situations?

Mrs Gillan: Yes, it would.

The Chairperson (Mr Weir): Are members content with the amendment from the Department?

Members indicated assent.

The Chairperson (Mr Weir): There are no other issues that members want to raise under clause 3.

Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.

Clause 4 (Interpretation)

The Chairperson (Mr Weir): We agreed informally not to pursue any amendments to clause 4. There are no other issues that members want to raise under clause 4.

Question, That the Committee is content with the clause, put and agreed to.

Clause 5 (Short title and commencement)

The Chairperson (Mr Weir): Surprisingly, we did have proposals to amend the clause, which rarely happens. The Committee informally agreed that it would not pursue any amendments. There are no other issues that members want to raise under clause 5.

Question, That the Committee is content with the clause, put and agreed to.

The Chairperson (Mr Weir): No other amendments were suggested informally by the Committee during our discussions yesterday. Other than amendments that members want to table as individuals or as a party, am I right in saying that nobody wants the Committee to table any other amendments?

Members indicated assent.

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Mr Weir): That concludes the formal clause-by-clause scrutiny of the Addressing Bullying in Schools Bill. I thank the officials and appreciate that we have probably left you with a little more work to do. The Committee will hold a short meeting on 8 February at 3.45 pm to consider the Bill report. We are looking to tweak — for want of a better word — at least one aspect.

Mrs Gillan: We want to register our thanks and appreciation for facilitating the consideration of the Bill. The Minister very much appreciates the constructive engagement.

Northern Ireland Assembly

Committee for the Environment

11 February 2016

Scrap Metal Dealers Bill [NIA 65/11-16]

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Mr Cathal Boylan
Mr Paul Girvan
Mr William Irwin
Mr Alastair Patterson

The Chairperson (Ms Lo): Members, you will be aware that the Committee Stage concludes on 19 February. At last Tuesday's meeting, members seemed to reach consensus that the Committee had run out of time to give proper consideration to all the issues that had been raised on the Bill, including the amendments proposed by the Department, which would impact on every clause other than clause 21, which is the short title. Members, can I double-check with you that it was agreed at last week's meeting that we had run out of time?

Members indicated assent.

The Chairperson (Ms Lo): We really do not have enough time to scrutinise the amendments put forward by the Department or the Bill. I seek your agreement that the remaining time left in the Committee Stage is not sufficient to resolve any outstanding issues.

Members indicated assent.

The Chairperson (Ms Lo): Are members content to proceed with the formal clause-by-clause consideration of the Bill today? It would allow the sponsor of the Bill sufficient time to schedule his amending stages.

Mr Boylan: I do not mind. We have to follow the procedure. We have to do our report, but we, as a Committee, need to discuss what way we would like to go forward. We have agreed primarily what we will put in the report. The next phase is the Consideration Stage on the Floor. We do not know whether the Department will move the amendments or what proposals will be made. We will not know until the Thursday before the debate what Mr Beggs will bring to the table.

The Chairperson (Ms Lo): What he may or may not bring to Consideration Stage.

Mr Boylan: Exactly. All that we can do, as a Committee, is try to agree a position on how we would like to deal with this. After we have agreed a report, where do we go? It is up for discussion. If Mr Beggs brings something to the

Chamber, for instance, we will have to get up and debate it or not.

That is the way it goes. If the Minister decides to table his amendments, we will be debating in the Chamber. How soon can we find out any of that? Uniformly, we have agreed a position.

The Chairperson (Ms Lo): The Committee's position is that we do not have enough time to consider the Bill or the amendments, and that is what we will say in our report. We will produce a report, but we must follow the procedure, and we must go through the informal and formal clause-by-clause scrutiny. We did the informal on Tuesday, so we are now in the second stage — the final stage — of the Committee Stage, which is looking at the Bill clause by clause. I propose that, like last time, we group them into two groups, with your agreement. We can do it now. Ciara has tabled a draft report. If we have time, it would be useful to agree the draft report, so that we can submit that to the Business Office.

The Committee Clerk: If the Bill were to be scheduled at Consideration Stage, the Committee has agreed that it is not content to take a view on the Bill or the amendments, because it has run out of time.

Mr Girvan: I might take a slightly different view from that, and it is my personal opinion. Unfortunately, I have not been here from the start; I have been involved in only the latter part. The evidence that I have received brings me to a very quick conclusion that what we are dealing with is not necessary and, as a consequence, what we would be doing in the Chamber would be a window-dressing exercise. We would be wasting Assembly time and officials' time going through the whole procedure. I want to put that on record, because, having heard the evidence, I believe that that is what we are doing. I understand that we have to follow procedure, but we should have seen earlier that there were major flaws. The Department has already included that, because the red-line drafts that we saw last week —

The Chairperson (Ms Lo): Every clause has been changed.

Mr Girvan: There is nothing in it. What is the point in having a four-hour debate or whatever — it can be as long as you want it to be, because it is legislation — an absolutely nothing that will have any material effect or change?

The Chairperson (Ms Lo): The point is that the Bill passed its Second Stage, so the House supported the principle of the Bill. It was then passed on to us, the Committee, to go through the scrutiny stage.

Mr Boylan: We need to be more creative than that. We understand the procedures, but this is unusual. In all my time on the Committee, this has never raised its head.

The Chairperson (Ms Lo): Not in this Committee.

Mr Boylan: We have to follow procedure, but we also have to recognise that there is no appetite to go to Consideration Stage and Further Consideration Stage. That is the point that has been raised by most members — I cannot speak for all. The only thing that we can do is try to get, as soon as possible, an answer from the proposer of the Bill or the Department on what they propose to take forward. As soon as possible, we need to find out what they are going to do. You are right: we will get up and say that we, as a Committee, have formulated a report and did not have time to scrutinise the Bill. But there is another point: there is no appetite for the legislation from most of the Committee. You will find that if you put it to a vote today. That is the unusual part. It has not happened on this Committee.

The Committee Clerk: Is the Committee saying that it is not in a position to consider formal clause-by-clause scrutiny or the report today or that you have not had sufficient time to form a view and report in that way?

Mr Boylan: To form a view on the report, yes.

The Committee Clerk: Do you want to form a view of the report?

Mr Boylan: No, we have not had time to form a proper view.

The Committee Clerk: That was my understanding of the Committee's view from the meeting on Tuesday, and that is what we are reflecting that the Committee will consider at the formal clause-by-clause stage now. There is a draft report for members to consider today. It reflects the views. If that remains the view of the Committee and if the Committee is content to proceed today with the formal clause-by-clause consideration and the draft report, we will do that.

Members indicated assent.

The Chairperson (Ms Lo): OK. I will proceed, members.

I remind you that the formal clause-by-clause consideration is the last opportunity to discuss the clauses of the Bill and that any decisions will be final. Subject to your agreement, I propose to group clauses 1 to 20 of the Scrap Metal Dealers Bill for the formal Question. Are members content with that?

Members indicated assent.

The Chairperson (Ms Lo): As members are content, I will proceed. Do members agree that the Committee is not content to form a view of clauses 1 to 20, as the Committee is unable to give proper consideration and scrutiny to the complex issues raised at Committee Stage in the time remaining, including that it does not have a full understanding of the impact that the Bill will have on the scrap metal industry?

Members indicated assent.

Clause 21 (Short title)

The Chairperson (Ms Lo): There are no proposed amendments to clause 21.

Question, That the Committee is content with the clause, put and agreed to.

The Chairperson (Ms Lo): Are members content that I group schedules 1 and 2 in a single Question for the Committee's consideration of the Scrap Metal Dealers Bill?

Members indicated assent.

The Chairperson (Ms Lo): Do members agree that the Committee is not content to form a view of schedules 1 and 2, as the Committee is unable to give proper consideration and scrutiny to the complex issues raised at Committee Stage in the time remaining, including that it does not have a full understanding of the impact that the Bill will have on the scrap metal industry?

Members indicated assent.

Long Title

The Chairperson (Ms Lo): This is the end of the clause-by-clause consideration. The Committee must now consider the long title of the Bill. No amendments have been proposed.

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Ms Lo): That concludes our formal clause-by-clause consideration of the Scrap Metal Dealers Bill.

Are members content to consider the draft report on the Bill today? It has only just been tabled, given the Committee's consideration on Tuesday.

Members indicated assent.

The Chairperson (Ms Lo): Members, you have the report. It is not very long. I propose to go through it, bit by bit, and allow you time to read through it. I refer to the draft report tabled. I will work through it paragraph by paragraph to allow members to indicate agreement or raise any suggestions for amendment. Members will be considering the entire report including minutes of proceedings, minutes of evidence and written evidence.

I will let you have a couple of minutes to look at the executive summary starting at page 5 and on to page 6.

Are members content that the executive summary at paragraphs 1 to 8 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the introduction of the Bill at paragraphs 9 to 12 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the Committee approach to the Bill section, paragraphs 13 to 21, stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the key issues of the Bill section, at paragraphs 22 to 25, stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the issues raised by the Department of the Environment section, at paragraphs 26 to 31, stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): The next section is "Sponsor of the Bill's Evidence" at paragraphs 32 to 36. Are members content that the issues addressed by this section, in paragraphs 32 to 36, stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): The next section is paragraphs 37 to 41, the proposed departmental amendments. Are members content that this section of the report, at paragraphs 37 to 41, stands part of the report?

Members indicated assent.

The Chairperson (Ms Lo): The next section is the summary of evidence, at paragraphs 42 to 101. Ciara wants to add a sentence.

The Committee Clerk: I added a sentence to paragraph 42. This section is the other evidence that we heard outside of DOE and the sponsor. The previous paragraphs already reflected that evidence. I just want to be clear that you are content with that paragraph subject to that amendment.

Mrs Cameron: Yes, we had caught that on, Ciara.
[Laughter.]

The Chairperson (Ms Lo): Are members content that the summary of evidence taken from other stakeholders on the Bill at paragraphs 42 to 101 stands part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the clause-by-clause consideration of the Bill section at paragraphs 102 to 106 stands part of the report?

Members indicated assent.

The Chairperson (Ms Lo): That concludes the consideration of the main body of the report.

Members, are you content to move to formal consideration of each appendix of the final Bill report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the extracts of the minutes of proceedings at appendix 1 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the minutes of evidence at appendix 2 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the written submissions at appendix 3 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the papers from the sponsor of the Bill and departmental responses at appendix 4 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the other papers at appendix 5 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the research papers at appendix 6 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content for the Chairperson to approve an extract from today's minutes and the minutes from 9 February 2016, which reflect the read-through of the report? Those are needed for inclusion in appendix 1: minutes of proceedings.

Members indicated assent.

The Chairperson (Ms Lo): Thank you, members. You are content with the appendices. The report, in its entirety, will be laid in the Business Office tomorrow. Are members content with that?

Members indicated assent.

The Chairperson (Ms Lo): The next item on the agenda —

Mr Boylan: Before we move on, can I make a point?

The Chairperson (Ms Lo): Yes.

Mr Boylan: It is an important point. It seems that we have done an injustice to the Member and the legislation that has been brought forward. In the future, Committees have to learn about trying to rush through legislation at the end of a mandate. It would be remiss of us not to reflect that as a Committee. To be fair to Mr Beggs, he put a lot of work into this. We, as a Committee, just did not have the time to scrutinise it properly. That is a lesson for all Committees, not just this one.

The Chairperson (Ms Lo): Although, to be fair, a lot of Committees are rushing legislation through.

Mr Boylan: It is a slightly different matter when you have the support of a Department: we have an individual Member with a smaller team. All I am saying is that we, as an Assembly, have to look at a possible deadline. If we had looked at this last September, it would have given us time. Something has to be put in writing to deal with that. There is no way that we should be rushing this forward. We are sitting in February, with four weeks until the end of a mandate, trying to scrutinise a private Member's Bill. We have to learn from that. The departmental stuff is irrelevant; it has a different body or team. We, as a Committee, have to reflect it. I do not know whether we need to put that in the report, but, if we reflect it outside that, that is grand.

The Chairperson (Ms Lo): Do members want those comments to be included in the report —

The Committee Clerk: Or reflected outside to the appropriate —

The Chairperson (Ms Lo): Reflected to the Business Office?

Mrs Cameron: It is a very valid point. I have certainly experienced this in other Committees as well. Other factors are involved; I do not think that anybody wanted to simply turn down another Member's work, when you know that they have been working on it for a considerable time,

without giving it an airing. There are other factors to take into consideration. It was probably unhelpful that there were two Departments — Justice and Environment — and neither, quite frankly, wanted to look at the Bill. That was probably a delay as well and would have been beyond Mr Beggs's control. There are other factors, but it is a valid point. It should be pointed out.

The Chairperson (Ms Lo): One of the issues for the Environment Department not wanting it, they argue, is that it is not an environmental issue. Justice has so many Bills going through; it just does not have the time. Everything is —

Mr Boylan: The Assembly, as a whole, barring emergency legislation, needs to say that the September before the end of the mandate is the deadline —

The Chairperson (Ms Lo): It needs to be scheduled better.

Mr Boylan: — whether it is private or whatever. That should be an easy thing to do. If there is emergency legislation, that is slightly different. There should be a way of dealing with this. We are sitting here with a private Member's Bill, and we cannot scrutinise it. We have four weeks left.

Unfortunately, we do not even want to debate it at Consideration Stage and Further Consideration Stage. It is an injustice, really. We have an opportunity here to register it first and, then, let us see. Good luck to whoever comes back in the new mandate. Let us see whether they can come back with something else to deal with it. That is all that I am saying.

Mr Patterson: I concur with the comments made by the members. I am new to the Committee, as you know. I know that my colleague has put a lot of work into the Bill. It has to be disappointing for him to come to the stage that it will not go anywhere, but I agree with what you say about there having to be time limits. Something has to be brought in, because what I am witnessing at this time is a crazy situation in which everything is going through at the last minute and we do not have time to deal properly with items that people have put a lot of time and effort into. Something does need to be done going into the future.

The Chairperson (Ms Lo): It is unfair to him after spending so much time, and he started the process very early on. I think that he started the consultation in 2012. It has taken a long time for it to come through.

Mr Patterson: A long time.

The Chairperson (Ms Lo): We will reflect that to the Business Committee, and maybe, in future, the scheduling needs to be more realistic, particularly for a private Member's Bill.

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 5 February 2016

Written Answers to Questions

Office of the First Minister and deputy First Minister

Mr B McCrea asked the First Minister and deputy First Minister to detail (i) where the advertisements for recruitment to the Commission on Flags, Identity, Culture and Tradition were published; and (ii) how many applications were received.
(AQW 52791/11-16)

Mrs Foster and Mr M McGuinness (The First Minister and deputy First Minister): The advertisement for recruitment to the Commission on Flags, Identity, Culture and Tradition was published in the Belfast Telegraph, Irish News and Newsletter newspapers and also on the NICS Recruitment and Job Centre Online websites.

The closing date for applications was noon on 15 January 2016 and 135 applications were received.

Mr Agnew asked the First Minister and deputy First Minister, given the childcare strategy is not due to come into effect until 2017, to detail what provision their Department will make for childcare in the interim period.
(AQW 52842/11-16)

Mrs Foster and Mr M McGuinness: Implementation of the first phase of the Childcare Strategy is continuing. This will include, in the coming months, a further round of awards under the School Age Childcare Grant Scheme. These awards will support new and existing childcare provision.

Work is also continuing on the full, final Executive Childcare Strategy. Consultation on a draft version closed on 13 November 2015. Officials are currently finalising the Childcare Strategy with a view to launching it later in the year.

Mr Agnew asked the First Minister and deputy First Minister, to detail the number of staff that availed of the voluntary exit scheme in each tranche (a) in their Department; (b) in each of its arm's-length bodies; (c) the grades of staff that availed of the scheme; and (d) whether they were part time or full time staff.
(AQW 52952/11-16)

Mrs Foster and Mr M McGuinness:

a) Breakdown of staff in OFMDFM who availed of the Voluntary Exit Scheme

Tranche	Number of Staff			Grade
	Part-Time	Full-Time	Total	
1	2	3	5	2 Administrative Officers 1 Personal Secretary 1 Staff Officer 1 Principal Information Officer
2	0	2	2	2 Administrative Officers
3	1	0	1	1 Personal Secretary
4	0	1	1	1 Grade 5
5	0	0	0	
Total	3	6	9	

b) Breakdown of staff in OFMDFM's arms length bodies (ALBs) who availed of the Voluntary Exit Scheme

ALB	Tranche	Number of Staff			Grade
		Part-Time	Full-Time	Total	
Equality Commission for Northern Ireland	1	2	6	8	3 Administrative Officers 1 Executive Officer 1 4 Staff Officers
Northern Ireland Commissioner for Children and Young People	1	0	2	2	1 Deputy Principal 1 Staff Officer
Total		2	8	10	

Mr Agnew asked the First Minister and deputy First Minister to detail the number of agency staff in full time equivalents employed by: (a) their Department; (b) in each of its arm's-length bodies; and (c) the grade of each member of staff, in each week since June 2015.

(AQW 52953/11-16)

Mrs Foster and Mr M McGuinness:

a) Breakdown of agency staff in OFMDFM by grade from

1 June 2015 - 15 January 2016

Date By Week (Mon-Fri)	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 31/07/15	1	1 DP Accountant
03/08/15 - 28/08/15	2	1 DP Accountant 1 SO Accountant
31/08/15 - 6/11/15	4	1 DP Accountant 1 SO Accountant 1 Personal Secretary 1 Administrative Officer
09/11/15 - 27/11/15	3	1 DP Accountant 1 Personal Secretary 1 Administrative Officer
30/11/15 - 08/01/16	3.8	1 DP Accountant 1 SO Accountant 1 Personal Secretary 1 Administrative Officer
11/01/16 – 15/01/2016	4.8	2 DP Accountants 1 SO Accountant 1 Personal Secretary 1 Administrative Officer

b) Breakdown of agency staff in OFMDFM's Arms Length Bodies by grade from 1 June 2015 - 15 January 2016

Commissioner for Older People for Northern Ireland

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 19/06/15	1	1 Executive Officer 2
22/06/15 - 31/07/15	2	1 Staff Officer 1 Executive Officer 2
03/08/15 - 09/10/15	1	1 Executive Officer 2
12/10/15 - 25/12/15	2	1 Executive Officer 1 1 Executive Officer 2
28/12/15 – 15/01/2016	1	1 Executive Officer 1

Equality Commission for Northern Ireland

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 19/06/15	0.3	1 Administrative Officer
06/07/15 - 25/09/15	1	1 Administrative Officer
28/09/15 - 25/12/15	1.3	2 Administrative Officers
28/12/15 - 15/01/2016	1	1 Administrative Officer

Northern Ireland Community Relations Council

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 19/06/15	2.9	3 Administrative Officers
07/09/15 - 25/09/15	0.9	1 Administrative Officer
28/09/15 - 09/10/15	1	1 Administrative Officer
07/12/15 - 11/12/15	0.8	1 Administrative Officer
14/12/15 - 18/12/15	1.3	2 Administrative Officers
21/12/15 - 25/12/15	0.6	1 Administrative Officer
11/01/16 - 15/01/16	0.9	1 Administrative Officer

Maze Long Kesh Development Corporation

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 05/06/15	1.8	1 Deputy Principal 1 Staff Officer
08/06/15 - 12/06/15	2	2 Deputy Principals 1 Staff Officer
15/06/15 - 19/06/15	1.8	1 Deputy Principal 1 Staff Officer
22/06/15 - 26/06/15	2	1 Deputy Principal 1 Staff Officer
29/06/15 - 03/07/15	2.4	3 Deputy Principals 1 Staff Officer
06/07/15 - 10/07/15	2.2	3 Deputy Principals 1 Staff Officer
13/07/15 - 17/07/15	1	1 Deputy Principal 1 Staff Officer
20/07/15 - 24/07/15	2.2	3 Deputy Principals 1 Staff Officer
27/07/15 - 31/07/15	1.8	2 Deputy Principals 1 Staff Officer
03/08/15 - 07/08/15	2.4	3 Deputy Principals 1 Staff Officer
10/08/15 - 21/08/15	2.2	2 Deputy Principals 1 Staff Officer
24/08/15 - 28/08/15	1.8	2 Deputy Principals 1 Staff Officer
31/08/15 - 04/09/15	2.2	2 Deputy Principals 1 Staff Officer
07/09/15 - 11/09/15	2	2 Deputy Principals 1 Staff Officer

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
14/09/15 - 18/09/15	2.4	2 Deputy Principals 1 Staff Officer
21/09/15 - 25/09/15	1.8	3 Deputy Principals 1 Staff Officer
28/09/15 - 02/10/15	2.2	2 Deputy Principals 1 Staff Officer
05/10/15 - 09/10/15	2.6	2 Deputy Principals 1 Staff Officer
12/10/15 - 16/10/15	2.2	2 Deputy Principals 1 Staff Officer
19/10/15 - 23/10/15	2.8	3 Deputy Principals 1 Staff Officer
26/10/15 - 30/10/15	1.6	1 Deputy Principal 1 Staff Officer
02/11/15 - 06/11/15	2.4	2 Deputy Principals 1 Staff Officer
09/11/15 - 13/11/15	3.2	3 Deputy Principals 1 Staff Officer
16/11/15 - 20/11/15	2.4	2 Deputy Principals 1 Staff Officer
23/11/15 - 27/11/15	2.8	1 Principal 2 Deputy Principals 1 Staff Officer
30/11/15 - 04/12/15	3.8	2 Principals 3 Deputy Principals 1 Staff Officer
07/12/15 - 11/12/15	3.6	2 Principals 3 Deputy Principals 1 Staff Officer
14/12/15 - 18/12/15	4.4	2 Principals 2 Deputy Principals 1 Staff Officer
21/12/15 - 25/12/15	1.6	1 Principal 3 Deputy Principals 1 Staff Officer
28/12/15 - 01/01/16	0.4	1 Deputy Principal
04/01/16 - 08/01/16	3.2	1 Principal 2 Deputy Principals 1 Staff Officer
11/11/16 - 15/01/16	3.7	1 Principal 3 Deputy Principals 1 Staff Officer

Victims and Survivors Service

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 19/06/15	10	1 Deputy Principal 1 Staff Officer 1 Executive Officer 2 7 Administrative Officers

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
22/06/15 - 26/06/15	9	1 Deputy Principal 1 Staff Officer 1 Executive Officer 2 6 Administrative Officers
29/06/15 - 17/07/15	8	1 Deputy Principal 1 Executive Officer 2 6 Administrative Officers
20/07/15 - 24/07/15	7	1 Deputy Principal 1 Executive Officer 2 5 Administrative Officers
27/07/15 - 14/08/15	4	1 Deputy Principal 1 Executive Officer 2 2 Administrative Officers
17/08/15 - 18/09/15	5	1 Deputy Principal 1 Executive Officer 2 3 Administrative Officers
21/09/15 - 25/09/15	6	1 Principal 1 Deputy Principal 1 Executive Officer 2 3 Administrative Officers
28/09/15 - 02/10/15	5	1 Principal 1 Deputy Principal 1 Executive Officer 2 2 Administrative Officers
05/10/15 - 06/11/15	6	1 Principal 1 Deputy Principal 1 Executive Officer 2 3 Administrative Officers
09/11/15 - 01/01/16	7	1 Principal 1 Deputy Principal 2 Executive Officer 2s 3 Administrative Officers
04/01/16 - 08/01/16	10	1 Principal 1 Deputy Principal 2 Executive Officer 2s 6 Administrative Officers
11/11/16 - 15/01/16	9	1 Principal 1 Deputy Principal 2 Executive Officer 2s 5 Administrative Officers

Northern Ireland Judicial Appointments Commission

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 17/07/15	1.63	1 Deputy Principal 1 Administrative Officer
20/07/15 - 11/12/15	0.63	1 Deputy Principal

Commission for Victims and Survivors

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 23/10/15	1	1 Executive Officer 2
18/01/16 – 15/01/2016	1	1 Deputy Principal

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Date	Number of Agency Staff (FTE)	Grade of Agency Staff
31/08/15 – 15/01/2016	1	1 Administrative Officer

Strategic Investment Board Ltd

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
01/06/15 - 12/06/15	3	2 Research Officers 1 Senior Information Officer
15/06/15 - 19/06/15	2.42	2 Research Officers 1 Senior Information Officer
22/06/15 - 26/06/15	1.63	2 Research Officers
29/06/15 - 10/07/15	1	1 Research Officer
13/07/15 - 17/07/15	0.62	1 Research Officer
20/07/15 - 24/07/15	1	1 Research Officer
27/07/15 - 31/07/15	0.84	1 Research Officer
03/08/15 - 07/08/15	1.41	1 Research Officer 1 Personal Secretary
10/08/15 - 21/08/15	1.54	1 Research Officer 1 Personal Secretary
24/08/15 - 28/08/15	1.5	1 Research Officer 1 Personal Secretary
31/08/15 - 04/09/15	1.26	1 Research Officer 1 Personal Secretary
07/09/15 - 11/09/15	1.54	1 Research Officer 1 Personal Secretary
14/09/15 - 18/09/15	1.41	1 Research Officer 1 Personal Secretary
21/09/15 - 25/09/15	1.54	1 Research Officer 1 Personal Secretary
28/09/15 - 02/10/15	1.27	1 Research Officer 1 Personal Secretary
05/10/15 - 23/10/15	1.54	1 Research Officer 1 Personal Secretary
26/10/15 - 30/10/15	1.43	1 Research Officer 1 Personal Secretary
02/11/15 - 06/11/15	1.54	1 Research Officer 1 Personal Secretary
09/11/15 - 13/11/15	2.11	2 Deputy Principals 1 Research Officer 1 Personal Secretary
16/11/15 - 20/11/15	3.37	3 Deputy Principals 1 Research Officer 1 Personal Secretary
23/11/15 - 27/11/15	2.82	3 Deputy Principals 1 Personal Secretary
30/11/15 - 04/12/15	1.85	2 Deputy Principals 1 Personal Secretary
07/12/15 - 11/12/15	2.74	3 Deputy Principals 1 Personal Secretary

Date	Number of Agency Staff (FTE)	Grade of Agency Staff
14/12/15 - 18/12/15	2.88	3 Deputy Principals 1 Personal Secretary
21/12/15 - 25/12/15	1.5	3 Deputy Principals 1 Personal Secretary
28/12/15 - 01/01/16	0.57	3 Deputy Principals
04/01/16 - 08/01/16	2.36	3 Deputy Principals
11/11/16 - 15/01/16	2.3	3 Deputy Principals

The following ALBs did not have any agency workers during the timeframe specified:

- Northern Ireland Commissioner for Children and Young People
- Office of the Attorney General for Northern Ireland
- Commissioner for Public Appointments for Northern Ireland
- Planning Appeals Commission and Water Appeals Commission

Mr B McCrea asked the First Minister and deputy First Minister how many meetings have been held with the other agencies under the Joint Protocol in Relation to the Display of Flags in Public Areas 2005.

(AQW 53009/11-16)

Mrs Foster and Mr M McGuinness: Our Department has held seven meetings with other agencies in relation to the Joint Flags Protocol.

Mr Lyttle asked the First Minister and deputy First Minister to detail the rationale for placing the Employment Service under the remit of the Department for Communities rather than in the Department for the Economy.

(AQW 53011/11-16)

Mrs Foster and Mr M McGuinness: The future Department for Communities will have a wide range of social policy and social welfare responsibilities. The closer integration of employment services with a unified welfare system would be in line with practice in other European countries, including Great Britain and Ireland. This approach would help the economically inactive and unemployed back into employment through comprehensive support and incentives.

Mr Dickson asked the First Minister and deputy First Minister when they will publish a Sexual Orientation Strategy.

(AQO 9384/11-16)

Mrs Foster and Mr M McGuinness: We remain committed to producing a Sexual Orientation Strategy.

To achieve this commitment officials have completed a public consultation process and the responses are being used to inform the content of a draft Strategy.

Once developed, the draft Strategy will be referred to the Executive for final agreement and a further 12 week period of public consultation will then take place.

We would anticipate that the Strategy would be published after this final phase of consultation.

Mrs Overend asked the First Minister and deputy First Minister for an update on the revised Child Poverty Strategy.

(AQO 9385/11-16)

Mrs Foster and Mr M McGuinness: Much work has been done to develop a revised Child Poverty Strategy. This has been informed by a review of the 2011-2014 Child Poverty Strategy, the development of a Child Poverty Outcomes Framework, the development of the Delivering Social Change Framework and the Signature Programmes, research and public consultation on Delivering Social Change for Children and Young People.

The strategy aims to tackle child poverty and deprivation so that no child here is disadvantaged by poverty.

The revised Child Poverty Strategy will allow us to better assess performance and focus on the outcomes that we intend to achieve. It will be published shortly following Executive Agreement.

Mr McElduff asked the First Minister and deputy First Minister, following the successful arrival of the first group of Syrian refugees in December 2015 and the key role played by their Department, what lessons have been learned from the process to date.

(AQO 9386/11-16)

Mrs Foster and Mr M McGuinness: We are pleased to report that the initial reception and settlement of the refugees has proceeded very successfully. This has been in large part due to the excellent planning and partnership working across government and the voluntary and community sector.

Although we are still at a very early stage in the overall resettlement process a lot of operational learning is already emerging. These issues are currently being considered and digested. There will also of course be aspects that we can improve on in the future.

The focus now is on supporting the long-term integration of our refugees.

Mr McNarry asked the First Minister and deputy First Minister for an update on the implementation of matters relating to their Department as outlined in A Fresh Start.

(AQO 9388/11-16)

Mrs Foster and Mr M McGuinness: Good progress has been made across the full range of issues in A Fresh Start. We discussed implementation with the Secretary of State and the Irish Minister for Foreign Affairs and Trade at a review meeting on 14 January after which a progress report was published. A copy of the progress report is attached.

Department of Agriculture and Rural Development

Mr Agnew asked the Minister of Agriculture and Rural Development how much is being provided to the community and voluntary sector in terms of (i) grants; (ii) grants-in-aid; and (iii) procurement, in this financial year, including any projected spend.

(AQW 52941/11-16)

Mrs O'Neill (The Minister of Agriculture and Rural Development): Including projected spend, the Department of Agriculture and Rural Development will have provided a total of £2,788,383 to the community and voluntary sector in terms of grants in this financial year. As all of this funding relates to grants, no funding has been provided in terms of grants in aid or procurement for the same period.

Mr McGlone asked the Minister of Agriculture and Rural Development what compensation is available for business owners, including farmers, who were adversely affected by the recent floods, and to list the eligibility criteria to avail of the compensation scheme.

(AQW 52978/11-16)

Mrs O'Neill: The Executive has agreed that an Emergency Financial Assistance Scheme will be established for non-domestic properties, including small businesses, affected by the recent flooding. The details of the Scheme are to be developed by the Minister of Finance and Personnel and myself.

I also intend to extend the Homeowners Flood Protection Grant Scheme to small businesses, including farms, subject to a business case being approved, later in 2016.

The eligibility criteria have not yet been developed for the Schemes.

Mr Campbell asked the Minister of Agriculture and Rural Development what recent discussions she has had with financial institutions on the issue of escalating debt in the farming industry.

(AQW 52996/11-16)

Mrs O'Neill: I have met on four occasions with representatives of financial institutions to discuss the issue of escalating farm debt in the farming industry. At these meetings I encouraged them to pro-actively engage with their customers, be flexible and more understanding in their approach, and demonstrate commitment to the longer term prospects for the industry. I plan to engage with them again in the coming days to discuss the current situation facing farmers and consider strategies for the future.

Ms Sugden asked the Minister of Agriculture and Rural Development how many dairy farmers have (i) diversified their farm business; or (ii) been put out of business, as a result of the recent dairy market crisis; and what support is available to farmers in these circumstances.

(AQW 53072/11-16)

Mrs O'Neill:

- (i) Information of farm diversification was collected by DARD in 2013 as part of the EU Farm Structure Survey. The survey results showed that 11 percent of dairy farmers in the north of Ireland had diversified as part of their business activities. No information is available on the number of dairy farms that might have diversified as a consequence of the current market downturn.
- (ii) The number of farm businesses that cease trading is not tracked and is not readily discernible from the mix of new start-ups, mergers, splits and transfers of farm ownership that is always occurring. A list of active farm businesses is

maintained for statistical purposes and the table below contains information on total farm numbers at 1st June, with the change in number since the previous year.

Total and Annual Change in Farm Business Numbers 2011-2015

	2011	2012	2013	2014	2015
Number	24,400	24,300	24,500	24,200	24,900
Change	-100	-100	+200	-300	+700

Source: DARD, The Agricultural and Horticultural Census.

CAFRE is working with dairy farmers through dedicated education and training programmes, as well as benchmarking, to help improve efficiency and embed greater resilience to market volatility within farm businesses.

Mr Campbell asked the Minister of Agriculture and Rural Development whether she anticipates any problems with issuing Areas of Natural Constraint payments over the next two months.

(AQW 53078/11-16)

Mrs O'Neill: On 25 January 2016, I announced the payment rates for the Areas of Natural Constraint scheme. Payments will begin to issue in early March and I anticipate that my Department will achieve its target to pay 95% of eligible farmers by the end of March 2016.

Ms Ruane asked the Minister of Agriculture and Rural Development how much funding has been awarded to South Down by her Department since 2007, including a detailed breakdown of the various schemes, measures and allocations.

(AQW 53116/11-16)

Mrs O'Neill: The Department of Agriculture and Rural Development provided a total of £169,915,000 to South Down from 2009/10 years to 2014/15. This is broken down in the table at Annex 1, over leaf.

Due to the Department's document retention policy of 7 years, financial information for the 2007/08 and 2008/09 years is limited and has therefore been excluded.

DARD South Down Constituency Funding

Programme / Scheme	2009/10 £'000	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
Single Farm Payment	25,466	22,859	22,439	22,297	24,083	21,630	138,774
Axis 1 NI Rural Development Programme 2007-13							
Vocational Training	0	0	2	8	109	16	135
Processing and Marketing Grant (PMG)	0	0	48	18	198	61	325
Farm Modernisation Programme (FMP) and Manure Efficiency Technology Scheme (METS)	231	66	293	66	362	94	1,112
Axis 1 Total	231	66	343	92	669	171	1,572
Axis 3 NI Rural Development Programme 2007-13							
Farm Diversification	0	25	132	238	516	321	1,232
Business Creation and Development	0	20	203	250	107	186	766
Rural Tourism	0	0	619	146	459	572	1,796
Basic Services	0	0	97	117	763	1,684	2,661
Village Renewal	0	0	0	28	106	585	719
Conservation of Rural Heritage	0	0	15	25	255	151	446
Axis 3 Total	0	45	1,066	804	2,206	3,499	7,620
Tackling Rural Poverty & Social Isolation							
Assisted Rural Travel Scheme (ARTS)	8	48	56	49	61	44	266

Programme / Scheme	2009/10 £'000	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
Fuel Poverty	0	0	16	17	0	30	63
Rural Challenge Programme	0	26	0	0	31	0	57
Rural Borewells	0	0	0	22	12	0	34
Maximising Access to Rural Areas (MARA)	10	12	20	173	132	54	401
Community Development (Newry and Mourne)	0	0	0	199	199	199	597
TRSPI Total	18	86	92	460	435	327	1,418
NI Regional Food Programme							
Down District Council South East Economic Development project	0	0	4	0	0	0	4
Rivers Agency							
Capital works including drainage and flood alleviation	37	40	170	116	153	35	551
EUASD							
Agri-environment Scheme payments	0	0	918	863	848	1,128	3,757
Rural Development Programme							
New Entrants Scheme (NES)	79	64	56	28	29	9	265
Forest Service							
Forestry Grant Schemes	75	124	152	103	149	177	780
European Fisheries Fund (EFF)							
Axis 1 -Adaptation of the Community fishing fleet	0	4	111	193	120	195	623
Axis 2 - Aquaculture, inland fishing, processing and marketing of fisheries and aquaculture products	0	123	157	458	321	172	1,231
Axis 3 - Measures of collective benefit	29	635	941	825	374	206	3,010
Axis 4 - Sustainable development of fisheries areas						135	135
EFF Total	29	762	1,209	1,476	815	708	4,999
NICMS	0	0	132	166	302	659	1,259
Less Favoured Area Compensatory Allowance (LFA)	1,641	1,406	1,352	1,555	1,341	1,621	8,916
Total	27,576	25,452	27,933	27,960	31,030	29,964	169,915

Mr Hazzard asked the Minister of Agriculture and Rural Development what opportunities exist for a decommissioning scheme for the local fishing industry as part of the European Maritime and Fisheries Fund Programme.
(AQW 53191/11-16)

Mrs O'Neill: The EMFF Regulation may support measures for the permanent cessation of fishing activities only when that is achieved through the scrapping of fishing vessels and which is an action within an action plan to address the issue that the fleet segment is not effectively balanced with the fishing opportunities available to that segment. DARD has no evidence that indicates that our fishing fleet key segments are not in balance and hence the potential to deliver a Decommissioning Scheme is restricted. My Department has no plans, at this time, to deliver a permanent cessation scheme.

Mr Hazzard asked the Minister of Agriculture and Rural Development what opportunities exist for fishermen who want to diversify out of the traditional fishing industry as part of the European Maritime and Fisheries Fund Programme.
(AQW 53192/11-16)

Mrs O'Neill: The European Maritime and Fisheries Fund can support diversification from fishing activities, where appropriate, through Community-led Local Development of fishing dependent areas.

My Department has made provision within its EMFF investment proposals for a Fisheries Local Action Group to develop a strategy for our sea-fishing communities and to deliver that strategy with assistance from the EMFF Programme.

If the strategy identifies a need to support diversification from traditional fishing practices, I would anticipate that such a measure would be included in the FLAG's proposals.

Mr Hazzard asked the Minister of Agriculture and Rural Development what opportunities exist for local crab and lobster fishermen as part of the European Maritime and Fisheries Fund Programme.

(AQW 53193/11-16)

Mrs O'Neill: Crab and lobster fishermen will be able to apply for a range of measures under the European Maritime and Fisheries Fund. Assistance will be made available to the industry for vessel modernisation, including safety improvements, working conditions, hygiene, product quality, energy efficiency and selectivity. While the maximum rate of grant for investment on board fishing vessels will be 50%, small-scale coastal fishers will be able to apply for grant up to a maximum of 80% of the eligible investment costs.

In respect of fishing gear, the EMFF can only support investments in equipment that improves size selectivity or species selectivity or equipment that limits and, where possible, eliminates the physical and biological impacts of fishing on the ecosystem or the sea bed.

Mr Hazzard asked the Minister of Agriculture and Rural Development for her assessment of the recently constructed Floods Defence Wall in Annsborough, Co Down during recent instances of flooding.

(AQW 53194/11-16)

Mrs O'Neill: Prolonged and heavy rainfall, throughout much of November and December caused surface water flooding in the Annsborough area, not river flooding. The recently constructed flood defence to protect properties from the Leitrim/Ballybannon River had no part to play in this event.

Mr Hazzard asked the Minister of Agriculture and Rural Development for an assessment of her Department's role in the response to the recent flooding in Annsborough, Co Down.

(AQW 53195/11-16)

Mrs O'Neill: A multi-agency site meeting was held on Wednesday 13 January to discuss the flooding at Annsborough Park. Initial investigations by NI Water (NIW) indicate the primary cause was a problem with a storm sewer.

The flooding may have been exacerbated by a blocked grille on an undesignated watercourse which provides an outlet to Castlewellan Lake. This may have caused water to flow into Mill Hill Road towards Annsborough. Rivers Agency gave a commitment to investigate the ownership of the grille on the undesignated watercourse and advise the riparian of their maintenance responsibility.

TransportNI and NIW also gave commitments to undertake further investigations in relation to the flooding.

Mr Easton asked the Minister of Agriculture and Rural Development in which areas of North Down her Department is planning to increase the tree population.

(AQW 53227/11-16)

Mrs O'Neill: Woodland cover in North Down is 9% of land area compared with an average of 8% in the north of Ireland. I remain committed to increasing the extent of woodland cover and in November last year I launched the Forestry Grant Schemes under the Rural Development Programme 2014-20 and allocated up to £17.4 million to support woodland expansion and the sustainable management of existing woodland. This is sufficient to create 1,800 hectares of new woodland and sustain approximately 4,000 hectares created under previous programmes and will help to make a small but positive contribution towards my aim of achieving 12% woodland cover by the middle of this century. The Department's web site provides an indicative map for woodland creation indicating the areas of land being potentially "suitable for afforestation" and "suitable for afforestation with possible constraints".

Mr McKinney asked the Minister of Agriculture and Rural Development for an update on the flood alleviation schemes in South Belfast.

(AQW 53234/11-16)

Mrs O'Neill: Rivers Agency has now instructed a contractor to commence the upgrading work on three urban drains in the Kinnegar Road and Locksley Park areas. The contractor is due to be on site within the next few weeks.

The works to upgrade the existing drainage infrastructure element in the Sicily Park and Greystown areas of South Belfast is being progressed by NI Water and is scheduled to commence during 2016/17.

Mr Agnew asked the Minister of Agriculture and Rural Development what consideration has been given to moving away from breed specific legislation on dangerous dogs.

(AQW 53246/11-16)

Mrs O'Neill: The issue of banning certain dangerous dogs was raised by stakeholders during the consultation on the Dogs (Amendment) Act 2011 ('the 2011 Act'). It was also considered during the Agriculture and Rural Development Committee's scrutiny of the 2011 Act and was raised in debates during the legislation's passage through the Assembly. While certain types of dogs are prohibited because of the specific risk they pose, this does not imply that other dogs are not dangerous. The legislation provides protection to the public from dangerous dogs regardless of their breed. Ultimately no change to the ban was proposed.

The 2011 Act has strengthened the provision to deal with the issue of uncontrolled dogs and dog attacks, regardless of the breed of dog involved. It introduced a new system of control conditions that Council dog wardens may impose where there has been a breach of dog control law. These controls include: keeping the dog securely fitted with a muzzle when in a public place; keeping it under control (leashed) when in a public place; keeping the dog securely confined in a building, yard or other enclosure when not under control; keeping it away from any place; and/or having the dog neutered (if male).

Under the 1983 Order it is an offence to allow a dog to stray, regardless of its type. The 2011 Act introduced compulsory microchipping from 9 April 2012. This, along with robust control conditions, the new offence of a dog attack on another pet, more substantial penalties and stiffer fixed penalties, will help dog wardens enforce the law. It also holds careless or irresponsible owners and keepers to account where they have failed to exercise adequate control of their dogs. These provisions help protect the public, promote responsible ownership and penalise irresponsible owners.

Therefore, there are now legislative requirements on all dog owners for better dog control in public places.

You will also be aware that I initiated a joint review of the implementation of the Welfare of Animals Act 2011 with the Department of Justice Minister Ford. This included direct engagement with stakeholders during discussion sessions across all sectors, with organisations, individuals and representative bodies who have an interest in animal welfare related issues. No one raised the issue of prohibition only on certain dog types during the extensive evidence gathering activities undertaken as part of the review.

All dog owners have a responsibility to ensure the welfare of dogs in their care and to ensure that their dog does not become a problem to themselves or other people in compliance with the modern dog control legislation that now exists.

Mr Hazzard asked the Minister of Agriculture and Rural Development what steps her Department has taken to protect and enhance hill farming in South Down.

(AQW 53256/11-16)

Mrs O'Neill: The significant majority of hill farmers are located in the Severely Disadvantaged Area (SDA). Following the implementation of CAP Reform, eligible farmers in the SDA collectively will benefit from the value of Pillar I payments accruing to agricultural land increasing by about €4 million (£2.8 million) year-on-year from 2015.

I have also implemented a two year Areas of Natural Constraint (ANC) Scheme (2016 and 2017) in the SDA as part of the Rural Development Programme (RDP) 2014-2020. I recently announced that payments on eligible claims made in May 2015 would commence in March 2016. The budget for the 2016 Scheme is £20 million.

Work has recently commenced examining options for future support for the ANC post 2017 and my intention is that a consultation on this will be launched within a matter of weeks. Regulation EU (No) 1305/2013 also requires all Member States to designate a new ANC by 1 January 2018 at the latest. This is being developed and taken forward in parallel with the consultation on options for future support.

Further opportunities to support hill farmers are and will be made available via the RDP 2014-2020 through measures such as the Environmental Farming Scheme and the Farm Business Improvement Scheme.

The first phase of the Farm Business Improvement Scheme (FBIS) - Knowledge Transfer - opened last year with the Business Development Groups Scheme. Farmers across the north applied to join this programme, with 31% of applicants farming in the SDA. This Scheme will help farmers to come together with their peers, to learn about and enhance their knowledge of business management, new technologies and innovative ways of working. The FBIS Knowledge Transfer component will also deliver Farm Family Key Skills training schemes, including farm safety and business planning.

Support also exists via the College of Agriculture, Food and Rural Enterprise with a range of courses on offer to help hill farmers.

Mr Hazzard asked the Minister of Agriculture and Rural Development how much investment her Department has overseen in South Down since 2011.

(AQW 53257/11-16)

Mrs O'Neill: The Department of Agriculture and Rural Development invested a total of £116,887,000 to South Down from 2011/12 to 2014/15. This is broken down in the table overleaf.

DARD South Down Constituency Funding Investment

Programme / Scheme	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
Single Farm Payment	22,439	22,297	24,083	21,630	90,449
Axis 1 NI Rural Development Programme 2007-13	343	92	669	171	1,275
Axis 3 NI Rural Development Programme 2007-13	1,066	804	2,206	3,499	7,575
Tackling Rural Poverty & Social Isolation	92	460	435	327	1,314
NI Regional Food Programme	4	0	0	0	4
Drainage and flood alleviation	170	116	153	35	474
Agri-environment Scheme payments	918	863	848	1,128	3,757
Rural Development Programme - New Entrants Scheme	56	28	29	9	122
Forestry Grant Schemes	152	103	149	177	581
European Fisheries Fund (EFF)	1209	1476	815	708	4,208
NI Countryside Management Scheme	132	166	302	659	1,259
Less Favoured Area Compensatory Allowance (LFA)	1,352	1,555	1,341	1,621	5,869
Total	27,933	27,960	31,030	29,964	116,887

Ms Sugden asked the Minister of Agriculture and Rural Development to detail the forecast shortfall in the number of vets in Northern Ireland; and how her Department are working with other stakeholders to address this situation.

(AQW 53308/11-16)

Mrs O'Neill: The Department of Agriculture and Rural Development does not have any formal system for forecasting the number of vets required for the north of Ireland. I am not aware of any evidence of an actual shortfall in the number of vets across the profession as a whole here, or across Europe, where there is free movement of qualified vets between all Member States.

Mr Wells asked the Minister of Agriculture and Rural Development for her assessment of compliance with EU Council Directive 1999/74/EC within the European Union; and whether there is any evidence of eggs from non complaint countries being imported into Northern Ireland.

(AQW 53387/11-16)

Mrs O'Neill: Council Directive 1999/74/EC was adopted in 1999 and lays down minimum welfare standards for the protection of laying hens. The Directive banned the keeping of hens in conventional or 'battery cages' from 1 January 2012.

All egg producers here, and in the south of Ireland and Britain, have been fully compliant with the Directive since 2013.

The European Commission confirmed in 2014 that it no longer had pending complaint cases based on non-compliance with Directive 1999/74/EC.

Mr Wells asked the Minister of Agriculture and Rural Development, pursuant to AQO 9352/11-16, how many laying hen sites were visited; and how many of these were (i) fully; and (ii) partially compliant with EU Council Directive 1999/74/11-16.

(AQW 53388/11-16)

Mrs O'Neill: In the 2015 year all 260 laying hen production sites in the north were inspected.

257 production sites were fully compliant and 3 were partially compliant.

Non-compliances were in relation to low level overstocking or insufficient litter provision. Follow-up inspections have been carried out to ensure full compliance with Directive 1999/74.

Mr Girvan asked the Minister of Agriculture and Rural Development for an update on her Department's response to the recent flooding incidents.

(AQO 9537/11-16)

Mrs O'Neill: Rivers Agency made significant preparations in advance of the flooding by placing staff on call, clearing of culvert inlet grilles and the pre-deployment of resources to ensure a rapid response.

Rivers Agency staff dealt with flooding incidents mainly in Counties, Tyrone, Fermanagh and Armagh which included pumping out water to help protect properties.

The response to the numerous flood events necessitated a multi-agency approach with my Department taking the lead, and playing a key role in advising and working alongside other responding organisations to ensure the overall emergency response to the flooding was as good as possible.

The actions of the Rivers Agency and the multi-agency partners made a significant difference in minimising the impacts on people and property as a result of these severe events.

Water levels in Lough Erne, have fallen considerably and most of the impacts experienced in recent weeks have been abated.

Water levels in Lough Neagh, while falling slowly, remain relatively high. Levels are currently 240mm below the peak levels experienced early in January. Rivers Agency staff are monitoring the situation closely and pumping continues to ensure, as far as possible, that property does not flood.

My Department will undertake a review of this flooding emergency and I have decided that an independent chair would add value to the process. A report on the handling of the whole emergency flood emergency will be completed by early summer.

Mr Rogers asked the Minister of Agriculture and Rural Development for an update on the actions taken by her Department to assist residential and business property owners affected by flooding.

(AQO 9544/11-16)

Mrs O'Neill: Rivers Agency readily assisted residential and business property owners affected by the flooding by undertaking preventative maintenance of grilles, and providing pumping equipment and sandbags as required, to mitigate the impacts of flooding.

Additional grille inspections on high risk inlet grilles were also undertaken as debris can often be carried downstream by a high river flow and cause an obstruction which may increase flood risk.

I launched the Homeowner Flood Protection Grant Scheme on 13 January 2016. The Scheme, which is an innovative approach to managing flood risk, provides assistance to property owners to install individual property protection to help reduce the impact of flooding.

The Grant Scheme is available to the owners of residential properties that meet eligibility criteria and will generally cover 90% of the installation costs with the remaining 10% contributed by the homeowner. The cost to homeowners may typically fall within the range of £350 to £750. The grant is capped at £10,000.

I intend to extend the Homeowners Flood Protection Scheme to small businesses, including farms subject to a business case being approved, later in 2016.

In addition, the Executive has agreed that an Emergency Financial Assistance Scheme will be established for non-domestic properties, including small businesses, affected by the recent flooding. The details of the Scheme are to be developed by the Minister of Finance and Personnel and I.

Mr Wells asked the Minister of Agriculture and Rural Development what action has been taken to protect Downpatrick from flooding.

(AQO 9546/11-16)

Mrs O'Neill: The Preliminary Flood Risk Assessment, as a requirement of the Floods Directive, determined that Downpatrick may be at potential significant flood risk of flooding from both coastal and fluvial flooding.

The areas predicted to be at risk are Market Street, Ballyduggan Road and Church Street and these are illustrated on the flood maps that are available on the website through Flood Maps NI.

The latest flood risk assessment for Downpatrick and the measures that are planned to manage these risks are contained within the recently published North Eastern Flood Risk Management Plan (FRMP).

Rivers Agency plans to carry out a feasibility study to identify if a flood alleviation scheme to reduce the risk of flooding is cost beneficial. These studies will involve the co-operation and input of Transport NI and NI Water. Should a study identify an economically viable engineering solution this will be subject to competing priorities and the availability of resources.

The considerable number of the properties at risk of flooding within the Downpatrick area are small businesses. It should be noted that I intend to extend the Homeowners Property Protection Scheme to small businesses subject to a business case being approved. This may provide the owners of these businesses, who may not benefit from an overall county level flood alleviation scheme, with financial and technical assistance to make their properties more resistant to flooding.

Mr Diver asked the Minister of Agriculture and Rural Development to outline the current uptake of, and remaining funding for, the second phase of the Rural Micro Capital Grant Programme.

(AQO 9547/11-16)

Mrs O'Neill: In its first year of operation, rural micro capital grants of up to £1,500 have been awarded to three hundred and seventy (370) community and voluntary groups to improve and develop their facilities and assets along the themes of modernisation, health and well being and ICT (Information and Communications Technology).

One hundred and forty six (146) rural groups were funded through Phase One of the Programme, and my officials are now in the process of paying these grant claims.

The second phase of the Programme closed for applications on 30 October 2015 and every group that met the Programme's eligibility criteria has been offered a grant. This represents a further two hundred and twenty four (224) groups, in addition to those from Phase One.

A total of £449,000 has been awarded in grants through Phases One and Two and this has helped a diverse range of voluntary organisations, spanning a broad spectrum of interests to improve and expand the services they deliver within their rural communities.

Judging from the level of interest in the Rural Micro Capital Grant Programme, it is apparent that this Programme has proven itself to be an extremely effective component of my department's current Tackling Rural Poverty and Social Isolation Framework.

My officials are currently reviewing responses to the recent consultation on a revised TRPSI Framework and I am hopeful that the new Framework will continue to facilitate Programmes such as the Rural Micro Capital Grant Programme, where even a modest amount of grant aid, if targeted correctly, can make a very big difference both locally at grass-roots level and regionally at Programme level.

Mr Cree asked the Minister of Agriculture and Rural Development how many trees have been felled in the last two years to limit the spread of each tree disease.

(AQO 9548/11-16)

Mrs O'Neill: In 2014 and 2015 Forest Service issued Statutory Plant Health Notices (SPHNs) at 60 sites for the control of *Phytophthora ramorum* in larch trees and Ash Dieback (*Hymenoscyphus fraxineus*) in Ash.

In these two years a total of 34 SPHNs were issued for the felling of larch trees affected by *Phytophthora ramorum* on both public and privately owned sites. Approximately 134,000 trees have been felled to date.

SPHNs were issued at 26 sites for the removal of ash trees affected by Ash Dieback. To date 4,088 trees have been removed from these sites.

All sites under notice are monitored by Forest Service Plant Health Inspectors.

Mr McKinney asked the Minister of Agriculture and Rural Development what impact the cuts to higher education funding in the 2016-17 Budget will have on initiatives such as the postgraduate studentships for agricultural studies.

(AQO 9549/11-16)

Mrs O'Neill: At this time, my Department has no plans to cut the level of funding in 2016-17 for its higher education provision, including postgraduate studentships for agricultural students. My Department remains committed to providing postgraduate studentships and higher education in areas of strategic importance to our agri-food industry and the local economy in general.

In 2013 I announced that my Department would be increasing the number of new postgraduate agricultural and food research studentships available in 2014 from 8 to 12. I am pleased to inform you that I was able to maintain this additional funding in 2015 and intend to do so again in 2016. This increased support for the scheme demonstrates our ongoing commitment to investment in the agri-food science base. It also addresses a key theme in the Agri-food Strategy Board's report Going for Growth, through the provision of postgraduate research to help improve efficiency, competitiveness and innovation.

We currently fund 29 PhD students, which is the highest number we have funded in over ten years.

Higher level courses currently offered by the College of Agriculture, Food and Rural Enterprise (CAFRE) will be maintained in 2016-17. CAFRE has excellent links with businesses in our local industry, many of whom employ our graduates. Facilities have been maintained and improved at CAFRE to make sure that they are kept up to date and can provide the essential practical experience to enrich the learning experience.

Mr A Maginness asked the Minister of Agriculture and Rural Development to outline the criteria and potential opportunities for local fishermen through the European Maritime and Fisheries Fund Programme.

(AQO 9550/11-16)

Mrs O'Neill: The European Maritime and Fisheries Fund provides my Department with the opportunity to invest in all sectors of the fishing industry during the period 2014-2020 in order to promote smart, sustainable and inclusive growth.

The north has secured around €23.51m or around 10% of the total UK allocation, with €13.7m European funding available to support applications from stakeholders, including fishermen, processors, aquaculture and community-led local development interests. With the required national funding contribution, this equates to around €18.3m.

Union Priority 1 focuses on the fish-catching sectors and aims to promote environmentally sustainable, resource-efficient, innovative, competitive and knowledge-based fisheries through focus on the objectives of the Common Fisheries Policy, especially the avoidance and reduction, as far as possible, of unwanted catches by addressing fishermen's obligations under the CFP's landing obligation.

This Priority provides around €10.6m public funding to support fishermen in vessel modernisation (including safety improvements, working conditions, hygiene, quality and energy efficiency) and gear selectivity. The maximum rate of grant for investment on board fishing vessels that use mobile fishing gear (such as nephrops trawls) will be 50% and up to 80% for vessels that deploy static gear (such as crab and lobster pots).

To be eligible for support, an applicant's vessel must be licenced and sea-worthy. The investment itself must be eligible against the requirements of the EMFF Programme and Common Fisheries Policy and make a positive contribution towards the aims, objectives and targets of the Programme.

Mr Clarke asked the Minister of Agriculture and Rural Development what advice she can give to farmers who are awaiting their Single Farm Payment.

(AQO 9551/11-16)

Mrs O'Neill: My Department has delivered on its promise to make 95% of payments to eligible applicants under the new Common Agricultural Policy (CAP) schemes by the end of December. To date, over 96% of eligible farmers have been paid £206m. This includes over 2,000 inspected cases, the largest number ever processed by this time of year. My Department has delivered a significantly better payment performance than any other region of the UK.

I can assure farmers that every effort is being made to pay all remaining farmers and to have all the inspection cases cleared by the end of March 2016. I would encourage farmers who have been asked to provide further information in support of their claims to do so as soon as possible.

Department of Culture, Arts and Leisure

Mr Agnew asked the Minister of Culture, Arts and Leisure what in year cuts have been made to the community and voluntary sector funding; and how this compares to cuts to other services.

(AQW 52947/11-16)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): As a result of Tory cuts to the Block Grant, earlier in the year, I was obliged to make budget cuts to the Arts and Sports Councils to cover a number of inescapable pressures which had arisen. Subsequently, I successfully bid for additional funding and was able to reverse the cuts to grant programmes.

Therefore, no in year cuts were made in voluntary and community sector funding in 2015/16.

Mr Anderson asked the Minister of Culture, Arts and Leisure to detail the level of funding her Department has provided to community and voluntary organisations in Upper Bann in each of the last four years.

(AQW 52960/11-16)

Ms Ní Chuilín: The information you have asked for is already available from the Government Funding Database (govfundingpublic.nics.gov.uk). This database is designed to record all public funding to the voluntary and community sector and to be easily accessible.

Mr Weir asked the Minister of Culture, Arts and Leisure what funding will be made available to help groups commemorate the centenary of the Battle of Jutland in 2016.

(AQW 53151/11-16)

Ms Ní Chuilín: My Department is already playing a key role in developing inclusive approaches and telling the stories and different interpretations of this key period in the history of Ireland. An extensive and diverse range of activities, events and initiatives have already been delivered by organisations including the Ulster Museum, libraries, Creative Learning Centres, PRONI and the wider arts sector.

The DCAL family has also partnered with the Living Legacies 1914-18 Engagement Centre at Queens University Belfast in helping community groups tell their stories and share their stories with others.

The Battle of Jutland will feature in a new exhibition in the Ulster Museum, Remembering 1916: Your Stories, which will open to the public on the 25th March 2016 at a cost of £14,000.

PRONI will be hosting an open event featuring renowned archaeologist, explorer and historian, Dr Innes McCartney on 26 May 2016.

Libraries NI is planning a number of activities to commemorate the anniversary of the Battle of Jutland including twitter feed, a virtual exhibition on Libraries NI website, talks, and exhibitions in several including Reflections on 1916 in Belfast Central, 21 March - 30 July.

The NI Museums Council (NIMC) is not currently funding any associated projects in relation to the Battle of Jutland. However, the NIMC Accredited Museums Grant Programme is available, with an application deadline in late February, for museums seeking funding from NIMC, which could include the funding of Jutland associated events and activities.

Mr Hazzard asked the Minister of Culture, Arts and Leisure to outline the different phases of refurbishment on Castlewella library; and when this work will be complete.

(AQW 53396/11-16)

Ms Ní Chuilín: Libraries NI has informed me that the planned refurbishment of Castlewella Library requires three main phases, the details of which are outlined at Annex A.

The completion of the refurbishment of the library is scheduled for April 2016 with the library fully operational and open to the public by early May 2016.

Phases of refurbishment: Castlewella library

Annex A

Phase	Details
Procurement Phase	A work specification and tender package was issued on 14 December 2015 and completed quality/cost submissions were returned on 14 January 2016. Following assessment of the submitted tenders the most economically advantageous tender has been identified and, subject to contract, Libraries NI anticipates a formal appointment by early February 2016.
Construction Phase	A preliminary programme provided within the tender submission of the successful contractor indicates commencement of works is anticipated to be 15 February 2016 with a duration period of 8 weeks. Completion is scheduled for April 2016.
Refit Phase	Following completion of the remedial construction works Libraries NI will require some time to reinstate equipment and restock the library. It is anticipated the facility will be fully operational by early May 2016.

Mr Campbell asked the Minister of Culture, Arts and Leisure what events will be held to commemorate the sacrifice of soldiers from the 36th Ulster and 16th Irish Divisions of the British Army that died at the Battle of the Somme.

(AQW 53406/11-16)

Ms Ní Chuilín: My Department is committed to collaboratively promoting inclusive approaches to commemorating the key anniversaries such as the Battle of the Somme and these have been taken forward by museums, libraries, PRONI, the arts and creative industries.

The DCAL family has partnered with the Living Legacies 1914-18 Engagement Centre at Queens University Belfast in helping community groups tell their stories and share their stories with others.

National Museums NI is developing a temporary exhibition which will open in March 2016 called 'Remembering 1916: Your Stories' at a cost of £14,000. The exhibition will be divided into four main sections – 'The Easter Rising'; 'The Battle of the Somme'; '1916: War and Society'; and 'Legacy'.

The Somme Heritage Centre has developed a programme of work to complement the Executive's plans to mark significant anniversaries occurring during the Decade of Centenaries 1912-1922. It has received £79,000 as part of a three year funding agreement to support this work and will receive a further £30,000 in this financial year.

The Nerve Centre continues to develop the 'Creative Centenaries' online platform and will be adding to its suite of online resources relating to the Decade of Centenaries and will be developing a 1916 exhibition.

The Arts Council has provided funding of £33,640 to organisations including: £6,000 provided to The Somme Association for Reflections to the Irish soldier on the Somme; £20,000 provided to DU Dance for Alternative Energies - First World War Project; and £7,640 which has been provided to Rathcoole Friends of the Somme for Tales of Time.

PRONI continues to work collaboratively in making available its rich resources relating to the First World War available by publishing material online and providing digital copies to other interested partners. They have also produced a First World War travelling exhibition which is currently touring Libraries NI and will host a conference in September/October on the Somme in conjunction with the Western Front Association.

Mr Flanagan asked the Minister of Culture, Arts and Leisure, pursuant to AQW 50775/11-16, whether this report was released to the public on 1 December 2015; and to place a copy in the Assembly Library.

(AQW 53408/11-16)

Ms Ní Chuilín:

- (i) The report on the formal investigation and the recommendations from the investigation into the elver mortalities at the ESB facilities at Ballyshannon in April 2014 has been published on my Departments website on 15 December 2015 and

can be accessed through the following link: <https://www.dcalni.gov.uk/publications/report-investigation-elver-mortality-event-cathleen%E2%80%99s-fall-station>

(ii) A copy of this report will be placed in the Assembly Library.

Mr Easton asked the Minister of Culture, Arts and Leisure how many staff have been suspended from her Department over the last three years for disciplinary reasons

(AQW 53449/11-16)

Ms Ní Chuilín: The Department of Culture, Arts and Leisure had no members of staff suspended for disciplinary reasons in 2013, 2014 and 2015.

Mr McCallister asked the Minister of Culture, Arts and Leisure how the restructuring of Department's will simplify the application process for angling licences and permits.

(AQW 53500/11-16)

Ms Ní Chuilín: DCAL Inland Fisheries Group are currently finalising a more user friendly online application process which is scheduled to be operational before the new Departments are in place. Rather than being issued with a paper licence the angler will have an e record created instead. The new system will also guide the angler through the process, based on their initial choices, thus making it easier to purchase the required licence and permit.

Consideration is being given currently to the outcome of the recent public consultation process on the two fishery management plans for Lough Erne and Lough Neagh which proposed having a single licence and or permit to cover both game and coarse angling.

Mr Easton asked the Minister of Culture, Arts and Leisure to detail her Department's underspend in the last financial year.

(AQW 53528/11-16)

Ms Ní Chuilín: In 2014/15 my Department underspent its resource budget by £1.43m (1.42%) and its capital budget by £0.22m (0.59%). Overall, the underspend amounted to 1.2% of budget.

Mr Irwin asked the Minister of Culture, Arts and Leisure how many applicants applied for the post of Chief Executive for Armagh Planetarium and Armagh Observatory; and whether the appointment process has concluded.

(AQW 53619/11-16)

Ms Ní Chuilín: The recruitment process for the new Chief Executive for Armagh Planetarium and Armagh Observatory has not concluded. Until the outcome of this process is known it would be inappropriate to comment further.

Mr Easton asked the Minister of Culture, Arts and Leisure (i) whether the IFA is required to set up a group or committee to take forward the funding for the Sub-Regional Stadia Programme; if so (ii) whether this committee will be constituted and independent of the IFA; (iii) how many people will be on the committee; and (iv) to whom they will be accountable.

(AQW 53649/11-16)

Ms Ní Chuilín: DCAL is responsible for the development and delivery of the Sub Regional Stadia Programme for Soccer, including the allocation of funding.

Mr Lynch asked the Minister of Culture, Arts and Leisure for an update on the proposed new Enniskillen library.

(AQW 53751/11-16)

Ms Ní Chuilín: Libraries NI is continuing work to develop a draft business case aimed at securing resources for the development of a new and improved public library in Enniskillen. The business case considers a number of options for delivery of library services in Enniskillen ranging from redevelopment on the existing site to potential relocation to an alternative location.

The business case has now reached an advanced stage and Libraries NI is awaiting receipt of key land and construction data so that it can complete the process. Libraries NI expects to receive this data shortly with a view to finalising the case by March 2016.

Department of Education

Mr Agnew asked the Minister of Education to detail the percentage of pupils (i) entitled to free school meals; and (ii) not entitled to free school meals that left school with less than five GCSEs at grades A*-C in each of the last four years, broken down by post-primary school.

(AQW 52630/11-16)

Mr O'Dowd (The Minister of Education): The School Leavers Survey collects the qualifications and destinations of all pupils leaving the grant-aided mainstream school system. Although this information is sourced from schools, it refers to the attainment across the education system as a whole. It is not appropriate to attribute the data to individual schools given that

the achievements of pupils who transfer between schools are attributed to the final school. This has particular implications for data covering Junior High Schools and schools without a post-16 provision, given that pupils transfer schools at Year 10 or Year 12. Therefore school leavers' data cannot be interpreted as a reflection of individual school performance.

The following table sets out the proportion of pupils leaving the school system with fewer than five GCSEs at grades A*-C (or equivalent).

Percentage of school leavers not achieving 5 or more GCSEs at grades A*-C (or equivalent), by free school meal entitlement, 2010/11 to 2013/14

	2010/11	2011/12	2012/13	2013/14
Non-FSME	22.0	18.6	16.9	16.6
FSME	51.2	46.6	41.5	43.4

Source: School Leavers Survey

Notes:

- 1 Excludes special and independent schools.
- 2 Data include equivalent qualifications.

Mr Clarke asked the Minister of Education for an update on his plans for the future of the Youth Council.
(AQW 52828/11-16)

Mr O'Dowd: For an update on my plans regarding the future of the Youth Council, I would refer you to AQO 9421/11-16 which was answered on 22 January 2016.

Ms Sugden asked the Minister of Education to detail the age at which a young person must leave a Moderate Learning Disability school; and whether this is consistent across all Education Authority regions.
(AQW 52972/11-16)

Mr O'Dowd: It is recognised that once a pupil commences a special school, he/she tends to access this provision until they are 16 years; in other cases, the placement is extended to 19 years. MLD schools, in the main, provide education up to age 16.

For some MLD schools, development proposals put forward by the Education Authority have been approved by me to extend the age at which pupils can attend these schools.

The member will be aware that I recently commissioned the EA to prepare, publish and consult on a regional area plan for Special Schools, following publication of the Review of Special School Provision report on 3 November 2015. The EA recognises that enhanced consistency with regard to post-16 provision in special schools will require redress by the Authority as part of this regional area plan.

Mr Agnew asked the Minister of Education to detail how much funding he has provided to the community and voluntary sector (i) in actual terms; and (ii) as a proportion of his overall budget in each of the last three years, including the projected spend for the 2015-16 financial year
(AQW 53006/11-16)

Mr O'Dowd: The funding provided to the community and voluntary sector (i) in actual terms; and (ii) as a proportion of the overall budget in each of the last three years, including the projected spend for the 2015-16 financial year is as follows:

Financial year	£m	As a % of the overall budget
2012-13	36.2	1.8
2013-14	36.8	1.8
2014-15	38.5	1.8
2015-16*	41.5	1.9

* projected spend

Ms Sugden asked the Minister of Education whether his Department is responsible for the provision of specialist equipment in special education schools in order to meet the needs of children and young people with advanced learning disabilities.
(AQW 53049/11-16)

Mr O'Dowd: Specialist equipment for children with special educational needs (SEN) is provided either by the Education Authority (EA) or the local Health and Social Care Trust (H&SCT).

Through the statutory assessment process, and where there is evidence of need, the EA is responsible for the provision of specialist equipment for pupils with SEN whether in a mainstream or a special school. This includes equipment that a child needs in order to access their education, such as specialist seating; desks; hoists and toileting aids; adapted equipment and utensils to enable the development of play, independence, practical self-help skills and curriculum engagement.

The local H&SCT is responsible for providing pupils with specialist equipment to deliver therapy e.g. standing frames; sensory equipment; medical equipment to administer delegated nursing care, such as oxygen tanks and equipment to support mobility, such as walking aids, braces and wheelchairs.

Ms Ruane asked the Minister of Education to detail the (i) number of new school builds; and (ii) the total financial investment in South Down and schools that serve South Down in each year since 2007, broken down by the (a) name of each school and the (b) individual investment they received.

(AQW 53113/11-16)

Mr O'Dowd: I have arranged for the information requested to be placed in the Assembly Library.

Ms Ruane asked the Minister of Education to detail the (i) number of schools that benefited from the School Building Programme or Minor Works investment in South Down and schools that serve South Down in each year since 2007, broken down by the (a) name of each school and the (b) individual investment they received.

(AQW 53114/11-16)

Mr O'Dowd: I have arranged for the information requested to be placed in the Assembly Library.

Ms Ruane asked the Minister of Education to detail the (i) percentage; and (ii) number of children that achieved at least five GCSEs at grades A* - C in schools that serve South Down, in each year since 2001; broken down by (a) gender; (b) religious background; and (c) socio-economic background.

(AQW 53115/11-16)

Mr O'Dowd: The answer is contained in the following tables.

School leavers in the South Down constituency achieving at least 5 GCSEs at grades A*-C (or equivalent) broken down by a.) Gender; b.) Religion; and c.) Free school meal entitlement, 2000/01 to 2013/14

A. Gender

	Girls		Boys	
	Number	%	Number	%
2000/01	567	73.4	459	53.0
2001/02	604	71.8	430	49.7
2003/04	675	73.2	510	56.5
2004/05	606	74.0	500	54.3
2005/06	665	74.6	563	59.3
2006/07	624	75.7	505	57.1
2007/08	612	79.2	504	63.1
2008/09	579	81.1	480	64.9
2009/10	639	84.0	478	66.0
2010/11	644	85.0	562	71.3
2011/12	627	86.4	543	72.9
2012/13	636	84.8	582	75.1
2013/14	609	82.7	566	73.2

B. Religion

	Protestant		Catholic		Other	
	Number	%	Number	%	Number	%
2000/01	273	67.9	729	60.6	24	72.7
2001/02	267	63.9	747	59.4	20	64.5
2003/04	299	67.5	851	63.7	35	76.1
2004/05	263	62.3	812	63.3	31	88.6
2005/06	284	63.4	904	67.5	40	74.1
2006/07	250	66.1	832	65.9	47	68.1
2007/08	234	73.4	851	70.2	31	75.6
2008/09	242	73.8	766	72.1	51	81.0
2009/10	229	75.8	844	74.8	44	80.0
2010/11	288	77.0	877	78.5	41	74.5
2011/12	246	75.7	886	80.4	38	86.4
2012/13	248	79.7	918	79.6	52	85.2
2013/14	245	72.7	878	79.7	52	74.3

C. Free school meal entitlement

	Non-FSME		FSME	
	Number	%	Number	%
2000/01	923	67.4	103	38.4
2001/02	943	66.2	91	32.3
2003/04	1093	71.7	92	30.8
2004/05	1003	69.1	103	35.9
2005/06	1124	71.6	104	38.4
2006/07	1051	71.1	78	33.9
2007/08	1054	74.8	62	38.0
2008/09	986	78.3	73	37.6
2009/10	1036	79.9	81	43.1
2010/11	1086	82.3	120	53.1
2011/12	1043	83.4	127	57.7
2012/13	1072	83.4	146	61.1
2013/14	1063	82.9	112	49.6

Source: School Leavers Survey

Notes:

- 1 Excludes special and independent schools.
- 2 Includes equivalent qualifications.
- 3 The School Leavers' Survey was cancelled in 2002/03 due to difficulties with data collection as a result of technical problems with new software installed in schools which delayed the returns and provided insufficient time to undertake data validation with schools - a necessary part of the exercise.
- 4 Parliamentary constituency is based on the residential postcode of each school leaver.
- 5 'Other' religion includes 'Other Christian', 'No religion' and 'Non-Christian'.
- 6 Free school meal entitlement is used as a proxy for socio-economic background.

Mr McCrossan asked the Minister of Education to detail the number of (i) primary school places available; and (ii) oversubscribed primary school places in West Tyrone, in each of the last three years.

(AQW 53122/11-16)

Mr O'Dowd: The number of (i) primary school places available in West Tyrone, and the number of (ii) oversubscribed primary school places available in each of the last three years, are provided in the tables below:

(i)

Year	Number of primary school places available
2013/2014	1,498
2014/2015	1,501
2015/2016	1,521

(ii)

Year	School Name	Approved admissions number	Total number of applications for admission	Number of over-subscribed places
2013/2014	Edwards Primary School	29	38	9
	Queen Elizabeth Primary School	9	10	1
	St Mary's Primary School (Killyclogher)	58	63	5
	Knocknagor Primary School	9	11	2
	Drumlisk Primary School	7	13	6
	St Lawrence's Primary School	35	43	8
	St McCartan's Primary School	10	11	1
	St Patrick's PS Eskra	12	14	2
	St Columba's PS Clady	20	32	12
	St Colmcille's PS Carrickmore	39	49	10
	St Patrick's PS Castlederg	30	32	2
	St Mary's Cloughcor	28	29	1
	St Dympnas PS	21	31	10
	All Saints' Primary School	16	22	6
Gaelscoil Na Gcrann	15	22	7	
2014/15	Omagh Integrated Primary School	46	66	20
	Strabane Controlled Primary School	33	41	8
	St Anne's Primary School, Strabane	42	43	1
	St Colmcille's Primary School	39	48	9
	St Columba's Primary School	20	23	3
	St Dympna's Primary School	21	27	6
	St Eugene's Primary School Strabane	14	16	2
	St Lawrence's Primary School	35	44	9
	St Mary's Primary School, Omagh	58	59	1
	St Mary's Primary School, Ballymagorry	28	33	5
	St Patrick's Primary School, Eskra	12	13	1
	St Patrick's Primary School, Castlederg	30	44	14
	St Theresa's Primary School	25	26	1

Year	School Name	Approved admissions number	Total number of applications for admission	Number of over-subscribed places
2015/2016	All Saints' Primary School	16	19	3
	Drumlish Primary School	7	11	4
	Gaelscoil na Gcrann	21	25	4
	Knocknagor Primary School	9	11	2
	Our Lady of Lourdes Primary School	19	26	7
	Strabane Primary School	33	34	1
	St Colmcille's Primary School	39	51	12
	St Columba's Primary School	20	21	1
	St Dympna's Primary School	29	39	10
	St Eugene's Primary School Strabane	14	20	6
	St Patrick's Primary School, Castledearg	30	33	3

Mr Easton asked the Minister of Education for an update on his Department's plans for the old Conlig primary school site. (AQW 53124/11-16)

Mr O'Dowd: The Education Authority (EA) has responsibility for the old Conlig Primary School site. In line with its statutory responsibility to undertake area planning, the EA continues to consider options for utilising the site for future educational use.

Mr Anderson asked the Minister of Education to detail his Department's investment in the Sure Start Programme in Upper Bann, in each of the last four years. (AQW 53144/11-16)

Mr O'Dowd: There are now a total of 39 Sure Start projects throughout the north of Ireland, four of which have been created under the Sure Start Expansion Programme, which has extended Sure Start provision to the top most 25% most disadvantaged wards, as defined by the Multiple Deprivation Measures 2010.

Under the Expansion Programme, a further 14 Sure Start projects have expanded their catchment area into an additional 19 wards. Work is due to be completed in 2016/17 to extend services into two remaining wards, including the legacy Mourneview ward which is located within Upper Bann.

Three Sure Start projects provide services in the Upper Bann constituency: Blossom, Splash and Banbridge (Star). The catchment areas for these projects cover several electoral wards.

The table below shows a breakdown of the funding which was allocated to Sure Start in Upper Bann for the 2012/13, 2013/14, 2014/15 and 2015/16 financial years.

Sure Start Funding – Upper Bann Constituency (2012/13 - 2015/16)

Sure Start Project	2012/13	2013/14	2014/15	2015/16
Revenue				
Blossom	£679,564	£697,912	£716,756	£687,940
Splash	£666,467	£684,461	£702,941	£676,814
Banbridge (Star)*	£0	£0	£300,000	£287,939
	£1,346,031	£1,382,373	£1,719,697	£1,652,693

*Banbridge (Star) Sure Start was established in 2014/15

Sure Start Project	2012/13	2013/14	2014/15	2015/16
Capital				
Banbridge (Star)	£0	£0	£59,500	£0

Mr Weir asked the Minister of Education to detail the schools that have received temporary variations in their enrolment figures in each of the last five years.

(AQW 53150/11-16)

Mr O'Dowd: The first full year for which data is available in the format requested is the 2013/14 school year as, prior to this, the Department of Education did not electronically record statistics on the number of schools requesting temporary increases to their admission or enrolment numbers. This means that some of the data requested could only be extracted by a manual exercise at disproportionate cost.

The years for which the information is available in the format that you have requested are the 2013/14, 2014/15 and 2015/16 school years, and this information is provided below.

Primary Schools

School

2013/14 School Year

- | | |
|----------------------------------|---------------------------------|
| ■ St Michael's PS, Belfast | ■ St Patrick's PS, Ballygalget |
| ■ St Mary's PS, Portglenone | ■ St Comgall's PS, Bangor |
| ■ Belleek(2) PS | ■ St Mary's PS, Granemore |
| ■ Ballougry PS | ■ Kircubbin Integrated PS |
| ■ Strabane Controlled PS | ■ All Childrens Integrated PS |
| ■ St Mary's PS, Aughnacloy | ■ St Mary's PS, Mullymesker |
| ■ Broadbridge PS | ■ Millennium Integrated PS |
| ■ St Dympna's PS | ■ Mullavilly PS |
| ■ Omagh Integrated PS | ■ Armstrong PS |
| ■ Gracehill PS | ■ Aughnacloy PS |
| ■ Culcrow PS | ■ Markethill PS |
| ■ Macosquin PS | ■ Bronte PS |
| ■ Mossley PS | ■ Drumadonnell PS |
| ■ Creggan PS | ■ Dromintee PS |
| ■ St Mary's PS, Barr | ■ St Patrick's PS, Dungannon |
| ■ St John Bosco PS, Ballynease | ■ Roan St Patrick's PS |
| ■ St Patrick's & St Joseph's PS | ■ St Patrick's PS, Hilltown |
| ■ St Brigid's PS, Magherafelt | ■ St Patrick's PS, Mayobridge |
| ■ St Macnissi's PS, Newtownabbey | ■ St Patrick's PS, Saul |
| ■ St Colmcille's PS, Ballymena | ■ St Colman's PS, Saval |
| ■ St Brigid's PS, Glasdrumman | ■ St Brigid's Tirkane |
| ■ Gaelscoil Ghleann Darach | ■ Our Lady's and St Mochua's PS |
| ■ Ballymacash PS | ■ St Joseph's and St James PS |
| ■ St Patrick's PS, Magheralin | ■ Portadown Int PS |

2014/15 School Year

- | | |
|----------------------------------|---------------------------|
| ■ All Children's Integrated PS | ■ Creggan PS |
| ■ Armstrong PS | ■ Culcrow PS |
| ■ Ashgrove PS | ■ Dromintee PS |
| ■ Augher PS | ■ Drumadonnell PS |
| ■ Aughnacloy PS | ■ Drumrane PS |
| ■ Ballyvester PS | ■ Dungannon PS |
| ■ Bocombra PS | ■ Enniskillen IPS |
| ■ Brackenagh West PS | ■ Forge Integrated PS |
| ■ Broadbridge PS | ■ Gaelscoil Eoghain |
| ■ Broughshane PS | ■ Garryduff PS |
| ■ Carniny PS | ■ Glenann PS |
| ■ Carrick PS, Warrenpoint | ■ Gracehill PS |
| ■ Christian Brothers' PS, Armagh | ■ Harmony Hill PS |
| ■ Clonalig PS | ■ Holy Family PS, Belfast |
| ■ Creavery PS | ■ Holy Family PS, Omagh |

- Killyman PS
- Kircubbin IPS
- Lislagan PS
- Londonderry PS
- Loughview IPS
- Macosquin PS
- Markethill PS
- Millennium IPS
- Moyallon PS
- Mullavilly PS
- Omagh IPS
- Our Lady & St Mochua's PS
- Pond Park PS
- Portadown Integrated PS
- Roan St Patrick's PS
- Seagoe PS
- St Brigid's PS, Drumilly
- St Brigid's PS, Glassdrummond
- St Colman's PS, Lisburn
- St Colman's PS, Saval
- St Colmcille's PS, Ballymena
- St Colm's HS Draperstown
- St Columba's PS Kilrea
- St Colmcille's PS, Omagh
- St Dymphna's PS, Dromore
- St Francis' PS Lurgan
- St Francis PS, Drumaroad
- St John's PS Swatragh
- St Joseph's & St James's PS
- St Lawrence's PS, Fintona
- St Malachy's PS, Armagh
- St Mary's PS Portglenone
- St Mary's PS, Aughnacloy
- St Mary's PS, Barr
- St Mary's PS, Cloughcor
- St Mary's PS, Derrymore
- St Mary's PS, Dunsford
- St Mary's PS, Granemore
- St Mary's PS, Mullymesker
- St Michael's PS, Belfast
- St Oliver's PS
- St Patrick's & St Joseph's PS
- St Patrick's PS (Glen)
- St Patrick's PS Magheralin
- St Patrick's PS, Ballygalget
- St Patrick's PS, Crossmaglen
- St Patrick's PS, Drumgreenagh
- St Patrick's PS, Dungannon
- St Patrick's PS, Eskra
- St Patrick's PS, Hilltown
- St Patrick's PS, Mayobridge
- St Patrick's PS, Mullanaska
- St Patrick's Saul
- St Peter's PS, Collegelands
- Strabane PS
- Straidbilly PS
- Waringstown PS
- Windmill Integrated PS

2015/16 School year

- All Childrens Integrated PS
- Anahorish PS
- Armstrong PS
- Aughnacloy PS
- Ballycastle Integrated PS
- Ballymacash PS
- Bocombra PS
- Broadbridge PS
- Broughshane PS
- Carniny PS
- Carrick PS, Warrenpoint
- Clare PS
- Clonalig PS
- Culcrow PS
- Dromintee PS
- Drumlish PS
- Dromore Road PS
- Drumadonnell PS
- Drumrane PS
- Garryduff PS
- Glenravel PS
- Gracehill PS
- Killyman PS
- Kircubbin IPS
- Knockloughrim PS
- Ligoniel PS
- Lislagan PS
- Macosquin PS
- Markethill PS
- Mossley PS
- Moyle PS
- Omagh Integrated PS
- Orchard County PS
- Portadown Integrated PS
- Rathmore PS
- Roan St Patrick's
- Seagoe PS
- St Brigid's PS Magherafelt
- St Brigid's PS Ballymena
- St Catherine's PS
- St Colmcille's PS Ballymena
- St Colmcille's PS, Omagh
- St Columba's PS, Kilrea
- St John Bosco PS

- St Joseph & St James's PS
- St Mary's PS Enniskillen
- St Mary's PS Aghnacloy
- St Mary's PS Banbridge
- St Mary's PS Derrymore
- St Mary's PS Newcastle
- St Mary's PS, Strabane
- St Patrick's Eskra
- St Patricks PS, Dungannon
- St Patrick's PS, Craigavon
- St Patrick's PS, (Hilltown)
- St Patrick's PS (Loup)
- St Patrick's PS Glen
- St Patrick's PS, Mullanaska
- St. Patrick's PS Mayobridge
- Strabane PS
- Straidbilly PS

Post-Primary Schools

2013/14 School Year

- St Paul's College
- Ulidia Integrated College
- St Columbanus' College
- Shimna Integrated College
- Down High School
- St Joseph's Grammar School

2014/15 School Year

- Abbey Christian Brothers Grammar School
- Aquinas Diocesan Grammar School
- Ashfield Boys' High School
- Ashfield Girls' High School
- Assumption Grammar School
- Ballyclare High School
- Ballyclare Secondary School
- Ballymena Academy
- Bangor Academy and 6th Form College
- Bangor Grammar School
- Christian Brothers' Grammar School, Omagh
- Collegiate Grammar School
- Cross and Passion College
- Dalriada School
- De La Salle College, Belfast
- Dean Maguirc College
- Dominican College, Portstewart
- Down High School
- Dromore High School
- Drumragh Integrated College
- Glastry College
- Hazelwood College
- Integrated College Dungannon
- Lagan College
- Loreto College, Coleraine
- Lurgan College
- New-Bridge Integrated College
- Our Lady and St Patrick's College
- Portadown College
- Rainey Endowed School
- St Catherine's College, Armagh
- St Colman's College
- St Colm's High School, Magherafelt
- St Columbanus' College
- St Comhghall's College
- St Dominic's High School
- St Genevieve's High School
- St Joseph's Grammar School
- St Killian's College
- St Louis Grammar School, Ballymena
- St Louis Grammar School, Kilkeel
- St Mary's College, Derry
- St Mary's Grammar School
- St Michael's Grammar*
- St Patrick's College, Dungannon
- St Patrick's Grammar School, Downpatrick
- St Paul's High School
- St Pius X College
- Strangford Integrated College
- Strathearn School
- Sullivan Upper School
- The Royal School Armagh
- The Royal School Dungannon
- Ulidia Integrated College
- Victoria College
- Wellington College

2015/16 School Year

- Abbey Christian Brothers Grammar School
- Ashfield Boys' High School
- Ashfield Girls' High School
- Ballyclare High School
- Ballyclare Secondary School
- Ballymena Academy
- Bangor Academy and 6th Form College
- Christian Brothers' Grammar School, Omagh
- Dalriada School
- Dean Maguirc College
- Dominican College, Portstewart
- Down High School
- Dromore High School
- Drumragh Integrated College

- Friends' School
- Glastry College
- Holy Trinity College
- Integrated College Dungannon
- Larne Grammar School
- Lumen Christi College
- Lurgan College
- New-Bridge Integrated College
- Omagh Academy
- Priory College
- St Catherine's College
- St Colman's College
- St Colm's High School, Magherafelt
- St Columbanus' College
- St Comhghall's College
- St Dominic's High School
- St Genevieve's High School
- St Joseph's Grammar School
- St Killian's College
- St Louis Grammar School, Ballymena
- St Louis Grammar School, Kilkeel
- St Patrick's Academy, Dungannon
- St Patrick's College, Dungannon
- St Patrick's Grammar School, Downpatrick
- St Paul's High School
- Strangford Integrated College
- Sullivan Upper School
- The Royal School Armagh
- Ulidia Integrated College
- Victoria College

* School amalgamated to form St Ronan's College Lurgan

Notes:

Prior to 2014/15 statistics for sixth form temporary variation requests were not electronically recorded, therefore the figures for post-primary schools in 2013/14 relate only to increases approved to accommodate children of compulsory school age (Years 8 to 12). The figures for subsequent years cover approvals across all year groups.

Mrs D Kelly asked the Minister of Education to detail the number of boys that have not achieved five GCSEs in grades A*-C, including English and Maths, broken down by protestant and catholic boys, in each of the last three years.

(AQW 53171/11-16)

Mr O'Dowd: The answer is contained in the following table.

Number of male school leavers who have not achieved five or more GCSEs at grades A*-C (or equivalent) including GCSE English and GCSE maths, by religion of pupil, 2011/12 to 2013/14

	2011/12	2012/13	2013/14
Protestant boys	2,105	1,995	1,894
Catholic boys	2,421	2,430	2,392

Source: School Leavers Survey

Note:

- 1 Data include equivalent qualifications.

Mr McNarry asked the Minister of Education whether he has contacted universities in England to ensure they will continue to accept GCSEs set by the Council for the Curriculum, Examinations and Assessment that are graded differently to those in England.

(AQW 53209/11-16)

Mr O'Dowd: My officials and officials from the Council for the Curriculum, Examinations and Assessment (CCEA), as the regulator of general qualifications here, meet regularly with colleagues in the Universities and Colleges Admissions System (UCAS) in order to maintain ongoing dialogue about matters relating to university admissions.

While it remains the case that individual universities determine their entry requirements and admissions policies, universities have made it very clear that, as applications increase on a global scale, they are already well equipped to deal with different qualifications systems and grade scales.

Mr McCrossan asked the Minister of Education for his assessment of educational underachievement in West Tyrone.

(AQW 53218/11-16)

Mr O'Dowd: The policies and programmes I have in place are realising improvements for our young people at Key Stage, GCSE and A-level. However, significant challenges remain in West Tyrone and elsewhere. I will continue to focus on improvement and equity.

I have provided additional resources to schools serving those most at risk of underachieving, through the weighting of school funding, and through targeted programmes such as Extended Schools. The Delivering Social Change Literacy and Numeracy

Signature Programme delivered tailored interventions to 18,000 young people from disadvantaged backgrounds, and I am determined that the legacy of the project is not lost. Nineteen schools (11 primary and 8 post-primary) in West Tyrone received additional teaching support through the Programme.

The revised SEN and Inclusion framework aims to remove or reduce the barriers to learning faced by children with SEN and will work alongside my other policies aimed at addressing barriers to learning. It represents a more equitable framework in which all children with SEN should be able to get the support they need, in a timely manner.

However, addressing these inequalities is a multi-faceted, societal issue and one the education authorities and schools cannot tackle on their own. It requires the support of parents, businesses, communities, community leaders and community representatives. Families have a key role, and that is the message behind my 'Education Works' campaign that highlights the vital role parents can play in helping their child do well at school and improve their life chances.

Mr McCrossan asked the Minister of Education to detail (i) when the business case for the payment of accrued holiday pay for part time music tutors was first sent to the Education Authority; (ii) why these funds have not been released; and (iii) when the music tutors affected should expect to receive payment.

(AQW 53221/11-16)

Mr O'Dowd: It is a matter for the Education Authority (EA) to prepare and submit a suitably robust business case for consideration and approval by my Department before onward submission for final approval to the Department of Finance and Personal (DFP). A final signed version of the business case has been received by my Department on 25 January 2016. Once the necessary checks have been completed my officials will ensure the business case is submitted to DFP without delay. It will be for the EA to progress relevant payments once approval has been obtained from DFP. It is not possible to confirm when the payments will be made until all the necessary approvals are in place.

Mr McCrossan asked the Minister of Education for an update on the payment of accrued holiday pay for part time music tutors in the Education Authority Western Region.

(AQW 53222/11-16)

Mr O'Dowd: It is a matter for the Education Authority (EA) to prepare and submit a suitably robust business case for consideration and approval by my Department before onward submission for final approval to the Department of Finance and Personal (DFP). A final signed version of the business case has been received by my Department on 25 January 2016. Once the necessary checks have been completed my officials will ensure the business case is submitted to DFP without delay. It will be for the EA to progress relevant payments once approval has been obtained from DFP. It is not possible to confirm when the payments will be made until all the necessary approvals are in place.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in St Malachy's Primary School, Bangor.

(AQW 53223/11-16)

Mr O'Dowd: All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

St Malachy's Primary School, Bangor, provides 52 full-time pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in St Comgalls Primary School, Bangor.

(AQW 53224/11-16)

Mr O'Dowd: St Comgalls Primary School, Bangor, does not provide any pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Glenraig Integrated Primary School, Holywood.

(AQW 53225/11-16)

Mr O'Dowd: Glenraig Integrated Primary School, Holywood, does not provide any pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Clandeboye Primary School, Bangor.

(AQW 53226/11-16)

Mr O'Dowd: Clandeboye Primary School, Bangor, does not provide any pre-school places.

Mrs Overend asked the Minister of Education, following the change to a numeric GCSE grading system in England, to detail the GCSE subjects that local pupils will be able to study with the AQA and OCR exam boards.

(AQW 53258/11-16)

Mr O'Dowd: Over the course of three years from September 2015 new GCSEs provided by awarding organisations, including AQA and OCR, to schools in England must be graded numerically. These 9-1 graded GCSEs will not be available to schools here.

I have yet to reach a decision as to whether I will allow any exception to the requirement that pupils follow an A*-G specification.

Mrs Overend asked the Minister of Education, following the change to a numeric GCSE grading system in England, to detail the GCSE subjects offered by the AQA and OCR exam boards that will no longer be available to local pupils.

(AQW 53259/11-16)

Mr O'Dowd: Over the course of three years from September 2015 new GCSEs provided by awarding organisations, including AQA and OCR, to schools in England must be graded numerically. These 9-1 graded GCSEs will not be available to schools here.

I have yet to reach a decision as to whether I will allow any exception to the requirement that pupils follow an A*-G specification.

Mr Craig asked the Minister of Education whether looked after children receiving respite care attract a pupil premium for the school they attend.

(AQW 53268/11-16)

Mr O'Dowd: Since April 2014 an additional factor to the Common Funding Formula has been available to support schools with pupils who are designated as looked after children. Schools receive just over a £1000 for each full-time pupil designated, on the date of the school census, as being a looked after child. This would include any children entering care for the purpose of short break provision or respite. The Health and Social Care Trust notify the relevant school when a child is deemed to have become or ceases to become a looked after child. Since October 2015 this notification indicates if children are entering care for the purpose of short break provisions only.

Mr Craig asked the Minister of Education to detail (i) the membership of the Traveller Education Monitoring Group; (ii) its terms of reference; (iii) the number of meetings that have taken place; and (iv) whether the group has reported to him.

(AQW 53269/11-16)

Mr O'Dowd: The Traveller Education Monitoring Group has not yet been established.

The Traveller Education Support Service (TESS) continues to work towards improving the educational outcomes of Traveller children and young people, by supporting them, their families and schools. My officials meet with TESS on a quarterly basis to monitor service delivery.

Mr Lyons asked the Minister of Education whether his Department plans to amend the Investing in the Teaching Workforce scheme to include teachers that have been qualified for more than three years.

(AQW 53271/11-16)

Mr O'Dowd: The Investing in the Teaching Workforce Scheme is currently under development in collaboration with teaching unions and employer representatives.

It is intended to launch the Scheme later this Spring.

Mr Lyttle asked the Minister of Education for this assessment of educational underachievement in East Belfast.

(AQW 53278/11-16)

Mr O'Dowd: The policies and programmes I have in place are realising improvements for our young people at Key Stage, GCSE and A-level. However, significant challenges remain in East Belfast and elsewhere. I will continue to focus on improvement and equity.

I have provided additional resources to schools serving those most at risk of underachieving, through the weighting of school funding, and through targeted programmes such as Achieving Belfast and Extended Schools. The Delivering Social Change Literacy and Numeracy Signature Programme delivered tailored interventions to 18,000 young people from disadvantaged backgrounds, and I am determined that the legacy of the project is not lost. Eleven schools (7 primary and 4 post-primary) in East Belfast received additional teaching support through the Programme.

The revised SEN and Inclusion framework aims to remove or reduce the barriers to learning faced by children with SEN and will work alongside my other policies aimed at addressing barriers to learning. It represents a more equitable framework in which all children with SEN should be able to get the support they need, in a timely manner.

However, addressing these inequalities is a multi-faceted, societal issue and one the education authorities and schools cannot tackle on their own. It requires the support of parents, businesses, communities, community leaders and community representatives. Families have a key role, and that is the message behind my 'Education Works' campaign that highlights the vital role parents can play in helping their child do well at school and improve their life chances.

Over the two years 2013/14 and 2014/15, I provided total funding of £138,948 to the East Belfast Partnership through the Community Education Initiatives Programme, to support the development of more coherent and joined-up community-based

and school-based activity. Therefore, I welcome the work being taken forward by the Eastside Learning Partnership to encourage schools and communities to work together to improve the educational outcomes for all children and young people living in the area.

Mrs Overend asked the Minister of Education, pursuant to AQW 42101/11-16 and AQW 43428/11-15, to detail the results of the review of the current teacher exception under Article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998. **(AQW 53281/11-16)**

Mr O'Dowd: The Fair Employment and Treatment Order (NI) 1998 (FETO) provides an exception, under Article 71, in relation to the recruitment of teachers. The FETO is the legislative responsibility of OFMDFM.

Removal of the exception under Article 71 of the FETO is a matter for OFMDFM to take forward. If OFMDFM were minded to do so I would support this as part of a full public consultation.

Mr McCrossan asked the Minister of Education whether his Department plans to expand the capacity of Knockavoe School in Strabane. **(AQW 53286/11-16)**

Mr O'Dowd: As a controlled school, the Education Authority (EA) has responsibility for Knockavoe School. The EA has advised that works have been undertaken at the school to provide two additional classrooms for senior pupils and an indoor/outdoor area for the junior class, which were ready for occupation in September 2015. These works have resulted in an additional 300m² accommodation for the school, therefore alleviating an identified pressure and providing flexibility in respect of pupil numbers, based on class sizes and need.

The two class extension has provided a senior profound and multiple learning disabilities (PMLD) class and a purpose built Life Skills room for post-16 pupils. In addition, provision was made for a senior sensory room, toilet provision and storage area. A small extension was also provided to the junior PMLD classroom to provide pupils with improved access and vision to the playground, as well as enhancing the space and light within the classroom.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Holywood Primary School. **(AQW 53288/11-16)**

Mr O'Dowd: Holywood Primary School does not provide any pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Crawfordsburn Primary School. **(AQW 53289/11-16)**

Mr O'Dowd: Crawfordsburn Primary School, Bangor, does not provide any pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Ballyholme Primary School. **(AQW 53290/11-16)**

Mr O'Dowd: Ballyholme Primary School does not provide any pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Kilcooley Primary School, Bangor. **(AQW 53291/11-16)**

Mr O'Dowd: All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

Kilcooley Primary School, Bangor, provides 26 full-time pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Grange Primary School, Bangor. **(AQW 53292/11-16)**

Mr O'Dowd: Grange Primary School, Bangor, does not provide any pre-school places.

Mr Weir asked the Minister of Education whether his Department plans to expand provision of the Sure Start Programme in North Down in 2016. **(AQW 53296/11-16)**

Mr O'Dowd: The Sure Start Programme was initially targeted towards children in the 20% most deprived areas, and I have been able to expand these services into the 25% most deprived areas, significantly increasing the annual funding to around £25million. This included expansion in North Down by the establishment of Bangor Sure Start.

Findings from the Independent Review of Sure Start, together with existing research, provide reassurance that our targeting of available resource in areas of highest deprivation is likely to have greatest impact on those children and families that can benefit most from Sure Start services.

Given this, the focus of the Sure Start Programme here will continue to be on the most disadvantaged areas, where the most positive and beneficial outcomes for children can be realised and there are therefore no plans to further expand provision of the Sure Start Programme in North Down in 2016 from the current recently expanded provision.

Mr Weir asked the Minister of Education to detail why super numeracy children are not included in enrolment figures for schools.

(AQW 53297/11-16)

Mr O'Dowd: I refer the member to AQW 52312/11-16, tabled by Anna Lo MLA, and published in the Official Report on 18 December 2015.

Mr Lunn asked the Minister of Education for his assessment of the support service in schools for children with Cortical Visual Impairment also known as Cerebral Visual Impairment.

(AQW 53302/11-16)

Mr O'Dowd: The Education Authority (EA) has advised that it employs a number of Qualified Teachers of Visual Impairment (QTVI) who provide advice and support to staff in mainstream and special school settings regarding children with a visual impairment.

Referrals to the EA's VI support services can be for a range of eye conditions, including Cortical Visual Impairment (CVI).

Support provided to schools is of an advisory nature informed by clinical information provided by the relevant medical professionals, details of observations and functional vision assessments carried out by the QTVI and information provided by the class teacher regarding the child's visual functioning within the class and school environment.

Advice specific to the visual functioning of the individual child will include strategies regarding classroom management, modification and presentation of learning materials, lighting and other environmental adaptations.

Further training and information regarding CVI is being progressed on a regional basis by QTVI staff who have sought advice from professionals with expertise in this area and attended regional CVI training events. This will help inform the advice and support provided by the QTVI to school staff to enable them to develop a greater understanding of the needs of pupils with CVI and facilitate improved access to the curriculum for the children concerned.

Mrs Dobson asked the Minister of Education on how many occasions in Ministerial Correspondence the provincial title Northern Ireland has been altered from the original draft to the phrase 'north of Ireland' prior to issue; and upon whose authority the alteration was made.

(AQW 53319/11-16)

Mr O'Dowd: The content of Ministerial Correspondence is at the discretion of the Minister.

Mr McCrossan asked the Minister of Education for an update on the capital build project for Strabane Academy.

(AQW 53329/11-16)

Mr O'Dowd: The new school for Strabane Academy was included in my Capital Announcement of January 2013. The Education Authority (EA) is responsible for taking this project forward.

The Royal Institute of British Architects (RIBA) Stage 3 for the project received Departmental approval on 11 January 2016. This approval will permit the EA to progress Stage 4 of the process. Stage 4 involves the residual technical work to complete the core design and the elements of the procurement process to appoint the contractor to construct the new school.

It is currently anticipated that site work will commence on the new build in Spring 2017.

Mr Givan asked the Minister of Education to detail any communication he has had with teachers that want to avail of retirement through the Investing in the Teaching Workforce scheme.

(AQW 53363/11-16)

Mr O'Dowd: The Investing in the Teaching Workforce Scheme is currently under development in collaboration with employer and teaching union representatives. Teaching Unions represent the views and opinions of the teaching workforce.

It is intended that the Scheme will launch in early Spring.

Mr Weir asked the Minister of Education to detail the rationale for the difference in the limitation on class sizes at nursery level between pre-school playgroups and reception classes in primary schools.

(AQW 53379/11-16)

Mr O'Dowd: The Department determines the full-time and/or part-time enrolment number of nursery schools and nursery units in primary schools in accordance with Articles 25 and 29 of the Education (NI) Order 1998. The Department has determined that for children in receipt of pre-school education in a statutory setting, the maximum class size is 26.

A reception class is currently defined in legislation as suitable to the requirements of children aged 4. Children who have reached their fourth birthday after the cut off point for compulsory school starting age may be able to join a reception class if the school has existing reception provision; if all the compulsory age children that applied have been admitted; and if it is within its admissions number.

The Health and Social Care Trusts are responsible for registering and inspecting voluntary and private pre-school providers participating in the Pre-school Education Programme (PSEP). Each provider must be registered with the relevant Trust for a specific number of children, up to a maximum of 26 in any group.

The Pre-School Education Groups (PEAG) within the Education Authority (EA) are responsible for ensuring there is adequate pre-school provision in local areas and make decisions on the number of funded PSEP places to offer an individual voluntary/private pre-school provider based on an assessment of need for pre-school places in the local area.

Mr Weir asked the Minister of Education to detail the rationale for the differences between the restrictions on the establishment or expansion of a nursery school and playgroup or other pre-school settings.

(AQW 53381/11-16)

Mr O'Dowd: The Department of Education's Pre-School Education Programme (PSEP) was designed as a partnership between the statutory and voluntary/private sectors.

Significant changes to statutory education provision, including the expansion or establishment of nursery schools and nursery units, are subject to a statutory process. This is mainly set out in Article 14 of the Education and Libraries (NI) Order 1986 (as amended) and requires the publication of a Development Proposal.

Voluntary and private pre-school providers are managed independently. Decisions about the establishment or expansion of these settings are a matter for the settings' management committees/owners: the Department has no role in these decisions which are not subject to the Development Proposal process.

The Pre-School Education Groups (PEAG) within the Education Authority (EA) are responsible for ensuring there is adequate pre-school provision in local areas and make decisions on the number of funded pre-school education programme (PSEP) places to offer an individual voluntary/private pre-school provider based on an assessment of need for pre-school places in the local area.

Mr Easton asked the Minister of Education how many staff have been suspended from his Department over the last three years for disciplinary reasons.

(AQW 53392/11-16)

Mr O'Dowd: There have been no suspensions in the Department of Education in the last three years for disciplinary reasons.

Mr McElduff asked the Minister of Education (i) to detail the capital funding his Department has allocated to St Columbkilles Primary School, Carrickmore since 2011; and (ii) for an update on the school's application for a new build capital scheme.

(AQW 53402/11-16)

Mr O'Dowd:

- (i) Since 2011, the Department has made funding available for the following minor works schemes at St Columbkilles Primary School:

Scheme	Total Approved Cost (£)	Financial Year
Disabled toilet	1,800.00	2012/13
Vertical draining / sanding of pitch	806.40	2014/15
New fencing and gates	7,547.83	2014/15
Total	8,354.23	

- (ii) St Columbkilles Primary School was considered under the protocol developed to select projects to proceed in planning in 2014 but did not achieve sufficient priority to be included in the list of schools that I announced at that time. However the Council for Catholic Maintained Schools (CCMS), as managing authority for St Columbkilles Primary School, will have the opportunity to submit the project for consideration as part of any future capital announcement process.

Mr McElduff asked the Minister of Education to detail how (a) much funding his Department has allocated to the Dean Maguire College, Carrickmore since 2011; and (b) his Department will help fund and support the school's accommodation requirements in future capital works.

(AQW 53403/11-16)

Mr O'Dowd:

- (a) The Department has invested significant capital funding in Dean Maguirc College since 2011. The table below provides detail on the minor works schemes for which funding has been made available:

Scheme	Total Approved Cost (£)	Financial Year
Perimeter fencing	75,600.00	2011/12
Security works	54,827.90	2013/14
Roofing works	192,000.00	2014/15
Upgrade lighting	19,285.70	2014/15
Vertical draining/ sanding of pitch	2,571.00	2014/15
Replacement mobiles (underway)	634,146.00	2015/16
Total	978,430.60	

- (b) Dean Maguirc College has not been included in any of my major capital announcements to date due to issues around sustainability. However the Council for Catholic Maintained Schools (CCMS), as managing authority for Dean Maguirc College, will have the opportunity to submit the project for consideration as part of any future major capital announcement process.

Should the school require further minor capital works, the Department will consider any application submitted through CCMS. All applications received are prioritised according to greatest need against the available budget.

Mrs Dobson asked the Minister of Education to detail (i) whether he is aware of the concerns expressed by Governors, staff, parents and pupils at King's Park Primary School, Lurgan, following the decision to reduce the crossing patrol at their school; (ii) why the decision was taken to reduce the crossing patrols; and (iii) whether he will respond to these concerns and reverse the decision.

(AQW 53414/11-16)

Mr O'Dowd: I am aware of the Education Authority's (EA) decision to reduce the school crossing patrol (SCP) provision at King's Park Primary School and the concerns of those associated with the School.

I am informed by the EA that following the recent retirement of one of the SCP staff at the School, the Authority conducted a review at Queens Place and concluded that the light controlled crossing is a suitable crossing point which does not require the additional provision of two SCP's to operate safely.

The review was conducted in line with the criteria established by road safety organisation, Road Safety GB, and took account of the recommendation within the guidance that where lights controlled crossings are available, there is not normally a requirement to provide a SCP.

As the discretionary provision of SCPs is the operational responsibility of the EA, it would not be appropriate for me to intervene in this matter.

Mr Weir asked the Minister of Education to detail the timeline for (a) applications to the Pathways Fund; and (b) any processes connected with the applications for funding.

(AQW 53416/11-16)

Mr O'Dowd: The Pathway Fund (the Fund) will be introduced to replace the Early Years Fund, with awards made from 1 April 2016. Following open competition, Early Years – the Organisation for Young Children (EYO) was selected to administer the Fund.

The formal launch of the Fund will take place on 10 February 2016, when applications to the Fund will be opened. The application process will close on 2 March 2016, with awards being announced by the end of March.

EYO corresponded with all potential applicants (for which contact details are available) on 27 January 2016 advising of the Fund and is liaising with the Early Years sector during January and February 2016 to provide further information regarding the Fund. Information will also be available on the EYO website.

The evaluation process is currently being developed by EYO with DE to enable fair and equitable assessment of applications following the closing date.

Mr Weir asked the Minister of Education to detail why all potential applicants for the Pathways Fund were not given advance information, unlike other Early Years funded organisations.

(AQW 53417/11-16)

Mr O'Dowd: The Pathway Fund is replacing the Early Years Fund from 1 April 2016 and will be administered by Early Years - the Organisation for Young Children (EYO) which is currently developing the application process with the Department. EYO has advised that correspondence, comprising details of the Pathway Fund, was issued to all potential applicants (for which contact details are available) on 27 January 2016. In addition EYO are liaising directly with the Early Years sector during January and February to provide further information regarding the Fund. Information will also be available on the EYO website.

EYO also administers the Early Years Fund on behalf of the Department and advises that they recently held meetings with the 153 groups currently funded under the Early Years Fund, to inform them of the closure of the DE Early Years Fund and discuss the implications for them.

Mr Weir asked the Minister of Education how he will ensure equality of access to information in the new Pathways Fund; and that areas of social disadvantage which previously have not had a project funded are not put at a disadvantage.

(AQW 53418/11-16)

Mr O'Dowd: The Pathway fund (the Fund) will be introduced to replace the Early Years Fund, with awards made from 1 April 2016. The Fund will be administered by Early Years – the Organisation for Young Children (EYO) which is currently developing application procedures with the Department.

The Fund will be open to providers or facilitators of registered Early Years (0-4) education and learning provision such as;

- Registered Sessional Daycare settings (including Out of Schools, Summer Schemes, Playgroups, Crèches);
- Registered Full Daycare settings (Day Nurseries);
- Registered Childminders.

and not just the current 153 recipient groups of the Early Years Fund.

The Fund will;

- focus on provision in areas of disadvantage; and
- be aligned to the Department's key priorities including the principles of its Early Years Framework "Learning to Learn".

A key aim of the Fund is to ensure that those with no other source of funding have priority access to Pathway Funding.

EYO advises that the organisation has corresponded with all potential applicants (for which contact details are available) advising of the Fund and is liaising directly with the Early Years sector during January and February to provide further information regarding the Fund. Information will also be available on the EYO website.

EYO also administers the Early Years Fund on behalf of the Department and has advised that recent meetings were held with the 153 groups currently funded under the Early Years Fund related to impact of the Fund closure.

Mr Weir asked the Minister of Education to detail the organisations that have received funding through the Early Years Fund in each of the last four years.

(AQW 53419/11-16)

Mr O'Dowd: The organisations that have received funding through the Early Years Fund in each of the last four years are listed in the table provided.

Early Years Fund Funded Groups 2012/13 – 2015/16

Name of Organisation

- | | |
|------------------------------------|---|
| ■ 174 Trust Pre-School | ■ Balloughry Integrated Com. Playgroup |
| ■ Acorn Women's Group | ■ Ballykinlar Cross Community Pre Sch Ltd |
| ■ Aghadowey Pre-School Playgroup | ■ Ballymacarrett Youth & Com Project |
| ■ An Droichead | ■ Banagher Community Playgroup |
| ■ Appletree Childcare | ■ Barnardos Forward Steps |
| ■ Ardmonagh Pre-School Playgroup * | ■ Barnardos Travellers Pre-School |
| ■ Ardstraw Community Playgroup | ■ BCDA |
| ■ Armoy Cross Community Playgroup | ■ Beacon Playgroup |
| ■ Ashgrove Pre - School Playgroup | ■ Bees Nees Early Years Centre |
| ■ Ashton Centre | ■ Belfast and Lisburn Women's Aid |
| ■ Atlas Creche | ■ Benburb Playgroup |
| ■ Atticall Playgroup | ■ Blackie Creche |
| ■ Ballinascreen Early Years | ■ Bloomfield Playgroup |

- Bunnahone Bunnies Playgroup
- Buttonmoon Playgroup
- Carebears Community Playgroup
- Carryduff Pre School Playgroup
- Castlerock Community Playgroup
- Caw Community Playgroup
- Chirpy Chicks Playgroup
- Chrysalis Women's Centre
- Clady Tiny Tots
- Clough & District Community Playgroup
- Cloughmills Early Years
- Covenant Christian Playgroup **
- Crows Nest Community Playgroup
- Dara Playgroup
- Derry Well Woman Creche
- Derrytrasna Playgroup
- Dervock Playgroup
- Drumellan Community Association
- Drumsurn Parent and Toddler
- Dundrum Cross Community Playgroup
- Dunloy Community Playgroup
- Dunnaman Childrens Centre
- Early Bird
- Falls Women's Centre
- First Steps Com. Playgroup PM Session
- First Steps Day Care Project
- First Steps Playgroup
- Forthspring Afterschools ***
- Gingerbread Lone Parent Services
- Glenarm Community Pre School
- Glenview **
- Greengables Playgroup
- Grove Community Playgroup
- Hansel and Gretel Pre School
- Happy Days Playgroup
- Harbour Bears Pre-School Playgroup
- Harpurs Hill Community Early Years
- Hillside Pre School Playgroup
- Hobby Horse Playgroup
- Holy Cross Pre School
- Holy Trinity Centre
- Ionad Uibh Eachach
- Kiddies Castle Playgroup
- Kids Korner
- Kidzone Playgroup (Lurgan) *
- Kids R U's
- Kidzone Playgroup (Newry)
- Kilkeel Community Association
- Killeen Playgroup
- Killen Parent and Toddler
- Killyleagh Early Years P & T
- Killyman Community Playgroup
- Kingdom Playgroup
- Krafty Kids (Ogras)
- Ladybird Playgroup
- Laurencetown Playgroup
- Leitrim Community Playgroup
- Ligoniel Family Centre
- Little Acorns Playgroup **
- Little Acorns Playgroup Derrynoose
- Little Amps Playgroup
- Little Castle
- Little Diamonds Community Playgroup
- Little Doves Childcare Centre
- Little Folks Playgroup
- Little Oaks Pre-School Playgroup
- Little People Playgroup
- Little Rainbows PG
- Little Rascals Community Playgroup
- Little Villagers Playgroup
- Lorag Childrens Project **
- Loughgiel Community PG
- Lower Oldpark Community Association
- Macosquin Community Playgroup
- Magherafelt Womens Group (Kidz Lodge)
- Magic Roundabout Playgroup
- Magilligan Community Playgroup
- Millburn Community Playgroup **
- Monkstown Community School Playgroup
- Mother Goose Community Playgroup
- Naiscoil an Chreagain
- Naiscoil an tSleibhe Dhuibh
- Naiscoil Ard Eoin
- Naiscoil Charn Tochair
- Naiscoil Chois Locha **
- Naiscoil Dhun Padraig
- Naiscoil Mhachaire Ratha
- Naiscoil na Rinne *
- Newhill First Steps Playgroup
- Newtownabbey Meth Miss. Playgroup *
- O'Fiaich Playgroup
- Old Warren Community Association ***
- Omagh Early Years Centre
- Orana Nursery
- Orchard Community Playgroup
- Parish of Nativity Playgroup, Poleglass
- Pomeroy Pre School Playgroup
- Portaferry Playgroup
- Portrush Com. Pre-School Playgroup
- Poyntzpass Community Playgroup
- Rainbow Child & Family Centre (WHSSB)
- Rainbow Community Playgroup
- Rainbow Playgroup (Carrick)
- Rasharkin Community Playgroup
- Roden Street Development Group
- Scoil na Fuisseoige

- Shalom House Creche
- Shankill Women's Centre
- Slievegallion Community Playgroup
- Smart Attack Childcare Services
- Springwell Centre *
- St Theresa's Youth Centre
- Stepping Stones Playgroup
- Stepping Stones Pre School Nursery
- Stewartstown Tiny Tots
- Straidarran Community Playgroup
- Strangford Parent and Toddler
- Sugar and Spice Playgroup
- Sunflower Early Years Group
- Taghnevan Pre School Playgroup
- Taylorstown Cross Community Complex
- The Firs Playgroup
- The Orchard Playgroup
- Tiny Steps Creche
- Tiny Toons Playgroup
- Tiny Tots Community Playgroup
- Tiny Tots Corner Playgroup
- Tober Tinys Playgroup
- Upper Andersonstown Comm. Forums Daycare Facility
- Whiterock Creche Centre
- Windsor Women's Centre
- Zero-8-Teen
- NICMA
- Barnardos BME
- Early-Years Advisor *
- Early-Years Community Development Worker *
- Foyle Downs Syndrome Trust
- Lifestart Limavady
- The Cedar Foundation
- West Bann Development (Development Worker)

* 2012/13 only

** 2012/13 & 2013/14 only

*** 2012/13, 2013/14 & 2014/15 only

Mr Campbell asked the Minister of Education to detail a timeframe for his Department's anti-bullying legislation being passed by the Assembly.

(AQW 53422/11-16)

Mr O'Dowd: The Addressing Bullying in Schools Bill was introduced in the Assembly on 30 November 2015 and will:

- Provide a common definition of bullying;
- Require all schools to centrally record incidents of bullying, their motivation and their outcome; and
- Require Boards of Governors to play an active role in the preparation and implementation of anti-bullying policies and measures within their school.

It remains my full intention to have the Bill complete its legislative passage before the end of the current Assembly Mandate. To that end, it is intended the consideration stage will take place on 22 February; further consideration stage on 07 March; and the final stage on 15 March 2016.

Following completion of the legislative journey it is not envisaged that the commencement of the Bill will take place until the necessary IT systems, supportive guidance and training are in place.

I would hope that all the provisions of the Bill will be enacted by the start of 2017-18 academic year.

Ms Hanna asked the Minister of Education for his assessment of the capital investment for the development of St Anne's Primary School in Finaghy to reflect a variety of issues around capacity, safety and disability access.

(AQW 53444/11-16)

Mr O'Dowd: A new build for St Anne's Primary School was considered under the protocol developed to select projects to proceed in planning in 2014 but did not achieve sufficient priority to be included in the list of schools that I announced at that time. However the Council for Catholic Maintained Schools (CCMS), as managing authority for St Anne's Primary School, will have the opportunity to submit the project for consideration as part of any future major capital announcement process.

The Department funds an annual programme of minor capital works across the schools estate. Applications are prioritised according to greatest need, for example roofs over heads and meeting inescapable statutory requirements such as health and safety, fire protection and disabled facilities.

During 2014/15, three minor works schemes were completed at St Anne's Primary School at a cost of circa £63,000 providing for a disabled toilet, ramps and handrails; an upgrade of access control and remedial works to the gas supply.

Neither CCMS nor the Department are currently in receipt of an application from St Anne's Primary School for further works.

Mr Easton asked the Minister of Education to detail his Department's underspend in the 2014-15 financial year.

(AQW 53466/11-16)

Mr O'Dowd: The financial underspend in my Department for the 2014-15 financial year as reported in the Final Outturn, detailed by area of expenditure, was as follows:

Year	2014-15		
	Underspend £m	Budget £m	% of budget
Total	8.0	2,141	0.4
Area of expenditure:			
Resource	6.3	1,958	0.3
Capital	1.7	182	0.9

Mr McCrossan asked the Minister of Education to detail the (a) waiting lists for children requiring a Special Educational Needs assessment in West Tyrone; and (b) length of time each child has been waiting.

(AQW 53485/11-16)

Mr O'Dowd: Following receipt of a request for a statutory assessment of a child's special educational needs, the Education Authority (EA) is required to complete this process within the statutory timeframes outlined in the Education (NI) Order 1996 and the Code of Practice on the Identification and Assessment of Special Educational Needs. Therefore waiting lists do not apply in relation to such assessments.

The EA have advised that the number of pupils in West Tyrone for whom a decision has been made to carry out a statutory assessment and who were within the ten week period, allowed by statute, to complete the assessment, as at 31 December 2015, was 13.

Mr Weir asked the Minister of Education to detail what provisions or requirements there are in the curriculum or syllabus to educate pupils about the Holocaust.

(AQW 53486/11-16)

Mr O'Dowd: Teaching about the Holocaust is not a statutory requirement in our curriculum. However, there are opportunities for pupils to explore the Holocaust and related topics, particularly at Key Stage 2 via the 'World Around Us' and 'Personal Development & Mutual Understanding' and at Key Stage 3 via 'Learning for Life and Work' and 'Environment and Society'.

In terms of statutory requirements, pupils must be provided with the opportunity to investigate the impact of significant events of the 20th Century on the world as part of the minimum content for History at Key Stage 3.

My Department does not hold details of the number of teachers that have received training or attended courses relating to teaching about the Holocaust. However to encourage schools to mark the Holocaust Memorial Day on 27 January 2016, my Department brought the Holocaust Memorial Day Trust's resource "Don't Stand By" to the attention of all post-primary schools via the C2k notice board, the information management system used by schools here.

Mr Weir asked the Minister of Education to detail the number of teachers that have received training or attended courses relating to teaching about the Holocaust.

(AQW 53487/11-16)

Mr O'Dowd: Teaching about the Holocaust is not a statutory requirement in our curriculum. However, there are opportunities for pupils to explore the Holocaust and related topics, particularly at Key Stage 2 via the 'World Around Us' and 'Personal Development & Mutual Understanding' and at Key Stage 3 via 'Learning for Life and Work' and 'Environment and Society'.

In terms of statutory requirements, pupils must be provided with the opportunity to investigate the impact of significant events of the 20th Century on the world as part of the minimum content for History at Key Stage 3.

My Department does not hold details of the number of teachers that have received training or attended courses relating to teaching about the Holocaust. However to encourage schools to mark the Holocaust Memorial Day on 27 January 2016, my Department brought the Holocaust Memorial Day Trust's resource "Don't Stand By" to the attention of all post-primary schools via the C2k notice board, the information management system used by schools here.

Mr Allister asked the Minister of Education, pursuant to AQW 52956/11-16, whether his Department has raised any concerns with the Council for Curriculum, Examinations and Assessment in relation to this matter, and if so, to detail the outcome.

(AQW 53491/11-16)

Mr O'Dowd: It is the Council for the Curriculum, Examinations and Assessment's view that the matters raised in AQW 52956/11-16 fall under Principle 1 of the Data Protection Act. It would be inappropriate, therefore, for my Department to comment further.

Mr McCallister asked the Minister of Education to detail any feedback he has received from within the education system in regards to the decision by the AQA and OCR examination boards to stop offering GCSE courses locally.

(AQW 53522/11-16)

Mr O'Dowd: A small number of post-primary schools have written to my Department about my decision on GCSE grading and seeking clarification on a number of issues.

I have also received correspondence from the Governing Bodies Association (GBA) and the Association of School and College Leaders (ASCL).

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Millisle Primary School.

(AQW 53529/11-16)

Mr O'Dowd: All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

Millisle Primary School provides 26 full-time pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Donaghadee Primary School.

(AQW 53530/11-16)

Mr O'Dowd: All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

Donaghadee Primary School provides 52 part-time pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Towerview Primary School, Bangor.

(AQW 53531/11-16)

Mr O'Dowd: All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

Towerview Primary School, Bangor provides 52 part-time pre-school places.

Mr Weir asked the Minister of Education whether the logistics for the Pathways Fund will be in place for the 2016-17 financial year.

(AQW 53546/11-16)

Mr O'Dowd: Early Years – the Organisation for Young Children (EYO), which is administering the Pathway Fund on behalf of the Department, has advised that Pathway Fund logistical planning is on target to open for applications on 10th February and close on 2nd March, with the aim of announcing allocations on 1st April 2016.

Mr Weir asked the Minister of Education to detail the number of Ministerial visits he had made in each constituency, since May 2011, broken down by year.

(AQW 53547/11-16)

Mr O'Dowd: Information is not held in the format required to respond to this request. To provide it would result in disproportionate cost.

Mr McElduff asked the Minister of Education to detail how much capital funding his Department has provided to St. Scire's Primary School, Trillick in the last year; and for his assessment of the future accommodation requirements his Department plans to meet.

(AQW 53595/11-16)

Mr O'Dowd: In the last financial year a verti-draining scheme at a cost of £672.00 + VAT has been completed at St Scire's Primary School. In addition approval has been given for the replacement of a mobile with a double modular building (provision of 2 x classrooms and ancillary accommodation) at an expected cost of £224,662.00 + VAT. This minor works scheme will span this financial year and the 2016/17 financial year.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Ballymagee Primary School, Bangor.

(AQW 53632/11-16)

Mr O'Dowd: All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

Ballymagee Primary School, Bangor provides 26 part-time pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Kilmaine Primary School, Bangor.

(AQW 53633/11-16)

Mr O'Dowd: All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

Kilmaine Primary School, Bangor provides 52 part-time pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Bangor Central Primary School.

(AQW 53634/11-16)

Mr O'Dowd: Bangor Central Primary School, Bangor does not provide any pre-school places.

Mr Easton asked the Minister of Education to detail the number of (i) fully-funded; and (ii) part-funded nursery places available in Bloomfield Primary School, Bangor.

(AQW 53635/11-16)

Mr O'Dowd: All places provided under the Pre-School Education Programme (PSEP) are fully funded by the Department of Education.

Bloomfield Primary School, Bangor provides 52 part-time pre-school places.

Ms Lo asked the Minister of Education for an update on the ownership of the schools moving onto the Strule shared education campus.

(AQW 53636/11-16)

Mr O'Dowd: My officials are working with the relevant school managing authorities (that is, the Education Authority, the Council for Catholic Maintained Schools and the voluntary school trustee groupings) of the schools which will move to the Strule Shared Education Campus to develop and agree arrangements for its ownership, governance and management.

Work is well underway with educational stakeholders to agree future ownership arrangements and I look forward to the outcome of this engagement in due course.

Ms Lo asked the Minister of Education to detail what will happen to the existing sites and any proceeds of sale that may occur from those schools moving to the Strule Campus.

(AQW 53637/11-16)

Mr O'Dowd: The existing sites of the schools relocating to the Strule Shared Education Campus, Omagh belong to either the Education Authority or to the individual educational Trustees grouping responsible for the administration of the voluntary schools involved. They are not in the ownership of my Department. Any decision to dispose of a school site will be a matter for the owner of that site, and will be carried out in accordance with the latest guidance in place at that time.

Disposal of Education Authority school sites is carried out in line with the guidelines in the Land & Property Services' document "Disposal of Surplus Public Sector Property in NI (March 2013)" and can be found at the following link:

- <https://www.dfpni.gov.uk/publications/disposal-surplus-land-and-property-publications>

Guidance regarding school closure and the disposal process can be found at the following link:

- <https://www.deni.gov.uk/articles/disposals-and-grant-recovery-following-closure-schools>

Ms Lo asked the Minister of Education to detail the budget for the Controlled Schools Support Council in the 2016-17 financial year.

(AQW 53638/11-16)

Mr O'Dowd: Following the Executive's agreement of Budget 2016-17 on Thursday 17 December 2015, which was subsequently passed by the Assembly on 19 January 2016, I am currently working through the impact of the Budget 2016-17 outcome on the Education sector and have not yet come to any final decisions on 2016-17 budget allocations. In view of this, I am unable, at this stage, to advise on any specific budget allocations.

Ms Lo asked the Minister of Education to detail from where the budget for the new Controlled Schools Support Council will be allocated.

(AQW 53639/11-16)

Mr O'Dowd: Following the Executive's agreement of Budget 2016-17 on Thursday 17 December 2015, which was subsequently passed by the Assembly on 19 January 2016, I am currently working through the impact of the Budget 2016-17

outcome on the Education sector and have not yet come to any final decisions on 2016-17 budget allocations. In view of this, I am unable, at this stage, to advise on any specific budget allocations.

Mr McGlone asked the Minister of Education to detail how much the schools estate has spent on heating oil in each of the last five years.

(AQW 53642/11-16)

Mr O'Dowd: The Education Authority (EA) has provided the following figures for heating oil expenditure in controlled and maintained schools in each of the last five years.

Financial Year	Total Expenditure
2010/11	£7,973,430
2011/12	£8,617,897
2012/13	£9,342,346
2013/14	£8,167,897
2014/15	£6,411,977

The Department does not hold information on heating oil costs for Voluntary Grammar and Grant Maintained Integrated Schools as they are responsible for their own costs.

Mr Weir asked the Minister of Education for a percentage breakdown of schools by sector.

(AQW 53663/11-16)

Mr O'Dowd: The proportion of schools by management type in the 2015/16 academic year can be found in the table below. This is split by sector. The total number of schools in each sector is provided for context.

	Primary	Post-primary	Special	Nursery	Total
Controlled	44.7%	32.7%	94.9%	66.7%	46.1%
Voluntary	1.3%	24.8%	0.0%	0.0%	5.2%
Catholic Maintained	45.2%	31.7%	2.6%	33.3%	40.5%
Other Maintained	3.5%	1.0%	2.6%	0.0%	2.7%
Controlled Integrated	2.4%	2.5%	0.0%	0.0%	2.1%
GMI	2.8%	7.4%	0.0%	0.0%	3.3%
Total number of schools	827	202	39	96	1164

Source: NI school census

Mr Agnew asked the Minister of Education to detail the timeline for the tender of alternative education provision for the 2016-17 academic year; and whether the tender will be Northern Ireland wide or broken down by region.

(AQW 53688/11-16)

Mr O'Dowd: Under Articles 86(1) and 86(2) of the Education (NI) Order 1998 responsibility for Education Otherwise Than At School (EOTAS) resides with the EA. While the Department provides an annual earmarked funding to the EA to support the delivery of EOTAS, it is an operational issue for the Authority to determine which mixture of EOTAS structures and services it requires to meet its legal duty.

The Education Authority (EA) is therefore responsible for the tendering process for any external EOTAS provision it wishes to use. I suggest that you contact the Interim Chief Executive of the EA, Gavin Boyd, and ask him to respond to you directly on the question of the timeline for the tendering process.

Department for Employment and Learning

Mr Easton asked the Minister for Employment and Learning how many working days were lost by his Department in the last financial year by staff taking sick leave.

(AQW 52537/11-16)

Dr Farry (The Minister for Employment and Learning): Statistics on departmental absence can be found in the following report "Sickness Absence In The Northern Ireland Civil Service 2014/15" which is available in the Publications and Statistics section of the Northern Ireland Statistics and Research Agency website (www.nisra.gov.uk).

Ms P Bradley asked the Minister for Employment and Learning what actions his Department is taking to address the low percentage of young people from North Belfast enrolling in university education.

(AQW 52861/11-16)

Dr Farry: In 2014 there were approximately 3,880¹ young persons between the ages of 18 and 20 years old in the North Belfast parliamentary constituency. Of that number 1,040 were enrolled in university courses. In addition, there are a further 140 students aged 18 to 20 enrolled in higher education courses in Further Education colleges. At 30.5%, the higher education participation rate for young people from North Belfast is quite comparable to other parts of the city, but is below some other parts of Northern Ireland.

In 2012, I launched Access to Success, my Department's strategy for widening participation in higher education to all who have the capacity to succeed and to benefit from it. Significant progress has been made on a range of measures in the strategy aimed at increasing the recruitment, retention and progression of disadvantaged groups into and through higher education.

These include the launch of Reach Higher, an awareness and aspiration-raising campaign to better communicate the benefits of higher education to under-represented sections of the community; the introduction of the R.E.A.C.H. programme which aims to expand the range of additional educational attainment-raising programmes at school, college, and community; and the introduction of annual Widening Access and Participation Plans, in which universities are required to detail their investments to increase participation from under-represented groups.

Ulster University

In its most recent Widening Access and Participation Plan, Ulster University has identified North Belfast as a priority area for outreach and educational intervention. The University places great importance not only on developments in this area but in all its inner city catchments across Northern Ireland where educational under-achievement inhibits social mobility.

In 2014-15, Ulster University supported a total of 28,430 pupil interactions in 156 schools, and 1,600 community members in educational developments. Of these, 2,188 pupil interactions in 19 schools and 130 community learners were based in North Belfast. Ulster University's flagship outreach programmes in North Belfast are Step Up, Science Shop and Ulster Sports Outreach.

Step-Up Belfast engaged 181 participants from seven post-primary schools (North and West Belfast) in a two-year programme of science with real experiences in University and workplace laboratory settings. Science Shop is a longstanding community project involving action research with the voluntary sector in which final year students and their academic supervisors research and develop business solutions with community partners. Community Partners involved from North Belfast include: Challenge for Youth, Sailortown Regeneration, The Ashton Centre, Pips Charity, the New Lodge Arts and Culture Centre, The Rainbow Project and North Belfast Senior Citizen's Forum. Ulster Sports Outreach delivered 8,069 sport and physical activity sessions creating participation opportunities for children and young people in disadvantaged areas, 610 of which were in North Belfast.

Ulster University's Greater Belfast Development project will see a significantly expanded campus established in North Belfast from 2018. The University is keen that the redevelopment will act as the catalyst to invigorate and regenerate the area in the vicinity of the new campus. The University is working closely with local community representatives to put in place activities and programmes that will help to ensure that the refreshed campus actively promotes and supports educational outreach in North Belfast. It is intended that these measures will result in the delivery of sustained long term benefits for the local community through the shaping of positive attitudes to education, ultimately leading to improved educational indicators, including participation in higher education.

Queen's University Belfast

581 individuals from the North Belfast constituency applied to Queen's University for 2015-16 undergraduate entry; 419 (72%) of these were made offers and 164 were admitted. This admission rate is consistent with the other Belfast constituencies.

Queen's University actively engages with all feeder schools in North Belfast. In response to the Access to Success Strategy, Queen's University has range of programmes in its Widening Access and Participation Plan to address the low percentage of young people from areas of high deprivation participating in university education.

The programmes aim to encourage and support the 'most able least likely' to enrol in university education and this is achieved by working with schools (primary and post-primary) and community groups in areas of high deprivation. North Belfast is one of these areas.

Queen's Junior Academy (Years 9-12) seeks to give targeted pupils (nominated by schools) and their parents/carers insight into university life and the various opportunities available. The Senior Academy (Years 13-14) works with targeted students nominated by schools to build academic and personal confidence, widen career choices and participate in a tailored programme of activities to support individual learning needs.

The Widening Participation Unit has, over the last year, formalised its relationships with post primary schools by awarding a Queen's Plaque to Schools who are working closely with Queen's Academy Programme to increase the percentage of young people enrolling in university education. Schools in North Belfast which have been awarded a Queen's Plaque by Professor Patrick Johnson include the Girls' Model, Boys' Model, Glengormley High School, Hazelwood Integrated College, Little Flower and St Patrick's College.

¹ Numbers have been rounded to comply with data regulations.

In addition, Queen's works with social workers in the Belfast Health and Social Care Trust to ensure that, when appropriate, young people with experience of care or in care are nominated for our programmes.

Queen's also has an active involvement in a number of primary schools in North Belfast as there is evidence that interventions at a younger age have the potential to have an impact. The Professor Fluffy Programme is aimed at primary schools. This programme introduces Year 7 school pupils to Queen's University; teaches them about university life in a fun, engaging and interactive way; and ensures that they are aware of the exciting opportunities available through higher education.

Currently, a successful Professor Fluffy Programme is delivered to the following primary schools in North Belfast; Cliftonville Primary, Currie Primary, Edenbrooke Primary, Hazelwood Primary, Holy Family Primary, St Vincent de Paul Primary, Wheatfield Primary, Our Lady's PS, and St Patrick's Primary School.

Mr McKinney asked the Minister for Employment and Learning whether the Ulster University and Queen's University will face further cuts under the proposed 2016-17 budget.

(AQW 52903/11-16)

Dr Farry: The Executive Budget document 2016-17 provides information on the 2016-17 budget, and identifies the opening baseline for Higher Education & Student Support as £317.4m with the final 2016-17 budget reduced to £305.6m (page 60). £20 million should be made available to the Department for the Economy for skills which should be funded during the June monitoring round. As a result of the availability of some of this funding, as well as the carry forward of recurring savings from 2015-16 through the voluntary exit schemes of the Department and its Arm's Length Bodies, the impact of the budgetary reductions will be significantly reduced in real terms.

My Department will work closely with both Ulster University and Queen's University to mitigate the impact of any further reductions to minimise what is passed to front-line provision.

Specific university grants are allocated through a funding model which takes into account of a range of factors including available resources, the number and type of students, the subjects taught, the form of delivery and the quantity and quality of research undertaken. This process will not take place until the spring, and it is therefore too early to determine specific university allocations at this stage.

Mr Weir asked the Minister for Employment and Learning whether Peace 4 funding will be available to support the United Youth project.

(AQW 52914/11-16)

Dr Farry: The Northern Ireland Executive has committed to utilise EU PEACE IV funding (Children and Young People - Priority 2.1) to deliver a cross-border Youth Initiative programme. The PEACE IV Programme (2014 – 2020) was formally adopted by the European Commission towards the end of last year.

A total potential allocation of up to €42.5m ERDF will be available over two phases for the cross-border Youth Initiative programme that will comprise elements of the Together Building a United Community (TBUC) United Youth vision, focusing primarily on good relations, personal development and citizenship.

Mr McCrossan asked the Minister for Employment and Learning to detail the community organisations in West Tyrone that receive funding from his Department.

(AQW 52923/11-16)

Dr Farry: The strategic aim of the NI European Social Fund (ESF) Programme 2014-2020 is to combat poverty and enhance social inclusion by reducing economic inactivity, and to increase the skills base of those currently in work and future potential participants in the workforce.

The Programme has 5 distinct funding streams focusing on support for specific groups of beneficiaries:

- Priority 1.1 – Individuals facing barriers to employment and economic activity;
- Priority 1.2 – Young people not in education, employment or training (NEET);
- Priority 2.1 – People with a disability;
- Priority 2.2 – Community-based support for families (CFSP), aimed at preventing young people becoming NEETs; and
- Priority 3 – Apprenticeships and Youth Training

Under the Unemployed/Economically Inactive priority (1.1), the following community organisations are funded through ESF in West Tyrone:

- Derry Youth and Community Workshop;
- Enterprise NI;
- The Prince's Trust; and
- TRIAX.

It should also be noted that Derry and Strabane District Council and Fermanagh and Omagh District Council are also being funded under this ESF priority.

Under the NEETs priority (1.2), the following community organisations are being funded through ESF in West Tyrone:

- Customised Training Services;
- Derry Youth and Community Workshop;
- Include Youth; and
- The Prince's Trust.

Under the Disability priority (2.1), the following community organisations are being funded through ESF in West Tyrone:

- Action Deaf Youth;
- Action Mental Health;
- Derry Youth and Community Workshop;
- Mencap;
- NOW Group;
- RAPID;
- RNIB;
- The Cedar Foundation; and
- USEL.

Under the CFSP priority (2.2), the following community organisation is being funded through ESF in West Tyrone:

- Customised Training Services

Mr Weir asked the Minister for Employment and Learning when the assessment of the United Youth pilot schemes will be completed and published.

(AQW 52925/11-16)

Dr Farry: Preparations for an external evaluation of the Together Building a United Community (TBUC) United Youth Pilot Phase are underway and it is anticipated that the evaluation findings will be published before the summer.

Ms Sugden asked the Minister for Employment and Learning for his assessment of the availability of (i) supported employment opportunities; and (ii) suitable work experience placements for further education students with learning disabilities.

(AQW 52971/11-16)

Dr Farry: My Department, particularly through its Disability Employment Service (DES), has an excellent and long-standing working relationship with the Northern Ireland Union of Supported Employment (NIUSE) and its many member organisations. NIUSE is a pan disability umbrella organisation which promotes vocational training and supported employment for people with a full range of disabilities.

An active member of the European Union of Supported Employment for over 20 years, NIUSE is a leading advocate of the Supported Employment Model which is widely acknowledged as a model of best practice in terms of helping people with disabilities access paid jobs and providing them with the necessary supports to retain employment.

Working with many local and specialist disability organisations, my Department has consistently provided a comprehensive package of support measures aimed at helping people with disability related barriers into employment, including those people preparing for or moving into paid supported employment.

This range of specialist disability employment provision includes pre-employment programmes such as Work Connect, the Job Introduction Scheme and the Condition Management Programme (CMP), whilst medium to long term in-work support is available through the Workable and Access to Work programmes. DES also has a dedicated Occupational Psychology Service which offers an all age advice, guidance and assessment service in areas relating to disability and employment.

In addition, my Department currently supports 25 local disability employment projects through the European Social Fund (ESF), with 16 of these projects receiving further match funding from DES. The majority of these specialist projects are delivering the Supported Employment Model, and have set themselves challenging targets for moving people into paid employment during the next three years. Indeed, one of these projects, 'Job Match' is a partnership project between DES and Disability Action, and this has resulted in nine new Supported Employment Officers being recruited by the latter, with the sole purpose of securing and retaining paid employment for disabled people throughout Northern Ireland.

This project, like all of the other ESF projects, will be a cornerstone of the new 'Employment Strategy for People with Disabilities' which is due to launch in February 2016.

One of the key aims of the strategy is to provide a clear transitions pathway for young people with significant disability related barriers, to assist them in their pursuit of new skills, employment opportunities and career development.

Work experience placements are an integral part of certain mainstream and discrete Further Education (FE) provision. It is the responsibility of individual Colleges to arrange placements appropriate to the level and type of course undertaken by the students. Placements are undertaken in a range of occupational areas including; retail, hospitality, construction, hairdressing, business and IT.

Colleges often work in partnership with external disability organisations including MENCAP, the Cedar Foundation, and others, to help source placements and support students while on work experience.

Additionally, officials from DES have been working in partnership with the Further Education colleges in the Northern, Southern and North West regions, in order to increase the employment opportunities and outcomes for students in the Discrete Learning Units, most of whom have a learning disability or are on the autistic spectrum. This partnership approach commenced in 2012, and during this time, 62 young disabled people have secured paid employment.

DES staff have also worked with the disability sector on a number of ring-fenced recruitment exercises, with employers from various sectors over the past three years, resulting in paid jobs for people in a supported but totally inclusive working environment.

With the implementation of the new 'Employment Strategy for People with Disabilities' it is anticipated that this work can be replicated in the other regional colleges through the collaboration between DES, the college staff, Careers Service and the Supported Employment Officers from various disability organisations.

The Department's Careers Service is an invaluable source of expertise and will contribute directly to the delivery of the new "Employment Strategy for People with Disabilities". The Careers Advisers will partner with DES colleagues and other support workers to ensure that every young person with a disability who wishes to progress into further education, training and supported employment, will be supported through the transition process.

Mr Agnew asked the Minister for Employment and Learning to detail the number of (i) full time; and (ii) part time staff in (a) his Department; and (b) each of its arm's-length bodies who have availed of each tranche of the voluntary exit scheme, broken down by grade.

(AQW 53003/11-16)

Dr Farry: The number of (i) full time and (ii) part time staff within the Department for Employment and Learning (DEL), and each of its Arm's Length Bodies who have availed of the Voluntary Exit Scheme (VES) for each tranche, broken down by grade, is detailed below:

DEL

Tranche 1 (Exit Date – 30 September 2015)

Grade/Analogous Grade Name	No of Part-Time Acceptances (Headcount)	No of Full-Time Acceptances (Headcount)	Total
Administrative Assistant	2	0	2
Administrative Officer	15	20	35
SGB1 (Driver)	0	1	1
Executive Officer 2	11	8	19
Personal Secretary	1	0	1
Executive Officer 1	3	2	5
Careers Adviser	2	3	5
Staff Officer	6	5	11
Deputy Principal	2	3	5
Grade 7	3	0	3
Grade 7 Accountant	0	1	1
Total	45	43	88

Tranche 2 (Exit Date – 30 November 2015)

Grade/Analogous Grade Name	No of Part-Time Acceptances (Headcount)	No of Full-Time Acceptances (Headcount)	Total
Administrative Assistant	0	2	2
SGB2 (Messenger)	0	2	2
Administrative Officer	20	11	31
Executive Officer 2	4	10	14

Grade/Analogous Grade Name	No of Part-Time Acceptances (Headcount)	No of Full-Time Acceptances (Headcount)	Total
Executive Officer 1	4	1	5
Careers Adviser	2	1	3
Staff Officer	2	8	10
Deputy Principal	1	2	3
Deputy Principal Economist	1	0	1
Grade 7	0	3	3
Grade 7 Accountant	0	1	1
Total	34	41	75

Tranche 3 (Exit Date – 31 January 2016)

Grade/Analogous Grade Name	No of Part-Time Acceptances (Headcount)	No of Full-Time Acceptances (Headcount)	Total
Administrative Assistant	2	0	2
SGB2 (Messenger)	0	1	1
Administrative Officer	32	23	55
Executive Officer 2	6	4	10
Executive Officer 1	1	5	6
Staff Officer	3	4	7
ICT Level 5	0	2	2
Deputy Principal	2	10	12
Grade 7	1	0	1
Total	47	49	96

Tranche 4 (Exit Date – 31 March 2016)

Grade/Analogous Grade Name	No of Part-Time Acceptances (Headcount)	No of Full-Time Acceptances (Headcount)	Total
Administrative Officer	1	1	2
Personal Secretary	2	0	2
Executive Officer 1	1	5	6
Careers Adviser	2	0	2
Grade 7	0	1	1
Grade 6	1	1	2
Deputy Secretary (Grade 3)	0	1	1
Total	7	9	16

Arm's Length Bodies**Stranmillis College (Exit Date - 31 March 2016)**

Grade/Analogous Grade Name	No of Part-Time Acceptances (Headcount)	No of Full-Time Acceptances (Headcount)	Total
Principal Lecturer	-	2	2

Grade/Analogous Grade Name	No of Part-Time Acceptances (Headcount)	No of Full-Time Acceptances (Headcount)	Total
Senior Lecturer	1	-	1
Technician	-	1	1
Assistant Accountant	-	1	1
Total	1	4	5

Further Education Colleges

The Department does not hold information on the breakdown between full time and part time staff who have left Further Education Colleges under the Voluntary Exit Scheme. Information can be obtained directly from the Colleges by contacting the following:

- Belfast Metropolitan College Director mmcgivern@belfastmet.ac.uk
- Northern Regional College Director terri.scott@nrc.ac.uk
- North West Regional College Director leo.murphy@nwrc.ac.uk
- South Eastern Regional College Director kenwebb@serc.ac.uk
- Southern Regional College Director doranb@src.ac.uk
- South West College Director Malachy.mcAleer@swc.ac.uk

Mr Weir asked the Minister for Employment and Learning what strategies are being pursued to increase participation in third level education among under-represented communities.

(AQW 53052/11-16)

Dr Farry: In 2012, I launched Access to Success, my Department's strategy for widening participation in higher education to all who have the capacity to succeed and to benefit from it. A copy of that document can be found at: <https://www.delni.gov.uk/publications/higher-education-strategy-documents>

In May 2015, I published a statement of progress on the implementation of the strategy. A copy of that document can be found at: <https://www.delni.gov.uk/publications/widening-access-and-participation-annual-statement>

Mr McCallister asked the Minister for Employment and Learning to detail the existing funding available to deliver Enabling Success – a strategy to tackle economic activity; and the estimated funding required to deliver the strategy over the next 10 years, broken down by year.

(AQW 53062/11-16)

Dr Farry: 'Enabling Success', the Executive's new strategy, aimed at reducing the level of economic inactivity in Northern Ireland, was published on 20th April 2015. The strategy seeks, by 2030, to contribute towards a stable and competitive employment rate in Northern Ireland which exceeds the United Kingdom average, through a reduction in the proportion of the working age population classified as economically inactive.

The implementation of the strategy, over its proposed fifteen year period, is based on eleven key projects, to be managed and resourced on a cross-departmental basis.

However, due to the ongoing pressure on budgets, and the subsequent absorption of these pressures through Departmental baselines, the Enabling Success strategy remains unresourced and implementation has been severely hindered.

In an effort to initiate relevant projects for the Economic Inactivity strategy in 2015/16, my Department bid for resources as part of the June Monitoring round; however, this bid was unsuccessful.

An extensive research mapping exercise of economic inactivity service provision in Northern Ireland, aimed at the strategy's key target groups, has been completed. In addition, the Department for Social Development is leading a pilot project in the new Derry City and Strabane District Council. This pilot project received funding, of £300k, via the Executive's Change Fund for 2015/16, and it is based on early and more intensive engagement with new claimants of the Employment and Support Allowance benefit. The progress of this pilot is being monitored by officials from both the Department for Social Development and my Department.

The remaining cross-departmental projects have yet to commence, due to the lack of financial and other resource allocations. At this time, there is no indication of the level of funding that will be made available from 2016/17 to enable full or part implementation of 'Enabling Success'.

Ms Sugden asked the Minister for Employment and Learning for an update on the progress of the post-19 Special Schools Transition Focus Group Action Plan.

(AQW 53073/11-16)

Dr Farry: In May 2015, the Bamford Inter Ministerial Group on Mental Health and Learning Disability agreed a cross Departmental Action Plan which seeks to offer improved support and services to help young people with severe learning disabilities to make the transition from school to adult services.

The Action Plan sets out a range of actions across government that aim to deliver improved support for this group of young people throughout Northern Ireland. These actions represent a snapshot of Departments' existing commitments and associated scope for change. However, the Action Plan is also intended as a dynamic document that will be continuously amended and updated over time to take account of changes in Departments' commitments and priorities.

The Action Plan was published on my Department's website on 23 November 2015 (www.delni.gov.uk/publications/transitions-action-plan). Progress on the Action Plan will be monitored on an ongoing basis by the Inter Ministerial Group on Mental Health and Learning Disability, with my Department monitoring progress on all the actions in the Plan from relevant Executive Departments and reporting on this through the Bamford Ministerial Group reporting mechanisms to help keep Ministers informed of progress.

This monitoring process has begun and an update on progress will become available after the next meeting of the Inter Ministerial Group.

Mr Lyttle asked the Minister for Employment and Learning for his assessment of the success of the Assured Skills programme.

(AQW 53153/11-16)

Dr Farry: The Assured Skills programme is continuing to deliver for Northern Ireland. Alongside support provided by Invest NI, I believe Assured Skills support continues to be instrumental in securing new jobs for Northern Ireland.

To date, there have been 20 company projects through Assured Skills and, when fully realised and all 5,375 jobs are created, this will benefit the local economy by £130 million each year.

Through its Capacity Building programme, Assured Skills also enhances the capability of Northern Ireland to respond to the needs of potential investors by up-skilling lectures to anticipate future needs and creating pools of talent with skills of interest to potential investors, for example by up-skilling unemployed graduates. It also is used to help consortia of indigenous companies who also have similar skills needs. We have delivered capacity building projects in a number of areas such as; Data Analytics, Software Testers, Cloud Computing, Professional Software Development, CNC Machining and Export Sales & Marketing through our 'Academy' model. Since 2010, over 400 participants have successfully gained employment through this process.

In December 2014, a joint bid of £9.5m was made by DEL and Invest NI to develop more collaborative approaches to increase the level of relevance and use of skills across all key economic sectors. The bid was successful and Assured Skills was allocated £2m to undertake a number of projects during 2015/16. Companies from across Northern Ireland have been involved in the following Change Fund projects: 2D Animation, Financial Services, Game Development, Welding, Export Sales & Marketing, Automotive and CNC Machining, which has resulted in a total of 108 participants receiving training through our academy model.

Mr Lyttle asked the Minister for Employment and Learning for an update on the progress of the Financial Services Academy.

(AQW 53154/11-16)

Dr Farry: The most recent Financial Services Academy commenced on 7 September 2015 and was funded through the Collaborative Skills Change Fund. Departmental staff, in conjunction with three companies (Citi, CME, SR Labs) and Ulster University, agreed the training requirement. The graduates had access to the CME Foundation Financial Innovation Laboratory, with the opportunity to undertake Bloomberg Certification, enhancing their attractiveness to prospective employers.

Of the thirteen graduates who took part in the Academy, four found employment with Citi immediately after the Academy, with an additional two due to commence employment with Citi in February 2016. One graduate was employed by CME and a further five students were referred to Fintru for job opportunities. The remaining graduate did not take up the opportunity of employment with Financial Services companies. The Academy Evaluation is currently ongoing.

Mr Lyttle asked the Minister for Employment and Learning to outline his position on student maintenance grants.

(AQW 53155/11-16)

Dr Farry: The Department of Business, Innovation and Skills recently announced their decision to remove maintenance grants from English students from less well off families, instead offering maintenance loans for new students from autumn 2016.

I have decided to maintain means tested maintenance grants and loans in their current format for Northern Ireland domiciled students. My Department recognises the importance widening access to higher education for all students in Northern Ireland and the maintenance grant plays an important role in our widening participation strategy.

Mr Lyttle asked the Minister for Employment and Learning how the Skills Barometer will help businesses and job seekers establish the skills needed for employment.

(AQW 53157/11-16)

Dr Farry: The Skills Barometer, which was launched on 12 November 2015, provides my Department, and indeed the wider Executive, with the most robust and up to date information on future forecast skills requirements, thereby enabling policy makers and educationalists to make informed choices regarding the allocation of funds and initiatives.

However, the Barometer is not just for policy development. It is a tool which has been developed for everyone's use. Businesses will be able to see subjects and sectors where demand is high and where they may need to invest in training to meet the emerging skill requirements in the economy.

Job seekers should be able to see where job opportunities are likely to emerge by level of education and subject area and clearly this will also be invaluable to parents, teachers, pupils and students when looking at the future career paths.

A range of products have been developed from the Skills Barometer which can be accessed at www.delni.gov.uk/publications/ni-skills-barometer. For instance, my Department has produced an infographic which sets out where the future career opportunities will be and the key skills required to access these opportunities.

Departmental officials are currently considering how we can further disseminate the information to ensure the findings from the Barometer are circulated amongst students, parents, businesses, education providers, and careers and employment advisers, in a format that can be easily understood and shared to inform them of the skills in demand for the future.

Mr Allen asked the Minister for Employment and Learning for an update on his Department's plans to encourage employers to maximise the range of opportunities for employment available to disabled people.
(AQW 53182/11-16)

Dr Farry: My Department proactively engages with employers in order to encourage the recruitment and retention of employees with disabilities. Through this approach, the Department also raises employer awareness of the strengths and attributes that people with disabilities bring to the workplace, as well as the various supports that are available to both employers and disabled people to help address any real or perceived barriers to securing and retaining paid employment.

My Department, in partnership with the local disability sector, provides a comprehensive package of specialist disability employment support, including pre-employment programmes such as Work Connect, the Job Introduction Scheme and the Condition Management Programme (CMP). It also offers medium to long term in-work support through Workable and Access to Work, both of which are designed to help the employer and the disabled employee.

These in-work programmes are currently supporting more than 1200 people with disabilities in a range of paid jobs across every sector in Northern Ireland.

The Department's Disability Employment Service also has a dedicated Occupational Psychology Service which offers an all age advice, guidance and assessment service, to employers and disabled people.

My Department has also been working with representatives of many local disability organisations on the development of a new 'Employment Strategy for People with Disabilities' which is due to launch in February 2016. The key aim of the strategy is "To directly assist disabled people to find, sustain and progress within paid employment".

One of the key themes of the strategy, 'Working with Employers' contains a number of proposals that will build upon and improve current practices. This will include working closely with influential organisations such as the Equality Commission NI, Northern Ireland Union of Supported Employment, Employers for Disability NI, as well as those from the disability sector, to raise the profile of people with disabilities, to challenge some of the attitudes and prejudice that exists, and to encourage positive actions by employers in recruiting and retaining people with disabilities.

My Department has been very successful, working with the disability sector, on a number of recruitment competitions, during the past few years. Through this partnership approach, a model of best practice is being developed, to encourage employers to recruit employees with disabilities, including the consideration of 'ring-fenced' interview dates, pre-employment training to help disabled clients prepare for the job, technical and other support at interview, and in some instances, a guaranteed number of jobs allocated to people with disabilities.

The new 'Employment Strategy for People with Disabilities' will enable further refinement and promotion of this best practice approach, and this can then be offered to employers who wish to offer future employment opportunities to disabled people. I am confident that those organisations and companies who have experienced this successful recruitment process will be strong advocates for the model with new employers.

The Strategy, and particularly the 'Employer' theme, will also include promotional material, activities and events, which will build upon some of the Department's recent ventures with the disability sector and other partners, such as "Making Equality Work – Recruiting Disabled People" and "Showcasing Disability Best Practice". Both of these events were designed to raise awareness of the number of disabled people, working in various employment sectors, who are making a positive contribution of the success of their business.

In summary, therefore, through the delivery of existing supports and provision, the continued partnership work with the disability sector, and the implementation of the new 'Employment Strategy for People with Disabilities', the Department will continue to create opportunities for people with disabilities to enter employment and develop their careers within work.

Ms Sugden asked the Minister for Employment and Learning how he is encouraging the development of links between Ulster University in Coleraine and further education colleges in Coleraine and Limavady.

(AQW 53187/11-16)

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.

In 2013, and again in 2014, I 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. Northern Regional College has a sizable number of Level 3 students who progress to degree provision at UU Coleraine.

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. Northern Regional College is planning to 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 2017. 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 Allister asked the Minister for Employment and Learning how much funding is currently committed to the strategy to reduce economic inactivity which was launched in April 2015.

(AQW 53264/11-16)

Dr Farry: 'Enabling Success', the Executive's new strategy, aimed at reducing the level of economic inactivity in Northern Ireland, was published on 20th April 2015. The strategy seeks, by 2030, to contribute towards a stable and competitive employment rate in Northern Ireland which exceeds the United Kingdom average, through a reduction in the proportion of the working age population classified as economically inactive.

The implementation of the strategy, over its proposed fifteen year period, is based on eleven key projects, to be managed and resourced on a cross-departmental basis.

However, due to the ongoing pressure on budgets, and the subsequent absorption of these pressures through Departmental baselines, the Enabling Success strategy remains unresourced and implementation has been severely hindered.

In an effort to initiate relevant projects for the Economic Inactivity strategy in 2015/16, my Department bid for resources as part of the June Monitoring round; however, this bid was unsuccessful.

An extensive research mapping exercise of economic inactivity service provision in Northern Ireland, aimed at the strategy's key target groups, has been completed. In addition, the Department for Social Development is leading a pilot project in the new Derry City and Strabane District Council. This pilot project received funding, of £300k, via the Executive's Change Fund for 2015/16, and it is based on early and more intensive engagement with new claimants of the Employment and Support Allowance benefit. The progress of this pilot is being monitored by officials from both the Department for Social Development and my Department.

The remaining cross-departmental projects have yet to commence, due to the lack of financial and other resource allocations. At this time, there is no indication of the level of funding that will be made available from 2016/17 to enable full or part implementation of 'Enabling Success'.

Mr Easton asked the Minister for Employment and Learning how many staff have been suspended from his Department over the last three years for disciplinary reasons.
(AQW 53358/11-16)

Dr Farry: Two members of staff were suspended from the Department for Employment and Learning in 2013/2014 for disciplinary reasons. No staff were suspended in 2014/2015 and 2015/2016.

Department of Enterprise, Trade and Investment

Mr Allister asked the Minister of Enterprise, Trade and Investment (i) why; (ii) when; and (iii) by whom (a) was the statement in the Department's letter dated 29 March 2011 to the former Administrator of the Presbyterian Mutual Society that the £25 million contribution from Westminster was not to be repaid reversed; and (b) was the decision taken that this £25 million was instead to be repaid or treated as a loan.
(AQW 52510/11-16)

Mr Bell (The Minister of Enterprise, Trade and Investment): The £25 million is repayable out of any surplus in line with the agreed Scheme of Arrangement. Its treatment in the Presbyterian Mutual Society's accounts has been agreed by the Presbyterian Mutual Society with its auditors.

Mr McCrossan asked the Minister of Enterprise, Trade and Investment to detail the (i) current; and (ii) future capital projects funded by his Department for West Tyrone and their expected completion date.
(AQW 52797/11-16)

Mr Bell: My Department is currently delivering the £23.7 million Northern Ireland Broadband Improvement Project which is due to complete by 31 March 2016 and the £17 million Superfast Roll-out Programme which is due to complete by 31 December 2017. However, it is not possible to disaggregate expenditure on a constituency basis due to the nature of these projects to further enhance the Northern Ireland telecommunications infrastructure.

Invest NI has six current/future Capital projects in West Tyrone with financial support totalling £4.4 million, all of which are scheduled to be completed by September 2017.

The Northern Ireland Executive, through my Department, is providing up to £32.5 million of grant support towards extension of the natural gas network in the West of Northern Ireland including parts of West Tyrone. Subject to planning and other consents, completion of the main pipelines between towns is anticipated by the end of 2017.

Mr Attwood asked the Minister of Enterprise, Trade and Investment to detail the number of jobs created in (i) North; (ii) South; (iii) East; and (iv) West Belfast in the financial years (a) 2012-13; (b) 2013-14; and (c) 2014-15.
(AQW 52834/11-16)

Mr Bell: The table below shows the number of jobs created through Invest NI support in (i) North; (ii) South; (iii) East; and (iv) West Belfast in the financial years (a) 2012-13; (b) 2013-14; and (c) 2014-15.

PCA	2012-13	2013-14	2014-15
Belfast East	712	847	1,070
Belfast North	288	351	425
Belfast South	733	783	974
Belfast West	284	199	371

Mr McCrossan asked the Minister of Enterprise, Trade and Investment to detail the community organisations in West Tyrone that receive funding from his Department.
(AQW 52872/11-16)

Mr Bell: The Department has provided funding to the following organisations since May 2011:

- Strabane and District Caring Services
- New Horizons Partnership Limited
- Omagh Craft Collective
- Omagh Enterprise Co Limited
- Mid Ulster Enterprises (Creggan) Limited
- Garvaghey – Levelling the Rough Field

Ms McCorley asked the Minister of Enterprise, Trade and Investment for his assessment of benefits to the local economy in West Belfast as a result of building Casement Park stadium.

(AQW 52951/11-16)

Mr Bell: If we are successful in winning the bid to host the Rugby World Cup tournament in 2023, the tournament offers a wide range of benefits, not only by showcasing Northern Ireland to a global audience, which in turn would have a positive impact for tourism and business.

The potential in hosting a tournament is huge, not only in terms of the media coverage of the matches worldwide, but also from the large travelling support World Cups have attracted in the past.

Ms McCorley asked the Minister of Enterprise, Trade and Investment when the Innovation Centre at the former Mackie's site on Springfield Road, Belfast will open.

(AQW 53037/11-16)

Mr Bell: The Innovation Centre located on Forthriver Business Park in West Belfast is being developed by Belfast City Council.

Funding has been provided by way of a grant consisting of £4.1 million European Regional Development Funding and £2.0 million Invest NI. The balance is being provided by the Council.

The construction phase of the project is scheduled for completion April 2016 and the Council is currently undertaking a process to identify a suitable operator to manage and promote the Centre.

The Council has informed Invest NI that it expects the Innovation Centre to be fully operational by September 2016.

Mr McQuillan asked the Minister of Enterprise, Trade and Investment for a breakdown of the support in place for renewables after 2017.

(AQW 53038/11-16)

Mr Bell: The NIRO provides a 20 year commitment of support so existing renewable generation will continue to be supported by NI consumers until 2037.

Mr Lyttle asked the Minister of Enterprise, Trade and Investment (i) for his assessment of the performance of the manufacturing sector; (ii) what help he is giving the sector; and (iii) for an update on a manufacturing strategy.

(AQW 53088/11-16)

Mr Bell: According to the latest DETI Economic Commentary in October 2015, manufacturing has continued to post strong growth, with output up 3.2% over the past four quarters. In terms of jobs, 1,870 jobs over the past year, bringing the total number of manufacturing jobs to more than 80,000, the first time this has been the case since 2008.

However, in view of a number of major redundancies announced recently, there is no room for complacency.

Invest NI offers a wide range of assistance to manufacturing businesses. Between 2012/13 and 2014/15, Invest NI has made over 6,700 offers of assistance to manufacturing companies, involving financial support of over £205 million. This has resulted in investment commitments of almost £1.5 billion and the promotion of almost 9,300 new jobs.

On 15 December, I announced the establishment of an Energy and Manufacturing Advisory Group, to review the evidence on the effect of energy costs on the competitiveness of manufacturing industry in Northern Ireland and to identify effective policies, strategies and examples of industry good practice (locally and internationally) in reducing energy costs for manufacturing industry. This Group, chaired by David Dobbin and made up of company and union representatives, will report to me in February 2016.

Mr McCrossan asked the Minister of Enterprise, Trade and Investment for an update on the Gas to the West project.

(AQW 53121/11-16)

Mr Bell: Work by the project developers commenced in November 2015 to install a new gas pipeline from Maydown to Strabane. Subject to planning and other consents, first customers are expected to be connected in Strabane in late 2016, and pipeline installation works are to begin in 2017 to connect other towns in the West to gas including Dungannon, Coalisland, Cookstown, Magherafelt, Omagh, Enniskillen, and Derrylin.

Mr Beggs asked the Minister of Enterprise, Trade and Investment, in relation to onshore petroleum licence PL1/10, whether Infrastrata has asked to add Ermine Resources Limited, Tudor Hall Energy Limited, Baron Oil plc, Southwestern Resources Limited and Petro River UK Limited to the licence.

(AQW 53244/11-16)

Mr Bell: DETI has not received a request to amend the existing interests in Petroleum Licence PL1/10.

Mr Beggs asked the Minister of Enterprise, Trade and Investment, in relation to onshore petroleum licence PL1/10, whether his Department has assessed the financial viability of all the assigned interests InfraStrata plc, Brigantes Energy Limited,

Terrain Energy Limited, Ermine Resources Limited, Tudor Hall Energy Limited, Baron Oil plc, Southwestern Resources Limited, Petro River UK Limited.

(AQW 53245/11-16)

Mr Bell: DETI has not received a request to amend the existing interests in Petroleum Licence PL1/10.

Mr McMullan asked the Minister of Enterprise, Trade and Investment whether he will establish a task force in partnership with Mid and East Antrim Council to improve the industrial and economic sector in the area.

(AQW 53373/11-16)

Mr Bell: Through the Northern Ireland Economic Strategy and the work of my Department and Invest NI, I am committed to improving the economic prospects of the whole of Northern Ireland.

The Economic Strategy sets out how we will grow the competitiveness of the Northern Ireland economy through a focus on export-led economic growth and achieve the 2030 vision of 'an economy characterised by a sustainable and growing private sector, where a greater number of firms compete in global markets and there is growing employment and prosperity for all'. It is through the Economic Strategy that we set out actions to deliver economic growth across Northern Ireland.

To achieve this vision and transform our local economy, we need to work in partnership, with local Government and the private, voluntary and community sectors, for it is these groups who remain the key drivers of economic growth.

My Department and Invest NI will continue to engage with all Councils, including Mid and East Antrim Council, as we pursue our goal of rebalancing the economy. We will be actively engaging with the councils during the refocus of the Economic Strategy this coming year to set out collective priorities for promoting economic development across all council areas.

As a statutory partner, Invest NI continues to work closely with the Council through the Community Planning mechanism. Invest NI has also provided funding to Mid and East Antrim Borough Council to help develop an Integrated Economic Development Strategy for the period 2015–2020, the purpose of which is to connect the policies and actions of all relevant economic development stakeholders and maximise the impact of partnership interventions. A final draft of the strategy should be completed by April 2016.

In addition, Invest NI is participating in a Manufacturing Task Force established by the Mid and East Antrim Council. This Task Force will work with other statutory bodies to consider appropriate activity following the JTI and Michelin job losses.

Given this level of engagement, I have no plans to establish another task force with the Mid and East Antrim Council.

Mr Boylan asked the Minister of Enterprise, Trade and Investment for his assessment of the recent job losses in the manufacturing sector in Camden Glass, Benburb.

(AQW 53513/11-16)

Mr Bell: It is regrettable to hear the announcement of job losses in the Benburb area. However, I understand that the company has ambitious growth plans, underpinned by a strategy to maximise efficiencies and reduce operating costs to increase their competitive position. Hence their decision to relocate the glazing plant to sit within the main manufacturing site in Antrim, allowing optimisation of process flows and elimination of transport charges.

While the company has entered into a consultation period with employees, they are also offering a number of activities to support the employees either transition to their operation in Antrim or to find employment elsewhere.

Department of the Environment

Mr Easton asked the Minister of the Environment to detail any road safety campaigns his Department has planned for 2016.
(AQW 52444/11-16)

Mr Durkan (The Minister of the Environment): My Department has a statutory duty to promote road safety and, within the context of the Northern Ireland Road Safety Strategy, does this through a wide range of rolling road safety education activities, including road safety public information campaigns and education programmes.

The principal objectives of road safety advertising and associated public relations activity are to contribute to reducing the number of people killed or seriously injured on our roads and support the achievement of road safety targets by researching and targeting the main causation factors that contribute to road traffic collisions, raising public awareness of these main causes, and changing road users' attitudes and behaviours.

Through its current portfolio of awareness campaigns, my Department in 2016 will continue to focus on problem areas, such as drink driving, speeding, carelessness and inattention; and on groups which are over-represented in the casualty figures.

I have also recently commissioned two new campaigns. The first is a social media campaign specifically addressing the various issues in relation to mobile phone use while driving. The second campaign will deal with young driver distraction, particularly when carrying passengers. Both campaigns will be launched in the coming months.

Our communications strategy for the Road Traffic (Amendment Bill), which passed its Final Stage last month, will include the development of a media campaign to effectively deliver important information to the public in advance of any operational changes. This will be high profile and likely to include a combination of media options such as social media, television, press, radio, outdoor and online advertising.

I recognise the continuing challenges of preventing road deaths and serious injuries and as such my Department will continue to address the issues through various activities.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 51588/11-16, why his Department engaged the services of Quarry Products Association Northern Ireland to deliver bespoke training on minerals to departmental officials at a time when Quarry Products Association Northern Ireland members had not ceased the unauthorised sand extraction from Lough Neagh Special Protection Area in contravention of current planning policy and European Union environmental directives. (AQW 52723/11-16)

Mr Durkan: As part of the capacity building programme for new councils in advance of the transfer of planning functions in April last year, the Department organised and delivered a series of training seminars to planning staff on development management and enforcement relating to minerals development. This training was primarily provided by professional planning staff accredited by the Royal Town Planning Institute.

The trade association for the quarrying industry in Northern Ireland (Quarry Products Association NI) was invited to take part in the training to provide participants with an industry perspective. This training also included presentations from the Woodland Trust and the Royal Society for the Protection of Birds featuring case studies and good examples of quarry restoration and working with biodiversity.

The Department considers it was appropriate to invite these groups to the training seminars.

Mr Boylan asked the Minister of the Environment to detail any costs incurred by his Department by the research study on Environmental Impacts of Unconventional Gas Exploration and Extraction. (AQW 52767/11-16)

Mr Durkan: To date my Department has contributed £200k to the all island joint Research programme.

Mr Allister asked the Minister of the Environment to detail the basis on which taxi licence applications are referred to the Occupational Health Service in circumstances where the medical condition noted on the application is one that does not require medication. (AQW 52963/11-16)

Mr Durkan: Taxi drivers are required by law to notify the Department if they become aware that they have a medical condition. In addition to this requirement, first-time applicants, and all those aged 45 years or over, are also asked to submit a medical questionnaire which is completed by the applicant's GP.

Medical standards for taxi drivers are higher than those required for car drivers. This higher standard is applied by the Department on the recommendation of the UK Medical Commission on Accident Prevention who recommend that the Group 2 standards which apply to bus and lorry drivers should also apply to taxi drivers.

The Commission's recommendation is based on the following:

- a vocational taxi driver spends more time at the wheel than a motorist;
- the risk of an adverse incident is greater; and
- when carrying passengers there is a possibility of a greater number of injuries associated with any collision.

The "At a Glance Guide to the Current Medical Standards of Fitness to Drive", which is used UK-wide, summarises the national medical guidelines of fitness to drive for both Group 1 and Group 2 drivers and is available to doctors and health care professionals.

Taking account of the guidance, an initial assessment of all medical questionnaires received is carried out to determine if the application can be approved without the need to refer the case to the Occupational Health Service (OHS) for consideration.

Although each case is considered on its own merits, in all cases where a medical condition is declared that may impact on the applicant's ability to drive a taxi, the medical questionnaire, as completed by the applicant's GP, is forwarded to OHS for due consideration and expert advice.

Mr McCrossan asked the Minister of the Environment to detail the community organisations in West Tyrone that receive funding from his Department. (AQW 52979/11-16)

Mr Durkan: The table below details the community organisations in West Tyrone that currently receive funding from my Department.

Organisation
Beltrim Charitable Trust
Beragh Red Knights, GAC
Omagh Early Years Centre
Owenkillew Community Development Association
Church of Sacred Heart Omagh
Sion Mills Community Forum
River Care Ltd
Ballinderry Rivers Trust

Mr B McCreagh asked the Minister of the Environment how many meetings have been held with the other agencies under the Joint Protocol in Relation to the Display of Flags in Public Areas 2005.

(AQW 53010/11-16)

Mr Durkan: My officials are aware of two meetings in October and November 2009 of a working group set up to review the Joint Protocol in Relation to the Display of Flags in Public Areas 2005.

My officials are not aware of any further meetings held with other agencies under the Joint Protocol in Relation to the Display of Flags in Public Areas 2005.

Mrs Cochrane asked the Minister of the Environment to detail the number of infringements relating to (i) missing or defective mandatory roof signs; (ii) excessive charging; and (iii) unauthorised pick-ups for which Uber has been reported to date.

(AQW 53013/11-16)

Mr Durkan: The Driver & Vehicle Agency (DVA) does not publish statistics on infringements relating to an individual licensed taxi operator as this could potentially prejudice the commercial interest of that particular individual or company.

However, enforcement statistics are published on a quarterly and annual basis detailing the number of enforcement checks carried out, including prosecutions, penalties issued, etc.

Mr McElduff asked the Minister of the Environment how his Department will address the issue of dead miles within the new Taxis (Taximeters, Devices and Maximum Fares) Regulations (Northern Ireland) 2015 to ensure taxi operators and customers in rural areas are not negatively impacted,

(AQW 53084/11-16)

Mr Durkan: This issue was considered when the proposed tariff was being developed and subsequently consulted on in 2011/12. Whilst dead miles are included in the tariff, there have been concerns raised with the Department in recent weeks indicating that the tariff does not adequately address the issue.

My Department has undertaken some further research into the issue and has accepted that there is an issue to address and we are currently examining how we do this effectively.

My Department has committed to the Environment Committee that a legislative amendment will be made in early course to ensure that no negative impact is experienced by taxi operators or customers in rural areas. I expect to be able to advise the Committee of my intended course of action before the end of February 2016.

Mr McElduff asked the Minister of the Environment to detail any planning approval conditions that relate to the safety of pupils walking to and from Drumragh Integrated College, Omagh.

(AQW 53085/11-16)

Mr Durkan: Application K/2006/0024/F was granted approval on 08 August 2006 for the 'Erection of a two storey 580 pupil integrated secondary school with associated parking, bus area, pitches, play area, roundabout without compliance with conditions 3 and 4 of previous approval reference No K/2004/1613/F.

Condition 5 of this approval states that;

The developer shall on occupation of the development hereby permitted implement measures, to assist student travel, to ensure that students do not need to walk or cycle along a stretch of the Crevenagh Road between the Irish Town Road junction and the proposed new roundabout at the existing Crevenagh Road/Bankmore Road junction until the Department considers it no longer necessary, and such agreement is obtained in writing.

Any issues relating to this planning approval should be directed to Fermanagh and Omagh District Council, at the address below;

Mr Brendan Hegarty, Chief Executive, Fermanagh and Omagh District Council, The Grange, Mountjoy Road, Omagh BT79 7BL

Mrs Overend asked the Minister of the Environment whether the DVA has the capacity to manage the implications of the new taxi regulations with regard to taximeters and the impending deadline; and what flexibilities will be in place.

(AQW 53091/11-16)

Mr Durkan: The Taxis (Taximeters, Devices and Maximum Fares) Regulations (Northern Ireland) 2015 provide for the fitment and testing of taximeters from 31 May 2016. The Driver & Vehicle Agency (DVA) has identified the necessary resources to effectively deliver the new taximeter tests, which will be conducted on predetermined measured routes on public roads, to minimise the impact on vehicle testing at Test Centres.

The new regulations incorporate certain flexibilities, including provision for the taximeters to be tested and sealed on a rolling basis, in line with the expiry date of the current public service vehicle licence. There is also no requirement to repeat this sealing test, provided the taximeter is appropriately maintained with the seals intact. Therefore, the taximeter may remain compliant for several years. These flexibilities will enable DVA to effectively plan for the smooth delivery of the service, with minimum inconvenience on the taxi fleet.

Mrs Overend asked the Minister of the Environment to detail (i) the latest taxi regulations; and (ii) what taxi operators must have in place before 31 May 2016.

(AQW 53092/11-16)

Mr Durkan: On 2 December 2015 the Department made the following sets of Regulations relating to taxis:

- The Taxi Licensing (Northern Ireland) Regulations 2015;
- The Taxis (Taximeters, Devices and Maximum Fares) Regulations (Northern Ireland) 2015;
- The Taxi Accessibility Regulations (Northern Ireland) 2015;
- The Taxi Operators Licensing (Amendment) Regulations (Northern Ireland) 2015;
- The Roads Vehicles Lighting (Amendment) Regulations (Northern Ireland) 2015.
- The Taxis Act (2008 Act)(Commencement No. 5) Order (Northern Ireland) 2015); and

With the exception of the Commencement Order, which is not subject to negative resolution, these Regulations were laid before the Assembly on 3 December 2015, are subject to negative resolution, after which point they will become operative on 31 May 2016.

Drivers who are currently operating Private Hire, Belfast Public Hire or Public Hire Outside Belfast taxis will have to ensure that their vehicles are all fitted with a taximeter and printer by that date. However it will not be until their first vehicle test after the regulations come in that they will require the new style roofsign or to have the meter tested and sealed by DVA. Until then they must continue to use their existing licence plates and roof signs.

These are the main changes that operators will need to be aware of. Given the significant change that is taking place in the taxi industry over the next 4 / 5 months, the Department is finalising a comprehensive communication strategy which will begin to roll out in early February. Details of how to apply for the various tests will be widely circulated in advance.

Mr Agnew asked the Minister of the Environment , pursuant to AQW 50700/11-16 to (i) provide the reference number for the permission which did not impose a planning condition requiring archaeological mitigation; and; (ii) detail where the failure to apply the appropriate archaeological mitigation planning condition occurred within his Department.

(AQW 53103/11-16)

Mr Durkan:

- (i) The planning reference number is Y/2009/0454/F which included a realignment of Millmount Road with a new junction with Comber Road, amended access arrangements for 2-6 Millmount Road & Millmount Chase roundabout, toucan crossing, cycle connection to Comber Greenway, internal housing road and ancillary works.
- (ii) It has not possible to determine to what extent appropriate archaeological conditions should have been applied to planning application Y/2009/0454/F as the planning application was approved with no archaeological conditions.

Mr Agnew asked the Minister of the Environment ,pursuant to AQW 50700/11-16, whether the recommendations of the Waringstown report of 2006, designed to protect sites of archaeological significance, were adhered to in the case of the Millmount Development.

(AQW 53104/11-16)

Mr Durkan: Since 2007 the Department has determined a number of planning applications at the Millmount Development and all but one of these has included conditions to allow for identification, evaluation and appropriate recording of any archaeological remains.

The Department has no evidence that the recommendations of the Waringstown report were considered during processing of the relevant planning application. The planning application files and responsibility for them transferred to Lisburn and Castlereagh City Council on 1 April 2015.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 50700/11-16; to detail (i) the number of Mesolithic sites that are known to exist locally; and (ii) the knowledge and information that was gained from the excavation of local Mesolithic settlements.

(AQW 53111/11-16)

Mr Durkan:

(i) Six Mesolithic sites are known to exist within the northern part of County Down.

The only archaeological excavation of a Mesolithic site within this area was at the Millmount housing development site in Dundonald (ref DOW 005:

(ii) 058).

The evidence for Mesolithic activity here was discovered during field walking by a local enthusiast in 1984 and consisted of several hundred pieces of struck flint as well as evidence for occupation including burnt bone and charcoal. These represent human activity dating to around 9,000-7,500 years ago. As part of the recent works for the housing development, remedial archaeological mitigation was conducted by the developer's archaeologist. This consisted of spreading out of the spoil heaps which had been derived from the area and investigation of them in order to identify and record any flint material. A total of 889 pieces of flint material were identified but almost all of them (874) were naturally shaped material. Most of the remaining pieces were flake debitage but two possible scrapers were identified (a hollow scraper and a thumbnail scraper). No archaeological features (remains of huts, fires etc) were identified. It is possible that some of the Mesolithic site was preserved beneath the road works.

Five test pits were excavated in the area between the road and the Enler River to assess the area for archaeological deposits but none were identified.

Excavations also took place in the wider development in the area identified for Phase 2 housing. These identified a number of stake holes, pits and gullies containing charcoal and occasional flints and pottery sherds with the readily identifiable pottery dating to the Bronze Age.

An archaeological excavation report on the recent works at Millmount has been submitted to the Sites and Monuments Record, and is in the process of being incorporated into the record and made available to the public through the online database.

Mr Easton asked the Minister of the Environment what plans his Department has for the future release of green belt areas for development in North Down.

(AQW 53125/11-16)

Mr Durkan: As part of local government reform, the majority of planning functions were devolved to local councils including powers to create new local development plans. The release of land for development in North Down is an issue that Ards and North Down Borough Council may consider in bringing forward their new local development plan in line with regional and strategic policy and guidance.

Mr Flanagan asked the Minister of the Environment, pursuant to AQW 49929/11-16, whether he (i) has received legal advice on the Unconventional Gas Exploration and Extraction Research Programme; and (ii) is in a position to provide a response to the question.

(AQW 53145/11-16)

Mr Durkan: I have received legal advice on your questions and I am now in a position to provide you with a response.

My Department's legal status has not changed as a result of its involvement in the all island UGEE Joint Research programme.

As regards the issue of procedural malpractices, etc, any decision (or lack of decision) or action (or lack of action) by a public body in Northern Ireland may, as you are aware, be challenged by anyone with sufficient standing ('locus standi') in the local courts by way of judicial review on the grounds that (in general terms) the decision or action in question was illegal, irrational or procedurally improper or unfair.

Complaints by citizens of maladministration by a public body in Northern Ireland may be investigated by the NI Ombudsman. Maladministration in this context includes bias, mistakes and avoidable delay.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 50652/11-16, whether the deficiencies in the serving of the enforcement notice regarding the deposition of illegal waste at site F were also present in the other withdrawn enforcement notices relating to Mobuoy Road.

(AQW 53176/11-16)

Mr Durkan: There was one enforcement notice withdrawn at Mobuoy Road, that being the notice affecting the site area referred to as 'F'.

Mr Allister asked the Minister of the Environment to detail the average turnaround time for referrals by Occupational Health Service in respect of applicants for taxi licences.

(AQW 53261/11-16)

Mr Durkan: The Occupational Health Service (OHS) has a performance target to process Driver & Vehicle Agency (DVA) cases within an average of 12 working days for those cases where no further information is required from the applicant's GP, consultant or a specialist medical adviser. This target is currently being met.

The majority of applications referred to OHS are assessed by OHS without the need for further information or referral to a specialist medical advisor, however, where additional information is required or where OHS determine that further medical investigations are required turnaround times may substantially increase.

OHS has little control on the timeliness of responses from the applicant's GP, consultant or specialist medical advisor and in absence of the requested information applications cannot be processed.

I have previously written to OHS regarding the turnaround time for applications and the DVA have routine contact with OHS on outstanding applications to ensure applications are processed as soon as all relevant information is available.

Mr Humphrey asked the Minister of the Environment to detail the cost of taxi regulations to date.

(AQW 53279/11-16)

Mr Durkan: The cost to my Department to date for the implementation of the Taxis Act and related Taxi Regulations is £388,861.68. This figure covers expenses such as research undertaken by consultants, costs relating to the public consultation exercises that have been undertaken as well as advertising and publicity costs.

This figure does not include the associated staffing cost as this cannot be readily separated from other unrelated day to day work.

Mr Humphrey asked the Minister of the Environment to detail the cost of the Taxis Act to date.

(AQW 53280/11-16)

Mr Durkan: The cost to my Department to date for the implementation of the Taxis Act and related Taxi Regulations is £388,861.68. This figure covers expenses such as research undertaken by consultants, costs relating to the public consultation exercises that have been undertaken as well as advertising and publicity costs.

This figure does not include the associated staffing cost as this cannot be readily separated from other unrelated day to day work.

Mr Flanagan asked the Minister of the Environment (i) for an update on Operation Willow; (ii) whether the investigation by Northern Ireland Environment Agency has concluded; (iii) to detail the findings of the investigation to date; (iv) whether legal proceedings are being pursued; and (v) what assessment has been made of the level and origins of illegal waste at the site in Skea, Arney.

(AQW 53420/11-16)

Mr Durkan: The investigation by NIEA into alleged unauthorised waste activity at the site in question on the Skea Road in Arney has now concluded. NIEA's case file is currently with the Public Prosecution Service. I am not in a position to detail either the findings of NIEA's investigation or to provide an assessment of the level and origins of illegal waste at the site. Disclosing such detail before the conclusion of the legal proceedings currently being pursued would be inappropriate.

Ms Boyle asked the Minister of the Environment to detail the Rates Support Grant he will award this year to alleviate a significant rates increase in the Strabane District and Derry City area.

(AQW 53475/11-16)

Mr Durkan: I have protected the overall Rates Support Grant budget for 2016/17 at £18.3 million. This grant is an important financial support to less well off councils. Derry City and Strabane District Council allocation for 2016/17 is £3,884,730 which will be a welcome support to the council and ratepayers.

On 27th January 2016, I wrote to the council's Chief Executive John Kelpie to inform him of his council's Rates Support Grant allocation for 2016/17.

Ms Boyle asked the Minister of the Environment when he will inform Derry City and Strabane District Council on whether he will be awarding a rates support grant.

(AQW 53538/11-16)

Mr Durkan: I have protected the overall Rates Support Grant budget for 2016/17 at £18.3 million. This grant is an important financial support to less well off councils. Derry City and Strabane District Council allocation for 2016/17 is £3,884,730 which will be a welcome support to the council and ratepayers.

On 27th January 2016, I wrote to the council's Chief Executive John Kelpie to inform him of his council's Rates Support Grant allocation for 2016/17.

Department of Finance and Personnel

Mr Agnew asked the Minister of Finance and Personnel to detail what consideration he has given to the reintroduction of a rates rebate for low or zero carbon homes.

(AQW 52843/11-16)

Mr Storey (The Minister of Finance and Personnel): No consideration has been given to the reintroduction of a rates rebate for low or zero carbon homes. Local Private Sector Growth

Mr Allister asked the Minister of Finance and Personnel to detail for what period the latest figures on growth in annual output in the local private sector are available and what do they reflect.

(AQW 52961/11-16)

Mr Storey: Latest results from the Northern Ireland Composite Economic Index (NICEI) were published on the 21st January 2016 by the Northern Ireland Statistics and Research Agency. The NICEI indicated that annual average growth in private sector output to Quarter 3 2015 (averaged over the four quarters to Quarter 3 2015 compared to the average of the previous four quarters to Quarter 3 2014) was 2.3%, in real terms.

Growth over the period reflected contributions of 1.1 percentage points (pps) from the Construction sector, 0.7 pps from the Services sector and 0.5 pps from the Production sector.

Mr Allister asked the Minister of Finance and Personnel how Northern Ireland's current economic inactivity rate compares with other regions in the UK.

(AQW 52962/11-16)

Mr Storey: Official estimates of economic inactivity are sourced from the Labour Force Survey.

Mr Allister asked the Minister of Finance and Personnel to detail the number of posts and grades, in relation to the Voluntary Exit Scheme, affected by the Public Sector Transformation Fund allocation announced on 17 December 2015.

(AQW 52991/11-16)

Mr Storey: Public Sector Transformation Fund allocations were published in Annex C of the Budget Statement of 17 December 2015.

Each organisation is responsible for the development of its own scheme; this information is not held centrally.

Mr Allister asked the Minister of Finance and Personnel, given no consultation process took place in respect of the 2016-17 Budget, to detail the stakeholders that his Department engaged with; and how this engagement took place.

(AQW 52992/11-16)

Mr Storey:

Key external stakeholders contacted were:

- | | |
|-------------------------------------|------------------------|
| ■ Institute of Directors | ■ Unison |
| ■ Construction Employers Federation | ■ ICTUNI |
| ■ NICVA | ■ Women's Policy Group |
| ■ NIPSA | ■ Equality NI |
| ■ Federation of Small Businesses | |

To date officials have met with IOD, CEF and NICVA with further meetings on Budget issues planned over the coming weeks.

In addition there was ongoing engagement with departments and departments themselves will have been engaging directly with their key stakeholders.

DFP provided stakeholders with an overview presentation and they were invited to provide their views on the Budget

Mr Allister asked the Minister of Finance and Personnel how much is anticipated via Barnett in respect of ring-fenced Resource Departmental Expenditure Limits; and when this is anticipated.

(AQW 53047/11-16)

Mr Storey: Changes to Northern Ireland's ring-fenced Resource DEL budget are dependent upon the application of the Barnett Formula to the outcomes in GB departments; this process is ongoing.

HM Treasury have advised that this will conclude in advance of the Westminster 2016-17 Main Estimate process.

Mr Swann asked the Minister of Finance and Personnel, pursuant to AQW 52398/11-16 and AQW 52399/11-16, to detail why the response to AQW 52398/11-16 does not refer to any income from the Department of the Environment or the Department for Regional Development.

(AQW 53158/11-16)

Mr Storey: The response to AQW 52398/11-16 does not refer to any income from the Department of the Environment or the Department for Regional Development as my Department holds the budget on behalf of both these Departments for this accommodation.

Mr Allister asked the Minister of Finance and Personnel to detail what funding will be allocated in 2016-17 to the (a) Fiscal Council; (b) Civic Advisory Panel; and when these panels will be operational.

(AQW 53168/11-16)

Mr Storey: Funding for the Fiscal Council and Civic Advisory Panel has not yet been determined and therefore is not included in the 2016-17 Budget.

It is anticipated that both bodies will become operational during the course of 2016-17. However, the costs are expected to be minimal in that year.

Mr Allister asked the Minister of Finance and Personnel to detail the revenue raising measures the Executive is considering; and what will impact on the 2016-17 budget.

(AQW 53198/11-16)

Mr Storey: The main source of additional revenue for the Executive comes from the Regional Rate and details of the impact of this on the 2016-17 Budget are set out in the published Budget document.

Going forward, the Executive will continue to consider options in relation to other sources of revenue.

Mr Allister asked the Minister of Finance and Personnel whether any capital projects have been, or will be, delayed or impacted by the decision to allocate RRI borrowing to the Voluntary Exit Scheme.

(AQW 53199/11-16)

Mr Storey: The Executive has recently agreed its 2016-17 Budget in line with the 'Fresh Start Agreement'. In the absence of the 'Fresh Start Agreement' it is not known how much of the £200 million annual RRI borrowing limit the Executive would have agreed to undertake for capital projects in 2016-17 and how this would have impacted upon capital allocations agreed in the Budget.

Of course the 'Fresh Start Agreement' provides for an additional £100 million of RRI borrowing for projects to support economic growth. In addition any borrowing not required for the Voluntary Exit Scheme can be used for capital projects. Budget 2016-17 saw £25 million of potential VES funding diverted to capital projects.

Mr Allister asked the Minister of Finance and Personnel for a breakdown of how the £200m of RRI borrowing mentioned in A Fresh Start will be allocated in 2016-17; and if not utilised on the Voluntary Exit Scheme, whether it will be used exclusively for capital projects.

(AQW 53200/11-16)

Mr Storey: Budget 2016-17 details allocations to departments totalling £117.6 million under the Public Sector Transformation Fund. The Executive has also agreed that £25 million of the £200 million RRI borrowing available next year should be used to fund capital expenditure.

It is for the Executive to decide through the in-year monitoring process if the remainder of the £200 million RRI borrowing is to be accessed in 2016-17 and if accessed how it will be spent. This decision will be influenced for the level of demand for funding under the Public Sector Transformation Fund.

Mr Allister asked the Minister of Finance and Personnel in respect of the capital allocations for flagship projects announced on 17 December 2015, to detail to which Department's baseline each project is allocated.

(AQW 53201/11-16)

Mr Storey: The following table sets out the flagship projects and the responsible departments.

Department	Flagship Projects
Department for Infrastructure	A5 Road
	A6 Road
	Belfast Rapid Transport
	Belfast Transport Hub

Department	Flagship Projects
Department of Health	Mother and Children's Hospital
Department of Justice	Desertcreat
Department for Communities	Regional & Sub Regional Stadia

Mr Campbell asked the Minister of Finance and Personnel when assessing the composition of Departments and the civil service for community background representation, whether he will ensure recruitment composition is considered when deciding if any community is under-represented.

(AQW 53214/11-16)

Mr Storey: As required by Article 55 of the Fair Employment and Treatment (NI) Order 1998, the Northern Ireland Civil Service carries out regular reviews into the community background composition of its workforce. In doing so full account is taken of the Fair Employment Code of Practice and additional guidance issued by the Equality Commission for NI which specifies that the composition of applicants to and appointees from recruitment exercises should be taken into account.

Mr Lyttle asked the Minister of Finance and Personnel whether he will install improved cycle storage in the Stormont Estate.

(AQW 53232/11-16)

Mr Storey: Covered cycle storage is currently provided by DFP at the following locations on the Stormont Estate:

- Parliament Buildings, main visitor car park;
- Castle Buildings;
- Dundonald House (x3);
- Craigantlet Buildings; and
- Stormont Castle

Each location has the capacity to store approximately 15 bicycles, except for Dundonald House which can store 45 bicycles.

DFP has no current plans to install improved cycle storage on the Stormont Estate but keeps the position under review.

Mr Lyttle asked the Minister of Finance and Personnel whether he will install improved cycle storage in the Stormont Estate.

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Mr Storey: Covered cycle storage is currently provided by DFP at the following locations on the Stormont Estate:

- Parliament Buildings, main visitor car park;
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- Craigantlet Buildings; and
- Stormont Castle

Each location has the capacity to store approximately 15 bicycles, except for Dundonald House which can store 45 bicycles.

DFP has no current plans to install improved cycle storage on the Stormont Estate but keeps the position under review.

Mr McCallister asked the Minister of Finance and Personnel to detail the wage cost for the Northern Ireland Civil Service in the last three financial years.

(AQW 53282/11-16)

Mr Storey: The NICS wage cost for the last three full financial years is as follows:

Year	Total Paybill Cost
2012/13	£927,973,359
2013/14	£951,891,439
2014/15	£943,281,365

Footnotes

- (i) Figures include a small number of non civil servants appearing on departmental payrolls e.g. Industrial Tribunal Members, Planning and Water Appeals Committee Members.
- (ii) The current volume recruitment freeze was introduced in November 2014.
- (iii) Figures do not include the impact of the NICS Voluntary Exit Scheme which did not start until 2015/16.

Mr McCrossan asked the Minister of Finance and Personnel to detail all capital projects that (a) are currently being completed; and (b) are expected to be completed in the next three years in West Tyrone.

(AQW 53284/11-16)

Mr Storey: My Department is currently completing a new Government Office in Strabane on behalf of DARD and DSD, to accommodate Department of Agriculture staff and a new Jobs and Benefits Office. Work is due for completion in March 2016.

A feasibility study is being carried out to assess a possible rationalisation of NICS accommodation in Omagh. The intention would be to have any works completed by 2019.

This response is provided for the Department of Finance and Personnel only as the information for all departments is not held centrally. The Member should contact individual departments for their information.

Mr Agnew asked the Minister of Finance and Personnel to detail how much has been budgeted for welfare mitigation measures in 2016-2017.

(AQW 53341/11-16)

Mr Storey: Under the "Fresh Start" agreement, the Executive agreed to allocate £135 million in 2016-17 to 'top-up' the UK Welfare Arrangements, including £60 million in respect of tax credits.

In Budget 2016-17, the Department for Communities was allocated £75 million for welfare reform mitigation measures. With the tax credits funding no longer required for that purpose £30 million was reallocated to other Executive priorities in Budget 2016-17 with the remaining £30 million held centrally pending the outcome of Professor Evason's work.

Professor Evason has now indicated that £64 million will be required in 2016-17 and the Executive will consider the reallocation of surplus funding as part of the June Monitoring process.

Ms Maeve McLaughlin asked the Minister of Finance and Personnel to detail the number of suicides in each Health and Social Care Trust area in 2015.

(AQW 53372/11-16)

Mr Storey: The table overleaf details the number of deaths registered due to suicide¹ in each Health and Social Care Trust. The latest available figures are for Quarter 3, 2015, therefore figures presented relate to the nine month period ending September 2015. It is expected that data for the final quarter of 2015 will be published at the end of March 2016 via the NISRA website.

Number of Deaths from Suicide Registered¹ by Quarter and Health and Social Care Trust, 2015P

Health Trust	2015		
	Quarter 1	Quarter 2	Quarter 3
Belfast	15	27	31
Northern	14	15	13
South Eastern	12	16	17
Southern	18	15	19
Western	13	14	7
Northern Ireland	72	87	87

1 In considering suicide events it is conventional to include cases where the cause of death is classified as either 'Suicide and self-inflicted injury' or 'Undetermined intent'. Since 2001, the ICD10 codes used for 'Suicide and self-inflicted injury' are X60-X84 and Y87.0 and the ICD10 codes used for 'Undetermined intent' are Y10-Y34 and Y87.2

P Figures remain provisional until the publication of the Registrar General Annual Report in late 2016

Department of Health, Social Services and Public Safety

Ms Ruane asked the Minister of Health, Social Services and Public Safety how many local people are using callipers.
(AQW 49996/11-16)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): At 3rd November 2015 there were 266 people in Northern Ireland using callipers including Knee Ankle Foot Orthosis (KAFO) and Hip Knee Ankle Foot Orthosis (HKAFO).

Mr Allister asked the Minister of Health, Social Services and Public Safety what savings have been made by his Department within the 2015-16 budgetary allocations.

(AQW 50019/11-16)

Mr Hamilton: The Department is on target to deliver savings of £164m in 2015/16.

Mr Allister asked the Minister of Health, Social Services and Public Safety when he intends to publish a consultation on air ambulance provision.

(AQW 50020/11-16)

Mr Hamilton: Following my announcement about the establishment of a Helicopter Emergency Medical Service (HEMS) for Northern Ireland, my Department launched a public consultation on 23 November 2015 which will close on 22 January 2016. I will announce my decision about the key issues related to this service after I have fully considered the responses to the consultation.

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether he will engage with the British Medical Association in relation to proposed changes to junior doctor contracts.

(AQW 50053/11-16)

Mr Hamilton: I met with the Chair of the NI BMA (JDC) Dr Conan Castles on the 1st December 2015 to discuss the issues surrounding the potential difficulties relating to the possible introduction of a new contract of employment for junior doctors in Northern Ireland.

My officials are also engaged in informal discussions with local BMA representatives to discuss and better understand the issues for junior doctors. A number of meetings have already been held and I am keen for these to continue.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of Nigel Edwards' from the Nuffield Trust comments concerning elective care waiting lists and times.

(AQW 50056/11-16)

Mr Hamilton: It is regrettable that more people are waiting to be seen and are waiting longer due to the financial constraints that led to the cessation of independent sector and additional in-house activity last year. I would assure the Member that patients are assessed and seen in order of clinical priority.

It was extremely frustrating that £9.5m was being lost back to Westminster from Northern Ireland's public finances every month as a result of welfare reform being blocked. Such a sum could fund many thousands of assessments and procedures. However, the allocation of £40 million in the November Monitoring Round will allow me to begin tackling waiting lists immediately.

For the longer term, I have tasked the Health and Social Care Board with preparing a plan to cope with demand going forward and stabilise waiting times to put them on a sustainable in future years.

In the interim, the Health Service is continuing to make every effort to keep waiting times at a minimum.

Mr Allister asked the Minister of Health, Social Services and Public Safety whether any financial termination packages have been paid, or will be paid, to any Special Advisers in consequence of ministerial resignations in his Department since September 2015.

(AQW 50077/11-16)

Mr Hamilton: My Special Adviser received the severance payment due under the terms of his contract of employment.

My Special Adviser has been reappointed in line with the Code governing the appointment of Special Advisers and the provisions of the code, including the repayment of severance pay, have been applied. <https://www.dfpni.gov.uk/sites/default/files/publications/dfp/spad-act-13-code-of-practice-governing-the-appointment-of-spads.pdf>

Mr Allister asked the Minister of Health, Social Services and Public Safety to detail the (i) average time; and (ii) longest time taken by his Department to respond to a Freedom of Information request since 2012.

(AQW 50148/11-16)

Mr Hamilton: The Department has responded to a total of 560 Freedom of Information requests since 2012 to date. The average response time from date of receipt is 16 working days .

Mr McKay asked the Minister of Health, Social Services and Public Safety what plans he has to expand services at Antrim Area Hospital to include a women and children's centre.

(AQW 50202/11-16)

Mr Hamilton: The development of the proposed Women and Children's Unit at Antrim Area Hospital is subject to available capital funding and the approval of a business case to be considered alongside other competing health and social care priorities for my Department's capital budget. £108m capital funding has already been invested by my Department in the Northern Trust since 2011.

Mr Easton asked the Minister of Health, Social Services and Public Safety for an update on how the Pharmacist Contact is progressing.

(AQW 50211/11-16)

Mr Hamilton: The Health and Social Care Board (HSCB) has been mandated to engage with Community Pharmacy Northern Ireland (CPNI) to develop a community pharmacy contract for Northern Ireland.

Implementing contractual arrangements for the delivery of community pharmacy services is a priority for the Department. Any new arrangements will be informed by ongoing initiatives including: a Cost of Services Investigation (CoSI) which has been commissioned by the Department to estimate the cost of providing community pharmacy services; a margins survey which assesses the level of profit from medicines retained by community pharmacy contractors; and development of a needs assessment methodology to help inform commissioning of pharmaceutical services.

Discussions between the HSCB and CPNI have centred on the development of specifications for a number of service delivery areas to improve patient safety and concordance and to utilise the highly skilled pharmacy workforce to reduce inappropriate demand on other parts of the health and social care system. That has included the establishment of Medicines Use Reviews for patients with respiratory conditions or diabetes and evaluations will inform further commissioning decisions.

The HSCB has also been engaging with CPNI to establish a quality assurance framework with the aim of providing assurance to the commissioner and the public in respect of the quality commissioned pharmacy services. It is anticipated that the framework will be implemented this financial year.

Ms Sugden asked the Minister of Health, Social Services and Public Safety whether he has considered introducing a health economist to determine an accurate cost of home care provision.

(AQW 50234/11-16)

Mr Hamilton: Given the pressures facing the care market and the difficult economic environment in which we are operating in I have instructed officials to undertake a review and analysis of the state of the social care market with an emphasis on the economic outlook and the longer term sustainability of the current arrangements.

This will be used to improve our understanding of the current challenges and as a platform for developing our policy and operational responses.

Mr Allen asked the Minister of Health, Social Services and Public Safety to detail (i) whether he has any plans to implement prescription charges; and if so, (ii) whether safeguards will be included for people with long term health conditions.

(AQW 50343/11-16)

Mr Hamilton: I have no plans to reintroduce prescription charges.

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether his Department will be offering redundancies to staff in the Health and Social Care Board.

(AQW 50380/11-16)

Mr Hamilton: The changes to Health and Social Care structures that I announced recently are aimed at reducing bureaucracy and increasing accountability within the system.

The detail of these changes and what they will mean for staff working in the Health and Social Care (HSC) Board are still to be developed.

It is not anticipated, at this stage, that there will be any compulsory redundancies. The HSC Board, as with other HSC Employers is currently operating a Voluntary Exit Scheme. Applications from staff will be considered within the parameters of that Scheme.

Mr McMullan asked the Minister of Health, Social Services and Public Safety to detail (i) at what age children move from paediatric to adult services; and when this change in service occurs and a social worker is involved, (ii) whether the social worker moves to adult services with the child.

(AQW 50423/11-16)

Mr Hamilton: Paediatric healthcare services are usually provided to children until they reach 14 years of age. On occasions paediatric healthcare services may continue to be provided beyond a child's 14th birthday depending on the child's needs and professional judgment.

A range of social work services may be provided to children who are assessed as in need or at risk until they attain 18 years by Trusts' Children Services, with the exception of Looked after Children who may continue to receive aftercare services up to the age of 21.

Transfer to Adult Social Care Services for a young person at age 18 is dependent on the assessed needs of the individual and, where relevant, their consent.

Each Trust has its own operational arrangements in place for transitions and transfers of cases from Children's Services to Adult Services.

Social workers working with children up to the age of 18 do not move to adult services with the young person.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety to detail any progress he has made in conjunction with the Minister of State at the Department of Health on the Whiteoaks Detoxification Unit in County Donegal. **(AQW 50580/11-16)**

Mr Hamilton: Following the review of inpatient addiction services in Northern Ireland, the Addiction Treatment Unit based at the Tyrone and Fermanagh Hospital in Omagh will continue to serve as the statutory addiction treatment facility within the Western Trust area, undertaking medical detoxification and rehabilitation service provision. In addition, the HSC commissions residential rehabilitation services from the Northlands Centre in Londonderry. Any potential move to commission service from new providers would inevitably have an impact on existing service provision, both in the HSC and by current independent providers, across Northern Ireland.

My Department continues to liaise with colleagues in the Republic of Ireland on alcohol and drug misuse issues. However, given the position in relation to the commissioning of addiction services in Northern Ireland, I do not see any value in specific discussions between both jurisdictions with regards to the White Oaks facility at this time.

Mr McGlone asked the Minister of Health, Social Services and Public Safety to detail the number of patients that cannot be discharged from hospitals in the Northern Health and Social Care Trust due to delays in implementing their care package. **(AQW 50599/11-16)**

Mr Hamilton: Discharges from acute hospitals are categorised as either 'complex' or 'simple (non-complex)', and are based on the level of care a patient requires in order to facilitate their discharge from hospital. For each category of discharge, there is an agreed period of time within which allowance is made for arrangements to be put in place, i.e. 48 hours from being declared medically fit for complex discharges and 6 hours from being declared medically fit for simple (non-complex) discharges.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety what actions he has taken to address the concerns highlighted in the Public Accounts Committee's Report on Primary Care Prescribing (NIA 230/11-16) published on 3 February 2015. **(AQW 50608/11-16)**

Mr Hamilton: The Department's response to the Public Accounts Committee's report on Primary Care Prescribing was set out in the Department of Finance and Personnel Memorandum that was presented to the Northern Ireland Assembly on 1 May 2015.

A number of recommendations made by the Public Accounts Committee were already implemented by the Department at the time of publication of the Memorandum. That includes publication of prescribing data to benchmark prescribing by GP practices and exploring the potential for generating savings through the examination of prescribing patterns.

Good progress has been made against the outstanding recommendations including an ongoing review of the GP prescribing formula and work by the Health & Social Care Board to inform the development of a three-year medicines management strategy with a focus on efficiencies.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety to detail how he intends to respond to the Royal College of Nursing campaign for (i) respect for the independent NHS Pay Review Body and its recommendation that nurses should receive a one per cent cost of living pay increase; and (ii) an adequate number of nurses to care for patients. **(AQW 50635/11-16)**

Mr Hamilton:

- (i) The NHS Pay Review Body's 2014/15 recommendation was considered in the context of the prevailing financial constraints and viewed as unaffordable. It has not made any recommendations on the 2015/16 pay award.
- (ii) I am aware of the difficulties encountered recruiting nurses to vacant posts at present and my Department is exploring options to assist in addressing the problem in the short, medium and longer term.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 48168/11-15, to detail (i) why he could not provide the information in the format requested; and (ii) whether he will now provide an answer broken down by each employer. **(AQW 50667/11-16)**

Mr Hamilton:

- (i) The information broken down by job title or grade and listing every individual remuneration in excess of £125,000 is not readily available and can only be obtained at a disproportionate cost.
- (ii) The information provided in AQW 48168/11-15 broken down by each employer is set out in the attached tables (TAB A).

Non Medical

Tab A

Employer	Year	Total Number £100,000 – £124,999	Staff Group (Number)
BHSCT	2012/13	0	
	2013/14	3	Senior Executive (2) Scientist (1)
	2014/15	3	Senior Executive (2) Scientist (1)
WHSCT	2012/13	0	
	2013/14	2	Band 8C (2)
	2014/15	8	Band 8A (1) Band 8B (2) Band 8C (2) Band 8D (2) Scientists (1)
NHSCT	2012/13	1	Band 9 (1)
	2013/14	0	
	2014/15	2	Senior Executive (1)* Band 9 (1)
SHSCT	2012/13	0	
	2013/14	1	Senior Executive (1)
	2014/15	1	Senior Executive (1)
SEHSCT	2012/13	1	Senior Executive (1)
	2013/14	1	Senior Executive (1)
	2014/15	2	Senior Executive (2)
PHA	2012/13	2	Senior Executive (1) Senior Manager (1)
	2013/14	2	Senior Executive (1) Senior Manager (1)
	2014/15	2	Senior Executive (1) Senior Manager (1)
RQIA	2012/13	1	Senior Executive (1)
	2013/14	1	Senior Executive (1)
	2014/15	1	Senior Executive (1)
NIBTS	2012/13	0	
	2013/14	0	
	2014/15	1	Band 8B (1)
NIAS	2012/13	1	Senior Executive (1)
	2013/14	1	Senior Executive (1)
	2014/15	1	Senior Executive (1)
BSO	2012/13	1	Senior Executive (1)
	2013/14	1	Senior Executive (1)
	2014/15	1	Senior Executive (1)
NIMDTA	2012/13	0	
	2013/14	0	
	2014/15	0	

Employer	Year	Total Number £100,000 – £124,999	Staff Group (Number)
HSCB	2012/13	3	Senior Executive (3)
	2013/14	4	Senior Executive (4)
	2014/15	0	
DHSSPS	2012/13	1	Permanent Secretary
	2013/14	1	Permanent Secretary
	2014/15	1	Permanent Secretary

Non-Medical

Employer	Year	Total Number > £125,000	Staff Group (Number)
BHST	2012/13	1	Senior Executive (1)
	2013/14	2	Senior Executive (1) Scientist (1)
	2014/15	2	Pharmacy/Estates (2)
WHST	2012/13	1	Senior Executive (1)
	2013/14	2	Senior Executive (1) Band 8A (1)
	2014/15	3	Senior Executive (1) Band 8C (1) Pharmacy/Estates (1)
NHST	2012/13	1	Senior Executive (1)
	2013/14	0	
	2014/15	0	
SHST	2012/13	0	
	2013/14	0	
	2014/15	0	
SEHST	2012/13	0	
	2013/14	0	
	2014/15	1	Senior Executive (1)
PHA	2012/13	0	
	2013/14	0	
	2014/15	0	
RQIA	2012/13	0	
	2013/14	0	
	2014/15	0	
NIBTS	2012/13	0	
	2013/14	0	
	2014/15	0	
NIAS	2012/13	0	
	2013/14	0	
	2014/15	0	

Employer	Year	Total Number > £125,000	Staff Group (Number)
NIMDTA	2012/13	0	
	2013/14	0	
	2014/15	0	
BSO	2012/13	0	
	2013/14	1	Band 8C (1)
	2014/15	0	
HSCB	2012/13	2	Senior Executive (1) Band 8D (1)
	2013/14	1	Senior Executive (1)
	2014/15	0	
DHSSPS	2012/13	0	
	2013/14	0	
	2014/15	0	

Medical

Employer	Year	Total Number £100,000 – £124,999	Staff Group (Number)
BHST	2012/13	193	Consultants (184) Junior Doctors (1) SAS (8)
	2013/14	198	Consultants (195) Junior Doctors (1) SAS (2)
	2014/15	217	Consultants (216) SAS (1)
WHST	2012/13	88	Consultants (88)
	2013/14	84	Consultants (75) Junior Doctors (2) SAS (7)
	2014/15	85	Consultants (81) Junior Doctors (1) SAS (3)
NHST	2012/13	63	Consultants (54) SAS (9)
	2013/14	66	Consultants (57) SAS (9)
	2014/15	75	Consultants (65) SAS (10)
SHST	2012/13	63	Consultants (58) Junior Doctors (2) SAS (3)
	2013/14	73	Consultants (71) SAS (2)
	2014/15	67	Consultants (67)

Employer	Year	Total Number £100,000 – £124,999	Staff Group (Number)
SEHSCT	2012/13	66	Consultants (65) GP Out of Hours Locum (1)
	2013/14	73	Consultants (68) SAS (2) GP Out of Hours Locum (3)
	2014/15	77	Consultants (74) SAS (2) GP Out of Hours Locum (1)
PHA	2012/13	10	Consultants (10)
	2013/14	11	Consultants (11)
	2014/15	11	Consultants (11)
RQIA	2012/13	0	
	2013/14	0	
	2014/15	0	
NIBTS	2012/13	0	
	2013/14	0	
	2014/15	0	
HSCB	2012/13	3	Consultants (3)
	2013/14	3	Consultants (3)
	2014/15	3	Consultants (3)
NIMDTA	2012/13	0	
	2013/14	1	Consultants (1)
	2014/15	1	Consultants (1)

Medical

Employer	Year	Total Number > £125,000	Staff Group (Number)
BHSCT	2012/13	184	Consultants (182) SAS (2)
	2013/14	168	Consultants (166) SAS (2)
	2014/15	163	Consultants (163)
WHST	2012/13	76	Consultants (74) Junior Doctors (1) SAS (1)
	2013/14	75	Consultants (75)
	2014/15	75	Consultants (73) Junior Doctors (1) SAS (1)
NHST	2012/13	84	Consultants (79) SAS (5)
	2013/14	70	Consultants (69) SAS (1)
	2014/15	74	Consultants (73) Junior Doctors (1)

Employer	Year	Total Number > £125,000	Staff Group (Number)
SHSCT	2012/13	59	Consultants (57) Junior Doctors (1) SAS (1)
	2013/14	59	Consultants (58) SAS (1)
	2014/15	59	Consultants (58) SAS (1)
SEHSCT	2012/13	65	Consultants (65)
	2013/14	67	Consultants (66) GP Out of Hours Locum (1)
	2014/15	65	Consultants (64) SAS (1)
PHA	2012/13	5	Consultants (5)
	2013/14	5	Consultants (5)
	2014/15	5	Consultants (5)
RQIA	2012/13	1	Consultants (1)
	2013/14	1	Consultants (1)
	2014/15	1	Consultants (1)
NIBTS	2012/13	0	
	2013/14	1*	Consultants (1)
	2014/15	1**	Consultants (1)
HSCB	2012/13	0	
	2013/14	0	
	2014/15	0	
NIMDTA	2012/13	0	
	2013/14	1	Consultants (1)
	2014/15	1	Consultants (1)

* counted twice in AQW 48168/11-15

** counted twice in AQW 48168/11-15

Mr Allister asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 21887/11-15, whether he will re-examine the stance on prisoners holding 28 days supply of dispensed drugs, in light of the criticisms of the policy in the report on the unannounced prison inspection in May 2015.

(AQW 50694/11-16)

Mr Hamilton: The report on an unannounced inspection of Maghaberry Prison in May 2015 deemed the practice of allowing prisoners to hold their own daily in-possession medication to be unsafe primarily as a consequence of prisoners being susceptible to bullying for these medications.

Medicines Management in Prison Healthcare is based on guidelines and recommendations established in the Department of Health/Her Majesty's Prison Service document 'A Pharmacy Service for Prisoners' (2003). Recommendation 5 states that "medicines in use, should normally, as a matter of principle, be held in the possession of prisoners."

Patients are individually risk assessed on committal to determine their ability to store and manage their own medications 'in-possession'. This takes into account the patient's ability to manage their own medication, their past medical history and the type of medication being prescribed.

A 28 day supply of medication is only issued for medications which are assessed to be of low potential risk of harm in overdose and of no risk of abuse or trading.

While prisoner security/safety in prisons is a matter for the Department of Justice to comment on, I am aware that South Eastern Trust is currently reviewing the effectiveness and safety of their In Possession policy to insure it remains fit for purpose.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of ambulance response times.

(AQW 50708/11-16)

Mr Hamilton: The Health and Social Care Board and the Northern Ireland Ambulance Service (NIAS) have been working to improve ambulance response times. Additional funding of £775,000 has been allocated in-year and £1,077,000 recurrently from 2016/17 to NIAS to manage the increasing demand due to demographic growth. This funding is being applied to improve performance in the Northern, Southern and South Eastern Local Commissioning Group areas and will deliver an additional 15,000 emergency response production hours across the three areas annually. £150,000 has also been allocated to fund Hospital Ambulance Liaison Officers (HALOs) to support patient flow at four major acute hospitals. The HALOs will ensure timely patient handover to emergency departments and improved ambulance turnaround leading to earlier release of ambulances for the next emergency call.

Mr McGimpsey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 39106/11-15, for an update on the figures for the Health and Social Care Board as of the 1 November 2015.

(AQW 50890/11-16)

Mr Hamilton: Staffing figures at 1 November are not available. On 15 December 2015, I launched a public consultation on reform of Northern Ireland's Health and Social Care system, which includes my proposals to de-layer the existing system by moving away from the current commissioning model and closing down the Health and Social Care Board.

Mr Swann asked the Minister of Health, Social Services and Public Safety to detail (i) the dental services that were reduced due to his Department's overall savings plan; and (ii) the number of people affected.

(AQW 50895/11-16)

Mr Hamilton: Dental services have not been reduced due to the Department's overall savings plan.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety for an update on a drugs fund.

(AQW 50946/11-16)

Mr Hamilton: I would refer the Member to my Written Statement dated 8 December 2015.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety to detail why the pledge to allow elderly residents to remain in their homes is not being adhered to in the case of Creamery House, Kesh.

(AQW 50948/11-16)

Mr Hamilton: Creamery House is a registered residential home specifically for clients with a learning disability, irrespective of age. The pledge you refer to was in relation to the review of statutory residential homes for older people and therefore did not apply to this facility.

I would inform you however, that the closure proposal is now being subjected to overview by the HSC Board and the Department, and that will look at all relevant issues.

Mr McKay asked the Minister of Health, Social Services and Public Safety to detail what additional cycling and cycle parking facilities have been provided (i) to departmental staff; and (ii) outside departmental buildings to increase the uptake of cycling.

(AQW 50951/11-16)

Mr Hamilton: There are a number of Department owned properties outside the Stormont Estate which are currently occupied by our ALBs. One such property located at Linenhall Street/Franklin Street, Belfast is shared by 4 HSC organisations and has cycle racks and shower facilities provided for staff use.

Any buildings occupied by my Department located within the Stormont estate are leased from the Department of Finance and Personnel and therefore any cycling facilities available are as stated in their response.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail (i) whether the Family Fund will receive financial support from his Department in 2016; (ii) whether applications that have been submitted to the Family Fund for next year will receive funding; and (iii) what plans he has to maintain this support for disabled children.

(AQW 51032/11-16)

Mr Hamilton: Following the outcome of the November Monitoring Round, I announced on 18 November that my Department had received investment of an additional £47.6m in Health and Social Care this year. I am therefore delighted that my Department is now able to provide further funding of £784k (2015/2016 financial year) to the Family Fund to support the families of disabled children and young people with disabilities in Northern Ireland.

Mr Hussey asked the Minister of Health, Social Services and Public Safety when he will provide a response to AQW 47520/11-15 which was submitted on 22 June 2015.
(AQW 51060/11-16)

Mr Hamilton: I answered AQW 47520/11-15 on the 26 November 2015.

Mr Hussey asked the Minister of Health, Social Services and Public Safety why AQW 47520/11-15 which was submitted on 22 June 2015 remains unanswered.
(AQW 51105/11-16)

Mr Hamilton: I answered AQW 47520/11-15 on the 26 November 2015.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of the Transforming Your Care update 2015 report and the failure to complete targets on (i) older peoples care; (ii) mental health and learning disability; (iii) long term conditions; and (iv) acute care.
(AQW 51148/11-16)

Mr Hamilton: The 2015 Transforming Your Care update showed steady progress over the last 2 ½ years across all areas including services for older people, mental health and learning disability services, improving support for those with long term conditions and in the delivery of acute care services .

Of the 99 proposals in TYC to change how health and social care services are delivered, 50 were described as complete, 46 were described as work in progress and 3 as pending the outcome of other proposals. The update sets out that number of proposals relating to older people, mental health and learning disability services, support for those with long term conditions and the delivery of acute services have been completed and that progress is being made across nearly all the other proposals in these areas.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the level of sickness absence among paramedics in the Northern Ireland Ambulance Service, broken down by the last twelve months.
(AQW 51151/11-16)

Mr Hamilton: The latest figures available are shown in the table below.

Month (of Year 2015)	Sickness Absence Rate (% hours lost)
January	14.16%
February	11.60%
March	10.65%
April	10.45%
May	10.79%
June	9.24%
July	10.15%
August	10.03%
September	9.64%
October	9.80%
November	11.10%
December	14.20%

Figures include Paramedics, Rapid Response Vehicle Paramedics and Station Supervisors. Sick Absence Rate also includes industrial injury.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 50250/11-16, (i) whether he is aware of any instances of vomiting and diarrhoea at non-statutory residential care homes in the Southern Health and Social Care Trust; and if so (ii) to detail what actions he has taken to contain the spread of any instances of vomiting and diarrhoea.
(AQW 51181/11-16)

Mr Hamilton:

- (i) Seven instances of vomiting and diarrhoea (outbreaks) were reported to the Public Health Agency (PHA) during the six month period 1 May 2015 to 31 October 2015.

- (ii) A risk assessment was jointly undertaken by staff in the affected homes and by PHA staff; the PHA provided advice and support on immediate infection control actions required within each facility, including measures required to contain the spread of the outbreak; the PHA supported staff to inform residents' GPs, the Infection Control Nurse, the Regulator, and Environmental Health; and PHA supported staff to implement appropriate alert measures e.g. outbreak signs in reception area/entrance to facility, restriction of visitors, and identified hand hygiene points for visitors.

Mr McMullan asked the Minister of Health, Social Services and Public Safety to detail how much money each hospital has generated through their public car parks in each of the last five years.

(AQW 51252/11-16)

Mr Hamilton: Information on the income generated includes charges to both patients and staff. The detail requested is as follows:

	2010/11	2011/12	2012/13	2013/14	2014/15
Altnagelvin Hospital	116,049	198,203	246,144	234,402	253,672
South West Acute Hospital	0	0	13,892	39,982	59,200
Antrim Hospital	0	146,229	127,447	140,822	157,430
Causeway Hospital	0	89,504	89,815	104,631	95,992
Ulster Hospital	1,088,105	1,108,424	1,108,449	1,254,420	1,316,590
RVH	54,000	125,000	141,000	184,000	202,000
Belfast City	828,000	788,000	846,000	727,000	781,000
Mater Hospital	173,000	182,000	179,000	140,000	153,000
Craigavon Area Hospital	338,584	399,481	419,147	491,619	473,975
Daisy Hill Hospital	104,023	132,651	135,071	131,961	131,751

Lord Morrow asked the Minister of Health, Social Services and Public Safety to detail the policy in relation to accessing electronic patient records and whether (i) passwords are per staff member or department; (ii) the grade of staff or occupation that can access records; and (iii) how the traceability of records is monitored, broken down by hospital.

(AQW 51258/11-16)

Mr Hamilton: The Northern Ireland Electronic Care Record (NIECR) was first introduced in July 2013 and brings together key information from health and social care records throughout Northern Ireland in a single, secure computer system in order to provide better, safer, faster care. Access to the NIECR is granted to authorised Health and Social Care (HSC) staff and GPs in Northern Ireland for the provision of direct care.

- (i) Passwords are allocated to individual staff members who have been authorised for access by their clinical manager.
- (ii) Access to the NIECR is based on the access which staff have had to source systems and paper records and what is appropriate to their role in the care team, operating on a strictly 'need to know' basis.
- (iii) All system access and usage is audited centrally. A formal investigation process is in place to manage any inappropriate access.

Mr McMullan asked the Minister of Health, Social Services and Public Safety to detail all charities funded by his Department that will have their core funding cut.

(AQW 51298/11-16)

Mr Hamilton: The voluntary and community organisations in receipt of funding from my Department can be found on the Government Funder's Database, which can be accessed at www.volcomgrantsni.gov.uk.

No voluntary and community organisation funded by my Department received a reduction in their funding in the 2015/16.

Mr McGlone asked the Minister of Health, Social Services and Public Safety to detail the processes followed by the Western Health and Social Care Trust when (i) communicating with his office; and (ii) assigning appointments or operations.

(AQW 51299/11-16)

Mr Hamilton:

- (i) The Western Trust communicates with my private office both directly and through my Department's directorates.
- (ii) The Western Trust makes appointments for elective care assessment or treatment in accordance with my Department's Integrated Elective Access Protocol. Patients are treated on the basis of their clinical urgency with urgent patients seen

and treated first. Patients with the same clinical need will be treated in chronological order on grounds of fairness, and to minimise the waiting time for all patients.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety to detail the number of calls made to Lifeline in each month since its establishment.

(AQW 51307/11-16)

Mr Hamilton: The number of calls made to Lifeline in each month since its establishment is detailed in the table below. This includes both answered and missed calls.

	2008	2009	2010	2011	2012	2013	2014	2015
Jan		6939	8660	8141	9685	7157	7922	6417
Feb	4435	8376	7465	8396	8092	6701	7543	5558
Mar	5281	9059	7082	7204	9596	7271	7977	6430
Apr	3048	5380	6626	6625	7162	7314	8078	5663
May	4727	6239	8230	8456	6390	7908	9112	5949
Jun	5677	6990	7654	8314	6859	7055	9772	6239
Jul	4312	6172	7109	8708	6333	7495	10402	5645
Aug	5939	6086	6870	7893	6926	7466	8441	5501
Sep	4474	4882	8359	7638	6279	7730	7257	5597
Oct	4684	6632	8708	9042	6828	8216	7117	
Nov	4917	8492	7629	8083	6764	7673	6945	
Dec	5226	7528	6836	8657	6224	7969	6347	

Mr Flanagan asked the Minister of Health, Social Services and Public Safety to detail the (i) number; and (ii) value of direct payments in Fermanagh, in each of the last five years.

(AQW 51311/11-16)

Mr Hamilton: Figures in relation to direct payments are not available for Fermanagh.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail how the additional £1.6m of additional funding for psychological therapies received in the November monitoring round will be spent.

(AQW 51339/11-16)

Mr Hamilton: Psychological therapies funding provides specialist mental health psychological services for individuals with complex mental health problems, and Directly Enhanced Services to help general practitioners avail of talking therapies for patients with depression.

Lord Morrow asked the Minister of Health, Social Services and Public Safety (i) to provide or place in the Assembly Library a copy of his Department's Whistleblower Policy; and (ii) to detail whether it covers all staff within agencies and arm's-length bodies under his departmental remit.

(AQW 51346/11-16)

Mr Hamilton: DHSSPS follows the NICS Code of Conduct which incorporates the NICS Whistleblower policy, as stipulated in the NICS Staff Handbook. This Code can be accessed by the following path: <https://www.dfpni.gov.uk/articles/northern-ireland-civil-service-handbook>

- (i) [//www.dfpni.gov.uk/articles/northern-ireland-civil-service-handbook](https://www.dfpni.gov.uk/articles/northern-ireland-civil-service-handbook) (Employee Relations - 6.01 Standards of conduct)
- (ii) This does not cover staff within Arm's-Length Bodies under the Department's remit. All Departmental Arm's Length Bodies are required to have a whistle blowing policy in place. Local policies should set out the arrangements for raising concerns internal and external to the organisation.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail (i) the number of organisations funded; (ii) the types of activity undertaken; and (iii) whether he will increase the number of child care places available for children with a learning disability, under the Improving Outcomes for Children with a Disability initiative.

(AQW 51351/11-16)

Mr Hamilton: In 2015/16, £54,000 was secured from OFMDFM to allow seven childcare providers to make available additional childcare places during the summer holiday period, specifically targeted at children with a disability. The funding covered staffing costs and facilitated a range of activities, including: physical play, communication and behavioural inputs,

day trips, baby yoga, massage and sensory play, speech and drama, football, cookery, orienteering, skipping, arts and crafts, horse riding, team building games and archery.

My Department is currently considering its budget for the 2016/17 financial year.

Mr Agnew asked the Minister of Health, Social Services and Public Safety to detail what assessment has been made of the savings of free prescriptions as a preventative spending measure.

(AQW 51359/11-16)

Mr Hamilton: There has been no formal assessment locally of whether the introduction of free prescriptions has had positive benefits for patients through easier access to medicines.

Mr Agnew asked the Minister of Health, Social Services and Public Safety for an estimation of the cost of dealing with the fire at the River Ridge Recycling site at Maydown, Derry.

(AQW 51360/11-16)

Mr Hamilton: The Northern Ireland Fire and Rescue Service estimate the cost of dealing with the incident at the River Ridge Recycling site at Maydown, Londonderry to be £82K.

Ms McGahan asked the Minister of Health, Social Services and Public Safety what percentage of his Department's budget is spent on addressing domestic violence or on the delivery of the Stopping Domestic and Sexual Violence and Abuse Strategy 2013-2020.

(AQW 51369/11-16)

Mr Hamilton: My Department funds a wide range of programmes and services that address domestic violence both directly and indirectly. It is, therefore, not possible to calculate the overall amount spent by my Department addressing domestic violence.

The 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland' Strategy has yet to be published. There is currently no specific funding stream dedicated to implementation of priorities within the proposed Strategy.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety to detail the number of (i) beds available in the Belfast Health and Social Care Trust for psychiatric admissions; and (ii) times patients were admitted to psychiatric wards outside the Belfast Health and Social Care Trust due to insufficient capacity in the last twelve months.

(AQW 51377/11-16)

Mr Hamilton:

- (i) At 30 September 2015, the Belfast HSC Trust had 85 adult acute mental health beds, of which, eight were psychiatric intensive care beds. There were also 33 child acute mental health beds in the Belfast HSC Trust, of which, two were psychiatric intensive care beds.
- (ii) The most recent information available indicates that during 2014/15 there were 72 psychiatric admissions to hospitals outside the Belfast HSC Trust, involving Belfast HSC Trust residents, as a result of a lack of available capacity.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety which hospitals outside the Belfast Health and Social Care Trust received patients from Belfast requiring psychiatric admission.

(AQW 51378/11-16)

Mr Hamilton: Information on hospitals that received psychiatric admissions involving residents of the Belfast HSC Trust, between 1st October 2014 and 30th September 2015 is presented below:

HSC Trust	Hospital
Northern	Holywell
South Eastern	Downe
	Lagan Valley
	Ulster
Southern	Bluestone
Western	Grangewood
	Tyrone & Fermanagh

Mr Allister asked the Minister of Health, Social Services and Public Safety for his assessment of the contribution of the level of the tariffs payable to private care homes to the recent announcement of the closure of seven Four Seasons Health Care residential homes.

(AQW 51416/11-16)

Mr Hamilton: I do not believe that the level of the regional tariff rate was a significant factor in the decision taken by Four Seasons to close seven of its nursing homes in Northern Ireland.

The Health and Social Care Board (HSCB) negotiates on an annual basis a regional tariff rate with the independent sector for residential and nursing home care. The regional tariff rate is a guide to what the HSC considers to be fair and affordable, not a fixed price for a care placement.

The regional tariff rate is a matter for the HSCB; the Department has no role in establishing the rates paid for care.

Mr Allister asked the Minister of Health, Social Services and Public Safety whether he will propose a review in respect of the level of the tariff payable to private care homes.

(AQW 51417/11-16)

Mr Hamilton: The regional tariff rate is a matter for the Health and Social Care Board (HSCB); the Department has no role in establishing the rates paid for care.

The HSCB negotiates on an annual basis a regional tariff rate with the independent sector for residential and nursing home care. The regional tariff rate is a guide to what the HSC considers to be fair and affordable, not a fixed price for a care placement. It is for the HSCB, as the chief commissioner of care, to assure itself that the rates paid represent the best possible outcome within the resources available to it in terms of procuring quality care at a sustainable price which represents value for money.

Background Note

- 1 Mr Allister is a Traditional Unionist Voice MLA for North Antrim. A similar question was asked by Ms Sandra Overend MLA in October 2015 (AQW 50070/11-16).
- 2 The Departmental Circular HSC (ECCU) 1/2010 Care Management, Provision of Services and Charging Guidance, reminds the HSC of its overriding duty to procure quality services at a price which represents value for money. Beyond this however, the Department has no role in establishing the rates paid for care. The regional tariff rate is a matter for the Health and Social Care Board (HSCB).
- 3 The HSCB negotiates on an annual basis a regional tariff rate with the independent sector for residential and nursing home care. The regional tariff rate is a guide to what the HSC considers to be fair and affordable, not a fixed price for a care placement. It is for the HSCB, as the chief commissioner of care, to assure itself that the rates paid represent the best possible outcome within the resources available to it in terms of procuring quality care at a sustainable price which represents value for money.

Drafted by – Mary Moreland, Elderly and Community Care Unit, 26 November 2015

Cleared by Head of Division – [Chris Matthews 30 November 2015]

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Mr A Maginness asked the Minister of Health, Social Services and Public Safety to detail how many patients treated in the Mater Hospital were assessed as needing acute surgery and subsequently transferred to the Royal Victoria Hospital so surgery could be performed in each of the last five years.

(AQW 51422/11-16)

Mr Hamilton: The number of patients in the Mater Infirmorum Hospital assessed as needing any acute surgery (excluding cardiology procedures) who were subsequently transferred to the Royal Victoria Hospital so the surgery could be performed is as follows for the period 2010/11 to 2014/15.

Patient Type	2010/11	2011/12	2012/13	2013/14	2014/15
Inpatient	78	116	110	220	324
Emergency Care Department Attenders	9	7	5	4	43
All transfers	87	123	115	224	367

Ms Sugden asked the Minister of Health, Social Services and Public Safety for his assessment of the (a) number of qualified staff nurses; (b) number of staff nurses on permanent and temporary contracts; (c) number of staff nurses that are bank staff; and (d) capacity of nursing staff to meet the demands of private and statutory care provision.

(AQW 51427/11-16)

Mr Hamilton: At 31st September 2015 there were 16,949 (14,724.9 WTE) qualified nurses and midwives employed by the HSC, which is an increase of 7.9% compared with March 2011. Of these, 96.7% were employed on a permanent contract and 3.3% worked on a temporary contract.

The number of nurses on a working bank contract is not centrally available. The use of bank nurses is necessary to ensure that safe and effective services are sustained for patients.

The question of capacity of nursing staff to meet the demands of private and statutory care provision is one for those employers.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for his assessment of the spare capacity within (i) private; and (ii) statutory care homes since January 2015.

(AQW 51429/11-16)

Mr Hamilton: The Health and Social Care Board monitors the residential and nursing home vacancy position on a six monthly basis. The vacancy position in the two most recent reports for independent and statutory sector beds across all programmes of care is set out in the table below:

Trust declared vacancies	Statutory sector vacancies	Independent sector vacancies	Total
31 March 2015	128	849	977
30 September 2015	154	657	811

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail (i) what oversight his Department has for the provision of care by privately owned care homes; and (ii) for his assessment of the extent to which the provision of care within care homes is dependent upon private care providers.

(AQW 51430/11-16)

Mr Hamilton:

- (i) The Department sets and publishes minimum care standards for nursing and residential care homes, including privately owned care homes. These standards set the benchmark for the quality of care that residents can expect to receive and which no provider is expected to fall below in delivering such care. The Regulation and Quality Improvement Authority is responsible for registering and inspecting nursing and residential care homes, including privately owned homes, to ensure homes comply with the regulations and standards set by the Department.
- (ii) The care home sector in Northern Ireland is based on a "mixed economy of care" model in which the private sector plays a key role alongside statutory care providers. The private sector makes an important contribution to providing high quality care to older people across Northern Ireland.

Mr Frew asked the Minister of Health, Social Services and Public Safety, given the planned closure of care homes and subsequently his action to halt and review the care boards plans for statutory care homes, whether the Northern Health and Social Care Trust will now lift its ban on admissions to Pinewood care home.

(AQW 51438/11-16)

Mr Hamilton: I have asked the Health and Social Care Board to halt and review the proposed closures of statutory residential care homes. The issue of re opening homes to permanent admissions will be considered as part of that review.

Mr McKinney asked the Minister of Health, Social Services and Public Safety what financial support his Department has provided for research into antibiotic resistance in each of the last five years.

(AQW 51462/11-16)

Mr Hamilton: Research into antimicrobial resistance (AMR) is commissioned by Health and Social Care Research & Development Division of the Public Health Agency. This encompasses a broad range of topics and disciplines. For the purposes of this Assembly Question, any research related to the study, management or treatment of conditions or diseases that involve or are associated with risk of infection, and hence the prescription of antimicrobials, is included. Infrastructure or initiatives supporting AMR research are also included.

2011/12	-	£492,698
2012/13	-	£447,352
2013/14	-	£533,785
2014/15	-	£365,178
2015/16, to date	-	£106,274
Total	=	£1,945,287

Mr McKinney asked the Minister of Health, Social Services and Public Safety what steps he will take to reduce the loneliness and isolation of elderly people through increased contact during transitional care.

(AQW 51464/11-16)

Mr Hamilton: When an older person is returning to their own home following a stay in hospital or a residential/nursing home setting, the Health and Social Care Trust will assess the older person's needs prior to discharge. The focus of the assessment by the Trust will be on the rehabilitative, therapeutic or domiciliary care support required to enable the older person to remain in their own home. If, as part of the assessment process, loneliness and isolation is identified as a concern, the Trust will aim to arrange support from family members and a range of local community and voluntary support services, for example Good Morning schemes, church groups, and befriending schemes.

Mr McKinney asked the Minister of Health, Social Services and Public Safety what assessment he has made of the differences in provision of healthcare in areas adjoining the border.

(AQW 51466/11-16)

Mr Hamilton: Health and social care services here are planned and delivered in response to the needs of populations living in each Local Commissioning Group area. To inform this process, my Department assesses relative health needs across Northern Ireland. There is no significant difference in the health needs of people living in areas adjoining the border and people living in other areas of Northern Ireland. In general, therefore, there is no difference in the provision of healthcare in areas adjoining the border compared with elsewhere in Northern Ireland.

My Department has worked with colleagues in Ireland and Scotland in securing €53m under the cross-border Interreg VA programme, with the aim of improving the health and well-being of people living in border regions by enabling them to access health and social care services in the most appropriate setting to their needs.

Mr Allen asked the Minister of Health, Social Services and Public Safety to detail the average (i) number of residents; and (ii) occupancy rate in (a) statutory residential care homes; (b) private residential care homes; and (c) private nursing care homes in each of the last ten years.

(AQW 51501/11-16)

Mr Hamilton: The information requested is not routinely collected and could only be provided at a disproportionate cost.

My Department has published information annually in relation to community care for adults in Northern Ireland since 1998/99. Information is available in respect of the number of care packages in effect, by care type and sector, as well as the number of care homes and places available at 30 June each year.

The latest information available relates to figures for 2014/15 and can be found at the web address below.

<https://www.dhsspsni.gov.uk/publications/statistics-community-care-adults-northern-ireland-201415>

Mr Allen asked the Minister of Health, Social Services and Public Safety to detail (i) the tariff paid for residential places in social care in each of the last ten years; and (ii) whether the increase in the tariff matched the increase in the costs of providing care.

(AQW 51503/11-16)

Mr Hamilton: The regional tariff rate is a matter for the Health and Social Care Board (HSCB); the Department has no role in establishing the rates paid for care.

(i) The table below details the regional tariff rate set by the HSCB for the last 10 years for nursing and residential homes.

Year	Nursing Homes £	Increase over previous year %	Residential homes £	Increase over previous year %
2015/16	593	2.07	470	1.95
2014/15	581	2.5	461	2.4
2013/14	567	3.1	450	3.0
2012/13	550	2.4	437	2.6
2011/12	537	0.0	426	0.0
2010/11	537	2.1	426	1.9
2009/10	526	3.1	418	3.2
2008/09	510	4.1	405	3.8
2007/08	490	4.3	390	8.3
2006/07	470	4.4	360	2.0

- (ii) The regional uplift to the tariffs for residential and nursing care attempts to deal with inflationary pressures each year. Four Seasons Health Care

Mr Allen asked the Minister of Health, Social Services and Public Safety to detail when (a) he; (b) the Health and Social Care Board; and (c) each Health and Social Care Trust was first made aware that Four Seasons Health Care were going to close seven local care homes.

(AQW 51504/11-16)

Mr Hamilton: The Health and Social Care Board, the five Health and Social Care Trusts and I received formal notification of the closures of the Seven Four Seasons Health Care nursing homes on Tuesday 24 November 2015. I had been aware for some time of the challenges this provider faced across the UK and within the two weeks previously that homes in Northern Ireland could be under threat of closure.

Mr Allen asked the Minister of Health, Social Services and Public Safety (i) for his assessment of the pressures facing residential care for adults with learning disabilities; and (ii) what action he intends to take to ensure the future provision of these services.

(AQW 51505/11-16)

Mr Hamilton: The Health and Social Care Board has carried out a scoping exercise, to identify pressures facing the future provision of services to those people with a learning disability, currently living with families, who are likely to need alternative care in the near future. This may be in supported living schemes, residential or nursing homes.

£1m funding (part year expenditure) to help meet this need was allocated to HSC Trusts in 2015/16 and this will rise to £2m (full year funding) from 1 April 2016.

Mr Agnew asked the Minister of Health, Social Services and Public Safety (i) for his assessment of the impact of increased wage costs on the social care sector; and (ii) what action he will take to ensure these services are protected.

(AQW 51523/11-16)

Mr Hamilton: My Department recognises that the domiciliary care sector is currently facing significant challenges, including the introduction of the national living wage.

To address these challenges the Health and Social Care Board has undertaken a review of domiciliary care provision in Northern Ireland. The Health and Social Care Board recently published its report "A Managed Change: An Agenda for Creating a Sustainable Basis for Domiciliary Care in Northern Ireland". My Department in conjunction with the Health and Social Care Board is now considering the way forward following publication of the report.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety to detail the number of patients that signed the organ donation register when they registered at a GP surgery in each of the last three years.

(AQW 51544/11-16)

Mr Hamilton: The number of registrations to the Organ Donation Register via a GP in Northern Ireland, for each of the last 3 financial years, are shown in Table 1.

Table 1 Number of registrations to the Organ Donation Register via a GP in Northern Ireland, 2012/13 – 2014/15

Financial Year	Registrations
2012/13	2,857
2013/14	3,092
2014/15	3,060

Source: NHS Blood and Transplant

Mrs Dobson asked the Minister of Health, Social Services and Public Safety to detail the total number of patient registrations completed in GP surgeries in each of the last three years.

(AQW 51545/11-16)

Mr Hamilton: It is assumed that this question refers to the number of new registrations with GP practices, which are shown in Table 1 for the last three financial years.

Table 1 New registrations with GP practices, 2012/13 to 2014/15

Financial year	New registrations with GP practices
April – March 2012/13	87,377
April – March 2013/14	90,581

Financial year	New registrations with GP practices
April – March 2014/15	90,554

Source: HSC Business Services Organisation

The number of new registrations in each year shown in Table 1 does not equate to the increase in the total GP registered list for each year. New registrations at GP practices will, in part, be due to patient transfers between practices. GP practice lists and the overall number of patients registered at practices in Northern Ireland will also be affected by births and deaths. The total GP registered list for Northern Ireland in the past three years, as at April of each year, is shown in Table 2.

Table 2 Total patients registered at a GP practice in Northern Ireland

Year	Total GP registered list in NI	Change in registered list (from previous year)
April 2013	1,911,002	
April 2014	1,925,035	Increase of 14,033 from April 2013
April 2015	1,939,449	Increase of 14,414 from April 2014

Source: HSC Business Services Organisation

Mrs Dobson asked the Minister of Health, Social Services and Public Safety what action is being taken to address the concerns expressed by staff, patients and visitors to Craigavon Area Hospital regarding the difficulty experienced when finding a parking space on site.

(AQW 51546/11-16)

Mr Hamilton: There are 1633 car parking spaces available to both patients and staff at the Craigavon Area Hospital. The Trust continues to seek innovative ways to free up parking spaces on the Hospital site, creating a new car park beside Ambulance Control which provided 60 additional spaces in 2013 and developing a cycle to work scheme. In addition, there is a regular bus route to the Hospital and the Trust is engaging with Translink to promote the uptake of the local bus service which passes the Hospital.

The Southern Trust has a Traffic Management and Car Parking Service User Forum which looks at concerns raised by service users, visitors and staff and there is close liaison with the Estates Department to identify solutions to address issues where possible. There are no plans to expand car parking capacity on the site.

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether he has plans to downgrade regional acute hospitals.

(AQW 51563/11-16)

Mr Hamilton: The Member may not have read my speech of 4 November 2015 in which I stated: "Let me be clear though in case anyone seeks to distort or misrepresent my intentions. Closing hospitals is not on my agenda. What is, is the best configuration of our hospitals estate. I want what is best done locally done locally. And what needs to be done regionally done regionally."

Mr Easton asked the Minister of Health, Social Services and Public Safety for an update on plans for a new Health and Care Centre in Bangor.

(AQW 51571/11-16)

Mr Hamilton: Proposals for a new Primary and Community Care Centre for Bangor are included within the draft Strategic Implementation Plan for future investment in primary care infrastructure, and decisions on this programme of work will be taken when the pilot Lisburn and Newry projects are evaluated.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety (i) for his assessment of the recent Equity in the Provision of Palliative Care in the UK report which highlights that 3,000 people in Northern Ireland do not receive the palliative care they should; and (ii) how he plans to increase access to palliative and end of life care.

(AQW 51596/11-16)

Mr Hamilton: I am very aware of the importance of palliative care and want to ensure that people with palliative and end of life care needs have access to and receive high quality care, irrespective of their condition. This will continue to be a focus for my Department, working in partnership with the Health and Social Care Board (HSCB), Public Health Agency (PHA) and other key stakeholders.

The End of Life Care Operational System (ELCOS) already supports the identification of people with an advanced progressive illness who have palliative and end of life care needs so that these needs can be appropriately assessed and managed.

Access to palliative and end of life care has increased through initiatives such as providing flexible and responsive palliative nursing care to patients in their own home delivered through the extended Rapid Response Service in the Western, Northern and Southern areas which operates in partnership with Marie Curie, HSC Trusts and GP Out-of-Hours services.

Good palliative care delivery is unpinned by training, education and development. A number of initiatives are ongoing across Northern Ireland to improve palliative and end of life care through better information and education. These include the provision of information and support services for patients, families and carers, and education and training in palliative and end of life care for staff working in health and social care.

The Regulation and Quality Improvement Authority report on the implementation of the Living Matters:Dying Matters Strategy has not yet been published. My Department will consider the findings and any recommendations of the review report when this is available.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety whether he will support the recommendations of the Regulation and Quality Improvement Authority review of the implementation of the Living Matters: Dying Matters Strategy, regarding palliative and end of life care services.

(AQW 51597/11-16)

Mr Hamilton: I am very aware of the importance of palliative care and want to ensure that people with palliative and end of life care needs have access to and receive high quality care, irrespective of their condition. This will continue to be a focus for my Department, working in partnership with the Health and Social Care Board (HSCB), Public Health Agency (PHA) and other key stakeholders.

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The Regulation and Quality Improvement Authority report on the implementation of the Living Matters:Dying Matters Strategy has not yet been published. My Department will consider the findings and any recommendations of the review report when this is available.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety whether he has plans to improve palliative care for people that are suffering from conditions other than cancer.

(AQW 51599/11-16)

Mr Hamilton: I am very aware of the importance of palliative care and want to ensure that people with palliative and end of life care needs have access to and receive high quality care, irrespective of their condition. This will continue to be a focus for my Department, working in partnership with the Health and Social Care Board (HSCB), Public Health Agency (PHA) and other key stakeholders.

The End of Life Care Operational System (ELCOS) already supports the identification of people with an advanced progressive illness who have palliative and end of life care needs so that these needs can be appropriately assessed and managed.

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The Regulation and Quality Improvement Authority report on the implementation of the Living Matters:Dying Matters Strategy has not yet been published. My Department will consider the findings and any recommendations of the review report when this is available.

Mr Swann asked the Minister of Health, Social Services and Public Safety when he will answer priority written questions AQW 50801/11-16 and AQW 50736/11-16.

(AQW 51612/11-16)

Mr Hamilton: I answered AQW 50801/11-15 on 1 December 2015 and AQW 50736/11-16 on 30 November 2015.

Mr Easton asked the Minister of Health, Social Services and Public Safety for his assessment of the operation of the voluntary register for clinical physiologists; and whether his Department has plans to introduce a mandatory register.
(AQW 51629/11-16)

Mr Hamilton: Regulation of any healthcare profession must be proportionate to the level of risk presented to patient safety. My assessment, which I am aware is shared by the administrations across the UK, is that the current system of voluntary registers for Clinical Physiologists is the most proportionate and appropriate approach to ensuring safe and effective care.

Statutory regulation is sometimes necessary where significant risks to service users cannot be effectively addressed in other ways. However it is not always the most proportionate or effective means of assuring safe and effective care. The current approach will continue to be monitored across the UK as the role of Clinical Physiologists in providing care evolves, including locally in the HSC.

Mr McMullan asked the Minister of Health, Social Services and Public Safety what assurances he can give that his Department will continue to provide core funding to the Down's Syndrome Association.
(AQW 51635/11-16)

Mr Hamilton: Core funded organisations, including Down's Syndrome Association, will receive 75% of their 2015/16 funding in 2016/17, reducing to 50% in 2017/18. In 2016/17, my Department will launch a new grant scheme that will have innovation as its central theme. The Department is currently working with key stakeholders to develop the scope of the scheme which will be open to new and existing voluntary, community and social enterprise organisations.

Mrs Cameron asked the Minister of Health, Social Services and Public Safety to outline the rationale for the decision not to regulate clinical physiologists, given the sensitive nature of their work.
(AQW 51659/11-16)

Mr Hamilton: Regulation of any healthcare profession must be proportionate to the level of risk presented to patient safety. My assessment, which I am aware is shared by the administrations across the UK, is that the current system of voluntary registers for Clinical Physiologists is the most proportionate and appropriate approach to ensuring safe and effective care.

Statutory regulation is sometimes necessary where significant risks to service users cannot be effectively addressed in other ways. However it is not always the most proportionate or effective means of assuring safe and effective care. The current approach will continue to be monitored across the UK as the role of Clinical Physiologists in providing care evolves, including locally in the HSC.

Mr Ó hOisín asked the Minister of Health, Social Services and Public Safety, in light of the recent High Court ruling, when he will bring forward proposals to deal with the shortcomings in abortion legislation and guidelines.
(AQW 51681/11-16)

Mr Hamilton: Abortion in Northern Ireland is governed by criminal law, which is the responsibility of the Minister of Justice.

My responsibility in this area relates to ensuring that women receive the health and social care services to which they are legally entitled and that those who provide them do so in accordance with the law.

To this end, I am on record as saying that I will issue guidance on the subject for health professionals. I have circulated revised guidelines on termination of pregnancy in Northern Ireland to my Executive colleagues and I hope to issue them to health professionals shortly. Guidance from my Department can only reflect the law as it stands. The recent High Court Ruling did not change the law as it relates to abortion.

Mr Hussey asked the Minister of Health, Social Services and Public Safety whether he is aware of industrial relations issues within the Northern Ireland Fire and Rescue Service in Enniskillen as reported in the Impartial Reporter.
(AQW 51694/11-16)

Mr Hamilton: The Northern Ireland Fire and Rescue Service has responded to issues raised by firefighters in Enniskillen. They are committed to continuing engagement with staff, if further concerns are raised.

Mr McKay asked the Minister of Health, Social Services and Public Safety to detail what training is given to professionals involved in maternity care on the prevention and treatment of group B strep infections in babies.
(AQW 51698/11-16)

Mr Hamilton: In pre-registration training, student midwives study Group B Streptococcus (GBS) in relation to the screening and care of both mother and baby. As part of registered midwives' continual professional development (CPD), mandatory training on antenatal screening including GBS is provided by the HSC's Clinical Education Centre (CEC).

In addition, a number of Chief Professional letters from the Chief Medical Officer (CMO) and Chief Nursing Officer (CNO) have been issued to NI health professionals since 2011 to keep them informed of clinical guidelines and updates to relevant information on the prevention and treatment of GBS.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail what treatments are available through the Health Service for eating disorders such as anorexia.

(AQW 51722/11-16)

Mr Hamilton: Specialist eating disorder services in Northern Ireland offer evidence based interventions, in line with the NICE clinical guidelines. The most appropriate intervention for an Eating Disorder is determined following clinical assessment, and is tailored to the individual's needs and circumstances.

The range of interventions and therapies available include: Cognitive Behavioural Therapy (adapted for Eating Disorder); Family therapy; Motivational Interviewing; Body Image work; Interpersonal therapy; Psychodynamic therapy; MARSIPAN (Management of Really Sick Patients with Anorexia Nervosa) - for medical inpatient units; and Specialist psychiatry, psychology, dietetics, occupational therapy and nursing to support treatment.

Further to my announcement on 7 October 2015, work is underway to consider the feasibility of a specialist eating disorder unit in Northern Ireland, and initial findings are expected by March 2016.

Mr Easton asked the Minister of Health, Social Services and Public Safety whether there are services that people with eating disorders can avail of in England.

(AQW 51723/11-16)

Mr Hamilton: People with eating disorders may avail of services in other parts of the UK, or the Republic of Ireland, for expert assessment, advice or ongoing specialist care management not available in Northern Ireland. This is managed via the Extra Contractual Referral process, if the treating clinician within the HSC considers it to be the most appropriate course, the receiving facility is in agreement and the relevant procedures within the transfer guidance are followed. Referral to services outside of Northern Ireland must have prior approval from the Health and Social Care Board.

If they wish, people with eating disorders can also choose to avail of services on a private basis in other jurisdictions.

Mr A Maginness asked the Minister of Health, Social Services and Public Safety to detail (i) the staffing levels in the Emergency Department in the Mater Hospital between September and November 2014; and (ii) what changes there have been compared to the same period in 2015.

(AQW 51726/11-16)

Mr Hamilton: Information relating to 31st October 2014 and 31st October 2015 is provided in the table below.

Grade	31st October 2014		31st October 2015	
	Headcount	WTE	Headcount	WTE
Qualified Nursing	50	47.19	52	48.32
Nurse Support	6	5.06	9	7.18
Foundation Doctors / Specialty Registrars	12	12.00	16	16.00
Staff Grade/Specialty Doctor	3	3.00	3	3.00
Consultant	4	4.00	4	4.00
Total	75	71.25	84	78.50

Mr B McCrea asked the Minister of Health, Social Services and Public Safety to detail what work his Department has undertaken in conjunction with the Department for Social Development to address the health risks associated with fuel poverty.

(AQW 51747/11-16)

Mr Hamilton: Given the links between living in cold damp conditions and a number of illnesses (including poor mental health, respiratory disease, and premature mortality) DHSSPS is represented on the DSD led Inter-departmental Group on Fuel Poverty. In addition, in line with the strategic framework for public health, Making Life Better, the Public Health Agency works closely with DSD, the public, private, community, voluntary and academic sectors to research, evaluate and deliver a range of local and regional initiatives to alleviate fuel poverty and maximise income for those living in fuel poverty.

Collaborative programmes and initiatives include:

- joint working with local councils, Social Security Agency/DSD and National Energy Action to support the Affordable Warmth Scheme to access the most vulnerable residents;
- joint working with local councils, Bryson Energy and the Housing Executive to promote oil buying clubs and oil stamp schemes;
- benefits and services maximisation schemes, such as MARA (Maximising Access in Rural Areas) and Advice 4 Health;
- fuel poverty programmes and interventions in local communities which support referrals for insulation measures, boiler replacements, etc;

- energy awareness sessions with local communities through key partners including Bryson, National Energy Action and NIHE;
- City and Guilds Energy Advisor Training to create local energy champions; and
- the purchase and distribution of Winter Warmth Packs to those who are at particular risk from cold weather e.g. rough sleepers, young children living in disadvantaged areas, older people.

Mr Ó hOisín asked the Minister of Health, Social Services and Public Safety whether he has revisited the case of a firefighter that died while on duty

on the 31 October 2003 and considered the concerns expressed by his family regarding the circumstances in which he died.

(AQW 51761/11-16)

Mr Hamilton: I am aware of the tragic death of firefighter Joe McCloskey in 2003 following injuries which he sustained while he was on duty and the concerns expressed by his family regarding the circumstances in which he died.

I have not revisited the case.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the process by which data relating to people living with learning disabilities is (i) compiled; (ii) stored; and (iii) disaggregated.

(AQW 51769/11-16)

Mr Hamilton:

- (i) Information on activity within the Learning Disability Programme of Care (POC) is collected by the Department using a series of statistical returns provided by Health and Social Care (HSC) Trusts and the HSC Board. Data providers are supplied with technical guidance documents outlining the methodologies to be used in the collection, reporting and validation of each statistical return submitted to the Department.

For each statistical information return data providers are given a set period of time to submit the information. Following submission, the Department carries out a number of validation checks to verify that the information is consistent both within and across information returns. At the end of each financial year a more detailed set of validations is carried out to ensure the information is up to date and reflects changes made over time.

Additional information is also compiled on persons with learning disabilities as part of the Quality and Outcomes Framework (QOF). This data is compiled by GP practices and securely uploaded to the Payments, Calculation and Analysis System (PCAS) on 31 March each year. It is then automatically processed to establish performance against the QOF indicators and the associated points and payments that come from this. GP practices have a three month window during which they can query the results. Once all data has been signed off by GP practices, the Department downloads it from the PCAS system.

- (ii) Data received by the Department is then stored on a secure file management system, with access restricted in line with existing Departmental arrangements.
- (iii) Data released by the Department will be aggregated up to hospital, Local Commissioning Group, HSC Trust and/or Northern Ireland level, and will be treated for confidentiality to avoid personal disclosure.

Mr Weir asked the Minister of Health, Social Services and Public Safety how much time a statemented child receives on physiotherapy in an average week.

(AQW 51785/11-16)

Mr Hamilton: Therapy provision is based on each individual patient's assessed need be they adult or child.

AHP services for statemented children/young people follow regional care pathways so that services are consistent. Each child's intervention will be based on their assessed need and tailored to meet their individual requirements.

Mr Swann asked the Minister of Health, Social Services and Public Safety, following the announcement of a pulse oximetry trial in Daisy Hill Hospital, what additional resources have been provided to the Clarke Clinic to meet any additional demand arising from follow up care that is required immediately for any children presenting with signs of congenital heart disease.

(AQW 51790/11-16)

Mr Hamilton: The pulse oximetry pilot in Daisy Hill Hospital is not part of the UK National Screening Committee pilot. It is a Quality Improvement Project (QIP) that has been taken forward by a multidisciplinary team within the Southern Health and Social Care Trust including Paediatric & Maternity services. Follow up care for any children presenting with signs of congenital heart disease will be met within existing resources.

Mr Swann asked the Minister of Health, Social Services and Public Safety following the announcement of a pulse oximetry trial in Daisy Hill Hospital, to detail what selection criteria was used to select Daisy Hill Hospital for the pilot.

(AQW 51791/11-16)

Mr Hamilton: Daisy Hill Hospital's Paediatric Team in partnership with maternity colleagues introduced this Quality Improvement Project (QIP) pilot for congenital heart disease using pulse oximetry as a service improvement initiative.

Mr Swann asked the Minister of Health, Social Services and Public Safety following the announcement of a pulse oximetry trial in Daisy Hill Hospital, when he will introduce pulse oximetry testing for all new borns in local hospitals.

(AQW 51792/11-16)

Mr Hamilton: My Department is advised by the UK National Screening Committee (NSC) about all aspects of screening. Using research evidence, pilot programmes and economic evaluation, the NSC assesses the evidence for programmes against a set of internationally recognised criteria covering the condition, the test, the treatment options and the effectiveness and acceptability of the screening programme.

The NSC has reviewed the evidence for adding pulse oximetry to the screening pathway to detect congenital heart disease in newborns. At their meeting in March 2014 they recommended piloting the use of pulse oximetry to evaluate the impact of implementation on NHS services and to establish feasibility for future national rollout as an addition to the existing suite of screening tests undertaken as part of the newborn programme. The pilot has commenced and is expected to report later this year. The NSC will make a policy recommendation for the UK and I will consider this advice when it is available.

The pulse oximetry pilot in Daisy Hill Hospital is not part of the UK National Screening Committee pilot.

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail (i) whether he has received proposals from the Western Health and Social Care Trust in relation to the day centres at Dromore and Gortin, Co Tyrone; (ii) whether he is aware of the concerns raised by the clients and their families; (iii) what saving will be made following the proposed closures; (iv) the additional cost of providing a service for those rural dwellers who will not avail of services in Fintona or Newtownstewart; (v) what Equality Impact Assessment and rural proofing assessments have been undertaken; and (vi) when this decision will be made public.

(AQW 51794/11-16)

Mr Hamilton:

- (i) The Western HSC Trust has submitted its proposals on the reform of day care services for older people which will now be considered by the Health and Social Care Board who will provide me with advice;
- (ii) I fully recognise the impact these reforms may have on service users and their families. The Trust is committed to handling any change sensitively, taking into account the needs of all service users affected by the change;
- (iii) The estimated savings from the reform of day care services for older people is £100k;
- (iv) All service users currently attending day care at Dromore and Gortin will be offered the same level of day care in alternative locations. Service users are encouraged to avail of day care services that may be offered to them in Fintona or Newtownstewart;
- (v) The Trust conducted equality and human rights screening on its proposals for the reform of day care services for older people. The screening indicated that the proposals did not require a full equality impact assessment. The equality screening also considered the impact of the proposals from a rural perspective;
- (vi) As indicated at (i) above the Health and Social Care Board will provide me with advice and I will make a decision in due course.

Mr Allister asked the Minister of Health, Social Services and Public Safety, given a smoking ban in psychiatric hospitals is due to come into effect in March 2016, to detail how it will be effectively managed by staff given inpatients need to be accompanied to a designated smoking zone outside the precincts of the hospital.

(AQW 51796/11-16)

Mr Hamilton: Trusts will not be facilitating any patient to smoke. This will include staff not escorting patients off Trust property in order to smoke and there will be no designated 'smoking zones'

Effective implementation of the smokefree campuses policy for the Trusts will require staff training and the development of clear protocols for action to ensure that all in-patients are treated in a compassionate and supportive manner. Patients will be offered assistance, including nicotine replacement therapy or behavioural support by trained smoking cessation advisors, to comply with the new smokefree policy.

Mr McCallister asked the Minister of Health, Social Services and Public Safety how his Department will respond to the determination by Mr Justice Horner in the Belfast High Court that abortion legislation in Northern Ireland is in breach of Human Rights law.

(AQW 51803/11-16)

Mr Hamilton: Termination of pregnancy is a matter of criminal law, which is the responsibility of the Minister of Justice. My particular interest is in relation to the implications for guidance on the law on termination of pregnancy for health professionals.

Given the complexity and sensitivity of the issue, guidance on termination of pregnancy requires the approval of the Executive, and my Executive colleagues are currently considering draft guidance.

I am currently considering Mr Justice Horner's concluding judgment handed down on 16th December and the options available to me for moving forward with robust guidance that reflects the law on Termination of Pregnancy.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail (i) how his Department is supporting carers that are over 60 years of age; and (ii) what information is available for older carers regarding the future care of their loved ones.

(AQW 51809/11-16)

Mr Hamilton:

- (i) In recognising the need to support all carers in their caring role, a carers' strategy, Caring for Carers, was published in January 2006. The strategy is inter-departmental and inter-agency, dealing with health and personal social services, employment, training, education, availability of information and support services. Since the publication of the strategy, Health and Social Care (HSC) Trusts have been working to address the arising recommendations, thereby raising the standard of services for carers. Further, as I have previously advised, HSC Trusts have a statutory duty under the Carers and Direct Payments Act (NI) 2002 to make information regarding a carer's right to an assessment widely available and to inform individuals of all ages directly of that right, where it appears to the Trust that an individual is carrying out a caring role. Following the completion of a carers assessment, HSC Trusts are required to meet all eligible need identified.
- (ii) My Department is committed to carers being acknowledged and recognised as "equal partners in care". The Carers Strategy makes it very clear that HSC Trusts must ensure that carers are fully informed and involved in the planning of future care of the cared for person so that assumptions are not made about their ability or willingness to care.

Ms Sugden asked the Minister of Health, Social Services and Public Safety an update on the review of Day Opportunities for people with learning disabilities.

(AQW 51810/11-16)

Mr Hamilton: Since the regional consultation on the proposed Model for Day Opportunities for People with Learning Disabilities was carried out in 2013/2014, work is progressing to implement the Model across all HSC Trust areas to ensure the range and quality of post-19 opportunities for those with a learning disability across NI is more consistent. It is important to note that the Day Opportunities programme of change could take up to five years to complete and its success is highly dependent on the cooperation of relevant government departments and their agencies, the new local government Councils and voluntary and community organisations. A summary of progress is as follows:-

- a post Consultation Report was developed in 2014;
- a Regional Day Opportunities Inter-departmental (and cross-sectoral) Implementation Group was established in October 2014;
- Local Implementation Groups were established in the five Health and Social Care Trust localities in 2015 and these Groups have measured themselves against the Model Phase 1;
- a Carers' Regional Sub Group was established in September 2015;
- engagement events have been undertaken with staff, users, carers and providers;
- person-centred reviews for service users in day care continue to identify those who would benefit from access to day opportunities;
- a scoping exercise of current daycare/day opportunities and profile of current service users has been completed;
- a review is currently being carried out on building-based services to identify requirements for the future;
- the Department of Agriculture and Rural Development has recently awarded a contract to fund the 'Rural Support' post for the development of Social Farming;
- a Regional Integrated Passenger Transport Group was set up and led by the Department for Regional Development to look at efficient and sustainable passenger transport arrangements.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the (i) number of times the inter-departmental Ministerial Group on Mental Health and Learning Disability has met since 2012; and (ii) attendance at those meetings.

(AQW 51812/11-16)

Mr Hamilton: The Inter-Departmental Ministerial Group on Mental Health and Learning Disability has met 4 times since 2012 on: 21 November 2013; 1 May 2014; 20 November 2014; and 13 May 2015.

Attendance at each meeting is attached at Annex A.**Annex A**

Attendance at Inter-Departmental Ministerial Group on Mental Health and Learning Disability meetings since 2012 is as follows (excludes officials supporting Ministers):

21 November 2013

Ministers	Officials
Edwin Poots (chair), DHSSPS John O'Dowd, DE Stephen Farry, DEL Danny Kennedy, DRD Nelson McCausland, DSD Jonathan Bell, OFMDFM Jennifer McCann, OFMDFM	Cynthia Smith (on behalf of Minister Ní Chuilín), DCAL Cyril Anderson (on behalf of Minister Foster), DETI Gareth Johnston (on behalf of Minister Ford), DOJ

1 May 2014

Ministers	Officials
Edwin Poots (chair), DHSSPS Stephen Farry, DEL John O'Dowd, DE Danny Kennedy, DRD Jennifer McCann, OFMDFM	Cynthia Smith (on behalf of Minister Ní Chuilín), DCAL Jo Kane (on behalf of Minister Foster), DETI Gareth Johnston (on behalf of Minister Ford), DOJ Stephen Martin (on behalf of Minister McCausland), DSD

20 November 2014

Ministers	Officials
Jim Wells (chair) DHSSPS David Ford DOJ Jonathan Bell, OFMDFM	Barney McGahan (on behalf of Minister Ní Chuilín), DCAL Nicola Monson (on behalf of Minister Foster), DETI Finbar Cummins (on behalf of Minister McCausland), DSD Jane Floyd (on behalf of Minister O'Dowd) Colin Jack (on behalf of Minister Farry) John McGrath (on behalf of Minister Kennedy)

13 May 2015

Ministers	Officials
Simon Hamilton (Chair), DHSSPS John O'Dowd, DE Minister Farry, DEL Minister Storey, DSD David Ford, DOJ Jennifer McCann, OFMDFM	Tom Reid, DRD (on behalf of Minister Kennedy) Nicola Monson, DETI on behalf of Minister Bell); Cynthia Smyth, DCAL (on behalf of Minister Ni Chuilín);

Mr Lyttle asked the Minister of Health, Social Services and Public Safety whether he has made any representations to Four Seasons Health Care to request (a) that they reconsider the closure of local care homes; or (b) the proposed timescale for the closure.

(AQW 51842/11-16)

Mr Hamilton: As a private company, Four Seasons Health Care is free to make decisions about the management of its business. It is not the role of the Minister for Health to interfere in the lawful operations of a private company. The mandatory notice periods for proposed closures are set out in Regulation 15 (2) (b) of the Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety whether he has had any discussions with the Secretary of State for Health with regards to the proposed closures of care homes by Four Seasons Health Care.

(AQW 51845/11-16)

Mr Hamilton: I have not had any discussions with the Secretary State for Health regarding the proposed closure of nursing homes by Four Seasons Health Care.

Mr McCallister asked the Minister of Health, Social Services and Public Safety to detail when the service notifications for the National Institute for Health and Care Excellence Technological Assessments TA339 - TA368 inclusive will be published; and where no service notification has yet been published when this is expected.

(AQW 51849/11-16)

Mr Hamilton: The table below shows when the HSCB published its service notifications for TA339 to TA368, or the expected publication date, as appropriate. Where (NICE) has terminated its assessment of a particular technology, the table is noted accordingly.

Where my Department has not yet endorsed the Technology Appraisal, the date that the Service Notification is expected to issue has been calculated using the latest possible dates as per the timescales set out in Circular HSC (SQSD) 2/13.

	Endorsed / Due to be Endorsed by DHSSPS	Service Notification Issued / Due to be Issued by HSCB
TA 339	15 June 2015	30 September 2015
TA 340	15 June 2015	30 September 2015
TA 341	17 June 2015	30 September 2015
TA 342	30 June 2015	13 October 2015
TA 343	15 June 2015	30 September 2015
TA 344	15 June 2015	30 September 2015
TA 345	7 August 2015	20 November 2015
TA 346	7 August 2015	13 October 2015
TA 347	7 August 2015	20 November 2015
TA 348	7 August 2015	28 September 2015
TA 349	7 August 2015	20 November 2015
TA 350	7 August 2015	13 October 2015
TA 351	Appraisal terminated by NICE	
TA 352	14 September 2015	25 December 2015
TA 353	Appraisal terminated by NICE	
TA 354	14 September 2015	25 December 2015
TA 355	9 October 2015	21 January 2016
TA 356	Appraisal terminated by NICE	
TA 357	3 November 2015	15 February 2016
TA 358	17 November 2015	29 February 2016
TA 359	13 November 2015	25 February 2016
TA 360	16 November 2015	23 November 2015
TA 361	Appraisal terminated by NICE	
TA 362	Appraisal terminated by NICE	
TA 363	22 December 2015	4 April 2016
TA 364	22 December 2015	4 April 2016
TA 365	22 December 2015	4 April 2016
TA 366	22 December 2015	4 April 2016
TA 367	22 December 2015	4 April 2016
TA 368	22 December 2015	4 April 2016

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail how much of his departmental budget is allocated to the Prison Service.

(AQW 51856/11-16)

Mr Hamilton: Prison healthcare services are commissioned by the Health and Social Care Board and are delivered by the South Eastern Health and Social Care Trust. Approximately £8.5m was allocated by the South Eastern HSC Trust for the delivery of prison healthcare services in 2014/15.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail when the Regulation and Quality Improvement Authority first became aware that the financial pressures experienced by Four Seasons Health Care were sufficient enough for them to consider closing seven homes.

(AQW 51890/11-16)

Mr Hamilton: The Regulation and Quality Improvement Authority was aware from national media coverage of ongoing financial difficulties facing Four Seasons Health Care's parent company. It received formal notification from Four Seasons Health Care on 24 November 2015 of its intention to close seven nursing homes in Northern Ireland.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the number of times medical test results have been given to the wrong patient broken down by clinical discipline, in each of the last three years.

(AQW 51891/11-16)

Mr Hamilton: The information requested is not available.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of self-testing kits for (a) sexually transmitted diseases; (b) fertility; (c) human papilloma virus; (d) blood pressure; (e) bowel cancer; and (f) cholesterol.

(AQW 51892/11-16)

Mr Hamilton: My Department has no role in the assessment of medical devices including self-test kits. In the UK assessment of medical devices is the responsibility of the Medical and Healthcare products Regulatory Agency (MHRA). MHRA's role is to ensure that medical devices placed on the market across the UK are safe and effective for use.

Mr Allister asked the Minister of Health, Social Services and Public Safety what percentage of fetuses with a diagnosis of Down syndrome resulted in live births in each of the last five years.

(AQW 51916/11-16)

Mr Hamilton: Information is not collected centrally on the number of fetuses with a diagnosis of Down's syndrome which resulted in a live birth.

Mr Allister asked the Minister of Health, Social Services and Public Safety how many fetuses diagnosed with Down syndrome have been lawfully aborted in Northern Ireland in each of the last five years.

(AQW 51917/11-16)

Mr Hamilton: Information is not collected centrally on the number of fetuses diagnosed with Down's syndrome that have been lawfully aborted in Northern Ireland. However it should be noted that within Northern Ireland abortion is only lawful in very restricted circumstances, including those where it is necessary to preserve the life of the woman, or there is a risk of real and serious adverse effect on her physical or mental health, which is either long term or permanent.

Mr Allister asked the Minister of Health, Social Services and Public Safety how many live births in each of the last five years have been in respect of children with spina bifida.

(AQW 51918/11-16)

Mr Hamilton: The latest available information on the number of registered births with a diagnosis of spina bifida is available publicly at the following link;

<http://www.publichealth.hscni.net/sites/default/files/Core%20Tables%202013.pdf>

Mr Allister asked the Minister of Health, Social Services and Public Safety what percentage of fetuses with a diagnosis of spina bifida resulted in live births, in each of the last five years.

(AQW 51921/11-16)

Mr Hamilton: Information is not collected centrally on the number of fetuses with a diagnosis of spina bifida which resulted in a live birth

Mr Allister asked the Minister of Health, Social Services and Public Safety how many fetuses diagnosed with spina bifida have been lawfully aborted in Northern Ireland in each of the last five years.

(AQW 51922/11-16)

Mr Hamilton: Information is not collected centrally on the number of fetuses diagnosed with spina bifida that have been lawfully aborted in Northern Ireland. However it should be noted that within Northern Ireland abortion is only lawful in very

restricted circumstances, including those where it is necessary to preserve the life of the woman, or there is a risk of real and serious adverse effect on her physical or mental health, which is either long term or permanent.

Mr Weir asked the Minister of Health, Social Services and Public Safety what provisions are available for school leavers in North Down, that are over nineteen years of age with learning and behavioural difficulties.

(AQW 51924/11-16)

Mr Hamilton: The South Eastern HSC Trust work with young people with a learning disability and their families from the age of 14, to develop a person-centred plan of activities for when they leave school. This could be in one of the three statutory Day Centres in the North Down and Ards area (Ravara Training and Resource Centre; Glencraig and Fold), which provide a range of facilities and activities, based on small age-appropriate groups.

Other Day Opportunities are provided (through Trust contracts), by the voluntary sector who provide further buildings-based day care and community-based day opportunities, such as supervised activities, and training and employment openings. A new cafe run by Stepping Stones has also recently opened on the Ards Hospital site.

All Health and Social Care Trusts have been asked by the Health and Social Care Board, to review Day Care/Day Opportunities in line with the Strategic Commissioning Plan. The SEHSCT holds regular workshops and meetings with the Learning Disability Day Care Opportunities Reference Group, which comprises statutory and independent day care and day opportunities providers, such as the Department for Regional Development; South Eastern Regional College and Translink.

Ms Sugden asked the Minister of Health, Social Services and Public Safety (i) for his assessment of domestic violence related suicides; and (ii) whether this has been considered in the Stopping Domestic and Sexual Violence and Abuse Strategy for 2013-2020

(AQW 51929/11-16)

Mr Hamilton: My Department does not hold statistical information on domestic violence related suicide in Northern Ireland. However, there is evidence that domestic violence can be a risk factor for suicidal behaviour.

The proposed 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland' Strategy recognises that domestic violence is a known risk factor and highlights the 'Protect Life' strategy which sets out the NI Executive strategic approach to suicide prevention.

Ms Sugden asked the Minister of Health, Social Services and Public Safety (i) for his assessment of domestic violence victims that are over 60 years of age; and (ii) to detail how his Department is working to raise awareness of age trends in relation to domestic violence.

(AQW 51930/11-16)

Mr Hamilton: My Department does not gather statistics on the age profile of victims of domestic violence. PSNI statistics for 2014/15 indicate that 5% of domestic abuse crime victims were over 60. It is therefore clear that domestic violence and abuse can occur into older age.

Once the proposed Domestic and Sexual Violence and Abuse Strategy is published, the groups within the newly adopted governance structures will consider priorities going forward, including raising awareness of domestic violence in relation to all victims.

Mr Agnew asked the Minister of Health, Social Services and Public Safety to detail the Family Planning service provision in each Health and Social Care Trust, including the number of (a) clinics operating; (b) medical staff provided in each clinic; and (iii) the clinic opening times.

(AQW 51949/11-16)

Mr Hamilton: Table 1 below details the Family Planning service provision in each Health and Social Care Trust including the number of clinics operating, the medical staff provided in each clinic and the clinic opening times.

Table 1 Belfast Health and Social Care Trust

No. of Clinics	No. of Medical Staff		Opening Hours
	Headcount	WTE	
1 – College St			Mon-Fri 1000-1230
2 – Bradbury Centre			Mon-Thurs 0900-1130 Tues-Wed 1700-1900
3 – Hollywood Arches Health Centre			Mon-Tues 1345-1600 Tues 1700-1900 Fri 0930-1130

No. of Clinics	No. of Medical Staff		Opening Hours
	Headcount	WTE	
4 – Knockbreda Centre			Wed 0900-1130, 1345-1600, 1645-1845
5 - Dundonald			Thurs 0900-1130
6 – Beech Hall W & TC			Mon-Wed, Fri 0900-1130 Wed-Thurs 1345-1600 Wed 1700-1900
7 – Carlisle H & WB Centre			Mon & Thurs 1345-1600

The Belfast Health and Social Care Trust was unable to provide staffing figures broken down by clinic. Figures provided show that 16 Nurses (7.48 wte) and 16 doctors (6.71 wte) represent the staff compliment for Family Planning Clinics in both the Belfast and South Eastern HSC Trusts.

Note: A clinic run at the Carlisle H & WB Centre from 0930 – 1130 on Thursdays is currently suspended

Northern Health and Social Care Trust

No. of Clinics	No. of Medical Staff		Opening Hours
	Headcount	WTE	
Antrim	1	0.1	Tues 0900 – 1200
Antrim	0 – nurse practitioner	0	Tues 1900 – 2100
Ballymena	1	0.1	Mon 1115 – 1315
Ballymena	1	0.1	Tues 1000 – 1200
Ballymoney	1	0.1	Tues 1400 – 1600
Carrickfergus	3	0.3	Tues 1400 – 1600
Coleraine	1	0.1	Wed 0930 – 1130
Coleraine	1	0.1	Wed 1400 – 1600
Coleraine	0 – nurse practitioner	0	Mon 1900 – 2100
Coleraine	0 – nurse practitioner	0	Thurs 1830 – 2030
Cookstown	1	0.1	Thurs 0900 – 1100
Cookstown	0 – nurse led	0	Wed 1900 – 2100
Glengormley	1	0.1	Thurs 0930 – 1130
Glengormley	1	0.1	Fri 0930 – 1130
Glengormley	1 –alternate weeks nurse practitioner	0.05	Thurs 1900 – 2030
Larne	1	0.1	Thurs 1330 – 1530
Magherafelt	1	0.1	Tues 1400 – 1600
Magherafelt	1	0.1	Tues 1900 – 2100
Whiteabbey	1	0.1	Mon 1430 – 1630
Whiteabbey	1	0.1	Mon 1830 – 2030

South Eastern Health and Social Care Trust

No. of Clinics	No. of Medical Staff		Opening Hours
	Headcount	WTE	
Bangor Hospital			Mon & Fri 0900 – 1130 Mon & Tues 1700 – 1900

No. of Clinics	No. of Medical Staff		Opening Hours
	Headcount	WTE	
Lisburn Health Centre			Mon & Thurs 0900 – 1130 Mon 1700 – 1900
Downe Hospital			Mon (2nd & 4th month) & Tues 1000 – 1230 Thurs 1400 – 1600
Ballynahinch			Mon 1730 – 1930
Stewartstown Rd Health Centre			Tues 0900 – 1130

Please see the Belfast HSC Trust for staffing levels

Southern Health and Social Care Trust

No. of Clinics	No. of Medical Staff		Opening Hours
	Headcount	WTE	
CASH Clinic, Newry		**	Mon 0930 – 1130 Tues 0930 – 1130 Tues 1300 – 1500 Thurs 0930 – 1130
CASH Clinic, Portadown		**	Tues 1800 – 1945 Wed 0900 – 1130 Wed 1300 – 1430 Thurs 1400 – 1545
CASH Clinic, Dungannon		**	Mon 0940 – 1130 Wed 1800 – 2000 Thurs 1300 – 1500
IUD Specialist, Craigavon	1	0.1	Mon 1400 – 1600
CASH Clinic, Banbridge		**	Wed 0930 – 1130
CASH Clinic, Kilkeel		**	Mon 1400 – 1600 (alternate weeks)
CASH Clinic, Lurgan		**	Mon 0930 - 1130

CASH – Contraception and Sexual Health

**These clinics are supported by 1 specialty doctor; the total WTE for these clinics is 0.45

Western Health and Social Care Trust

No. of Clinics	No. of Medical Staff		Opening Hours
	Headcount	WTE	
Londonderry	1	0.1	Mon 0930 – 1230
Londonderry	1	0.1	Tues 0930 – 1230
Londonderry	1	0.1	Tues 1400 – 1700
Londonderry	1	0.1*	Wed 0930 – 1230
Londonderry	1	0.1	Wed 1400 – 1700
Londonderry	1	0.1*	Thurs 0930 – 1230
Londonderry	1	0.1	Fri 0930 – 1230
Londonderry	0	0	Fri 1400 – 1700

No. of Clinics	No. of Medical Staff		Opening Hours
	Headcount	WTE	
Limavady	1	0.1	Wed 1400 – 1700
Strabane	1	0.025	Thurs 1400 – 1700
Omagh	1	0.1*	Mon 0930 – 1230
Omagh	1	0.1*	Mon 1400 – 1700
Omagh	1	0.05*	Thurs 0930 – 1230
Enniskillen	1	0.1*	Tues 0930 – 1230
Enniskillen	0	0	Tues 1400 - 1700

* The medical staff provided in these locations is currently provided by a locum.

Please note that the Western HSC Trust have recently appointed a specialty doctor 2 PA's per week permanently (southern sector) and are recruiting an additional 2 PA's specialty doctor for the southern sector and 0.4wte specialty doctor for Londonderry

Source: Health and Social Care Trusts

Mr McGlone asked the Minister of Health, Social Services and Public Safety whether there has been any research undertaken to establish the reasons for missed appointments.

(AQW 51954/11-16)

Mr Hamilton: The Health and Social Care Board (HSCB) continues to work with Trusts to understand the reasons for missed appointments and actions that can be taken to reduce them. This includes monitoring Do Not Attend (DNA) rates by specialty, site, month and gender. Telephone surveys have also been undertaken to identify the reasons why patients do not attend their appointments and this information has been used to improve booking processes through the use of initiatives such as text reminders.

Both the Belfast and Southern HSC Trusts have carried out separate exercises where they contacted a number of patients who had not attended appointments to try and establish the reason for their non attendance.

The Belfast Trust has since introduced a telephone / text appointment reminder system which has helped reduce DNA rates.

Mr Swann asked the Minister of Health, Social Services and Public Safety, pursuant to AQT 3262/11-16, how another hospital can start or participate in a similar pilot.

(AQW 52175/11-16)

Mr Hamilton: My Department does not recommend that any other hospital participates in a similar pilot to the trial which has been introduced by Daisy Hill Hospital. All hospitals should await the findings from the UK National Screening Committee which is piloting pulse oximetry screening in a range of maternity services including midwifery led units, district general hospitals and tertiary referral maternity units.

The NSC will use the pilot to better understand the implications of introducing this screening test, including any impact on neonatal services and paediatric cardiology services. Should a national screening programme be introduced the findings from the pilot will also inform roll out and ensure that all babies are appropriately and consistently screened and managed to agreed quality standards.

The pilot is ongoing and is expected to report in March. Following the evaluation of this pilot, the NSC will make a policy recommendation for the UK. I will consider this advice when it is available.

Mr Allen asked the Minister of Health, Social Services and Public Safety whether he will publish any of the guidance or advice, including oral, written or electronic, that he has given to the Public Health Agency on its Lifeline consultation.

(AQW 52362/11-16)

Mr Hamilton: I have not given any advice or guidance to the Public Health Agency on its Lifeline consultation.

Mr McCrossan asked the Minister of Health, Social Services and Public Safety for an update on the future of nursing homes and residential care homes in West Tyrone.

(AQW 52804/11-16)

Mr Hamilton: The Health and Social Care Board (HSCB) has been leading on a regional review over the past two years on the future role and function of their statutory residential care homes, including statutory residential care homes in the West Tyrone area. Following the announcement made by Four Seasons Health Care to close a number of nursing homes in Northern Ireland, I asked the Health and Social Care Board, as a precautionary measure, to halt and review the current

process examining the future role of statutory residential care homes. My officials are liaising with colleagues in the Health and Social Care Board on this matter.

Department of Justice

Mr McCrossan asked the Minister of Justice to detail the community organisations in West Tyrone that receive funding from his Department.

(AQW 52982/11-16)

Mr Ford (The Minister of Justice): My Department, including its Agencies but not its arm's-length bodies, provided funding to Sion Mills Community Forum during the 2015-16 financial year.

My Department also provides funding to Policing and Community Safety Partnerships who work with a wide range of bodies including voluntary and community groups. A project called Securing the Vulnerable received funding through the Fermanagh/Omagh PCSP.

Other voluntary and community groups receive funding for Northern Ireland wide services. Some of these services may be available in West Tyrone.

Mr Campbell asked the Minister of Justice how he will evaluate the benefits arising from the work of the project advisory group on youth justice.

(AQW 53213/11-16)

Mr Ford: The Youth Justice Project Advisory Group (PAG) continues to make good progress and there is continuing evidence of genuine cooperation between the two jurisdictions.

The Work Programme for the Youth Justice PAG for this year contains a number of activities which will improve the experiences of young people in the justice system, namely:

- an examination of the potential for further cooperation between the PSNI and An Garda Síochána in relation to young offenders on diversion;
- developing staff exchanges and information sharing between the youth detention facilities in both jurisdictions;
- developing Information Sharing protocols between the two jurisdictions; and
- a sharing of best practice between the jurisdictions on children's experience in the justice system.

As Minister, I will continue to evaluate the benefits arising from the work of the Youth Justice PAG in conjunction with my Irish counterpart, Frances Fitzgerald TD, Minister for Justice and Equality, at our twice-yearly Ministerial meetings held under the auspices of the Intergovernmental Agreement on cooperation on criminal justice matters.

Mr Lyttle asked the Minister of Justice for an update on the delivery of the Domestic and Sexual Violence and Abuse Prevention Strategy.

(AQW 53322/11-16)

Mr Ford: I hope to be able to publish the Stopping Domestic and Sexual Violence and Abuse Strategy jointly with the Minister of Health, Social Services and Public Safety following Executive approval.

I acknowledge that the publication has not progressed as quickly as hoped. However it has been developed in partnership with key stakeholders across the sectors and includes the views of victims and recognises their needs.

Despite the delay in publishing the Strategy, I have instructed officials within my Department to take forward the implementation of the Justice priorities within the Strategy.

My Department is currently consulting on the possibility of an offence of domestic abuse and the introduction of a disclosure scheme that would enable new partners of previously violent individuals to find out about their partner's history of violence and abuse.

Work is ongoing with relevant agencies regarding the development of suitable and robust guidance to allow for a pilot project for the commencement and introduction of Domestic Violence Protection Notices and Orders in Northern Ireland which I introduced through the Justice Act (Northern Ireland) 2015. These will protect the alleged victim from domestic violence and abuse for a period up to 28 days and prohibit the perpetrator from molesting the alleged victim.

In addition, Officials will develop an appropriate model to enable the identification of lessons learned and to improve the response to cases of domestic homicide in Northern Ireland.

Furthermore, consideration is being given to enhancing the court listing arrangements for domestic violence and abuse cases which have been operating successfully in Derry.

Through working in partnership with all relevant statutory, voluntary and community organisations, I remain focused on taking forward these priorities associated with Domestic and Sexual Violence and Abuse. However, we need to be realistic that the current funding constraints will impact on what new work can be developed and delivered.

Mr Lyttle asked the Minister of Justice for an update on the work of Woodlands Juvenile Justice Centre.
(AQW 53324/11-16)

Mr Ford: Woodlands Juvenile Justice Centre continues to develop to ensure it remains a safe, secure and child-centred environment for young people in custody. All children and young people are risk assessed and have care plans designed to challenge and treat behavioural problems, encourage learning and development and nurture better decision making to enable them to re-integrate more safely back into the community.

To ensure needs are met thoroughly and systematically, work is ongoing in partnership with the Department of Education to review the core curriculum and to provide a corporate governance framework that will enable Woodlands to operate more effectively as a provider of Education Other Than At School (EOTAS). This will help to ensure that children and young people have access to mainstream educational programmes and accredited training for future employment.

With the attainment of EOTAS status and with support from the Education Authority, it is intended that by May 2016, Woodlands will have established an integrated learning and development centre that will draw together high quality teaching and vocational skills in conjunction with social care and behavioural change interventions, mental health interventions to meet identified and complex needs.

Furthermore, Woodlands is currently collaborating with the South Eastern Health and Social Care Trust (SEHSCT) to scope the requirements for effective healthcare provision for young people. A senior healthcare manager from the SEHSCT is being seconded to Woodlands to oversee this exercise and ensure that healthcare provision meets young people's needs and integrates with the learning and development culture of Woodlands.

The SEHSCT already operates a Child and Adolescent Mental Health Service (CAMHS) that is based within Woodlands. This service provides an in-reach service for young people comprising a Consultant Psychiatrist Clinic and a Mental Health Nurse led clinic.

The remit of the CAMHS in-reach service is to provide a comprehensive multidisciplinary and age appropriate mental health assessment and treatment service to young people admitted to Woodlands. Continuity of care is ensured through coordination with CAMHS outreach services and close collaboration with the Youth Justice Services in the community.

It is worth noting that since the removal of all under 18 year olds from Hydebank Wood in November 2012 the profile of young people in Woodlands has changed. This has led to a significant increase in the number of young people entering the Centre who are post school leaving age.

Therefore, in conjunction with providing education for those of statutory school age in relation to essential skills of literacy, numeracy and ICT, Woodlands is developing the skills for life for 17 year olds and supporting and encouraging them to prepare for the world of work with careers advice, vocational instruction and work experience opportunities.

Finally, Woodlands regularly reviews the regime in place for young people in order to motivate and recognise positive change and to challenge negative behaviours.

Opportunities are also being created within the Centre to promote independence and empower decision making particularly in those young people who are older and preparing for the world of work.

An enhanced regime will recognise those young people who are ready for increased independence and are able to be challenged to make positive decisions about their current and future circumstances.

Extracurricular activities will continue in accommodation areas during evening periods and by residential staff. Accommodation areas will be equipped with learning resources to enable (and encourage) students to take greater responsibility for their learning plan and to work at a pace suitable to them.

Mr Wells asked the Minister of Justice how many custodial sentences have been imposed in each of the last three years following convictions for animal cruelty offences.
(AQW 53389/11-16)

Mr Ford: Animal cruelty offences span a number of statutes. However, the Welfare of Animals Act (Northern Ireland) 2011 (the 2011 Act) is the main piece of legislation under which animal cruelty cases are prosecuted.

From 2012 to 2014, the latest years for which official data are available, there were 15 convictions for animal cruelty under all relevant legislation which resulted in custodial sentences. Sentences ranged from one month to twenty months.

A breakdown of the number of custodial sentences in each year can be found in the table below.

Persons receiving a custodial sentence following a conviction for animal cruelty offences, 2012 - 2014

Year	Persons given custodial disposal
2012	3
2013	2
2014	10

Notes:

- 1 Figures relate to initial court disposals only. Results of cases brought on appeal are not included.
- 2 Figures relate to persons convicted of any one of the offences in question, whether or not they were the principal offence at conviction.

Custodial sentences for the most serious cases of animal cruelty are to be welcomed; however, I believe that more can be done to strengthen our approach to animal welfare especially in light of some of the recent extreme cases witnessed. That is why I have agreed with the Minister for Agriculture, who is responsible for the 2011 Act, to increase the maximum penalties.

Under the Justice (No. 2) Bill, the maximum sentence for animal cruelty cases heard in the Crown Court will increase from two years to five years. For Magistrates' Court cases involving unnecessary suffering or causing / attending an animal fight, the maximum sentence will increase from six months to twelve months, and the maximum fine will increase from £5,000 to £20,000.

Mr Flanagan asked the Minister of Justice whether he intends to introduce changes to the Rehabilitation of Offenders Order to reduce the length of time that convictions remain before they are spent, in line with changes that have taken place in recent years in Britain.

(AQW 53407/11-16)

Mr Ford: I am aware of the changes made in England and Wales, which came into operation on 10 March 2014, to shorten the rehabilitation periods so that, in some circumstances, a conviction can be considered spent at an earlier stage.

In maintaining a regime whereby convictions can become spent, a balance must be struck between allowing a person to put their past behind them; the needs of employers in the recruitment process; and the need to be alert to public trust and public protection.

Changing the law in this area is not, therefore, a straightforward matter and it is one that would engage a wide body of interests across government and the public. In addition, any change to law would require a major public consultation and considerable Assembly time to then legislate.

At this stage of the Assembly mandate, I have no plans at present to introduce similar provisions to Northern Ireland although my Department will continue to keep a watching brief on the operation of the new regime in England and Wales.

Mr Easton asked the Minister of Justice to detail his Department's underspend in the last financial year.

(AQW 53468/11-16)

Mr Ford: My Department's underspend in the 2014-15 financial year was:

- £17,465k unringfenced Resource Departmental Expenditure Limit (DEL) or 1.6% of budget.
- £4,836k Capital DEL or 7.8% of budget.

Mr Weir asked the Minister of Justice to detail the number of convictions for offences relating to animal cruelty in each of the last three years.

(AQW 53470/11-16)

Mr Ford: Animal cruelty offences span a number of statutes. However, the Welfare of Animals Act (Northern Ireland) 2011 (the 2011 Act) is the main piece of legislation under which animal cruelty cases are prosecuted.

From 2012 to 2014, the latest years for which official data are available, there were 114 convictions for animal cruelty under all relevant legislation, of which 15 resulted in a custodial sentence. Sentences ranged from one month to twenty months.

A breakdown of the number of convictions in each year can be found in the table below.

Convictions for animal cruelty offences, 2012 - 2014

Year	Convictions
2012	43
2013	16
2014	55

Notes:

- 3 Figures relate to initial court disposals only. Results of cases brought on appeal are not included.
- 4 Figures relate to conviction for any one of the offences in question, whether or not they were the principal offence at conviction.

Following a recent review, I have agreed with the Minister for Agriculture, to increase the maximum penalties for animal cruelty. Under the Justice (No. 2) Bill, the maximum sentence for animal cruelty cases heard in the Crown Court will increase

from two years to five years. For Magistrates' Court cases involving unnecessary suffering or causing / attending an animal fight, the maximum sentence will increase from six months to twelve months, and the maximum fine will increase from £5,000 to £20,000.

Mr Weir asked the Minister of Justice how many court cases in the Ards Division are currently stymied as a result of counsel coming off record, or refusing to act as a result of the new legal aid fees.

(AQW 53533/11-16)

Mr Ford: As of 31 January 2016 there were 144 cases in the Division of Ards where the court was notified that either the solicitor or counsel had come off record or the defence had been unable to engage counsel due to the Legal Aid dispute. These cases are at various stages before the Crown Court.

Mr Easton asked the Minister of Justice to detail the number of legal claims made by Republican prisoners against the Prison Service, in each of the last three years.

(AQW 53577/11-16)

Mr Ford: The table below contains the number of civil claims taken by republican separated prisoners in each of the last three financial years.

Financial Year	Claims Received
2013-14	4
2014-15	6
2015-16 (to 31/12/15)	5

Mr Campbell asked the Minister of Justice to list the respondents to the consultation on the future of Limavady courthouse.

(AQW 53616/11-16)

Mr Ford: In total there were 97 responses to the consultation on proposals to rationalise the court estate. The full list of respondents has been included in the response and recommendation document which was published on the 26 November 2015.

Although the consultation confirmed the previously announced closure of Limavady Courthouse a number of responses were received which specifically commented on this venue. They were:

- Mr Gregory Campbell MP, MLA,
- Mr George Robinson MLA,
- Ald. Alan Robinson, Mayor of Limavady,
- Cllr J E Scott,
- Cllr James McCorkell,
- Mr David Gilmour, and
- Probation Board for Northern Ireland.

Mr Campbell asked the Minister of Justice whether he will hold discussions with the Chief Constable on the recent weapons and ammunition finds in the North West and the necessity of further information being required from local communities to uncover other similar type devices.

(AQW 53617/11-16)

Mr Ford: I have regular discussions with the PSNI on security related matters. I last met the Chief Constable on 10 December and a further meeting is arranged for 11 February.

I agree with the importance of the public assisting the police by providing such information as they can. Information can be passed to the police directly or anonymously through Crimestoppers.

Mr McElduff asked the Minister of Justice whether he will hold discussions with the Chief Constable on the recent spate of break-ins and thefts outside churches, including over the weekend and at churches in Dromore, Strathroy, Aughnacloy, Carrickmore and Trillick in County Tyrone.

(AQW 53692/11-16)

Mr Ford: I meet with the Chief Constable regularly to discuss a range of relevant issues, which may include current crime trends. The PSNI's response to such crimes is an operational matter for the Chief Constable. However, I understand that the PSNI has provided a single Investigating Officer within Omagh Neighbourhood Policing Team to ensure consistency of approach, and that crime prevention advice has been delivered to churches over the last number of months.

I understand the impact that this type of crime can have on individuals and of their sense of safety in their own communities. I would urge your constituents to avail of any crime prevention advice offered via the PSNI and local Policing and Community Safety Partnerships to better protect themselves and their belongings.

At a local level, PCSPs are taking forward a range of initiatives to help protect property. For example, I understand that Mid Ulster PCSP has a Text Alert Service that local clergy have availed of to ensure they receive updates on any suspicious activity in their local area.

Department for Regional Development

Mr Lyttle asked the Minister for Regional Development why funding to NI Water is not at the level required by the independent Utility Regulator; and what impact this has on service delivery.

(AQW 52910/11-16)

Miss M McIlveen (The Minister for Regional Development): Whilst the Utility Regulator recommends the level of funding necessary to support the Price Control process, it is for the Executive to determine the Public Expenditure Budget, taking account of all of its priorities. It is as a result of the constraints on public expenditure that NI Water's funding at the outset of the PC15 period has not been at the level set out in the Regulator's Final Determination.

The Regulator continues to monitor NI Water's performance against the PC15 targets with some adjustment to reflect the reduced level of funding and there is currently no evidence of adverse impact on service delivery.

NI Water is reporting that prolonged uncertainty on funding, and therefore on planned outputs, whilst not yet resulting in reductions in service provision, does present a risk of loss of momentum and an emergence of regression to service. In light of NI Water's performance to date with reduced funding, the Department will work closely with the Company and the Utility Regulator to ensure that any emerging impacts on customer service can be minimised. Whilst it has been possible to manage funding levels at less than the PC15 levels, this is less than ideal and cannot be sustained in the long term.

Mr Lyttle asked the Minister for Regional Development when a medium term funding settlement for NI Water will be reached between her department, the Utility Regulator and NI Water; and what impact the absence of such funding is having on the ability of NI Water to plan infrastructural investment.

(AQW 52911/11-16)

Miss M McIlveen: A medium term funding settlement for NI Water must be set in the context of the Executive's overall spending proposals. My colleague, the Minister of Finance and Personnel, set out the Budget for 2016-17 on 19 January 2016. In his Statement, he made reference to this paving the way for the new Executive to agree a multi-year Budget from 2017/18 to 2020/2021, which will reflect the priorities in the new Programme for Government. This will in turn enable the Department to confirm the funding for water and sewerage services for that period.

In the meantime, it should be acknowledged that the Final Determination published by the Utility Regulator in December 2014 to cover the period from April 2015 to March 2021 was set in the context of the wider public expenditure environment and the spending constraints going forward. The Regulator acknowledged that, in the event of reductions in public expenditure for water and sewerage services, it would work with NI Water to ensure that it delivers the best possible package of outputs within the final public expenditure allocation.

NI Water and the Utility Regulator have worked through a process to assess changes to 2015/16 outputs required due to reduced funding and to take account of lower than forecast inflation. A similar exercise will be undertaken for the 2016/17 period.

I recognise that, as an asset intensive business, long term planning is necessary to improve services for current and future customers, and uncertainty over funding adds complexity to capital investment delivery and has the potential to reduce efficiency. However, the Regulator is committed to continue to work with all stakeholders to ensure that NI Water continues to deliver in an efficient manner.

Mr Lyttle asked the Minister for Regional Development whether the current hybrid business model for NI water can deliver the investment needed for water and sewerage infrastructure.

(AQW 52912/11-16)

Miss M McIlveen: The status of NI Water as both a Government owned Company (Go Co) and a Non-Departmental Body (NDPB) for Public Expenditure purposes brings certain challenges for all stakeholders.

However, over the past eight years, NI Water has steadily improved the efficiency with which it operates, while at the same time improving the quality of drinking water, levels of environmental compliance and the services provided to customers. So in that regard, the hybrid business model has successfully delivered water and sewerage services for customers in Northern Ireland.

Since 2008/09, when NI Water was re-classified as an NDPB, my Department has provided in excess of £1.6 billion for investment in water and sewerage infrastructure.

My Department will continue to work closely with NI Water, the Utility Regulator and other stakeholders to ensure the best possible outcome for current and future customers and the wider economy.

Mr Lyttle asked the Minister for Regional Development why her Department agreed a derogation from the Government Financial Reporting Manual for NI Water.

(AQW 52913/11-16)

Miss M McIlveen: NI Water Limited was established as a limited company on 1 April 2007. As a separate legal company, NI Water is required by the Companies Act 2006 to prepare audited Statutory Accounts which fully comply with International Financial Reporting Standards (IFRS). In addition, the Company is also required by the Utility Regulator to prepare audited Regulatory Accounts in accordance with Regulatory Accounting Guidelines.

NI Water's accounts are not required to be consolidated into the Departmental accounts as the Company does not come within the Departmental Accounting Boundary which would require NI Water to comply with the Government Financial Reporting Manual (FReM). However NI Water does follow accounting guidelines and disclosures as issued by DFP and incorporates same into its statutory accounts as applicable.

The Management Statement/Financial Memorandum between my Department and NI Water, which is approved by the Department for Finance and Personnel (DFP), sets out the reporting requirements.

The adoption of FReM by NI Water was reviewed as part of the Department's considerations of the proposed Review of Financial Processes – Clear Line of Sight recommendations, which have not yet been approved by the Executive. In light of the potential budgetary and administrative impacts of NI Water adopting FReM, DFP and the then Finance Minister (Sammy Wilson) agreed that the designation of NI Water within the accounting boundary will be considered in light of the Executive's Budget Review Group's ongoing work on NI Water governance and public expenditure issues. The application of FReM and impact on NI Water will be reviewed carefully in those circumstances.

Mr Allister asked the Minister for Regional Development to place a copy of a map in the library delineating the lands recently sold by NI Water adjacent to Ballysallagh Upper Reservoir and Cairn Wood and referred to in several recent answers to Assembly Questions.

(AQW 52990/11-16)

Miss M McIlveen: NI Water has advised me that it has not recently sold any land adjacent to Ballysallagh Upper Reservoir and Cairn Wood.

Mr Campbell asked the Minister for Regional Development to detail the progress made on funding for the A6 Londonderry to Dungiven dualling project, including by-passes for Dungiven and Drumahoe.

(AQW 52999/11-16)

Miss M McIlveen: The A6 Londonderry to Dungiven dualling scheme is well advanced in terms of development. It has been through Public Inquiry and the Inspector has produced a report embracing various recommendations, some relating to complex issues.

My officials have prepared a report addressing the recommendations arising from the Public Inquiry and are currently reviewing the extent of this scheme which can be built with the funding allocations in the December 2015 Budget Statement.

Once I have received these reports and considered them in full, I will make a decision on how the scheme should proceed.

The indicative allocations for the 2017/18 – 2020/21 period will allow my Department to construct elements of the A6 Londonderry to Dungiven dualling scheme, which will include a bypass of Dungiven.

Mr B McCrea asked the Minister for Regional Development how many meetings have been held with the other agencies under the Joint Protocol in Relation to the Display of Flags in Public Areas 2005.

(AQW 53001/11-16)

Miss M McIlveen: My Department has participated in at least ten meetings with other agencies in relation to the Joint Protocol in Relation to the Display of Flags in Public Areas 2005, since its introduction.

Mr Easton asked the Minister for Regional Development what support her Department will provide to improve residents' parking in the Priors Lea area of Holywood.

(AQW 53053/11-16)

Miss M McIlveen: My officials have advised that there have been numerous requests and site meetings with public officials and the residents of Prior's Lea over the past number of years, regarding requests for additional parking and a new access road on a grassed area adjacent to Priors Lea.

There is an agreed policy between my Department and the Northern Ireland Housing Executive, which covers the provision of additional car parking facilities in former Housing Executive estates such as Priors Lea. Under this policy, TransportNI does not provide additional parking or access roads for amenity reasons.

Whilst TransportNI in the past contributed towards the cost of improved parking facilities within some housing estates, such contributions have been restricted to routes, where there is a significant traffic progression difficulty to through traffic. Where this is not the case, the provision of additional parking facilities is considered to be the responsibility of the landowner.

Numerous site inspections have been carried out, and parking facilities are already available adjacent to Prior's Lea on Firmount Crescent and Palace Grove. Observations indicate that traffic progression is not a significant problem on the estate roads adjacent to Priors Lea and that the area has a good safety record.

Under these circumstances, I am sorry to advise that my Department is unable to accede to your request for provision of additional parking facilities to improve residents' parking in the Priors Lea area of Holywood.

Mr McKinney asked the Minister for Regional Development how many potholes her Department were aware of as of January 2016; and how many potholes have been filled in each month of the last three years.

(AQW 53068/11-16)

Miss M McIlveen: TransportNI does not maintain statistics solely in relation to potholes either recorded or repaired.

That said, the number of carriageway surface defects recorded between January 2015 and January 2016 is 108,529. The number of surface defects repaired each month over the last three years is provided in the table below. These figures, while including the number of potholes, also includes a range of other surface defects such as cracking, depressions etc.

Month/Year	Surface Defects Repaired
Jan-13	12589
Feb-13	20179
Mar-13	20890
Apr-13	22982
May-13	22941
Jun-13	19437
Jul-13	15678
Aug-13	12511
Sep-13	12241
Oct-13	9837
Nov-13	9242
Dec-13	5566
Jan-14	6138
Feb-14	10212
Mar-14	14227
Apr-14	14235
May-14	12596
Jun-14	10825
Jul-14	7039
Aug-14	6573
Sep-14	6965
Oct-14	5909
Nov-14	5634
Dec-14	6744
Jan-15	6235
Feb-15	12019
Mar-15	15708
Apr-15	5002
May-15	2896
Jun-15	3179
Jul-15	2104

Month/Year	Surface Defects Repaired
Aug-15	2065
Sep-15	2569
Oct-15	2552
Nov-15	2147
Dec-15	3995

Mr McNarry asked the Minister for Regional Development what plans she has authorised to replace street lights with LED lights in areas other than the Portadown pilot scheme; and to detail the extent and cost of replacing these lights.
(AQW 53074/11-16)

Miss M McIlveen: My Department recognises the opportunities offered by LED street lighting and they have been used for all new and replacement street lighting schemes across Northern Ireland designed since 2015.

The programme of replacing existing lighting with LED lighting is very much dependent on the allocation of capital funding.

Mr McNarry asked the Minister for Regional Development to detail the (i) extent of the failures with LED street lighting at Portadown during the pilot scheme; (ii) costs of LED street lighting failures in the pilot scheme; and (iii) whether the failures of LED street lighting in the pilot scheme will lead to the non-introduction of LED street lighting.
(AQW 53076/11-16)

Miss M McIlveen: My Department has advised me that around 8,000 street lights have been converted to LEDs, and that to date there has been four failures of the LED street lights.

Where a LED street light has failed it will be replaced at no cost to the Department. There are no plans to halt the introduction of LED street lighting across Northern Ireland.

Mr McNarry asked the Minister for Regional Development how much has been spent on roads maintenance in each constituency in the last three years.
(AQW 53077/11-16)

Miss M McIlveen: My Department does not maintain records of expenditure in the format requested, however, it does analyse expenditure by District Council; the table below gives you the information in this format –

Council Area	£k's		
	12-13	13-14	14-15
Antrim Borough Council	4,644	4,524	3,666
Coleraine Borough Council	4,782	6,120	4,206
Limavady Borough Council	3,966	5,244	3,522
Moyle District Council	2,424	2,574	1,974
Ballymoney Borough Council	2,880	3,510	2,544
Derry City Council	8,052	8,046	9,012
Ballymena Borough Council	6,486	8,280	5,682
Larne Borough Council	3,966	3,906	3,366
Belfast City Council	15,120	15,648	12,966
Castlereagh Borough Council	2,178	2,376	2,148
Newtownabbey Borough Council	3,450	3,864	2,862
Carrickfergus Borough Council	3,480	1,950	1,164
North Down Borough Council	3,462	4,128	2,436
Lisburn Borough Council	7,008	7,914	6,732
Ards Borough Council	5,052	6,354	3,444
Armagh City & District Council	9,222	9,930	8,358
Newry and Mourne District Council	8,220	10,542	8,034

Council Area	£k's		
	12-13	13-14	14-15
Banbridge District Council	5,262	6,240	4,038
Craigavon Borough Council	6,552	7,944	4,938
Down District Council	6,420	7,692	5,538
Magherafelt District Council	3,474	4,602	3,384
Omagh District Council	8,052	10,674	7,308
Strabane District Council	6,108	7,032	5,628
Cookstown District Council	3,888	4,518	3,300
Fermanagh District Council	9,726	11,190	8,052
Dungannon District Council	7,350	8,046	6,858
Grand Total	151,224	172,848	131,160

Mr Dallat asked the Minister for Regional Development when the work on the Dungiven bypass will start; and when it will be completed.

(AQW 53172/11-16)

Miss M McIlveen: The A6 Londonderry to Dungiven dualling scheme, which includes a bypass of Dungiven, is well advanced in terms of development. It has been through a Public Inquiry and the Inspector has produced a report embracing various recommendations.

My officials have prepared a report addressing the recommendations arising from the Public Inquiry and are currently reviewing the extent of this scheme which can be built with the funding allocation in the December 2015 Budget Statement.

Once I have received these reports and considered them in full, I will make a decision on how the scheme should proceed.

The indicative allocations for the 2017/18 – 2020/21 period will allow my Department to construct elements of the A6 Londonderry to Dungiven scheme, which will include a bypass of Dungiven. Subject to making the statutory orders, approval of the final business case and successful procurement, it is possible that the first phase of the Londonderry – Dungiven scheme could commence in the latter part of 2018/19.

Mr Dallat asked the Minister for Regional Development when the upgrade of the A6 will be completed.

(AQW 53173/11-16)

Miss M McIlveen: There are currently proposals to construct a dual carriageway on two sections of the A6, these being from the end of the M22 at Randalstown to Castledawson and from Londonderry to Dungiven.

I had previously announced that funding had been provided to advance the A6 Randalstown to Castledawson dual carriageway project to an advanced position, so it would be ready to commence construction at short notice, should the necessary funding become available. In May 2015 as part of this process a Graham/Farrans Joint Venture was appointed to assist TransportNI and its Consultant advisors with the development work, which is currently ongoing.

I have recently announced that the allocations for the A6 set out in the December 2015 Budget Statement will enable construction of this scheme to commence in the next financial year. I look forward to work commencing on site in late Summer/Autumn 2016.

The construction period is presently under detailed consideration as part of the ongoing design development phase of the project; it is however anticipated the scheme will be substantially complete in 2019/20.

The A6 Londonderry to Dungiven scheme is well advanced in terms of development. It has been through Public Inquiry (2012) and the Inspector has produced a report embracing various recommendations, some relating to complex issues.

My officials have prepared a report addressing the recommendations arising from the Public Inquiry and are currently reviewing the extent of this scheme which can be built with the funding allocations in the December 2015 Budget Statement.

Once I have received these reports and considered them in full, I will make a decision on how the scheme should proceed.

The indicative allocations for the 2017/18 – 2020/21 period will allow my Department to construct elements of the A6 Londonderry to Dungiven scheme, which includes a bypass of Dungiven. Subject to making the statutory orders, approval of the final business case and successful procurement it is possible that the first phase of the Londonderry – Dungiven scheme could commence in the latter part of 2018/19. The period required for construction of the first phase will be determined when the extent of this phase has been determined. The completion of remaining sections of this section of the A6 will be dependent on budget allocations beyond 2020/21.

Mr B McCrea asked the Minister for Regional Development who is the lead agency under the 2005 Flags Protocol.
(AQW 53188/11-16)

Miss M McIlveen: Paragraph 3.3 of the 2005 Joint Protocol on the Display of Flags in Public Areas states: "Whichever agency is placed in the most effective position to consult, negotiate or resolve situations, will take the lead and will be supported by the other partners within their remit and specialism. Where the display is one that is causing community tension or is affecting the quality of life for a community, then the police will take the lead."

Mr Frew asked the Minister for Regional Development, pursuant to AQW 42194/11-15, for an update on wheelchair accessibility from Adelaide Street Railway Station to Windsor Park football ground.
(AQW 53189/11-16)

Miss M McIlveen: Translink has advised that the project in relation to the redevelopment of Adelaide Halt is progressing towards the end of Feasibility Stage.

Translink met with Disability Action on 6 October 2015 who advised that they were happy with the preferred option - walkways and no stairs.

Translink intend to commence construction at Adelaide Halt in 2017 and complete the project in 2018. I will continue to take a close interest in this project which is important for improving access and integration with the pedestrian path to the National Stadium, due to open in Autumn 2016.

Ms Sugden asked the Minister for Regional Development, pursuant to AQW 52772/11-16, to outline an intended timescale for the start of work in this scheme.
(AQW 53206/11-16)

Miss M McIlveen: As outlined in response to AQW 52772/11-16, my officials have prepared a report addressing the recommendations arising from the Public Inquiry and are currently reviewing the extent of this scheme which can be built with the funding allocations in the December 2015 Budget Statement.

The indicative allocations for the 2017/18 – 2020/21 period will allow my Department to construct elements of the A6 Londonderry to Dungiven scheme, which includes a bypass of Dungiven. Subject to making the statutory orders, approval of the final business case and successful procurement, it is possible that the first phase of the Londonderry – Dungiven scheme could commence in the latter part of 2018/19.

Mr Agnew asked the Minister for Regional Development whether the extensive recent flooding on the site of the Toome to Castledawson dualling scheme has been assessed in relation to (i) development on floodplains; (ii) obligations under European and domestic legislation to accurately assess the revision of wintering Whooper Swan habitat; and (iii) climate modelling predictions.
(AQW 53247/11-16)

Miss M McIlveen:

- (i) The proposed Toome to Castledawson dualling scheme has been subject to a flood risk assessment and assessed in relation to development on floodplains. The impact has been assessed as negligible as the encroachment of the road onto the edge of the floodplain is relatively minor in comparison to the vast area of the flood plain.
- (ii) I can confirm that the extent of flooding in recent winters has been mapped and assessed in relation to available Whooper Swan grazing habitat and how it affects the count and distribution of the swans. This year's flooding has also been mapped and this mapping will continue as required. The mapping will be assessed following completion of this winter's Whooper Swan monitoring.
- (iii) My Department has not undertaken any modelling works of the floodplain within the area of the existing Toome Bypass or the eastern area of the new Toome to Castledawson road footprint. As agreed with Rivers Agency, the minimal impact on the published floodplain, and the nature of the floodplain source meant that Transport NI was able to draw on the existing Rivers Agency modelling information as the source for the works undertaken. The vertical road alignment of the proposed works makes appropriate allowances for the effects of climate change.

Mr Agnew asked the Minister for Regional Development when a Habitats Regulation Assessment was carried out by a competent authority on the A6 Toome to Castledawson dualling scheme under Article 6(3) of the Habitats Directive.
(AQW 53249/11-16)

Miss M McIlveen: A Stage 2 Habitats Regulations Assessment (HRA) was carried out by my Department on the A6 dualling scheme, and published alongside the A6 Toome to Castledawson Environmental Statement in March 2007. Following the November 2007 Public Inquiry, the HRA was updated and subsequently re-published in July 2008 to take account of comments received from consultees.

In 2015, the July 2008 Stage 2 HRA was updated to include full analyses of the monitoring data from the previous nine winters.

A draft of the new document (a 'Statement to Inform the Appropriate Assessment' (SIAA)) was issued to consultees in 2015. My officials are currently considering the comments received from consultees and will be issuing a further updated version in due course.

I will use the content of the draft SIAA when considering making an Appropriate Assessment.

Mr McKinney asked the Minister for Regional Development whether her Department has considered amending the Traffic Management (Northern Ireland) Order 2005, where Penalty Charge Notices are imposed on vehicle owners rather than the driver of the vehicle when the infringement took place.

(AQW 53272/11-16)

Miss M McIlveen: I can confirm that my Department has no plans to amend the Traffic Management (Northern Ireland) Order 2005 where Penalty Charge Notices are imposed on vehicle owners rather than the driver of the vehicle when the infringement took place. My Department places the onus on the registered keeper of the vehicle to pay the fine due to difficulties associated with proving who the driver was at the time a contravention took place.

Mr McCrossan asked the Minister for Regional Development for her assessment of the amount of funding given in the 2016-17 budget for the A5; and where the funding to complete the project will be sourced post 2016-17.

(AQW 53283/11-16)

Miss M McIlveen: The £13.2 million in the Budget Statement for the A5 Western Transport Corridor was the level of funding, estimated in mid 2015, required to progress the development of the scheme through the financial year 2016/17. Since then, both the timescale for the scheme and the extent to be delivered over the four year budget period 2017/18 – 2020/21 have changed. Consequently the funding required in 2016/17 is now estimated at approximately £6 million.

Subject to the successful completion of statutory procedures, this profile would permit the Newbuildings to north of Strabane section to commence construction in 2017 with an estimated completion date of 2019.

It would also suggest that the South of Omagh to Ballygawley section of the A5 could commence in the latter part of the five-year budget period. Further work is required in conjunction with officials from DFP, to clarify this phase, which would require a commitment to a significant residual expenditure in the subsequent budget period.

In its Budget 2016/17 the Executive made allocations for a single year, however, the nature of some capital projects means it is important to provide certainty over a longer time span. The Executive therefore agreed a commitment to the seven Flagship projects, including the A5, with funding profiles agreed out to 2020-21. The Ministers responsible now have an opportunity to consider the detailed plans for these projects in the light of the Executive's decision and put forward any changes to expenditure profiles in future years so they can be considered by the Executive as part of its consideration of its Budget for 2017-18 to 2020-21.

Mr McKay asked the Minister for Regional Development which streets in (i) Ballymena; and (ii) Ballycastle are being considered for new 20mph zones.

(AQW 53321/11-16)

Miss M McIlveen: The introduction of these new speed limit zones are part of my Department's commitment to the Northern Ireland Road Safety Strategy.

It is considered these schemes will improve safety for all users particularly pedestrians and cyclists without causing any undue inconvenience for car drivers.

The pilots have already been introduced in Ballycastle, in the residential areas of Leyland Farm and Whitehall and in Ballymena's The Rosses area. The 20 mph speed limits are signed clearly and in accordance with national standards.

Along with the other pilot areas these will be closely monitored to evaluate their effectiveness.

Depending on the outcome of the review, consideration will then be given to the further implementation of this traffic management measure in other appropriate areas.

I trust you will find the above helpful.

Mr Hussey asked the Minister for Regional Development to detail the number of (i) claims being assessed against her Department for damage caused to cars by potholes; and (ii) cases settled against her Department, in each of the last three years, broken down by division.

(AQW 53332/11-16)

Miss M McIlveen: My Department thoroughly investigates every claim for compensation that it receives to establish whether or not it has a defence to the allegations. Claims received by my Department in a financial year are not always concluded in the same financial year. This is because, inter alia, claims which are rejected may result in legal proceedings being issued.

- (i) Table 1 below details the number of claims received, where the alleged cause of the vehicle damage was potholes, for each of the four TransportNI divisions during the last three financial years.

Table 1 – Claims Received¹

	2012/2013	2013/2014	2014/2015
Eastern	194	201	127
Northern	203	138	85
Southern	353	374	207
Western	235	164	180
Total	985	877	599

1 Claims received in a financial year are not always concluded in the same financial year.

- (ii) Table 2 below details the number of claims settled, where the alleged cause of the vehicle damage was potholes, for each of the four TransportNI divisions during the last three financial years. Table 2 includes settlements for claims received in prior financial years as explained above.

Table 2 – Claims Settled¹

	2012/2013	2013/2014	2014/2015
Eastern	69	141	70
Northern	97	147	65
Southern	159	344	155
Western	156	141	99
Total	481	773	389

1 Claims settled in a financial year may relate to claims received in prior years.

Mr I McCrea asked the Minister for Regional Development what is the daily traffic rate through Moneymore.
(AQW 53364/11-16)

Miss M McIlveen: Results from TransportNI traffic counts carried out during 2015 on the three main roads leading into Moneymore indicate average traffic flows are as follows:

- A29 Cookstown Road: 15303 vehicles per day
- A29 Desertmartin Road: 4242 vehicles per day
- A31 Magherafelt Road: 11525 vehicles per day

These figures represent total traffic volumes in both directions.

Mr Ó hOisín asked the Minister for Regional Development what plans are in place for the provision of free travel for partially sighted people and for companions of passengers who are blind and partially sighted.
(AQW 53433/11-16)

Miss M McIlveen: Under the existing Scheme, people with a Registered Blind SmartPass can travel for free on public transport. Additionally half-fare concessionary travel is available to individuals who are registered as partially sighted with their local Health and Social Services Trust, are aged between 16 and 59, and have been resident in Northern Ireland for a minimum of three months.

Consideration was given to the introduction of free travel for carers during a previous review of the Concessionary Fares Scheme in 2007. However, that option, along with a number of other proposals, was rejected by the Executive in favour of extending free travel to persons aged 60 to 64.

In addition to the Concessionary Fares Scheme, I am advised that direct payments can be made by local Health and Social Services Trusts to help with the costs of services that carers are assessed as needing to support them in their caring role. These could include public transport fares where a carer needs to accompany the person cared for on journeys. Information on direct payments is available on the NIdirect website or from local Health and Social Services Trusts.

Mr Ó hOisín asked the Minister for Regional Development why the 12 new buses for the 212 route are not fitted with audio announcement systems; and whether the systems can be retrofitted.
(AQW 53437/11-16)

Miss M McIlveen: An initial pilot of audio-visual information on Metro services was run on one route. Following the success of this pilot a phased roll-out of the system to the wider Metro network was commenced in 2015, with all corridors being completed by 31 December 2015.

The existence of the real time information system provided the necessary technical facility on which to base the audio-visual system on Metro.

There is not currently a similar real time information system on the Ulsterbus network to enable a similar audio-visual system to operate.

If funding became available and such a scheme were feasible, retro-fitting to all or part of the fleet will be considered.

Mr Lyttle asked the Minister for Regional Development what action her Department, the Irish Government, Translink and Irish Rail are taking to address the track capacity available to the Belfast to Dublin Enterprise Train, particularly in suburban Dublin. (AQW 53504/11-16)

Miss M McIlveen: Translink are liaising closely with Irish Rail to ensure Enterprise services achieve the best possible journey times and most attractive operating times.

When Translink raised this matter with my Department I raised some concerns with the Irish Transport Minister on 7 December 2015 at an event organised to mark the completion of the Drogheda Viaduct project. We both agreed that Irish Rail and Translink should have urgent discussions with a view to reaching a satisfactory conclusion.

As reported to the Committee for Regional Development discussions are currently on-going between Translink and Irish Rail to agree a new Enterprise timetable currently to be introduced in April 2016.

Mr Beggs asked the Minister for Regional Development, in light of the absence of planning permission for the proposed exploratory drilling at Woodburn Forest, Carrickfergus on land within the catchment area of NI Water's Woodburn Dams, (i) whether a Certificate of Lawful Use or Development has been provided by Infrastrata, subsequent to its Petroleum Licence PL1/10; if so, (ii) when the certificate was provided; and (iii) to provide a copy of the certificate. (AQW 53537/11-16)

Miss M McIlveen: Any request for a Certificate of Lawful Use or Development by Infrastrata is not the responsibility of my Department.

Planning functions transferred to Local Government with effect from 1 April 2015 and therefore the issue of planning permission for the proposed exploratory drilling at Woodburn Forest is the responsibility of the local council planning department which in this case is Mid and East Antrim Council.

Ms Sugden asked the Minister for Regional Development to outline how community transport will be supported in the Accessible Transport Strategy. (AQO 9514/11-16)

Miss M McIlveen: I recognise that for many within our rural communities, community transport is an essential part of the transport chain allowing people to access essential services and remain independent. The work being undertaken by the community transport sector is important and positively impacts on the well being of some of the most vulnerable and isolated in society.

That is why I sought and secured additional funding of £600,000 in the November Monitoring Round for these services to facilitate more trips for those who use community transport services. I have also worked closely with others within Government to deliver £800,000 of grant to assist with lease buy outs for vehicles thereby reducing ongoing running costs.

There were over 200 responses to the public consultation on a new Accessible Transport Strategy. Community transport services and how they provide an affordable travel option especially within rural areas was raised by a number of individuals and organisations who responded to the public consultation. This is consistent with feedback from pre consultation engagement on a new Accessible Transport Strategy which identified community transport as important and necessary in preventing social exclusion and isolation in rural areas.

The responses to the recent public consultation on a new Accessible Transport Strategy are presently being considered and will be used to inform what areas the Strategy needs to address and how it will be delivered.

Mr D McIlveen asked the Minister for Regional Development to outline what her Department is doing in relation to speed management in residential areas. (AQO 9515/11-16)

Miss M McIlveen: My Department's speed management policy ensures that all residential areas are subject to a default speed limit of 30 mph, which is enforceable by the Police Service of Northern Ireland (PSNI).

Physical traffic calming measures such as road humps, central islands and additional road markings are most effective in reducing vehicle speeds in residential areas. These measures have the self enforcing effect of reducing traffic to 20 mph or less. Where appropriate, these schemes are augmented with 20 mph signs and road markings.

Almost 500 traffic calming schemes have been implemented in residential areas across Northern Ireland representing an investment of nearly £22 million over the ten year period 2003 to 2013 and since then a further 51 projects have been implemented. These schemes have greatly improved pedestrian safety. In addition, more recent residential developments have traffic calming measures incorporated into their road layouts.

My Department also takes the safety of children on their journeys to and from schools very seriously and has implemented a significant number of safety schemes, many through the Safer Routes to Schools programme which was introduced in 2005. These schemes use engineering measures to warn drivers of the presence of pupils and reduce vehicle speeds.

Mr Ó Muilleoir asked the Minister for Regional Development for an update on the progress of a Residents' Parking Scheme for the Lower Malone area of Belfast.

(AQO 9516/11-16)

Miss M McIlveen: The member will be aware of the latest position on the progress of this parking scheme following our recent meeting when we discussed this issue at length.

As you are aware my officials carried out a formal consultation on the implementation of a Residents' Parking Scheme in the Lower Malone area between 29 October 2014 and 19 November 2014. During this time they received a significant number of objections and representations on the two proposals.

Officials subsequently met with some of the objectors throughout March 2015, after which a number of objections were removed. However, there remain a significant number of outstanding objections, and as you are aware, my officials cannot complete the remaining part of the legislative process for this scheme before the issues raised have been fully considered and dealt with.

I recently met with you and some of your constituents from the Lower Malone Area and I am aware of your concerns. You will be aware that officials have experienced significant difficulties over the years while trying to implement residents parking schemes in this and other areas of Belfast.

I recently met with officials to discuss the progress of these and other proposed residents' parking schemes in Northern Ireland and I now wish to take some time to consider my Department's policy and the difficulties with its implementation.

Mrs D Kelly asked the Minister for Regional Development whether funding has been identified and set aside for the A1 junctions upgrade, specifically for the installation of safety junctions between Hillsborough and Loughbrickland.

(AQO 9517/11-16)

Miss M McIlveen: The A1 Junctions Phase 2 improvement scheme involves further improvements to the A1 between Hillsborough Roundabout and Loughbrickland. Plans include: four flyover-type junctions, a northbound on-slip at Castlewellan Road, Banbridge and a new link road between the Milebush Road and the existing Dromore Underpass; closing up all openings in the central median; installing a continuous central safety barrier; and closing some minor road junctions along this stretch of the route.

A significant amount of development work has already been progressed however, much remains to be done. The next phase of this work involves the completion of the design and preparing an Environmental Statement in preparation for taking the proposal through the statutory procedures, which will likely include a Public Inquiry.

It would therefore not yet be appropriate for funding of the construction phase to be confirmed, however, funding is available to continue to progress this development work.

Progression to construction remains subject to the proposal clearing the statutory procedures, having a satisfactory economic appraisal and, given other competing priorities, is dependent on funding being made available in future budget settlements.

A strategy to implement incremental improvements that can be progressed in advance of the full proposal is also being developed.

The proposed incremental improvements will involve erecting sections of central median safety barrier along unbroken stretches of central median i.e. where there are no crossing opportunities and also, where possible, closing up existing median gaps which facilitate right turn manoeuvres where the resultant additional journey length is not considered unreasonable.

Mr Kennedy asked the Minister for Regional Development for an update on the York Street Interchange project.

(AQO 9518/11-16)

Miss M McIlveen: A public inquiry into the York Street Interchange Project was held in November 2015 and my Department has recently received the Inspector's Report. My officials are currently addressing the Inspector's recommendations and will prepare a report for my consideration, subsequent to which I will make a decision on how the scheme should proceed.

I expect to publish the Inspector's Report and the Departmental Statement in the spring 2016. Subject to a satisfactory outcome, the Notice to Proceed and the Designation Order will also be published. It is not envisaged that the Vesting Order would be made at this time. .

In order to maximise the potential benefits of any EU funding, officials have commenced the procurement process and intend to have a construction partner on board this summer to help fully develop the scheme with a view to beginning construction toward the end of 2017. This programme dovetails with the requirements for EU funding.

Development and construction of the scheme to the programme I have outlined is dependent on availability of finance; and a full economic business case will have to be approved by the Department of Finance and Personnel (DFP) before the start of construction.

Mr Hazzard asked the Minister for Regional Development to outline the steps her Department is taking to implement a fit-for-purpose flood alleviation scheme in Annsborough, Co Down.

(AQO 9519/11-16)

Miss M McIlveen: My officials attended a meeting at the site of flooding at Annsborough Park in Castlewellaan along with officials from Rivers Agency and NI Water, on Wednesday 13 January. At this meeting it was agreed that TransportNI would investigate providing an additional footpath gully, and connecting it to an alternative discharge points. It is the opinion of TransportNI officials that the provision of this additional footpath gully will significantly reduce the possibility of future flooding occurring.

NI Water has advised that extreme weather was the key factor in the recent flooding in this area. NI Water's systems were overwhelmed by the flood waters emanating from the adjacent lands, roads, river and lake.

NI Water's contractor responded on 13 occasions to calls from residents in Annsborough Park over the course of the heavy rainfall events between 29 December 2015 and 8 January 2016. The emergency response included jetting, cleaning-up and tankering flood water away to assist residents, Rivers Agency and the Northern Ireland Fire and Rescue Service.

NI Water has been proactive in taking action to solve the historic flooding at Annsborough Park. A NI Water contract worth £130K to improve and upgrade the Wastewater Pumping Station capacity, is currently on the ground. Mitigation works were also carried out last year, including a sewer diversion at Nos. 6 and 7 Annsborough Park, which has been beneficial to the residents.

NI Water's Asset Performance Team is also planning to examine the exiting sewer network to ensure it is performing as designed.

Mr Dickson asked the Minister for Regional Development why it will take four months for water mains replacement work on North Road, Carrickfergus, to be completed.

(AQO 9520/11-16)

Miss M McIlveen: The proposed water mains replacement scheme at North Road, Carrickfergus is part of Northern Ireland Water's £10.9 million package of work across Belfast and Carrickfergus to upgrade the water supply infrastructure.

NI Water is replacing an aging 12" cast iron trunk water main which was installed in 1950. This existing cast iron main is reaching the end of its usable life and, if not replaced, may result in future water quality issues and unplanned interruptions to supply.

This is a substantial scheme, costing £302k, and involves the laying of 1km of new water mains from the junction of Prince Andrew Way to the Marshallstown Road. The current proposed start date is May 2016, with the scheme being completed during the summer months when traffic levels are reduced due to the local schools being closed.

Although it has been estimated that the scheme will take a maximum duration of four months, this is dependent on agreed traffic management and working restrictions to be implemented during the scheme. NI Water is currently liaising with TransportNI regarding the traffic management proposals and, when confirmed, NI Water will be able to provide a more accurate timescale for the scheme.

This major water mains investment for Carrickfergus is good news for the local area, as the upgraded water mains will improve the quality, reliability and security of the local water supply, while also reducing leakage and improving pressure in the area.

Mr Attwood asked the Minister for Regional Development when a bypass will be introduced at Dungiven.

(AQO 9521/11-16)

Miss M McIlveen: The A6 Londonderry to Dungiven dualling scheme, which includes a bypass of Dungiven, is well advanced in terms of development. It has been through Public Inquiry and the Inspector has produced a report embracing various recommendations.

My officials have prepared a report addressing the recommendations arising from the Public Inquiry and are currently reviewing the extent of this scheme which can be built with the funding allocation in the December 2015 Budget Statement.

Once I have received these reports and considered them in full, I will make a decision on how the scheme should proceed.

The indicative allocations for the 2017/18 – 2020/21 period will allow my Department to construct elements of the A6 Londonderry to Dungiven scheme, which includes a bypass of Dungiven. Subject to making the statutory orders, approval of the final business case and successful procurement it is possible that the first phase of the Londonderry – Dungiven scheme could commence in the latter part of 2018/19.

Mr Rogers asked the Minister for Regional Development whether there are any plans for a major upgrade of the road between Castlewellan and Newry.

(AQO 9522/11-16)

Miss M McIlveen: Newry and Castlewellan are linked primarily by the A25, however much of the local traffic also uses the B8, via Hilltown.

While there are no plans for a major upgrade to either route, my officials have assessed a number of locations along both routes with a view to including viable projects in future work programmes subject to the availability of resources.

Schemes approved for inclusion in future programmes include:

- Improvements to forward visibility and widening of the existing carriageway on the A25 Newry Road, on the outskirts of Rathfriland at an estimated cost of £85k; and
- Carriageway realignment and forward visibility improvement on the B8, at the crossroads with Ballydoo Road and Edentrumley Road at an estimated cost of £425k.

Both schemes aim to improve road safety and traffic progression and are in addition to the recently completed improvement schemes, one at a location known locally as "Murphy's Corner" which involved carriageway realignment at an estimated cost of £125k and significant improvement works at a section of road known as the "Seven Sisters" which included road widening and resurfacing which cost in the region of £250k. Other smaller scale traffic management works have also been completed in recent times at both Hilltown and Mayobridge including the provision of footway, resurfacing and traffic signs to assist pedestrians and traffic flows.

My Officials will continue to identify improvement works along these routes and bring them forward as resources allow.

Department for Social Development

Mr McCrossan asked the Minister for Social Development to detail the community organisations in West Tyrone that receive funding from his Department.

(AQW 52920/11-16)

Lord Morrow (The Minister for Social Development): The community organisations, which receive funding from my Department, are:

- | | |
|---|--|
| ■ Age Concern Castleberg | ■ Melmount & East Banks Estates Community Associations Forum |
| ■ Ardstraw Community Playgroup | ■ Mid Ulster Community and Arts Trust (MUCAT) |
| ■ Artigarvan Youth Club | ■ Mountjoy United Juniors |
| ■ Beragh Red Knights GAC | ■ Na Shamrocks Hurling Club |
| ■ Beragh Youth Club | ■ Newtownstewart Flute Band Red Hand Defenders |
| ■ Border Arts | ■ Newtownstewart Highland Dancers |
| ■ Camowen Farmers Combined Ltd | ■ Newtownstewart Leisure Complex Ltd |
| ■ Camowen Partnership Ltd | ■ Omagh Child Contact Centre |
| ■ Campsie Residents Association | ■ Omagh Ethnic Communities Support Group |
| ■ Churchtown Community Association | ■ Omagh Volunteer Centre |
| ■ Connect | ■ Omagh Women's Area Network |
| ■ Dennett Anglers Association | ■ Rainbow Club - Carrickmore |
| ■ Derry & Raphoe Action | ■ Rockin by the River |
| ■ Donemana Haven | ■ Rouskey Community & Development Association |
| ■ Drumduff & Drumnakilly Community Association | ■ Sion Mills Community Association |
| ■ Friendly Care Group | ■ St Euenes GAC Castleberg |
| ■ Gillygooley 2nd Youth | ■ Strabane & District Special Olympics |
| ■ Home-Start Omagh District | ■ The Drummond Centre Project Limited |
| ■ Kildoag and District Women's Group | ■ The Plum Club |
| ■ Knockmoyle Youth Club | ■ The Saturday Club |
| ■ Lisnafin / Ardnalee Trust Cross Community Development Association | ■ Together One Voice |
| ■ Loughmacrory & Murrins District Angling Association | ■ Trillick Arts Cultural Society |
| ■ Loughmacrory Community Development Assoc | ■ Woodlands Pre-School (Previously Donemana) |
| ■ Magheramason Community Development Association | ■ Dennett InterChange |
| | ■ Rural Housing Association Ltd |
| | ■ Drumrallagh Residents Association |

- Fountain Street Community Development Association
- Lisanelly Regeneration Group
- Omagh Women's Aid
- Holy Cross College
- Strabane Community Project
- The Koram Centre, Counselling, Psychotherapy and Psycho Social Support Ltd
- Sacred Heart College (Omagh)
- Strathroy After School Club
- Focus
- Tyrone Donegal Partnership

Mrs Dobson asked the Minister for Social Development to detail the arrangements and protocols in place for cutting grass when it is cut by the Northern Ireland Housing Executive.

(AQW 52948/11-16)

Lord Morrow: The Housing Executive has advised that their Grounds Maintenance contract is not frequency based but performance based, and all grass must be at the formal specification as detailed below at all times.

Between the months of April and October, the height of the grass must be maintained within the range of 25 to 65mm high.

Between the months of November and March, the height of the grass must be maintained within the range of 65 and 100mm high.

Mr Easton asked the Minister for Social Development whether the Small Pockets of Deprivation programme for Rathgill Estate in Bangor will continue in 2016-17.

(AQW 53023/11-16)

Lord Morrow: As the 2016/17 Departmental budget is still being finalised, it is not possible yet to confirm those programmes that will receive funding next year. Once my Department's budget has been determined, I will write again to advise whether the Small Pockets of Deprivation programme will continue to receive funding.

Mr Easton asked the Minister for Social Development whether the Areas at Risk programme for Beechfield Estate in Donaghadee will continue in 2016-17.

(AQW 53024/11-16)

Lord Morrow: My officials have written to all organisations funded through the Areas at Risk programme to advise of the current position and the significant financial pressures facing the Executive. Given that the Executive has only recently agreed the final budget for 2016/17, I now need to consider the impact the settlement will have across the remit of my Department, which will limit the amount of funding that will be available through the programmes that my Department currently delivers.

I cannot therefore at this stage give any commitment that any programme currently funded including the Areas at Risk programme, will continue from 1 April 2016. I realise the difficulties that arise as a consequence of such uncertainty and I have therefore asked that my officials keep organisations informed over the coming weeks.

Mr Lyttle asked the Minister for Social Development whether he provided the Charity Commission with sufficient resources to meet the performance targets set by his Department.

(AQW 53029/11-16)

Lord Morrow: I have provided the Charity Commission for Northern Ireland with sufficient resources to meet agreed performance targets.

Mrs Dobson asked the Minister for Social Development to detail why Disability Living Allowance counts towards annual household income when making an application to the Affordable Warmth Scheme, while being in receipt of rates relief does not.

(AQW 53031/11-16)

Lord Morrow: When calculating a householder's total income for the Affordable Warmth Scheme all household income is used to determine eligibility. This means that benefits such as DLA are included and treated as income.

If a householder is entitled to rates relief then a credit is made to Land and Property Services on their behalf against their rates account, there is no direct payment made to the householder. Therefore, we do not consider rates relief as part of household income for the purposes of the Affordable Warmth Scheme.

The income threshold for the Affordable Warmth Scheme is £20,000 and this was set following a public consultation exercise which took place between 17th February and 9th May 2014. As part of that consultation the income level was initially proposed as £16,190 (free school meals limit), however as a result of feedback it was raised to £20,000.

My Department will be carrying out a review of the Affordable Warmth Scheme after one full year of operation, which is due to commence over the coming months. Part of this review will be to examine the qualifying conditions for eligibility to the scheme and look at what is treated as income.

Mr Allen asked the Minister for Social Development for an update on the development of a Delivering Social Change Signature Programme.

(AQW 53032/11-16)

Lord Morrow: The Delivering Social Change Programme is an Executive/OFMdFM-led initiative. My Department has been jointly responsible for the implementation and evaluation of two of the Delivering Social Change Signature Programmes, namely the Social Enterprise Hubs and the Nurture Units, the latter of which is now being led by the Department for Education.

Whilst the final evaluations of the Social Enterprise Hubs and Nurture Units Signature Programmes are not yet available, early outcomes from each have been very positive. Moreover, it is already evident that each programme has reached a significant number of people, including over 300 primary school children who have been supported by Nurture Units, and 101 test trader/start-up businesses benefitting from the services of the Social Enterprise Hubs.

Mr Allen asked the Minister for Social Development to detail his Department's current legal position on charitable poker events.

(AQW 53033/11-16)

Lord Morrow: Charitable poker events are permitted provided the conditions set out in Article 126 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 are met.

Mr Allister asked the Minister for Social Development, given the view expressed by the Comptroller and Auditor General in June 2015 that it would be difficult for the Social Security Agency to reduce fraud and error further, to detail the basis on which it is anticipated that the £25m allocated for combating fraud and error will yield positive results; and what contingencies are in place if the estimated savings are not achieved.

(AQW 53040/11-16)

Lord Morrow: While the Department has been particularly successful in tackling and reducing benefit fraud and error, nonetheless just 1.5% loss at present represents over £82m of public funds. The initiative, set out in the Fresh Start document, is focused on both sustaining the current low levels of fraud and error, as well as further enhancing the department's capability to detect, correct and prevent loss to the public purse.

As the 'Fresh Start' document makes clear, the £25 million annual investment in fraud and error is based on the proposal from my department being verified by the Office of Budget Responsibility that it accords with the processes used for similar forecasting in the Department for Work and Pensions. The Department along with the Department of Finance and Personnel will be engaging with the Office of Budget Responsibility on these matters in the coming weeks.

Ms Sugden asked the Minister for Social Development to detail the financial support available from his Department for community and voluntary groups that meet the needs of older people.

(AQW 53048/11-16)

Lord Morrow: My Department does not deliver specific programmes targeted at meeting the needs of older people. However financial support, to community and voluntary groups, which includes support that meet the needs of older people, is available through programmes such as Neighbourhood Renewal and the Volunteering Small Grants Programme. Examples of projects that have received such support include:

- Good Morning North West;
- Age Concern in Londonderry;
- Triax Neighbourhood Partnership – Older People's Programme for the Fountain Estate in Londonderry;
- Western Health & Social Care Trust - Omagh Health and Wellbeing Project;
- Western Health & Social Care Trust - Enniskillen Health and Wellbeing Project;
- Support Communities - Campsie Community Hub;
- Devenish Partnership Forum - Devenish Community Support & Further Development Phase II;
- Fermanagh & Omagh District Council - West End Temporary Venue;
- Coalisland and Dungannon NR Health and Social Wellbeing Programme;
- Milltown Super Adults Programme of Activities;
- Coalisland Training Services - Community Education Programme;

Mr Easton asked the Minister for Social Development whether the Neighbourhood Renewal programme for Kilcooley Estate in Bangor will continue in the 2016-17 financial year.

(AQW 53055/11-16)

Lord Morrow: My Officials have written to all organisations funded through the Neighbourhood Renewal programme to advise of the current position and the significant financial pressures facing the Executive. Given that the Executive has only recently agreed the final budget for 2016/17, I now need to consider the impact the settlement will have across the remit of my

Department, which will limit the amount of funding that will be available through the programmes that my Department currently delivers.

I cannot therefore at this stage give any commitment that any programme currently funded including the Neighbourhood Renewal programme, will continue from 1 April 2016. I realise the difficulties that arise as a consequence of such uncertainty and I have therefore asked that my Officials keep organisations informed over the coming weeks.

Mr McNarry asked the Minister for Social Development to detail the number of refugees and asylum seekers that have been (i) housed in Northern Ireland Housing Executive properties, and (ii) in receipt of housing benefits in each of the last three years

(AQW 53175/11-16)

Lord Morrow: The Housing Executive has advised that while information is recorded for monitoring purposes in areas such as religion, ethnic background and marital status, the Housing Executive currently keeps no separate records for allocations to refugees.

Measures are currently being put in place to monitor any future allocations arising from applicants located in Northern Ireland as part of the Syrian Vulnerable Persons Relocation Scheme, run by the UK Home Office. No social housing allocations have been made to refugees arriving in Northern Ireland under this scheme to date.

The Housing Executive has further advised that asylum seekers are not eligible to receive an allocation of housing accommodation. This results from Article 22 A of the Housing (N.I.) Order 1981 which stipulates that the Housing Executive shall not allocate housing accommodation to a person from abroad, if he/she is a person subject to immigration control who is ineligible for an allocation of housing accommodation by virtue of the terms of the Immigration and Asylum Act 1999. In effect, this means that asylum seekers are not entitled to social housing.

In relation to part (ii) of your question the information is not available because the Housing Executive has confirmed that they do not hold any separate records that would identify Housing Benefit claims from asylum seekers or refugees.

Mr McCrossan asked the Minister for Social Development to detail the number of people (i) on social housing waiting lists; and (ii) in housing stress in each of the last five years.

(AQW 53220/11-16)

Lord Morrow: The table below, provided by the Housing Executive, details:-

- (i) the number of people on the social housing waiting list in each of the last five years; and
- (ii) those in housing stress over the same period.

	March 2011	March 2012	March 2013	March 2014	March 2015
Waiting List	39,891	34,533	41,356	39,967	39,338
Housing Stress	20,966	20,211	22,414	21,586	22,097

Mr Lunn asked the Minister for Social Development what plans he has to involve charities with specialist knowledge of health conditions, such as Parkinson's UK and the MS Society, in the provision of extra advice on welfare reform mitigation.

(AQW 53251/11-16)

Lord Morrow: The transition to the new benefits that will be introduced as part of the welfare reforms will undoubtedly introduce new challenges for benefit claimants. I am therefore committed to supporting the provision of independent advice services to assist claimants through these changes.

My officials are currently reviewing the recommendations of the Welfare Reform Mitigations Working Group on the provision of independent advice for people affected by the welfare reforms. In developing the new services the department intends to consult with a range of charities and the independent advice sector. It is expected that this work will be taken forward once the budget for the provision of additional services from the advice sector has been finalised.

Mr Allister asked the Minister for Social Development in respect of the Tenancy Deposit scheme, whether the courts have the power to (i) order a landlord to repay a non-protected deposit; and (ii) order a landlord to protect a deposit where they have not done so; and whether he will review these aspects of the Tenancy Deposit Schemes Regulations as part of his ongoing Review of the Private Rented Sector.

(AQW 53266/11-16)

Lord Morrow: There is no requirement in the Tenancy Deposit Schemes legislation for a court to order a landlord to repay a non protected deposit or to protect the deposit where they have not done so. It was the Department's intention to include such provisions when the 2011 Housing Amendment Act was being drafted but due to Court Office concerns on the impact of such provisions and the time required to resolve, the clause was dropped.

However, the Department has commenced an evaluation of the Tenancy Deposit Scheme including the legislation and these requirements will be considered again.

Mr McCrossan asked the Minister for Social Development whether he has plans to release funding for a social housing renovation scheme in the Springhill Park area of Strabane.

(AQW 53285/11-16)

Lord Morrow: The NIHE has advised that Springhill Park is included in a scheme for window replacement with a current programmed start date of March 2017. The scheme start date will be subject to ongoing budget review, design and approval process.

Mr McCrossan asked the Minister for Social Development to detail the number of (i) Disability Living Allowance claimants, (ii) people that have lost their entitlement to Disability Living Allowance; and (iii) new claims that have been rejected in West Tyrone, in each of the last three years.

(AQW 53287/11-16)

Lord Morrow:

(i) As at August 2015 there were 14,100 people entitled to Disability Living Allowance in West Tyrone

The information requested for parts (ii) and (iii) is not available for West Tyrone as the Department for Work and Pensions IT system used by the Social Security Agency to administer Disability Living Allowance does not disaggregate this type of data by geographic areas.

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 McGlone asked the Minister for Social Development to detail the cost to the Department of each medical examination and back to work interview carried out in relation to Employment and Support Allowance in the last three years.

(AQW 53298/11-16)

Lord Morrow: I am unable to provide the specific information that relates to the costs for conducting each medical examination as the charging regime within the Medical Support Services Agreement is designated as commercially sensitive information, in accordance with Schedule 30 of the Agreement. It is important that the Department can secure the best value for money in its contracts which means the Department is unable to release commercially sensitive information as it could prejudice the interests of the Department's current healthcare provider and the Department's future dealings with them or other service providers.

My Department does not hold data on 'Back to Work Interviews'. These interviews are conducted by advisers within Department for Employment & Learning (DEL). Any data gathered as part of these interviews will be held by the Minister for Employment and Learning.

Mr McGlone asked the Minister for Social Development to detail the number of (a) medical examinations; and (b) back to work interviews that have been carried out in relation to the Employment and Support Allowance in Mid Ulster in the last twelve months.

(AQW 53299/11-16)

Lord Morrow:

(a) The number of medical examinations carried out in relation to Employment and Support Allowance in Mid Ulster for the period January 2015 to December 2015 is 5,296. This consists of 2,125 face to face medical examinations and 3,171 paper based assessments. A paper based assessment is where the Health Care Professional is able to provide advice to the Department based on the information provided by the claimant and his or her GP without the need for a face to face assessment.

(b) My Department does not hold data on 'Back to Work Interviews'. These interviews are conducted by advisers within Department for Employment & Learning (DEL). Any data gathered as part of these interviews will be held by the Minister for Employment and Learning.

Mr Agnew asked the Minister for Social Development to detail the number of full time equivalent agency staff employed by (i) his Department; and (ii) each of its arm's-length bodies in each week since June 2015, broken down by grade.

(AQW 53301/11-16)

Lord Morrow: Tables 1 – 2 below outline the number of full time equivalent agency staff in post within the Department for Social Development and the Charity Commission for Northern Ireland each week since June 2015, broken down by grade.

Table 3 below outlines the number of agency staff in post by headcount within the Northern Ireland Housing Executive each week since June 2015, broken down by grade. Full time equivalent information is not held.

Table 1 Full Time Equivalent agency staff within DSD by Grade

Week commencing	Department for Social Development					Total
	AA	AO	PS	EO1 Graphic Designer	DP Accountant	
01/06/2015	11	158	1	1	0	171
08/06/2015	11	158	1	1	0	171
15/06/2015	10	158	1	1	0	170
22/06/2015	10	181	1	1	0	193
29/06/2015	10	181	1	1	0	193
06/07/2015	6	180	0	1	0	187
13/07/2015	6	177	0	1	0	184
20/07/2015	6	176	0	1	0	183
29/07/2015	6	170	0	1	0	177
03/08/2015	6	169	0	1	0	176
10/08/2015	6	167	0	1	0	174
17/08/2015	4	166	0	1	0	171
24/08/2015	4	166	0	1	0	171
31/08/2015	3	165	0	1	0	169
07/09/2015	3	182	0	1	0	186
14/09/2015	3	181	0	1	0	185
21/09/2015	3	181	0	1	0	185
28/09/2015	3	180	0	1	0	184
05/10/2015	3	178	0	1	1	183
12/10/2015	3	178	0	1	1	183
19/10/2015	3	177	0	0	1	181
26/10/2015	3	210	0	0	0	213
02/11/2015	3	213	0	0	0	216
09/11/2015	3	213	0	0	0	216
16/11/2015	3	213	0	1	0	217
23/11/2015	3	209	0	1	0	213
30/11/2015	3	207	0	1	0	211
07/12/2015	3	200	0	1	0	204
14/12/2015	3	199	0	1	0	203
21/12/2015	3	197	0	1	0	201
28/12/2015	3	196	0	1	0	200
04/01/2016	3	196	0	1	0	200
11/01/2016	3	264	0	1	0	268
18/01/2016	3	268	0	1	0	272

Table 2 Full Time Equivalent agency staff within the Charity Commission for Northern Ireland by Grade

Week commencing	Charity Commission for Northern Ireland				
	AO	EO2	SO	SO Accountant	Total
01/06/2015	2	0	1	0	3
08/06/2015	2	0	1	0	3
15/06/2015	2	0	1	0	3
22/06/2015	2	0	1	0	3
29/06/2015	2	0	1	0	3
06/07/2015	2	0	1	0	3
13/07/2015	2	0	1	0	3
20/07/2015	2	0	1	0	3
29/07/2015	2	0	1	0	3
03/08/2015	2	0	1	0	3
10/08/2015	2	0	1	0	3
17/08/2015	1	0	1	0	2
24/08/2015	1	0	1	0	2
31/08/2015	1	0	1	0	2
07/09/2015	1	0	1	0	2
14/09/2015	1	0	1	0	2
21/09/2015	0	0	1	0	1
28/09/2015	0	0	1	0	1
05/10/2015	0	0	1	0	1
12/10/2015	0	0	1	0	1
19/10/2015	0	0	1	0	1
26/10/2015	0	0	0	0	0
02/11/2015	0	0	1	0	1
09/11/2015	0	0	1	0	1
16/11/2015	0	0	1	0	1
23/11/2015	0	0	1	0	1
30/11/2015	0	0	1	0	1
07/12/2015	0	0	1	0	1
14/12/2015	0	0	0	0	0
21/12/2015	0	0	0	0	0
28/12/2015	0	0	0	0	0
04/01/2016	0	1	0	1	2
11/01/2016	0	1	0	1	2
18/01/2016	0	1	0	1	2

Table 3 Number of Agency Staff within Northern Ireland Housing Executive by Headcount

Week commencing	Northern Ireland Housing Executive																
	G201	GC01	GC06	GE01	GP01	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9+	Technical Level 2	Technical Level 3	Total
01/06/2015	25	43	1	19	11	6	219	95	27	6	5	3	1	1	80	30	572
08/06/2015	25	42	1	19	11	6	218	98	27	6	5	3	1	1	80	30	573
15/06/2015	25	44	1	18	11	6	224	99	27	6	5	3	1	1	80	30	581
22/06/2015	24	44	1	18	11	6	228	100	27	8	5	3	1	1	81	31	589
29/06/2015	25	45	1	18	11	6	225	103	28	8	5	3	1	1	82	31	593
06/07/2015	26	41	1	19	11	5	225	103	28	8	5	3	1	1	83	31	591
13/07/2015	25	41	1	20	11	5	228	103	29	9	5	3	1	1	83	31	596
20/07/2015	25	42	1	20	11	5	229	107	33	9	5	3	1	1	84	31	607
29/07/2015	26	42	1	21	11	6	227	111	33	9	5	3	1	1	85	31	613
03/08/2015	25	42	1	21	11	6	224	113	34	9	5	3	1	1	85	31	612
10/08/2015	24	40	1	21	11	6	226	115	33	9	5	3	1	1	85	31	612
17/08/2015	25	39	1	21	10	6	216	115	32	8	5	2	1	1	85	30	597
24/08/2015	26	38	1	20	10	6	213	115	32	8	5	2	1	1	87	30	595
31/08/2015	24	38	1	20	10	6	211	121	32	8	5	2	1	1	89	30	599
07/09/2015	23	38	1	20	10	6	213	123	31	9	5	2	1	1	89	30	602
14/09/2015	23	37	1	20	10	6	212	125	31	11	5	2	1	1	90	29	604
21/09/2015	23	39	1	21	10	6	213	127	31	11	6	2	1	1	90	29	611
28/09/2015	24	38	1	20	10	7	209	132	30	14	7	2	1	1	90	29	615
05/10/2015	22	36	1	20	10	7	208	130	30	14	8	2	1	1	90	31	611
12/10/2015	22	38	1	20	10	7	208	136	31	14	7	2	2	1	90	30	619
19/10/2015	22	37	1	20	10	7	211	136	31	14	8	2	2	1	90	31	623
26/10/2015	22	37	1	19	10	7	211	138	32	13	8	2	2	1	89	32	624
02/11/2015	22	37	1	18	10	7	213	141	33	14	9	2	2	1	89	31	630
09/11/2015	22	36	1	18	10	7	216	143	33	14	10	2	2	1	90	31	636
16/11/2015	22	36	1	17	10	7	216	141	35	14	12	2	2	1	90	32	638
23/11/2015	23	37	1	17	10	7	222	142	34	15	12	2	2	1	89	31	645
30/11/2015	20	36	1	17	10	7	217	147	34	15	12	2	2	1	87	30	638
07/12/2015	22	35	1	18	10	7	221	148	35	15	13	2	2	1	88	31	649
14/12/2015	21	35	1	17	10	7	222	148	35	15	12	2	2	1	87	31	646
21/12/2015	20	35	1	17	10	7	223	147	35	15	13	2	2	1	86	31	645
28/12/2015	20	34	1	17	10	7	224	146	35	15	11	3	2	2	84	29	640
04/01/2016	20	36	1	16	10	7	225	147	35	15	12	3	2	1	88	30	648
11/01/2016	21	36	1	18	10	7	226	144	35	15	13	3	2	4	86	29	650
18/01/2016	19	35	1	16	10	8	226	145	34	15	8	3	2	1	86	29	638

Mr Agnew asked the Minister for Social Development to detail the costs of the Evason proposals on welfare (i) in the first twelve months; and (ii) over four years.

(AQW 53340/11-16)

Lord Morrow: The Working Group led by Professor Evason published its Welfare Reform Mitigations Working Group Report on 19 January 2016. This Report, which was approved by the Executive on 21 January 2016, includes a detailed breakdown of all mitigation costs at Appendix 8. The proposals have been costed as follows -

- (i) Costs for the first twelve months
- All Welfare Mitigations: £64 million
- Additional Advice Services: £2 million
- (ii) Total costs over the 4 year period
- All Welfare Mitigations: £501 million
- Additional Advice Services: £8 million

Mr Allen asked the Minister for Social Development for an update on how the Discretionary Housing Payment will operate to mitigate the Social Sector Size Criteria known as the bedroom tax.

(AQW 53343/11-16)

Lord Morrow: As agreed in 'A Fresh Start: the Stormont Agreement and Implementation Plan' the Social Sector Size Criteria will not apply in Northern Ireland. The Agreement provided for a Working Group, led by Professor Eileen Evason to make recommendations on how best to mitigate the impact of welfare reform. Following receipt of the Evason Report, officials are developing options on how not applying the Social Sector Size Criteria would work in practice. This work is expected to be completed in the next number of weeks.

Mr Allen asked the Minister for Social Development how long the Discretionary Housing Payment to mitigate against the Social Sector Size Criteria will operate.

(AQW 53346/11-16)

Lord Morrow: 'A Fresh Start: the Stormont Agreement and Implementation Plan' confirmed that the Social Sector Size Criteria would not apply in Northern Ireland. The Executive agreed a four year fund to 'top-up' UK welfare arrangements in Northern Ireland with a review in 2018-19. This included funding to mitigate the costs of not implementing the Social Sector Size Criteria in Northern Ireland.

Mr F McCann asked the Minister for Social Development to detail the number of (a) social; and (b) private houses built in West Belfast since 2011.

(AQW 53362/11-16)

Lord Morrow: I am unable to provide you with the details regarding private houses built in West Belfast since 2011 but I can confirm that 952 social houses were built since 2011 in the West Belfast Parliamentary constituency.

2011-2012	127
2012-2013	176
2013-2014	343
2014-2015	198
2015- to date	108

Mr McMullan asked the Minister for Social Development whether he will review the liquor licencing legislation as it applies to the Easter period.

(AQW 53375/11-16)

Lord Morrow: In November 2012 the then Minister for Social Development consulted on a number of proposed changes to current liquor licensing law, which sought to strike a balance between controlling the sale of alcoholic drinks and supporting the local hospitality sector.

The Northern Ireland Executive agreed to the drafting of a Bill which would include minor changes to opening hours on the Thursday and Saturday before Easter.

Unfortunately, due to competing priorities, I will not have time to progress a Bill in the current mandate.

Mr Agnew asked the Minister for Social Development what consideration he has given to supplying food bank vouchers through social security offices.

(AQW 53450/11-16)

Lord Morrow: My Department has been active in working with food banks and seeking to understand how many people use food banks and the reasons for their use. Research was commissioned and the report, An Insight into Food Banks in Northern Ireland, is available on the DSD internet website.

Whilst I recognise the valuable work and commitment of the volunteers including many faith based groups who organise food banks, I do not believe that food banks have a formal role in the social welfare system in Northern Ireland. There is no strong evidence to suggest that the use of food banks in Northern Ireland is directly linked to welfare or benefit processing times and if people are in emergency need of money to buy food then the benefit systems are there to provide that financial support.

Officials in my Department continue to engage with a wide range of food bank representatives to better understand their issues and to explore how public services

from my Department and those of other Departments can be delivered in a way that helps reduce the need for food banks in our society.

Mr F McCann asked the Minister for Social Development to detail (i) the number of healthcare professionals employed to carry out Employment and Support Allowance medicals; (ii) what qualifications and experience health care professionals are required to have to be considered for employment; and (iii) the level of training given to assess the needs of people with complicated and challenging physical and mental disabling conditions.

(AQW 53454/11-16)

Lord Morrow: The medical assessments for Employment and Support Allowance are carried out by private sector supplier healthcare professionals.

- (i) The current number of health care professionals carrying out Employment and Support Allowance medicals is 66.
- (ii) The qualifications required are set out in the Medical Support Services Agreement which defines a healthcare professional as:
 - (a) a registered medical practitioner;
 - (b) a registered nurse;
 - (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of Health Care Act 1999; or
 - (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as the Secretary of State may prescribe.

This includes the following required qualifications:

- (a) in the case of a Medical Practitioner:
 - current registration to practice in the UK;
 - 3 years post-registration full-time equivalent experience across a range of relevant clinical disciplines (within the last 6 years prior to an advertisement for positions being placed); and
 - full and unconditional registration with the UK General Medical Council (GMC).
- (b) in the case of a nurse:
 - fully registered, without restrictions or conditions, with the Nursing and Midwifery Council (NMC); and
 - have a minimum of 3 years post registration experience.
- (c) all other healthcare professionals:
 - fully registered, without restrictions or conditions, with the relevant licensing body;
 - have a minimum of 3 years post registration experience;
 - possess good communication skills;
 - have an understanding of customer care issues; and
 - have an understanding of disability issues.
- (iii) All healthcare professionals undergo the required Work Capability Assessment Training which is tailored to their specific profession. The majority of claimants who are assessed for Employment and Support Allowance have multiple diagnoses of both physical and mental health pathologies, so as a result healthcare professionals are trained as Disability Analysts who complete functional assessments, which includes mental health and physical health training in the context of disability analysis. Health care professionals also receive Continuing Medical Education, which includes training on physical and mental health conditions yearly, based on any training needs identified.

Mr F McCann asked the Minister for Social Development to detail the number of Employment and Support Allowance claimants that were assessed under (a) part one of the questionnaire; (b) part two of the questionnaire; and (c) both part one and two of the questionnaire, since May 2011.

(AQW 53455/11-16)

Lord Morrow: The requested information is not available as the Department does not record which parts of the questionnaire are used to make an assessment.

An ESA50 questionnaire is issued for all claimants at the beginning of each Work Capability Assessment to gather information about how their conditions affect their functional capability.

The ESA50 is made up of questions relating to Physical Capabilities (Part 1) and Mental, Cognitive and Intellectual Capabilities (Part 2). A trained Healthcare Professional will consider all of the information in the completed ESA50, and any other medical information provided in support of the claim, and make a clinical judgement on the claimant's capability for work.

Mr F McCann asked the Minister for Social Development to detail how many Employment and Support Allowance claimants assessed as being fit to work in each year since May 2011 appealed the decision; and how many appeals were upheld because of reconsideration.

(AQW 53456/11-16)

Lord Morrow: The requested information is not available. The Department does not record information on the number of Employment and Support Allowance claimants assessed as being fit to work in each year since May 2011 that appealed the decision; or the number of appeals upheld because of reconsideration.

Mr F McCann asked the Minister for Social Development to detail the number of claimants that have had an Employment and Support Allowance medical assessment since May 2011; and per year, how many were assessed as (a) being fit to work; (b) having limited capability for work; and (c) eligible for support.

(AQW 53457/11-16)

Lord Morrow: The table below details the number of people who have had an Employment and Support Allowance medical assessment since June 2011 and were assessed as (a) being fit to work; (b) having limited capability for work; and (c) eligible for support.

	Total Claimants Assessed	Being fit to Work	Having limited capability for work	Eligible for support
June 2011 to March 2012	35,290	16,170	9,610	9,500
April 2012 to March 2013	64,440	24,930	16,660	22,840
April 2013 to March 2014	74,950	14,480	18,680	41,790
April 2014 to March 2015	66,300	9,310	8,200	48,790
April 2015 to August 2015	31,280	4,790	2,140	24,350

The information provided is an Official Statistic. The Production and dissemination of all such Statistics is governed by the Principles and Protocols of the Code Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Weir asked the Minister for Social Development to detail the number of (a) social; and (b) private houses built in North Down since 2011.

(AQW 53545/11-16)

Lord Morrow: I am unable to provide you with the number of private houses built in North Down since 2011. I can confirm that 205 social houses have been built in the North Down Parliamentary Constituency since 2011.

2011-2012	25
2012-2013	0
2013-2014	80
2014-2015	58
2015- to date	42

Mr Girvan asked the Minister for Social Development how many Northern Ireland Housing Executive properties have been allocated to refugees since July 2015.

(AQO 9535/11-16)

Lord Morrow: The Housing Executive has advised that while information is recorded for monitoring purposes in areas such as religion, ethnic background and marital status, the Housing Executive currently keeps no separate records for allocations to refugees.

Measures are currently being put in place to monitor any future allocations arising from applicants located in Northern Ireland as part of the Syrian Vulnerable Persons Relocation Scheme, run by the UK Home Office. No social housing allocations have been made to refugees arriving in Northern Ireland under this scheme to date.

Mr Agnew asked the Minister for Social Development, pursuant to AQW 53447/11-16, to detail the purpose of the disturbance payment.

(AQW 53691/11-16)

Lord Morrow: As detailed in the Transfer Documentation for the Bloomfield Bungalows the purpose of the disturbance payment "is to compensate for loss or expenditure as a result of the disruption caused by the scheme."

Mr D Bradley asked the Minister for Social Development, following the final report of the Housing Repossessions Taskforce, to outline the measures he plans to introduce to assist people who are at risk of losing their homes as a result of negative equity.

(AQO 9536/11-16)

Lord Morrow: My Department continues to work with a number of key stakeholders to implement the recommendations arising from the Housing Repossessions Taskforce report to assist those at risk of losing their homes as a result of mortgage difficulties.

Progress to date includes:

- Increasing funding for the Mortgage Debt Advice Service by 50 per cent to £340,000;
- The Department of Justice agreeing to fund the Housing Possession Court Duty Scheme until 2018;
- Working with a number of national and local mortgage lenders to trial possible improvements to customer engagement arising from an innovative report on applying behavioural insights to the process;
- Securing an interest rate rise calculator for the Housing Advice NI website;
- Completion of a feasibility study into a mortgage rescue scheme; and
- Engaging with the Council of Mortgage Lenders on the availability and visibility of mortgage products to better support their customers.

Mr Hazzard asked the Minister for Social Development for an update on the Evason Working Group.

(AQO 9529/11-16)

Lord Morrow: The Working Group led by Professor Evason published its report on Monday 18th January 2016 and the report and its recommendations were endorsed at the Executive meeting on 21st January 2016. The report recommends a comprehensive package of measures to mitigate the most harmful impacts of the forthcoming changes to the welfare system and I have been asked by the First and Deputy First Minister to take forward the implementation of the recommendations. My officials have commenced work to ensure this happens over the next number of months and I am planning to bring an implementation plan to the Executive for agreement at its 10 February meeting. I would hope that significant progress can be made on implementing a number of the measures prior to the Assembly rising in mid March.

Mr Wells asked the Minister for Social Development for an update on the delivery of public realm schemes in South Down.

(AQO 9532/11-16)

Lord Morrow: A major £2 million regeneration scheme is currently being undertaken in Warrenpoint that will significantly improve the appearance of the town centre to create an even more welcoming space for visitors and locals alike.

The contractor has been appointed and on-site construction commenced on 5th January with the works expected to be completed by December 2016. Works will include the installation of new footways in natural stone paving, new street lighting and furniture, landscaping and associated works.

The scheme will upgrade the commercial core of the town centre to encourage greater public use and to stimulate investment.

This scheme will complement other major public realm improvement schemes undertaken by the Department in the South Down area. These include

- Downpatrick Town Centre Public Realm £2.6m
- Market Lane Downpatrick £82k
- Kilkeel Town Centre Public Realm £1.3
- Newcastle Town Centres Public Realm £3.6m

Mr Lunn asked the Minister for Social Development to outline the guidance his Department has issued in relation to the implementation of the Personal Independence Payment and the withdrawal of the Disability Living Allowance.

(AQO 9533/11-16)

Lord Morrow: My department has developed a comprehensive Engagement and Communication Strategy, which will be implemented as the changes to the welfare system are introduced in Northern Ireland. A public information campaign, which

covers all of the changes, will run from May 2016 and will include programmes of stakeholder engagement, online advertising, mail drops, broadcast and outdoor billboards.

My department has specific communication and engagement plans for the introduction of Personal Independence Payment (PIP) in Northern Ireland. This involves a range of activities including further engagement sessions with customer representative groups and the advice sector where 14 meetings have already taken place since 2013; meetings with health professionals in Northern Ireland; publication of online content and printed literature specific to the introduction of PIP in Northern Ireland; direct mailing to target audiences including health professionals and (as part of the Welfare Changes) a leaflet for distribution to every household in Northern Ireland.

Since 2013, similar to the rest of Great Britain, some general information on PIP has been included in the annual benefit uprating notifications sent to all Disability Living Allowance (DLA) claimants in Northern Ireland.

The 2016 benefit uprating letter, which contains the general information on PIP, will be issued over an eight-week period, beginning from the end of January 2016.

Ms Maeve McLaughlin asked the Minister for Social Development whether he plans to raise the issue of the density of Houses in Multiple Occupation in a specific area with the Minister of the Environment.

(AQO 9534/11-16)

Lord Morrow: My new Houses in Multiple Occupation (HMO) Bill will introduce compulsory licensing and will require landlords who wish to operate an HMO to have planning permission. The Bill does not have the scope to reduce overprovision in existing areas, which may have an already high number of HMOs, as this is likely to be in breach of human rights legislation.

Throughout the policy making process my officials have liaised with Department of Environment colleagues who have confirmed that the Planning (Use Classes) Order (Northern Ireland) 2015 includes HMOs as a sui generis use, which will ensure that under the Bill, councils will have the discretionary power to refuse to grant an HMO licence if it considers that there is, or that the granting of a licence would result in, overprovision in a locality.

Presently, I have no plans to raise any issues relating to HMOs with the Minister of the Environment.

Northern Ireland Assembly Commission

Mr Agnew asked the Assembly Commission what rules, protocols or contractual arrangements are in place for the use of social media by Assembly staff; and what is the sanction for a breach.

(AQW 53506/11-16)

Ms P Bradley (The Representative of the Assembly Commission): The Assembly Commission's Social Media Policy specifies appropriate use of social media by Assembly staff. The Social Media Policy forms part of the Staff Handbook. The requirement to abide by the provisions of the Social Media Policy is also specifically referenced in the Commission's Discipline Policy and Dignity at Work Policy. Staff are also expected to conduct themselves in a way which demonstrates the Commission's Corporate Values which are outlined below:

- **Public Service** - demonstrated by an attitude of service to the Assembly, its Members and visitors; behaving with impartiality and integrity at all times.
- **Professionalism** - demonstrated by commitment to excellence; appropriate confidentiality and discretion; personal responsibility and accountability.
- **One Team** - demonstrated by respect for others.

If it is determined, following investigation, that a breach of the Social Media Policy has occurred, a sanction can be imposed dependent on the seriousness of the breach. The sanctions which may be considered are set out in the Discipline Policy and include First Written Warning, Final Written Warning, Dismissal and Summary Dismissal.

Northern Ireland Assembly

Friday 12 February 2016

Written Answers to Questions

Office of the First Minister and deputy First Minister

Mr Allister asked the First Minister and deputy First Minister for their assessment of the impact on community relations caused by the recent display commemorating republican terrorists in St Mary's University College, Belfast.
(AQW 49590/11-16)

Mrs Foster and Mr M McGuinness (The First Minister and deputy First Minister): During the Féile an Phobail festival, which has been running for the past 20 years, there was a series of talks and debates, as well as exhibitions, on the St Mary's University College campus. Those taking part included the Chief Constable of the PSNI, the deputy First Minister, a high-ranking representative of the Orange Order, as well as former Republican and Loyalist prisoners.

Mr Ó hOisín asked the First Minister and deputy First Minister, given that the November monitoring round has resulted in some easements relating to Together: Building a United Community projects, whether Together: Building a United Community schemes are proceeding.
(AQO 9136/11-16)

Mrs Foster and Mr M McGuinness: Together: Building a United Community represents a key building block of the Programme for Government. In recognition of this, £10 million revenue funding was made available in the 2015/16 Budget to aid implementation of the Strategy, supplementing other good relations funding provided by OFMDFM. In addition, £3.19million of capital funding was secured to enable departments to progress work on the headline actions.

Work is progressing well across all seven headline actions that were announced alongside the publication of Together: Building a United Community.

The first shared neighbourhood at Ballynafoy Close on the Ravenhill Road has been completed and houses allocated. An additional 5 schemes have commenced and a further scheme is planned for 2016.

The pilot phase for the United Youth Programme commenced in August 2015 and will run until March 2016. Thirteen pilots are being delivered, providing around 360 places for young people aged 16–24 who are not in employment, education or training.

101 Summer Camps were progressed between July and October. The Programme has been successful with approximately 4,200 young people taking part.

A 12 week pilot project for the Cross Community Youth Sports Programme was launched on 5 January 2015 in the Lower Falls and the Greater Village areas. A second phase of activities is continuing in 2015/16 to maximise the impact of the initiative.

Six proposals were submitted earlier this year under the second call for applications to the Shared Education Campuses programme, covering over 20 schools and these are currently being assessed.

Mr Dickson asked the First Minister and deputy First Minister to outline their Department's response to the finding in the Good Relations Indicators that 54 per cent of people see town centres as safe and welcoming for people of all walks of life.
(AQO 9137/11-16)

Mrs Foster and Mr M McGuinness: The Good Relations Indicators report was published on 22 September 2015. Future reports will highlight trends and changes and will allow the Executive to identify the necessary steps to aid positive progress.

One of the key priorities identified in Together: Building a United Community Strategy is Our Safe Community which aims to create a community where everyone feels safe in moving around and where life choices are not inhibited by fears around safety.

Building a truly united community can only be possible when people feel safe and secure in all neighbourhoods and spaces within our community.

Together: Building a United Community provides the framework for government action in tackling sectarianism, racism and other forms of intolerance while seeking to address division, hate and separation.

However, this is not just the responsibility of OFMDFM. The Strategy is an Executive Strategy which places responsibilities on all government departments

Mr Craig asked the First Minister and deputy First Minister to outline the total grant aid paid to each group through the Central Good Relations Funding Programme since it was launched on 8 January 2013.

(AQO 9138/11-16)

Mrs Foster and Mr M McGuinness: The information has been placed in the Assembly Library. This reflects the total grant paid to each group at 13 November 2015.

Mr Humphrey asked the First Minister and deputy First Minister for an update on the development of Crumlin Road Gaol.

(AQO 9139/11-16)

Mrs Foster and Mr M McGuinness: OFMDFM has invested over £14 million on capital projects to protect, preserve, remediate and restore the Crumlin Road Gaol to facilitate its regeneration. Some of the projects include site improvements; the creation of a Visitor Attraction and Conference Centre; the external restoration of the Wardens' Cottages and the Sangar.

More than 397,000 people have visited the Gaol for a tour or attended an event since the Visitor Attraction and Conference Centre opened in November 2012. The facility currently employs forty one full time equivalents and six casual staff, 20 from North Belfast.

Belfast Distillery Company Ltd. commenced the construction of a boutique distillery and whiskey visitor attraction in A Wing in January 2015. This work has paused given unforeseen works required on site.

The Department meets the Company on a regular basis to support this important project. It is anticipated that construction will recommence in early 2016.

OFMDFM plan to market the opportunity to develop the former Wardens' Cottages and D Wing in 2016.

Ms Sugden asked the First Minister and deputy First Minister to detail the community benefit aspect that forms part of the set criteria outlined for the preferred proposal for the sale of the Shackleton site at Ballykelly.

(AQW 51586/11-16)

Mrs Foster and Mr M McGuinness: We are keen to ensure that the community in Ballykelly and the surrounding area benefit from the development of the Shackleton site. For this reason, proposals to purchase the Site are being assessed on the extent to which their plans to develop the Site will deliver community benefits.

It would be inappropriate to comment on the specific community benefits proposed in any of the proposals until the assessment process has concluded.

Mr Easton asked the First Minister and deputy First Minister what is the criteria used in deciding which groups qualify for Good Relations funding.

(AQW 51626/11-16)

Mrs Foster and Mr M McGuinness: OFMDFM provides funding via the Central Good Relations Fund and the North Belfast Strategic Good Relations Programme.

The aim of the North Belfast Strategic Good Relations Programme is to improve relations between and within communities in North Belfast.

Criteria required for groups to qualify for the North Belfast Good Relations funding includes how their projects contribute to the delivery of T:BUC; how clear are their programme plans in the context of improving community relations and achieving measurable good relations outcomes; do they deliver value for money; how clear is their evidence of need; and how they demonstrate a high level of collaboration with other cross community groups.

Funding criteria for the Central Good Relations Fund is set out in the guidance notes provided on the OFMDFM website with the application forms.

The funding criteria is as follows:

Essential Criteria - The extent to which the project contributes towards the delivery of one or more of the Together: Building a United Community priorities and associated outcomes that are most relevant to your proposed projects.

Additional Criteria - The extent to which the project targets particularly hard to reach groups; creates capacity in areas of the community where there has been limited engagement in peace building; delivers in an area of high community tension or interface; uses play, sport and leisure to deliver outcomes. Groups are also required to meet the eligibility criteria as outlined in the guidance notes.

Mr Lyttle asked the First Minister and deputy First Minister why responsibility for the Social Investment Fund will not be transferred to the Department of Communities.

(AQW 52856/11-16)

Mrs Foster and Mr M McGuinness: Responsibility for the Social Investment Fund (SIF) will remain within The Executive Office as it is a time bound programme which is currently at an advanced stage and making good progress. It is also a key lever of Delivering Social Change which is remaining within The Executive Office.

An outcomes – based accountability approach to evaluation has been adopted from the beginning of SIF and is providing valuable data which will inform and shape both the Executive's Delivering Social Change agenda and the next PfG.

Mr McCausland asked the First Minister and deputy First Minister for an update on the provision of a new community centre in the Westland estate as part of the capital programme in North Belfast under the Social Investment Fund.

(AQO 9387/11-16)

Mrs Foster and Mr M McGuinness: We have attended a number of formal launches recently and have seen firsthand that communities are starting to benefit from the Fund.

Belfast North allocated its £9 million on community based projects, supporting employment, social enterprise and capital works. Good progress has been made and most of the Zone's £9 million is committed.

Letters of Offer still have to issue for 2 projects and that for the Capital Cluster project, which includes the Westland Community Centre refurbishment, is currently being prepared.

Mrs McKevitt asked the First Minister and deputy First Minister for an update on the Childcare Strategy.

(AQO 9389/11-16)

Mrs Foster and Mr M McGuinness: The first phase of the Executive's Childcare Strategy was published in 2013. It included 15 Key First Actions intended to address priority childcare needs identified through research and consultation undertaken in 2012-13.

The current School Age Childcare Grant Scheme is the most ambitious of these Actions. It is creating new, low cost, quality school age childcare places and sustaining the places we already have. To date, the Grant Scheme has held two calls for applications and has committed approximately £3 million to projects which will sustain or create an estimated 2,200 low cost, quality childcare places, mostly in disadvantaged areas.

A third call for applications was launched on 26 November and closed on the 29 January 2016.

Other Key First Actions have enhanced childcare services for children with a disability and improved the information available to parents on the childcare services available locally.

Consultation on a draft version of the full Executive Childcare Strategy took place between 28 July and 13 November 2015. Departmental officials engaged with the public and with a wide range of childcare stakeholders during the consultation period, promoting awareness and understanding of the draft Strategy and encouraging feedback on the draft proposals.

Officials are currently collating and analysing responses to the public consultation with a view to finalising the draft Childcare Strategy over the coming months. This will be undertaken in partnership with other Executive departments and with childcare stakeholders.

Mr Allen asked the First Minister and deputy First Minister for their assessment of the Social Investment Fund to date.

(AQW 53035/11-16)

Mrs Foster and Mr M McGuinness: The Social Investment Fund (SIF) is a growing success story. It is at the heart of the Executive's Delivering Social Change Framework making life changing differences to people and communities facing disadvantage.

While it has taken longer than anticipated, SIF is now gathering delivery momentum with over £58 million committed to projects across the nine zones; 25 projects worth £37 million commenced; and 10 projects operational with a steady pipeline of others to follow. We expect to have all £80 million committed by the end of summer 2016.

On capital, SIF is investing heavily across all zones in projects which will enhance community services and dereliction. In some cases these projects are clustered with multiple smaller elements spread across many geographical areas. It has taken time to bring these often complex projects through the approval, design and procurement processes but in the end this ensures that the projects remain true to the communities intentions and will achieve the maximum possible impact on the ground. This is what we will see start to happen both this year and next year as major projects such as Derry/Londonderry's Invest in Play and Belfast North's Capital Cluster projects commence construction.

Similarly on revenue, where there are currently 9 projects operational with over 600 participants benefitting. We expect the numbers benefitting to ramp up significantly as delivery continues. This is because these are projects such as early intervention, employment and childcare programmes which were designed by communities to be delivered over 2 or 3 year periods.

The associated expenditure profiles therefore match the delivery periods. We expect spend to rise to £7 million by the end of March 2016, with a substantial increase anticipated in 2016/17 as projects really get started.

SIF was a very ambitious programme. We remain confident it will continue to bring the anticipated benefits to communities as delivery rolls out over the next couple of years.

Mr Allister asked the First Minister and deputy First Minister to detail (i) the basis of calculation for the £10m being held centrally to address paramilitary activity; (ii) over what period of time it will be allocated; (iii) what Department will allocate the funds; and (iv) the purpose for which funds will be allocated.
(AQW 53039/11-16)

Mrs Foster and Mr M McGuinness: The £10m to address paramilitary activity was a product of the political negotiations that led to the publication of the "Fresh Start Agreement". It forms part of a total of £50m that will be allocated over a period of five years (£25m from the Treasury and £25m from the Executive). Following agreement by the Executive funds will be allocated by the Department of Finance and Personnel to tackle continuing paramilitary activity.

Mr Agnew asked the First Minister and deputy First Minister whether money allocated to Together: Building a United Community, or any other funds, can be used to extend the United Youth pilot to June 2016.
(AQW 53930/11-16)

Mrs Foster and Mr M McGuinness: The T:BUC United Youth Pilot Programme is due to end on 31 March 2016. This has been funded to date via the NI Executive's 2015/16 Change Fund budget.

An external evaluation of the Pilot Programme will shortly be commissioned.

It would not be feasible to extend the Pilot Programme at this stage due both to the advanced stage of the pilots and the existing contractual arrangements.

The Minister for Employment and Learning is due to shortly met with the OFMDFM Junior Ministers to discuss potential options going forward for the United Youth Programme.

Department of Agriculture and Rural Development

Mr Allister asked the Minister of Agriculture and Rural Development to place a copy of a map in the Assembly library delineating the lands owned by her Department adjacent to Ballysallagh Upper Reservoir and Cairn Wood and referred to in several recent answers to Assembly Questions.
(AQW 52989/11-16)

Mrs O'Neill (The Minister of Agriculture and Rural Development): My Department owns the area of land, comprising some 40ha, in the vicinity of Ballysallagh Reservoir Upper and Cairn Wood adjoining NIW land as delineated on the map. A copy of which has been placed in the Assembly Library.

Mr McGlone asked the Minister of Agriculture and Rural Development what measures her Department will take to prevent shoreline damage and damage to the growth potential of shoreline lands occurring as a result of the current raised level of Lough Neagh.
(AQW 53320/11-16)

Mrs O'Neill: A review of the recent flooding experienced will be undertaken by my Department. This review will include the management and operating regime of Lough Neagh to determine if anything viable can be done to prevent or mitigate the effects of flooding.

I have launched the Homeowner Flood Protection Grant Scheme which is designed to encourage homeowners within known flood risk areas to modify their property to reduce the likelihood of flood water entering their home. As a result of this recent flooding event I intend to extend this scheme to small businesses and I have asked Rivers Agency to develop such a grant scheme for non-domestic properties.

Mr Agnew asked the Minister of Agriculture and Rural Development whether the section of Cairn Wood owned by her Department will remain accessible to the public after the sale of the section owned by NI Water.
(AQW 53338/11-16)

Mrs O'Neill: Public access to the section of Cairn Wood forest, which is owned by this Department, has for many years been established through part of NI Water land recently offered for sale. In a recent press release, the DRD Minister Michelle McIlveen, referred to the popularity of the site and that she was always keen to ensure that public access continued once the sale was completed.

Forest Service has confirmed its interest in the NI Water land and is currently exploring the potential to transfer ownership of it to this Department. In the meantime, NI Water is no longer pursuing the sale while the necessary processes governing asset transfers between Departments are worked through. In the event of such a transfer, this Department would assume responsibility for the transferred land including management of public access in conjunction with this Department's land at Cairn Wood.

Mr Weir asked the Minister of Agriculture and Rural Development what discussions she has had with the Minister of the Environment on the removal of the requirement under PPS 21 for a farm business to demonstrate that it has been active for six years.

(AQW 53380/11-16)

Mrs O'Neill: I have recently written to the Minister of the Environment to highlight my concerns about the PPS 21 Planning Policy Statement, and in particular the CTY 10(a) part of this document which specifically refers to planning permission for farm dwellings. This policy could potentially impact young farmers who have set up as head of holding in recently established farm businesses. I have sought the Environment Minister's assurance that consideration of this element of planning policy would not become a deterrent to young farmers establishing new businesses. The Minister of the Environment has provided a written response to my concerns within the last few weeks. My officials have also met with officials from the Department of the Environment on this specific issue and will continue to do so to ensure a satisfactory outcome for young farmers.

Mr Allister asked the Minister of Agriculture and Rural Development whether there is any restraint on her Department accepting AFE2 additional information on the extent of active farming from someone that was late with an AFE1 form.

(AQW 53391/11-16)

Mrs O'Neill: In July 2015 my Department wrote to a number applicants requesting additional supporting evidence of the agricultural activity undertaken by their business. The evidence was required to enable the Department to determine whether or not the business met the active farmer requirements. Applicants were required to submit their evidence and a completed AFE1 form to the Department by 03 August 2015. Rejection letters were issued in late September 2015 to applicants who failed to respond to this request.

In this letter applicants were offered the right to have this decision reviewed under the Department's Review of Decisions process.

If the applicant has further evidence to be taken into consideration, they can submit this under the Review of Decisions process provided an acceptable reason as to why it was not made available earlier is given.

Mr Easton asked the Minister of Agriculture and Rural Development how many staff has been suspended from her Department over the last three years for disciplinary reasons.

(AQW 53397/11-16)

Mrs O'Neill: In the period 1 January 2013 to 31 December 2015, 3 DARD staff were suspended for disciplinary reasons.

Mr Frew asked the Minister of Agriculture and Rural Development why the Nitrates Action Programme Regulations (Northern Ireland) 2014 does not differentiate between the levels of nitrogen turkeys produce in their first six weeks of life and the levels produced post six weeks, given that turkeys eat considerably less feed in their first six weeks of life.

(AQW 53458/11-16)

Mrs O'Neill: The Nitrates Action Programme (NAP) Regulations specify the nitrogen produced by turkeys per crop of 1000 birds. The Regulations specify different values for male and female turkeys and there is no age differentiation. The values specified are for the life cycle of fully grown turkeys which is the most common production system.

However, the Regulations contain provision to allow variation from the standard values which are specified, based on a reasoned scientific case. Therefore, the nitrogen produced by turkeys in their first 6 weeks of life can be determined on the basis of bird weight. Farmers can obtain assistance with this calculation from the appropriate CAFRE Advisers.

My Department has commissioned research with the Agri Food and Bio Sciences Institute to review and determine nutrient production from six different poultry production systems, including turkeys from 6 weeks to kill. Due to funding constraints this research does not include analysis for turkeys from 0 to 6 weeks. However, subject to funding becoming available, there may be scope for further research on other poultry production systems, such as turkeys from 0- 6 weeks, in future.

Mr Easton asked the Minister of Agriculture and Rural Development to detail her Department's underspend in the last financial year.

(AQW 53469/11-16)

Mrs O'Neill: The 2014/15 underspends in Resource DEL and Capital DEL for the Department are detailed in the table below.

2014/15 Final Outturn by Budgeting Category £'000

Expenditure Category	Final Budget	Final Outturn	Variance
Admin	40,045	39,654	(391)
Other Resource	154,668	154,895	227
Non Ringfenced Resource Subtotal	194,713	194,549	(164)
Admin Depreciation/Impairment (D/I)	1,201	1,122	(79)
Other Resource D/I	11,579	11,506	(73)

Expenditure Category	Final Budget	Final Outturn	Variance
Ringfenced Resource Subtotal	12,780	12,628	(152)
Resource DEL	207,493	207,177	(316)
Capital Grants	20,853	20,917	64
Capital	28,223	28,043	(180)
Capital DEL	49,076	48,960	(116)
Total DEL	256,569	256,137	(432)

This shows that my Department spent 99.85% of its Resource DEL Budget and 99.76% of its Capital DEL budget in the last financial year.

Mr Weir asked the Minister of Agriculture and Rural Development to detail the EU grants or payments made to local farmers in each of the last five years.

(AQW 53471/11-16)

Mrs O'Neill: The EU grants or payments made to farmers in the north of Ireland in each of the last five years are set out in the table below:

Financial Year	Amount Paid (£)
2010 / 2011	326,193,028
2011 / 2012	328,621,779
2012 / 2013	303,501,234
2013 / 2014	321,199,237
2014 / 2015	303,626,322
Total	1,583,141,600

These figures include both EU and National monies.

Mr Swann asked the Minister of Agriculture and Rural Development, pursuant to AQW 52906/11-16, for a breakdown of the (i) £2.9m relating to a revaluation exercise on her Department's Land and Buildings carried out during the year; and (ii) £0.5m reduction relating to changes in provisions.

(AQW 53499/11-16)

Mrs O'Neill: Pursuant to AQW 52906/11-16, the £2.9m relating to a revaluation exercise carried out on the Department's Land and Buildings during the year included an increase of £3.4m in the Rivers Agency Land and Buildings and a decrease of £0.5m in Forest Service Land and Buildings.

The £0.5m reduction relating to changes in provisions included £0.1m in respect of corporation tax liabilities in AFBI. The remaining £0.4m related to provisions for litigation claims in the Department (£0.2m) and AFBI (£0.2m).

Mrs Dobson asked the Minister of Agriculture and Rural Development, in relation to the forthcoming review of the management of Lough Neagh following the recent flooding, whether she will ensure that hydrologists from outside Northern Ireland will be able to play a central role to enable the review to include experiences of flood management in other regions and countries.

(AQW 53559/11-16)

Mrs O'Neill: The Department intends to appoint consultants from the Rivers Agency Framework of Professional Consultants to undertake the review of the management and operating regime to control water levels in Lough Neagh. Consultants on this Framework are international companies, who have demonstrated a depth of knowledge and experience in flood risk management. These companies employ hydrologists who have experience of flood management in other regions and countries.

Mr Flanagan asked the Minister of Agriculture and Rural Development (i) when people applying to the Young Farmers Scheme were informed that they may be subject to an interview, assessment or examination process to qualify for the additional payments; (ii) whether all applicants are subject to an interview, assessment or examination to qualify for the additional money; (iii) how applicants were selected to participate in an interview, assessment or examination to qualify for the additional money; (iv) whether the interview, assessment or examination process was a requirement for applicants of all ages to the Young Farmers Scheme; (v) how many applicants have been invited or subject to an interview, assessment or examination; (vi) how many applicants have been (a) successful; and (b) unsuccessful at their interview, assessment or

examination; (vii) what advice is given to applicants before their interview, assessment or examination; (viii) what guidelines are provided to those carrying out the interview, assessment or examination; (ix) what questions or topics are covered in the interview, assessment or examination process; and (x) what mechanism for appeal exists for those who participate in the interview, assessment or examination.

(AQW 53593/11-16)

Mrs O'Neill: The Young Farmers' Payment (YFP) and the Regional Reserve (RR) schemes are aimed at providing assistance to young farmers and new entrants in the initial years of their business to help them get established. The schemes allow for applications from applicants forming their own separate business or, in certain circumstances taking control of an existing business. The schemes require applicants, among other things, to be "exercising effective and long term control in terms of decisions related to management, benefits and financial risks" ie, Head of Holding (HOH) requirement for young farmers or Control of Business (COB) requirement for young entrants. This can be either solely or jointly with other farmers.

During the assessment process, various controls and checks are applied to each application to ensure that applicant meets the necessary criteria of the scheme. This includes assessment by technical staff, a farm visit, consideration by an assessment panel and/or clarification being sought from the applicant before a determination is made. In cases where it is deemed that a full determination cannot be made on the basis of the available information, the applicant is required to attend for interview.

Prior to the interview the applicant is informed of the reason(s) for it i.e. to establish that they are Head of Holding, and advised to consult the relevant guidance. The questions / topics covered at interview are specific to the applicant's business.

Members of the interview panel have been trained in conducting interviews and have the technical knowledge and expertise to enable them to make a decision.

To date, 36 of the 2,086 applicants for Young Farmers' Payment have been invited to attend an interview. 33 interviews have been completed with 6 applicants having been unsuccessful.

Following interview and the issue of a decision, applicants can avail of the review of decision procedures as a mechanism for seeking recourse to any decision which they are unhappy with. Any request for review must be made by completing the relevant application form which must be received by the Department no later than 42 calendar days from the date of their decision letter.

Mr Boylan asked the Minister of Agriculture and Rural Development to list the organisations in the Newry and Armagh constituency that were successful applicants to both phases of the Rural Micro Capital Grants scheme, including (i) the value of their award; and (ii) the type of capital project being funded.

(AQW 53653/11-16)

Mrs O'Neill: A total of twenty seven rural voluntary and community organisations based in the Newry and Armagh constituency have been awarded funding through the Rural Micro Capital Grant Programme. Nine organisations were funded through Phase One and a further eighteen were awarded funding through Phase Two of the Programme.

Details of the organisations funded, the value of their awards and the type of capital projects being funded is detailed in the tables below.

Organisation	Type of Capital Project	Funding Awarded
Phase 1		
Aughnagurgan Rural Development Association	Windows	£1,020
Clady Tiny Tots	Modernisation of Kitchen	£1,500
Knockavannon Rural Community Development Association	Modernisation Of Drainage	£1,500
Loughgall Women's Institute	Modernisation of Hall	£1,500
Newtownhamilton Rural Community Association	Projector & Laptop	£804.95
Out of Shadows	Mens Shed – DIY tools & equipment	£1,500
Poyntzpass Community Playgroup	Sand & Water Centre	£1,112
Tullyvallon LOL	Purchase Of Chairs & Tables	£1,500
Tyrone's Ditches Pipe Band	Modernisation Of Old Premises	£1,500

Organisation	Type of Capital Project	Funding Awarded
Phase 2		
Ballymacnab CDA	Purchase Of Chairs	£1500
Camlough Community Association	Electronic Equipment: TV, iPad, Projector	£1,400.93
Corkley Development Association	Purchase Of Tables	£944.5
Craobh Rua Camlocha Hurling Club	Clubhouse Modernisation	£1,500
Culloville Development Association	Gym Equipment	£721.65
Cullyhanna Community Group	Portable Stage	£1,500
Drumnaleg Community Association	Projector, Projector Screen & Laptop	£952.66
Glen & Barr Cross Community Association	IT Equipment	£747.99
Hope 4 Me & Fibro Ni	IT Equipment	£1,133.15
Jerrettspass Community Association	Purchase Of Tables	£1,274.90
Lislea Community Association	Upgrade Of Existing Kitchen Facilities	£1,500
Mullintur Ulster Scots	Projector, Projector Screen & Amplifier	£1,445
Newry & Mourne Community Transport	Technology Equipment - Headsets	£1,161.14
Redrock BB	Purchase Of Projector And Screen	£1,090.78
Redrock Development Partnership	Lincat Water Boiler, Tables & Laptop	£1,422.89
St Bridgets PS Parent Group	Musical instruments	£1,230.84
Tannagh-Hill RDA	Purchase Of Dishwasher	£428
Tullyhappy LoL 59	Replace & Install Modern Lighting & Electrical Fittings	£1,500

Mr Rogers asked the Minister of Agriculture and Rural Development how farming families have been impacted by the 42 per cent reduction on Total Income From Farming as reported in the latest provisional estimates for 2015. (AQW 53800/11-16)

Mrs O'Neill: Very poor market prices have significantly reduced farm incomes in 2015. The total income from farming figure for the industry as a whole is at a level not seen for 10 years and that is very concerning.

Farmers and their families will certainly be feeling the effects of the fall in incomes and I am well aware that cash-flow is a difficulty for many. That is why EU support is so important to our farmers and why it was important that we were able to hit our targets in terms of making as many of these payments as possible in December. To date, over 96% of payments to eligible claimants have been made and we are working hard to clear the remainder.

In addition, I am continuing to encourage the banks and agricultural suppliers to be flexible on the issue of cash-flow. I plan to meet with a range of dairy stakeholders again this week. CAFRE and the Department's advisers continue to work with farmers to help them deal with the different problems that the current crisis presents.

The Rural Development Programme 2014 - 2020 is worth up to £623m and contains a number of support measures for farmers and farm families. The Programme focuses on a number of priorities, which include enhancing farm viability and competitiveness, and promoting social inclusion, poverty reduction and economic development in rural areas. For example, the Programme will help farmers and their families to improve the competitiveness and sustainability of their farm businesses through the Farm Business Improvement Scheme (FBIS) which provides training through Business Development Groups and the Farm Family Key Skills Scheme. Subject to business case approval FBIS will also assist farmers seeking to invest in their business by providing capital grant support, and support for innovation and cooperation. Farmers and farm families are a key beneficiary of the Rural Development Programme and I would encourage them to look closely at the different types of support available under the Programme for which they may be eligible.

I remain optimistic about the long-term opportunities for our farming industry, but the immediate income problems are severe and we will continue to do whatever we can to assist farmers through this difficult time.

Department of Culture, Arts and Leisure

Ms Ruane asked the Minister of Culture, Arts and Leisure to detail the financial investment in South Down by her Department in each year since 2007, broken down by the (i) organisations that have received funding; and (ii) and the investment each received. **(AQW 53152/11-16)**

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): The information you have asked for is set out in the attached table.

Year	Funder	Organisation	Amount
2007	Foras na Gaeilge	Cumann Gaelach Áit Thí Chathail	£2,941
2007	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£2,941
2007	Foras na Gaeilge	Cumann Gaelach Leath Chathail	£22,508
2007	Foras na Gaeilge	Cumann Gaelach Áit Thí Chathail	£1,670
2007	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2007	Foras na Gaeilge	Cumann Gaelach Áit Thí Chathail	£1,400
2007	Foras na Gaeilge	Fís 2008	£14,925
2007	Ulster-Scots Agency	Altnaveigh House Cultural Society	£8,492
2007	Ulster-Scots Agency	Ballymageough Rural Development Association	£4,290
2007	Ulster-Scots Agency	Hollymount Rural Community Association	£7,103
2007	Ulster-Scots Agency	Kilmegan & Aughlisnafin Rural Community Group	£7,818
2007	Ulster-Scots Agency	Newry Heritage & Development Association Youth Group "Kidiscape"	£17,025
2007	Ulster-Scots Agency	Schomberg Festival Committee	£11,247
2007	Ulster-Scots Agency	South Down Action for Healing Wounds	£3,500
2007	Ulster-Scots Agency	Ballinran Summer Scheme	£3,500
2007	Ulster-Scots Agency	Cranfield Cultural Society Summer Scheme	£3,500
2007	Ulster-Scots Agency	Mourne Young Defenders	£3,500
2007	Ulster-Scots Agency	Newry Heritage & Development Association Youth Group	£3,500
2007	Ulster-Scots Agency	Schomberg Fife & Drum	£3,500
2007	Ulster-Scots Agency	Altnaveigh House School of Dance	£5,498
2007	Ulster-Scots Agency	Aughnagurgan Scottish Dance Association	£3,995
2007	Ulster-Scots Agency	Kilbroney Integrated Primary School	£720
2007	Ulster-Scots Agency	Kirknarra School of Dance	£2,668
2007	Ulster-Scots Agency	Ballymartin Pipe Band	£2,325
2007	Ulster-Scots Agency	Closkelt Pipe Band	£1,800
2007	Ulster-Scots Agency	Grallagh Part Flute Band	£1,913
2007	Ulster-Scots Agency	Roden Accordion Band	£2,100
2007	Ulster-Scots Agency	Schomberg Fife & Drum	£2,250
2007	Ulster-Scots Agency	Schomberg Fife & Drum	£2,250
2007	Ulster-Scots Agency	Aughnagurgan Rural Development Association	£900
2007	Ulster-Scots Agency	Ballymageough Rural Development Association	£3,173
2007	Ulster-Scots Agency	Moneygore Rural Development Association	£4,860
2007	Ulster-Scots Agency	Schomberg Folk Orchestra	£2,025
2007	Ulster-Scots Agency	Valley Heritage Society	£2,363
2007	Ulster-Scots Agency	Mourne Young Defenders Flute Band	£1,200

Year	Funder	Organisation	Amount
2007	Ulster-Scots Agency	Donaghmore Development Association	£250
2007	Ulster-Scots Agency	Donaghmore Development Association	£250
2007	Ulster-Scots Agency	Friends of Slieve Roe House	£400
2007	Ulster-Scots Agency	Drumlough & Ballygorian Rural Development Association	£250
2007	Ulster-Scots Agency	Hollymount Rural Community Association	£250
2007	Ulster-Scots Agency	Kirknarra School of Dance	£678
2007	Ulster-Scots Agency	Kirknarra School of Dance	£250
2007	Ulster-Scots Agency	Schomberg Folk Orchestra	£167
2007	Ulster-Scots Agency	Waringsford & Tullyniskey Rural Community Association	£250
2007/08	Arts Council NI	Down District Council	£5,000
2007/08	Department	Banbridge District Council	£5,000
2007/08	Department	Down District Council	£2,820
2007/08	Department	Newry & Mourne District Council	£28,278
2007/08	Sport NI	Mourne Mountain Rescue Team	£47,855
2007/08	Northern Ireland Museums Council	Down County Museum	£3,185
2007/08	Northern Ireland Museums Council	Downpatrick and Co. Down Railway	£5,284
2008	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£1,740
2008	Foras na Gaeilge	Cumann Gaelach Leath Chathail	£35,786
2008	Foras na Gaeilge	Cumann Gaelach Áit Thí Chathail	£1,900
2008	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,000
2008	Foras na Gaeilge	St. Patrick's Youth Club	£3,500
2008	Foras na Gaeilge	Cumann Gaelach Ait Thí Chathail	£3,000
2008	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2008	Foras na Gaeilge	Cumann Staire Shéamúis Uí Néill	£4,478
2008	Foras na Gaeilge	Scoil Samhraidh Shéamúis Uí Dhuinn (Kairos)	£1,194
2008	Ulster-Scots Agency	Ballymageough Rural Development Association	£4,500
2008	Ulster-Scots Agency	Altnaveigh House Ltd	£6,550
2008	Ulster-Scots Agency	Ballinran Community Association	£2,837
2008	Ulster-Scots Agency	Ballyvea Rural Development Association	£700
2008	Ulster-Scots Agency	Newry Heritage & Development Association Youth Group	£8,975
2008	Ulster-Scots Agency	Schomberg Festival Committee	£8,150
2008	Ulster-Scots Agency	Mourne Young Defenders Flute Band	£2,400
2008	Ulster-Scots Agency	Newry Heritage & Development Association - Kidiscape	£2,180
2008	Ulster-Scots Agency	Schomberg Fife & Drum	£2,800
2008	Ulster-Scots Agency	Altnaveigh House School of Dance	£713
2008	Ulster-Scots Agency	Finnard Rural Development Association	£250
2008	Ulster-Scots Agency	Heart of Down Highland Dancers	£770
2008	Ulster-Scots Agency	Kirknarra School of Dance	£778

Year	Funder	Organisation	Amount
2008	Ulster-Scots Agency	Kirknarra School of Dance	£250
2008	Ulster-Scots Agency	Lisnamulligan Rural Association	£250
2008	Ulster-Scots Agency	Waringsford & Tullyniskey Rural Community	£250
2008	Ulster-Scots Agency	Altnaveigh School of Dance	£6,000
2008	Ulster-Scots Agency	Aughnagurgan Scottish Dance Association	£3,364
2008	Ulster-Scots Agency	Closkelt Highland Dancers	£1,360
2008	Ulster-Scots Agency	Closkelt Highland Dancers	£1,950
2008	Ulster-Scots Agency	Finnard Rural Development Association	£1,800
2008	Ulster-Scots Agency	Kirknarra School of Dance	£3,449
2008	Ulster-Scots Agency	Heart of Down Highland Dancers	£2,604
2008	Ulster-Scots Agency	Heart of Down Highland Dancers	£2,088
2008	Ulster-Scots Agency	Kirknarra School of Dance	£2,492
2008	Ulster-Scots Agency	Ballymartin Pipe Band	£2,325
2008	Ulster-Scots Agency	Brunswick Accordion Band	£2,100
2008	Ulster-Scots Agency	Derryogue Flute Band	£2,850
2008	Ulster-Scots Agency	Hunter Memorial Flute Band	£3,750
2008	Ulster-Scots Agency	Legananny Accordion Band	£2,175
2008	Ulster-Scots Agency	Mourne Young Defenders Flute Band	£3,840
2008	Ulster-Scots Agency	Roden Accordion Band	£2,100
2008	Ulster-Scots Agency	Ballymageough Rural Development Association	£2,700
2008	Ulster-Scots Agency	Ballyvea Rural Development Association	£2,850
2008	Ulster-Scots Agency	Cranfield Cultural Society	£2,625
2008	Ulster-Scots Agency	Cranfield Cultural Society	£1,750
2008	Ulster-Scots Agency	Moneygore Rural Development Association	£3,600
2008	Ulster-Scots Agency	Schomberg Fife & Drum	£1,275
2008	Ulster-Scots Agency	Schomberg Fife & Drum	£700
2008	Ulster-Scots Agency	Schomberg Fife & Drum	£850
2008	Ulster-Scots Agency	Schomberg Folk Orchestra	£2,025
2008	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,400
2008	Ulster-Scots Agency	Schomberg Folk Orchestra	£540
2008	Department	Public Angling Estate – Car park at Spelga Dam	£43,000
2008/09	Northern Ireland Museums Council	Down County Museum	£11,178
2008/09	Northern Ireland Museums Council	Downpatrick and Co. Down Railway	£2,294
2008/09	Sport NI	Dromara GAC	£245,000
2008/09	Sport NI	Mourne Mountain Rescue Team	£16,154
2008/09	Sport NI	Mourne Mountain Rescue Team	£13,031
2008/09	Arts Council NI	Ballymartin Pipe Band	£4,999
2008/09	Department	Banbridge District Council	£10,600
2008/09	Department	Down District Council	£16,500
2008/09	Department	Newry & Mourne District Council	£25,400
2009	Foras na Gaeilge	Cumann Gaelach Leath Chathail	£35,333

Year	Funder	Organisation	Amount
2009	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,200
2009	Foras na Gaeilge	St Patricks Youth Club	£3,500
2009	Foras na Gaeilge	St Patricks Youth Club	£3,500
2009	Ulster-Scots Agency	Ballymageough Rural Dev Association	£2,831
2009	Ulster-Scots Agency	South Down Defenders Flute Band	£3,590
2009	Ulster-Scots Agency	Banbridge Orange Hall Committee	£5,448
2009	Ulster-Scots Agency	Drumadonald Rural Dev Associatiom	£1,275
2009	Ulster-Scots Agency	Schomberg Festival Committee	£5,095
2009	Ulster-Scots Agency	Ballinran Summer Scheme	£2,811
2009	Ulster-Scots Agency	Curley Rural Community Association	£1,830
2009	Ulster-Scots Agency	Ballinran Summer Scheme	£2,740
2009	Ulster-Scots Agency	Philip Crawford - Happenstance	£7,500
2009	Ulster-Scots Agency	Closkelt Highland Dancers	£638
2009	Ulster-Scots Agency	Curley Rural Community Association	£2,272
2009	Ulster-Scots Agency	Donaghmore Development Association	£250
2009	Ulster-Scots Agency	Finnard Rural Dev Association	£250
2009	Ulster-Scots Agency	Altnaveigh House School of Dance	£803
2009	Ulster-Scots Agency	Finnard Rural Dev Association	£1,441
2009	Ulster-Scots Agency	Kirknarra School of Dance	£900
2009	Ulster-Scots Agency	Kirknarra School of Dance	£180
2009	Ulster-Scots Agency	Kirknarra School of Dance	£250
2009	Ulster-Scots Agency	Lisnamulligan Pipe Band	£200
2009	Ulster-Scots Agency	Aughlismafin Accordion Band	£1,213
2009	Ulster-Scots Agency	Ballymageough Rural Dev Association	£1,950
2009	Ulster-Scots Agency	Flutes of Mourne	£2,066
2009	Ulster-Scots Agency	Kilkeel Silver Band	£735
2009	Ulster-Scots Agency	Lisnaward Rural Association	£1,800
2009	Ulster-Scots Agency	Pride of Ballinran	£2,080
2009	Ulster-Scots Agency	Skeogh Flute Band	£2,400
2009	Ulster-Scots Agency	Skeogh Flute Band	£1,040
2009	Ulster-Scots Agency	South Down Defenders Flute Band	£1,650
2009	Ulster-Scots Agency	Geoghegan Memorial Pipe Band	£3,593
2009/10	Department	Banbridge District Council	£10,700
2009/10	Department	Down District Council	£16,500
2009/10	Department	Newry & Mourne District Council	£25,058
2009/10	Department	Fish Counter at Shimna River	£45,000
2009/10	Northern Ireland Museums Council	Down County Museum	£2,188
2009/10	Northern Ireland Museums Council	Downpatrick and Co. Down Railway	£3,025
2009/10	Libraries NI	Library HQ, Ballynahinch Running Costs	£633,943
2009/10	Libraries NI	Ballynahinch Library Running Costs	£105,630
2009/10	Libraries NI	Castlewellan Library Running Costs	£66,189

Year	Funder	Organisation	Amount
2009/10	Libraries NI	Downpatrick Library Running Costs	£379,123
2009/10	Libraries NI	Newcastle Library Running Costs	£122,663
2009/10	Libraries NI	Kilkeel Library Running Costs	£77,188
2009/10	Libraries NI	Warrenpoint Library Running Costs	£133,765
2009/10	Libraries NI	Rathfriland Library Running Costs	£46,923
2009/10	Arts Council NI	Belfast Music Society	£4,000
2009/10	Arts Council NI	Down Community Arts Ltd	£30,000
2009/10	Arts Council NI	Fringe Performances Ltd	£30,000
2009/10	Arts Council NI	Down District Council Arts Service	£600,510
2009/10	Arts Council NI	Newcastle Glees Musical Society	£80,424
2009/10	Arts Council NI	Elfire Architectural and Sculptural Ceramics	£8,621
2009/10	Arts Council NI	LitNet-NI	£32,233
2009/10	Arts Council NI	Melting Pot Candle Co	£6,029
2009/10	Arts Council NI	Penny Distribution	£10,000
2009/10	Arts Council NI	Referalot Ltd	£33,944
2009/10	Arts Council NI	Vectorfunk	£9,840
2009/10	Arts Council NI	Closkelt Highland Pipe Band	£3,663
2009/10	Arts Council NI	Schomberg Fife and Drum Band	£2,741
2009/10	Arts Council NI	South Down Defenders Flute Band	£5,000
2009/10	Sport NI	Glenn GAC	£4,700
2009/10	Sport NI	Kingdom Youth Club	£6,000
2009/10	Sport NI	Down GAA County Board	£149,168
2009/10	Sport NI	Down GAA County Board	£5,300
2009/10	Sport NI	Newry Wheelers Cycling Club	£3,161
2009/10	Sport NI	Quoile Yacht Club	£9,700
2009/10	Sport NI	Saval GAC	£5,799
2009/10	Sport NI	Tollymore United FC	£2,707
2009/10	Sport NI	Drumgath GAC	£245,000
2009/10	Sport NI	An Ríocht GAC	£233,340
2009/10	Sport NI	St Malachy's GAC (Castlewellan)	£245,000
2009/10	Sport NI	Clonduff GAC	£245,000
2009/10	Sport NI	Down District Council (sports hall)	£1,294,000
2009/10	Sport NI	Kilcoo GAC	£245,000
2009/10	Sport NI	Warrenpoint Town FC	£245,000
2009/10	Sport NI	Mourne Mountain Rescue Team	£15,490
2009/10	Sport NI	Mourne Mountain Rescue Team	£11,109
2010	Foras na Gaeilge	East Down Rural Community Network	£1,600
2010	Foras na Gaeilge	Cumann Gaelach Leath Chathail	£36,304
2010	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£800
2010	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£533
2010	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,400

Year	Funder	Organisation	Amount
2010	Foras na Gaeilge	Cumann Gaelach Ait Thí Chathal	£3,000
2010	Foras na Gaeilge	Bunscoil Bheanna Boirche	£3,260
2010	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2010	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2010	Foras na Gaeilge	Bunscoil Bheanna Boirche	£3,350
2010	Foras na Gaeilge	Coiste Campa Chormaic an Dúin	£3,500
2010	Foras na Gaeilge	Cumann Gaelach Ait Thí Chathal	£3,500
2010	Foras na Gaeilge	Cumann Gaelach Leath Chathail (Colmcille)	£610
2010	Ulster-Scots Agency	Banbridge Orange Hall Committee	£4,775
2010	Ulster-Scots Agency	Banbridge Orange Hall Committee	£2,047
2010	Ulster-Scots Agency	Banbridge Orange Hall Committee	£250
2010	Ulster-Scots Agency	Schomberg Festival Committee	£5,226
2010	Ulster-Scots Agency	Kirknarra School of Dance	£520
2010	Ulster-Scots Agency	Lisnamulligan Pipe Band	£250
2010	Ulster-Scots Agency	Kilmegan & Aughlisnafin Rural Comm Group	£250
2010	Ulster-Scots Agency	Kilmacrew & District Rural Comm Group	£250
2010	Ulster-Scots Agency	Donaghmore Development Association	£250
2010	Ulster-Scots Agency	Annalong Single Star Flute Band	£1,680
2010	Ulster-Scots Agency	Aughlisnafin Accordion Band	£2,415
2010	Ulster-Scots Agency	Brunswick Accordion Band	£3,612
2010	Ulster-Scots Agency	Closkelt Pipe Band	£1,680
2010	Ulster-Scots Agency	Grallagh Unionist Flute Band	£2,478
2010	Ulster-Scots Agency	Harry Ferguson Memorial Pipe Band	£3,290
2010	Ulster-Scots Agency	Legananny Accordion Band	£2,562
2010	Ulster-Scots Agency	Lisnamulligan Pipe Band	£3,640
2010	Ulster-Scots Agency	Loyal Sons of Benagh Flute Band	£3,255
2010	Ulster-Scots Agency	Star of Down Flute Band Maghera	£2,079
2010	Ulster-Scots Agency	Mourne Young Defenders	£1,960
2010	Ulster-Scots Agency	Orangefield Flute Band	£3,549
2010	Ulster-Scots Agency	Pride of the Hill Flute Band Rathfriland	£3,150
2010	Ulster-Scots Agency	Skeogh Flute Band	£3,640
2010	Ulster-Scots Agency	South Down Defenders Flute Band	£3,402
2010	Ulster-Scots Agency	St Patrick Pipe Band	£2,240
2010	Ulster-Scots Agency	Altnaveigh House School of Dance	£2,640
2010	Ulster-Scots Agency	Closkelt Highland Dancers	£2,100
2010	Ulster-Scots Agency	Curley Rural Community Association	£4,165
2010	Ulster-Scots Agency	Finnard Rural Dev Association	£2,421
2010	Ulster-Scots Agency	Kirknarra School of Dance	£375
2010	Ulster-Scots Agency	Kirknarra School of Dance	£3,247
2010	Ulster-Scots Agency	Ballymageough Rural Dev Association	£2,240
2010	Ulster-Scots Agency	Ballyvea Rural Development Association	£2,520

Year	Funder	Organisation	Amount
2010	Ulster-Scots Agency	Ballyvea Rural Development Association	£2,100
2010	Ulster-Scots Agency	Banbridge Orange Hall Committee	£1,400
2010	Ulster-Scots Agency	Schomberg Fife & Drum	£611
2010	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,710
2010	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£15,711
2010/11	Northern Ireland Museums Council	Down County Museum	£3,000
2010/11	Northern Ireland Museums Council	Downpatrick and Co. Down Railway	£3,061
2010/11	Department	Banbridge District Council	£6,037
2010/11	Department	Down District Council	£17,948
2010/11	Department	Newry & Mourne District Council	£24,802
2010/11	Arts Council NI	Belfast Music Society	£5,000
2010/11	Arts Council NI	Down Community Arts Ltd	£30,000
2010/11	Arts Council NI	Annalong Single Star Flute Band	£2,775
2010/11	Arts Council NI	Benraw Highland Pipe Band	£4,950
2010/11	Arts Council NI	Brunswick Accordion Band	£3,279
2010/11	Arts Council NI	Derryogue Flute Band	£4,402
2010/11	Arts Council NI	Hunter Moore Memorial Flute Band	£4,762
2010/11	Arts Council NI	Johnston Memorial Accordion Band	£4,569
2010/11	Arts Council NI	Pride of the Hill Flute Band	£5,000
2010/11	Arts Council NI	Down District Council	£41,892
2010/11	Arts Council NI	Mourne Heritage Trust	£25,000
2010/11	Libraries NI	Library HQ, Ballynahinch Running Costs	£241,866
2010/11	Libraries NI	Ballynahinch Library Running Costs	£120,526
2010/11	Libraries NI	Castlewellan Library Running Costs	£64,021
2010/11	Libraries NI	Downpatrick Library Running Costs	£233,336
2010/11	Libraries NI	Newcastle Library Running Costs	£123,763
2010/11	Libraries NI	Kilkeel Library Running Costs	£84,837
2010/11	Libraries NI	Warrenpoint Library Running Costs	£84,330
2010/11	Libraries NI	Rathfriland Library Running Costs	£49,117
2010/11	Libraries NI	Ballynahinch Library Capital	£3,424
2010/11	Sport NI	Newry City FC	£28,737
2010/11	Libraries NI	Downpatrick Library Capital	£15,862
2010/11	Libraries NI	Ballynahinch Library Capital	£107,979
2010/11	Libraries NI	Castlewellan Library Capital	£53,695
2010/11	Sport NI	Shinken Shobu Ryu	£4,075
2010/11	Sport NI	Down District Council	£250,000
2010/11	Sport NI	Mayobridge Community Association	£27,797
2010/11	Sport NI	Russell Gaelic Union	£29,633
2010/11	Sport NI	Russell Gaelic Union	£29,803
2010/11	Sport NI	Atticall Community Association	£3,756
2010/11	Sport NI	Dundrum Cricket Club	£24,324

Year	Funder	Organisation	Amount
2010/11	Sport NI	Down Basketball	£23,207
2010/11	Sport NI	Carlingford Lough Yacht Club	£29,923
2010/11	Sport NI	Newcastle Yacht Club	£15,000
2010/11	Sport NI	Down District Council	£1,000
2010/11	Sport NI	Down District Council	£192,562
2010/11	Sport NI	Down GAA County Board	£658,832
2010/11	Sport NI	Mourne Mountain Rescue Team	£15,750
2010/11	Sport NI	Mourne Mountain Rescue Team	£8,417
2011	Foras na Gaeilge	Cumann Gaelach Leath Chathail	£1,310
2011	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£39,322
2011	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£47,878
2011	Foras na Gaeilge	2011 Conradh na Gaeilge Boirche Íochtar	£3,500
2011	Foras na Gaeilge	Cumann Gaelach Ait Thí Chathal	£3,500
2011	Foras na Gaeilge	St Patricks Youth Club	£3,500
2011	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2011	Foras na Gaeilge	Cumann Gaelach Ait Thí Chathal	£3,500
2011	Foras na Gaeilge	Ballyholland Primary School	£3,250
2011	Foras na Gaeilge	St Marys Primary School	£3,211
2011	Foras na Gaeilge	Grúpa Tuismitheoirí agus Tachráin	£3,500
2011	Foras na Gaeilge	St Patrick's Community Centre Mayobridge	£3,500
2011	Ulster-Scots Agency	Schomberg Fife & Drum	£1,115
2011	Foras na Gaeilge	Bunscoil na mBeann	£11,777
2011	Foras na Gaeilge	Cumann Gaelach Leath Chathail (Colmcille)	£1,308
2011	Ulster-Scots Agency	South Down Defenders Flute Band	£2,150
2011	Ulster-Scots Agency	Banbridge Orange Hall Committee	£5,075
2011	Ulster-Scots Agency	Banbridge Orange Hall Committee	£1,763
2011	Ulster-Scots Agency	Banbridge Orange Hall Committee	£250
2011	Ulster-Scots Agency	Banbridge Orange Hall Committee	£250
2011	Ulster-Scots Agency	Schomberg Festival Committee	£4,157
2011	Ulster-Scots Agency	Donaghmore Dev Association	£215
2011	Ulster-Scots Agency	Donaghmore Dev Association	£1,650
2011	Ulster-Scots Agency	Finnard Rural Dev Association	£225
2011	Ulster-Scots Agency	Finnard Rural Dev Association	£249
2011	Ulster-Scots Agency	Kirknarra School of Dance	£333
2011	Ulster-Scots Agency	Kirknarra School of Dance	£2,205
2011	Ulster-Scots Agency	Annalong Single Star Flute Band	£1,650
2011	Ulster-Scots Agency	Aughliscnafin Accordion Band	£998
2011	Ulster-Scots Agency	Ballymageough Rural Dev Association	£165
2011	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,568
2011	Ulster-Scots Agency	Benraw Highland Pipe Band	£1,650
2011	Ulster-Scots Agency	Brunswick Accordion Band	£1,050

Year	Funder	Organisation	Amount
2011	Ulster-Scots Agency	Closkelt Pipe Band	£1,238
2011	Ulster-Scots Agency	Crimsom Arrow Pipe Band	£659
2011	Ulster-Scots Agency	Schomberg Folk Ochestra	£1,050
2011	Ulster-Scots Agency	Crimsom Arrow Pipe Band	£480
2011	Ulster-Scots Agency	Crossgar Young Defenders	£1,650
2011	Ulster-Scots Agency	Drumlough Highland Pipe Band	£1,050
2011	Ulster-Scots Agency	Lisnamulligan Pipe Band	£1,650
2011	Ulster-Scots Agency	Moneygore Rural Development Association	£1,650
2011	Ulster-Scots Agency	Orangefield Flute Band	£1,650
2011	Ulster-Scots Agency	Pride of the Hill Flute Band Rathfriland	£1,650
2011	Ulster-Scots Agency	Closkelt Highland Dancers	£1,553
2011	Ulster-Scots Agency	Cranfield Cultural Society	£1,647
2011	Ulster-Scots Agency	Curley Rural Community Association	£2,565
2011	Ulster-Scots Agency	Finnard Rural Dev Association	£1,971
2011	Ulster-Scots Agency	Mourne School of Dance	£2,421
2011	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£15,885
2011/12	Northern Ireland Museums Council	Down County Museum	£7,403
2011/12	Department	Banbridge district Council	£10,000
2011/12	Department	Down district Council	£20,320
2011/12	Department	Newry & Mourne District Council	£25,807
2011/12	Arts Council NI	Belfast Music Society	£1,250
2011/12	Arts Council NI	Down Community Arts Ltd	£30,000
2011/12	Arts Council NI	Discovery Publications	£10,000
2011/12	Arts Council NI	Ballyvea Flute Band	£3,567
2011/12	Arts Council NI	Pride of Ballinran Flute Band	£4,680
2011/12	Arts Council NI	Pride of the Hill Auld Boys	£5,000
2011/12	Arts Council NI	Roden Accordion Band	£5,000
2011/12	Arts Council NI	Upper Crossgare Pipe Band	£4,890
2011/12	Arts Council NI	Newcastle Arts Festival Committee	£5,000
2011/12	Arts Council NI	The Beacon Association	£5,000
2011/12	Department	River restoration at Annacloy River	£33,000
2011/12	Libraries NI	Library HQ, Ballynahinch Running Costs	£143,424
2011/12	Libraries NI	Ballynahinch Library Running Costs	£117,532
2011/12	Libraries NI	Castlewellan Library Running Costs	£64,571
2011/12	Libraries NI	Downpatrick Library Running Costs	£260,714
2011/12	Libraries NI	Newcastle Library Running Costs	£119,296
2011/12	Libraries NI	Kilkeel Library Running Costs	£88,042
2011/12	Libraries NI	Warrenpoint Library Running Costs	£89,907
2011/12	Libraries NI	Rathfriland Library Running Costs	£46,006
2011/12	Sport NI	Clearsky Adventure Centre	£750
2011/12	Sport NI	Life Adventure	£750

Year	Funder	Organisation	Amount
2011/12	Sport NI	Outdoor Concepts	£750
2011/12	Sport NI	Mourne Heritage Trust	£5,000
2011/12	Sport NI	Greenhill YMCA	£750
2011/12	Sport NI	Castlewellan FC	£1,126
2011/12	Sport NI	Down Camogie Association	£3,150
2011/12	Sport NI	Friends of St Dallan's	£2,765
2011/12	Sport NI	Mayobridge Community Association	£5,130
2011/12	Sport NI	Moneyslane Football Club	£245,000
2011/12	Sport NI	Mourne Mountain Rescue Team	£16,300
2011/12	Sport NI	Down District Council	£282,651
2012	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£39,497
2012	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£45,864
2012	Foras na Gaeilge	Campa Chormaic an Dúin	£3,500
2012	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2012	Foras na Gaeilge	Mayobridge Community Centre	£3,500
2012	Foras na Gaeilge	Ballyholland Primary School	£3,500
2012	Foras na Gaeilge	Grúpa Tuismitheoirí agus Tachráin	£2,690
2012	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2012	Foras na Gaeilge	Mayobridge Community Centre	£3,500
2012	Foras na Gaeilge	Ballyholland Primary School	£3,400
2012	Foras na Gaeilge	St Marys Primary School	£3,245
2012	Foras na Gaeilge	Scoil Samhraidh an Dúin (Glór na nGael Uachtar Tíre)	£3,900
2012	Ulster-Scots Agency	Schomberg Festival Committee	£6,422
2012	Ulster-Scots Agency	Finnard Rural Dev Association	£250
2012	Ulster-Scots Agency	Kilnacrew & District Rural Community Group	£250
2012	Ulster-Scots Agency	Kirknarra School of Dance	£706
2012	Ulster-Scots Agency	Lisnamulligan Rural Association	£250
2012	Ulster-Scots Agency	Kirknarra School of Dance	£706
2012	Ulster-Scots Agency	Lisnamulligan Rural Association	£250
2012	Ulster-Scots Agency	Schomberg Folk Orchestra	£250
2012	Ulster-Scots Agency	Schomberg Folk Orchestra	£926
2012	Ulster-Scots Agency	Benraw Highland Pipe Band	£1,140
2012	Ulster-Scots Agency	St Patrick Pipe Band	£1,650
2012	Ulster-Scots Agency	Pride of the Hill Flute Band Rathfriland	£1,193
2012	Ulster-Scots Agency	Closkelt Pipe Band	£1,035
2012	Ulster-Scots Agency	Drumlough Highland Pipe Band	£1,478
2012	Ulster-Scots Agency	Grallagh Part Flute Band	£1,620
2012	Ulster-Scots Agency	Legananny Accordion Band	£1,500
2012	Ulster-Scots Agency	Ballymageough Rural Dev Association	£1,350
2012	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,170

Year	Funder	Organisation	Amount
2012	Ulster-Scots Agency	Kirknarra School of Dance	£2,169
2012	Ulster-Scots Agency	Mourne School of Dance	£2,361
2012	Ulster-Scots Agency	Mourne School of Dance	£1,054
2012	Ulster-Scots Agency	Mourne School of Dance	£1,984
2012	Ulster-Scots Agency	Cranfield Cultural Society	£1,656
2012	Ulster-Scots Agency	Finnard Rural Dev Association	£1,338
2012	Ulster-Scots Agency	Cloughskelt Rural & Cultural Association	£1,551
2012	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£15,829
2012/13	Northern Ireland Museums Council	Down County Museum	£2,964
2012/13	Northern Ireland Museums Council	Downpatrick and Co. Down Railway	£510
2012/13	Libraries NI	Library HQ, Ballynahinch	£99,192
2012/13	Libraries NI	Ballynahinch Library Running Costs	£109,080
2012/13	Libraries NI	Castlewellan Library Running Costs	£62,224
2012/13	Libraries NI	Downpatrick Library Running Costs	£204,370
2012/13	Libraries NI	Newcastle Library Running Costs	£106,815
2012/13	Libraries NI	Kilkeel Library Running Costs	£83,379
2012/13	Libraries NI	Warrenpoint Library Running Costs	£105,693
2012/13	Libraries NI	Rathfriland Library Running Costs	£47,178
2012/13	Libraries NI	Rathfriland Library Capital	£30,380
2012/13	Libraries NI	Rathfriland Library Capital	£77,463
2012/13	Arts Council NI	Down Community Arts Ltd	£25,030
2012/13	Arts Council NI	Happenstance Theatre Company	£10,000
2012/13	Arts Council NI	Dphisound	£9,990
2012/13	Arts Council NI	Mighty Sprite Productions Ltd	£10,000
2012/13	Arts Council NI	Down District Council	£27,000
2012/13	Arts Council NI	Aughlisnafin Accordion Band	£4,698
2012/13	Arts Council NI	Ballymageough Accordion Band	£4,500
2012/13	Arts Council NI	Castlewellan Victoria Accordion Band	£3,045
2012/13	Arts Council NI	Glenloughan Flute Band	£3,600
2012/13	Arts Council NI	Holy Cross Accordion Band Atticall	£5,000
2012/13	Arts Council NI	Legananny Accordion Band	£4,993
2012/13	Arts Council NI	Atticall Youth Club	£5,000
2012/13	Department	Banbridge district Council	£10,700
2012/13	Department	Down district Council	£17,925
2012/13	Department	Newry & Mourne District Council	£25,000
2012/13	Sport NI	Clearsky Adventure Centre	£150
2012/13	Sport NI	East Coast Adventure	£750
2012/13	Sport NI	Outdoor Concepts	£150
2012/13	Sport NI	Greenhill YMCA	£150
2012/13	Sport NI	Mourne Heritage Trust	£245,000
2012/13	Sport NI	Action Outdoors	£750

Year	Funder	Organisation	Amount
2012/13	Sport NI	Mourne Mountain Rescue Team	£19,565
2012/13	Sport NI	Down District Council	£287,556
2013	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£39,700
2013	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£49,358
2013	Foras na Gaeilge	Campa Chormaic an Dúin	£1,750
2013	Foras na Gaeilge	Campa Chormaic an Dúin	£1,750
2013	Foras na Gaeilge	Mayobridge Community Centre	£1,750
2013	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2013	Foras na Gaeilge	Grúpa Tuismitheoirí agus Tachráin	£3,025
2013	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,450
2013	Foras na Gaeilge	Ballyholland Primary School	£3,400
2013	Foras na Gaeilge	Glór Uachtar Tíre (Colmcille)	£1,485
2013	Foras na Gaeilge	Cumann Gaelach Leath Chathail (Colmcille)	£1,000
2013	Foras na Gaeilge	Scoil Samhraidh Shéamúis Uí Néill (Glór na nGael Uachtar Tíre)	£2,000
2013	Ulster-Scots Agency	Ardarragh Accordion Band	£1,650
2013	Ulster-Scots Agency	Schomberg Festival Committee	£8,204
2013	Ulster-Scots Agency	Finnard Rural Dev Association	£3,193
2013	Ulster-Scots Agency	Loughbrickland & District Rural Dev Association	£4,840
2013	Ulster-Scots Agency	Kirknarra School of Dance	£647
2013	Ulster-Scots Agency	Kirknarra School of Dance	£2,194
2013	Ulster-Scots Agency	St Patrick Pipe Band	£1,650
2013	Ulster-Scots Agency	Orangefield Flute Band	£1,650
2013	Ulster-Scots Agency	Brunswick Accordion Band	£1,650
2013	Ulster-Scots Agency	Benraw Highland Pipe Band	£1,650
2013	Ulster-Scots Agency	Aughlisnafin Accordion Band	£375
2013	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,448
2013	Ulster-Scots Agency	Ballymageough Rural Dev Association	£1,650
2013	Ulster-Scots Agency	Schomberg Fife & Drum	£1,500
2013	Ulster-Scots Agency	Schomberg Folk Orchestra	£975
2013	Ulster-Scots Agency	Closkelt Highland Dancers	£1,093
2013	Ulster-Scots Agency	Cranfield Cultural Society	£1,656
2013	Ulster-Scots Agency	Schomberg Society Killeel Ltd.	£3,948
2013	Ulster-Scots Agency	Schomberg Society Killeel Ltd.	£950
2013/14	Libraries NI	Library HQ, Ballynahinch	£204,455
2013/14	Libraries NI	Ballynahinch Library Running Costs	£103,407
2013/14	Libraries NI	Castlewellan Library Running Costs	£72,779
2013/14	Libraries NI	Downpatrick Library Running Costs	£230,218
2013/14	Libraries NI	Newcastle Library Running Costs	£150,427
2013/14	Libraries NI	Killeel Library Running Costs	£106,613
2013/14	Libraries NI	Warrenpoint Library Running Costs	£102,267

Year	Funder	Organisation	Amount
2013/14	Libraries NI	Rathfriland Library Running Costs	£45,085
2013/14	Libraries NI	Kilkeel Library Capital	£805,780
2013/14	Libraries NI	Kilkeel Library Capital	£109,896
2013/14	Department	Banbridge District Council	£10,000
2013/14	Department	Down District Council	£15,400
2013/14	Department	Newry & Mourne District Council	£25,000
2013/14	Northern Ireland Museums Council	Down County Museum	£2,641
2013/14	Northern Ireland Museums Council	Downpatrick and Co. Down Railway	£4,739
2013/14	Arts Council NI	Down Community Arts Ltd	£10,250
2013/14	Arts Council NI	Digital Circle (NI) Ltd	£9,995
2013/14	Arts Council NI	Dphisound	£9,600
2013/14	Arts Council NI	Mourne Textiles Ltd	£10,000
2013/14	Arts Council NI	Dunmore Silver Band	£4,920
2013/14	Arts Council NI	Kilkeel Silver Band	£4,515
2013/14	Arts Council NI	Loyal Sons of Benagh	£5,000
2013/14	Arts Council NI	Orangefield Flute Band	£3,892
2013/14	Arts Council NI	Spa Accordion Band	£4,920
2013/14	Sport NI	Ballymartin GFC	£245,000
2013/14	Sport NI	Christ The King Primary School (Drumaness)	£5,493
2013/14	Sport NI	Castlewellan FC	£131,394
2013/14	Sport NI	Mountain Sojourns	£750
2013/14	Sport NI	Mourne Mountain Rescue Team	£18,833
2013/14	Sport NI	Down District Council	£293,617
2014	Ulster-Scots Agency	Annalong Cultural Education Society	£4,436
2014	Ulster-Scots Agency	Aughnavollog Ulster Scots Cultural Society	£1,950
2014	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£39,700
2014	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£49,358
2014	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2014	Foras na Gaeilge	Grúpa Tuismitheoirí agus Tachráin	£3,500
2014	Foras na Gaeilge	Ógras an Dúin	£3,500
2014	Foras na Gaeilge	Campa Chormaic An Dúin	£1,750
2014	Foras na Gaeilge	Campa Chormaic An Dúin	£1,750
2014	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£1,750
2014	Foras na Gaeilge	Cumann Gaelach Leath Chathail	£1,750
2014	Foras na Gaeilge	Glór Uachtar Tíre	£1,750
2014	Foras na Gaeilge	Mayobridge Community Centre	£1,750
2014	Foras na Gaeilge	Glór Uachtar Tíre (Colmcille)	£800
2014	Foras na Gaeilge	Scoil Samhraidh Shéamuis Uí Néill (Glór na nGael Uachtar Tíre)	£2,000
2014	Ulster-Scots Agency	Ballynahinch Protestant Boys Flute Band	£1,950
2014	Ulster-Scots Agency	Brunswick Accordion Band	£1,950

Year	Funder	Organisation	Amount
2014	Ulster-Scots Agency	Closkelt Highland Dancers	£1,122
2014	Ulster-Scots Agency	Closkelt Pipe Band	£208
2014	Ulster-Scots Agency	Closkelt Pipe Band	£1,575
2014	Ulster-Scots Agency	Cranfield Accordion Band	£1,950
2014	Ulster-Scots Agency	Drumlough Highland Pipe Band	£1,943
2014	Ulster-Scots Agency	Finnard Rural Development Association	£2,094
2014	Ulster-Scots Agency	Finnard Rural Development Association	£242
2014	Ulster-Scots Agency	Kirknarra School of Dance	£2,259
2014	Ulster-Scots Agency	Kirknarra School of Dance	£1,925
2014	Ulster-Scots Agency	Loughbrickland & District Rural Development Association	£4,125
2014	Ulster-Scots Agency	Moneygore Rural Development Association	£1,913
2014	Ulster-Scots Agency	Schomberg Folk Orchestra	£250
2014	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,125
2014	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£21,235
2014	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£2,745
2014/15	Libraries NI	Ballynahinch Library Running Costs	£81,765
2014/15	Libraries NI	Castlewellan Library Running Costs	£46,210
2014/15	Libraries NI	Downpatrick Library Running Costs	£136,994
2014/15	Libraries NI	Newcastle Library Running Costs	£93,545
2014/15	Libraries NI	Kilkeel Library Running Costs	£81,784
2014/15	Libraries NI	Warrenpoint Library Running Costs	£75,232
2014/15	Libraries NI	Rathfriland Library Running Costs	£38,296
2014/15	Arts Council NI	Happenstance Theatre Company	£2,000
2014/15	Arts Council NI	Marie-Claire Ferguson Bespoke Millinery	£9,548
2014/15	Arts Council NI	Mary Callan Knitwear	£10,000
2014/15	Arts Council NI	Mourne Textiles Ltd	£10,000
2014/15	Arts Council NI	Ballyrea Flute Band	£4,725
2014/15	Department	Down District Council	£6,001
2014/15	Department	Glór Uachtar Tíre	£1,000
2014/15	Department	Craobh an Lúir	£1,000
2014/15	Department	Banbridge District Council	£6,564
2014/15	Department	Down District Council	£3,850
2014/15	Sport NI	Friends of St Patricks Primary School	£2,120
2014/15	Sport NI	Newry Basketball Club	£2,520
2014/15	Sport NI	Down District Council	£293,617
2014/15	Sport NI	Down District Council	£262,596
2014/15	Sport NI	Atticall Youth Club	£3,988
2014/15	Sport NI	Ballela GAC	£4,625
2014/15	Sport NI	Celtic Bhoys FC	£5,601
2014/15	Sport NI	Kilcoo GAC	£9,113

Year	Funder	Organisation	Amount
2014/15	Sport NI	Annaclone Summer Scheme	£1,434
2014/15	Sport NI	Tollymore United FC	£10,000
2014/15	Sport NI	Mourne Mountain Rescue Team	£18,000
2014/15	Department	Walkway at Lough Money and fishing stands at Lough Money and River Quoile.	£42,000
2014	DCAL (Líofa)	Glór Uachtar Tíre	£1,000
2014	DCAL (Líofa)	Conradh na Gaeilge, Craobh an Iúir	£1,000
2015	DCAL (Líofa)	St. Pauls Highschool, Bessbrook	£1,000
2015	DCAL (Líofa)	Cumann Gaelach Leath Cathaiol	£712
2015	Ulster-Scots Agency	Finnard Rural Development Association	£2,808
2015	Ulster-Scots Agency	Brunswick Accordion Band	£1,950
2015	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,200
2015	Ulster-Scots Agency	Closkelt Highland Dancers	£1,489
2015	Ulster-Scots Agency	Drumlough Highland Pipe Band	£1,950
2015	Ulster-Scots Agency	Rising Sons of the Valley Flute Band	£1,950
2015	Ulster-Scots Agency	Ardaragh Accordion Band	£1,600
2015	Ulster-Scots Agency	Ballymageough Accordion Band	£1,950
2015	Ulster-Scots Agency	Schomberg Fife & Drum	£1,713
2015	Ulster-Scots Agency	Kirknarra School of Dance	£3,400
2015	Ulster-Scots Agency	St Patrick's Pipe Band	£1,950
2015	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,950
2015	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,200
2015	Ulster-Scots Agency	Aughnavollog Ulster Scots Cultural Society	£1,950
2015	Ulster-Scots Agency	Annalong Cultural Education Society	£5,418
2015	Ulster-Scots Agency	Schomberg Festival Committee	£8,625
2015	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,616
2015	Ulster-Scots Agency	The Share Group	£1,538
2015/16	Sport NI	Ballymote Community Project	£11,315
2015/16	Sport NI	The Feel Good Factor	£8,387.50
2015/16	Sport NI	Ballynagross Football Club	£5,570
2015/16	Sport NI	The Kairos Centre	£5,088
2015/16	Sport NI	Dundrum Cricket Club	£3,802
2015/16	Sport NI	Dundrum Sailing Club	£6,366
2015/16	Northern Ireland Screen	Cinemagic (Filmclub)	£19,335
2015/16	Northern Ireland Screen	Nerve Belfast	£2,600
2015/16	Northern Ireland Screen	DFA Presentations delivered to/for: 1. 'Creating Connections' Down Arts Centre	£70
2014/15	Libraries NI	Castlewellan Library	£20,291
2014/15	Libraries NI	Downpatrick	£47,142
2014/15	Libraries NI	Kilkeel	£16,945
2014/15	Libraries NI	Newcastle	£32,898
2014/15	Libraries NI	Rathfriland	£9,604

Year	Funder	Organisation	Amount
2014/15	Libraries NI	Warrenpoint	£18,384
2015/16	Libraries NI	Castlewellan Library	£59,051
2015/16	Libraries NI	Downpatrick	£123,210
2015/16	Libraries NI	Kilkeel	£75,089
2015/16	Libraries NI	Newcastle	£111,552
2015/16	Libraries NI	Rathfriland	£36,044
2015/16	Libraries NI	Warrenpoint	£76,177
2014/15	Northern Ireland Museums Council	Down County Museum	£9,016
2014/15	Northern Ireland Museums Council	Downpatrick and Co Down Railway	£2,295
2015/16	Northern Ireland Museums Council	Down County Museum	£1,105
2015	Foras na Gaeilge	Boirche Íochtar CnaG	£26,467
2015	Foras na Gaeilge	Boirche Íochtar CnaG	£13,223
2015	Foras na Gaeilge	Glór na nGael, Uachtar Tíre	£32,906
2015	Foras na Gaeilge	Glór na nGael, Uachtar Tíre	£16,453
2015	Foras na Gaeilge	Boirche Íochtar CnaG	£13,233
2015	Foras na Gaeilge	Glór na nGael, Uachtar Tíre	£16,453
2015	Foras na Gaeilge	Mayobridge Community Centre	£1,750
2015	Foras na Gaeilge	Ballyholland Primary School	£1,750
2015	Foras na Gaeilge	Campa Chormaic an Dúin	£1,750
2015	Foras na Gaeilge	Campa Chormaic an Dúin	£1,750
2015	Foras na Gaeilge	Mayobridge Community Centre	£2,990
2015	Foras na Gaeilge	Naíscóil na mBeann	£18,000

Mr Campbell asked the Minister of Culture, Arts and Leisure, following her recent Written Statement on Academies for Ulster Scots and Irish, to detail the capital cost for the major construction work involved in each of the projects.

(AQW 53404/11-16)

Ms Ní Chuilín: Business Cases for the Ulster- Scots Academy and the Irish Language Academy have not yet been finalised and therefore details of projected construction costs are not currently available.

Mr McCausland asked the Minister of Culture, Arts and Leisure how much money her department has allocated to (i) the Siege Museum and renovation of the Apprentice Boys Memorial Hall in Londonderry; (ii) the Free Derry Museum; and (iii) the Museum and Interpretive Centre of the Grand Orange Lodge of Ireland, since May 2011.

(AQW 53536/11-16)

Ms Ní Chuilín: DCAL has allocated £500,000 to the Museum of Free Derry project in 2015/2016.

My Department has not been approached to provide funding for the Siege Museum and renovation of the Apprentice Boys Memorial Hall in Derry or the Museum and Interpretive Centre of the Grand Orange Lodge of Ireland since May 2011 therefore no funding has been allocated by my Department. However, I am aware that Executive support has been provided to these projects through other Departments.

Mr Campbell asked the Minister of Culture, Arts and Leisure to list the capital projects that received funding of £100,000 or more from her Department or it's arm's-length bodies in the last two years.

(AQW 53615/11-16)

Ms Ní Chuilín: The information you require for 2013/14 and 2014/15 is detailed in the attached table. In some cases projects are listed in both years: this means funding was provided across the period.

Financial Year	Project Name	Funder
2013/14	W5 Stadium STEM Initiatives	Department
2013/14	Fisheries Patrol Boat	Department
2014/15	Ulster Scots Hub Corn Exchange renovations	Department
2014/15	Refurbishment of Cumann Chluain Ard Premises	Department
2014/15	Refurbishment of the Manse at An Culturlann	Department
2014/15	Nerve Centre - Extension of Fablab space	Department
2014/15	Community Cultural Hub Development	Department
2014/15	Coleraine Borough Council - Event Staging	Department
2014/15	Stendhal Festival - Site Management and Production Equipment	Department
2014/15	UCGAA - Casement Park	Department
2014/15	IFA - Windsor Park	Department
2014/15	IRFU - Kingspan	Department
2014/15	GAA - Tyrone County Board	Department
2014/15	Divis Joint Development Committee - Frank Gillen Centre	Department
2014/15	Roden Street Development Group - Grosvenor Community Centre	Department
2014/15	Circular Tanks at Movanagerh Fish Farm	Department
2013/14	UFTM Road & Rail Gallery electrical infrastructure replacement	National Museums NI
2013/14	UFTM Residential Centre Fire Alarm replacement	National Museums NI
2013/14	UFTM Residential Centre electrical infrastructure replacement	National Museums NI
2013/14	UAFP Ship Gallery electrical infrastructure replacement	National Museums NI
2013/14	Connecting History Exhibition	National Museums NI
2014/15	NMNI Estate Fixed Wire Tests	National Museums NI
2014/15	UAFP Mellon Information Centre & Emigrants Gallery electrical infrastructure replacement	National Museums NI
2014/15	Dalchoolin Gallery electrical infrastructure replacement	National Museums NI
2014/15	NMNI Light Replacement programme	National Museums NI
2014/15	UFTM Boiler Replacement	National Museums NI
2014/15	UFTM Energy Monitoring system	National Museums NI
2014/15	Refurbishment of UFTM Audio/Archive store	National Museums NI
2013/14	4th Portadown Scouts	Sport NI
2014/15	4th Portadown Scouts	Sport NI
2013/14	Abbey Villa FC	Sport NI
2014/15	Abbey Villa FC	Sport NI
2013/14	Annagh United FC	Sport NI
2014/15	Annagh United FC	Sport NI
2013/14	Armagh City FC	Sport NI
2014/15	Armagh City FC	Sport NI
2014/15	Ballymartin GFC	Sport NI
2013/14	Banbridge Amateur Boxing Club	Sport NI
2014/15	Banbridge Amateur Boxing Club	Sport NI
2013/14	Bangor FC	Sport NI

Financial Year	Project Name	Funder
2013/14	Belfast City Council	Sport NI
2014/15	Belfast City Council	Sport NI
2013/14	Castlewellan FC	Sport NI
2014/15	Castlewellan FC	Sport NI
2013/14	Coalisland Fianna GFC	Sport NI
2014/15	Coalisland Fianna GFC	Sport NI
2014/15	Colaiste Feirste	Sport NI
2014/15	Coleraine Borough Council	Sport NI
2013/14	Crossmaglen Rangers	Sport NI
2014/15	Crossmaglen Rangers	Sport NI
2013/14	Derrynoose GAC	Sport NI
2014/15	Derrynoose GAC	Sport NI
2013/14	Dungannon United Youth FC	Sport NI
2014/15	Dungannon United Youth FC	Sport NI
2013/14	Eglinton Community Limited	Sport NI
2014/15	Eglinton Community Limited	Sport NI
2014/15	Killycurragh Regeneration Group	Sport NI
2014/15	Lisburn Racquets Club	Sport NI
2013/14	Maghaberry Community Association	Sport NI
2014/15	Maghaberry Community Association	Sport NI
2013/14	Magherabeg Rural Community Association	Sport NI
2014/15	Magherabeg Rural Community Association	Sport NI
2013/14	Mourne Heritage Trust	Sport NI
2014/15	Mourne Heritage Trust	Sport NI
2013/14	North Down Borough Council	Sport NI
2014/15	North Down Borough Council	Sport NI
2013/14	Regent House School	Sport NI
2014/15	Regent House School	Sport NI
2013/14	Shankill United FC	Sport NI
2014/15	Shankill United FC	Sport NI
2013/14	St Josephs GAC (Ederney)	Sport NI
2014/15	St Josephs GAC (Ederney)	Sport NI
2013/14	St Malachy's GAC (Moortown)	Sport NI
2014/15	St Malachy's GAC (Moortown)	Sport NI
2013/14	St Patrick's GAC (Loup)	Sport NI
2014/15	St Patrick's GAC (Loup)	Sport NI
2013/14	St Peter's GAA Club (Lurgan)	Sport NI
2014/15	St Peter's GAA Club (Lurgan)	Sport NI
2013/14	Wallace High School	Sport NI
2014/15	Wallace High School	Sport NI

Financial Year	Project Name	Funder
2013/14	IT Infrastructure (E2)	Libraries NI
2014/15	IT Infrastructure (E2)	Libraries NI
2013/14	Vehicle spend	Libraries NI
2014/15	Vehicle spend	Libraries NI
2014/15	RFID kiosks	Libraries NI
2013/14	Lisnaskea Library - New Build	Libraries NI
2013/14	Larne Library - Refurbishment	Libraries NI
2013/14	Suffolk Library - Refurbishment	Libraries NI
2013/14	Kilkeel Library - New Build	Libraries NI
2014/15	Moria Library - New Build	Libraries NI
2014/15	Woodstock Library - Reburishment	Libraries NI
2014/15	Lisnaskea Library - New Build	Libraries NI

Mr Easton asked the Minister of Culture, Arts and Leisure how many tranches of funding will be available through the Sub Regional Stadia Programme; and how much each tranche is worth.

(AQW 53650/11-16)

Ms Ní Chuilín: In order to ensure that the Sub Regional Programme for Soccer addresses the strategic needs of football, and is aligned with Executive agreed priorities, the programme has provisionally be divided into five distinctive strands.

- Strand 1 - **Safe Stadia** - provisional budget of circa ten million (£10million).
- Strand 2 - **Significant Sub-Regional Stadia** – provisional budget of circa seventeen million (£17million).
- Strand 3 - **IFA Championship Clubs** - provisional budget of circa three million (£3million).
- Strand 4 - **National Training Centre** - provisional budget of circa three million (£3million).
- Strand 5 - **Intermediate and Junior Football** - provisional budget of circa three million (£3million).

The proposed programme is currently out to public consultation. The 12 week consultation was launched on 30 November 2015 and will run until 22 February 2016. The purpose of the consultation is to seek views and feedback from stakeholders on the proposals including the proposed strands and the proposed level of funding. The outputs of the consultation will help inform the final programme including the funding strands and funding limits.

Mr Easton asked the Minister of Culture, Arts and Leisure how her Department will ensure that money given to the IFA through the Sub-Regional Stadia Programme will be fairly distributed.

(AQW 53652/11-16)

Ms Ní Chuilín: DCAL is responsible for the development and delivery of the Sub Regional Stadia Programme for Soccer, including the allocation of funding.

The process for allocation of funding will be a fair, open and transparent and will be based on an evidenced-based approach to the demonstration of need for investment.

All final investment decisions and monetary awards will be made by the Minister.

Mr Campbell asked the Minister of Culture, Arts and Leisure to list the appointments she has made to outside bodies since May 2011, broken down by community background.

(AQW 53736/11-16)

Ms Ní Chuilín:

- (1) Appointments made by the Minister of Culture, Arts and Leisure to outside bodies since May 2011, broken down by community background, are detailed as follows:

	Number of Appointments	Community Background			
		Protestant	Roman Catholic	Neither	Not Known
Total	150	55	63	16	16

Mr Weir asked the Minister of Culture, Arts and Leisure to detail the grants available through her Department for the restoration, preservation and promotion of historical sites, locations and buildings, particularly those relating to World War 2. (AQW 53753/11-16)

Ms Ní Chuilín: The restoration, preservation and promotion of historical sites, locations and buildings falls within the remit of DOE's Historical Environment Division.

My Department does not provide any grants for this purpose.

Mr Rogers asked the Minister of Culture, Arts and Leisure to list the (i) councils; and (ii) non-statutory bodies that her Department has funded for commemorating the centenary of the (a) Easter Rising; and (b) Battle of the Somme. (AQW 53845/11-16)

Ms Ní Chuilín: In 2013/14 my Department provided fifty thousand pounds funding to the Nerve Centre to develop the 'Creative Centenaries' online platform which provides a suite of online resources relating to the Decade of Centenaries. This was followed by a further forty five thousand pounds in 2014/15.

My Department was pleased to provide National Museums with funding of one hundred and twenty seven thousand pounds in order to open a new 'Modern History Gallery' which addresses the 'Decade of Centenaries' including the First World War. It opened to the public in November of last year.

My Department also provided National Museums with fifty thousand pounds for its programme to develop digital resources exploring the Decade of Centenaries.

For the period, 2013-16 the Arts Council provided grants of over thirty three thousand pounds to organisations including six thousand pounds to the Somme Association on Reflections to the Irish Soldier on the Somme; twenty thousand pounds to DD Dance on Alternative Energies - First World War Project; and over seven and a half thousand pounds to Rathcoole Friends of the Somme. The Arts Council are also funding a Belfast Music Society commission written by Philip Hammond entitled 'Lament for an Irish Rebel' which will premier on 21 February 2016 at the Great Hall in Queen's University.

My Department is providing thirty thousand pounds in this financial year, in the run-up to the anniversary of the Battle of the Somme, to support the Somme Centre in delivering its plans.

Departmental funding through the Community Festival Fund, which is administered and matched by local councils, can be accessed by groups to mark anniversaries.

Mr Beggs asked the Minister of Culture, Arts and Leisure when she expects work to commence on the redevelopment of Casement Park. (AQO 9553/11-16)

Ms Ní Chuilín: The GAA have already engaged their project team to work on a new planning submission for a regional stadium at Casement Park. Since the JR decision, the GAA and their team have carefully considered the judgement to ensure that the new planning application fully addresses the points raised in the judgement.

Initial meetings have been held with key stakeholders, including the STG, to provide the necessary assurances required to support a robust new application.

The GAA are currently preparing a detailed programme, which will fully address the tasks associated with successful delivery of the Casement Park stadium. These tasks include planning submission, traffic management arrangements and community engagement.

In addition, maintenance and security work has been carried out on site and a new site hoarding has been erected along the Andersonstown Road.

I expect that the GAA will commence the consultation process in early March 2016 and that a new planning application will be submitted in the 3rd quarter of 2016.

There remains a strong resolve within the GAA to develop a regional stadium at Casement Park. DCAL remains committed to the redevelopment of Casement Park and will continue to work with all parties to ensure successful delivery of the project.

Mr McGlone asked the Minister of Culture, Arts and Leisure to outline the level of funding her Department has allocated to commemorate centenaries in 2016. (AQO 9555/11-16)

Ms Ní Chuilín: In 2013/14 my Department provided fifty thousand pounds funding to the Nerve Centre to develop the 'Creative Centenaries' online platform which provides a suite of online resources relating to the Decade of Centenaries. This was followed by a further forty five thousand pounds in 2014/15.

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My Department is providing thirty thousand pounds in this financial year, in the run-up to the anniversary of the Battle of the Somme, to support the Somme Centre in delivering its plans.

Mr Boylan asked the Minister of Culture, Arts and Leisure how her Department will ensure the protection of the Irish language.

(AQO 9560/11-16)

Ms Ní Chuilín: In January 2015, I published a Strategy to Enhance and Protect the Development of the Irish Language. The Strategy sets out a roadmap for the Irish language over the next twenty years in a range of areas such as education, public services, the community and the media. The Strategy aims to promote Irish and open it up to everyone who wishes to learn and use it.

I remain committed to Acht na Gaeilge, an Irish Language Act. International bodies and language experts all agree that legislation is an effective way of protecting a language and according it proper status. Indeed, this has been the experience of our neighbours in Wales, Scotland and the south.

I have asked my Executive colleagues to agree to the Irish Language Strategy and also to agree to my proposals for an Irish Language Bill.

The European Charter for Regional and Minority Languages is an international convention designed to protect and promote regional and minority languages. My Department chairs the Inter-Departmental Charter Implementation Group and co-ordinates the cross government response to the periodic reports to the Council of Europe Committee of Experts (COMEX) who report on each state's compliance with its Charter obligations.

My Department also sponsors, in conjunction with the Department of Arts, Heritage and the Gaeltacht, Foras na Gaeilge, one of the six North South Implementation Bodies. Their statutory role is the promotion of the Irish language; this involves advising both administrations, public bodies and other groups in the private and voluntary sectors; and undertaking supportive projects, and grant-aiding bodies and groups as considered necessary.

Mr Poots asked the Minister of Culture, Arts and Leisure to outline the process by which organisations are selected to participate in the Cultural Programme.

(AQO 9561/11-16)

Ms Ní Chuilín: The culture programme was established in 2013. That year, three established festivals put forward a proposal that a culture programme should be held to complement the sporting activity of the World Police and Fire Games which would showcase the cultural and artistic talent of the north of Ireland to both locals and visitors. The Executive supported this proposal through the June monitoring round.

Following the success of the initial culture programme, further programmes were supported in 2014-2015 and 2015-2016 which saw the number of cultural partners increase to strengthen the cross community elements of the programme.

Funding for the Culture Programme has been open and transparent. The funding is approved, and organisations and activity selected, on the basis of business cases for the expenditure which must comply with the standards of the NI Guide to Expenditure Appraisal and Evaluation (NIGEAE).

Mrs McKevitt asked the Minister of Culture, Arts and Leisure whether SportNI has completed its assessment to identify the availability of automated external defibrillators across the sports sector.

(AQO 9562/11-16)

Ms Ní Chuilín: My Department has established a working relationship with the NI Ambulance Service (NIAS) who have responsibility, under the terms of the DHSSPS Community Resuscitation Strategy, for the mapping of automated external defibrillators throughout the north of Ireland.

Discussions with the Head of NI Ambulance Service have lead to an agreed coordinated approach to mapping provision and ensuring that key critical messages are communicated as part of the exercise to assess provision not just in sport but across the culture, arts and leisure sector.

These messages include the importance of first responders dialling 999 to ensure the right response is initiated and to receive instructions for trained operators on commencing CPR; the need to make Automated External Defibrillators (AEDs) available to the public; and key messages on the location of and access to well maintained AEDs.

Having tasked Sport NI with assessing the level of provision across the sports sector, a protocol document has been agreed with NIAS. The document provides all the necessary information for Sports Governing Bodies, associated clubs and individuals to register the details of their AEDs via an online portal which populates the NIAS system automatically. This will ensure the efficient mapping of AEDs across the sports sector and the successful registration and provision of critical information on the NIAS system.

Sport NI and the NI Sports Forum are working in tandem to encourage Governing Bodies and Clubs to recognise the importance of making their AEDs available to the community and to ensure that they are registered on the NIAS system. As the mapping exercise continues, emerging information on any gaps in AED provision and accessibility will become clear.

The provision of AEDs to local communities will also benefit greatly from the Henderson Group initiative which has been supported by my Department, Sport NI and the NI Sports Forum. The initiative will see community fund raising efforts contribute to AEDs being located outside local Spar, Eurospar and Vivo establishments in towns and villages throughout the North.

This will add to the recent provision of 40 AEDs at public libraries which have been registered on the NIAS system as part of the ongoing mapping exercise.

Mr Givan asked the Minister of Culture, Arts and Leisure what capital support is available for small amateur sports clubs to develop facilities.

(AQO 9563/11-16)

Ms Ní Chuilín: The first strand of Sport NI's Sports Facility Fund - the Single Facility Fund - opened last June and was aimed specifically at small amateur sports clubs to enable them to apply for capital support to develop and improve premises and facilities. The Single Facility Fund closed in July 2015 with one hundred and fifty three applications received. Since then, twenty-one small amateur sports clubs have been invited to progress to the next stage of the application process. The Single Facility Fund has a total Lottery budget of two million pounds with individual award levels between ten thousand pounds and one hundred thousand pounds.

In addition, my Department is taking forward a consultation process for stadia development for soccer at a sub-regional level. I would urge all soccer clubs to engage with this process to ensure their voices are heard and that they contribute to shaping how the thirty six million pounds investment in soccer is used to best meet the needs of the sport at all levels.

The second strand of the Sport NI Lottery Sports Facility Fund – the Multi Facility Strand - is expected to open for applications in April 2016. Local sports clubs and other organisations can apply to develop new multi-sport facilities, or open up access to existing multi-sport facilities where four or more sports facilities are located at one site. Award levels within this strand will be between one hundred thousand pounds and one million pounds.

I would encourage those clubs and organisations which may have a suitable proposal to contact Sport NI to discuss it further and to also ensure that these proposals are captured in the local Council Area Plan.

The future provision of sports facilities across the north of Ireland, including for small sports clubs will be based on needs identified through a club's sports development plan, the local Council Sports Facilities Area Plan and the Regional Sports Facilities Strategy. It is clear, given the financial challenges we face, that collaboration between Government Departments, Councils, Sport Governing Bodies and Clubs will be essential to ensure that sport continues to thrive at all levels.

Mr Irwin asked the Minister of Culture, Arts and Leisure when SportNI will open the £6.75million Multi Facility Sports Fund.
(AQO 9564/11-16)

Ms Ní Chuilín: The first strand of Sport NI's Sports Facility Fund - the Single Facility Fund - opened last June and was aimed specifically at small amateur sports clubs to enable them to apply for capital support to develop and improve premises and facilities. The Single Facility Fund closed in July 2015 with one hundred and fifty three applications received. Since then, twenty-one small amateur sports clubs have been invited to progress to the next stage of the application process. The Single Facility Fund has a total Lottery budget of two million pounds with individual award levels between ten thousand pounds and one hundred thousand pounds.

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The future provision of sports facilities across the north of Ireland, including for small sports clubs will be based on needs identified through a club's sports development plan, the local Council Sports Facilities Area Plan and the Regional Sports Facilities Strategy. It is clear, given the financial challenges we face, that collaboration between Government Departments, Councils, Sport Governing Bodies and Clubs will be essential to ensure that sport continues to thrive at all levels.

Mr McAleer asked the Minister of Culture, Arts and Leisure what projects her Department is progressing in West Tyrone in conjunction with local government.

(AQO 9565/11-16)

Ms Ní Chuilín: My officials continue to work very closely with stakeholders in the wider North West region, including West Tyrone, as part of our commitment to maximising the legacy from the 2013 City of Culture.

DCAL officials are also involved in ongoing discussions with local councils in the context of community planning to ensure that our projects and objectives are aligned. DCAL is represented on the Fermanagh & Omagh District Council Community Planning Themes Co-ordinating Group which has been established to develop a draft Community Plan for consultation purposes.

A range of projects have been taken forward in West Tyrone by my Department and its Arms Length Bodies in conjunction with local government including:

- Through the North West Social and Economic Development Fund, DCAL supported and is continuing to support Cultural Hubs in West Tyrone. The hubs were created by investing in equipment for already existing community centres and other facilities. As a direct result of the investment, Derry City and Strabane District Council are providing funding to deliver skills development and training for local communities. The new equipment and training opportunities will enable venues to offer new skills to the community in the creative and digital industries which will open career paths for young people.
- The Artstarts At Home project, in conjunction with Derry City and Strabane District Council, will provide art workshops for older people, particularly those in nursing homes and residential care facilities, in the Strabane Neighbourhood Renewal Area, targeting those with mental health issues.
- Sport NI has provided funding in 2015/16 to both Derry City and Strabane District Council and Fermanagh and Omagh District Council for the Active Communities Programme.
- Joint funding between National Museums NI and local councils for a number of projects at the Ulster American Folk Park including the Bluegrass Music Festival.
- Joint programming between Libraries NI and local councils in West Tyrone including the Omagh Jazz and Big Band Festival and the Ben Kiely Festival.

Department of Education

Mr Weir asked the Minister of Education to list the schools allocated funding for new builds since May 2011, broken down by sector.

(AQW 53597/11-16)

Mr O'Dowd (The Minister of Education): The following table details the schools that have been announced for new builds since May 2011, broken down by sector. These schools are at various stages, ranging from being in planning to having construction complete.

Funding for a project is always subject to the available budget at the various stages of the project.

Year Announced	Name of School	Educational Sector
2012	Victoria Park PS, Belfast	Controlled
2012	Eglinton PS	Controlled
2012	Dromore Primary School	Controlled
2012	Ebrington PS, Derry	Controlled
2012	Enniskillen Model PS	Controlled
2012	Castle Tower School, Ballymena	Controlled
2012	Rossmar School, Limavady	Controlled
2012	Arvalee School, Omagh	Controlled
2012	Ardnashee School, Derry	Controlled
2013	Edenderry Nursery	Controlled
2013	Elmgrove PS, Belfast	Controlled
2013	Glenwood PS, Belfast	Controlled
2013	Down High School, Downpatrick	Controlled
2013	Strabane Academy	Controlled

Year Announced	Name of School	Educational Sector
2013	Devenish/Lisnaskea College	Controlled
2014	Woodburn PS, Carrickfergus	Controlled
2014	Iveagh PS	Controlled
2014	Abbey Community College	Controlled
2014	Breda Academy, Belfast	Controlled
2014	Cullybackey College	Controlled
2014	Dunclug College	Controlled
2013	Parkhall College, Antrim	Controlled Integrated
2013	Omagh Integrated PS	Grant Maintained Integrated (GMI)
2013	Corran Integrated PS, Larne	GMI
2013	Braidside Integrated PS, Ballymena	GMI
2013	Portadown Integrated PS	GMI
2014	Drumlins IPS, Ballynahinch	GMI
2014	Roe Valley IPS, Limavady	GMI
2012	Bunscoil Bheann Mhadagain, Belfast	Irish Medium
2012	Coláiste Feirste, Belfast	Irish Medium
2013	Gaelscoil Ui Neill, Coalisland	Irish Medium
2013	Gaelscoil Ui Dhochartaigh, Strabane	Irish Medium
2014	Scoil an Droichid, Belfast	Irish Medium
2014	Gaelscoil na nGrann, Omagh	Irish Medium
2012	St Clare's Convent PS, Newry	Maintained
2012	St Joseph's Convent PS, Newry	Maintained
2012	St Mary's PS, Banbridge	Maintained
2012	St Teresa's PS, Lurgan	Maintained
2012	Tannaghmore PS, Lurgan	Maintained
2012	St Gerard's Resource Centre	Maintained
2013	Craigbrack, Mullabuoy, Listress PS (amalgamation), Derry	Maintained
2013	Edendork PS, Coalisland	Maintained
2013	St Bronagh's PS, Rostrevor	Maintained
2013	St Joseph's & St James PS, Poyntzpass	Maintained
2013	St Mary's/ Glenravel PS, Ballymena	Maintained
2013	Holy Trinity College, Cookstown	Maintained
2013	St Ronan's College, Lurgan	Maintained
2014	Holy Evangelist's PS, Belfast	Maintained
2014	St Patrick's PS, Belfast	Maintained
2014	Lismore Comprehensive College, Craigavon	Maintained
2014	St Joseph's High School, Crossmaglen	Maintained
2014	St Killian's College, Ballymena	Maintained
2012	Foyle College, Derry	Voluntary Grammar School (VGS)
2013	Portora Royal/Collegiate, Enniskillen	VGS
2013	St Patrick's Academy, Dungannon	VGS
2014	Methodist College, Belfast	VGS

Mr Weir asked the Minister of Education to detail the (i) waiting lists for children that require a Special Educational Needs assessment in North Down; and (ii) average length of time each child has been waiting.

(AQW 53601/11-16)

Mr O'Dowd: Following receipt of a request for a statutory assessment of a child's special educational needs, the Education Authority (EA) is required to complete this process within the statutory timeframes outlined in the Education (NI) Order 1996 and the Code of Practice on the Identification and Assessment of Special Educational Needs. Therefore, waiting lists do not apply in relation to such assessments.

The EA has advised that the number of pupils in North Down for whom a decision has been made to carry out a statutory assessment and who were within the ten week period, allowed by statute, to complete the assessment, as at 31 December 2015, is 19.

Ms Sugden asked the Minister of Education to detail the (i) number of children waiting for a special education needs assessment in East Londonderry; and (ii) average waiting time for receiving an assessment in the last twelve months.

(AQW 53669/11-16)

Mr O'Dowd: Following receipt of a request for a statutory assessment of a child's special educational needs, the Education Authority (EA) is required to complete this process within the statutory timeframes outlined in the Education (NI) Order 1996 and the Code of Practice on the Identification and Assessment of Special Educational Needs. Therefore, waiting lists do not apply in relation to such assessments.

The EA has advised that the number of pupils in East Londonderry for whom a decision has been made to carry out a statutory assessment and who were within the ten week period, allowed by statute, to complete the assessment, as at 31 December 2015, is 30.

Mr Rogers asked the Minister of Education to detail the number of teachers registered on the Northern Ireland Substitute Teacher Register.

(AQW 53706/11-16)

Mr O'Dowd: The number of teachers registered on the Substitute Teachers' Register (NISTR) who can be regarded as actively available for work in schools varies from day-to-day, depending on an individual teacher's availability, their personal preferences and on the number of substitute teachers employed by schools each day. However, there are currently 10,237 teachers registered on the NISTR.

The number of teachers registered as actively available for work on any given day cannot be taken as an indication of the number of unemployed teachers, as some individuals may be engaged in other types of work. Substitute teachers can also include retired teachers.

Mr Newton asked the Minister of Education what action he is taking to encourage working class protestant boys to follow the further educational route to gain entry to university education.

(AQW 53711/11-16)

Mr O'Dowd: My Department's focus is on raising standards for all children no matter what community background they are from or where they live, providing young people with the opportunity to achieve their full potential.

Schools need additional resources to help our most deprived pupils achieve their potential and my Department has redistributed school funding to target those schools with high numbers of pupils from socially disadvantaged backgrounds. My Department has also continued to target substantial resources at disadvantaged communities, including for example, Sure Start, extended schools and full service programmes.

Parents and others in the community have a role in raising educational awareness and aspiration in socially deprived communities. The second phase of this year's Education Works advertising campaign, which is being run during January and February, focuses on encouraging parents to actively support their children in planning for their future education and career.

The Entitlement Framework (EF) ensures equality of access for all young people to a broad, balanced and economically relevant curriculum with clear progression pathways.

The broad range of course options is underpinned by a high quality careers education and guidance in schools which provides learners with information on a full range of options.

A socially balanced education system enables all pupils to perform better. While some schools persist in the use of academic selection, we will be unable to eradicate this social division.

Tackling inequalities in education is an issue that cannot be solved quickly and while we have made some progress in recent years, this is a multi-faceted, societal issue and one that education authorities and schools cannot tackle on their own.

Mrs Overend asked the Minister of Education to detail the value of each of the (i) successful; and (ii) unsuccessful projects for the Delivering Social Change Shared Education Programme.

(AQW 53713/11-16)

Mr O'Dowd: The value of each of the (i) successful; and (ii) unsuccessful partnerships for the Delivery Social Change Shared Education Programme is set out in the table below. I have interpreted value as the allocated budget amount.

Value of Each Successful Project for DSC Shared Education

Partnership	
Antrim Primary School; Saint Comgall's Primary School	£9,894
Aughnacloy Primary School; St Mary's Primary School Aughnacloy	£13,124
Ballymacrickett Primary School; Ballinderry Primary School	£23,000
Ballymoney High School; Dalriada School; Our Lady of Lourdes High School	£10,971
Ballynahinch Primary School; St Patrick's Primary School	£26,721
Ballyoran Primary School; Bocombra Primary School	£20,307
Banbridge High School; St Patrick's College, Banbridge	£29,099
Belleek Primary School; St John the Baptist Primary School; St Davog's Primary School; St Martin's Primary School	£35,032
Brookeborough Primary School; St Mary's Primary School, Brookeborough	* £22,540
Broughshane Primary School; St Patrick's Primary School	£13,890
Brownlee Primary School; Fort Hill Integrated Primary School; St Joseph's Primary School	£20,342
Bush Primary School; Windmill Integrated Primary School	£25,030
Castledawson Primary School; New Row Primary School	£14,901
Castleroe Primary School; Ballyhackett Primary School	£17,672
Cathedral Nursery School; Hope Nursery School	£16,141
Cookstown Primary School; Holy Trinity Primary School; Phoenix Integrated Primary School	£36,764
Cross and Passion College; Ballycastle High School	£42,914
Cullybackey College; St Mary's College	£23,148
St Mary's Primary School; Cumber Claudy Primary School	£5,853
Dean Maguirc College; Omagh High School	* £26,884
Derryboy Primary School; St Caolan's Primary school	£5,248
Derryhale Primary School; St Oliver Plunkett's, Ballyhegan	£17,465
Dromore Nursery School; Drumnamoe Nursery School	£15,335
Dromore Road Primary School; St Bronagh's Primary School	£15,191
Drumglass High School; Integrated College Dungannon; St Patrick's College	£24,960
Duneane Primary School; Moneynick Primary School	£16,344
Dungannon Primary School; St Patrick's Primary School, Dungannon	£23,504
Friends' School Lisburn; St Dominic's High School	£17,622
Harberton School; Taughmonagh Primary School	* £7,000
Hazelwood Integrated College; Edmund Rice College	£30,000
Holy Child Primary School; Ebrington Primary School	* £10,863
Holy Cross Nursery School; Edenderry Nursery School	£16,306
Holy Family Primary School; Omagh County Primary School	£29,871
Holy Family Primary, Teconnaught; Academy Primary School, Saintfield	£14,399
Holy Trinity College; Cookstown High School	£26,336
Holy Trinity Nursery Unit; Enniskillen Integrated Nursery Unit; Enniskillen Nursery School	£24,778
Howard Primary School; Edendork Primary School	£19,424
Killowen Primary School; St Johns Primary School	£29,996

Partnership	
Kilross Primary School; Gaelscoil Na Speirini	£8,929
Knocknagin Primary School; Desertmartin Primary School	£18,037
Knockahollet Primary School; St Anne's Primary School	* £17,284
Lack Primary School; St Joseph's Primary School, Enniskillen; Kesh Primary School	* £39,992
Lagan College; Our Lady's & St Patrick's College, Knock; Grosvenor Grammar School	£32,367
Larne High School; St Killian's College; Roddensvale School	£33,876
Limavady High School; St Mary's High School, Limavady	* £39,952
Lismore Comprehensive School; Brownlow Integrated College	£23,461
Long Tower Primary School; Fountain Primary School	£11,575
Loreto College; St Joseph's College; Coleraine Grammar School	£38,936
Lurgan Junior High School; St Ronan's College	£19,100
Maguiresbridge Primary School; St Mary's Primary School, Maguiresbridge	* £10,600
Market Hill Primary School; St Patrick's Primary School, Crossmaglen	* £26,060
Mercy College; Belfast Boys Model School	£29,031
Millburn Primary School; St Malachys Primary School	£17,761
Mitchell House School; Ashfield Boys' High School	£16,434
Moat Primary School; St Ronan's Primary School	* £29,919
Mount St Michael's Primary School; Randalstown Central Primary School	£17,986
New-Bridge Integrated College; Banbridge High School	£27,323
Newmills Primary School; St Mary's Primary School, Lisbuoy	£16,660
Oakfield Primary School; Acorn Integrated Primary School	£10,148
Our Lady's Nursery School; Tudor Lodge Nursery School	£11,812
Parkhall Integrated College; St Benedict's College; Antrim Grammar School	* £39,850
Poyntzpass Primary School; St Joseph's and St James Primary School	* £34,200
Presentation Primary School; Hart Memorial Primary School	£26,979
Rasharkin Primary School; St Patrick's Primary School	£13,558
Rathenraw IPS (Six Mile Integrated Primary); Ballycraig Primary School	£15,389
Roscavey Primary School; McClintock Primary School; St Colmcille's Primary School	£33,434
Seaview Primary School; Carnalbanagh Primary School; Carnlough Integrated Primary School; St Mary's Primary School, Cargan	£39,302
St Anne's Primary School; Ballyvester Primary School	£16,043
St Bernard's Primary School; Cregagh Primary School; Lisnasharragh Primary School	£30,635
St Brigid's Primary School; Ballykeel Primary School	£21,167
St Brigid's Primary School; Cloughmills Primary School	£11,264
St Brigid's Primary School, Magherafelt; Knockloughrim Primary School	£30,349
St Catherine's College, Armagh; City of Armagh High School; The Royal School, Armagh; St Patrick's Grammar School, Armagh	£25,188
St Cecilia's College; Lisneal College; St Mary's College	£36,876
St Colm's High School; Fort Hill Integrated College	£30,000
St Colman's Primary School & All Saints' Nursery Unit; Fair Hill Primary School	£18,329
St Colman's Primary School; Dunmurry Primary School; Seymour Hill Primary School	£19,250
St Columba's College; Glastry College; Strangford College	£38,601

Partnership	
St Columba's Primary School; Kilrea Primary School	£14,647
St James's Primary School and Nursery Unit; Whitehouse Primary School and Nursery Unit	£25,654
St John the Baptist Primary School; Edenderry Primary School	£21,683
St John Bosco Primary School; Bellaghy Primary School	£20,300
St John's College; Dromore Controlled Primary School; Tummery Primary School	£28,524
St John's Primary School; Eden Primary School	£13,173
St John's Primary School, Londonderry; Lisnagelvin Primary School	* £18,640
St John's Primary School, Moy; Moy Regional Primary School	* £17,586
St Joseph's Primary School; Greystone Primary School	£12,930
St Joseph's Primary School, Tyrella; Newcastle Primary School; Sacred Heart Primary School, Dundrum	£12,132
St Louis Grammar School; Kilkeel High School	£28,689
St Macartan's Primary School; Aghadrumsee Primary School; St Tierney's Primary School	£9,013
St Malachy's College; Belfast Royal Academy	£13,996
St Mary's High School; Nendrum College	£23,121
St Mary's Primary School; Ballytrea Primary School	£21,844
St Mary's Primary School; Fivemiletown Controlled Primary School; Fivemiletown Nursery School	£15,838
St Mary's Primary School; Newtownbutler Primary School; St Joseph's Primary School	£22,547
St Naile's Primary School; St Mary's Primary School; Florencecourt Primary; St Mary's Mullymesker	£28,533
St Nicholas Primary School; Carrickfergus Model Primary School; Sunnylands Primary School	£13,347
St Olcan's Primary School; Armoy Primary School	£8,739
St Patrick's Academy; Royal School Dungannon	* £45,494
St Patricks Academy Lisburn; Laurelhill Community College	£20,168
St Patrick's & St Brigid's Primary School; Ballycastle Integrated Primary School	£31,360
St Patrick's Primary School, Mullanaskea; Enniskillen Model Primary School	* £8,700
St Patrick's Primary School; Kirkistown Primary School	£7,273
St Patrick's Primary School; Windsor Hill Primary School	£14,728
St Paul's Primary School; Irvinestown Primary School; Ballinamallard Primary School	* £39,866
St Paul's High School; Newtonhamilton High School; Newry High School; St Joseph's High School	£44,060
St Pius X College; Magherafelt High School; Rainey Endowed; St Mary's Grammar School; Sperrin Integrated College	£49,575
St Ronan's College; Lurgan College	£27,361
Saint Teresa's Primary School; Portadown Integrated Primary School	£10,388
St Teresa's Primary School, Tullyherron; Mountnorris Primary School	£10,388
St Therese Nursery School; Fort Hill Integrated Nursery Unit	£13,686
Saint Vincent de Paul Primary School; Ligoniel Primary School	£19,745
Steeple Nursery School; Saint Joseph's Nursery School; Riverside Special School	£19,633
Straidbilly Primary School; Barnish Primary School	£9,626
Tattygar Primary School; Lisbellaw Primary School	£6,390
Tempo Primary School; St Mary's Primary School, Tempo	£14,118
The High School Ballynahinch; St Colman's High School	£29,971

Partnership	
Wellington College; Aquinas Grammar School	£18,002
Woods Primary School; St Trea's Primary School	£22,692
Blackwater Integrated College; De La Salle High School; St Mary's High School	£39,000
Gibson Primary School; St Mary's Primary School	£26,766
Beechlawn School; Pond Park Primary School; St Aloysius PS	£18,440
Dunclug College; St Patrick's College	* £10,000
Harpur's Hill PS; St Malachy's PS	* £22,169
Portglenone PS; St Mary's PS	* £13,640
Seagoe PS; St John's PS	* £18,419
Sion Mills PS; Strabane Controlled PS	* £4,091
St Colmcille's PS; Carniny PS	* £35,884
St Joseph's PS Crumlin; Gaelscoil Ghleann Darach; Crumlin IPS; Crumlin Int College	* £11,948
St Macartan's Convent PS; Carntall PS; Aughter Central PS	* £26,210
St Michael's PS Finnis; Dromara PS	* £2,700
St Oliver Plunkett Nursery & PS; Cooley PS & NS	£14,437
St Patrick's PS; Seaview PS	* £29,631
Larne and Inver PS; St Anthony's PS	* £10,668
Tullygally PS; Drumgor PS	* £21,470

* Based on Year 1 amount as per the Application Form - pending final confirmation of budget

Value of Each Unsuccessful Project for DSC Shared Education

Partnership	
Beechlawn School; Pond Park Primary School	£10,000
Botanic Primary School; Holy Rosary Primary School; Black Mountain Primary School; Fane Street Primary School	£49,349
Gaelscoil na Daróige; Groarty Integrated Primary School	£28,350
Good Shepherd Nursery School; Stanhope Street Nursery School	£28,706
Kylemore Nursery School; Ballysally Nursery School	£24,625
Methodist College; St Dominic's Grammar School for Girls; Belfast Royal Academy	£27,220
Oakwood Integrated Primary School; Christ the Redeemer Primary School; Stranmillis Primary School; Pond Park Primary School	£48,072
St Colmcille's Nursery School; Convent of Mercy Nursery School; Downpatrick Nursery School	£31,025
St Malachy's High School, Castlewellan; Laurelhill Community College	£23,069
St Patrick's High School, Keady; Lisanally Special School	£13,432
Assumption GS; Ballynahinch HS	£53,285
Glengormley IPS; Mossgrove PS; Lea Green Primary Behaviour Unit; Glenann PS	£21,596

Mrs Overend asked the Minister of Education how much money from the Delivering Social Change Shared Education Programme has been spent on projects from call 1, call 2 and call 3.

(AQW 53714/11-16)

Mr O'Dowd: The Education Authority manages the delivery of the Delivering Social Change Shared Education Signature Project (DSC SESP). The total monetary value of expenditure for projects that were successful in the calls is £234,204.00 (to end of December 2015).

Mrs Overend asked the Minister of Education to detail how much money has been allocated for each project from the Delivering Social Change Shared Education Programme for (i) primary schools sharing with post-primary schools; and (ii) non-grammar schools sharing with grammar schools.

(AQW 53715/11-16)

Mr O'Dowd: Details of how much money has been allocated for each partnership from the Delivering Social Change Shared Education Programme for (i) primary schools sharing with post-primary schools; and (ii) non-grammar schools sharing with grammar schools is as set out in the tables below:

Value of Each Project - Primary Schools Sharing with Post Primary Schools

Partnership	
St John's College; Dromore Controlled Primary School; Tummery Primary School	£35,410
St Mary's Primary School; Fivemiletown Controlled Primary School; Fivemiletown Nursery School	£17,421
Beechlawn School; Pond Park Primary School; St Aloysius PS	*£18,240
Drumcree College; Clounagh JHS; St John the Baptist PS; Hart Memorial PS	£23,935
Gaelscoil na Daróige; Groarty Int Primary School; Oakgrove Int College	£14,785
Langfield PS; St Joseph's PS; Castlederg HS; Ardstraw Jubilee PS	£17,940
Loreto GS; Christain Bros GS; Sacred Heart College; Omagh HS, Arvalee School; Omagh Academy	£28,382
Parkview School; Fort Hill Int College	*£13,307
St Caireall's PS; Killen PS; Castlederg HS; Erganagh PS	£20,870
St Joseph's PS Crumlin; Gaelscoil Ghleann Darach; Crumlin IPS; Crumlin Int College	£11,948
Total Value of Projects - Primary Schools Sharing with Post Primary Schools	£202,238

* includes Special Schools that have Primary and Post Primary Pupils

Value of Each Project - Non-Grammar Schools Sharing with Grammar Schools DSC Shared Education Programme

Partnership	
Ballymoney High School; Dalriada School; Our Lady of Lourdes High School	£10,971
Friends' School Lisburn; St Dominic's High School	£17,622
Lagan College; Our Lady's & St Patrick's College, Knock; Grosvenor Grammar School	£32,367
Loreto College; St Joseph's College; Coleraine Grammar School	£38,936
Lurgan Junior High School; St Ronan's College	£19,100
Parkhall Integrated College; St Benedict's College; Antrim Grammar School	±£39,850
St Catherine's College, Armagh; City of Armagh High School; The Royal School, Armagh; St Patrick's Grammar School, Armagh	£25,188
St Louis Grammar School; Kilkeel High School	£28,689
St Pius X College; Magherafelt High School; Rainey Endowed; St Mary's Grammar School; Sperrin Integrated College	£49,575
St Ronan's College; Lurgan College	£27,361
Total Non-Grammar Schools Sharing With Grammar Schools	£289,659

± Based on Year 1 amount as per the Application Form - pending final confirmation of budget

As funding is allocated on an annual basis the amounts listed are for year 1 of the project only.

Mrs Overend asked the Minister of Education to detail how many applications for the Delivering Social Change Shared Education Programme have been received from each Education Authority Regional Area; and the value of each application.

(AQW 53716/11-16)

Mr O'Dowd: There has been 164 applications received for the Delivery Social Change Shared Education Programme; the value of each application is provided in the table below.

Botanic Primary School; Holy Rosary Primary School; Black Mountain Primary School; Fane Street Primary School	£49,349
Cathedral Nursery School; Hope Nursery School	£20,226
Good Shepherd Nursery School; Stanhope Street Nursery School	£28,706
Harberton School; Taughmonagh Primary School	£7,000
Hazelwood Integrated College; Edmund Rice College	£30,000
Holy Cross Nursery School; Edenderry Nursery School	£18,888
Mercy College; Belfast Boys Model School	£38,476
Methodist College; St Dominic's Grammar School for Girls; Belfast Royal Academy	£27,220
Mitchell House School; Ashfield Boys' High School	£23,587
Our Lady's Nursery School; Tudor Lodge Nursery School	£12,152
Springhill Primary School; John Paul II Primary School	£15,350
Saint Clare's Primary School; Glenwood Primary School	£11,750
Saint Joseph's Primary School; Victoria Park Primary School	£11,150
St Malachy's College; Belfast Royal Academy	£12,290
Saint Teresa's Primary School; Euston Street Primary School	£15,166
Saint Vincent de Paul Primary School; Ligoniel Primary School	£25,368
Wellington College; Aquinas Grammar School	£20,449
St Louise's Comp College; Assumption GS; Ashfield Girls HS; Belfast Model School for Girls	£31,067
St Patrick's PS; Seaview PS	£29,631
Antrim Primary School; Saint Comgall's Primary School	£25,447
Ballymoney High School; Dalriada School; Our Lady of Lourdes High School	£9,184
Broughshane Primary School; St Patrick's Primary School	£8,748
Castledawson Primary School; New Row Primary School	£12,394
Castleroe Primary School; Ballyhackett Primary School	£29,370
Cross and Passion College; Ballycastle High School	£68,234
Cullybackey College; St Mary's College	£24,148
Duneane Primary School; Moneynick Primary School	£33,236
Killowen Primary School; St Johns Primary School	£33,270
Kilross Primary School; Gaelscoil Na Speirini	£8,521
Knocknagin Primary School; Desertmartin Primary School	£26,500
Knockahollet Primary School; St Anne's Primary School	£17,284
Kylemore Nursery School; Ballysally Nursery School	£24,625
Larne High School; St Killian's College; Roddensvale School	£26,159
Loreto College; St Joseph's College; Coleraine Grammar School	£38,965
Millburn Primary School; St Malachys Primary School	£21,073
Mount St Michael's Primary School; Randalstown Central Primary School	£29,990
Oakfield Primary School; Acorn Integrated Primary School	£9,280
Parkhall Integrated College; St Benedict's College; Antrim Grammar School	£39,850
Rasharkin Primary School; St Patrick's Primary School	£25,913
Rathenraw IPS (Six Mile Integrated Primary); Ballycraig Primary School	£26,882

Seaview Primary School; Carnalbanagh Primary School; Carnlough Integrated Primary School; St Mary's Primary School, Cargan	£42,536
St Brigid's Primary School; Ballykeel Primary School	£29,999
St Brigid's Primary School; Cloughmills Primary School	£35,777
St Brigid's Primary School, Magherafelt; Knockloughrim Primary School	£27,856
St Columba's Primary School; Kilrea Primary School	£13,999
St James's Primary School and Nursery Unit; Whitehouse Primary School and Nursery Unit	£32,536
St John Bosco Primary School; Bellaghy Primary School	£20,300
St John's Primary School; Eden Primary School	£11,210
St Joseph's Primary School; Greystone Primary School	£15,570
St Nicholas Primary School; Carrickfergus Model Primary School; Sunnyslans Primary School	£11,532
St Olcan's Primary School; Armoy Primary School	£10,379
St Patrick's & St Brigid's Primary School; Ballycastle Integrated Primary School	£30,076
St Pius X College; Magherafelt High School; Rainey Endowed; St Mary's Grammar School; Sperrin Integrated College	£63,720
Steeple Nursery School; Saint Joseph's Nursery School; Riverside Special School	£19,633
Straidbilly Primary School; Barnish Primary School	£11,162
Dunclug College; St Patrick's College	£10,000
Harpur's Hill PS; St Malachy's PS	£22,169
Portglenone PS; St Mary's PS	£13,640
St Colmcille's PS; Carniny PS	£35,884
St Joseph's PS Crumlin; Gaelscoil Ghleann Darach; Crumlin IPS; Crumlin Int College	£11,948
Glengormley IPS; Mossgrove PS; Lea Green Primary Behaviour Unit; Glenann PS	£21,596
Larne and Inver PS; St Anthony's PS	£10,668
All Children's Integrated Primary School; Newcastle Primary School; St Mary's Primary School	£38,600
Annalong Primary School; St Mary's Primary School; Moneydarragh Primary School; St Joseph's Primary School	£50,000
Ballymacrickett Primary School; Ballinderry Primary School	£30,000
Ballynahinch Primary School; St Patrick's Primary School	£25,513
Beechlawn School; Pond Park Primary School	£10,000
Brownlee Primary School; Fort Hill Integrated Primary School; St Joseph's Primary School	£29,934
Derryboy Primary School; St Caolan's Primary school	£3,340
Friends' School Lisburn; St Dominic's High School	£17,436
Holy Family Primary, Teconnaught; Academy Primary School, Saintfield	£29,176
Lagan College; Our Lady's & St Patrick's College, Knock; Grosvenor Grammar School	£27,960
Oakwood Integrated Primary School; Christ the Redeemer Primary School; Stranmillis Primary School; Pond Park Primary School	£48,072
St Anne's Primary School; Ballyvester Primary School	£11,361
St Bernard's Primary School; Cregagh Primary School; Lisnasharragh Primary School	£16,889
St Colm's High School; Fort Hill Integrated College	£35,680
St Colman's Primary School; Dunmurry Primary School; Seymour Hill Primary School	£35,700
St Colmcille's Nursery School; Convent of Mercy Nursery School; Downpatrick Nursery School	£31,025
St Columba's College; Glastry College; Strangford College	£40,919

St Joseph's Primary School, Tyrella; Newcastle Primary School; Sacred Heart Primary School, Dundrum	£9,806
St Malachy's High School, Castlewella; Laurelhill Community College	£23,069
St Mary's High School; Nendrum College	£45,004
St Patricks Academy Lisburn; Laurelhill Community College	£16,179
St Patrick's Primary School; Kirkistown Primary School	£12,286
St Therese Nursery School; Fort Hill Integrated Nursery Unit	£17,151
The High School Ballynahinch; St Colman's High School	£37,216
Blackwater Integrated College; De La Salle High School; St Mary's High School	£42,515
Assumption GS; Ballynahinch HS	£53,285
Bangor Acedemy & Sixth Form College; Bangor GS; St Columbanus' College; Glenlola Collegiate	£36,400
Beechlawn School; Pond Park Primary School; St Aloysuis PS	£18,240
Parkview School; Fort Hill Int College	£13,307
St Michael's PS Finnis; Dromara PS	£2,700
Aughnacloy Primary School; St Mary's Primary School Aughnacloy	£11,384
Ballyoran Primary School; Bocombra Primary School	£15,501
Banbridge High School; St Patrick's College, Banbridge	£30,000
Bessbrook Primary School; St Joseph's Primary School, Bessbrook	£29,817
Bush Primary School; Windmill Integrated Primary School	£27,410
Cookstown Primary School; Holy Trinity Primary School; Phoenix Integrated Primary School	£51,600
Derryhale Primary School; St Oliver Plunkett's, Ballyhegan	£19,856
Dromore Nursery School; Drumnamoe Nursery School	£25,000
Dromore Road Primary School; St Bronagh's Primary School	£20,322
Drumglass High School; Integrated College Dungannon; St Patrick's College	£25,939
Dungannon Primary School; St Patrick's Primary School, Dungannon	£32,504
Holy Trinity College; Cookstown High School	£28,366
Howard Primary School; Edendork Primary School	£21,446
Lismore Comprehensive School; Brownlow Integrated College	£32,873
Lurgan Junior High School; St Ronan's College	£19,850
Market Hill Primary School; St Patrick's Primary School, Crossmaglen	£26,060
New-Bridge Integrated College; Banbridge High School	£33,452
Newmills Primary School; St Mary's Primary School, Lisbuoy	£16,348
Poyntzpass Primary School; St Joseph's and St James Primary School	£34,200
Presentation Primary School; Hart Memorial Primary School	£28,046
St Catherine's College, Armagh; City of Armagh High School; The Royal School, Armagh; St Patrick's Grammar School, Armagh	£50,000
St Colman's Primary School & All Saints' Nursery Unit; Fair Hill Primary School	£20,000
St John the Baptist Primary School; Edenderry Primary School	£22,735
St John's Primary School, Moy; Moy Regional Primary School	£17,586
St Louis Grammar School; Kilkeel High School	£39,910
St Mary's Primary School; Ballytrea Primary School	£27,231
St Mary's Primary School; Fivemiletown Controlled Primary School; Fivemiletown Nursery School	£17,421
St Patrick's Academy; Royal School Dungannon	£45,494

St Patrick's High School, Keady; Lisanally Special School	£13,432
St Patrick's Primary School; Windsor Hill Primary School	£25,598
St Paul's High School; Newtonhamilton High School; Newry High School; St Joseph's High School	£50,321
St Ronan's College; Lurgan College	£29,668
Saint Teresa's Primary School; Portadown Integrated Primary School	£19,165
St Teresa's Primary School, Tullyherron; Mountnorris Primary School	£11,884
Woods Primary School; St Trea's Primary School	£35,480
Birches PS; St Mary's PS Maghery;	£28,690
Drumcree College; Clounagh JHS; St John the Baptist PS; Hart Memorial PS	£23,935
Seagoe PS; St John's PS	£18,419
St Macartan's Convent PS; Carntall PS; Augher Central PS	£26,210
Tullygally PS; Drumgor PS	£21,470
Belleek Primary School; St John the Baptist Primary School; St Davog's Primary School; St Martin's Primary School	£44,942
Brookeborough Primary School; St Mary's Primary School, Brookeborough	£22,540
St Mary's Primary School; Cumber Claudy Primary School	£5,553
Dean Maguirc College; Omagh High School	£26,884
Gaelscoil na Daróige; Groarty Integrated Primary School	£28,350
Holy Child Primary School; Ebrington Primary School	£10,863
Holy Family Primary School; Omagh County Primary School	£28,853
Holy Trinity Nursery Unit; Enniskillen Integrated Nursery Unit; Enniskillen Nursery School	£27,027
Jones Memorial Primary School; Holy Trinity Primary School, Enniskillen; Lisbellaw Primary School; Enniskillen Integrated Primary School	£42,214
Lack Primary School; St Joseph's Primary School, Enniskillen; Kesh Primary School	£39,992
Limavady High School; St Mary's High School, Limavady	£39,952
Long Tower Primary School; Fountain Primary School	£11,575
Maguiresbridge Primary School; St Mary's Primary School, Maguiresbridge	£10,600
Moat Primary School; St Ronan's Primary School	£29,919
Roscavey Primary School; McClintock Primary School; St Colmcille's Primary School	£39,006
St Cecilia's College; Lisneal College; St Mary's College	£37,267
St John's College; Dromore Controlled Primary School; Tummery Primary School	£35,410
St John's Primary School, Londonderry; Lisnagelvin Primary School	£18,640
St Macartan's Primary School; Aghadrumsee Primary School; St Tierney's Primary School	£7,476
St Mary's Primary School; Newtownbutler Primary School; St Joseph's Primary School	£37,532
St Naile's Primary School; St Mary's Primary School; Florencecourt Primary; St Mary's Mullymesker	£49,750
St Patrick's Primary School, Mullanaskea; Enniskillen Model Primary School	£8,700
St Paul's Primary School; Irvinestown Primary School; Ballinamallard Primary School	£39,866
Tattygar Primary School; Lisbellaw Primary School	£16,720
Tempo Primary School; St Mary's Primary School, Tempo	£27,760
Gibson Primary School; St Mary's Primary School	£29,837
Gaelscoil na Daróige; Groarty Int Primary School; Oakgrove Int College	£14,785
Langfield PS; St Joseph's PS; Castlederg HS; Ardstraw Jubilee PS	£17,940

Loreto GS; Christain Bros GS; Sacred Heart College; Omagh HS, Arvalee School; Omagh Academy	£28,382
Sion Mills PS; Strabane Controlled PS	£4,091
St Caireall's PS; Killen PS; Castleberg HS; Erganagh PS	£20,870
St Oliver Plunkett Nursery & PS; Cooley PS & NS	£14,437

Mr Ó hOisín asked the Minister of Education for an update on the development proposals from Loretto College, Coleraine and Dominican College, Portstewart.

(AQW 53749/11-16)

Mr O'Dowd: I am currently considering the Development Proposals and associated pertinent information. I hope to make my decision in due course of which the Trustees and Managing Authority for each school will be informed as soon as possible.

Mr Easton asked the Minister of Education to detail the criteria that is followed for the closure of schools.

(AQW 53774/11-16)

Mr O'Dowd: The Sustainable Schools Policy sets out the range of inter-dependent criteria and associated indicators used to assess the sustainability of a school and these are factored into the consideration of a proposal for a school closure. The policy includes the following six criteria:

- Quality Educational Experience
- Stable Enrolment Trends
- Sound Financial Position
- Strong Leadership and Management
- Accessibility
- Strong Links with the Community

Any significant change to a school such as closure requires the publication of a Development proposal. Before a Development Proposal is published, the process facilitates local consultation with governors, parents and staff of the affected school as well as those schools likely to be affected by the proposal. Once a proposal is published, a statutory two month objection period is triggered during which anyone can notify the Department directly about their views on a proposal. The process ends with my decision.

Mr Rogers asked the Minister of Education to detail the primary and post-primary schools that he has supported financially with their commemorations programmes in relation to the (a) 1916 Easter Rising; (b) Battle of the Somme.

(AQW 53780/11-16)

Mr O'Dowd: I have not provided funding to specific schools for the Decade of Centenaries, however, the Council for the Curriculum, Examinations and Assessment (CCEA) is working on a "1916 Mutual Understanding" programme for schools with the objective of providing curricular support and materials for teachers and learners that will allow them to explore the history and legacy of events associated with the 1916 year of centenaries. I have agreed to provide funding of £45k for this work by CCEA in 2016/17.

Additionally, since 2013/14 my Department has cooperated with the Department for Education and Skills, in the south, in running an all-island history competition for schools to commemorate the Decade of Centenaries.

As part of the 'Ireland 2016' programme to commemorate the events of 1916, which includes the Easter Rising and the Battle of the Somme, three all-island schools' competitions will be held this year in History, Drama and Art. The cross-curricular nature of these competitions provides opportunities for pupils to learn about this important period in our history..

Mr Dallat asked the Minister of Education to detail how schools deliver road safety education to pupils across the curriculum.

(AQW 53789/11-16)

Mr O'Dowd: There are opportunities throughout the curriculum for teachers to cover the issue of road safety. For example, at primary level the Personal Development and Mutual Understanding Area of Learning requires teachers to enable pupils to develop knowledge, understanding and skills in keeping themselves healthy and safe. At post-primary level the Learning for Life and Work Area of Learning requires that pupils should have opportunities to "develop preventative strategies in relation to accidents in the home, school and on the road".

The Department of the Environment has produced a number of road safety resources and these have been made available to all schools through the C2k exchange (Fronter and Equella) so that teachers have ready access to the resources needed to help in the planning and teaching of road safety education. These include multi-media presentations, lesson plans, videos and worksheets which can be tailored to suit their teaching requirements.

Mr Dallat asked the Minister of Education a breakdown of teachers by (i) gender; and (ii) responsibility or grade in each primary and post-primary school.

(AQW 53790/11-16)

Mr O'Dowd: I have arranged for the information requested to be placed in the Assembly Library.

Mrs D Kelly asked the Minister of Education why the proposal by St. Patrick's Primary School Magheralin for additional places was rejected.

(AQW 53806/11-16)

Mr O'Dowd: The former Southern Education and Library Board (SELB) published Development Proposal (DP) No 321 on 20 November 2014. This proposed to increase the approved enrolment for St Patrick's Primary School (PS) from 129 to 175 pupils, with effect from 1 September 2015 or as soon as possible thereafter.

I took the decision on 10 March 2015 to turn down the proposal and a copy of the submission on which I based my decision can be found on my Department's website at:

<https://www.deni.gov.uk/sites/default/files/publications/de/dp-321-st-patricks-ps-magheralin.pdf>

Mr McKay asked the Minister of Education how his Department is promoting shared education in North Antrim.

(AQW 53811/11-16)

Mr O'Dowd: There are a number of generic actions which my Department has undertaken to promote shared education across the north of Ireland, including in North Antrim:

- Sharing Works: a policy for Shared Education was published in September 2015 setting out the rationale, vision and objectives for Shared Education;
- a Shared Education Bill which will provide a statutory definition of Shared Education is currently the subject of the legislative process;
- a self assessment Shared Education Framework has been published which provides an effective tool for practitioners to assess current levels of sharing and to action plan to further advance sharing.

In addition, the Delivering Social Change Shared Education Signature Project, led by Education Authority is providing support and funding to eligible schools, including those in North Antrim, to advance shared education.

You may also be aware that the Shared Education campus project for Ballycastle High School and Cross & Passion College in Ballycastle is one of the first 3 projects I approved to proceed in planning under the Shared Education Campuses Programme. The Project Board has been established and development of the business case is progressing.

Mr Rogers asked the Minister of Education to detail any correspondence he has had with the Irish Government in relation to schools in this jurisdiction partaking in events commemorating the (a) 1916 Easter Rising; and (ii) Battle of the Somme.

(AQW 53850/11-16)

Mr O'Dowd: I have not provided funding to specific schools for the Decade of Centenaries, however, the Council for the Curriculum, Examinations and Assessment (CCEA) is working on a "1916 Mutual Understanding" programme for schools with the objective of providing curricular support and materials for teachers and learners that will allow them to explore the history and legacy of events associated with the 1916 year of centenaries. I have agreed to provide funding of £45k for this work by CCEA in 2016/17.

Additionally, since 2013/14 my Department has cooperated with the Department for Education and Skills, in the south, in running an all-island history competition for schools to commemorate the Decade of Centenaries.

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Mr D McIlveen asked the Minister of Education for an outline of the area plan for primary schools in North Antrim.

(AQO 9574/11-16)

Mr O'Dowd: The area plan for primary schools in the former North Eastern Education and Library Board Area which includes North Antrim was published in June 2014 and is available on the Education Authority's website.

The area plans for primary and post-primary schools are currently being reviewed by the Education Authority (EA) in conjunction with CCMS, the other sector support bodies and the voluntary grammar sector. I have also asked for an area plan for Special Education provision to be drawn up. The Area Planning Local Groups will have an important role in this process.

The three draft Area Plans along with Annual Action Plans should be submitted to the Department in July 2016. It is intended that the EA will consult, subject to Departmental approval, on these plans in the autumn.

Mr Diver asked the Minister of Education what consideration has been given to the additional staff costs associated with an increase in National Insurance contributions, Teacher Pensions contributions and the adoption of the National Living Wage in determining school budgets for 2016-17.

(AQO 9575/11-16)

Mr O'Dowd: Following the Executive's agreement of Budget 2016-17 on Thursday 17 December 2015, which was subsequently passed by the Assembly on 19 January 2016, I am currently working through the impact of the Budget 2016-17 outcome on the Education sector and have not yet come to any final decisions on 2016-17 budget allocations. In view of this, I am unable, at this stage, to advise on any impact that the additional staff costs may have on final budget decisions.

The Budget 2016-17 outcome for Education is challenging, partly as a result of the real terms reduction to the Executive's Resource DEL position imposed by the Westminster Government.

However, the position for Education is significantly better than previously anticipated.

My aim is to have reached final decisions on my Department's 2016-17 budget allocations within the next few weeks to allow for early notification.

Mr Lyttle asked the Minister of Education for an update on the Delivering Social Change Literacy and Numeracy Signature Programme.

(AQO 9576/11-16)

Mr O'Dowd: The Delivering Social Change Literacy and Numeracy Signature Programme ended at 31 August 2015.

The Programme was delivered over two years to over 18,000 pupils.

It has made a significant contribution to the improved attainment levels in literacy and numeracy and has provided employment opportunities for recent graduate teachers.

The evaluations of the first year, carried out by the EA and ETI, have demonstrated that the aims of the programme were met.

Principals and teachers are to be commended for the way in which they embraced the programme and developed it within their schools.

In the most successful schools, the learning has been shared across the curriculum.

Undoubtedly the learning they have gained will provide a lasting legacy for those schools. To support this, I have set aside an additional £200,000 this year to provide a legacy programme to disseminate the best practice developed through the Programme to all schools.

Mr Givan asked the Minister of Education for an update on the Investing in Teaching Workforce scheme

(AQO 9577/11-16)

Mr O'Dowd: The Investing in the teaching Workforce Scheme is currently under development, in collaboration with the teaching unions and employers, and details have yet to be finalised.

It is intended that the Scheme will be launched in early Spring 2016; all relevant criteria will be published at that stage.

Whilst there continues to be disappointment expressed by some about the proposed parameters of the Scheme, I must stress that the Scheme will have potential to provide up to 500 permanent teaching posts for recently qualified teachers and up to 500 teachers will be able to retire early. In the absence of this Scheme neither will happen.

Department for Employment and Learning

Mr Lyttle asked the Minister for Employment and Learning how much it costs to train a teacher; and how this compares to the rest of the UK and Ireland.

(AQW 53156/11-16)

Dr Farry (The Minister for Employment and Learning): The cost of training a teacher was one of the issues considered by Grant Thornton in stage one of the review of initial teacher education infrastructure. The report can be found at https://www.delni.gov.uk/sites/default/files/publications/del/Study%20of%20the%20Teacher%20Education%20Infrastructure%20in%20Northern%20Ireland%20-%20Stage%201%20report_0.pdf

Ms Sugden asked the Minister for Employment and Learning for an update on his Department's Employment Strategy for People with Disabilities.

(AQW 53460/11-16)

Dr Farry:

Update on the Employment strategy for People with Disabilities

The consultation on the Employment Strategy for People with Disabilities closed on the 27 November 2015. 58 responses were received, 32 from individuals and 26 on behalf of organisations. In addition, information was gathered at four public consultation events, and two smaller events with specific disability groups, and these have been factored into the official response.

The consultation period has enabled all interested parties to provide feedback on each of the key themes and subsequent proposals. This has been broadly very positive, and in addition, a number of constructive suggestions have been made, which will inform the final strategy document.

The Committee for Employment and Learning has been briefed by officials and have been provided with a detailed summary and findings. The members were encouraged by the consultation feedback and remain very supportive of the strategy.

It remains the intention for the new Employment Strategy for People with Disabilities to launch before the end of February.

The Executive Disability Strategy

The Executive Strategy, launched in January 2013, entitled, 'A Strategy to improve the lives of people with disabilities', makes a clear commitment to deliver the commitments in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

This overarching strategy sets out a high level policy framework to give coherence and guidance to government departments, and is based around a number of key themes, with associated strategic priorities.

One of these key themes is, 'Employment and Employability', and Strategic Priority 15 is to 'work towards increasing the number of people with disabilities entering all levels of employment and safeguard the rights of those disabled people already in work'.

The key objective of the Department's new 'Employment Strategy for People with Disabilities', is, 'To directly assist disable people to find, sustain and progress within paid employment, or to start up their own business'. Given also that the first two themes of this employment strategy are, 'Empowering and supporting people to secure paid employment', and, 'Job retention and career development', it clear to see the alignment and how the Department's strategy will contribute to the achievement of the Executive's disability strategy.

Rural areas

The Employment Strategy for People with Disabilities is aimed at people with significant disability related barriers to work, regardless of where they live or are employed.

The strategy has been developed in partnership with key representatives of the disability sector, many of whom provide services, programmes, and projects delivered through the Department's European Social Fund (ESF), throughout and across Northern Ireland.

Four public consultation events were also arranged, in Armagh, Cookstown Belfast and Derry, and these were attended by various interested parties, including people with disabilities, as well as organisations who represent the interests of this customer group.

Transport and travel has been raised as a potential obstacle to employment for some, and it will be important for this issue to be considered, and addressed insofar as this is possible, through the implementation of the strategy.

The aforementioned Executive Strategy correctly highlights the fact that, 'employment and employability are issues which require a number of government departments to work together to support people with disabilities to gain and retain employment'. Transport and access are undoubtedly issues which require a collaborative and cohesive approach, amongst statutory and non-statutory bodies alike, to provide solutions where they are required.

The Disability Employment Service, through its Access to Work programme, is providing direct transport support to approximately 350 disabled people who are in work, whilst many of the ESF programmes deliver dedicated travel training as part of their employability and pre-employment menu of provision.

Involvement of people with disabilities – developing and measuring the success of the strategy

In 2013, a Strategic Working group was established. This comprised officials from the Department for Employment and Learning's Disability Employment Service (DES), along with a number of key representatives from the local disability sector, and other interested parties.

The group have worked closely on every aspect of the strategy, including the agreed aims and objectives, the drafting of the documentation, as well as the consultation and engagement process.

Specifically on the consultation and engagement issue, a number of major pre-consultation events took place throughout Northern Ireland during 2014. There were also a number of smaller, more local workshops at that time.

These events, organised and facilitated in partnership with the disability sector, were targeted primarily at people with disabilities, support workers, and organisations from the community and voluntary sector. Those attending, and the sector representatives involved in the organisation of these events, presented it as an example of how pre-consultation should look like.

More importantly, it was the discussions and proposals arising from these events, which helped inform the draft strategy that was issued for public consultation in September 2015, and the feedback received through this latest consultation process, will be reflected in the final strategy document.

As part of the strategy, the Department has committed to develop a framework that will ensure continuous and meaningful engagement between all of the key stakeholders, including people with disabilities. Specifically, and as part of the first year Action Plan, a new Disability Employment Stakeholder Forum will be established.

It is proposed that this Forum will have a monitoring role with regard to the implementation and achievements of the new strategy, a direct input into the annual action planning process, and will also be asked to provide assurance on the alignment of the various NI Executive disability strategies.

In addition to senior officials from a number of key government departments, along with select employers or employer groups; people with disabilities, and key representatives from the local disability sector, will be adequately represented on the new Disability Employment Stakeholder Forum.

Engagement with the sector since the consultation

The Department has continued to engage with the Strategic Working group, who represent a large number of people with a full range of disabilities throughout Northern Ireland.

The group have received the summary feedback shared with the Departmental Committee. This was discussed at a meeting of the Group on the 9th February, along with plans for the launch of the strategy.

Ms Sugden asked the Minister for Employment and Learning how his Department's Employment Strategy for People with Disabilities will dovetail with the Executive Disability Strategy.

(AQW 53461/11-16)

Dr Farry:

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As part of the strategy, the Department has committed to develop a framework that will ensure continuous and meaningful engagement between all of the key stakeholders, including people with disabilities. Specifically, and as part of the first year Action Plan, a new Disability Employment Stakeholder Forum will be established.

It is proposed that this Forum will have a monitoring role with regard to the implementation and achievements of the new strategy, a direct input into the annual action planning process, and will also be asked to provide assurance on the alignment of the various NI Executive disability strategies.

In addition to senior officials from a number of key government departments, along with select employers or employer groups; people with disabilities, and key representatives from the local disability sector, will be adequately represented on the new Disability Employment Stakeholder Forum.

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The Department has continued to engage with the Strategic Working group, who represent a large number of people with a full range of disabilities throughout Northern Ireland.

The group have received the summary feedback shared with the Departmental Committee. This was discussed at a meeting of the Group on the 9th February, along with plans for the launch of the strategy.

Ms Sugden asked the Minister for Employment and Learning whether the new Employment Strategy for People with Disabilities has provisions to target rural areas.

(AQW 53462/11-16)

Dr Farry:

Update on the Employment strategy for People with Disabilities

The consultation on the Employment Strategy for People with Disabilities closed on the 27 November 2015. 58 responses were received, 32 from individuals and 26 on behalf of organisations. In addition, information was gathered at four public consultation events, and two smaller events with specific disability groups, and these have been factored into the official response.

The consultation period has enabled all interested parties to provide feedback on each of the key themes and subsequent proposals. This has been broadly very positive, and in addition, a number of constructive suggestions have been made, which will inform the final strategy document.

The Committee for Employment and Learning has been briefed by officials and have been provided with a detailed summary and findings. The members were encouraged by the consultation feedback and remain very supportive of the strategy.

It remains the intention for the new Employment Strategy for People with Disabilities to launch before the end of February.

The Executive Disability Strategy

The Executive Strategy, launched in January 2013, entitled, 'A Strategy to improve the lives of people with disabilities', makes a clear commitment to deliver the commitments in the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD).

This overarching strategy sets out a high level policy framework to give coherence and guidance to government departments, and is based around a number of key themes, with associated strategic priorities.

One of these key themes is, 'Employment and Employability', and Strategic Priority 15 is to 'work towards increasing the number of people with disabilities entering all levels of employment and safeguard the rights of those disabled people already in work'.

The key objective of the Department's new 'Employment Strategy for People with Disabilities', is, 'To directly assist disable people to find, sustain and progress within paid employment, or to start up their own business'. Given also that the first two themes of this employment strategy are, 'Empowering and supporting people to secure paid employment', and, 'Job retention and career development', it clear to see the alignment and how the Department's strategy will contribute to the achievement of the Executive's disability strategy.

Rural areas

The Employment Strategy for People with Disabilities is aimed at people with significant disability related barriers to work, regardless of where they live or are employed.

The strategy has been developed in partnership with key representatives of the disability sector, many of whom provide services, programmes, and projects delivered through the Department's European Social Fund (ESF), throughout and across Northern Ireland.

Four public consultation events were also arranged, in Armagh, Cookstown Belfast and Derry, and these were attended by various interested parties, including people with disabilities, as well as organisations who represent the interests of this customer group.

Transport and travel has been raised as a potential obstacle to employment for some, and it will be important for this issue to be considered, and addressed insofar as this is possible, through the implementation of the strategy.

The aforementioned Executive Strategy correctly highlights the fact that, 'employment and employability are issues which require a number of government departments to work together to support people with disabilities to gain and retain employment'. Transport and access are undoubtedly issues which require a collaborative and cohesive approach, amongst statutory and non-statutory bodies alike, to provide solutions where they are required.

The Disability Employment Service, through its Access to Work programme, is providing direct transport support to approximately 350 disabled people who are in work, whilst many of the ESF programmes deliver dedicated travel training as part of their employability and pre-employment menu of provision.

Involvement of people with disabilities – developing and measuring the success of the strategy

In 2013, a Strategic Working group was established. This comprised officials from the Department for Employment and Learning's Disability Employment Service (DES), along with a number of key representatives from the local disability sector, and other interested parties.

The group have worked closely on every aspect of the strategy, including the agreed aims and objectives, the drafting of the documentation, as well as the consultation and engagement process.

Specifically on the consultation and engagement issue, a number of major pre-consultation events took place throughout Northern Ireland during 2014. There were also a number of smaller, more local workshops at that time.

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Ms Sugden asked the Minister for Employment and Learning how people with disabilities will be involved in (i) developing the Employment Strategy for People with Disabilities' action plan; and (ii) measuring the effectiveness of the strategy when implemented.

(AQW 53463/11-16)

Dr Farry:

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Ms Sugden asked the Minister for Employment and Learning how his Department has engaged with the disability sector since the end of the consultation period for the Employment Strategy for People with Disabilities.

(AQW 53464/11-16)

Dr Farry:

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Mr B McCreagh asked the Minister for Employment and Learning whether local students who chose to study courses in private institutions will receive loans equivalent to those given to Northern Irish students who choose to study in England.
(AQW 53523/11-16)

Dr Farry: A Northern Ireland domiciled student studying at a private institution will receive the same amount of maintenance loan as a Northern Ireland student studying at a publicly funded higher education institution, dependant on where a student studies. The maintenance loan is up to £3,750 for those Northern Ireland students living and attending a course at home, up to £6,780 if the course is in London and up to £4,840 for those living elsewhere.

Northern Ireland students can avail of a tuition fee loan up to £9,000 for courses at publicly funded higher education institutions in England. At private institutions in England where the course has been "franchised" (awarded and owned) by a separate degree awarding higher education institution, students may avail of tuition fee loans of up to £9,000. At private institutions in England where the course has been "validated" (approved) by a separate degree awarding higher education institution, students may avail of tuition fee loans of up to £3,805 in academic year 2015/16. With the limited funding available at present, it is not possible for my Department to match the tuition fee support provided in other parts of the United Kingdom for students enrolled on "validated" courses at private institutions.

Mr Dallat asked the Minister for Employment and Learning when he expects to announce the start of work on a new college in Coleraine.

(AQW 53571/11-16)

Dr Farry: I have approved the capital project's Outline Business Case (OBC) submitted by the Northern Regional College which sets out the College's proposals for addressing its accommodation needs in the Coleraine, Ballymoney and Ballymena areas. This was subsequently forwarded to the Department of Finance and Personnel (DFP) for consideration.

No announcement on the specific location of campuses can be made until DFP approval has been received. Following DFP approval and subject to the availability of capital funding, the design stage will have to be completed and a construction contract awarded before development work can commence at any location.

Ms Sugden asked the Minister for Employment and Learning for his assessment of the skills shortage locally, including within (i) construction; (ii) science, technology and engineering; and (iii) information and computer technology.

(AQW 53724/11-16)

Dr Farry: In terms of skills gaps within the existing workforce, the 2015 Employer Skills Survey (ESS) shows that 91% of establishments in Northern Ireland felt that all of their staff were fully proficient at their job at the time of the fieldwork. This is higher than the 2015 UK average of 86% and an improvement on the level of 86% for Northern Ireland in 2013.

In other words, only 9% of establishments in Northern Ireland experienced skills gaps. These establishments reported 'ability to manage own time and prioritise tasks', 'team working' and 'specialist skills or knowledge' to be the most commonly found skills to be lacking among existing staff in Northern Ireland. Eighteen percent of these reported this having a major impact on their organisation's performance and most significantly in terms of increasing workload for other staff.

The survey also showed that three per cent of establishments in Northern Ireland had at least one skill shortage vacancy, the same level as in 2013, but significantly below the 2015 UK proportion of 6%. Of these, establishments' 'ability to manage own time and prioritise tasks', 'customer handling skills' and 'specialist skills or knowledge' were also the most commonly found skills to be lacking for skill shortage vacancies.

The 2015 UK ESS report published on 28th January 2016 presented results by sector and occupation at the overall UK level and can be found at www.gov.uk/government/publications/ukces-employer-skills-survey-2015-uk-report

Information from the 2015 survey for Northern Ireland will be published on 10th March 2016 which will include data on sector and occupation. However these will not directly map to the areas specifically requested, with the exception of construction. A copy of the NI toolkit will be forwarded to you once available on that date.

The ESS is managed by the UK Commission for Employment and Skills and the 2015 survey included 4,019 completed interviews with NI establishments.

Ms Sugden asked the Minister for Employment and Learning what percentage of workplace vacancies are caused by a shortage of specific skills locally.

(AQW 53725/11-16)

Dr Farry: The 2015 Employer Skills Survey (ESS) shows that the density of skill shortage vacancies in Northern Ireland at the time of fieldwork was 15%. This shows a decrease from the level measured in 2013 and is also below the 2015 UK level of 23%.

The ESS is managed by the UK Commission for Employment and Skills and the 2015 survey included 4,019 completed interviews with Northern Ireland establishments.

Ms Sugden asked the Minister for Employment and Learning how he is encouraging school-leavers to choose to study at Northern Ireland universities.

(AQW 53815/11-16)

Dr Farry: 'Graduating to Success', Northern Ireland's higher education strategy, commits my Department to ensuring that prospective learners have access to relevant, high quality information in order to allow them to make informed decisions regarding their participation in higher education.

To meet this commitment my officials worked with higher education institutions to review and improve the available information regarding higher education in general and the sector in Northern Ireland in particular. This review included information on courses, financial support, the cost of living, learner satisfaction, and other relevant information. This information can be accessed through the NI Direct website as well as individual institution websites.

As well as this, my Department continues to work with the other UK higher education funding bodies to ensure that high quality information regarding higher education is available from a range of sources including the National Student Survey, Unistats and the Destination of Leavers in Higher Education Survey.

Taken together, the information published about studying at Northern Ireland universities encourages school-leavers, with the support of careers advisers and others, to make the choice that is right for them in terms of their personal and professional development goals.

Mr Agnew asked the Minister for Employment and Learning how the seven month timespan of the United Youth pilot will be sufficient time to test the models developed; and what possibilities have been explored to access funding to allow the pilot to continue until June.

(AQW 53871/11-16)

Dr Farry: The United Youth pilots commenced in August 2015 and are running for eight months. Funding was secured for the pilots from the Northern Ireland Executive's Change Fund which is due to end on 31 March 2016. There will be a full evaluation of the pilot phase, focusing on the achievement of the agreed outcomes.

Mr Frew asked the Minister for Employment and Learning for an update on the support given to JTI Gallaher and Michelin employees.

(AQO 9586/11-16)

Dr Farry: My officials are having regular meetings with JTI and Michelin to ensure that the best advice, guidance and practical help is available to those affected by redundancy.

Following the Training Needs Analysis carried out by JTI's outplacement provider, my Department was asked to consider support for a number of training courses.

I am pleased to say that the Essential Skills training requested has commenced and six classes, facilitated by Northern Regional College, for around 70 JTI staff have been funded.

In terms of the other requested courses, I have agreed to provide funding towards their delivery exclusively for JTI staff.

This is the first time that such support has been made available in a redundancy situation and this has been possible due to the long period of notice given by JTI in advance of the closure date. The details of this training will be communicated to the workforce in the near future.

Michelin's consultation process is due to end on the 7 March. This limits the action that my Department can take at this stage. However, discussions are ongoing about actions to be implemented following the consultation period, which will mitigate the impact on the employees and, more generally, the local and wider community.

The support for both companies includes careers advice, job opportunities, mentoring, entrepreneurship, education opportunities and access to Further Education College training courses. It may also include accreditation of prior learning and experience.

Michelin has completed their initial internal skills analysis. This has enabled officials to begin work on planning the facilitation of dedicated Essential Skills courses. My Department will continue to explore ways to support further training requirements revealed through the skills audit.

In addition, my Department is working with Michelin to identify other companies which operated within Michelin's supply chain.

Mr Maskey asked the Minister for Employment and Learning when he will announce the results of his consultation on Part-time and Postgraduate Student Finance.

(AQO 9588/11-16)

Dr Farry: At present, the support package available for part-time undergraduate students is limited and restricted to only a minority of eligible students from relatively low household incomes.

Meanwhile the majority of postgraduate students have no access to any standard student finance package at all beyond the Disabled Students Allowance.

In June 2015 I launched a public consultation to consider a range of options to improve the finance offerings for both part-time undergraduate and taught postgraduate students, primarily through the student loan system. The consultation closed in September 2015 and a summary of responses is available on my Department's website.

Having considered the responses to the consultation, I have now, in principle, taken some decisions on the way forward in these areas.

However, introducing these new loans will require various approvals and confirmations.

Firstly, as the student loan system is financed by Her Majesty's Treasury, its approval is required for the introduction of any new loan package. My officials are currently seeking that approval.

Secondly, the Student Loans Company will be responsible for constructing and implementing these new loan products, and it has still not confirmed its capacity to do so for the 2017/18 academic year.

The Loans Company is expected to conclude a capacity assessment for the 2017/18 academic year for all its demands, across all the UK administrations, this month.

Mr Swann asked the Minister for Employment and Learning what cross departmental work is he undertaking on the issue of youth unemployment.

(AQO 9589/11-16)

Dr Farry: My major reforms of Apprenticeship and Youth Training will provide employment opportunities for young people.

Evidence demonstrates that countries with low levels of youth unemployment make Apprenticeships and other forms of vocational training a key economic priority.

I am committed, through the reform of the Northern Ireland Apprenticeship and Youth Training systems, to develop professional and technical skills which are fully aligned to the needs of our economy in order to secure a 'world-class' system capable of delivering a highly skilled workforce to support high levels of employment, particularly for young people.

My Department also leads on the implementation of 'Pathways to Success', the Northern Ireland Executive's strategy for supporting young people who are not in Education, Employment or Training. The strategy contains an Action Plan setting out key actions and is supported by a delivery infrastructure chaired by DEL that brings together key decision makers from government, the voluntary and community, education, health, social care and business sectors, to secure an effective and coordinated response to the diverse needs of young people.

A number of bespoke initiatives have also been introduced to support young people, including: a Community Family Support Programme, a diverse range of projects funded by the European Social Fund and the United Youth Programme, a key headline action flowing from the Executive's Together Building and United Community Strategy.

The Employment Service offers a range of work-focused programmes and measures. These include Steps 2 Success, the Department's main adult return to work programme, the Into Work Training Support programme, the Youth Employment Work Experience Scheme, Employer Subsidy and Enterprise Allowance Scheme. These programmes seek to improve opportunities for young people, address employability skills gaps and help them to connect with the labour market.

Mr Lynch asked the Minister for Employment and Learning for an update on his Department's response to the publication of the Higher Education Green Paper by the British Government.

(AQO 9590/11-16)

Dr Farry: Last month, I wrote to Minister of State Jo Johnson MP, setting out my views on the Department for Business, Innovation and Skills' green paper, Fulfilling our Potential. It is important to note that this paper refers to potential changes to the HE sector in England. However, due to the nature of higher education and student mobility, a number of the proposals have the potential to impact on HEIs and students here in Northern Ireland.

Prior to my writing to the Minister of State, my officials had met representatives from Northern Ireland's higher education institutions to discuss the paper in order to ensure that my letter reflected any concerns they may have, along with my Department's assessment of the issues.

In my letter, I informed Jo Johnson that in general the objectives of the green paper align with my Department's higher education strategy 'Graduating to Success' which focuses on teaching and learning, widening participation, retention and improving the learner journey. However, I explained that I have concerns regarding a number of areas including the proposed metrics used to measure excellence in relation to the Teaching Excellence Framework and the implications for the quality of teaching and the student experience for Northern Ireland-domiciled students studying in England if proposals aimed at opening up the sector to new providers are implemented.

My officials are now working with colleagues in the Department for Business, Innovation and Skills and the other devolved administrations to ensure that Northern Ireland's interests are taken into account in the development of the white paper and technical consultation, both of which are proposed for spring 2016.

Mr McMullan asked the Minister for Employment and Learning for an update on the recently commissioned research into the skills needs of the tourism industry.

(AQO 9591/11-16)

Dr Farry: I recognise the positive economic and social impact that tourism has on Northern Ireland. In turn I also recognise the important impact that the skills of those employed in the tourism industry have on the quality of the visitor experience, and so I am keen to ensure that Northern Ireland has the correct skills levels and mix for the future.

In 2014 the Hunter Report on the future of tourism in Northern Ireland recommended that my Department should examine the current and future skills needs of the sector. My Department has therefore commissioned research to help identify and understand the demand for skills both now and in the future. Its overall aim is to ascertain the scale and nature of the skill shortages within the tourism sector in Northern Ireland.

Working with Tourism NI and Invest NI, my officials have established a group of stakeholders from the whole tourism sector to advise on how this skills analysis should be undertaken. I expect to take delivery of the results of this research work before the end of March.

This research will form a base of evidence which will provide the opportunity for consultation with colleagues in Tourism NI and Invest NI to plot the best way forward. While I do not yet know what those findings will be, I expect the employers in the tourism sector, the further education colleges and the universities will be fully involved in the future development and delivery of any skills training required.

Mr Beggs asked the Minister for Employment and Learning what action his Department is taking to increase the provision of adult basic education in East Antrim.

(AQO 9593/11-16)

Dr Farry: Further Education Colleges have a key role in supporting adult basic education by providing those who have low or no qualifications, or who have barriers to learning, with the skills and qualifications needed to find employment and to become economically active.

The new Further Education Strategy, "Further Education Means Success" which I launched recently, reinforces the importance of the Further Education colleges as the main providers of choice for skills delivery in Northern Ireland. The Northern Regional College campus at Newtownabbey will continue to offer a broad range of courses to meet the needs of all learners within the East Antrim community.

While the Department sets the strategic direction for the Further Education sector in Northern Ireland, each college is responsible for its own curriculum offer. Learners entering FE colleges will receive advice on the course of study that is most appropriate for them.

This process ensures that each learner agrees an individual programme of study to meet his or her aspirations and addresses their level of study. Decisions on whether a specific course runs are driven by the level of demand locally.

Over the last three years, Northern Regional College's provision for adult learners in the East Antrim Area has included courses such as languages, creative crafts, and personal and social skills. In the last three academic years there have been almost 6,500 enrolments in these programmes below Level 2. In addition there have been over 5,700 enrolments on Essential Skills Courses in the same period at Level 2 and below.

My Department has undertaken work to refresh the Essential Skills qualifications to ensure that they remain fit for purpose and can match adult competencies across the best performing countries. This work is almost complete and the new curriculum materials will be available for first teaching from September 2016.

Mr Agnew asked the Minister for Employment and Learning to outline the engagement he has had with women's sector organisations in relation to community education provision.

(AQO 9594/11-16)

Dr Farry: I have been in ongoing correspondence with a number of women's organisations in this respect, and both I and my officials continue to meet regularly with representatives from organisations in the sector.

This has been especially the case regarding the European Social Fund Programme 2014-2020, with officials meeting all 67 project promoters at its Quarterly Forum in January 2016, to discuss a full range of issues associated with the Programme and its provision.

Under the 2014-2020 ESF Programme, five dedicated women's projects are currently being funded, out of a total of 67 successful projects. All other ESF projects are offered to both men and women.

Department of Enterprise, Trade and Investment

Mr Allister asked the Minister of Enterprise, Trade and Investment whether he will honour the commitments given by his Department in its letter dated 29 March 2011, and by the then Minister to the media on 16 February 2011, by instructing the Joint Supervisors of the Presbyterian Mutual Society that the £25 million contribution by Westminster does not have to be repaid and accordingly should not be treated as a loan or liability in the accounts of the Society.

(AQW 52513/11-16)

Mr Bell (The Minister of Enterprise, Trade and Investment): The treatment of the £25 million in the Presbyterian Mutual Society's accounts has been agreed by the Presbyterian Mutual Society with its auditors.

Mr Attwood asked the Minister of Enterprise, Trade and Investment to detail the amount of financial assistance given by Invest NI to businesses in (i) North; (ii) South; (iii) East; and (iv) West Belfast in the financial years (a) 2012-13; (b) 2013-14; and (c) 2014-15.

(AQW 52831/11-16)

Mr Bell: The table below details the amount of support offered by Invest NI to businesses in (i) North; (ii) South; (iii) East; and (iv) West Belfast in the financial years (a) 2012-13; (b) 2013-14; and (c) 2014-15.

An additional £101 million of support was offered to External Delivery Organisations and Universities in the four constituencies. This is not detailed in the table as the support will be used to benefit businesses from across Northern Ireland.

Invest NI Support Offered (£m) in Belfast Constituencies (2012-13 to 2014-15)

PCA	2012-13	2013-14	2014-15
Belfast East	6.86	23.61	12.66
Belfast North	4.10	10.47	7.68
Belfast South	17.27	13.32	44.59
Belfast West	3.46	5.76	2.02

Note: 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.

Mr Attwood asked the Minister of Enterprise, Trade and Investment to detail the itinerary for Invest NI visits in (i) North; (ii) South; (iii) East; and (iv) West Belfast in the financial years (a) 2012-13; (b) 2013-14; and (c) 2014-15, including the number of businesses visited and the number of political representatives met during each visit.

(AQW 52833/11-16)

Mr Bell: Itineraries are tailored to meet the needs of the potential investor and may include visits to universities and other educational establishments, employment agencies, and estate agents.

Visit itineraries typically last 1-2 days and generally cover more than one constituency and region.

Site visits to business parks and other commercial property may also take place.

In addition, itineraries may include visits to existing investors in a similar business sector and other relevant government departments but this information is not centrally held. Occasionally some contacts may be made, if appropriate, at a ministerial level.

Mr Lunn asked the Minister of Enterprise, Trade and Investment what venture capital funding will be available to companies in the technology sector during the 2016-17 financial year.

(AQW 53252/11-16)

Mr Bell: Invest NI has put in place a suite of six funds under its Access to Finance banner. Four of these are venture capital funds and these are:

- Techstart NI, which has £20 million of funding and which provides seed and early stage funding in return for equity in both SMEs and university spin-outs
- Co-Fund NI, which has £12.5 million to invest alongside private investors in SMEs at various stages of company development
- Two £30 million Development Funds which invest primarily after the start-up phase.

All of the above funds have capital to invest during the 2016-17 financial year. Whilst these funds are not restricted to the technology sector, they support SMEs with high growth potential, many of which have a technology basis.

In addition, Invest NI also supports the management costs of Halo, the business angel network. Through Halo, technology based businesses also have access to equity funding.

NI technology based SMEs have also secured equity funding from other private sources from inside and outside NI.

Ms Sugden asked the Minister of Enterprise, Trade and Investment for (i) an update on the establishment of a data centre in Coleraine; and (ii) his assessment of how this will benefit the regional and local economy.

(AQW 53262/11-16)

Mr Bell: My Department has been working with the Causeway Coast and Glens Council to establish a pilot Enterprise Zone in Coleraine. HMT is currently considering a request for formal designation of the pilot Enterprise Zone and it is anticipated that this will be progressed in the coming weeks.

I understand that the Council has been in discussion with a company which intends to establish a data centre in the Enterprise Zone. The establishment of such a centre would provide welcome investment in the area and the Council believes will act as a catalyst for the development of further digital and ICT investment in the Enterprise Zone.

Mr Agnew asked the Minister of Enterprise, Trade and Investment what in-year departmental cuts have been made to community and voluntary sector funding; and how this compares to departmental cuts to other services.

(AQW 53310/11-16)

Mr Bell: No in-year cuts have been made in 2015-16 to community and voluntary sector funding in my Department.

Mr Allister asked the Minister of Enterprise, Trade and Investment what preparatory work has been done to assess the impact on local businesses of a UK exit from the European Union.

(AQW 53393/11-16)

Mr Bell: It is difficult to assess the potential implications of a UK exit from the European Union at this stage as there are a wide range of different possibilities were there to be any future changes in the UK's status within the EU.

My Department has, however, joined a UK study by Oxford Economics looking at the potential economic impact of an EU exit across the UK. This study, which looks at employment, GVA, unemployment, labour supply and consumer spending, has now been extended to provide specific results for Northern Ireland.

The findings for Northern Ireland across a range of scenarios should be available by Spring 2016.

Mr Allister asked the Minister of Enterprise, Trade and Investment what preparatory work has been done to assess the impact of the removal from state aid rules which would result from a UK exit from the European Union.

(AQW 53395/11-16)

Mr Bell: As a reserved matter, the Department of Business, Innovation and Skills (BIS) takes the lead on State aid. My officials have not been made aware of any preparatory work being undertaken to assess the impact of any change to State aid rules that could result from a UK exit from the European Union. They are monitoring the situation and will brief me on any significant developments.

Mr Easton asked the Minister of Enterprise, Trade and Investment how many staff have been suspended from his Department over the last three years for disciplinary reasons.

(AQW 53398/11-16)

Mr Bell: No staff in my Department have been suspended over the last three years for disciplinary reasons.

Mr McElduff asked the Minister of Enterprise, Trade and Investment to detail the number of homes currently deemed too far from the BT Exchange to receive broadband of 2mps; and what plans he has to address the lack of broadband provision in West Tyrone.

(AQW 53399/11-16)

Mr Bell: My Department does not gather or hold the information requested regarding the number of homes deemed too far from a telephone exchange to access a broadband speed of 2Mbps.

Data on fixed broadband network coverage is collected by Ofcom which makes the information available through its triennial infrastructure reports and subsequent annual updates. The latest report, 'Connected Nations 2015' and associated data downloads can be found at <http://stakeholders.ofcom.org.uk/market-data-research/market-data/infrastructure/connected-nations-2015/>.

The report shows that at May/June 2015, 5.7% of premises in Northern Ireland could receive a fixed-line broadband connection of less than 2Mbps. This is a 1.3% improvement on the figure at June 2014.

As the member will be aware, 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 improvements have already taken place in twenty-one exchange areas serving premises in West Tyrone, impacting on almost 7,000 households and businesses with further work due to take place in the final phase which has recently commenced. 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>.

On 22 January, I announced the introduction of a satellite broadband support scheme which falls under the auspices of the NIBIP and seeks to provide residents and businesses which have speeds below 2Mbps with the option of applying for a subsidy towards the cost of installing a satellite broadband connection. Details on the scheme, including eligibility criteria, can be found at <https://www.detini.gov.uk/articles/satellite-broadband-support-scheme-northern-ireland>.

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 almost 39,000 premises across Northern Ireland by December 2017. Again, postcode areas in West Tyrone are included for intervention under this project. An extensive survey and design process is ongoing and until this is completed, it will not be possible to say which individual postcodes will benefit from the upgrades. Further details on roll-out will be published on the NI Direct platform when this becomes available.

Mr McElduff asked the Minister of Enterprise, Trade and Investment to list the location and postcode of the mobile phone signal not spots in West Tyrone; and how he plans to address the poor mobile phone reception in the area.

(AQW 53400/11-16)

Mr Bell: I would refer the member to my response to question AQW 53120/11-16.

Mr Campbell asked the Minister of Enterprise, Trade and Investment what assessment has been made of the potential benefits to (i) the North Coast; and (ii) Northern Ireland, of the staging of the Open Golf Championship in 2019 at Royal Portrush.
(AQW 53405/11-16)

Mr Bell: I welcome the announcement that The Open Championship is to be held at Royal Portrush Golf Club from 18 – 21 July 2019. Securing The Open Championship is a magnificent achievement. It is a key part of Tourism NI's events strategy and is crucial to consolidating our efforts to grow visitor numbers and visitor spend.

The Open Championship is expected to attract 200,000 spectators over the competition days. With the estimated spend per golf tourist at £218 per day, or £1,230 per trip, hosting major golf events plays a key role in realising our ambitious plans to grow tourism in Northern Ireland to a £1 billion industry by 2020. The potential economic return of £70 million makes The Open coming to Portrush in 2019 a success story not just for golf and golfing fans but our entire economy.

Major events are recognised as key economic development and tourism drivers, the promotional and economic benefits from hosting major golf events are demonstrable. Hosting The Open Championship will provide the opportunity to raise the profile of Northern Ireland as a golf destination and showcase it to a wider global audience.

A comprehensive Marketing & PR strategy will encourage visitors from both the Republic of Ireland and Northern Ireland markets to take a short break and attend the event. Tourism NI will also work with Tourism Ireland to promote the event internationally to both media and consumers.

The Open Championship will also be promoted across Tourism NI's social and digital channels and a coherent content marketing strategy will be devised with an emphasis on targeting visitors from the Republic of Ireland. In addition, Tourism NI will brief tour operators of the opportunity.

From a regional perspective, Tourism NI will be engaging with and supporting the relevant local authorities and industry on the North Coast and beyond to maximise the tourism benefits and opportunities that a world class event of this scale and significance can bring.

I commend the Royal and Ancient Golf Club for their confidence and commitment to Northern Ireland. I have no doubt the 2019 Open at Royal Portrush, which will be broadcast to half a billion people worldwide, will be a stunning sporting success.

Mr McElduff asked the Minister of Enterprise, Trade and Investment whether he will make representations to the Department for Culture, Media and Sport to encourage mobile phone operators who apply for 5G licenses to ensure the provision of suitable coverage in black spot areas, and in particular West Tyrone.
(AQW 53472/11-16)

Mr Bell: The process for awarding spectrum licences for 5G mobile services has not yet been considered as the required spectrum is not yet available. The timeframe for the launch of 5G services remains uncertain although it is anticipated that commercial applications could emerge by 2020.

The decision on how and when the auction of appropriate spectrum will take place rests with Ofcom and it is their intention to consult on the process when it has been developed. DETI will, of course, give consideration to the need to respond to the consultation, when launched, and ensure that the interests of Northern Ireland's citizens are fully articulated.

Mr McElduff asked the Minister of Enterprise, Trade and Investment for his assessment of the service quality of the broadband operators who provide services in locations that BT deem to be too far from an exchange; and how his Department will address the cost of broadband services in these locations.
(AQW 53473/11-16)

Mr Bell: The telecommunications market is fully privatised and independently regulated by Ofcom. As such, the quality of service provided by operators falls into their area of responsibility. All service providers that offer a retail service, whether it's over fixed line, satellite, or fixed wireless, are bound by Ofcom's General Conditions of Entitlement which can be found at <http://stakeholders.ofcom.org.uk/telecoms/ga-scheme/general-conditions/general-conditions-guidelines/>.

In addition, Ofcom produces quality of service league tables every quarter that highlight the best and worst providers based on complaints made to them. To date, due to their relatively small size, satellite and fixed wireless broadband providers have not yet figured in these reports.

The issue of cost for broadband services is a commercial matter and my Department has no powers to intervene. Notwithstanding that, on 22 January 2016, I announced the introduction of a satellite broadband support scheme which seeks to provide residents and businesses which have speeds below 2Mbps with the option of applying for a subsidy towards the cost of installing a satellite broadband connection. Details of the scheme, which falls under the auspices of the Northern Ireland Broadband Improvement Project (NIBIP), can be found at <https://www.detini.gov.uk/articles/satellite-broadband-support-scheme-northern-ireland>.

Mr McElduff asked the Minister of Enterprise, Trade and Investment to list the names of the telecom businesses that provide broadband services to households deemed to be too far from a BT exchange; to detail (i) the range of services they provide; and (ii) the cost per month and installation for their service, in West Tyrone.
(AQW 53474/11-16)

Mr Bell: My Department does not hold or gather the information requested.

Mr McCrossan asked the Minister of Enterprise, Trade and Investment to detail the number of areas in West Tyrone that receive an internet service of 1MB or less.

(AQW 53484/11-16)

Mr Bell: My Department does not hold or gather the information requested.

Data on fixed broadband network coverage is collected by Ofcom which makes the information available through its triennial infrastructure reports and subsequent annual updates. The latest report, 'Connected Nations 2015' and associated data downloads can be found at <http://stakeholders.ofcom.org.uk/market-data-research/market-data/infrastructure/connected-nations-2015/>.

Ms Sugden asked the Minister of Enterprise, Trade and Investment for an update on the Review of Tourism Accommodation Policy 2015-2020.

(AQW 53557/11-16)

Mr Bell: My Department, in conjunction with Invest NI and Tourism NI (TNI), has undertaken a review of its policy regarding the provision of support to tourist accommodation providers in Northern Ireland. In taking forward this review consideration has been given to the strategic vision for tourism to 2020 and the many policies and strategies underpinning that vision.

A stakeholder engagement exercise was undertaken and a formal consultation exercise on the key principles of a new tourist accommodation policy was undertaken in July 2015.

My officials have now developed an advanced draft policy which needs to be tested internally particularly given the recent developments in the accommodation sector in the last 6 months. In addition, as work on the development of a new Tourism Strategy for Northern Ireland progresses, it will be important to ensure alignment between the Tourist Accommodation Policy and the new strategic vision for tourism in Northern Ireland.

Departmental officials will continue to work in conjunction with Invest NI and Tourism NI in considering these issues and refining the Department's policy position regarding future Tourist Accommodation support. In the meantime Invest NI will continue to provide grant assistance to eligible projects under their current guidelines.

Mr Givan asked the Minister of Enterprise, Trade and Investment to outline the impact a 12.5 per cent rate of corporation tax will have on employment levels in Northern Ireland.

(AQO 9584/11-16)

Mr Bell: There is a range of research which suggests that reducing corporation tax can have a significant impact on the economy and employment.

The latest research by Ulster University estimates that introducing a 12.5% rate from 2018 can create well in excess of 30,000 jobs over 15 years. However reducing Corporation tax is not just about creating jobs but also about rebalancing the economy and creating a larger private sector.

The research, which is expected to be published by spring 2016, also indicates that introducing a 12.5% rate from 2018 can help to grow our economy by almost 10% over 15 years.

Mr Easton asked the Minister of Enterprise, Trade and Investment what his Department can do to help reduce the cost of travelling by ferry from Belfast to Cairnryan, especially in light of the reduction of fuel prices.

(AQW 53625/11-16)

Mr Bell: Ferry companies operating the Belfast to Cairnryan route are private commercial entities and as such, the setting of fares is a commercial matter for these companies.

Mr Allister asked the Minister of Enterprise, Trade and Investment whether the 2016 Business Plan for Intertrade Ireland has been approved; and if not, how is continuing expenditure lawful.

(AQW 53647/11-16)

Mr Bell: InterTradeIreland's 2016 Business Plan has not yet been approved.

No payments have been made in respect of the Northern Ireland contribution of InterTradeIreland's 2016 budget.

Ms Sugden asked the Minister of Enterprise, Trade and Investment to list the areas of East Londonderry where broadband speeds are 1MB or less.

(AQW 53668/11-16)

Mr Bell: My Department does not hold or gather the information requested.

Mr Flanagan asked the Minister of Enterprise, Trade and Investment what action he can take to help ensure that the 2017 Irish Open is staged at the Lough Erne Golf Resort.

(AQW 53701/11-16)

Mr Bell: The European Tour announced on 3 April 2014 that the Irish Open will return to Northern Ireland in 2015 and 2017 as part of a 4-year deal with the European Tour. Royal County Down Golf Club was announced as the venue for last year's event from 28 to 31 May 2015 and the Lough Erne Golf Resort as the venue in 2017.

The European Tour is currently undertaking a strategic review following the appointment of their new CEO Keith Pelley. The Irish Open as one of the largest tournaments in the European Tour forms a key part of this review process. Tourism NI is proactively liaising with European Tour officials to ascertain any potential impact of this review.

Mr Weir asked the Minister of Enterprise, Trade and Investment to list the areas of North Down where broadband speeds are 1MB or less.

(AQW 53752/11-16)

Mr Bell: My Department does not hold or gather the information requested.

Mr Weir asked the Minister of Enterprise, Trade and Investment to detail the grants available through his Department for the restoration, preservation and promotion of historical sites, locations and buildings, particularly those relating to World War 2.

(AQW 53754/11-16)

Mr Bell: There are currently no appropriate grant schemes open through my Department or Tourism NI for the restoration, preservation and promotion of historical sites, locations and buildings.

The recording, protecting, conserving and promoting of built heritage is the responsibility of the Department of the Environment.

Mr McCrossan asked the Minister of Enterprise, Trade and Investment to outline the number of jobs created by InvestNI in West Tyrone in 2015.

(AQO 9600/11-16)

Mr Bell: The latest available information relates to the financial year 2014-15.

During this period Invest NI helped to create three hundred and four new jobs through its support for customers based in the West Tyrone constituency area.

Mr F McCann asked the Minister of Enterprise, Trade and Investment to outline the support available to emerging social economy hotels in West Belfast, including the Shankill area.

(AQO 9601/11-16)

Mr Bell: Invest NI support for hotel projects, regardless of location, ranges from advisory to financial assistance in areas such as Skills, Energy Efficiency, E-business, People, Strategy and Market Research, with the type and level of engagement being tailored to the needs and capability of the business seeking assistance.

In addition to this, hotels in areas designated as New Targeting Social Need can also seek to avail of support via capital grant.

Additional support may also be available via the local councils following the transfer of some economic functions, including support for social enterprises, to councils under Local Government Reform.

Mr McMullan asked the Minister of Enterprise, Trade and Investment for an update on the status of broadband services in East Antrim.

(AQO 9602/11-16)

Mr Bell: In February 2014, my Department contracted BT to deliver the Northern Ireland Broadband Improvement Project. This is primarily aimed at rural areas and seeks to extend the availability of primarily basic and where possible superfast broadband to those who have limited choice, across Northern Ireland with a target of forty five thousand premises. The project was scheduled to complete by 31 December 2015. However, due to its engineering complexity, the completion date has been extended by three months to 31 March 2016.

Improvements have already been carried out for over forty thousand premises across Northern Ireland. This includes almost two thousand premises in postcode areas falling within the East Antrim constituency.

On 22 January 2016, I announced the introduction of a satellite broadband support scheme which falls under the auspices of the Northern Ireland Broadband Improvement Project and seeks to provide residents and businesses which are still experiencing speeds below 2Megabits per second with the option of applying for a subsidy of up to three hundred and fifty pounds towards the cost of installing a satellite broadband connection. Details on the scheme, including eligibility criteria, can be found on the DETI website.

Recognising that the Northern Ireland Broadband Improvement Project 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, which again has a primarily rural focus, will provide superfast broadband improvements for almost thirty nine thousand 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, as it becomes available.

Mr Clarke asked the Minister of Enterprise, Trade and Investment for an update on the Renewable Heat Incentive.
(AQO 9603/11-16)

Mr Bell: The Renewable Heat Incentive, (RHI), introduced in November 2012 to the non-domestic sector and in December 2014 to the domestic sector has been taken up very successfully.

With over 3,500 renewable heating installations incentivised to date, uptake has been higher than GB. We've exceeded the Executive's 2015 target of 4% with around 6% of Northern Ireland's heating needs now provided through renewable heating technologies.

Over the last 18 months the number of non-domestic RHI applications has grown from around 200 to over 1,800. Over 900 of these applications were received in the run up to the scheme changes I introduced on 18 November 2015. However, this, together with reductions in available funding means we now face significant budgetary pressures.

In the circumstances I have no choice but to propose immediate closure of the scheme to prevent further overspend. The urgent need to manage the financial risk means that I must bring forward the legislation at the earliest possible juncture.

I have laid the draft regulations and tabled the motion for debate, and I will be asking the Business Committee to schedule the debate for 15 February.

Mrs Cochrane asked the Minister of Enterprise, Trade and Investment for an update on the Northern Ireland Broadband Improvement Project which was due for completion in December 2015.
(AQO 9604/11-16)

Mr Bell: In February 2014, my Department contracted BT to deliver the Northern Ireland Broadband Improvement Project. This is primarily aimed at rural areas and seeks to extend the availability of primarily basic and where possible superfast broadband to those who have limited choice, across Northern Ireland with a target of forty five thousand premises. The project was scheduled to complete by 31 December 2015. However, due to its engineering complexity, the completion date has been extended by three months to 31 March 2016.

Improvements have already been carried out for over forty thousand premises across Northern Ireland.

On 22 January 2016, I announced the introduction of a satellite broadband support scheme which falls under the auspices of the Northern Ireland Broadband Improvement Project and seeks to provide residents and businesses which are still experiencing speeds below 2Megabits per second with the option of applying for a subsidy of up to three hundred and fifty pounds towards the cost of installing a satellite broadband connection. Details on the scheme, including eligibility criteria, can be found on the DETI website.

Recognising that Northern Ireland Broadband Improvement Project 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, which again has a primarily rural focus, will provide superfast broadband improvements for almost thirty nine thousand 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, as it becomes available.

Mr McGlone asked the Minister of Enterprise, Trade and Investment, in relation to the recent announcement that the BBC Good Food Show will be in Belfast in October 2016 as part of the Northern Ireland Year of Food and Drink 2016, for his assessment of the impact current licensing laws will have on the viability and financing of the event.
(AQO 9606/11-16)

Mr Bell: The BBC Good Food Show Northern Ireland will be held in the Belfast Waterfront from the 14th to the 16th of October 2016.

Whilst there is no direct impact regarding licencing of the show, as the Waterfront Hall has a conference centre licence which permits alcohol sales inside the premises, I am aware of issues around suppliers at the show not being able to sell alcoholic products for consumption off the premises.

The Department for Social Development is responsible for licensing in Northern Ireland. I am advised that, even if there was a political will to amend the categories of premises which are permitted to sell alcohol for consumption off the premises, there would still be insufficient time to consult on proposals and amend the legislation in time for this event.

However, I have asked Tourism NI and other stakeholders to work with the event organisers to ensure that opportunities presented by the BBC Good Food Show being hosted in Northern Ireland can still be maximised, given the current restrictions presented by this issue.

Mr Weir asked the Minister of Enterprise, Trade and Investment for an update on his Department's support for activities in North Down in relation to the Northern Ireland Year of Food and Drink 2016.

(AQO 9607/11-16)

Mr Bell: Northern Ireland's Year of Food and Drink 2016 will celebrate epic landscapes, traditions and people that make our food heritage so unique. With 366 days of foodie experiences, there will be no better time for visitors to enjoy a true taste of Northern Ireland.

In direct relation to North Down, I can advise that applications for funding and support from Tourism NI have been received from organisers in the area.

Successful applicants will be listed on the Tourism NI website from April 2016.

Mr Ó Muilleoir asked the Minister of Enterprise, Trade and Investment how he will ensure that the Route Development Fund will be in place before the end of March 2016.

(AQO 9608/11-16)

Mr Bell: My Department has been exploring how funding can be used to best effect to support air connectivity to key markets. The focus of this funding would be to enhance air connectivity as a driver for economic growth and develop the economy through prioritising business travel and inbound tourism connectivity for Northern Ireland.

It is important that any funding for new air routes meets the requirements of Northern Ireland but also European Union state aid rules. Funding is also dependent upon financial constraints and Executive approval.

It is my intention to announce the way forward in respect of air route development funding before the end of the financial year.

Department of the Environment

Mr Agnew asked the Minister of the Environment ,pursuant to AQW 51671/11-16, (i) whether the European eel is protected by European law; (ii) for his assessment of the importance of Lough Neagh for this species; and (iii) why any reference to eels was omitted from his initial answer.

(AQW 53306/11-16)

Mr Durkan (The Minister of the Environment): The European Eel (*Anguilla Anguilla*) is not listed under Annexes II, IV or V of the Habitats Directive (92/43/EEC) and is, therefore, not protected by this European law. It was hence omitted in my answer (AQW 51671/11-16) previously.

The European Eel Regulation (Council Regulation (EC) 1100/2007) requires member states to establish measures for the recovery of the stock of European eel. This regulation was adopted in NI under the Eel Fishing Regulations (Northern Ireland) 2010 and came into operation on 1st June 2010. The implementation of these regulations requires the introduction of eel management plans (EMPs) and is the responsibility of the Department of Culture, Arts and Leisure, whom I would refer you to for further information.

Mr Agnew asked the Minister of the Environment ,pursuant to AQW 51590/11-16, to detail the number of times the Environmental Liability Directive has been used by his Department to protect species listed in Annex 2 of the Habitats Directive.

(AQW 53339/11-16)

Mr Durkan: To date the Department has not undertaken any associated enforcement actions relating to species listed in Annex 2 of the Habitats Directive. The majority of current protection measures for these species have been delivered through the planning system and other environmental regulatory systems.

Mr Weir asked the Minister of the Environment whether the rule under PPS 21 requiring that a farm business be established for a minimum of six years before planning permission can be considered applies to agricultural buildings or only applies to applications for domestic buildings in rural settings.

(AQW 53377/11-16)

Mr Durkan: The Member will be aware of the Strategic Planning Policy Statement (SPPS) which I published on the 28 September last year. It consolidates, updates and improves where appropriate, the existing suite of planning policy statements, including the provisions of PPS 21: Sustainable Development in the Countryside (June 2010). However, it should be noted that under the transitional arrangements set out within the SPPS, extant planning policy statements, including PPS 21, are retained during a transitional period whilst councils bring forward their local development plans.

The SPPS (and PPS 21) allows for a dwelling on a farm business which is currently active and has been established for a minimum 6 years. Likewise, the SPPS also allows for development, such as agricultural buildings, on an active and established agricultural holding which has been established for a minimum 6 years.

Having listened carefully to the views expressed during the development of the SPPS, I have asked my officials to commence a review of strategic planning policy for 'Development in the Countryside' which will include the matters you have raised. Preparatory work is already now underway. This review will offer all stakeholders an opportunity to influence the future direction of strategic planning policy for development in the countryside.

Mr Weir asked the Minister of the Environment whether there are any plans to review the six year rule under PPS 21 that requires an active and established farm to provide an exemption to the minimum time requirement where it can be established that the permission for an agricultural building is required on the grounds of animal welfare.

(AQW 53378/11-16)

Mr Durkan: The Member will be aware of the Strategic Planning Policy Statement (SPPS) which I published on the 28 September last year. The SPPS consolidates, updates and improves where appropriate, the existing suite of planning policy statements, including the provisions of PPS21: Sustainable Development in the Countryside (June 2010). However, it should be noted that under the transitional arrangements set out within the SPPS, extant planning policy statements, such as PPS21, are retained during a transitional period whilst councils bring forward their Local Development Plans (LDPs).

The SPPS (and PPS 21) allows that provision should be made for development, such as agricultural buildings, on an active and established agricultural holding which has been established for a minimum 6 years.

Although current policy does not contain an exemption on grounds of animal welfare, when assessing applications for agricultural buildings, factors such as accommodating livestock, farming equipment or farm produce are important considerations which need to be balanced in the round, having regard to relevant policy, the particular circumstances of the case, and all other material considerations. The relevance of and weight to be attached to each material consideration, such as the six year rule, is a matter of planning judgement for the decision maker. If the material considerations are such that a planning authority departs from policy, it must give clear reasons for doing so.

Having listened carefully to the views expressed during the development of the SPPS, I have asked my officials to commence a review of strategic planning policy for 'Development in the Countryside' which will include consideration of the policy requirements for agricultural buildings. Preparatory work is already now underway. This review will offer all stakeholders an opportunity to influence the future direction of strategic planning policy for development in the countryside.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 51590/11-16, whether his Department has ever implemented any of the regulations listed in Annex 2 of the Habitats Directive to specifically protect aquatic species occurring in Lough Neagh.

(AQW 53445/11-16)

Mr Durkan: My earlier reply for AQW 51590/11-16 outlined a range of instruments used by my Department to safeguard Annex II aquatic species in Lough Neagh, including a number of regulations, as detailed below.

Two of the species mentioned above are listed as species that may not be taken or killed in certain ways under the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended): Atlantic salmon (*Salmo salar*) and River lamprey (*Lampetra fluviatilis*).

In relation to the protection of ASSI features, the provisions of the Environment (Northern Ireland) Order 2002 are already implemented through the consideration of related planning and consent/assent casework.

Three of the Annex II species in Lough Neagh are included in the current NI priority species listed (published in April 2010) under the Wildlife and Natural Environment (NI) Act 2011: White-clawed crayfish (*Austropotamobius pallipes*); River lamprey (*Lampetra fluviatilis*); and Atlantic salmon (*Salmo salar*). This places a duty on all public bodies to further the conservation of biodiversity when exercising any functions.

The Water Environment (Water Framework Directive) Regulations Northern Ireland 2003 provided the enabling powers to develop River Basin Management Plans which set out the measures required to meet good status, thus contributing to the protection of Annex 2 species. The Department has recently published the second cycle River Basin Management Plans for 2015-2021.

To date, the Department has not undertaken any enforcement actions under the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009, in relation to species listed in Annex 2 of the Habitats Directive (AQW 53339/11-16).

Mr Agnew asked the Minister of the Environment following the rejection of the Rose Energy Project, whether he or any of his officials have taken part in Pre-Application Discussions for a proposal for a new waste incinerator to deal with Northern Ireland's chicken litter problem, and if so, to identify the proposed location to which any discussion related.

(AQW 53505/11-16)

Mr Durkan: My officials met with a developer in June 2015 for preliminary discussions on the environmental regulation requirements for an energy-from-waste facility burning chicken litter however I understand that the developer no longer considers this to be a viable proposal.

I also wish to advise the Rose Energy planning applications are subject to a conjoined hearing before the Planning Appeals Commission in respect of two Notice of Opinion issued to refuse, dated 23 January 2013. The Department is awaiting further environmental information (FEI) to be submitted from the applicant. On receipt of any FEI, the information will be subject to the necessary statutory requirements around publicity and consultation with those bodies likely to be concerned by the development, by reason of their specific environmental responsibility, prior to the PAC reconvening a hearing. Once the hearing has taken place, the Commission will prepare a report to the Department prior to a final decision being taken. The final decision rests with the Department.

Mr Boylan asked the Minister of the Environment what funding is available to assist with refurbishing derelict homes in Armagh City.

(AQW 53511/11-16)

Mr Durkan: The Dereliction Intervention Funding Scheme was introduced in March 2012 to provide councils with funding to enhance and improve the cosmetic and aesthetic appearance of an area, whether it is a city, town, village or neighbourhood. Since its inception some £4.25m has been allocated to councils by the Programme.

In March 2014 the department invited all councils to bid for any dereliction funding which might become available in 2014/2015. Unfortunately and disappointingly, no such funding became available to support the Dereliction Programme that year.

My Department has a grant-aid scheme to assist with the costs of eligible repairs for most listed buildings. However, due to constraints on my budget, I have not been in a position to allocate any monies to new letters of offer for listed building grant-aid in this financial year.

Mr McCarthy asked the Minister of the Environment whether any plans exist to sell or transfer ownership of Redburn or Crawfordsburn Country Parks in North Down.

(AQW 53515/11-16)

Mr Durkan: I can confirm that my Department has no plans to sell or transfer ownership of its lands at Redburn or Crawfordsburn Country Parks.

Mr Lyttle asked the Minister of the Environment why Northern Ireland is the only region in these islands without climate change legislation.

(AQW 53521/11-16)

Mr Durkan: I would refer the Member to the response I gave at topical question time on 26 January 2016. (AQT 3399/11-16).

I have consistently advocated the introduction of climate change legislation in Northern Ireland, as I believe it would provide greater clarity and the long term certainty which business and industry need, and it would create the environment to drive and encourage innovation and jobs.

I would however reemphasise that climate change is a cross cutting issue and therefore requires the full support of the Executive to introduce Northern Ireland climate change legislation.

While it was evident from climate change debates in the Assembly on 24 February 2014 and 30 November 2015 that there was considerable support for progressing legislation, unfortunately I do not have the full backing from Ministerial Colleagues on this issue. Regrettably this has meant that I was not in a position to introduce climate change legislation in this Assembly term.

I do not believe it is right that we are now the only part of these islands without our own legislation on this, the most important of issues. That is why I will continue to engage widely and seek the evidence which I hope will address concerns and convince people of the benefits. I set out my proposals for taking forward Northern Ireland climate change legislation in the discussion document that I issued on 1 December and have received a good response. I also recently met with a representative from the UK Climate Change Committee to discuss their update on the appropriateness of a NI Climate Change Act.

I intend to consider the views and advice coming from these exercises, the outcome from COP21 and the work that has been undertaken on climate change during my term of office. This will assist me in producing a robust evidence base that I intend to bring to my Ministerial Colleagues on the need to take forward climate change legislation in the next assembly term.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 51590/11-16, whether his Department has ever implemented any of the regulations listed in order to specifically protect Annex II aquatic species in the context of their occurrence in Lough Neagh.

(AQW 53551/11-16)

Mr Durkan: My earlier reply for AQW 51590/11-16 outlined a range of instruments used by my Department to safeguard Annex II aquatic species in Lough Neagh, including a number of regulations, as detailed below.

Two of the species mentioned above are listed as species that may not be taken or killed in certain ways under the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended): Atlantic salmon (*Salmo salar*) and River lamprey (*Lampetra fluviatilis*).

In relation to the protection of ASSI features, the provisions of the Environment (Northern Ireland) Order 2002 are already implemented through the consideration of related planning and consent/assent casework.

Three of the Annex II species in Lough Neagh are included in the current NI priority species listed (published in April 2010) under the Wildlife and Natural Environment (NI) Act 2011: White-clawed crayfish (*Austropotamobius pallipes*); River lamprey (*Lampetra fluviatilis*); and Atlantic salmon (*Salmo salar*). This places a duty on all public bodies to further the conservation of biodiversity when exercising any functions.

The Water Environment (Water Framework Directive) Regulations Northern Ireland 2003 provided the enabling powers to develop River Basin Management Plans which set out the measures required to meet good status, thus contributing to the protection of Annex 2 species. The Department has recently published the second cycle River Basin Management Plans for 2015-2021.

To date, the Department has not undertaken any enforcement actions under the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009, in relation to species listed in Annex 2 of the Habitats Directive (AQW 53339/11-16).

Mr Agnew asked the Minister of the Environment, given the River Faughan has experienced two severe floods in the last four weeks, for his assessment of the risks posed by flood water to the highly contaminated settlement lagoons located on the flood plain at 91 Glenshane Road, Durmahoe, Derry.
(AQW 53554/11-16)

Mr Durkan: These lagoons are used to catch and hold rainwater and other run-off from a concrete and block yard, which is then re-circulated as process water within the site and is not discharged to the river. While previous sampling of the water in the lagoons has shown them to have an elevated alkalinity, this is as expected given the nature of the concrete processes on site. The processes on site do not otherwise involve the use of any known toxic materials, and analysis of samples from the lagoons has not shown the presence of any chemicals which would be considered especially toxic.

While these two lagoons are situated approximately 10 metres from the river, they are robust structures with walls a number of metres thick at the base, they are situated on elevated ground and they are a significant height above river level. These lagoons have been in their current position for approximately 15 years and, in that time, the Department is not aware of any significant breach or failure, whether due to flooding in the river or to any other cause.

Given that these lagoons have been unaffected by approximately 15 years of floods in the River Faughan, including the record high water levels in many watercourses over the past few months, and have caused no known incidents over that period, the risk of them being affected by flooding is demonstrably low.

Mr Agnew asked the Minister of the Environment to detail the peak water levels recorded at the Drumahoe automatic gauge during each of the recent severe flooding incidents on the River Faughan; and to detail the level at which the highly contaminated settlement lagoons located on the flood plain at 91 Glenshane Road are considered to be at risk from flood water.
(AQW 53555/11-16)

Mr Durkan: The information requested is held by the Department of Agriculture & Rural Development's Rivers Agency and the question should ideally be directed there.

Mrs Dobson asked the Minister of the Environment what consideration he has given to (i) paperless receipts; and (ii) the costs and environmental impact associated with paper receipts, in bringing forward the new taxi regulations.
(AQW 53620/11-16)

Mr Durkan: In the new taxi regulations relating to Taximeters, Printers & Maximum Fares, as long as the customer also has an option of receiving a printed receipt, there is nothing to stop the driver providing an emailed receipt if that is the customer preference.

I am on record as indicating that, given the period of time since the enactment of the Taxis Act (NI) 2008, it is right and proper that the Act should be subject to a full review, along with all the supporting subordinate legislation. This matter will fall to the new Minister for the Department for Infrastructure to progress. I am sure they will wish to reengage with the taxi industry and other key stakeholders to ensure the legislation is fit for purpose and to identify any areas where amendment may be considered of benefit. In my view, the area of paperless receipts should be included in the review.

In terms of the environmental impact you refer to, I have taken the decision to implement an 'offer and print' policy, where no receipt is required if the customer has been offered one and clearly declined. This is an alternative to the 'print and offer' approach that could lead to a large number of unwanted receipts being printed.

Mrs Dobson asked the Minister of the Environment for his assessment of the implications of the new taxi regulations, including costs; and how he intends to address the issue of dead miles.
(AQW 53622/11-16)

Mr Durkan: The new taxi regulations will result in a more professional, modern and fit for purpose taxi industry. They make using a legal taxi safer and more convenient and transparent for consumers – all the things the Taxis Act was designed to

address. Receipts printed directly from an approved taximeter, provide the passenger with the necessary information in the event of a complaint of being overcharged. The regulations also ensure that people with disabilities using a taxi will benefit from new standards including making it easier to board and alight and improved internal safety requirements.

The cost to my Department to date for the implementation of the Taxi Regulations is £388,861.68. This figure covers expenses such as research undertaken by consultants, costs relating to the public consultation exercises that have been undertaken as well as advertising and publicity costs.

This figure does not include the associated staffing cost as this cannot be readily separated from other unrelated day to day work.

As for the cost to the taxi industry the market average price for both a printer and meter is approximately £350 including fitting. The taxi operator/driver can also recover the VAT if they are registered. A fee of £35 is to be paid for the taximeter test. The taximeter test fee will be paid in Year 1, and only thereafter when a meter is replaced or the fare changed or the seal broken, rather than every year.

The issue of dead miles was considered when the proposed tariff was being developed and subsequently consulted on in 2011/12. Whilst dead miles are included in the tariff, there have been concerns raised with the Department in recent weeks indicating that the tariff does not adequately address the issue.

My Department has undertaken some further research into the issue and I have accepted that there is an issue to address. Therefore my officials are currently examining this matter in conjunction with the Departments legal advisors. I have committed to the Environment Committee that a legislative amendment will be made within this Assembly mandate to ensure that no negative impact is experienced by taxi operators or customers in rural areas. I expect to be able to advise the Committee of my intended course of action before the end of February 2016.

Ms Lo asked the Minister of the Environment, in the light of recent widespread flooding incidents, what progress his Department has made in the development of a Northern Ireland Land Use Strategy to help reduce the risks and impacts of flooding.
(AQW 53640/11-16)

Mr Durkan: My Department is considering the feasibility of a land use strategy following the work undertaken by the NI Land Matters Taskforce set up by the NI Environment Link and in the context of other land use initiatives. In particular, officials are examining how such a strategy would fit with the objectives of an agricultural land use strategy which includes enhancement of the environment in its overall aims. I understand that a report on a draft agricultural land use strategy is currently in preparation.

I have met with members of the Land Matters Taskforce, and I welcome in principle their proposals to achieve an integrated approach to sustainable land use. However, I recognise that developing an overarching land use strategy which addresses major issues such as flooding will be a complex task. A wide range of stakeholders and departments will have an interest in determining the outcome of such an initiative and it will require Executive approval. With this in mind, there is limited scope for taking the matter forward in the remainder of this Assembly's mandate. I have therefore asked officials to work closely with Taskforce members to develop proposals for the new DAERA Minister to initially consider early in the new mandate.

Mr McMullan asked the Minister of the Environment what evidence his Department has that drilling by Infra-Strata beside the NI Water facility at Woodburn Forest, Carrickfergus, is not having an adverse affect on the water quality.
(AQW 53654/11-16)

Mr Durkan: The project has not commenced. Once the project does begin my officials in NIEA will implement a water quality monitoring program around the site.

Mr Weir asked the Minister of the Environment to detail how much his Department spent on rates support in each of the last five years.
(AQW 53661/11-16)

Mr Durkan: The detail on how much my Department has spent on Rates Support Grant in each of the last five complete years is listed in the table below.

2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
19,497,000	19,497,000	18,327,000	18,327,000	18,327,000

Mr Weir asked the Minister of the Environment to detail how much each council will receive in rates support grants in 2016-17.
(AQW 53662/11-16)

Mr Durkan: Although the budget allocated to functions currently in my Department was cut by 5.7% for next year, I am protecting the Rates Support Grant budget from this and maintaining it at £18.3 million. This grant is an important financial

support to less well off councils. On 27 January 2016, I wrote to the council Chief Executives to inform them of their councils' Rates Support Grant allocations for 2016/17. The details of the Rates Support Grant allocations are provided in the table below.

Rates Support Grant Allocations 2016/17

District Council	Rates Support Grant 2016/17
Antrim and Newtownabbey	0
Armagh, Banbridge and Craigavon	3,735,096
Belfast	0
Causeway Coast and Glens	2,390,519
Derry and Strabane	3,884,730
Fermanagh and Omagh	1,541,979
Lisburn and Castlereagh	0
Mid and East Antrim	1,184,472
Mid Ulster	2,966,485
Newry, Mourne and Down	2,596,719
Ards and North Down	0
Total	18,300,000

Mr Ó hOisín asked the Minister of the Environment to detail the best practice, recommended methodologies and materials employed for the prevention of coastal erosion in areas such as Magilligan and Portrush.

(AQW 53747/11-16)

Mr Durkan: The coast forms part of a highly dynamic system. As such, it will be subject periodically to the natural process of coastal erosion. This is particularly true of sandy beaches and dune systems that exist in areas such as Magilligan and Portrush.

The management of any given area will depend on a range of factors such as the nature and value of the site at risk, the coastal processes affecting it and the area's nature conservation interests. It is these factors that will influence the most appropriate response, such as whether there should be non-intervention through to the construction of coastal defences.

Therefore, you will appreciate that it is extremely difficult to be definitive about best practice, recommended methodologies and materials, as these will differ depending on the specific circumstances.

My Department, as the marine licensing authority, receives applications for construction/development proposals that are planned up to the high water mark. As part of the pre-application and licensing process, it will consider the factors outlined above and, through consultation with statutory bodies and relevant experts, provide guidance on the environmental information or reports required to accompany an application.

You mention the Magilligan and Portrush areas, where large parts of the shore – and, indeed, other sections of the coast - are designated as Areas of Special Scientific Interest (ASSI), Special Areas of Conservation (SAC) and Special Protection Areas (SPA).

In those areas, a private landowner or Competent Authority, who is undertaking, permitting or authorising coastal defences, must first obtain written permission from the Department, and, if the works are on or adjacent to a SAC or SPA, complete a Habitats Regulations Assessment. This assesses the implications of all plans or projects that would be capable of affecting the designated features of European sites before a decision could be taken on whether to undertake, permit or authorise such plans or projects.

Mr Agnew asked the Minister of the Environment how long he has been aware of a direct hydrological link between Mobouy Road illegal landfill site and the River Faughan and Tributaries Special Area of Conservation.

(AQW 53809/11-16)

Mr Durkan: Back in 2004, my Department issued two consents under the terms of the Water (Northern Ireland) Order 1999 permitting discharge of site drainage from the Campsie Sand and Gravel site at Mobouy Road into the River Faughan. After the consent holder went into administration and the quarrying activity stopped to which the consents related, the Northern Ireland Environment Agency (NIEA) removed both consents from its sampling rota in 2014.

My Department however, continues to monitor these discharge points as part of its monthly survey of the Campsie Sands and Gravel site. On the majority of occasions, no discharges are observed from these points at the time of survey. However, when there is a discharge at the time of survey, samples are taken at the discharge point and analysed. There have been no reported failures to date of either discharge consent.

My Department continues to monitor water quality in the River Faughan in addition to its ongoing environmental monitoring of groundwater and surface water across the Mobyuoy waste site.

Mr Allister asked the Minister of the Environment whether within PPS 21, applicable policy is contained exclusively within the policy text boxes in each case and does not include what is specified in the justification and amplification sections.
(AQW 53960/11-16)

Mr Durkan: When exercising their development management responsibilities planning authorities should assess development proposals against all prevailing planning policies and all other material considerations. The planning policies contained within the SPPS and PPS 21 should be read together and in conjunction with other relevant policy publications, the local development plan and all other material considerations relevant to the particular case.

The individual policies set out in the text boxes in PPS 21 should be read in conjunction with the associated Justification and Amplification, the purpose of which is to elucidate the policy and assist in its interpretation. The Justification and Amplification is therefore an important material consideration also, which should be taken into account by planning authorities in the determination of individual planning applications.

It is worth noting, however, that the relevance of and weight to be attached to all aspects of planning policy and all other material considerations is a matter of planning judgement for the decision maker. It is also worth noting that the interpretation of planning policy is constantly being refined and informed by decisions of the Planning Appeals Commission and court judgements on planning matters.

Department of Finance and Personnel

Mr Hussey asked the Minister of Finance and Personnel to detail which Departments (i) pay pensions due in December up to one week early; (ii) pay pensions that are due on first of each month late when the due date falls on a Saturday, Sunday or public holiday.
(AQW 52605/11-16)

Mr Storey (The Minister of Finance and Personnel): My department has responsibly for making pension payments in respect of the Civil Service Pension Scheme only. I have therefore obtained the detail provided on other schemes from the relevant departments.

DfP, DHSSPS, DE and DoE pay pensions up to one week early in December for Civil Servants, Health and Social Care staff, Teachers and Local Government workers respectively. All these pensions are normally paid on the last banking day each month.

The Fire fighters scheme pays on the first of each month. DHSSPS has advised that when the due date falls on a Saturday, Sunday or Public Holiday, these pensions will pay on the last banking day prior to the due date.

DoJ has advised that information on the Police Scheme should be obtained from the PSNI.

Mr Allister asked the Minister of Finance and Personnel for a breakdown of the anticipated allocation of the £4.5m held for a number of cross cutting reform projects, including each project agreed by the Executive and the savings expected.
(AQW 53197/11-16)

Mr Storey: There are 30 projects included in the Cross Cutting Reform Programme and financial assistance was sought for 19 projects. Following an assessment process the NICS Board have endorsed the allocation of the funding to 15 projects.

The funding allocated is for 2016/17 only and is to undertake project feasibility and assessment. Anticipated levels of savings will be determined as part of this process.

A breakdown of the funding for each project is in the attached table.

Project No	Project Title	Allocation £'000
Project 1	Public Sector Share Services Programme	£596,000
Project 2	Centralise retained HR to a HR Centre of Excellence for NICS	£51,000
Project 4	Further consolidation of ICT services	£16,000
Project 8	Equip the citizen with the facility to contact NICS to report, book, find, pay or request services e.g. "tell us once"	£65,000
Project 9	Expand online services for the citizen	£700,000
Project 10	Greater use of nudge / behavioural insights techniques to reduce costs	£70,000
Project 12	Expansion of the Asset Management Strategy	£365,000

Project No	Project Title	Allocation £'000
Project 14	Greater use of collaborative procurement to standardise specifications and control spend	£1,445,000
Project 21	Consolidation of Transport Services	£459,000
Project 23	Greater use of technology to reduce paper	£20,000
Project 25	Accelerate an expansion of a blended approach to training including e-learning	£188,000
Project 26	Greater use of technology to reduce security costs in the NICS estate	£120,000
Project 28	Greater use of data analytics to improve service delivery and outcomes	£197,000
Project 34	Centralise management of NICS debt book (non-voluntary compliance element), providing a single view of Citizen debt	£69,000

Mr Lyttle asked the Minister of Finance and Personnel whether civil marriage is a good, facility or service.
(AQW 53228/11-16)

Mr Storey: Marriage, both civil and religious, is a legally recognised union between a man and a woman.

Mr Lyttle asked the Minister of Finance and Personnel whether he will install a defibrillator in Stormont Estate.
(AQW 53233/11-16)

Mr Storey: Defibrillators are currently available in the following buildings on the Stormont Estate:

- Parliament Buildings;
- Castle Buildings;
- Craigantlet Buildings;
- Stormont Castle; and
- NI Civil Service Sports Association Pavilion complex.

Responsibility for the purchase, maintenance and staff training rests with the Department which has overall responsibility for each building.

There are currently no defibrillators located in the parkland areas of the Estate and I have asked my officials to explore options for providing defibrillators in these areas.

Mr Allister asked the Minister of Finance and Personnel to detail how the projected level of indebtedness in 2016-17 compares with the other devolved regions in terms of per head of population.
(AQW 53260/11-16)

Mr Storey: We do not hold 2016-17 level of indebtedness for other devolved regions.

Mr McElduff asked the Minister of Finance and Personnel, following the publication of a report by the Chartered Institute of Public Finance and Accountancy which states that locally we have greater assets than we have liabilities, whether he has had, or plans to have, any discussions with the Treasury regarding the local tax take, assets and liabilities.
(AQW 53337/11-16)

Mr Storey: I regularly engage with Her Majesty's Treasury on a broad range of public finance issues, as do my officials.

Mr McMullan asked the Minister of Finance and Personnel to detail the number of domestic properties that have been re-valued due to a disabled persons allowance rate relief scheme being completed on their property, broken down by council.
(AQW 53374/11-16)

Mr Storey: The requested information cannot be provided as Land & Property Services (LPS) does not record this data. Where properties have been adapted to meet the needs of a disabled person, a revision of the rateable value would normally only be required where an extension, new building or major refurbishment has taken place. Most alterations for a disabled person are internal and do not require to be revalued before an award of Disabled Persons Allowance can be made.

Mr Weir asked the Minister of Finance and Personnel to detail the (i) number; and (ii) percentage of businesses in North Down that are currently eligible for small business rate relief.
(AQW 53488/11-16)

Mr Storey: Small Business Rate Relief is automatically awarded to all eligible businesses. At 31st December 2015, there were (i) 980 non-domestic properties in North Down currently benefitting from Small Business Rate Relief, representing (ii) 35.5% of all non-domestic properties in North Down.

Mr Allister asked the Minister of Finance and Personnel, pursuant to AQW 52719/11-16, whether the mechanism agreed on the block grant adjustment will be made public and what transparency will attend this process.
(AQW 53490/11-16)

Mr Storey: In preparing to deliver the Executive's commitment to a 12.5% rate of Corporation Tax from April 2018, my Department continues to engage with the UK Government to progress a number of key issues, including the precise mechanism for adjusting the Northern Ireland Block Grant. While I am not yet at the point where I can present the detail on this as it has not been agreed, I will continue to seek to ensure that this work is as transparent as possible and that it delivers a fair and proportionate adjustment for Northern Ireland.

Mr Lyons asked the Minister of Finance and Personnel to detail the amount of rates relief received by community halls in East Antrim in each year since 2007.
(AQW 53492/11-16)

Mr Storey: The table below details the estimated amount of rate relief received by community halls in the East Antrim Parliamentary Constituency area from 2006/07 to 2014/15.

Estimated Rates Relief Received by Community Halls in East Antrim

Financial Year	Rates Relief Received
2006/07	£19,112
2007/08	£20,058
2008/09	£20,950
2009/10	£21,520
2010/11	£22,535
2011/12	£24,308
2012/13	£24,749
2013/14	£24,536
2014/15	£25,164

Mr Lyons asked the Minister of Finance and Personnel to detail the value of the Lone Pensioner Allowance for people in East Antrim, in each of the last five years.
(AQW 53496/11-16)

Mr Storey: The net amount of Lone Pensioner Allowance (LPA) awarded by Land & Property Services (LPS) to people in the East Antrim Parliamentary Constituency area in each of the last five years is shown below.

Net LPA administered by LPS in the East Antrim Parliamentary Constituency area

Rating Year	Amount
2014/15	£270,309
2013/14	£250,421
2012/13	£235,764
2011/12	£228,520
2010/11	£215,694

Mr Lyons asked the Minister of Finance and Personnel to detail the number of people in the East Antrim that are in receipt of a Lone Pensioner Allowance.
(AQW 53497/11-16)

Mr Storey: As at 31st December 2015, there were 1,599 people in East Antrim Parliamentary Constituency area who were in receipt of a Lone Pensioner Allowance that was administered by LPS.

Mr Dickson asked the Minister of Finance and Personnel to detail the number of people appointed to Grade 7 positions in the Northern Ireland Civil Service in the 2015-16 financial year.

(AQW 53516/11-16)

Mr Storey: Between 1 April 2015 and 28 January 2016, a total of 6 people have been appointed to Grade 7 or analogous level in the NICS.

Mr Dickson asked the Minister of Finance and Personnel to detail the number of people that have retired from Grade 7 positions in the Northern Ireland Civil Service in the 2015-16 financial year.

(AQW 53517/11-16)

Mr Storey: There have been 10 retirements in the Northern Ireland Civil Service at Grade 7 level since 1 April 2015. These figures do not include staff who exited under the Voluntary Exit Scheme.

Mr Dickson asked the Minister of Finance and Personnel whether a promotion freeze applies to those appointed to the Northern Ireland Civil Service under the Fast Stream scheme.

(AQW 53518/11-16)

Mr Storey: The embargo on recruitment and substantive promotion introduced to the NICS in November 2014 applies to all NICS grades and disciplines, including those appointed under the fast Stream Scheme. The terms of the embargo are that any exceptions require the approval of Departmental Accounting Officers.

Mr Dickson asked the Minister of Finance and Personnel how many of those appointed to Grade 7 in the Northern Ireland Civil Service were participants in the Fast Stream scheme.

(AQW 53519/11-16)

Mr Storey: Since the scheme commenced in 2011, to date there have been five people appointed to Grade 7 who were participants in the Fast Stream Scheme.

Mr McKinney asked the Minister of Finance and Personnel to detail the number of children that took their own life in 2015.

(AQW 53581/11-16)

Mr Storey: During the first 3 Quarters of 2015, 8 suicide deaths¹, P were registered in Northern Ireland to children aged under 18 years old. The latest available figures are for Quarter 3 2015, therefore the figure presented relates to the 9 month period ending September 2015. It is expected that data for the final quarter of 2015 will be published at the end of March 2016 via the NISRA website.

¹ In considering suicide events it is conventional to include cases where the cause of death is classified as either 'Suicide and self-inflicted injury' or 'Undetermined intent'. Since 2001, the ICD10 codes used for 'Suicide and self-inflicted injury' are X60-X84 and Y87.0 and the ICD10 codes used for 'Undetermined intent' are Y10-Y34 and Y87.2.

P Figures remain provisional until the publication of the Registrar General Annual Report in late 2016.

Mr Weir asked the Minister of Finance and Personnel to detail the value of the Lone Pensioners Allowance for people in North Down, in each of the last five years.

(AQW 53599/11-16)

Mr Storey: The net amount of Lone Pensioner Allowance (LPA) awarded by Land & Property Services (LPS) to people in the North Down Parliamentary Constituency area in each of the last five years is shown below.

Net LPA Award Administered by LPS in the North Down Parliamentary Constituency area

Rating Year	Amount
2014/15	£491,820
2013/14	£451,772
2012/13	£426,688
2011/12	£421,606
2010/11	£392,952

Mr Weir asked the Minister of Finance and Personnel to detail the number of people in the North Down area that are in receipt of Lone Pensioners Allowance.

(AQW 53600/11-16)

Mr Storey: As at 31st January 2016, there were 2,323 people in the North Down Parliamentary Constituency area who were in receipt of a Lone Pensioner Allowance that was administered by Land & Property Services (LPS).

Mr Campbell asked the Minister of Finance and Personnel when he will announce the outcome of the business case proposals made by the Department for Employment and Learning for the construction of the Northern Regional College. (AQW 53618/11-16)

Mr Storey: The Finance Minister does not usually announce the outcome of departmental business case proposals since this is a matter for the respective Minister with responsibility for the project.

In this case, however, my officials are currently considering proposals for the Northern Regional College and will decide whether to approve or not once all outstanding queries have been clarified by the Department for Employment and Learning.

Mrs Dobson asked the Minister of Finance and Personnel to detail (i) the number of applications received by Land and Property Services since 1 April 2015 from all non domestic ratepayers requesting a review of the Net Annual Value of their property following the non domestic revaluation; and (ii) how many of these reviews have been (a) completed; and (b) are ongoing; and of those completed, (iii) how many have seen an alteration in the Net Annual Value either to (a) increase; or (b) decrease the value.

(AQW 53621/11-16)

Mr Storey: Details of the non domestic applications received and completed by Land & Property Services between 1st April 2015 and the 31st January 2016 are set out in the table below.

(i)	Number of non domestic applications received since 1 April 2015 requesting a review of Net Annual Value.	3,107
(ii)(a)	Number completed.	1,512
(b)	Number on going.	1,595
(iii)(a)	Number resulting in an increase in the Net Annual Value.	60
(b)	Number resulting in a decrease in Net Annual Value.	739

Mr McNarry asked the Minister of Finance and Personnel to detail the total amount received in (a) domestic; and (b) business rates, both regional and local, for (i) Belfast City; (ii) Lisburn City; (iii) Londonderry City; (iv) Castlereagh; (v) Ards; (vi) Ballymena; (vii) Newry; (viii) Craigavon; (ix) Banbridge; (x) Armagh; (xi) Antrim; (xii) Carrickfergus; (xiii) Larne (xiv) Ballymoney; (xv) Dungannon; (xvi) Enniskillen (xvii) Omagh; and (xviii) Bangor, in each of the last five years.

(AQW 53631/11-16)

Mr Storey: Information is not available in the form requested. The attached tables provide information on gross receipts relating to the (a) Domestic and (b) Non-Domestic sectors in each of the last five years for which information is available (2010/11 to 2014/15) broken down by the former 26 District Council structure.

Domestic Receipts 2010/11 to 2014/15

Council	2010/11	2011/12	2012/13	2013/14	2014/15*
Antrim	£14,916,068	£15,577,258	£16,101,361	£16,757,021	£17,518,329
Ards	£24,647,997	£25,534,657	£26,623,343	£27,752,982	£28,835,645
Armagh	£16,147,331	£17,347,247	£18,208,742	£19,046,433	£20,144,865
Ballymena	£18,945,331	£19,788,349	£20,767,522	£21,882,193	£22,773,472
Ballymoney	£7,776,354	£8,170,305	£8,529,332	£8,955,754	£9,244,617
Banbridge	£13,223,443	£13,938,092	£14,780,477	£15,602,169	£16,375,496
Belfast	£82,082,389	£86,377,059	£90,577,499	£94,177,365	£97,520,022
Carrickfergus	£11,342,622	£11,822,627	£12,365,938	£12,880,495	£13,344,221
Castlereagh	£19,757,374	£20,493,551	£21,618,273	£22,541,366	£23,328,941
Coleraine	£20,213,128	£21,261,599	£22,578,681	£23,811,950	£24,686,360
Cookstown	£8,403,810	£8,664,992	£9,217,187	£9,690,706	£10,128,409
Craigavon	£23,106,704	£24,312,889	£25,380,919	£26,685,065	£27,903,981
Derry	£26,866,339	£27,351,200	£28,464,617	£30,017,479	£31,779,372
Down	£20,783,735	£21,589,907	£22,400,077	£23,629,793	£24,418,908
Dungannon & South Tyrone	£12,473,218	£13,227,367	£13,888,969	£14,716,974	£15,546,609
Fermanagh	£14,438,935	£15,171,642	£15,933,686	£17,162,054	£18,127,694

Council	2010/11	2011/12	2012/13	2013/14	2014/15*
Larne	£8,744,415	£9,173,858	£9,713,427	£10,187,164	£10,741,784
Limavady	£8,177,378	£8,546,334	£8,883,327	£9,338,461	£9,870,497
Lisburn	£32,445,798	£33,957,291	£35,875,987	£38,069,647	£43,551,705
Magherafelt	£9,604,988	£10,122,354	£10,553,217	£11,244,512	£11,769,687
Moyle	£6,076,509	£6,349,554	£6,682,793	£6,971,993	£7,230,604
Newry & Mourne	£24,507,469	£25,449,496	£26,889,224	£28,942,975	£30,999,744
Newtownabbey	£23,493,345	£24,241,320	£25,361,666	£26,503,598	£27,317,047
North Down	£29,428,730	£30,623,995	£32,082,015	£33,244,314	£34,424,107
Omagh	£12,354,439	£12,926,434	£13,680,270	£14,354,878	£14,794,154
Strabane	£8,231,490	£8,384,366	£8,821,494	£9,375,051	£10,027,406
NI Total	£498,189,337	£520,403,743	£545,980,043	£573,542,390	£602,403,678

* 2014/15 figures subject to audit assurance

Totals may not sum due to rounding.

Non-Domestic Receipts 2010/11 to 2014/15

Council	2010/11	2011/12	2012/13	2013/14	2014/15*
Antrim	£21,858,423	£21,579,034	£21,438,253	£21,327,274	£20,721,061
Ards	£12,617,778	£12,368,844	£13,293,838	£13,426,078	£13,541,485
Armagh	£9,905,530	£10,491,405	£10,387,034	£10,708,508	£11,018,864
Ballymena	£19,693,843	£20,002,260	£19,807,775	£19,664,835	£20,937,228
Ballymoney	£4,080,243	£3,836,359	£3,916,955	£4,145,700	£4,356,648
Banbridge	£7,709,707	£8,087,875	£8,113,622	£8,391,152	£8,613,755
Belfast	£194,456,402	£198,507,312	£204,478,415	£204,957,130	£206,679,288
Carrickfergus	£8,454,961	£9,217,658	£9,404,899	£9,734,690	£9,904,255
Castlereagh	£18,722,241	£18,760,193	£18,962,411	£19,613,279	£19,808,971
Coleraine	£17,249,812	£17,381,537	£18,400,797	£18,134,647	£18,567,490
Cookstown	£7,490,893	£7,477,900	£7,503,939	£7,829,441	£7,955,869
Craigavon	£23,545,326	£24,955,265	£25,013,223	£26,085,299	£27,027,366
Derry	£38,863,008	£37,804,123	£39,288,381	£39,745,573	£42,130,650
Down	£13,192,511	£12,828,736	£12,944,452	£13,067,132	£13,576,858
Dungannon & South Tyrone	£11,082,997	£11,048,311	£11,690,356	£11,460,056	£11,816,248
Fermanagh	£14,165,068	£14,595,889	£16,657,225	£16,366,343	£16,791,680
Larne	£9,769,882	£10,106,879	£10,203,484	£10,600,883	£10,434,352
Limavady	£5,813,251	£5,508,529	£5,690,375	£5,797,683	£6,330,969
Lisburn	£28,927,861	£31,196,158	£31,410,170	£32,341,402	£33,395,583
Magherafelt	£6,552,601	£6,827,754	£7,146,008	£7,105,271	£7,295,314
Moyle	£2,470,236	£2,484,344	£2,443,647	£2,532,638	£2,691,459
Newry & Mourne	£21,966,582	£22,083,612	£22,987,955	£24,396,524	£24,590,869
Newtownabbey	£26,542,233	£27,116,092	£28,270,609	£28,682,710	£29,223,324
North Down	£19,986,950	£20,905,897	£21,933,386	£21,803,321	£21,869,937
Omagh	£13,486,844	£13,283,773	£13,347,024	£13,656,739	£14,082,443
Strabane	£6,392,422	£6,396,166	£6,799,586	£6,805,007	£7,137,627
NI Total	£564,997,607	£574,851,907	£591,533,818	£598,379,314	£610,499,592

* 2014/15 figures subject to audit assurance.

Totals may not sum due to rounding.

Ms Sugden asked the Minister of Finance and Personnel to detail the number of people living on their own in East Londonderry, that are aged 70 years and over, and that have (i) applied for a 20 per cent reduction in their rates bill; and (ii) received a successful outcome to their application.

(AQW 53670/11-16)

Mr Storey: In the current rating year to date (1st April 2015 to 31st January 2016), 160 people living in the East Londonderry Parliamentary Constituency area applied for Lone Pensioner Allowance from Land & Property Services (LPS). Of those who applied, 149 received a successful outcome to their application.

Mr McNarry asked the Minister of Finance and Personnel to detail the (i) number of businesses in Belfast City centre that have closed or ceased to pay rates in each of the last three years; and (ii) total loss of rateable income.

(AQW 53698/11-16)

Mr Storey: Liability for non-domestic rates is based on the occupancy status of non-domestic properties and therefore has no regard to the trading status of the occupier/owner of the property. Therefore the information requested is not available.

Mr Agnew asked the Minister of Finance and Personnel what in-year cuts have been made to community and voluntary sector funding; and how this compares to cuts to other services.

(AQW 53728/11-16)

Mr Storey: My Department has not made any in-year cuts to community and voluntary sector funding.

This response is provided for the Department of Finance and Personnel only as the information for all departments is not held centrally. The Member should contact individual departments for their information.

Mr Agnew asked the Minister of Finance and Personnel how much funding he has provided to the community and voluntary sector (i) in actual terms; and (ii) as a proportion of his overall budget, in each of the last three years, including the projected spend for the current financial year.

(AQW 53729/11-16)

Mr Storey: My Department has provided the following funding to the community and voluntary sector in each of the last three years:

Year	£k	Proportion of overall budget
2013-14 (Actual)	623.2	0.3%
2014-15 (Actual)	122.6	0.05%
2015-16 (Projected)	116.5	0.04%

Mr B McCrea asked the Minister of Finance and Personnel to detail the number of complaints that NI Direct has received about flags on lampposts in each of the last three years.

(AQW 53743/11-16)

Mr Storey: NI Direct does not record complaints concerning flags on lampposts.

Mr McNarry asked the Minister of Finance and Personnel to detail (i) when members will be appointed to the Fiscal Council as set out in A Fresh Start; (ii) how the council members will be recruited and appointed; and (iii) the role HM Government and HM Treasury will have in making these appointments.

(AQW 53791/11-16)

Mr Storey: I am currently considering proposals for the appointment of members to the Fiscal Council. In due course I will bring this to the Executive and the UK Government for agreement.

Mr McNarry asked the Minister of Finance and Personnel to detail the plans of the Fiscal Council as agreed A Fresh Start, in particular how will it operate in relation to (a) each Department and its departmental budget; and (b) the overall budget for Northern Ireland as managed by the Executive.

(AQW 53792/11-16)

Mr Storey: I am currently considering proposals in relation to the terms of reference for the Fiscal Council consistent with 'A Fresh Start'. I will announce detail of this once agreed.

Department of Health, Social Services and Public Safety

Mr Cree asked the Minister of Health, Social Services and Public Safety for an update on the future plans for Stewart Memorial House care home, Bangor.

(AQW 50330/11-16)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): The Board of Trustees of the Northern Ireland Institute for the Disabled (NIID), who run Stewart Memorial House (SMH), advised the South Eastern Health and Social Care Trust on 28 January 2016 of its decision to close SMH with a three month period of notice.

The South Eastern HSC Trust is working with each individual resident and their family to ensure that all are appropriately resettled into alternative placements. I also understand that NIID has commissioned independent advocacy services from Bryson House should anyone require that additional support.

Mr Allister asked the Minister of Health, Social Services and Public Safety to detail the reasoning behind his decision to abolish the Health and Social Care Board while retaining the Public Health Agency.

(AQW 50629/11-16)

Mr Hamilton: I have decided to consult on closing the Health and Social Care Board to remove some of the many layers of administration in our system that currently delay our response to the growing challenges of rising demand, rising expectations and tightening finances and to bring greater accountability and responsiveness to Health and Social Care.

I want the PHA to renew its focus on early intervention and prevention, working more closely alongside my Department. These early interventions include regional screening and vaccination programmes. I believe the best way to maintain a strong focus on them is to maintain an expert Public Health Agency.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail how he intends to spend the extra £47.6m allocated to his Department through the November monitoring round.

(AQW 51149/11-16)

Mr Hamilton: £40m was allocated to Elective Care to provide additional assessments and treatments across a range of specialties including gastroenterology, orthopaedics, ophthalmology, dermatology, ENT, urology, vascular, neurology and others. A further £6m was allocated for unscheduled care and other essential frontline services and will be used to manage increased demand during the busy winter months and for providing investments in TYC, the Family Fund, Insulin Pumps and children's services. £1.6m was also allocated to psychological therapies to support cognitive behaviour therapy, counselling, family support and psycho-analytic therapies.

Mr Easton asked the Minister of Health, Social Services and Public Safety what steps have been taken to address the staffing issues in the Emergency Department of Musgrave Park Hospital.

(AQW 51164/11-16)

Mr Hamilton: It is assumed this question relates to the Mater Hospital Emergency Department.

Recruitment of Emergency Department staff is a matter for the Belfast Health and Social Care Trust, and the Trust is currently advertising for consultant specialty doctors, advance nurse practitioners and associate practitioners.

Mr McMullan asked the Minister of Health, Social Services and Public Safety whether he (i) accepts the recommendation of the independent pay review body; and (ii) will implement the one per cent pay award.

(AQW 51251/11-16)

Mr Hamilton:

- (i) The NHS Pay Review Body has not made any recommendations on the 2015/16 pay award. Its 2014/15 recommendation was considered in the context of the prevailing financial constraints and viewed unaffordable.
- (ii) As announced on 8 January 2016, and subject to the necessary approvals, all eligible health and social care staff will be awarded with either incremental progression or a 1% non-consolidated payment in respect of 2015/16 but not both.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail his future plans to utilise Financial Transaction Capital within his Department.

(AQW 51366/11-16)

Mr Hamilton: Financial Transaction Capital can only be deployed as a loan or equity investment in a private sector entity.

I expect FTC to continue to be utilised to finance the existing GP loan infrastructure scheme. In addition, my officials are considering a number of other potential opportunities to utilise FTC to support the HSC. These include: future primary care projects; joint developments with local councils; community led social enterprise development schemes; and health related research and development.

Mr McKinney asked the Minister of Health, Social Services and Public Safety how he will support the residents of the seven Four Seasons care homes proposed for closure.

(AQW 51448/11-16)

Mr Hamilton: I am aware that negotiations have been completed between Four Seasons and two Independent Care Home providers in Northern Ireland in respect of Oakridge care home and Antrim care home, and the sale of Hamilton Court (Armagh) is almost completed. The remaining four homes are scheduled for closure.

My Department continues to work closely with colleagues in the Health and Social Care Board, Health and Social Care Trusts, the Regulation and Quality Improvement Authority and Four Seasons Health Care in implementing plans to manage the transition to alternative care arrangements. The aim is to ensure

that any relocation will be managed with minimal disruption to residents, and

that they are able to remain as close to their original location as possible. The continued well-being of residents is the priority in dealing with the transition to alternative arrangements.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety, given the Department for Education initiative to appoint a mental health champion in England, to detail whether he has given any consideration to appointing mental health champions in each Executive Department.

(AQW 51458/11-16)

Mr Hamilton: The current Bamford Action Plan sets out the Executive's continuing commitment to improving the mental health and wellbeing of the population of Northern Ireland, and to driving service improvement for those with mental health needs. An evaluation of the plan is under way, and will be concluded in spring 2016. It will consider recommendations for the future delivery of initiatives by the Executive for those with mental health needs. The appointment of mental health champions by Executive Departments will be considered as part of this exercise.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail in percentage terms, the under performance in elective care treatments in the last three years.

(AQW 51561/11-16)

Mr Hamilton: At September 2015, the Ministerial target in relation to inpatient treatment states that at least 65% of inpatients and day cases are treated within 13 weeks and no patient waits longer than 26 weeks. In order to achieve the target, less than 35% of patients should be waiting longer than 13 weeks.

	Total number of patients waiting	Percentage of patients waiting longer than 13 weeks	Percentage of patients waiting longer than 26 weeks
30th September 2015	62,697	52.6	28.9

Source: DHSSPS Waiting Times Dataset

At September 2014, the Ministerial target in relation to inpatient treatment stated that at least 80% of inpatients and day cases should be treated within 13 weeks and no patient should wait longer than 26 weeks. In order to achieve the target, less than 20% of patients should have been waiting longer than 13 weeks.

	Total number of patients waiting	Percentage of patients waiting longer than 13 weeks	Percentage of patients waiting longer than 26 weeks
30th September 2014	51,693	38.8	12.6

Source: DHSSPS Waiting Times Dataset

At September 2013, the Ministerial target in relation to inpatient treatment stated that from April 2013 at least 70% of inpatients and day cases should be treated within 13 weeks and no patient should wait longer than 30 weeks. In order to achieve the target, less than 30% of patients should have been waiting longer than 13 weeks.

	Total number of patients waiting	Percentage of patients waiting longer than 13 weeks	Percentage of patients waiting longer than 30 weeks
30th September 2013	47,223	37.0	7.6

Source: DHSSPS Waiting Times Dataset

Ms Hanna asked the Minister of Health, Social Services and Public Safety why free home test HIV kits are not available locally from www.test.hiv as they are in England.

(AQW 51748/11-16)

Mr Hamilton: Free HIV testing is available from GPs or sexual health services. An HIV home sampling kit service managed by Public Health England has targeted groups at increased risk of HIV over several weeks in England only. There are no plans at present to trial such a service here. In Northern Ireland community based testing services are provided by voluntary organizations.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety, given a number of medical workforce planning reviews commissioned by his Department in 2006, 2009 and 2012 recommended an increase in GP training places and in 2014 recommended progressive increases in GP training numbers from 65 to 111, to detail why he not prioritised this issue and agreed to the urgently needed increase in GP training places for the 2016/2017 intake.

(AQW 51832/11-16)

Mr Hamilton: Following consideration of the most recent GP Workforce Plan I am pleased to confirm that I have increased the annual GP training programme in Northern Ireland in 2016/17 by making a further 20 training places available from August 2016.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the time and date he received a letter or email from Consultant Nephrologists and Transplant Surgeons in the Belfast Health and Social Care Trust with regard to the Private Members Bill on changes to the arrangements for organ donation.

(AQW 51889/11-16)

Mr Hamilton: The letter from the Belfast Trust Consultant Nephrologists and Transplant Surgeons, regarding the "Private Members Bill on changes to the arrangements for Organ Donation", was received by email in my Private Office on 12 November 2015.

Mr D Bradley asked the Minister of Health, Social Services and Public Safety to detail (i) the number of personnel impacted by the Pension Ombudsman ruling in May 2015 on the Fire Fighters Pension Scheme in Northern Ireland; (ii) the total amounts owed to retired Fire Fighters; and (iii) when they should expect to receive payments owed.

(AQW 52021/11-16)

Mr Hamilton:

- (i) The number of NIFRS personnel impacted by the Pension Ombudsman ruling in May 2015 on the Firefighters' Pension Scheme in Northern Ireland is 188.
- (ii) The total amount owed to retired Firefighters is currently estimated at £2.44M
- (iii) To date the Northern Ireland Fire & Rescue Service has made payments to 185 of the 188 retired officers affected.

Ms Sugden asked the Minister of Health, Social Services and Public Safety (i) to detail how the number of local GP training places available annually compares to (a) England; (b) Scotland; and (c) Wales; and (ii) whether he plans to bring Northern Ireland into parity with other regions of the United Kingdom.

(AQW 52067/11-16)

Mr Hamilton:

- (i) The number of GP training places available annually across the United Kingdom is detailed below:
 - England – 3235 places: one per 16,383 of the population
 - Wales – 136 places: one per 22,500 of the population
 - Scotland – 317 places: one per 16,719 of the population
 - Northern Ireland – 65 places: one per 27,846 of the population.
- (ii) I have increased the number of available GP training places annually in Northern Ireland to 85, to commence in August 2016. This increases the ration of training places to one per 21,294 of the population.

Ms Sugden asked the Minister of Health, Social Services and Public Safety what analysis has been carried out by his Department to predict accurately the future requirements for the services of GPs locally.

(AQW 52068/11-16)

Mr Hamilton: A Workforce Review of General Practitioners has been carried out which suggests a number of recommendations, one of which is increased training numbers of GPs over a four year period. I am pleased to confirm that I have increased the annual GP training programme in Northern Ireland in 2016/17 by making a further 20 training places available from August 2016. However, the number of GPs engaged across HSC is only one of a range of considerations in addressing the pressures on primary care services. For example, it will be important to develop new ways of working to ensure flexibility for the existing GP workforce and to consider the skills mix working in primary care to ensure that GP time is focused optimally on patient care.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail what barriers exist to increasing the number of GPs working locally.

(AQW 52069/11-16)

Mr Hamilton: Any increase in GP training places is subject to the necessary additional funding being available. I am pleased to confirm that I have increased the annual GP training programme in Northern Ireland in 2016/17 by making a further 20 training places available from August 2016.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail how he will address the shortage of GPs locally; and whether this will include increasing the number of GPs within the medical workforce.

(AQW 52070/11-16)

Mr Hamilton: A Working Group has been established within the Department to consider how best to address the challenges facing GP-led primary care services. In addition, I have recently announced 20 additional GP training places per year from August 2016 and a new five year initiative which will see additional investment in pharmacists to work alongside GPs. Not only will this deliver a better service for patients, ensuring people obtain the best possible health outcomes from their medicines, but it will also boost capacity in primary care.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety to detail the attendance times of the Northern Ireland Ambulance Service in each of the last 24 months; and how this compares to targets.

(AQW 52164/11-16)

Mr Hamilton: There was no target for ambulance response times in 2013/14. The targets for 2014/15 and 2015/16 are that by March 2015 and March 2016 respectively, 72.5% of Category A (life threatening) calls should be responded to within eight minutes, 67.5% in each Local Commissioning Group area.

The number of Category A calls received resulting in an emergency response arriving on the scene and the number and percentage responded to within eight minutes in each of the 24 months to October 2015 is detailed in the table below.

Month	Number of Category A calls received resulting in an emergency response arriving on the scene	Number of Category A calls responded to within 8 minutes	Percentage of Category A calls responded to within 8 minutes
November 2013	4,026	2,803	69.6%
December 2013	4,598	2,973	64.7%
January 2014	4,363	2,866	65.7%
February 2014	4,017	2,582	64.3%
March 2014	4,646	3,023	65.1%
April 2014	4,133	2,769	67.0%
May 2014	4,384	2,878	65.6%
June 2014	5,049	3,167	62.7%
July 2014	5,381	3,193	59.3%
August 2014	5,051	2,911	57.6%
September 2014	4,748	2,800	59.0%
October 2014	4,745	2,800	59.0%
November 2014	4,734	2,687	56.8%
December 2014	5,053	2,591	51.3%
January 2015	4,735	2,525	53.3%
February 2015	4,361	2,174	49.9%
March 2015	4,560	2,367	51.9%
April 2015	4,340	2,322	53.5%
May 2015	4,511	2,255	50.0%
June 2015	4,362	2,309	52.9%
July 2015	4,426	2,434	55.0%

Month	Number of Category A calls received resulting in an emergency response arriving on the scene	Number of Category A calls responded to within 8 minutes	Percentage of Category A calls responded to within 8 minutes
August 2015	4,405	2,338	53.1%
September 2015	4,605	2,548	55.3%
October 2015	4,911	2,849	58.0%

I find these response times unacceptable and my Department has asked the Health and Social Care Board and the Northern Ireland Ambulance Service (NIAS) to improve performance. There have been a number of factors contributing to this including increasing demand. Over the past five years the number of Category A calls resulting in an emergency response attending the scene of an incident has increased by 30.9%, from 43,510 in 2010/11 to 56,934 in 2014/15. Additional funding of £775,000 has been allocated in 2015/16 and £1,077,000 recurrently from 2016/17 to NIAS to manage the increasing demand for this service.

Mr Swann asked the Minister of Health, Social Services and Public Safety, pursuant to AQT 3262/11-16, to detail the protocols and procedures in use by Daisy Hill Hospital in their pulse oximetry trial; and how they mirror those being used in the pilot in the rest of the UK.
(AQW 52177/11-16)

Mr Hamilton: The Southern Health and Social Care Trust have advised that the protocol used for pulse oximetry screening in Daisy Hill Hospital is based on protocols used in the UK, with mild modifications. These protocols were published in a UK medical journal last year.

The Southern Health and Social Care Trust were not aware of the pilot recommended by the National Screening Committees, or the protocol in place.

Mr McKinney asked the Minister of Health, Social Services and Public Safety, following his decision to close the Health and Social Care Board, to detail (i) what discussions he had with staff; (ii) the meetings he had with the Chief Executive; (iii) how staff members were informed of his decision; and (iv) his plans to redistribute staff.
(AQW 52217/11-16)

Mr Hamilton: In advance of my decision to close the Health and Social Care Board my Department completed a review of commissioning of health and social care and consulted on the recommendations made by Sir Liam Donaldson in his report *The Right Time, The Right Place*. This included significant involvement and discussion with HSCB staff. I and my officials regularly have formal and informal meetings and discussions with the senior management team of the Health and Social Care Board. In addition to this, I met with the Chair and Chief Executive shortly after my announcement of 4 November 2015.

Staff members within the HSCB were informed by their Chief Executive face to face and by teleconference.

On 15 December 2015, I launched a public consultation on reform of Northern Ireland's Health and Social Care system, which includes my proposals to de-layer the existing system by moving away from the current commissioning model and closing down the Health and Social Care Board. Future staffing needs are yet to be assessed.

Mr Swann asked the Minister of Health, Social Services and Public Safety, pursuant to AQT 3262/11-16, to detail what steps a charity or individual would have to take to introduce a pulse oximetry trial in a hospital other than Daisy Hill.
(AQW 52219/11-16)

Mr Hamilton: My Department does not recommend that any other hospital participates in a similar pilot to the trial which has been introduced by Daisy Hill Hospital. All hospitals should await the findings from the UK National Screening Committee which is piloting pulse oximetry screening in a range of maternity services including midwifery led units, district general hospitals and tertiary referral maternity units.

The NSC will use the pilot to better understand the implications of introducing this screening test, including any impact on neonatal services and paediatric cardiology services. Should a national screening programme be introduced the findings from the pilot will also inform roll out and ensure that all babies are appropriately and consistently screened and managed to agreed quality standards.

The pilot is ongoing and is expected to report later this year. Following the evaluation of this pilot, the NSC will make a policy recommendation for the UK. I will consider this advice when it is available.

Mr Swann asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 49988/11-16 and AQW 51793/11-16, given the responses to these questions refer to the UK National Screening Pilot but don't include any reference to the ongoing pilot in Daily Hill Hospital, whether he will subsequently review and update his response to AQW 51793/11-16.
(AQW 52434/11-16)

Mr Hamilton: Please see my responses to AQW 51790/11-16, AQW 51791/11-16, AQW 51792/11-16, and AQW 52175/11-16 which refer to the trial at Daisy Hill Hospital. This trial is not part of the UK National Screening Committee pilot.

Mr McCallister asked the Minister of Health, Social Services and Public Safety to detail when the database for managing the register of people with Familial Hypercholesterolemia will be operational.

(AQW 52485/11-16)

Mr Hamilton: The Belfast Health and Social Care Trust is planning to have the database operational by June 2016. In the interim, there is no detrimental effect on the quality of patient testing and treatment.

Mrs McKeivitt asked the Minister of Health, Social Services and Public Safety to detail the rationale behind the decision taken by the Southern Health and Social Care Trust to transfer any high risk pregnancies to Craigavon Area Hospital rather than Daisy Hill Hospital, Newry.

(AQW 52644/11-16)

Mr Hamilton: High risk pregnancies are delivered at both Daisy Hill and Craigavon Area Hospitals. Transfers may occur for clinical reasons. Women with high risk pregnancies are seen, assessed and managed in both hospitals. Women who are less than 34 weeks pregnant are transferred from Daisy Hill Hospital to Craigavon Area Hospital unless delivery is imminent. This is to ensure a Level 1 cot is available for the baby if required. If the woman is less than 30 weeks pregnant she is transferred to the Royal Jubilee Maternity Hospital Belfast again unless delivery is imminent.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety for his assessment of the recommendations made in the Independent Cancer Taskforce's new Cancer Strategy published in July 2015 and particularly the conclusions around predicted changes in the cost of cancer care beyond treatment.

(AQW 52647/11-16)

Mr Hamilton: My Department has noted the publication of 'Achieving World Class Cancer Outcomes – A Strategy for England'. Whilst the report was developed to meet the particular needs of the NHS in England, its strategic priorities - particularly the emphasis on prevention, early diagnosis, clinical effectiveness and the need for appropriate investment - are relevant to all jurisdictions. The predictions around changes in the cost of cancer beyond treatment are also informative. It is important that we continue to do all that we can to ensure that care, both during the active phase of treatment and beyond, is safe, effective and of high quality.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety for his assessment of (i) the level of assistance provided by local healthcare staff to hospitals located in jurisdictions outside Northern Ireland; and given the publicised pressures faced within local Health and Social Care Trusts (ii) the impact these work patterns are having on the delivery and safety of local services; and (iii) whether current working conditions for local staff are impacting on this issue.

(AQW 52653/11-16)

Mr Hamilton: All Health and Social Care (HSC) staff are required to discharge their duties in accordance with their contractual obligations. We have no evidence that the circumstances alluded to by the Member are impacting on the delivery and safety of local services neither is there a known link to current working conditions in the HSC. Specifically with regard to HSC nursing staff, as recent media reports have focussed on this group in relation to this issue, a nurse must always be fit when reporting for duty and not be overtired as this may impact on their ability to provide safe and effective care. The Nursing and Midwifery Council Code of Professional Standards for Practice and Behaviour endorses this requirement.

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail the support provided by the Health Service for veterans.

(AQW 52729/11-16)

Mr Hamilton: 'Delivering Healthcare to the Armed Forces - A Protocol for Ensuring Equitable Access to Health and Social Care Services' was developed by my Department in 2009. This protocol establishes that health and social services in Northern Ireland must be responsive to the needs of those serving in the Armed Forces, their families and Veterans. It established a framework of assurance which ensures that serving members of the Armed Forces, their families and Veterans suffer no disadvantage in accessing health and social care services and have equality of access to these services in common with everyone living in Northern Ireland.

Throughout Northern Ireland there is a range of specialists and general health and social care services provided by voluntary organisations which members of

the Armed Forces, Veterans or their families can access. The Veterans' community, working locally with the MOD, has developed a 'Northern Ireland Veterans Handbook', which acts as a quick reference guide setting out the services available to Veterans and their families across Northern Ireland. The UDR & R IRISH (HS) Aftercare Service has issued copies of this handbook to all GPs across the Province.

Rehabilitation services have been delivered since 2013 as part of the Northern Ireland Regional Disablement Service who specialise in the rehabilitation of patients of all ages, including Veterans, who have had an amputation of a limb or limbs.

The MOD continues to work with Combat Stress and my Department to ensure that Veterans receive the best possible mental healthcare. The Health & Social Care Board has agreed a care pathway for Veterans in Northern Ireland to access the residential treatment service in Scotland provided by Combat Stress.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety to detail the number of GP training places expected to be filled in 2015/16; and whether the number of training places will be increased in the future.
(AQW 52752/11-16)

Mr Hamilton: Of the 65 GP training places available through the Northern Ireland Medical and Dental Training Agency in 2015/2016, all were filled. One candidate withdrew after completion of the recruitment exercise when it was too late for this individual to be replaced.

I have increased the number of available GP training places to 85 per year, to commence in August 2016.

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety (i) for his assessment of the British Medical Association's figure that 25 per cent of local GPs are approaching retirement age; and (ii) what discussions have taken place to increase the number of GP training places to ensure numbers remain high enough to meet demand.
(AQW 52753/11-16)

Mr Hamilton: I am aware that a significant proportion of our local General Practitioners are approaching an age at which they might begin to consider plans for retirement.

In recognition of this, I have commissioned an additional 20 places per annum for General Practice trainees at the Northern Ireland Medical and Dental Training Agency commencing in August 2016.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the number of GPs required per head of the population.
(AQW 52867/11-16)

Mr Hamilton: There is no single accepted ratio of number of GPs required per head of population given a wide range of variables that apply such as the level of health need and socio-economic conditions.

I am pleased to confirm that I have increased the annual GP training programme in Northern Ireland in 2016/17 by making a further 20 training places available from August 2016.

Mr Easton asked the Minister of Health, Social Services and Public Safety what plans his Department has in place to encourage more doctors to become GPs.
(AQW 52868/11-16)

Mr Hamilton: General Practice is already a popular choice of medical specialty within Health and Social Care in Northern Ireland. Each year the Northern Ireland Medical and Dental Training Agency receives in the region of three applications for each GP training post provided.

I have increased the number of GP training places available each year to 85, to commence in August 2016.

My Department is also working closely with Queen's University Belfast to increase the exposure of medical students to General Practice within the undergraduate curriculum as such experience increases the possibility of individuals subsequently choosing primary care for their career.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the number of vacant GP positions.
(AQW 52870/11-16)

Mr Hamilton: The information requested is not available. GPs are independent contractors who contract with the HSCB to provide primary medical services to their patients. As independent contractors, they are responsible for deciding on and recruiting additional GPs and other staff required to deliver services to their patients.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety to detail each Senior Director that has (i) left; (ii) resigned; (iii) been dismissed; or (iv) been placed on suspension from duty from his Department or any of its arm's-length bodies in each of the last twelve months, including the reasons for each.
(AQW 52994/11-16)

Mr Hamilton: The Table below sets out the details of each Senior Director within the Department that has (i) left; (ii) resigned; (iii) been dismissed; or (iv) been placed on suspension from duty in each of the last twelve months, including the reasons for each. For the purposes of this answer "Senior Director" has been interpreted as Grade 5 and above.

Department

(i) left	(ii) resigned	(iii) dismissed	(iv) suspended
Grade 5 (General Service) left under NICS Voluntary Exit Scheme in September 2015	Senior Medical Officer (Grade 5 equivalent) resigned in June 2015	None	None

The Table below sets out the details of each Senior Director within the Department's arms length bodies that has (i) left; (ii) resigned; (iii) been dismissed; or (iv) been placed on suspension from duty in each of the last twelve months, including the reasons for each. For the purposes of this answer "Senior Director" is interpreted as a Senior Executive.

Departmental arm's length bodies

	(i) left	(ii) resigned	(iii) dismissed	(iv) suspended
Western HSC Trust	Medical Director retired 31 July 2015	None	None	None
Southern HSC Trust	Chief Executive left 1 April 2015 to take up an alternative Chief Executive position. Interim Director of Acute Services left 31 August 2015 following appointment of the post on a permanent basis. Medical Director retired 1 August 2015	Interim Chief Executive resigned on 23rd December 2015 and is due to leave on 31 March 2016	None	None
Northern HSC Trust	Director of Finance retired September 2015	Director of Strategic Planning and Performance Management stepped down to a lower band in March 2015 and then resigned in October 2015	None	None
South Eastern HSC Trust	None	Director of Children's Services and Executive Director of Social Work resigned March 2015	None	None
Belfast HSC Trust	None	None	None	None
NI Ambulance Trust	None	The Chief Executive resigned on 25 January 2016 and is due to leave on 24 April 2016 to take up another position.	None	None
HSC Board	None	Director of Transforming Your Care resigned September 2015. Previously seconded in from the South Eastern HSC Trust	None	None
Public Health Agency	None	None	None	None
Business Services Organisation	None	Director of Finance resigned to take up offer of employment elsewhere.	None	None
NIMDTA	One Senior Director retired at the end of December 2015	None	None	None

	(i) left	(ii) resigned	(iii) dismissed	iv) suspended
NIFRS	Chief Fire Officer Retired May 2015	Interim Chief Executive resigned June 2015	None	None
NIPEC	None	None	None	None
NIGALA	None	None	None	None
PCC	None	None	None	None
NIBTS	None	None	None	None
NISCC	None	None	None	None
RQIA	None	None	None	None

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the status of the Fully Adopt CCC for ME in Northern Ireland petition tabled to his Department on 30 June 2015.

(AQW 53021/11-16)

Mr Hamilton: The public petition regarding 'ME: Full Adoption of the Canadian Consensus Criteria' (CCC) was laid in the Assembly on 30 June 2014. My predecessor wrote to Dominic Bradley MLA, on 23 July 2014 advising that the petition would be considered by my Department.

Following consideration my Department has confirmed that ME services should be commissioned and delivered in accordance with the National Institute for Health and Care Excellence (NICE) guidelines. Important inconsistencies between CCC and NICE guidance mean that the Canadian Consensus document will not be endorsed by my Department.

Mr Rogers asked the Minister of Health, Social Services and Public Safety to detail the steps the South Eastern Health and Social Care Trust has taken to address the issue of the imminent departure of two doctors from the Emergency Department in Downe Hospital.

(AQW 53030/11-16)

Mr Hamilton: Two middle grade specialty doctors have given the South Eastern Trust notice that they are leaving Downe Hospital emergency department. The Trust is actively working with recruitment agencies to seek to obtain replacement staff. The Trust is also: making use of new additional emergency medicine consultant staff across the Trust area; investigating alternative methods of unscheduled care delivery through the Minor Injuries Unit and the GP Out Of Hours Service; and, carrying out a pilot of an assessment and admissions unit.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety for an update on the future sustainability of maternity services at the South West Acute Hospital.

(AQW 53041/11-16)

Mr Hamilton: The Western Trust remains committed to the provision of maternity services at the South West Acute Hospital in line with my Department's Regional Maternity Strategy.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety for an update on the accreditation of the South West Acute Hospital in Enniskillen with private insurance companies operating in the rest of Ireland.

(AQW 53042/11-16)

Mr Hamilton: A number of insurance companies operating in the Republic of Ireland were approached by the Western Health and Social Care Trust about insurance accreditation with respect to the South West Acute Hospital but no insurance company took up the offer.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety to detail the number of (i) full time; (ii) part time; and (iii) bank or zero hour contract nurses that have been recruited across each Health and Social Care Trust, in each of the last ten years.

(AQW 53043/11-16)

Mr Hamilton: The information requested is provided in the tables below, however, it is not possible to provide figures for bank staff 'recruited' as the majority of staff with bank contracts are existing employees. It has not been possible to provide 10 years of data.

Belfast HSC Trust

Year	Full-Time	Part-Time
2008	143	61

Year	Full-Time	Part-Time
2009	180	62
2010	37	30
2011	166	27
2012	204	34
2013	314	67
2014	322	60
2015	510	51

Note 2014 and 2015 figures reflect staff recruited to positions, so staff with multiple employments will be counted more than once.

Northern HSC Trust

Year	Full-time	Part-time
2008/09	154	64
2009/10	65	32
2010/11	31	26
2011/12	64	39
2012/13	159	77
2013/14	98	45
2014/15	114	60

Note staff with multiple positions have only been counted once.

South Eastern HSC Trust

Year	Full-Time	Part-Time
2008	65	23
2009	100	33
2010	66	29
2011	87	24
2012	205	23
2013	163	25
2014	151	16
2015	148	24

Note staff with multiple positions have only been counted once.

Southern HSC Trust

Year	Full-time	Part-time
2008/09	129	56
2009/10	94	33
2010/11	59	21
2011/12	121	26
2012/13	192	70
2013/14	126	57
2014/15	225	71

Note figures reflect staff recruited to positions, so staff with multiple employments will be counted more than once.

Western HSC Trust

Year	Full-time	Part-time
2008/09	192	64
2009/10	99	40
2010/11	63	33
2011/12	142	42
2012/13	166	43
2013/14	132	42
2014/15	144	28

Note figures reflect staff recruited to positions, so staff with multiple employments will be counted more than once.

Notes for all Trusts: For the purposes of this return; full-time are staff contracted with WTE > or =0.80 (30 hours per week), part-time are staff with a WTE <0.80.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail (i) the number of people waiting for domiciliary care packages, (ii) the length of time they have been waiting for domiciliary care packages; and (iii) the age of those waiting for domiciliary care packages broken down by Health and Social Care Trust, in each of the last three years. **(AQW 53071/11-16)**

Mr Hamilton: Information on the number of domiciliary care packages delivered by time waiting from completion of assessment to commencement of package and Health and Social Care (HSC) Trust is collected by my Department and can be found in Table 1 below. The figures in Table 1 relate to packages that commenced during quarter ending December in each of the last three years. Information on the age of those clients who commenced a domiciliary care package is not available.

Table 1. Domiciliary care packages delivered by time waiting from completion of assessment to commencement of package during quarter ending December (2013-2015).

Quarter ending December	HSC Trust	Time from end of assessment to delivery of care						Total
		Under 1 Week	1 - 3 Weeks	3 - 5 Weeks	5 - 8 Weeks	8 - 12 Weeks	12 Weeks or more	
2015	Belfast	151	15	5	11	0	0	182
	Northern	116	233	24	11	17	17	418
	South Eastern	99	9	6	3	2	0	119
	Southern	60	0	0	0	0	0	60
	Western	51	6	0	0	0	0	57
2014	Belfast	65	10	3	8	0	0	86
	Northern	72	151	21	19	6	12	281
	South Eastern	75	10	0	1	0	1	87
	Southern	49	0	0	0	0	0	49
	Western	35	20	2	0	0	0	57
2013	Belfast	132	31	8	20	0	0	191
	Northern	78	98	11	3	2	0	192
	South Eastern	82	14	3	1	0	0	100
	Southern	110	3	1	0	0	0	114
	Western	29	8	4	0	0	2	43

Source: CC5 Community Information Return

Mr Hussey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 51694/11-16, to detail when a response will be provided. **(AQW 53094/11-16)**

Mr Hamilton: A response to AQW 51694/11-16 was provided on 1 February 2016.

Mr Nesbitt asked the Minister of Health, Social Services and Public Safety to detail any mental health provisions that are not available to refugees and asylum seekers locally but that are available in the rest of the UK.

(AQW 53101/11-16)

Mr Hamilton: In common with the rest of the United Kingdom, refugees and asylum seekers in Northern Ireland are able to access the full available range of mental health care services. Following assessment of need they will be provided with the appropriate care which may include primary care, talking therapies, pharmacological treatments, specialist psychological therapy including trauma care and social supports, community mental health services, acute mental health services and specialist services such as alcohol and drug addiction counselling.

If a person requires specialist care not available in Northern Ireland, care is secured through an Extra Contractual Referral arrangement from regulated services elsewhere in the UK.

Mr Nesbitt asked the Minister of Health, Social Services and Public Safety to detail the mental health provisions that are available to refugees and asylum seekers.

(AQW 53102/11-16)

Mr Hamilton: In common with the rest of the United Kingdom, refugees and asylum seekers in Northern Ireland are able to access the full available range of mental health care services. Following assessment of need they will be provided with the appropriate care which may include primary care, talking therapies, pharmacological treatments, specialist psychological therapy including trauma care and social supports, community mental health services, acute mental health services and specialist services such as alcohol and drug addiction counselling.

If a person requires specialist care not available in Northern Ireland, care is secured through an Extra Contractual Referral arrangement from regulated services elsewhere in the UK.

Ms McCorley asked the Minister of Health, Social Services and Public Safety what safeguards are in place to ensure that the portion of Personal Care Allowance dedicated for podiatry services is being allocated appropriately and used for the treatment of older people in nursing homes.

(AQW 53112/11-16)

Mr Hamilton: Health and Social Care Trusts are required to allow residential and nursing home residents who are supported by the Health and Social Care (HSC), a Personal Expenses Allowance (PEA) for spending on items such as clothing, small presents, hairdressing, stationery and other occasional services. The PEA is currently set at £24.90 and it is at the resident's discretion how they spend this allowance.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the number of nursing vacancies broken down by (a) grade; (b) Health and Social Care Trust; and (c) speciality.

(AQW 53126/11-16)

Mr Hamilton: The latest information can be found in the HSC vacancies publication, available on the DHSSPS website at: <https://www.dhsspsni.gov.uk/articles/staff-vacancies>

Ms McCorley asked the Minister of Health, Social Services and Public Safety to detail the resources available for children with autism.

(AQW 53161/11-16)

Mr Hamilton: A range of support services operate across the Health and Social Care Trusts for people diagnosed with Autism. This information is provided in the attached Annex.

Northern Health and Social Care Trust

The Paediatric ASD Service (0-18 yrs) offers services to children or young people and their families in assessing and diagnosing ASD and also support if a diagnosis is made with the aim to provide and deliver a high quality assessment and diagnostic service for children and young people where concerns regarding ASD have been identified, give support to children or young people with a diagnosis of ASD and their families and support professionals within the Northern Trust working with children or young people with ASD. The Paediatric ASD Service is made up of a range of health and educational professionals (multi-disciplinary) including Community Pediatricians, Speech and Language Therapists, Clinical Psychologist and Intervention Therapists.

Receiving a diagnosis of ASD can be positive for a child or young person's development in allowing others to understand the person better, appreciate their unique way of seeing the world and to signpost others to appropriate supports. There is a range of help and support available across the Northern Trust which is provided by a range of services. These may include Speech and Language Therapy, Occupational Therapy, Child and Adolescent Mental Health Service, Multi Agency Support for Schools, Community Paediatric Medical Service, Health Visiting Service and Social Services. Support is also provided by

Education Authority for children and young people with ASD across all stages of the code of practice within schools. After a diagnosis of ASD, the Paediatric ASD Service offers Post Diagnostic Support as follows:

- A Family Support Home Visit which is currently delivered in partnership between the Paediatric ASD Service and the charity Autism NI. This home visit supports parents/carers following a diagnosis through practical help, advice, a listening ear or signposting to relevant services and support groups (Ages 2-15yrs);
- ASD Bootcamp - this is a group based intervention programme which focuses on exploring and helping the young person understand their diagnosis whilst also looking at the positive aspects of having ASD. It also aims to develop communication skills and build on self-esteem. How to use technology and social media in an appropriate and safe manner are also addressed as part of the programme. (Ages 16-18yrs);
- ASD Awareness training session 'What is ASD?' which aims to develop parents/carers knowledge and skills in managing their child/young person's development.

Should parents/carers require any further support the Paediatric ASD Service offers the following intervention service:

Initial Advice Clinic - this is a telephone appointment. Parents/carers will be asked to describe the current difficulties their child/young person is experiencing in relation to their ASD and their concerns at this time. Initial ASD-specific advice will be provided to help parents/carers to manage the difficulties discussed. The therapist will identify an intervention package for the young person following this appointment (if required). Intervention packages may include one or more of the following:

Parent and Carers Education Programme - there are a range of training courses available through the Parent and Carers Education Programme. The Programme includes seminars on: Promoting Communication Skills in Children and Young People, Visual Strategies, Understanding Behavior, Managing Anger, Anxiety Management Strategies for Parents, Encouraging Social Behaviour, Teen Life, Working Together with Education and Supporting Siblings.

Parent/Carers Consultation Meeting - a meeting can be arranged with parents/carers with one or more of the professionals from the Paediatric ASD team where information regarding all aspects of their child or young person's development and how they are functioning can be discussed – with the focus being on the diagnosis of ASD. Parents/carers will also have the opportunity to talk regarding any concerns they may have in relation to their child or young person. Advice and/or strategies will be provided at the parent consultation to help manage these concerns. Following a parent consultation meeting a report with the advice and strategies discussed will be provided.

Spectrum Star Assessment - is undertaken with the young person with ASD (suitable for 12yrs +) and looks at different areas of the young person's life including areas of physical health, communication, social skills and self-esteem, with the focus of how the ASD is impacting in each area. The young person will rate how they feel they are doing in each area on a simple scale. Following the assessment, an action plan will be drawn up jointly between the young person, parents and professionals to help in areas that the young person identified as more difficult.

ASD Bootcamp - this group based intervention programme is suitable for young people aged 12-18 yrs. Games and activities are carried out within a group environment and there will be time for the young people to socialise with each other. Group sessions focus on the following topics through the activities:

- Asperger's Syndrome – exploring and understanding the diagnosis and looking at the positive aspects of having Asperger's;
- Communication – discussing what is communication, how the young person communicates and strategies to improve communication;
- Self-esteem – what self-esteem means, self-identity, how to improve self-esteem and problem-solving when self-esteem is reduced;
- Social Media – how to use technology and social media in an appropriate and safe manner.

About me - this is a one-time limited intervention package delivered in conjunction with National Autistic Society, suitable for those aged 12 yrs +. Activities and worksheets will be carried out with the young person with the focus on ASD, exploring and understanding the diagnosis, looking further at how ASD affects the young person and exploring further the positive aspects of having ASD.

Joint Planning Meeting - the Paediatric ASD Service will provide joint planning meetings with health professionals to support others working with children or young people with ASD. At these meetings the professionals involved with a child or young person with ASD will discuss the current intervention they are providing and jointly agree therapy goals, taking ASD considerations into account. The professional involved with your child will carry out the intervention using strategies and advice provided from the Paediatric ASD Service and work on the jointly agreed therapy goals.

Northern Adult Autism Advice Service (16yrs+) - is made up of a small multiagency team providing a service to adults with autism and those who support them. The key aims are to help individuals with autism access a range of appropriate main-stream services, for example, employment and further education, to offer individuals with autism one to one support for specific problems, to offer post-diagnostic support and to provide a safe place where individuals with autism can share their experiences. The service is for individuals aged 16yrs+ who have a diagnosis of autism, who reside in the Northern Trust Area. The service operates an open/self referral system and offers advice and support.

South Eastern Health and Social Care Trust

Children with a diagnosis of autism and their families may access the wide range of universal health and social care services provided by the Trust, pre- and post-diagnosis. In addition, they may also access targeted Community Child Health Services

and specialist ASD Services, provided by the Children's Autism Service. The Trust's Community Child Health Services operate an early intervention model, whereby children are referred to appropriate intervention/support services based on presenting needs; these services are available to children with a diagnosis of autism. These services include:

- Targeted Health Visiting;
- Speech and Language Therapy;
- Occupational Therapy;
- Physiotherapy;
- Developmental Intervention Service;
- Family Support Services (through local Family Support Hubs) ;
- Behaviour and Emotional Support Service;
- Child and Adolescent Mental Health Services;
- ASCET – multi-disciplinary, school based service.

In addition, the Children's Autism Service offer services in assessing and diagnosing ASD and specific intervention services for those who receive a diagnosis of ASD. The Autism Assessment Service consists of a multi-disciplinary team which includes Speech and Language Therapists, Occupational Therapists, Clinical Psychologists, Educational Psychologist , Community Paediatricians and Primary Mental Health Worker. These professionals also provide ASD Intervention Services for those children who receive a diagnosis and their families. These specific services include training for parents of children who receive a diagnosis of ASD who are invited to attend training in relation to ASD and support services available, workshops for parents to address specific behavioural, sensory, communication issues and to equip parents with strategies which will support their children. Topics include Visual Communication Strategies, Sensory Strategies, Anger and Anxiety Management, Sensory Strategies, Social Skills, Eating, Toileting, Sleep, Early Practical Visual Strategies. There are also a number of workshops delivered in partnership with colleagues from Education Authority NI

- Groupwork for children – social skills and social communication;
- ASD Speech and Language Therapy;
- Clinical Psychology;
- Occupational Therapy Programmes;
- Family Support Intervention;
- Sleep Programme.

The Children's Autism Team also deliver training to other professionals in core services to capacity build knowledge and skills in relation to autistic spectrum disorder. A Consultation Service is available to provide support and advice to other professionals working with a child with a diagnosis of ASD.

Belfast Health and Social Care Trust (BHSCT)

Following a diagnosis of autism, all children, young people and families are referred to the Autism Intervention Service. Within Intervention, there is both a multidisciplinary and multi-agency approach to care, with the Trust team comprised of Autism Intervention Workers, Clinical Psychologists, Speech & Language Therapists, Social Work and Occupational Therapists. The Trust work closely with third sector partners with regards to delivery of intervention and supports for children, family and young people, and are integrated into the Trust's service delivery model. The Trust currently has contracts with Barnados, Belfast Central Mission and the Cedar Foundation, and children and families also have access to their range of generic services provided.

The Trust maximise resources by using a group model of intervention where appropriate. There are a number of 'core' workshops which are available at initial diagnosis, allowing parents and other family members to have an opportunity to gain more information regarding autism and to link with other families experiencing similar anxieties. These workshops are very positively evaluated. In response to clear need, a menu of 'Level 2' workshops have been developed which provide more problem-specific intervention advice and follow up. These include workshops on sleep, toileting, feeding, anger-management, anxiety management, managing school related problems, puberty, discussing the diagnosis with your child etc. Individual therapy is also available as required.

The Trust keep close contact with local communities and try to keep families informed of any initiatives in their area which are autism specific or autism friendly and it is also currently working on a service directory to facilitate family information. Children with autism continue to have available all paediatric services and where appropriate they also have available support via the children's disability team. Children and their families also attend CAMHS services where a mental health need has been identified and there is close liaison between CAMHS and the Autism intervention Service.

Southern Health and Social Care Trust

In the Southern Trust there is a multidisciplinary team which provides post-diagnostic support to children and young people with Autism and their families. This support consists of an early intervention programme delivered by Autism Intervention Therapists and Occupational Therapists and longer term support delivered by Clinical Psychology, Social Work, Health improvement Nurse and Occupational Therapy. These interventions aim to improve the skills of children and young people with ASD and help them understand and manage their autism as individuals and families. In addition to Autism Specific interventions, all parents are offered a Carers Assessment.

The Trust also have an ASD-CAMHS Connect service for 13-18 year olds which supports these adolescents to understand their diagnosis and the impact this has on their life and to help them to engage more fully in their local community. The Trust also provide a range of Autism Awareness training for employers, other Trust services and community and voluntary services who support children and young people with ASD. Children and young people can also avail of support outside the Autism Service and many attend Core AHP services, CAMHS, Community Paediatrics as well as a full range of other services.

CAMHS assess and diagnose all young people between 12 -18 years. All referrals are seen within a nine week period. The Multi-disciplinary Step 3/4 teams carry out a robust assessment process and deal with some quite complex dual diagnosis presentations. Post diagnosis, CAMHS provide a range of interventions and work in partnership with both statutory and third sector providers to ensure best service for Young People and their families.

Resources are also available to children with ASD from Allied Health Professionals (AHP) services and are provided across a number of settings that include community clinics/hospital outpatients/child's home environment/school. The AHP services include: Nutrition & Dietetics, Occupational Therapy, Physiotherapy, Speech & Language Therapy, Orthoptics and Podiatry.

Speech & Language Therapy provide a regular service into the majority of the ASD Units across the Trust with an advisory Occupational Therapy service provided for children on an individual basis and based on assessed need. The specialist ASD service can in addition to profession specific advice provide intervention delivered by a Therapy assistant which aims to provide short-term targeted interventions as directed by therapist into the Autism Specific Classes within the SELB. This is a provision for children in key stage 1 who have a confirmed diagnosis of Autistic Spectrum Disorder. The five special schools in the Trust area also have access to Occupational Therapy, Physiotherapy, Speech & Language Therapy and Orthoptics services.

In relation to the 51 children currently receiving targeted support from a health visitor, approximately 66% of the children being pre confirmed diagnosis and 33% of children who have been diagnosed. The focus of the health visiting intervention is support for parents to manage behaviours relating to autism. Health visitors across service are providing targeted support to 120 children who are pre and post autism diagnosis at the current time.

Children with autism can access a wide range of social care supports and services through Autism Services or Children's Disability Teams. The level and type of support is dependent on the individual needs of the child and his/her carers. An assessment of need (UNOCINI – Understanding the Needs of Children in N. Ireland, incorporating a Carer's Assessment) is carried out by a social worker from the teams, and a care plan is then developed and agreed with the child and family. This usually includes onward referrals and access to a range of support services to meet these needs. The Trust has been developing a continuum of such services, ranging from 'softer end' community based activities/opportunities for children with disabilities including autism, through to more specialist residential services. The Southern Trust also has contracts/service level agreements with various organisations/agencies to help deliver on this range of short breaks.

Western Health and Social Care Trusts (WHST)

ASD Diagnostic Services for children aged 3- 18 years are provided across the Western Trust in keeping with Regional Autism Spectrum Disorder Network (RASDN) 'Six Steps of Autism Care' guidelines. Children who are suspected of having an Autism Spectrum Disorder and who meet clinical criteria for assessment are held on a waiting list. Children aged 2-3 years who are known to Community Paediatrics and who meet clinical criteria for assessment are considered on a case by case basis as described in 'Six Steps of Autism Care'. The Western Trust Children's ASD Service multidisciplinary assessment team includes Clinical Psychology, Community Paediatrics, Speech and Language Therapy, Occupational Therapy, Social Work, Autism Practitioner, Specialist Health Visitors with sessional input from Community Nursing Learning Disability. Following diagnostic assessment and confirmation of a diagnosis of Autism post-diagnostic interventions are tailored to meet the assessed needs of each individual child and family. These may include

- information and advice;
- parent training;
- individual or group intervention with members of multidisciplinary team as listed above;
- UNOCINI/Carer's Assessment;
- referral to Education Authority Western Region specialist supports including Autism Spectrum Advisory Service and Youth Club Buddy scheme;
- family Support/Social supports including onward referral to a family support contracts with an external provider, community and voluntary sector and/or appropriate community supports.

Ms McCorley asked the Minister of Health, Social Services and Public Safety to detail the waiting time for an autism assessment.

(AQW 53162/11-16)

Mr Hamilton: The HSC Trusts have reported the following waiting times (in months) for an autism assessment at the end of December 2015:

Waiting time for an Autism assessment (in months)

HSC Trust	Children	Adult
Belfast	20	19

HSC Trust	Children	Adult
South Eastern	4	10
Northern	15	3
Southern	3	30
Western	10	18

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety to detail (i) the cost of the Voluntary Exit Scheme for Health and Social Care Staff; and (ii) how the scheme will be funded.

(AQW 53170/11-16)

Mr Hamilton:

- (i) The 2015/16 Voluntary Exit Scheme for Health and Social Care staff is still underway and costs will not be available until the process has been completed.
- (ii) The Scheme is funded through the NI Executive's Public Sector Transformation Fund.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for an update on the establishment of primary care talking therapies hubs in both the Northern and Western Health and Social Care Trusts.

(AQW 53183/11-16)

Mr Hamilton: In the Northern Trust, primary care talking therapies hubs are currently in operation in Coleraine/Ballymoney and Carrickfergus/ Newtownabbey.

In the Western Trust, primary care talking therapies hubs are in operation in Londonderry and Omagh.

Each hub is based around a group of GP practices in the relevant area in partnership with the Trust and local voluntary and community sector service providers. Both Trusts intend to make talking therapies hubs available across the whole of their respective areas, although this will be dependent on additional funding being made available.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail (i) the funding allocated to the Public Health Agency to deliver sexual health education in schools; (ii) the proportion of money allocated which remained unused; and (iii) which schools have utilised the services of the Public Health Agency to provide sexual health education, in each of the last three years.

(AQW 53205/11-16)

Mr Hamilton: My Department does not allocate a specific amount of funding to the PHA to deliver sexual health education in schools. A regional training programme to support teachers and schools to meet their statutory responsibility for Relationship and Sexuality Education is provided by the Sexual Health Team in Belfast Health and Social Care Trust. This is done in partnership with the Education Authority and local Health and Social Care Trust Health Improvement Departments. The model consists of a teacher training course followed by Whole School Training. The Public Health Agency provides an annual contribution of £17,687 to cover backfill for teachers attending the training course. A list of schools trained in each of the last three years is below.

2-day RSE Teacher Training Courses

2013/14	2014/15	2015/16
Dominican College	Campbell College	Rosetta Primary School
Hazelwood College	Gaelscoil an Lonnain	St. Patrick's Primary School
Orangefield High School	Malone College	Holy Rosary Primary School
St Rose's High School	St Genevieve's High School	Cranmore Integrated Primary School
Laurelhill Community College	St Louise's Comprehensive College	Currie Primary School
Nendrum College	Victoria College Belfast	St Bride's Primary School
St Colmcille's High School	Assumption Grammar School	St Oliver Plunkett Primary School
Strangford College	Ballynahinch High School	Fort Hill Integrated Primary School
The Wallace High School	Bangor Grammar School	Clandeboyne Primary School
Methodist College	Friends' School	Killinchy Primary School
Mercy College	Glenlola Collegiate	Ballymena Academy

2013/14	2014/15	2015/16
Rathmore Grammar School	Lagan College	Carrickfergus College
Royal Belfast Academical Institution	Newtownbreda High School	Dunclug College
Wellington College	Our Lady & St Patrick's College	North Coast Integrated College
De La Salle High School	Shimna College	St Benedict's College
Dundonald High School	Shimna College	St Louis' Grammar School
Knockbreda High School	St Patrick's Grammar School	St Paul's College
St Mary's High School	Ballyclare High School	Ulidia Integrated College
Strangford College	Dominican College	Ballyclare Secondary School
Ballee Community High School	St Mary's Grammar School	Our Lady of Lourdes High School
Belfast High School	St Patrick's College	St Aidan's High School
Coleraine High School	Magherafelt High School	St Eugene's College (Roslea)
Slemish Integrated College	Castlederg High School	St Joseph's College
St Joseph's College	St Patrick's College	St Patrick's & St Brigid's College
St Killian's College	Loreto Grammar School	Foyle & Londonderry College
St Patrick's College	St Michael's College	Portora Royal Grammar School
Monkstown Community School	Strabane Academy	Collegiate Grammar School
St Mary's	Craigavon Senior High School	
Oakgrove Integrated	Christian Brothers' Abbey	
Limavady	City of Armagh High School	
Thornhill	Drumglass High	
St Fanchea's	Kilkeel High	
Banbridge Academy	Killicomaine Junior High	
Brownlow College	St Columban's College	
Dromore High	St Joseph's High School	
Lurgan Junior High School	St Patrick's High	
St Michael's Grammar		
St Patrick's Academy		
Drumcree College		
Drumglass High		
St Mary's High		
Newry High		
St Mark's High		
St Paul's High		
Lurgan College		
St Louis' Grammar School		
Kilkeel High		
Royal School, Armagh		
Cookstown High		
Kilkeel High		
Our Lady's Grammar School		
Royal School, Dungannon		

Whole School Training

2013/14	2014/15	2015/16
Clounagh Junior School	St Mark's Warrenpoint	Jordanstown Special School
Lurgan College	Coleraine Inst	St Mary's Newry
Antrim Grammar	Hillcroft Special School	Lisnashally Special School
Roddensvale Special School	St Joseph's Primary Crossgar	Cambridge House
St Marys College	Mercy College	Knockbreda Primary
Portadown College	Drumcree College	Tor Bank Special School
Rossmar Special School	Newry High	St Patricks Downpatrick
Cullybackey High School	Strangford College	Gaelscoil Iveagh parents
St Joseph's Crossmaglen	Royal School Armagh	Lurgan College
Bloomfield Primary School	Wallace High School	St Michaels, Enniskillen
Belmont house Special School	Nendrum College	Rostulla Special School
Ceara Special School	De La Salle College, Downpatrick	Portadown College
Devenish College	Lurgan High School	Dominican College
St Catherines College	Dundonald High School	Dean Maguirc College
Sacred Heart Newry	St Roses	Loreto College
Holy Cross Primary	Limavady Grammar	Ardnashee Special School
Coleraine College	St Mary's Limavady	Mitchell House Special School
Kilronan	Aughnacloy College	Killard House Special School
St Catherines College	St Patrick Academy Dungannon	Riverside Special School
Sacred Heart Omagh	Oakgrove Integrated	Clifton House Special School
St Louis grammar	Forthill College	Belfast Hospital School
Holy Cross Boys	Hilcroft Special School	St Mary's Grammar
RBAI	Ballymacward Primary	St Colm's High School
St Finians	St Killians	Ulster University PGCE
Orangefield	Gaescoil Iveagh	Castle Tower SS
St Columbs	St Joseph's Coleraine	Glastry College
All childrens controlled school Newcastle	Royal School Dungannon	Dominican College
Bunscoil Ben Madigan	Brownlow College	St. Ciaran's, Ballygawley
Dominican College	Our Lady's and St Patricks Knock	Dungannon Integrated
St Columbs	Thornhill College	Lough Road Learning Centre
Dromara	St Patricks Maghera	St Patrick's Dungiven
Elmgrove Primary	Longstone Special School	Sullivan Upper
	Victoria College Belfast	
	St Michaels Lurgan	
	Movilla High	
	All Children's Primary Newcastle	
	Ballynahinch High School	
	Larne Grammar	
	Willowbridge School	
	Sperrinview Special School	

	Glenlola College	
	Clarawood Special School	
	Coleraine High	
	Malone College	
	Kilcooley Primary	
	Lagan College	

List of schools provided by Belfast Health and Social Care Trust.

Mr Lunn asked the Minister of Health, Social Services and Public Safety what provision will be made to ensure that funding is available to reduce waiting lists on an ongoing basis after the current extra allocation of £40m is spent.

(AQW 53254/11-16)

Mr Hamilton: The Department's financial planning processes for 2016/17 are currently ongoing. A key component of this process includes identifying the potential level of investment to address elective care pressures within the funding settlement for 2016/17.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail (i) the number of (a) people in receipt of domiciliary care services; (b) people that have been deemed to be no longer entitled to domiciliary care packages in each of the last three years; and (ii) how much of his (a) 2015-16 budget has been spent on domiciliary care services; and (b) how much of his budget in 2016-17 will be spent on domiciliary care services.

(AQW 53274/11-16)

Mr Hamilton:

- (i) (a) 24,189 people were receiving domiciliary care in Northern Ireland during a survey week in 2014.
- (b) Information on the number of people who are deemed to no longer require domiciliary care is not routinely collected.
- (ii) (a) The Health and Social Care Board will not know the 2015/16 spend by HSC Trusts on domiciliary care until the Autumn of 2016. However the 2014/2015 data is available and would indicate expenditure of approximately £225m on domiciliary care.
- (b) The Health and Social Care Board has not yet been advised of its budget for 2016/17.

Mr Lunn asked the Minister of Health, Social Services and Public Safety to detail the dates on which he held meetings with Unions concerning nurses' pay since 11 May 2015.

(AQW 53313/11-16)

Mr Hamilton: Pay issues relating to Agenda for Change staff, including nurses, were discussed at the following meetings:

Date	Meeting
02/06/15	Northern Ireland Public Service Alliance (NIPSA), UNISON, UNITE & Royal College of Nursing (RCN)
08/06/15	British Dietetic Association (BDA), British Orthoptic Society (BOS), Chartered Society of Physiotherapy (CSP), Northern Ireland Public Service Alliance (NIPSA), Royal College of Midwives (RCM), Royal College of Nursing (RCN), Society of Chiropractors & Podiatrists (SOCP), Society of Radiographers (SOR), UNISON & UNITE
14/09/15	BDA, BOS, CSP, NIPSA, RCM, RCN, SOCP, SOR, UNISON & UNITE
20/10/15	UNISON & UNITE
06/11/15	NIPSA, RCM & RCN
14/12/15	BDA, BOS, CSP, NIPSA, RCM, RCN, SOCP, SOR, UNISON & UNITE
16/12/15	NIPSA, UNISON, UNITE & RCN

Mr Lunn asked the Minister of Health, Social Services and Public Safety to detail (i) the pay levels in each pay band for nurses under Agenda for Change in Northern Ireland for (a) 2015-16; and (b) 2016-17; and (ii) for a comparison with those pay bands under Agenda for Change in England (excluding London) under the pay agreement reached by the Department of Health in March 2015.

(AQW 53314/11-16)

Mr Hamilton:

- (i) (a) Subject to the necessary approval, the Agenda for Change 2015/16 pay scales will reflect those set out at TAB A.
 (b) The 2016/17 Pay Award has not yet been agreed.
- (ii) NHS (England) Agenda for Change 2015/16 pay scales are available at:
<http://www.nhsemployers.org/~media/Employers/Publications/Pay%20circulars/Pay-circular-AfC-1-2015.pdf>

Proposed 2015/16 Agenda for Change Pay Scales**Tab A**

Point	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8				Band 9
								Range A	Range B	Range C	Range D	
1	14,294	14,294										
2	14,653	14,653										
3	15,013	15,013										
4		15,432										
5		15,851										
6		16,271	16,271									
7		16,811	16,811									
8		17,425	17,425									
9			17,794									
10			18,285									
11			18,838	18,838								
12			19,268	19,268								
13				19,947								
14				20,638								
15				21,265								
16				21,478	21,478							
17				22,016	22,016							
18					22,903							
19					23,825							
20					24,799							
21					25,783	25,783						
22					26,822	26,822						
23					27,901	27,901						
24						28,755						
25						29,759						
26						30,764	30,764					
27						31,768	31,768					
28						32,898	32,898					
29						34,530	34,530					
30							35,536					
31							36,666					
32							37,921					
33							39,239	39,239				
34							40,558	40,558				

Point	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8				Band 9
								Range A	Range B	Range C	Range D	
35								42,190				
36								43,822				
37								45,707	45,707			
38								47,088	47,088			
39									49,473			
40									52,235			
41									54,998	54,998		
42									56,504	56,504		
43										59,016		
44										61,779		
45										65,922	65,922	
46										67,805	67,805	
47											70,631	
48											74,084	
49											77,850	77,850
50											81,618	81,618
51												85,535
52												89,640
53												93,944
54												98,453

Mrs Dobson asked the Minister of Health, Social Services and Public Safety to detail the steps he is taking to ensure that medical professionals trained locally remain in Northern Ireland to practice; and for his assessment of the extent to which doctors and medical professionals that trained locally in the last five years are now practicing in jurisdictions outside (a) Northern Ireland; and (b) the United Kingdom.

(AQW 53316/11-16)

Mr Hamilton: My officials are currently considering ways in which we might enhance the recruitment and retention of medical professionals trained locally.

Medical training ranges from Foundation Training to Specialty Training including General Practice. The figures requested are only available in respect of those who undertook training in General Practice. In the last five years, out of a total of 295 doctors who trained locally as General Practitioners, 282 (96%) are registered on the Primary Medical Performers List in Northern Ireland. Destination information for the remaining 13 is not held.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety for an update on the waiting list initiative.
(AQW 53330/11-16)

Mr Hamilton: The allocation of an additional £40 million from the November Monitoring Round will go towards tackling waiting lists. Broadly, this investment will benefit between 60,000 and 70,000 patients who would otherwise be waiting. Since November 2015, significant efforts have been made across the HSC, within a very tight timeframe, to secure additional outpatient clinics and treatments within Trusts, and to put in place appropriate arrangements with independent sector organisations to transfer suitable patients for assessment and/or treatment.

Contracts have been awarded with Independent Sector providers for approximately 27,000 new outpatient assessments across a range of specialties, with 15,000 patient details already sent to providers. Contracts have also been awarded for approximately 8,000 patients to be treated, of which 5,500 case notes have been forwarded to providers. Work is progressing to supply the remaining patient details.

Mr Agnew asked the Minister of Health, Social Services and Public Safety to detail how much funding (i) was provided to the Family Fund in each of the last three years; and (ii) will be provided in 2016-2017.

(AQW 53342/11-16)

Mr Hamilton:

(i) Funding provided to the Family Fund in each of the last three years is as follows:

Year	Awarded by DHSSPS
2013/2014	£1,576,212
2014/2015	£1,572,106
2015/2016	£1,572,000

(ii) My Department's financial planning processes are currently ongoing therefore this information is not available at this time.

Mr Allen asked the Minister of Health, Social Services and Public Safety to detail the number of (i) opticians employed at the Mater Hospital, Belfast; and; (ii) hours they work per week.

(AQW 53344/11-16)

Mr Hamilton: The optical staff in the table below work across all of the Belfast HSC Trust's sites, including the Mater Hospital. Headcount and whole-time equivalent (WTE) are shown. WTE is the proportion of hours worked out of the standard hours for each grade.

Grade	Headcount	WTE
Consultant Ophthalmologist	27	23.32
Optometrist	35	19.28
Other Ophthalmologist	31	25.31
Orthoptist	6	5.60

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether his Department is aware of any plans to utilise the Kings Hall for Health and Social Care purposes.

(AQW 53365/11-16)

Mr Hamilton: My officials are aware that a private developer is exploring options about the redevelopment of the King's Hall site.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the extent to which each Health and Social Care Trust delivers Dialectical Behaviour Therapy; and the eligibility criteria for receiving such treatment.

(AQW 53366/11-16)

Mr Hamilton: Each Health and Social Care Trust delivers Dialectical Behaviour Therapy (DBT) as one of a range of therapies provided through their Mental Health and Psychological Therapy services.

NICE recommends DBT for persistent binge eating disorder, for people with personality disorders, and for those who are suicidal and self-harm.

Eligibility to access DBT is determined during clinical assessment.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the (i) waiting times; and (ii) number of people waiting in each Health and Social Care Trust for Dialectical Behaviour Therapy, in each of the last three years.

(AQW 53368/11-16)

Mr Hamilton: Each Health and Social Care (HSC) Trust delivers Dialectical Behaviour Therapy (DBT) as one of a range of therapies provided through their Mental Health and Psychological Therapy services. The HSC Trusts do not hold dedicated DBT waiting lists.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety to detail a timeframe for the new suicide prevention strategy.

(AQW 53371/11-16)

Mr Hamilton: Pre-consultation on the new strategy has been completed and has helped to shape the further refinement of the draft strategy. Work has now started on the development of a "costed" implementation plan. A final draft of the new strategy is to be submitted to me by mid-March for approval to proceed with public consultation which is expected to commence after the Assembly election.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail when the Regulation and Quality Improvement Authority review of the Living Matters: Dying Matters Strategy will be published; and whether he will support its recommendations regarding palliative and end of life care.

(AQW 53384/11-16)

Mr Hamilton: The Regulation and Quality Improvement Authority's report of the review of the implementation of the Living Matters: Dying Matters Palliative and End of Life Care Strategy for adults was published on 28 January 2016.

I welcome the review's findings that significant progress was made during the period 2010 to 2015 towards implementing the recommendations of the Living Matters: Dying Matters Strategy.

My Department will carefully consider the report's findings and recommendations to inform the planning and delivery of quality palliative and end of life care in Northern Ireland.

Mr Allister asked the Minister of Health, Social Services and Public Safety to detail the number of theatres available in the Downe Hospital and their rate of use.

(AQW 53390/11-16)

Mr Hamilton: South Eastern Health and Social Care Trust confirm there are two theatres in the Downe Hospital which at full capacity would provide 20 sessions of day surgery. There are also 2 endoscopy suites which at full capacity would provide the same. The current funded capacity is 11 theatre sessions and 12 endoscopy sessions.

Mr Hazzard asked the Minister of Health, Social Services and Public Safety to detail the (i) number of available beds in the Downe Hospital; and (ii) location of each bed.

(AQW 53410/11-16)

Mr Hamilton: As at Wednesday 27th January 2016 the South Eastern Health and Social Care Trust has 21 beds located in Ward 1 and 21 beds located in Ward 2 within the Downe Hospital. In times of escalation, as staffing allows, there is provision to increase each ward by 2 non-designated beds.

Mr Hazzard asked the Minister of Health, Social Services and Public Safety to detail the (i) number of beds that have been removed from the Downe Hospital in the last 4 years; (ii) location of these beds; and (iii) reasons the beds were taken out of use.

(AQW 53411/11-16)

Mr Hamilton: Over the last four years seven beds were removed from the Downe Hospital, reducing the number of available beds from 49 to 42. Following the amalgamation of the coronary care service with the general medical service in December 2014, there were 3 coronary care beds and 4 general medical beds closed within Ward 1 and Ward 2. The decision to close these beds was part of contingency measures taken by the Trust to deliver financial savings. The decision was taken in light of reduced admissions to the Downe Hospital in the preceding year. The Coronary Care Service is now being delivered from Ward 2 with full access to Cardiology trained Doctors and Nurses and access to a full range of cardiac equipment.

Mr McKinney asked the Minister of Health, Social Services and Public Safety what actions his Department is taking between the 1 January to 31 March 2016 to address waiting lists for people awaiting referrals.

(AQW 53423/11-16)

Mr Hamilton: The allocation of an additional £40 million from the November Monitoring Round will go towards tackling waiting lists.

Since November significant efforts have been made across the HSC, within a very tight timeframe, to secure additional outpatient clinics and treatments within Trusts, and to put in place appropriate arrangements with independent sector organisations to transfer suitable patients for assessment and/or treatment.

The additional funding is being targeted at those who have been waiting the longest for assessment and/or treatment.

I want to see the number of patients that can be assessed and treated quickly, effectively and safely maximised.

Broadly, this investment will benefit between 60,000 and 70,000 patients who would otherwise be waiting.

Mr McCrossan asked the Minister of Health, Social Services and Public Safety to detail all savings made by the Western Health and Social Care Trust in the (a) 2014-15; and (b) 2015-16 financial years.

(AQW 53428/11-16)

Mr Hamilton: Details of the Western Health and Social Care Trust's savings plans for 2014/15 and 2015/16 are available on the Trust's website.

Mr McCrossan asked the Minister of Health, Social Services and Public Safety to detail the number of people that (i) received a Meals on Wheels service; (ii) were deemed to be no longer entitled to the service; and (iii) that have been turned down for the service in the Western Health and Social Care Trust, in the last five years.

(AQW 53429/11-16)

Mr Hamilton:

- (i) Information on the number of people that received a meals on wheels service in the Western HSC Trust at 31 March in each of the last five years is detailed in the table below.

	Number of people in receipt of a meals on wheels service
31 March 2015	1,081
31 March 2014	1,227
31 March 2013	1,160
31 March 2012	1,111
31 March 2011	1,026

Source: KMW2 Community Information return

This information is published annually and can be found on the DHSSPS website at the following link:
<https://www.dhsspsni.gov.uk/articles/meals-wheels>

- (ii) Service users in receipt of meals on wheels continue to receive this service until they or their family inform the Trust they no longer wish to receive it.
- (iii) All service users assessed as meeting the regionally agreed eligibility criteria for receipt of meals on wheels have been offered the service.

Mr McCrossan asked the Minister of Health, Social Services and Public Safety to detail the (i) number of children waiting for autism assessments; and (ii) waiting times for autism assessments for children in the Western Health and Social Care Trust, in each of the last three years.

(AQW 53432/11-16)

Mr Hamilton: Table 1 below details the number of children waiting for an autism assessment and the length of time waiting at 31 December in the Western Health and Social Care (HSC) Trust in each of the last three years.

Table 1

Year	Waiting Time (weeks)								Total
	0 - 4	4 - 8	8 - 13	>13	13 - 18	18 - 26	26 - 39	39 - 52	
2013	23	33	22	7					85
2014	31	29	45		20	34	12	0	171
2015	33	41	58		32	62	116	7	349

Source: Health and Social Care Board

Please note that greyed out boxes indicate changes in reporting formats

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the number of people waiting to receive domiciliary care packages in the (i) Northern Health and Social Care Trust; and (ii) Western Health and Social Care Trust.

(AQW 53442/11-16)

Mr Hamilton: Information on the number of domiciliary care packages delivered, by time waiting from completion of assessment to commencement of package and Health and Social Care (HSC) Trust is collected by my Department and can be found in Table 1.

Table 1. Domiciliary care packages delivered by time waiting from completion of assessment to commencement of package during quarter ending December 2015.

HSC Trust	Time from end of assessment to delivery of care						Total
	Under 1 Week	1 - 3 Weeks	3 - 5 Weeks	5 - 8 Weeks	8 - 12 Weeks	12 Weeks or more	
Northern	116	233	24	11	17	17	418
Western	51	6	0	0	0	0	57

Source: CC5 Community Information Return

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail (i) whether oppositional defiant disorder is a recognised diagnosis; (ii) how many healthcare professionals specialise in the diagnosis of oppositional defiant disorder; and (iii) whether children diagnosed with oppositional defiant disorder are statemented.

(AQW 53451/11-16)

Mr Hamilton:

- (i) Oppositional Defiant Disorder (ODD) is a recognised diagnosis in the World Health Organisation International Classification of Mental and Behavioural Disorders.
- (ii) ODD characteristically occurs in children and a range of healthcare professionals within Child and Adolescent Mental Health Services and Child Development Services are trained in the identification and treatment of childhood mental and behavioural disorders, including ODD.
- (iii) Support for pupils with special educational needs is based on the individual needs of the child, including those diagnosed with ODD. Following a statutory assessment of a child's special educational needs (SEN) the Education Authority will decide whether the degree of the child's learning difficulty or disability, and the nature of the provision necessary to meet the child's SEN, require it to determine the child's special educational provision through making a statement.

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail (i) when the Ministerial Coordination Group on Suicide Prevention last met; and (ii) the outcomes of that meeting.

(AQW 53452/11-16)

Mr Hamilton: The last meeting of the Ministerial Coordination Group on Suicide Prevention was held on 16 April 2015; the next meeting is scheduled for 29 February 2016. Ministers agreed that the minutes of the Ministerial Group meetings should be shared with the Suicide Strategy Implementation Body. They also agreed that the Public Health Agency would:

- (i) provide an update on the procurement of regional of self harm services – the Self-Harm Intervention Project (SHIP) at the next meeting;
- (ii) provide an update on the initiative to address suicide on the River Foyle – Using Art, Culture and Technology to Address Suicides on the River Foyle.
- (iii) identify appropriate contacts within the new super councils for further consideration on how councils engage on suicide prevention and mental health promotion.

Mr Allister asked the Minister of Health, Social Services and Public Safety to detail the average ambulance journey time from the Downe Hospital to the Ulster Hospital.

(AQW 53459/11-16)

Mr Hamilton: During the last six months (1st April 2014 to 30th September 2015), the Northern Ireland Ambulance Service (NIAS) indicated that 1,175 emergency, urgent and routine journeys were made from the Downe hospital to the Ulster hospital, of which, the average journey time was 40 minutes and 32 seconds.

Mr McKay asked the Minister of Health, Social Services and Public Safety pursuant to AQW 52588/11-16 whether he will consider introducing uniform parking rates across all hospitals.

(AQW 53476/11-16)

Mr Hamilton: Uniform parking rates across Northern Ireland was considered as part of the wider consultation on car parking policy in 2012. It was not considered practical to set a uniform parking rate across all hospital sites in Northern Ireland due to the different levels of local car parking charges, the variations in access to alternative forms of transport and the differing levels of investment required at each hospital facility.

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether his Department provides screening for the Zika virus for travellers returning from South and Central America.

(AQW 53479/11-16)

Mr Hamilton: In accordance with current UK and international advice and practice, there are no plans to routinely screen returning travellers from affected countries for Zika virus infection. The Public Health Agency's Health Protection Service, working closely with colleagues in Public Health England, is monitoring the situation and will advise on further developments.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the number of welfare claimants on waiting lists for elective care.

(AQW 53480/11-16)

Mr Hamilton: Information on whether a patient is claiming welfare would never be asked at the point of elective treatment, and therefore would not be captured on a health system.

Mrs Cameron asked the Minister of Health, Social Services and Public Safety what discussions his officials have had on introducing human papillomavirus primary screening.

(AQW 53543/11-16)

Mr Hamilton: The National Screening Committee in January recommended the introduction of Human Papillomavirus (HPV) testing as the primary screening test for cervical cancer.

The Public Health Agency have been asked to undertake a scoping exercise for the introduction of HPV testing as the primary screening test in the Northern Ireland Cervical Screening Programme. The Northern Ireland Screening Committee will assess the findings of the scoping exercise. I will wait until this work is completed before taking a decision for Northern Ireland.

Ms Sugden asked the Minister of Health, Social Services and Public Safety whether the Health and Social Care Innovation Fund will be used to fund community and voluntary sector groups to enable their participation in Integrated Care Partnerships.

(AQW 53549/11-16)

Mr Hamilton: It is proposed that the Health and Social Care Innovation Scheme will provide funding to the voluntary, community and social enterprise sectors to deliver innovative health and social care solutions.

It is not intended that the Scheme will support participation in Integrated Care Partnerships.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for his assessment of young onset dementia in Northern Ireland; and to detail any forthcoming strategies to mitigate future pressures on the health system caused by young onset dementia.

(AQW 53550/11-16)

Mr Hamilton: It is estimated that there are almost 20,000 people living with dementia in Northern Ireland, and it is estimated that approximately 1,000 of those people are under the age of 65 years. Data on the actual breakdown by age of people living with dementia is not available.

The Department's regional strategy on dementia was launched in 2011 and contained 44 recommendations. A number of those recommendations relate to younger people with dementia, particularly in relation to the development of care pathways. Currently two care pathways are under development: one for people with learning disability and dementia; and the other for younger (and older people) who require access to memory services.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail what funding is available for community and voluntary sector groups to participate in Integrated Care Partnerships in the (i) Northern and (ii) Western Health and Social Care Trusts.

(AQW 53556/11-16)

Mr Hamilton: There is a reimbursement process covering attendance at meetings related to Integrated Care Partnerships and travel expenses. Such payments are made to the representatives' employing organisation.

To date £782 has been paid to ICP third sector representatives in the Northern Local Commissioning Group area and £4,241 in the Western Local Commissioning Group area.

Mr Dallat asked the Minister of Health, Social Services and Public Safety to detail the total cost of hospitality provided by the Northern Ireland Fire and Rescue Service in each of the last 5 years.

(AQW 53567/11-16)

Mr Hamilton: The table below provides details of the Northern Ireland Fire and Rescue Service hospitality expenditure over the past 5 years:

Year	Expenditure (£)
2010/11	45,301.00
2011/12	45,470.43
2012/13	23,033.60
2013/14	16,715.22
2014/15	14,216.95

Mr Dallat asked the Minister of Health, Social Services and Public Safety to detail the training available to firefighters involved in emergencies that includes the rescue of victims from submerged vehicles.

(AQW 53569/11-16)

Mr Hamilton: Specialist "Rescue from Vehicles in Water" training is available to Fire Service personnel who are competent to Water Rescue Technician (Level 1) standard or higher. This training is for situations where vehicles are not fully submerged and/or where rescues can be carried out from the surface of the water.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the number of defibrillators that are provided in each building his Department manages.
(AQW 53583/11-16)

Mr Hamilton: In 2003 my Department took the lead amongst Northern Ireland Departments in providing defibrillators in the building where its staff worked. There are currently three defibrillators in Castle Buildings.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of the potential impact of the removal of bursaries on nurse training numbers.
(AQW 53584/11-16)

Mr Hamilton: It would not be appropriate for me to speculate on the impact of the Chancellor's announcement to replace NHS bursaries with access to student loans as these proposals apply to England only.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail (i) the projected registered nursing workforce that is required for the safe delivery of local health care; and (ii) how this projection is being strategically planned for.
(AQW 53588/11-16)

Mr Hamilton: Responsibility for ensuring registered nurse staffing levels are adequate to provide safe delivery of care rests with each individual employer. £12million has recently been allocated by the Health and Social Care Board for extra nurses in acute surgical and medical wards. Future investment will focus on emergency departments, district nursing and health visiting. A Nursing and Midwifery Workforce Plan for Northern Ireland has been completed by my Department and is currently being considered by officials.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail (i) how his Department has taken account of the nursing workforce requirements of the independent sector in each of the last five years; and (ii) what mechanism is in place that requires independent sector employers to present their workforce data, including accurate figures for nurses working within the sector.
(AQW 53591/11-16)

Mr Hamilton: A Nursing and Midwifery Workforce Plan has been completed by my Department and it is currently being considered by officials. The Nursing and Midwifery Workforce Plan considered the nursing workforce requirements of the independent sector and further recommended that the sector commission their own workforce review. I understand they have done so in partnership with the Royal College of Nursing. The sector is independent of the DHSSPS and is not obliged to provide workforce data to the Department.

The Health and Social Care Board and Public Health Agency are currently working closely with independent sector providers to review the current workforce within nursing homes.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for his assessment of the continued exodus of nurses from the independent sector to Health and Social Care Trusts; and to detail how he will encourage greater staff retention within the independent sector.
(AQW 53592/11-16)

Mr Hamilton: My Department is aware of recruitment and retention difficulties experienced by the independent sector. Nurses may choose to move from the independent sector to Health and Social Care Trusts for a variety of reasons including opportunities for career progression and enhanced terms and conditions of employment.

My Department has completed a Nursing and Midwifery Workforce Review, currently being considered by officials, which included the Independent, Voluntary and Private sectors. One of the recommendations is that all employers should review their recruitment processes and work to make their organisation an employer of choice to encourage both the recruitment and retention of nurses.

My Department recently launched a Career Pathway for Nurses and Midwives showcasing opportunities for development in a range of settings including the Independent Sector. The Career Pathway has profiled the Independent Sector as a means of encouraging staff to apply for positions there.

Each employer is responsible for their own staff and for encouraging them to stay in their employment.

Mr McElduff asked the Minister of Health, Social Services and Public Safety whether he will consider implementing scoliosis screening into the school screening service in order to detect more cases of scoliosis at an earlier stage.
(AQW 53594/11-16)

Mr Hamilton: Screening for scoliosis has been considered by the UK National Screening Committee (NSC), an expert body that advises the four UK Health Departments on all aspects of screening. Following their most recent review of the evidence in 2012 the NSC re-affirmed its advice that screening for scoliosis should not be offered.

This recommendation is currently being reviewed as part of the UK NSC's regular review cycle of all policies. The review process began in March 2015 and is estimated to be completed by July 2016. I will consider this advice when it is available.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the (i) current waiting times; and (ii) number of people waiting, in each Health and Social Care Trust, for Dialectical Behaviour Therapy, in each of the last three years. **(AQW 53609/11-16)**

Mr Hamilton: Each Health and Social Care (HSC) Trust delivers Dialectical Behaviour Therapy (DBT) as one of a range of therapies provided through their Mental Health and Psychological Therapy services. The HSC Trusts do not hold dedicated DBT waiting lists.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to outline whether Health and Social Care Trusts differentiate between low end and high end Borderline Personality Disorder or are all patients with Borderline Personality Disorder offered the same level of treatment. **(AQW 53611/11-16)**

Mr Hamilton: Borderline Personality Disorder (BPD) is a complex condition characterised by a range of behaviours that can impact on an individual's mental health and social care needs.

The severity of behaviour and symptoms can vary by individual and across time. The appropriate level of intervention offered to an individual diagnosed with BPD will be based on their assessed needs and circumstances.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the services that each Health and Social Care Trust offers to people with a diagnosis of Borderline Personality Disorder. **(AQW 53612/11-16)**

Mr Hamilton: Most people presenting with Borderline Personality Disorder are treated within mainstream mental health services. In addition, each HSC Trust has a small specialist Personality Disorder service that offers:

- consultation and support to, and co-working with, primary, secondary and inpatient mental health services, addictions and social care services;
- diagnostic and clinical advice;
- psychological therapies;
- awareness and training programmes;
- peer support groups; and
- support for family members.

Ms Sugden asked the Minister of Health, Social Services and Public Safety whether he has considered the role of pharmacists in GP practices in order to better facilitate medicine management and prescribing. **(AQW 53671/11-16)**

Mr Hamilton: In December 2015, I announced a five year initiative that will see the additional investment in 2016/17 of £2.55m, rising to £14million per year in 2020/21, to put close to 300 pharmacists in GP practices by 2021.

Clinical pharmacists will work as part of the general practice team to help people optimise their medicines management, support effective prescribing and allow more GP time to be freed up to spend on people with complex needs, alleviating some of the pressures that are faced in general practice.

Mr Dallat asked the Minister of Health, Social Services and Public Safety to detail how much his Department has spent on TV advertising designed to encourage people to stop smoking in each of the last five years. **(AQW 53681/11-16)**

Mr Hamilton: Spend by the Public Health Agency on TV advertising to encourage smoking cessation in each of the last five years is set out below:

Year	TV advertising spend
2011-2012	£206,122
2012-2013	£85,328
2013-2014	£152,143
2014-2015	£168,498

Year	TV advertising spend
2015-2016	£58,586

The Public Health Agency has also funded stop smoking advertising through mediums such as radio, billboards, online, and press.

Mr Dallat asked the Minister of Health, Social Services and Public Safety to detail the number of people (i) with heart disease; (ii) that have had a stroke; (iii) with cancer; and (iv) with respiratory illnesses as a result of smoking tobacco.

(AQW 53683/11-16)

Mr Hamilton: The number of people (i) with heart disease; (ii) that have had a stroke; (iii) with cancer; and (iv) with respiratory illnesses, each as a result of smoking tobacco, is not available.

Mr Dallat asked the Minister of Health, Social Services and Public Safety to detail the number of people that have had amputations in the last five years as a result of tobacco-related illnesses.

(AQW 53684/11-16)

Mr Hamilton: Information is not collected centrally on the number of people that have had amputations in the last five years as a result of tobacco-related illnesses.

Mr Dallat asked the Minister of Health, Social Services and Public Safety to detail the number of retail outlets that have been successfully prosecuted in the last five years for selling tobacco products to underage children.

(AQW 53685/11-16)

Mr Hamilton: The number of retail outlets which have been successfully prosecuted for underage sales of tobacco products in each of the last five years is set out below:

Financial year	Number of successful prosecutions
2010/11	28
2011/12	32
2012/13	7
2013/14	23
2014/15	26

Mrs Cameron asked the Minister of Health, Social Services and Public Safety to detail his Department's policy on private companies operating hospital car parks.

(AQW 53742/11-16)

Mr Hamilton: My Department's policy allows for the consideration of private sector companies operating hospital car parks on behalf of Health and Social Care Trusts in circumstances where it provides best value for money.

Mr McMullan asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 48520/11-16, to detail the location of the 33 respite beds in the Northern Health and Social Care Trust.

(AQW 53750/11-16)

Mr Hamilton: The locations of the 33 respite beds referred to in AQW 48520/11-16 can be found in the table below.

Respite Beds in Northern Health and Social Care Trust

Location	Number of respite beds
Dalriada Hospital	12
Ellis Court (Carrickfergus)	6
Hollybank (Magherafelt)	6
Woodford (Coleraine)	2
Ross Lodge (Dervock)	6
Martin Residential Trust	1

Source: Northern HSC Trust

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the individuals or groups that are exempt from car parking charges at hospitals in each Health and Social Care Trust.

(AQW 53773/11-16)

Mr Hamilton: The categories of individuals or groups who qualify for free parking is set out in the Department's policy document published in June 2012 for "Car Parking Provision and Management in the Health and Social Care Sector". The exemptions include patients receiving radiotherapy, chemotherapy treatment or renal dialysis, the next of kin or partner of a patient in either critical care or a high dependency unit. In addition, Trusts have the discretion to make local decisions and extend the exemption criteria to other categories of patients or visitors depending on the specialities carried out in specific hospitals.

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail (i) the number of local intensive care beds available, broken down by hospital; (ii) the total number of beds available per 100,000 head of population in comparison to other (a) regions of the UK; and (b) in comparison with other EU countries; (iii) the number of local intensive care beds closed in the last five years; (iv) the number of local intensive care nurses in each hospital; and (v) the number of local intensive care nurses in post in each of the last five years, broken down by hospital.

(AQW 53781/11-16)

Mr Hamilton: The information requested is not collected centrally and could only be provided at disproportionate cost.

Mr McKinney asked the Minister of Health, Social Services and Public Safety whether there have been any suspected or confirmed cases of people infected with the Zika virus in Northern Ireland.

(AQW 53785/11-16)

Mr Hamilton: The Public Health Agency is not aware of any suspected or confirmed cases of Zika virus in Northern Ireland at present.

Mr McKay asked the Minister of Health, Social Services and Public Safety what steps he is taking to prevent the spread of the Zika virus to the North.

(AQW 53810/11-16)

Mr Hamilton: The Zika virus is an infection transmitted by Aedes mosquitos, which are not native to Northern Ireland, so the risk to the population here is extremely small. Almost all cases of the virus are acquired through mosquito bites and not through human-to-human contact. A very small number of cases have occurred through sexual transmission.

The Public Health Agency's Health Protection Service, working closely with colleagues in Public Health England, is monitoring the situation and will advise on all appropriate actions required in Northern Ireland.

At the moment, the key actions for Northern Ireland are to ensure that travellers to and from affected areas, especially pregnant women, receive appropriate advice and that clinicians are aware of the symptoms in and, where appropriate, the actions to be taken for returning travellers. The Public Health Agency has issued advice to health professionals on the 15 December 2015, 4 and 5 February 2016.

Mr Weir asked the Minister of Health, Social Services and Public Safety to detail the number of respite beds in North Down.

(AQW 53826/11-16)

Mr Hamilton: The South Eastern Health and Social Care (HSC) Trust has 22 beds available for respite provision in North Down. In addition, the Trust will spot purchase extra beds as and when required.

Mr Hussey asked the Minister of Health, Social Services and Public Safety whether his Department has conceded that the business case submitted by the Western Health and Social Care Trust supporting the positioning of an acute psychiatric unit in Omagh is viable.

(AQW 53848/11-16)

Mr Hamilton: A final decision on the location of the Western Trust's mental health inpatient facility will be taken following assessment of the business case which remains under consideration.

Mr McMullan asked the Minister of Health, Social Services and Public Safety to detail when the business case for the new replacement fire station in Cushendall will be sent to the Minister of Finance and Personnel.

(AQW 53866/11-16)

Mr Hamilton: My Department raised a number of queries regarding the business case for the replacement fire station in Cushendall and is awaiting the response to these from the Northern Ireland Fire and Rescue Service. Once all queries have been addressed, and my Department has completed its assessment, the business case will be sent to DFP for consideration.

Department of Justice

Mr Easton asked the Minister of Justice how many items have been discovered smuggled into Magiligan prison in the last two years.

(AQW 53355/11-16)

Mr Ford (The Minister of Justice): NIPS records all illicit articles found and removed during searches within prison establishments. Some of these items will have been brought into the prison in contravention of Prison Rules; others will be items which have not been allocated to the prisoner who has them in their possession. It is not possible in all cases to verify how items have come to be in the possession of the prisoner, and it is therefore not possible to provide a figure for the number of items "smuggled into" a prison.

Mr Easton asked the Minister of Justice how many items have been discovered smuggled into Maghaberry prison in the last two years.

(AQW 53356/11-16)

Mr Ford: NIPS records all illicit articles found and removed during searches within prison establishments. Some of these items will have been brought into the prison in contravention of Prison Rules; others will be items which have not been allocated to the prisoner who has them in their possession. It is not possible in all cases to verify how items have come to be in the possession of the prisoner, and it is therefore not possible to provide a figure for the number of items "smuggled into" a prison.

Mr Easton asked the Minister of Justice how many items have been discovered smuggled into Hydebank prison in the last two years.

(AQW 53357/11-16)

Mr Ford: NIPS records all illicit articles found and removed during searches within prison establishments. Some of these items will have been brought into the prison in contravention of Prison Rules; others will be items which have not been allocated to the prisoner who has them in their possession. It is not possible in all cases to verify how items have come to be in the possession of the prisoner, and it is therefore not possible to provide a figure for the number of items "smuggled into" a prison.

Mr Easton asked the Minister of Justice how many staff have been suspended from his Department over the last three years for disciplinary reasons.

(AQW 53465/11-16)

Mr Ford: The table below details the number of DOJ staff suspended during the last three years for disciplinary reasons, i.e. the number of suspensions that commenced in each year.

Year	Number
2013	9
2014	6
2015	6

Mr McKinney asked the Minister of Justice how much his Department spent on training prison officers to help prisoners diagnosed with mental ill-health, in each of the last three years.

(AQW 53534/11-16)

Mr Ford: My Department has spent the following amounts on training prison officers to help prisoners diagnosed with mental ill-health across the last 3 years as follows:

- 2012/13 £61,237
- 2013/14 £108,198
- 2014/15 £101,229

Mr Givan asked the Minister of Justice how much money his Department has spent on marriage support services in each of the last five calendar years; and to list the projects which have received financial support.

(AQW 53585/11-16)

Mr Ford: My Department has not funded any marriage support services in any of the last five calendar years. Currently there are no plans to allocate any funding to these services in the foreseeable future.

Mr Easton asked the Minister of Justice how many people applied for legal aid over the last two financial years; and how many of these applications were refused.

(AQW 53651/11-16)

Mr Ford: The number of applications registered for legal aid and the number refused in the last two financial years is provided in the tables below:

2013/2014

Business Area	Applications Registered	Applications Refused
Legal Advice and Assistance	37,940	1,118
Assistance by Way of Representation	3,789	132
Children Order	8,285	250
Civil	8,758	2,070

2014/2015

Business Area	Applications Registered	Applications Refused
Legal Advice and Assistance	42,946	841
Assistance by Way of Representation	3,708	211
Children Order	7,704	354
Civil	10,347	2,312

As an applicant may apply on more than one occasion and may apply across the different Legal Aid Schemes, it is not possible to provide information on the number of people who have applied.

Mr Allister asked the Minister of Justice, pursuant to AQW 52508/11-16, was it appropriate that the report should in the first instance have been submitted to the Director General given that she was the Gold Commander during this incident.

(AQW 53705/11-16)

Mr Ford: I believe that the correct approach has been taken in respect of this independent inquiry. The investigation was independent and taken forward by experienced operational governors from outside the Northern Ireland Prison Service, identified by the National Offender Management Service without any input from NIPS. Neither of the two NOMS staff were previously known to the Director General of NIPS, and their report has been accepted in full without amendment.

Mr Allister asked the Minister of Justice how many prisoners in each establishment have been released under the conditional early release scheme; and what was their risk category.

(AQW 53721/11-16)

Mr Ford: The number of prisoners released under the conditional early release (CER) scheme broken down by likelihood of re-offending category is:

	High	Medium	Low
Maghaberry Prison	0	3	1
Magilligan Prison	0	15	24
Hydebank Wood College & Women's Prison	0	1	6

The Assessment, Case Management and Evaluation (ACE) system of assessing the likelihood of re-offending places individuals in low, medium or high categories depending on their score. A score of 0 to 15 is deemed low, 16 to 29 is medium with 30 and above high.

To qualify for early release on CER an applicant is normally required to present a low likelihood of re-offending. However, in order to reflect the dynamic nature of this risk assessment process and to demonstrate that the Northern Ireland Prison Service is not fettering its discretion unduly, prisoners with ACE scores within two points of the top of the low category band can also be considered provided they meet all the other required criteria. For the purposes of accuracy these prisoners are recorded in this answer as presenting a medium likelihood of re-offending. However, each one of them had an ACE score of either 16 or 17.

Mr Allister asked the Minister of Justice, pursuant to AQW 52825/11-16, how many of those considered for release have been in the (i) low; (ii) medium; and (iii) high category of risk.

(AQW 53722/11-16)

Mr Ford: Of the 109 prisoners referred to in AQW/52825/11-16 who had applied for Conditional Early Release, 53 were assessed as presenting a low likelihood of re-offending, 54 fell within the medium category and one in the high category. Two prisoners had not been assessed.

Mr Allister asked the Minister of Justice what was the cost to the public purse of the funeral of Robert Black.
(AQW 53723/11-16)

Mr Ford: The funeral costs for Robert Black were £1,095.00.

Mr Campbell asked the Minister of Justice what steps is he taking to prioritise his budget, and bid for any additional funding that might be necessary, to ensure the early commencement of the rebuild of Magilligan Prison.
(AQW 53734/11-16)

Mr Ford: The rebuild of Magilligan Prison is being planned and managed as part of the Northern Ireland Prison Service Estate Strategy. Capital funding to progress the strategy has been allocated for 2016-17. Any additional funding required will be bid for as part of the next budget exercise.

Mr Campbell asked the Minister of Justice when the final decision on court house closures will be implemented.
(AQW 53735/11-16)

Mr Ford: Following my announcement on 8 February 2016 regarding the rationalisation of the court estate, Northern Ireland Courts and Tribunals Service officials will now commence preparatory work for courthouse closures and the transfer of business. An implementation programme is under development and it is anticipated that closures will take place on a phased basis commencing from mid 2016.

Mr Allister asked the Minister of Justice, pursuant to AQW 52508/11-16, when the report will be published.
(AQW 53814/11-16)

Mr Ford: The report addresses issues which are highly sensitive and related to the security of the establishment and will not be published in full.

The inquiry team have been asked to prepare a synopsis of the report which I expect to publish imminently.

Mr McCallister asked the Minister of Justice how many (i) prosecutions; and (ii) convictions were secured under Article 3 (1) of the Health and Personal Social Services (Northern Ireland) Order 1978 for the offence of selling tobacco products to under aged people in each of the last ten years.
(AQW 53847/11-16)

Mr Ford: Prosecutions for offences relating to the selling of tobacco products to under age persons, under Article 3 (1) of the Health and Personal Social Services (Northern Ireland) Order 1978, are generally brought at magistrates' courts. The table provided gives the number of persons prosecuted and convicted of offences relating to the selling of tobacco products to under age persons for the calendar years 2007 to 2014, the latest year for which data are available. The earliest year for which figures are available is 2007.

Prosecutions and Convictions for offences relating to the selling of tobacco products to under aged persons, 2007 - 2014

Year	Prosecutions	Convictions
2007	0	0
2008	37	16
2009	24	11
2010	42	26
2011	19	22
2012	6	8
2013	11	9
2014	2	3

Note:

- 1 Figures relate to initial court disposals only. Results of cases brought to appeal are not included.
- 2 Figures relate to prosecutions and conviction for any one of the offences in question, whether or not they were the primary offence at conviction.

- 3 Figures for prosecutions relate to when cases were received into court. In some instances, cases prosecuted in one year may not have been resolved until the following year, so the figure provided for convictions is not always a subset of the number of prosecutions for that year.

Mr Patterson asked the Minister of Justice what discussions he has had with the PSNI and Garda Síochána regarding cross-border crime in Fermanagh and South Tyrone.
(AQW 53936/11-16)

Mr Ford: The policing of specific areas is an operational matter for the police services. While I meet the police on a regular basis, and cross border crime features in these discussions and in meetings with my Irish counterpart, I have not had specific discussions about crimes in any particular area. I would note, however, that the fight against cross jurisdictional crime in general should benefit from the recent introduction of a Joint Agency Task Force involving a range of law enforcement bodies from both sides of the border. Its aim is to tackle cross-jurisdictional organised crime, including that linked to paramilitarism, and to facilitate the investigation and prosecution of those involved in it.

Mr Dickson asked the Minister of Justice for his assessment of the impact on his Department of the decision by the Northern Ireland Office not to make any further funding available for legacy investigations.
(AQW 53970/11-16)

Mr Ford: I understand that the Northern Ireland Office will not release the funding for legacy investigations, agreed as part of the Stormont House Agreement, until the new legacy bodies are established. The justice system is not funded to undertake such work. Without additional funding, the PSNI would be reliant on diverting funding from other priorities to deal with legacy matters. Inevitably this will affect its capacity to respond to current policing challenges. Failure to provide the funds earmarked by the Treasury as long ago as December 2014 is simply punishing the Justice system for the failure of others.

The work my Department has been taking forward, in conjunction with the judiciary and the Police Service of Northern Ireland, to improve legacy inquests is not dependant on the new institutions. I therefore believe that the Northern Ireland Office should release funding to improve legacy inquests now. The issues of the past are the responsibility of the United Kingdom government and should be, funded through the Treasury, in line with the Stormont House Agreement.

Department for Regional Development

Mr McCrossan asked the Minister for Regional Development to detail number of potholes that have been (i) reported; and (ii) repaired in West Tyrone, in each month of the last three years.
(AQW 52784/11-16)

Miss M McIlveen (The Minister for Regional Development): The Road Maintenance Client System which is currently used by my Department was introduced in December 2013. This system records all information relating to the inspection and repair of the public road network and details of enquiries and complaints received from members of the public and other sources. As such the information you requested is only readily available from December 2013. A table with the information is attached (Table 1).

You may also be interested in the number of potholes recorded by my TransportNI Inspectors and repaired over the last three years and a table with this information is also attached (Table 2).

Table 1: Potholes Reported by Members of the Public and Other Sources in West Tyrone

Month	Potholes Reported	Potholes Repaired
December 2013	1	1
Total 2013	1	1
January 2014	5	5
February 2014	3	3
March 2014	32	31
April 2014	6	6
May 2014	1	1
June 2014	0	0
July 2014	0	0
August 2014	0	0
September 2014	1	1
October 2014	0	0

Month	Potholes Reported	Potholes Repaired
November 2014	0	0
December 2014	0	0
Total 2014	48	47
January 2015	10	10
February 2015	8	8
March 2015	12	12
April 2015	7	6
May 2015	7	7
June 2015	12	11
July 2015	20	20
August 2015	8	8
September 2015	16	15
October 2015	16	14
November 2015	26	19
December 2015	47	31
Total 2015	189	161

Table 2: Potholes recorded by TransportNI Inspectors in West Tyrone

Month	Potholes Recorded by Inspectors	Potholes Repaired
January 2013	1425	1338
February 2013	2161	2137
March 2013	2186	2094
April 2013	1475	1443
May 2013	1339	1335
June 2013	707	672
July 2013	490	475
August 2013	437	425
September 2013	559	548
October 2013	410	381
November 2013	849	781
December 2013	786	770
Total 2013	12824	12399
January 2014	1451	1415
February 2014	1632	1577
March 2014	1904	1812
April 2014	1601	1542
May 2014	1031	984
June 2014	578	564
July 2014	440	437
August 2014	294	284
September 2014	342	331

Month	Potholes Recorded by Inspectors	Potholes Repaired
October 2014	339	338
November 2014	510	505
December 2014	347	338
Total 2014	10469	10127
January 2015	594	589
February 2015	1052	1051
March 2015	1040	669
April 2015	648	344
May 2015	496	198
June 2015	440	214
July 2015	297	117
August 2015	265	90
September 2015	248	185
October 2015	214	133
November 2015	222	135
December 2015	605	132
Total 2015	6121	3857

Mr Cochrane-Watson asked the Minister for Regional Development how the revenue raised through fines imposed for the improper use of bus lanes in Belfast City Centre has been spent.

(AQW 53303/11-16)

Miss M McIlveen: All revenue received, less the cost of operation and collection, contributes to the financing of the services my Department provides. This year it has also enabled the provision of new services such as audio visual systems and real-time passenger information systems for public transport. I want to ensure that the additional revenue raised will be used to support a number of sustainable transport projects.

Mr Cochrane-Watson asked the Minister for Regional Development how much has been accrued through fines imposed on drivers illegally using bus lanes in Belfast City Centre.

(AQW 53304/11-16)

Miss M McIlveen: The issuing of Penalty Charge Notices (PCNs) for Moving Traffic Offences in bus lanes in the Belfast area commenced on 22 June 2015 and the amount paid up to 26 January 2016 is some £1.2 million.

Mr Hussey asked the Minister for Regional Development how many street lights have been reported as out of order or damaged in each district of (i) Omagh; and (ii) Strabane.

(AQW 53333/11-16)

Miss M McIlveen: Following discussions with your office this question is being treated as relating to the total current number of outages as opposed to the number of outages reported to TransportNI.

It is estimated that, as at the end of January 2016, there are around 155 lights out in the old Omagh District Council area with the equivalent figure for the old Strabane District Council area being 84.

Mr Clarke asked the Minister for Regional Development what is the mileage policy for employees who use their own car to access Roads Service machinery which is parked off site.

(AQW 53353/11-16)

Miss M McIlveen: For the purposes of this question, the term "mileage policy" is taken to refer to the Northern Ireland Civil Service (NICS) Travel and Subsistence policy.

The NICS Staff Handbook gives comprehensive guidance to staff on matters relating to travel and subsistence policies. Both industrial and non-industrial NICS staff are entitled to claim mileage expenses in accordance with the terms of this policy, details of which are provided in the attached Annex A.

Arrangements to collect machinery or vehicles off site by TransportNI industrial employees must be pre-approved by line management beforehand, in line with the requirements of the Handbook.

Annex A

Travel and Subsistence Policy

The Travel and Subsistence policy provides the framework for reimbursement of additional expenses necessarily incurred in carrying out official duty. In making claims, staff should claim for the actual expense incurred, gain prior approval from the approving officer where practicable and ensure that claims are authorised by a more senior manager of at least Staff Officer level or equivalent. Authorising officers should certify that to the best of their knowledge the claim is correct, that an entitlement exists and that the travelling has been done and that the official duty in question has been arranged so that the minimum expense has been incurred.

Staff should ensure that claims are submitted within the given time limits ie at monthly intervals for frequent travel (one or more journey per week) or at three monthly intervals for occasional travel. Claims submitted later than the prescribed time limits without valid reason may be disallowed and ultimate responsibility for decisions on late claims will rest with the Department.

Industrial Employees

An employee who uses their private motor vehicle to make an official journey to access Departmental machinery or a vehicle which is parked off site is entitled to claim mileage allowance on their home to office route. Mileage allowance in this instance is payable for the mileage between their permanent station and the place visited or their home and the place visited, whichever is the lesser. Section 9.02 Official Travel Paragraph 3.4.7 of the HR Handbook refers.

Calculation of Mileage Entitlement

3.4.7 Mileage allowances (non-taxable), at either the public transport or standard rates, are payable for the mileage between the permanent station and the place visited by the shortest practicable route or the actual distance necessarily travelled if less (see also paragraph 2.3.11). When an official call is made by officers on their home to office route, mileage allowance is payable for the mileage between their permanent station and the place visited or their home and the place visited, whichever is the lesser.

Mr Flanagan asked the Minister for Regional Development (i) when work is expected to recommence and finish on Johnston's Bridge, Enniskillen; (ii) whether the work will take place on a 24 hour basis to reduce the impact on congestion in Enniskillen; and (iii) what steps will be taken to minimise traffic congestion at other parts of the town as a result of diversions.

(AQW 53360/11-16)

Miss M McIlveen: Work is scheduled to begin at Johnston Bridge South on Monday 18 July 2016. A lane closure will be required for a three to four week period to facilitate the work to the bridge deck and this will be controlled through use of temporary traffic signals. Work will continue on the soffit (underside) of the bridge beyond the initial four-week period without a lane closure but this element of the works will cause only minimal traffic disruption.

The tender for these works will be advertised shortly. Limits are being imposed on the time to complete the works within the carriageway in order to reduce the impact on the surrounding road network and therefore it is likely that the successful contractor will consider extended working hours and weekend working. This will be discussed with the successful contractor after the contract is awarded.

In addition to specifying a limited duration for the works, the timings of the traffic signals at Gaol Square will also be adjusted to account for the change in movement patterns as a result of southbound traffic being diverted away from Johnston Bridge.

Mr Flanagan asked the Minister for Regional Development whether any consideration was given to including cycle paths on Johnston's Bridge, Enniskillen as part of recent and planned repair work.

(AQW 53367/11-16)

Miss M McIlveen: I can confirm that the work carried out at Johnston Bridge north in 2015 included widening of one of the footways to facilitate a future shared footway / cycle path. The work planned at Johnston Bridge south for 2016 also includes for a shared footway/cycleway.

Mr McElduff asked the Minister for Regional Development how much funding has been ring-fenced for upgrading the A5 Western Transport Corridor.

(AQW 53401/11-16)

Miss M McIlveen: The Northern Ireland Executive's Budget Statement of December 2015 outlined the plans to invest almost half a billion pounds on the Flagship road projects between 2016 and 2021. Of this, £229.2 million is allocated to the A5 Western Transport Corridor.

"A Fresh Start: the Stormont Agreement and Implementation Plan" includes the commitment by the Irish Government to contribute £75 million towards this project. This funding will be provided in three tranches of £25 million in the years 2017, 2018 and 2019 and is included in the allocation above.

Mr Ó hOisín asked the Minister for Regional Development whether she will scope and cost the provision of talking sign systems in bus and train stations and halts.

(AQW 53434/11-16)

Miss M McIlveen: Translink is currently undertaking a project to provide a web-based solution for visual passenger information in bus stations and at integrated bus and rail stations. The project is due to be completed by September 2016. At rail stations, visual passenger information and automated announcements are already provided, while at rail halts there are automated audio announcements.

While the current Translink project does not include the scoping and costing of a talking sign system at bus stations, Translink has advised that it will consider this concept as a pilot within the ongoing development of the Belfast Transport Hub project.

Mr Ó hOisín asked the Minister for Regional Development whether she has investigated the possibility of a smartphone travel app for people who are blind or partially sighted.

(AQW 53435/11-16)

Miss M McIlveen: As part of the project to install the audio visual system on Metro bus services, consideration is also being given to trialing an App-based solution that will provide audio visual information for passengers at bus stops. The Department is currently working with Translink and other key stakeholders, including Guide Dogs for the Blind and the Royal National Institute of Blind People (RNIB), to develop this proposal. It is intended to commence a short trial of the App in mid-February 2016. During the trial blind and partially sighted users will be asked to evaluate the usefulness of the App.

Mr Ó hOisín asked the Minister for Regional Development whether she will encourage transport providers to sign up to the RNIB's Bus Charter.

(AQW 53436/11-16)

Miss M McIlveen: As the Transport Minister I am committed to ensuring that older people and people with a disability (including those who are blind or partially sighted) have the same access to transport services and opportunities to travel as other members of society.

I would encourage all bus operators to sign up to all 13 commitments on driver behaviour, working with others and improving the bus environment.

The commitments contained within the RNIB's Bus Charter will be considered as the new Accessible Transport Strategy is developed by my Department.

Mr Agnew asked the Minister for Regional Development, pursuant to AQW 49800/11-16 and in light of the Department of the Environment's confirmation that it is unable to establish the suitability of land proposed for flood compensation at Mobouy Road because of the presence of illegal waste, to explain the suitable remediation measures to which the answer refers.

(AQW 53448/11-16)

Miss M McIlveen: As previously advised, suitable remediation solutions, to deal with the issue of flood compensation at Mobouy Road, have been identified through examination of the existing ground investigation records relating to the contaminated lands as outlined in response to AQW 51018/11-16.

These measures, along with the management of the site at Mobouy Road, inform the discussions my officials are currently having with the Department of the Environment. Both Departments are committed to working together to reach a suitable solution. My Department will align any proposed works with any potential remediation solutions proposed by the Department of the Environment as part of their ongoing study of the site.

Mr Ó hOisín asked the Minister for Regional Development whether she will encourage Translink to replace its high-floor buses with low-floor buses.

(AQW 53501/11-16)

Miss M McIlveen: I would encourage all transport providers to make their services as accessible as possible. Currently, all Translink vehicles do conform to accessibility regulations. Its fleet comprises of both low-floor and high-floor with wheelchair lifts. Wheelchair lifts are available for use by elderly and mobility impaired customers.

Translink has also given a commitment to my Department that all Town Services will be operated by low-floor vehicles.

Further to this, I welcome Translink's recent investment in low floor accessible vehicles and look forward to future investment in low floor accessible vehicles such as those to be used on the Belfast Rapid Transit network.

My Department will take account of all stakeholder views before finalising the Accessible Transport Strategy. This may need to be discussed at Executive level and considered in the next Comprehensive Spending Review.

Mr McNarry asked the Minister for Regional Development to detail the cost to Translink of providing a bus link to transfer train passengers due to a security alert on the line, in each of the last five years.

(AQW 53503/11-16)

Miss M McIlveen: The relevant statistics are included in the table below for the financial years in question. This relates to the whole NI Rail network of lines.

Year	No. of Security Alerts	Cost of Bus Substitution £
2014-15	16	£90,020
2013-14	6	£4,428
2012-13	15	£50,560
2011-12	16	£18,886
2010-11	33	£46,201
5-Year Total	86	£210,095

In the current financial year to date there have been 3 security alerts requiring bus substitution. Cost of bus substitution £59,210.

Mr Ó hOisín asked the Minister for Regional Development whether she will consider the inclusion of the Royal National Institute of Blind People as a strategic partner for the development and implementation of her Accessible Transport Strategy. **(AQW 53510/11-16)**

Miss M McIlveen: I appreciate that RNIB have been to the fore in facilitating direct engagement with individuals and groups across Northern Ireland so that the views of those who are blind or partially sighted and their carers could be heard and taken on board.

I also welcome their recent report which identifies the issues faced by blind and partially sighted people when accessing public transport. Work is currently ongoing between RNIB and my Department with many of the issues they have identified and I encourage the continuation of this good working relationship in the development and implementation of the Strategy.

Mr Boylan asked the Minister for Regional Development to detail the number of (i) potholes; and (ii) broken streetlights that have been (a) reported; and (b) repaired in Armagh City and district area in each month of the last three years. **(AQW 53512/11-16)**

Miss M McIlveen:

(i) Potholes reported and repaired

The number of potholes reported through inspection and the number of potholes repaired over the past three full years in Armagh City and district area on a monthly basis is:-

Month	Number reported	Number repaired
2013		
Jan	1056	837
Feb	1931	1698
Mar	1296	1205
Apr	1549	1243
May	1870	1540
Jun	1190	1027
Jul	577	543
Aug	754	676
Sep	318	235
Oct	27	459
Nov	767	11
Dec	330	263
2014		
Jan	658	527
Feb	1254	1143
Mar	1372	1279

Month	Number reported	Number repaired
Apr	1475	1368
May	763	717
Jun	1541	1262
Jul	893	722
Aug	523	419
Sep	360	341
Oct	576	482
Nov	511	299
Dec	403	184
2015		
Jan	620	526
Feb	1064	713
Mar	1306	528
Apr	251	103
May	584	148
Jun	593	105
Jul	672	126
Aug	616	49
Sep	656	98
Oct	586	50
Nov	954	9
Dec	954	4
Grand Total	31650	20939

Over the period August 2015 to December 2015 potholes were repaired but the completion dates were not input to the database due to staff reductions resulting from the NICS Voluntary Exit Scheme.

(ii) Lights out and lights repaired

My Department does not maintain street lighting outage or repair data on a month by month basis. Data is only maintained on a financial year basis.

The relevant figures for the last 3 financial years in Armagh City and district area are:

Financial Year	Lights out	Lights repaired
2013/2014	1752	1752
2014/2015	2635	2635
2015/2016 (to 31/01/2016)	1500	1000

The figures for 2015/2016 to date are only for reported defects since my officials no longer carry out night scouting.

From 1 April 2015, the Armagh Council area became a part of the larger Armagh, Banbridge and Craigavon Council area. The figures for the Armagh area for 2015/2016 within this larger Council area are therefore an estimate.

Mr Weir asked the Minister for Regional Development which streets in North Down are being considered for new 20mph zones. (AQW 53532/11-16)

Miss M McIlveen: My Department has no proposals to introduce 20mph zones in North Down at this time.

Mr McNarry asked the Minister for Regional Development how much revenue has been generated by parking fines in (i) Portadown; (ii) Lurgan; (iii) Banbridge; and (iv) Antrim, in each of the last three years. (AQW 53535/11-16)

Miss M McIlveen: Please see the table below which contains statistics on the number of Penalty Charge Notices (PCNs) issued within each of the last three calendar years for towns listed.

My Department does not maintain revenue figures for parking fines by location; however, based on the total number of PCNs issued across Northern Ireland for the same period, I can confirm that the rates of payment of fines were as follows:

- Approximately 67% of PCNs were paid at £45
- Approximately 7% of PCNs were paid at £90
- Approximately 3% of PCNs were paid at £135
- Of the remaining 23%:
 - Approximately 18% of PCNs issued are challenged. The success rate of challenges to PCNs is approx 60%. The main reason for challenges being successful is because drivers subsequently produce supporting evidence such as a pay & display ticket that fell from the window or upon production of a valid Blue badge.
 - Approximately 5% of PCNs are, at any one time, in various stages of debt recovery action.

	Town	Number of Penalty Charge Notices		
		2013	2014	2015
(i)	Portadown	289	292	333
(ii)	Lurgan	190	193	217
(iii)	Banbridge	198	204	217
(iv)	Antrim	71	65	75

Mr Allen asked the Minister for Regional Development how many footpaths do not begin and end with dropped kerbs. (AQW 53561/11-16)

Miss M McIlveen: My Department does not maintain a register or count of dropped kerb locations so we are unable to quantify how many footpaths do not begin or end with dropped kerbs. That said my Department takes the needs of pedestrians very seriously. Dropped kerbs are one of a number of measures that can be used to create a barrier-free pedestrian environment as they allow easier access and movement for pedestrians, especially the young, elderly and those with disabilities.

In recent years we have invested considerable resources in both improving existing and, where possible, providing new facilities for pedestrians where this can be achieved within our limited resources.

In order to assist less mobile pedestrians, we provide dropped kerbs along with appropriate tactile paving, along strategic routes and in areas of high pedestrian activity.

Dropped kerbs and tactile paving are also provided at all at-grade crossing points in all new works, including footway resurfacing/reconstruction schemes.

Mr Allen asked the Minister for Regional Development for an estimate of the cost to her Department of providing free public transport to people who cannot drive as a result of a disability or medical reasons. (AQW 53563/11-16)

Miss M McIlveen: Under the conditions of the Northern Ireland Concessionary Fares Scheme, people who have been refused a driving licence on medical grounds are entitled to half fare bus and rail travel. The cost to my Department for providing this concession in 2014/15 was £41K.

There are a number of other individuals who receive concessions at half fare. It includes those who are partially sighted; those on Disability Living Allowance higher rate; and those with learning disabilities. The cost of providing these elements of the Concessionary Fares Scheme to my Department was approximately £843K in 2014/15.

Mr Ó hOisín asked the Minister for Regional Development how many streetlights in the last twelve months have not been repaired within 5 days of being reported broken. (AQW 53564/11-16)

Miss M McIlveen: In normal circumstances, my Department aims to carry out the majority of street lighting repairs within five working days of a fault being reported. However, due to budgetary constraints, the use of external contractors who normally carry out 75% of all street lighting repairs was suspended in eight of the last twelve months. Consequently repairs were taking longer than normal to complete during this period.

My officials have advised that between 01 January 2015 and 31 December 2015, 57,588 street lighting defects were reported. In this 12 month period, due to the budgetary constraints, 37,075 repairs were not completed within five working days.

However, since additional funding was allocated for street lighting repairs in the November 2015 monitoring round, my Department's officials and contractors have been working hard to address the backlog of street lighting outages that had

accumulated. Work is ongoing and my Department envisages that, by the end of March 2016, the vast majority of the backlog for repair of streetlights will have been removed.

My Department has also introduced a new on-line reporting facility for street lighting faults. The public can assist us by reporting faults on the NI Direct web site, under 'Street Lighting and reporting a Fault'. Callers can also report street lighting faults by telephone to 0300 200 7899.

Mr Hazzard asked the Minister for Regional Development, pursuant to AQW 51619/11-16, (i) when work will commence on the Annsborough Traffic Calming scheme; (ii) how much this project will cost; and (iii) what traffic calming features will be incorporated in the design.

(AQW 53576/11-16)

Miss M McIlveen: The proposed traffic calming scheme for Annsborough is currently at consultation stage. The details of the design have yet to be finalised and costs will be calculated on completion of this process.

It is my Department's intention to deliver this scheme within the 2016/17 programme of works, subject to the satisfactory completion of the consultation process and the necessary funds being made available.

Mr Hazzard asked the Minister for Regional Development, pursuant to AQW 51623/11-16, how many times in the last five years a Water Order Consent has been issued to allow untreated waste water to be discharged into the Kilclief Beach waters. **(AQW 53578/11-16)**

Miss M McIlveen: The discharges for Kilclief Beach, which is not a designated bathing water, are consented under the Strangford Collection System Consent No. 5300/2007, issued by the Northern Ireland Environment Agency. The current consent was issued on 16 November 2009, to take account of the decommissioning of Kilclief Wastewater Treatment Works and the pumping away of discharges from Kilclief Beach to Strangford Wastewater Treatment Works. Prior to this, the previous consent for Kilclief Wastewater Treatment Works was issued on 9 September 2008. I can, therefore, confirm that no Water Order Consents have been issued in the last five years to allow untreated wastewater to be discharged into the Kilclief Beach waters.

Mr McNarry asked the Minister for Regional Development what action she is taking to provide a road crossing for the children of Harte Memorial School in Portadown, given that the school has received an award from her Department for encouraging pupils to walk to school.

(AQW 53624/11-16)

Miss M McIlveen: I am aware of the award received by Hart Memorial Primary School and would congratulate the pupils and staff for their demonstrated commitment to walking, cycling and indeed scootering to school. I would continue to encourage them to participate in the Active School Travel Programme which has many health benefits as well as promoting the use of sustainable transport modes.

I can advise that my Department's local TransportNI Traffic Section has assessed this location for the provision of a controlled crossing using the current established criteria. The outcome indicated that this site fell well below the level required to consider provision of a controlled crossing as part of our normal programming processes.

It should be noted that Hart Memorial School has benefited from the provision of new cycle shelters. I can assure you that my Department's Cycling Unit will continue to work closely with this school, and all the schools involved in the Active School Travel Programme, and where possible identify infrastructure measures which may further increase participation in walking and cycling to school.

Mr McNarry asked the Minister for Regional Development (i) whether his Department carried out a consultation into the introduction of a 20 mph speed limit in Belfast City centre; (ii) to detail the number and type of consultees; and (iii) the responders who were for and against the proposals.

(AQW 53695/11-16)

Miss M McIlveen: The concept of piloting signed only 20 mph schemes is one of 199 action measures contained within the Northern Ireland Road Safety Strategy.

A pre consultation phase for the Northern Ireland Road Safety Strategy was carried out between March 2009 and February 2010. This involved engagement with 500+ stakeholders to identify key road safety issues and draft solutions. An extensive public consultation was then carried out in March 2010. This confirmed a general support for pilot 20 mph signed only schemes.

As a result of the commitment to the Northern Ireland Road Safety Strategy, TransportNI selected five pilot 20 mph signed only sites, including Belfast City Centre.

TransportNI wrote to the PSNI in November 2013 and the PSNI responded in January 2014 giving their agreement to a zone consisting of the main pedestrian zone, the front and back of City Hall, Cathedral Quarter and areas of high pedestrian activity including High Street and North Street.

TransportNI subsequently wrote to Belfast City Centre Management, Belfast City Council and Translink in February 2014 detailing the proposals.

In July 2014 as part of the legislative process, a full public consultation was carried out with the proposals being advertised in the Belfast Telegraph, Newsletter and Irish Times allowing 22 days for any representations or objections.

19 responses were received including:

- nine objections – five members of the public, NI Objections, Belfast Chamber of Trade and Commerce, Federation of Small Businesses and a member of the Institute of Advance Motorists.
- six responses which supported the proposal in principle- a member of the public, Sustrans, an A&E consultant, NI Cycling Initiative, Belfast City Council, Belfast City Centre Management.
- two representations (general comments about bus lanes, disabled parking and existing slow moving traffic in Belfast City Centre) – two members of the public.
- two requests for more information on how to object – two members of the public.

Before the Traffic Regulation Order was made for the scheme, a submission was sent to the DRD Committee for comment. The scheme was noted at the DRD Committee meeting on 9 September 2015 and no comments were received at this stage.

Mr Lyttle asked the Minister for Regional Development what her departmental spend per head of population for cycling in each of the last five years; and what her budget allocation for cycling will be in 2016/17.

(AQW 53696/11-16)

Miss M McIlveen: My Department's spend per head of population on cycling in the last five years is detailed below. This includes TransportNI expenditure mainly on on-road infrastructure and including segregated off-road provision, Transport Projects on Active Travel Demonstration in a number of councils, and the Cycling Unit's promotion of cycling and walking and the funding of the Active School Travel Programme.

	Population million	Cycling Spend £million	Spend per head of population
2010/11	1.8	0.43	£0.24
2011/12	1.8	1.25	£0.69
2012/13	1.8	0.98	£0.54
2013/14	1.8	0.98	£0.54
2014/15	1.8	7.51	£4.17

This year it is anticipated that my Department will spend around £2.4 million on measures related to cycling. The current population of Northern Ireland is estimated at 1.858 million using the 'Population Clock Northern Ireland', (which may be viewed on the NISRA website: http://www.nisra.gov.uk/population_clock/ClockText.html). This gives spend of around £1.30 per head of population this year.

The attribution of spend to cycling specifically is not a precise exercise as many projects have benefits for cycling even if not carried out specifically for that purpose. Equally, there are cycling-related projects which have benefits for walking and other active travel modes in addition to the cycling benefit. In addition to expenditure by my Department, other Departments have invested in cycling measures or projects that have cycling benefit (e.g. Department for Social Development investment in the new bridge at the Lagan Weir in Belfast).

Allocations for 2016/17 within the Departmental budget have yet to be finalised.

Mr A Maginness asked the Minister for Regional Development whether consultation took place with traders and business owners in Belfast City Centre with regard to the decision to reduce the speed limit to 20MPH.

(AQW 53699/11-16)

Miss M McIlveen: The concept of piloting signed only 20 mph schemes is 1 of 199 action measures contained within the Northern Ireland Road Safety Strategy.

A pre-consultation phase for the Northern Ireland Road Safety Strategy was carried out between March 2009 and February 2010. This involved engagement with 500+ stakeholders to identify key road safety issues and draft solutions. An extensive public consultation was then carried out in March 2010. This confirmed a general support for pilot 20 mph signed only schemes.

As a result of the commitment to the Northern Ireland Road Safety Strategy, TransportNI selected five pilot 20 mph signed only sites, including Belfast City Centre.

TransportNI wrote to the PSNI in November 2013 and the PSNI responded in January 2014 giving their agreement to a zone consisting of the main pedestrian zone, the front and back of City Hall, Cathedral Quarter and areas of high pedestrian activity including High Street and North Street.

TransportNI subsequently wrote to Belfast City Centre Management, Belfast City Council and Translink in February 2014 detailing the proposals.

In July 2014 as part of the legislative process, a full public consultation was carried out with the proposals being advertised in the Belfast Telegraph, Newsletter and Irish Times allowing 22 days for any representations or objections.

Before the Traffic Regulation Order was made for the scheme, a submission was sent to the DRD Committee for comment. The scheme was noted at the DRD Committee meeting on 9 September 2015 and no comments were received at this stage.

The Traffic Regulation Order for the 20 mph signed only speed limit scheme in Belfast came into operation on 12 October 2015. TransportNI was in a position to introduce the scheme in November 2015 but implementation was deferred to minimise any perceived impact on Christmas shopping.

TransportNI wrote to the following stakeholders in November 2015 with information on the deferred implementation:

- Belfast Chamber of Trade & Commerce (BCTC),
- Belfast City Council,
- Belfast City Centre Management,
- Federation of Small Businesses,
- Northern Ireland Independent Retail Trade Association.

TransportNI also wrote to the following organisations in January 2016 confirming that the 20 mph limit would come into operation on 31 January 2016.

- PSNI,
- Freight Transport Association,
- Road Haulage Association,
- Translink,
- Belfast City Council,
- Belfast City Centre Management,
- Northern Ireland Independent Retail Trade Association.

Mr Ó hOisín asked the Minister for Regional Development whether the proposed coastal erosion taskforce will deal with the loss of farmland at Magilligan.

(AQW 53738/11-16)

Miss M McIlveen: The Coastal Management Forum I am establishing is not a 'taskforce' to deal with individual instances of coastal erosion. Rather its remit is to inform a more strategic approach to coastal management involving local councils and relevant government departments. Land in private ownership will not be addressed directly by the Forum unless it is deemed to have an impact on assets in public ownership

Department for Social Development

Mr Agnew asked the Minister for Social Development to detail the number of (i) full time; and (ii) part time staff in (a) his Department; and (b) each of its arm's-length bodies who have availed of each tranche of the voluntary exit scheme, broken down by grade.

(AQW 53305/11-16)

Lord Morrow (The Minister for Social Development): Staff in the Department for Social Development availed of the Northern Ireland Civil Service Voluntary Exit Scheme. The numbers of staff who have availed of each of the four tranches to date is shown in Table 1 below.

Table 1: Number of DSD Staff who have availed of VES (as at 26.01.16)

Grade (Incl analogous)	Tranche 1		Tranche 2		Tranche 3		Tranche 4	
	Full Time	Part Time						
SCS	1	0	1	0	0	0	0	0
Grade 6	1	0	2	0	0	0	0	0
Grade 7	4	0	0	0	2	0	0	0
Deputy Principal	4	6	9	1	6	4	0	0
Staff Officer	15	7	15	2	6	5	0	0
Executive Officer 1	7	8	10	4	1	3	0	0
Executive Officer 2	10	19	10	6	11	8	0	0

Grade (Incl analogous)	Tranche 1		Tranche 2		Tranche 3		Tranche 4	
	Full Time	Part Time						
Administrative Officer	26	29	38	15	13	10	0	0
Administrative Assistant	2	0	4	1	0	2	49	12
Total:	70	69	89	29	39	32	49	12

Staff in the Northern Ireland Housing Executive availed of a separate Northern Ireland Housing Executive Voluntary Early Severance Scheme.

The objective of the NIHE Exit Scheme was to support the delivery of 300 staff releases over a two year period, the savings from which would allow the NIHE to achieve required efficiencies and reduce the cost of services, while also allowing the creation of some key posts necessary for achievement of delivery of excellent and affordable services to its customers.

Tranche 1 of this Scheme refers to staff whose release was approved between the 9th February 2015 and 31st March 2015 and who will leave the organisation by the end of March 2016. The numbers of staff released under Tranche 1 are shown in Table 2 below.

Table 2

Grade	Full Time	Part Time	Total
Manual Grades	4	0	4
Level 1	3	1	4
Level 2	12	10	22
Level 3	18	4	22
Level 4	19	17	36
Level 5	24	14	38
Level 6	20	8	28
Level 7	14	4	18
Level 8	3	0	3
Level 9	6	0	6
Technical Level 2	4	2	6
Technical Level 3	5	0	5
Total	132	60	192

Tranche 2 of the NIHE Scheme refers to anyone whose release has or will be approved between the 1st April 2015 and 31st March 2016 and who will then leave the organisation by the end of March 2017. One release under this Tranche has already taken place. That release is of a full time Level 9 Officer.

Staff who have accepted releases under Tranche 2 to date (2 February), are shown in Table 3 below.

Table 3

Grade	Full Time	Part Time	Total
Level 1	1	1	2
Level 3	2	2	4
Level 4	9	1	10
Level 5	2	1	3
Level 7	5		5
Level 9	1		1
Technical Level 2	1		1
Technical Level 8			1
Total	21	6	27

The total number of offers made to date (2 February) under Tranche 2 are shown in Table 4 below.

Table 4

Grade	Full Time	Part Time	Total
Level 1	3	1	4
Level 2	10	12	22
Level 3	4	3	7
Level 4	37	22	59
Level 5	3	4	7
Level 6	4	2	6
Level 7	8	2	10
Level 9	1		1
Technical Level 2	16	1	17
Technical Level 3	2		2
Technical Level 8		1	1
Total	88	48	136

There were no voluntary exits from the Charity Commission for Northern Ireland.

Mr Hussey asked the Minister for Social Development to detail the number of (i) Disability Living Allowance claimants that have appealed a decisions not to award them Disability Living Allowance in West Tyrone, in the last 5 years; (ii) cases that have been successfully appealed directly with his Department; and (iii) successful Tribunal appeals.

(AQW 53335/11-16)

Lord Morrow: The Department is unable to provide the information specifically requested for West Tyrone due to the limitations of the IT systems supporting appeals. The information provided relates to the Disability Living Allowance appeal and reconsideration volumes for Northern Ireland

(i) The total appeals received for each of the years are detailed in the table below.

	DLA Appeals Received
2010/2011	4663
2011/2012	4628
2012/2013	4621
2013/2014	4311
2014/2015	5079

(ii) The total cases reconsidered for each of the years are detailed in the table below. These figures include appeal cases, which the Department has resolved without the need of an independent Tribunal hearing.

	DLA Reconsiderations Allowed
2010/2011	1589
2011/2012	1455
2012/2013	1532
2013/2014	1314
2014/2015	1469

(ii) The table below, provided by The Appeals Service, details the number of Disability Living Allowance appeals that have received a more advantageous final determination/outcome in the last 5 years.

Year	More Advantageous Decision
2010/11	1551

Year	More Advantageous Decision
2011/12	1511
2012/13	1395
2013/14	1318
2014/15	1307

The Information provided in this part of the response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr F McCann asked the Minister for Social Development to detail the number of claimants that have had sanctions imposed by the Social Security Agency in each year since May 2011.

(AQW 53453/11-16)

Lord Morrow: The information is not available in the format requested. Data is available for the number of sanctions imposed but cannot be broken down into the number of claimants sanctioned. Information on the number of sanctions is only available from May 2011. All sanctions imposed are as a result of an adverse decision on benefit entitlement.

Period	Sanctions Imposed
May 2011 – March 2012	6831
April 2012 – March 2013	11546
April 2013 – March 2014	8215
April 2014 – March 2015	5733
April 2015 – May 2015	1479
June 2015 – December 2015	6265
Total	40,069

The information provided is derived from internal management information

Mr Agnew asked the Minister for Social Development what consideration he has given to exempting charities with a turnover under £5,000 from requirements to report to the Charities Commission, as is the case in England and Wales.

(AQW 53509/11-16)

Lord Morrow: My Department has not considered exempting registered charities with an income under £5,000 from the requirement to file their annual accounts with the Charity Commission and there are no proposals to do so.

Mr McNarry asked the Minister for Social Development how much his Department has spent on public realm projects in each of the last five years in (i) Belfast city centre; (ii) Armagh City; (iii) Lisburn; (iv) Londonderry city; (v) Antrim; (vi) Newtownards; (vii) Carrickfergus; (viii) Larne; (ix) Ballymena; (x) Ballymoney; (xi) Newtownabbey; (xii) Glengormley; (xiii) East Belfast; (xiv) West Belfast; (xv) South Belfast; (xvi) North Belfast; (xvii) Limavady; (xviii) Newry; (xix) Coleraine; (xx) Lurgan; (xxi) Portadown; and (xxiii) Banbridge.

(AQW 53539/11-16)

Lord Morrow: The following table details the amount my Department has spent on Public Realm projects in the locations specified in each of the last 5 financial years.

Location	10/11	11/12	12/13	13/14	14/15
Antrim	-	£38,587	£1,006,111	£461,420	-
Armagh City	-	-	£145,000	-	£150,000
Ballyclare*	-	-	-	-	-
Ballymena	-	-	£47,465	£45,769	£1,703,000
Ballymoney	-	-	-	-	-
Banbridge	-	£15,500	£344,000	£63,000	-
Belfast city centre	£5,340,000	£2,360,000	£37,000	£1,505,500	£1,814,500
Carrickfergus	-	£390,000	£1,334,000	-	-

Location	10/11	11/12	12/13	13/14	14/15
Coleraine	-	£40,000	-	-	-
East Belfast	£976,196	£16,957.94	£310,535.34	£2,506,107.87	£569,971.46
Glengormley*	-	-	-	£92,169	£244,051
Larne	-	£84,699	-	£7,532	£110,155
Limavady		£210,000	£310,000	£252,000	£290,000
Lisburn	-	£35,500	£1,018,100	£1,318,400	£793,736
Londonderry city	£320,385	£1,869,941	£2,927,606	£1,069,673	£1,973,971
Lurgan	£731,355	£392,250	£892,000	£530,446	-
Newry	-	£1,518,387	£614,008	£1,054,639	£589,575
Newtownards	-	-	-	£87,530	£2,821,025
North Belfast		£155,057	£476,561	£1,502,899	£282,126
Portadown	£1,816,868	£600,000	-	-	-
South Belfast	-	£81,424	£355,801	£97,095	
West Belfast	£348,739	£39,403	£772,818	£79,268	£536,659

* Newtownabbey has been identified as Glengormley and Ballyclare

Mr Agnew asked the Minister for Social Development when the Cavity Wall Insulation inspection report of March 2014, conducted by John Ross of the South Eastern Regional College and commissioned by the Northern Ireland Housing Executive will be published in full; and to detail the reason for the delay in publication.

(AQW 53552/11-16)

Lord Morrow: I understand from the NIHE that the recommendations within the SERC/Housing Executive Report on Cavity Wall Insulation were not released as part of the original publication as a major stock condition survey (SCS) was imminent. It was considered appropriate that all of the information arising from SCS regarding insulation should also be taken into account in order to inform the overall picture.

The contents of the SERC/Housing Executive Report on Cavity Wall Insulation (CWI) dated March 2014 are a UK wide issue and not unique to NI. The NIHE has no current plans to isolate the specific properties referred to within the report from the remainder of the stock. It is the intention to bring forward programmes of work related to insulation for properties which have been identified by the recent stock condition survey as in most need and in line with its Asset Management Strategy. This work will require focusing on the significant number of properties which have, to date, not benefited from any insulation work.

The position on existing CWI throughout the stock will be established via the NIHE's future External Cyclical Maintenance (ECM) programmes by undertaking a representative sample of cavity inspections to determine: 1) if the cavity has been filled; and 2) if it has, what condition it is in.

Where dwellings which have already been insulated via cavity wall work and have specific problems associated with this work, the resulting issues will be addressed on a case by case basis.

Now that the NIHE is in possession of all the relevant information the SERC/Housing Executive Report on Cavity Wall Insulation will be published in full on the NIHE website not later than 19th February 2016.

Mr Allen asked the Minister for Social Development to detail (i) whether the welfare changes agreed at Westminster have been finalised; and (ii) when they will be implemented.

(AQW 53562/11-16)

Lord Morrow: The Northern Ireland Assembly agreed a Legislative Consent Motion (LCM) on 18 November 2015 which allowed for Welfare Reform in Northern Ireland to be legislated for at Westminster. Subsequently the Welfare Reform (Northern Ireland) Order 2015 was brought forward at Westminster and was made on 9 December 2015.

Regulations stemming from the Welfare Reform (Northern Ireland) Order 2015 are currently being prepared by my officials who continue to work with Department for Work and Pensions to enable the welfare reform regulations to be taken through the Westminster process. The first set of measures are planned to commence in May 2016 with subsequent measures anticipated to commence in June, the autumn and early 2017.

Mr Givan asked the Minister for Social Development how much money his Department has spent on marriage support services in each of the last five calendar years; and to list the projects which have received financial support.

(AQW 53586/11-16)

Lord Morrow: My Department has provided funding for marriage support services as follows:

Year	Funding (£)	Project
2011-12	Nil	N/A
2012-13	Nil	N/A
2013-14	£43,522.42	Care for the Family "Let's Stick Together" programme
2014-15	£34,830.98	Care for the Family "Let's Stick Together" programme
2015-16	Nil	N/A

Note: the funding information is not available in calendar years and has therefore been provided in financial years.

Mr A Maginness asked the Minister for Social Development to detail what the cost-of-living adjustments were for benefits in each of the last ten years.

(AQW 53602/11-16)

Lord Morrow: Social Security Benefits are increased or uprated each year from April. Uprating is applied to cover annual price rises and therefore maintain cost of living standards for benefit recipients. Uprating is determined by the Secretary of State in Great Britain and a corresponding order is made in Northern Ireland. Uprating can be based on Retail Price Index (RPI), Consumer Price Index (CPI), Rossi, a minimum threshold of 2.5% or average earnings. The RPI measures the average change in prices of consumer goods and services in the UK including mortgage interest payments and housing depreciation. CPI is again based on the average change in price of consumer goods and services, but excludes some elements involved in RPI, such as housing depreciation and mortgage interest payments.

Between 2005- 2010 most benefits were uplifted by the RPI. Rossi; which is equivalent to RPI less certain housing costs was used for means tested/income related benefits. Basic State Pension was uplifted by the higher of a minimum of 2.5% or by RPI, while Pension Credit rates were uplifted by the increase in average earnings.

Since April 2011, the Consumer Price Index (CPI) has been used as the default measure of inflation for most benefits.

Since 2011 Basic State Pension has been uprated by a "triple lock", which means that the increase is the highest of the increase in earnings, CPI or 2.5% with a similar amount applied to Pension Credit.

In 2013, the government announced that working age benefits would be increased by 1% for the three year period to 2015/16. CPI and the Triple Lock continue to be used for the remaining benefits and pensions.

The table below details the relevant inflationary index for each of the last ten years.

	CPI	RPI	Rossi	Ave Earnings	Triple lock
2006/07		2.7%	2.2%	4.2%	
2007/08		3.6%	3.0%	4.4%	
2008/09		3.9%	2.3%	3.5%	
2009/10		5.0%	6.3%	3.5%	
2010/11		1.5%	1.8%	1.8%	
2011/12	3.1%			4.6%	4.6%
2012/13	5.2%			2.8%	5.2%
2013/14	2.2%			1.6%	2.5%
2014/15	2.7%			1.2%	2.7%
2015/16	1.2%			0.6%	2.5%

Mr A Maginness asked the Minister for Social Development to detail the number of (a) people in receipt of Employment and Support Allowance; (b) people that were awarded Employment and Support Allowance; (c) people that had their Employment and Support Allowance claim disallowed; (d) people that appealed against the decision to disallow their claim; and (e) appeals against decisions to disallow Employment and Support Allowance claims that were overturned at appeal, in each of the last five years.

(AQW 53603/11-16)

Lord Morrow: The table below details the number of Employment and Support Allowance recipients at August in each of the last five years.

Year	ESA recipients at August
2011	25,500
2012	45,990
2013	77,610
2014	107,190
2015	113,870

The other requested information is not available. The Department cannot extract the information from the Departmental Computer Systems of the number of people that were awarded Employment and Support Allowance, people that had their Employment and Support Allowance claim disallowed, people that appealed against the decision to disallow their claim and appeals against decisions to disallow Employment and Support Allowance claims that were overturned at appeal.

*The information provided is an Official Statistic. The Production and dissemination of all such Statistics is governed by the Principles and Protocols of the Code Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr A Maginness asked the Minister for Social Development to detail the number of (a) people in receipt of Disability Living Allowance; (b) people that were awarded Disability Living Allowance; (c) people that had their Disability Living Allowance claim disallowed; (d) people that appealed against the decision to disallow their claim; and (e) appeals against decisions to disallow Disability Living Allowance claims that were overturned at appeal, in each of the last five years.

(AQW 53604/11-16)

Lord Morrow: Table 1 below details the information held for each of the last five years with regard to (a) number of DLA recipients and (b) and (c) those people who had either a DLA new or renewal claim determined. The variations in numbers will be due to the nature and type of DLA applications received in any particular year.

Year	Number in Receipt of DLA	Number Awarded DLA	Number Refused DLA
2010/11	186,640	22,321	12,500
2011/12	190,790	24,676	11,642
2012/13	194,580	24,481	11,045
2013/14	199,880	25,567	10,759
2014/15	206,980	28,205	12,960

The information for part (d) and (e) is not available in the format requested as the IT system used to administer DLA appeals does not capture the data by specific category type and appeals are also received relating to the amount of DLA awarded. Table 2 below details the total number of DLA appeals received against all decisions made and those where the Tribunal has recorded a more advantageous decision which may increase the allowance or direct that a new award be made.

Table 2

Year	Total DLA Decisions Appealed	Total DLA Appeals with a more advantageous outcome.
2010/11	4,663	1,551
2011/12	4,628	1,511
2012/13	4,621	1,395
2013/14	4,311	1,318
2014/15	5,079	1,307

The Information provided is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Allister asked the Minister for Social Development why his Department's administration costs have increased in recent years in circumstances where many other Departments have reduced such spending.

(AQW 53627/11-16)

Lord Morrow: The increase in Administration costs is primarily due to the fact that the Department is engaged in major reform programmes associated with Social Housing and Welfare Reform. In 14/15 £6m was reclassified for the Social Housing Reform

Programme consultancy requirement. In addition there were reclassifications to fund the increase in volumes going through the Appeals Service as a result of welfare reform and the additional staff that were required to process the work.

Mr Allister asked the Minister for Social Development for a breakdown of the anticipated capital receipts of £94m in 2016-17. (AQW 53629/11-16)

Lord Morrow: The £94m receipts are £79.5m Housing (House and Land Receipts, Housing Executive Loan Repayments, Housing Association Grant and Loan Repayments), £14.3m Social Fund Receipts SSA (Crisis Loans and Funeral Loans) and £500k Urban Land Sales.

Mr Dickson asked the Minister for Social Development whether the commitment in A Fresh Start agreement not to apply the bedroom tax will be enacted by his Department declining to introduce subordinate legislation that would maintain parity in this regard, namely the Housing Benefit (Amendment) Regulations 2012. (AQW 53641/11-16)

Lord Morrow: As agreed in 'A Fresh Start: the Stormont Agreement and Implementation Plan' the Social Sector Size Criteria will not apply in Northern Ireland. Following receipt of the Welfare Reform Mitigations Working Group report led by Eileen Evason, officials are currently considering options, which will deliver the Executive's commitment that current and future claimants will not be impacted by the Social Sector Size Criteria. This work also involves considering any legislative changes that may be required.

Mr McMullan asked the Minister for Social Development to detail (i) the most recent figures for social housing waiting lists in the Newtownabbey area; and (ii) the number and location of new builds in Newtownabbey in each of the last three years. (AQW 53655/11-16)

Lord Morrow:

- (i) Information relating to social housing waiting lists for the Newtownabbey area is no longer available due to the restructuring of the local council areas. The waiting list for Antrim and Newtownabbey Local Government District as at December 2015 is 2,734 of which 1,671 are in housing stress.
- (ii) The number and location of new builds in the (former) Newtownabbey Council Area in each of the last three years was as follows.

In 2012/13 there were 107 starts, in 2013/14 there were 58 starts and in 2014/15 there were 51 starts.

Year	Location	No of units
2012/13	Felden Surplus Site	95
	Felden Surplus Site	2
	Glenville Mews Whiteabbey	6
	North East Area Muckamore Resettlement, 83 Ballyeaston Road	4
Total		107
2013/14	Ballyduff PS (Extension), New Mossley	30
	369-371 Antrim Road	21
	Mount Street	4
	Muckamore Resettlement to Newtownabbey Ph 2 (103 Ballyeaston Road Ballyclare)	3
Total		58
2014/15	Derryfin Pk/Derrycoole Way Rathcoole Ph2 (Transfer)	18
	Derryfin Pk/Derrycoole Way Rathcoole Ph1 (Transfer)	3
	Derryfin Pk/Derrycoole Way Rathcoole Ph1 (Transfer)	8
	Derryfin Pk/Derrycoole Way Rathcoole Ph1 (Transfer)	1
	Whitehouse Court, Shore Road	18
	2,3,& 4 Hillcroft, Ballyduff Road	3
Total		51

Mr McKinney asked the Minister for Social Development whether his Department has considered recently a change to Sunday trading hours.

(AQW 53678/11-16)

Lord Morrow: In 2011 the Department carried out a consultation on Sunday trading conditions; this found that opinion on the issue remained divided. I am, therefore, not minded to change the law in this area at this time.

Mr McKinney asked the Minister for Social Development what research his Department has undertaken to gauge the likely impact on the economy of increasing Sunday trading hours.

(AQW 53679/11-16)

Lord Morrow: In 2011 the Department carried out a consultation on Sunday trading conditions; this found that opinion on the issue remained divided. It was, therefore, decided not to bring forward legislation at that time; consequently no economic impact studies were carried out.

Mr McKinney asked the Minister for Social Development whether his Department plans to increase the number of local liquor licences.

(AQW 53680/11-16)

Lord Morrow: I have no plans to consider a change to current law to increase the number of liquor licences in Northern Ireland.

Mr Agnew asked the Minister for Social Development to detail the reasons for delay on updating gambling legislation following his Department's consultation.

(AQW 53732/11-16)

Lord Morrow: I would refer the Member to the answer provided to question AQW 52859/11-16.

Northern Ireland Assembly Commission

Mr Allister asked the Assembly Commission to detail the number of staff that have (i) received written warnings; and (ii) been dismissed in each of the last three years; and to detail the reason for the action taken.

(AQW 53493/11-16)

Mrs McKeivitt (The Representative of the Assembly Commission): The number of staff that have received written warnings in each of the last three years and the reason for the action taken is as follows:

	No. of Staff Receiving Written Warnings	Reason for Action Taken
01/02/2013 - 31/01/14	2 7	Conduct Issues* Managing Attendance**
01/02/2014 - 31/01/15	2 5	Conduct Issues Managing Attendance
01/02/2015 - 31/01/16	5 6	Conduct Issues Managing Attendance

* Conduct issues includes action taken when, following investigation, an employee is found to have breached an agreed policy and not to have demonstrated the standards of conduct required of Assembly Secretariat staff.

** Information on written warnings issued under the Managing Attendance Policy is only available from 1 July 2013.

The number of staff dismissed in each of the last three years and the reason for the action taken is as follows:

	No. of Staff Dismissed	Reason for Action Taken
01/02/2013 - 31/01/14	1	Managing Attendance
01/02/2014 - 31/01/15	0	
01/02/2015 - 31/01/16	3 2	Conduct Issues Managing Attendance

Mr Allister asked the Assembly Commission what action was taken on foot of the BBC Spotlight documentary broadcast in November 2014 which discovered that an MLA's office had claimed more than £4,000 for heating oil expenses in one year; and how much of this money was recovered.

(AQW 53524/11-16)

Ms Ruane (The Representative of the Assembly Commission): Prior to the broadcast of the Spotlight programmes, a Member became aware of an irregular trend in heating oil payments and referred the matter to the PSNI for investigation. The Member also informed the Accounting Officer who initiated an Internal Audit investigation under the Commission's Bribery and Fraud Response Plan. As a result of that investigation, the Accounting Officer also referred the matter to the PSNI.

The Commission reviewed the content of the two BBC Spotlight programmes. In response to that review, further enhancements to the controls in place for MLAs' expenses were made.

I am advised that the judicial process is on-going. Once this process is complete, the Assembly Commission will consider what further action is necessary in regard to recovery of costs in line with the requirements of Managing Public Money.

Mr Allister asked the Assembly Commission, following the BBC Spotlight documentary broadcast in November 2014 that reported Sinn Féin's payment of rent to non-existent cultural societies, to detail the investigation that was carried out and the action which followed, including the recovery of public money.

(AQW 53525/11-16)

Mr Gardiner (The Representative of the Assembly Commission): The Commission reviewed the content of the two BBC Spotlight programmes. That review confirmed that payments for rent, as reported in the programme, were made for admissible expenditure. As such, no recovery has been sought.

Mr Allister asked the Assembly Commission how much of the £700,000 claimed by Sinn Féin MLAs and paid to Research Services Ireland, as reported in the BBC Spotlight documentary broadcast in November 2014, has been recovered by the Assembly.

(AQW 53526/11-16)

Mrs Cochrane (The Representative of the Assembly Commission): The Commission reviewed the content of the two BBC Spotlight programmes. That review confirmed that payments for research services, as reported in the programme, were made for admissible expenditure up to and including the 2012/13 financial year. As such, no recovery has been sought. No payments to Research Services Ireland for work undertaken after 31 December 2012 have been made as a result of changes to the system of financial support for Members that were introduced by the Independent Financial Review Panel from 1 January 2013.

Mr Allister asked the Assembly Commission what was the outcome of reports by the accounting officer to the PSNI arising from the allegations relating to abuse of MLAs' expenses as detailed in the BBC Spotlight programme of 18 November 2014.

(AQW 53527/11-16)

Ms P Bradley (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. The Assembly Commission has been informed that one of the PSNI investigations has closed without referral to Public Prosecution Service while the judicial process is on-going for the other referral.

Mr Allister asked the Assembly Commission to detail the action which has been taken to recover the almost £5,000 claimed by a former Sinn Féin MLA who alleged that a party expenses claim form for mileage was signed without his knowledge as reported in the BBC Spotlight documentary broadcast in November 2014.

(AQW 53540/11-16)

Mrs McKevitt (The Representative of the Assembly Commission): Prior to the broadcasts, the Accounting Officer initiated an Internal Audit investigation into this claim under the Commission's Bribery and Fraud Response Plan. As a result of that investigation, the matter was referred to the PSNI.

The Commission also reviewed the content of the two programmes. That review identified that the reported claim for mileage expenses had not been processed and, as such, no recovery was required.

I am advised that the PSNI has concluded that this matter should not be referred to the Public Prosecution Service.

Northern Ireland Assembly

Friday 19 February 2016

Written Answers to Questions

Office of the First Minister and deputy First Minister

Mr Hussey asked the First Minister and deputy First Minister what progress has been made in appointing a representative from the Executive to the Military Covenant Reference Group, as recommended by the NI Affairs Committee in July 2013.
(AQW 43676/11-15)

Mrs Foster and Mr M McGuinness (The First Minister and deputy First Minister): There has been no joint agreement to nominate a representative of the Executive to attend a meeting of the Military Covenant Reference Group.

Ms Sugden asked the First Minister and deputy First Minister when the Active Ageing Strategy will be published.
(AQW 52203/11-16)

Mrs Foster and Mr M McGuinness: The Active Ageing Strategy 2016-2021 was published on the OFMDFM website on 26 January 2016.

Mr Allister asked the First Minister and deputy First Minister how much their Department spent on the report Investigating Links in Achievement and Deprivation.
(AQW 52276/11-16)

Mrs Foster and Mr M McGuinness: The overall cost of the contract for this project, which aims to understand the reasons for differing educational achievement within and between deprived areas through an in-depth qualitative multifaceted case study approach, was £290,563. The study has been running since 2012 and has involved a wide range of in-depth case studies in local areas to develop a better insight into the factors contributing to educational achievement (and associated barriers).

A seven stage payment schedule was agreed aligning with the project plan, spanning 2012 – 2015/16. All stage payments were subject to detailed project deliverables including desk based research, primary research and data collection with target groups.

The research has delivered, to the satisfaction of the advisory team, 6 of the seven stages through the submission of a detailed progress report including individual case study reports on each target area. This has allowed payments of £244,049 to issue so far.

The final stage of the research is underway and will culminate in a final report which synthesises all research to date and includes conclusions and recommendations. An early draft of this final report was received by OFMDFM on 14 December 2015 and is currently for consideration by the research advisory group and departmental officials. Final payment will be dependent on agreement of the report content and presentation, by the research advisory group and the department.

Ms Sugden asked the First Minister and deputy First Minister to detail (i) how much of the £12 million childcare budget, as allocated in 2011, has now been spent; and (ii) what plans there are to allocate the remainder of the childcare budget, including a timeframe for the spend.
(AQW 52568/11-16)

Mrs Foster and Mr M McGuinness: Some £4.2 million has been expended from the Executive Childcare Fund. A full break down of spending to date is shown below.

Financial Year	Spend
2011/12	£322,000
2012/13	£1,482,000
2013/14	£692,000
2014/15	£934,975
2015/16 (April-September)	£775,000

The £12 million Executive Childcare Fund was established in 2011. In the financial years 2011/12 and 2012/13, when there was no Childcare Strategy, Departments bid for a share of this funding by submitting proposals for childcare projects that were additional to the actions they were already supporting from their own baselines. With the launch the first phase of the Childcare Strategy in 2013, the Childcare Strategy Programme Board agreed that the Fund should be used strategically to resource the Key First Actions. The balance of the Fund will be used to resource the Key First Actions of the Childcare Strategy, primarily our commitments to projects funded under the existing School Age Childcare Grant Scheme. We have indicatively profiled these at £3 million up to 2018/19.

Ms Sugden asked the First Minister and deputy First Minister why the publication of the Active Ageing strategy has been delayed. (AQW 52849/11-16)

Mrs Foster and Mr M McGuinness: The Active Ageing Strategy was published on the OFMDFM website on 26 January 2016.

Ms Sugden asked the First Minister and deputy First Minister for an update on work to develop a post-2016 strategy for children and young people. (AQW 52880/11-16)

Mrs Foster and Mr M McGuinness: The current Executive Strategy for children and young people is due to conclude in 2016 and therefore work is underway to develop a new strategy through a co-design process with other departments, stakeholders and children and young people.

A significant amount of work has been carried out to date which has included reviewing the previous strategy; analysing recent reports to the United Nations Committee on the Rights of the Child; assessing available data sources; and engaging with departments and stakeholders. Initial stakeholder events were held in September and November 2015 and were followed up with a series of one-to-one meetings to discuss the key issues that need to be considered within the new strategy.

From these discussions early themes have emerged which will be tested with stakeholders. A panel of children and young people from across the community will also be invited to take part in the development of the strategy.

We expect the new strategy to build upon the positive aspects of the previous strategy; consider the key issues facing our children and young people today; and outline how Government will work collaboratively to improve the well-being of our children and young people.

Mr Allister asked the First Minister and deputy First Minister in respect of the centrally held £12m allocated for A Shared Future, to detail which Department will have responsibility for identifying allocations; and how bids will be prioritised. (AQW 53036/11-16)

Mrs Foster and Mr M McGuinness: OFMDFM will be responsible for identifying allocations from the centrally held £12m fund for a Shared Future.

Allocations will be prioritised in accordance with the key priorities identified in Together: Building a United Community.

Ms Sugden asked the First Minister and deputy First Minister to detail how older people will be involved in (i) developing the Active Ageing Strategy action plan; and (ii) measuring the effectiveness of the strategy as implemented. (AQW 53439/11-16)

Mrs Foster and Mr M McGuinness: Annex B of the Active Ageing Strategy provides information on actions to implement the Strategy. These actions were chosen in light of the comments and priorities identified by consultees during the public consultation on the draft Strategy. Three hundred people, mostly older people, were involved in the public events as part of the consultation.

In addition we will explore with the department's Ageing Strategy Advisory Group, which includes older people and members of groups representing older people, the best way to involve older people in the monitoring and review of the delivery of the Strategy.

Ms Sugden asked the First Minister and deputy First Minister to detail the budget that will be allocated to the Active Ageing Strategy to enable its full implementation. (AQW 53443/11-16)

Mrs Foster and Mr M McGuinness: Significant resources are currently deployed in providing a wide range of services for older people across Government. We have also set out at Annex B to the Active Ageing Strategy some key actions to be taken forward to help address some of the issues facing older people. It is our intention to take forward further actions as a second phase of projects (also listed in Annex B), subject to resources becoming available.

Over the next Assembly mandate, we propose to undertake a more systematic review of the wide range of measures directed to improve the lives of older people in order to ensure that we achieve the maximum outcome for the significant resources deployed in this area.

Ms Sugden asked the First Minister and deputy First Minister how they are engaging with the community and voluntary sectors to develop a framework for a set of children's rights indicators.

(AQW 53877/11-16)

Mrs Foster and Mr M McGuinness: The aim of the Child Rights Indicator Framework is to develop a set of outcome indicators which can be used at a strategic level to measure and monitor the Executive's progress on effectiveness and achievement against the United Nations Conventions on the Rights of the Child (UNCRC).

These Child Rights indicators are not separate, but integral to the development of the new Children and Young People's Strategy and will provide a clear and practical alignment between achievement of the outcomes set out in the Strategy and the measurement of improved compliance with delivery on children's rights.

Extensive engagement with the voluntary and community sector has been ongoing since June 2015, as we move forward with a co-design approach to develop a new Children and Young People Strategy. This has included: consideration of the recommendations in the NGO, Children's Commissioners and Human Rights Commission reports to the UN Committee, which fed into the UNCRC List of Issues published in November 2015. Ongoing workshops and one to one meetings have been held with voluntary and community organisations, monthly updates on the Children and Young People's Strategic Partnership (CYPSP) website (two-way interaction) and the DSC monthly updates.

As we move forward, engagement on the new Strategy will also include obtaining the views of a wide range of children and young people and their parents and carers building on what they have already shared with us. This engagement process will continue through to the publication of the new Strategy and on an ongoing basis thereafter.

Department of Agriculture and Rural Development

Mr Hazzard asked the Minister of Agriculture and Rural Development to outline (i) the location of rural broadband improvement schemes implemented in South Down since 2007; and (ii) whether any further improvements are planned.

(AQW 53255/11-16)

Mrs O'Neill (The Minister of Agriculture and Rural Development): Responsibility for broadband provision within Northern Ireland comes under the remit of Department of Enterprise Trade and Investment (DETI). However to date my Department has provided DETI with a total of £7.5m, split £2.5m to the Next Generation Broadband project and £5m to the NI Broadband Improvement Project, both projects delivered on the ground by (DETI). Through these projects a number of areas in South Down have benefitted from improved access to broadband (see table below).

Since 2007 improvements to broadband have also been made by a number of commercial organisations, some of which have received Government support. This includes fixed line, wireless and satellite broadband technology.

Under the new Rural Broadband scheme delivered through the Local Action Groups (LAGs) there is £2m available to LAGs to implement community broadband solutions to isolated rural not spot areas. The LAGs have indicated through their Local Rural Development Strategies that they plan to invest £1.8 in community broadband through LEADER going forward.

Finally I understand from information received from DETI they have plans for further improvements and recently commenced implementation of the Superfast Roll-out Programme (SRP) which seeks to extend the reach of broadband services of at least 24 Mbps to a further 39,000 premises by the end of 2017, including in the South Down area. Details of the scheme can be found www.detini.gov.uk/articles/superfast-rollout-programme-phase-2.

Exchanges	NGB Funded Cabinet	NIBIP Funded Cabinet
Annalong	5	0
Ardglass	6	5
Ballykinler	1	1
Ballynahinch	13	2
Ballyward	0	1
Castlewellan	8	3
Crossgar	7	5
Downpatrick	16	3
Dromara	8	2
Dundrum	0	0
Katesbridge	0	4
Kilkeel	16	3

Exchanges	NGB Funded Cabinet	NIBIP Funded Cabinet
Mayobridge	0	1
Newcastle	13	1
Rathfriland	11	3
Rostrevor	5	1
Seaforde	3	2
Strangford	0	0
Warrenpoint	15	1
	127	38

Mr Swann asked the Minister of Agriculture and Rural Development how her Department will enforce EU regulations in sea fishing, in which Article 7 reads 'according to scientific advice, sea bass (*Dicentrarchus labrax*) in the Celtic Sea, Channel, Irish Sea and southern North Sea (ICES divisions IVb, IVc and VIIa, VIId–VIIh) is in a perilous state and stock continues to decline. The conservation actions to prohibit fishing for sea bass in ICES divisions VIIb, VIIc, VIIj and VIIk should be maintained and should include ICES divisions VIIa and VIIg, with the exception of the waters within 12 nautical miles of the baseline under the sovereignty of the United Kingdom. Spawning aggregations of sea bass should be protected and no catches should be allowed in the entire distribution area of the stock for the first six months of the year. Due to incidental and unavoidable by-catches of sea bass by vessels using demersal trawls and seines, such by-catches should be limited to 1 per cent of the weight of the total catch of marine organisms on board. Further restrictions of catches are needed to protect sea bass outside the spawning periods, therefore monthly catch limits should apply in ICES divisions IVb and IVc, as well as VIId, VIIe, VIIf and VIIh, and in the UK territorial sea in ICES divisions VIIa and VIIg. Catches of recreational fishermen should be limited further.'

(AQW 53607/11-16)

Mrs O'Neill: The Sea Bass conservation measures to apply in 2016 are set out in Article 10 of the new Council Regulation (EU) 2016/72 which fixes 2016 fishing opportunities.

These measures, as with all other EU sea fishing conservation measures, will be enforced by the Sea Fisheries Inspectorate of my Department's Fisheries and Environment Division.

The measures contained in Article 10 are restrictions that are directly enforceable.

Mr Agnew asked the Minister of Agriculture and Rural Development to detail the number of (i) full time; and (ii) part time staff in (a) her Department; and (b) each of its arm's-length bodies who have availed of each tranche of the voluntary exit scheme, broken down by grade.

(AQW 53693/11-16)

Mrs O'Neill: (a) Within DARD 262 full time and 130 part time staff accepted offers of early exit over 4 tranches of the Scheme.

(b) Within AFBI, 108 full time and 27 part time staff have so far accepted offers of early exit over 2 tranches of the Scheme. A 3rd tranche has not yet completed.

A breakdown by grade as requested is set out in the table below.

DARD

Tranche	Grade Analogous	Grade	FT	PT	Total
1	Industrial	Fitter Mechanic (Senior Craftsman)	2		2
		Foreman Fitter	1		1
		Specialist A	1		1
		Supervisor 1	1		1
			5		5

Tranche	Grade Analogous	Grade	FT	PT	Total
1	Administrative Assistant	Administrative Assistant	7	1	8
		Typist	1	1	2
			8	2	10
	Administrative Officer	Administrative Officer	9	10	19
			9	10	19
	Executive Officer II	Executive Officer II		2	2
		Inspector Group 1	14	4	18
			14	6	20
	Executive Officer 1	Executive Officer I	2	1	3
		Inspector Group 2	2	3	5
		Inspector Group 3	2	1	3
		Meat Inspector		4	4
			6	9	15
	Staff Officer	Agricultural Inspector Grade III	2	3	5
		Forest Officer II	1		1
		HPTO (Civil Engineer Assistant)	1		1
		Inspector Group 4		5	5
		Staff Officer (Accountant)		1	1
		Staff Officer	2		2
			6	9	15
	Deputy Principal	Agricultural Inspector Grade II	2	2	4
		Deputy Chief Fisheries Officer	1		1
		Deputy Principal		4	4
		Forest Officer I	1		1
		ICT Level 6		1	1
		SPTO (Civil Engineer)	1	1	2
		SPTO (Civil Engineering Assistant)		1	1
			5	9	14
	Grade 7	Principal	1	1	2
		Veterinary Officer (G7)	1	3	4
		2	4	6	
Senior Civil Servant	Deputy Secretary		1	1	
			1	1	
1 Total			55	50	105
2	Industrial	Supervisor 1	2		2
		Supervisor SP1	1		1
			3		3
	Administrative Assistant	Administrative Assistant	5	3	8
		SGB2 Watchperson/Cleaner	2		2
		Support Grade Band 2	1		1
			8	3	11

Tranche	Grade Analogous	Grade	FT	PT	Total	
2	Administrative Officer	Administrative Officer	4	4	8	
		Technical Grade1 (DARD)	2		2	
			6	4	10	
	Executive Officer II	Executive Officer II	2		2	
		ICT Level 3	1		1	
		Inspector Group 1	9	2	11	
			12	2	14	
	Executive Officer 1	Assistant Accommodation Manager/ess			1	1
		Assistant Librarian			1	1
		Executive Officer I	2		2	
		ICT Level 4	1		1	
		Inspector Group 2	2		2	
		Meat Inspector	1		1	
		PTO (Civil Eng Assistant)		2	2	
			6	4	10	
	Staff Officer	Agricultural Inspector Grade III	3		3	
		Higher Scientific Officer	1		1	
		HPTO (Civil Engineer)		1	1	
		ICT Level 5	2		2	
		Inspector Group 4	1	1	2	
		Staff Officer (Accountant)	1		1	
		Staff Officer	7	2	9	
			15	4	19	
	Deputy Principal	Agricultural Inspector Grade II	4		4	
		Deputy Principal	3		3	
		Forest Officer I	1		1	
		Senior Scientific Officer	1		1	
		9		9		
Grade 7	Veterinary Officer Testing	2		2		
	Veterinary Officers	1		1		
		3		3		
Grade 6	Superintendent Civil Engineer (G6)	1		1		
		1		1		
2 Total		63	17	80		
3	Industrial	Specialist A 2	5		5	
		Specialist B	1		1	
			6		6	

Tranche	Grade Analogous	Grade	FT	PT	Total
3	Administrative Assistant	Administrative Assistant	5	3	8
		SGB2 Watchperson/Cleaner	1		1
		Support Grade Band 2	1		1
			7	3	10
	Administrative Officer	Administrative Officer	8	15	23
		Assistant Scientific Officer		1	1
		Mapper		1	1
		Technical Grade1 (DARD)	1		1
			9	17	26
	Executive Officer II	Executive Officer II	13	4	17
		Fisheries Officer 2	1		1
		ICT Level 3	1		1
		Inspector Group 1	3	1	4
			18	5	23
	Executive Officer 1	Executive Officer I	5	2	7
		ICT Level 4	2		2
		Inspector Group 2	1		1
		Meat Inspector	3		3
			11	2	13
	Staff Officer	HPTO (Civil Engineer Assistant)	1		1
		Inspector Group 4		1	1
		Staff Officer	9	3	12
			10	4	14
Deputy Principal	Auditor DP MIIA and BATS	1		1	
	Deputy Principal	4	2	6	
		5	2	7	
Grade 7	Accountant (Grade7)		1	1	
	Principal	1	1	2	
	Veterinary Officer Testing	1		1	
	Veterinary Officers	1		1	
		3	2	5	
3 Total			69	35	104
4	Industrial	Craftsman SP1	1		1
		Main - Grade 4	1		1
		Specialist A 2	1		1
		Specialist B 3	1		1
			4		4
	Administrative Assistant	Administrative Assistant	3		3
		Typist	3		3
			6		6

Tranche	Grade Analogous	Grade	FT	PT	Total
4	Administrative Officer	Administrative Officer	14	9	23
		Assistant Scientific Officer	1		1
			15	9	24
	Executive Officer II	Executive Officer II	5	5	10
		ICT Level 3	1		1
		Inspector Group 1	2		2
		Personal Secretary	2		2
		Senior Personal Secretary	1		1
			11	5	16
	Executive Officer 1	Executive Officer I	7	5	12
		Inspector Group 2	6	2	8
		PTO (Civil Eng Assistant)	1		1
		Scientific Officer	2		2
			16	7	23
	Staff Officer	Auditor (SO) MIIA and BATS	1		1
		Inspector Group 4	2	1	3
		Inspector Group 5	1		1
		Staff Officer	10	3	13
			14	4	18
	Deputy Principal	Deputy Principal	5		5
			5		5
	Grade 7	Divisional Veterinary Officer	1	1	2
		Principal	1	1	2
Veterinary Officers		2	1	3	
		4	3	7	
4 Total		75	28	103	
Overall Total		262	130	392	

AFBI

Tranche	Grade Analogous	Grade	FT	PT	Total
1	Industrial	C-Hand/Spec Grade C	11	1	12
			11	1	12
	Administrative Assistant	Administrative Assistant	1	2	3
		Support Grade Band 2	4	1	5
			5	3	8
	Administrative Officer	Administrative Officer	4	3	7
		Assistant Scientific Officer	11	2	13
		Support Grade Band 1	2		2
			17	5	22

Tranche	Grade Analogous	Grade	FT	PT	Total
1	Executive Officer 2	Executive Officer 2	1		1
		Personal Secretary		1	1
			1	1	2
	Executive Officer 1	ICT Level 4	1		1
		Scientific Officer	11	1	12
			12	1	13
	Staff Officer	Staff Officer	1		1
		Higher Scientific Officer	4	3	7
		ICT Level 5	2		2
			7	3	10
	Deputy Principal	Senior Scientific Officer	3	2	5
			3	2	5
	Grade 7	Principal	2		2
		Principal Scientific Officer	3	1	4
			5	1	6
	1 Total		61	17	78
2	Industrial	C-Hand/Spec Grade C	6	1	7
		Skilled Grade D	1		1
		Supervisor Grade B	1		1
			8	1	9
	Administrative Assistant	Administrative Assistant	1	1	2
		Support Grade Band 2	1		1
			2	1	3
	Administrative Officer	Administrative Officer	1	2	3
		Assistant Scientific Officer	5		5
		Post-Mortem Room Attendant	1		1
		Support Grade Band 1	1		1
			8	2	10
	Executive Officer 2	Executive Officer 2	1	1	2
			1	1	2
	Executive Officer 1	Scientific Officer	9	3	12
			9	3	12
	Staff Officer	Staff Officer	2		2
		Higher Scientific Officer	8		8
			10		10
	Deputy Principal	Deputy Principal	4		4
		Senior Scientific Officer	3	1	4
			7	1	8
	Grade 7	Principal Scientific Officer	2		2
		Veterinary Research Officer		1	1
			2	1	3
	2 Total		47	10	57
	Overall Total		108	27	135

Mr Easton asked the Minister of Agriculture and Rural Development in which areas of North Down is her Department planning to increase the tree population; and when this work will start.

(AQW 53719/11-16)

Mrs O'Neill: My Department provides an indicative map for woodland creation indicating the areas of land being potentially "suitable for afforestation" and "suitable for afforestation with possible constraints" on the DARD website.

To increase woodland cover I launched the Forestry Grant Schemes under the Rural Development Programme 2014-20 in November last year and allocated up to £17.4 million to support woodland expansion and the sustainable management of existing woodland.

Since opening the schemes Forest Service has received applications for over 300 hectares of new woodland planting this winter. At present officials are assessing these applications and will issue letters of offer to successful applicants around mid February.

Mr Agnew asked the Minister of Agriculture and Rural Development ?to detail the number of full time equivalent agency staff employed by (i) her Department; and (ii) each of its arm's-length bodies in each week since June 2015, broken down by grade.

(AQW 53733/11-16)

Mrs O'Neill: Details of the number of agency workers whose services have been engaged by both DARD and its associated arm's-length bodies for the period requested are set out below, broken down by grade. Agency staff are engaged under the terms of the NICS Temporary/Short Term Workers Contract.

DARD

W/C	Accountant	General Farm Worker	Supply instructor	Supply Lecturer	Total
01/06/2015		8	1.8	3.5	13.3
08/06/2015		8	0.8	3.5	12.3
15/06/2015		8	0.8	3.5	12.3
22/06/2015		8	0.8	2.5	11.3
29/06/2015		6	0.2	1.5	7.7
06/07/2015		6		1.5	7.5
13/07/2015		6		1.5	7.5
20/07/2015		6		1.5	7.5
27/07/2015		6		1.5	7.5
03/08/2015		6		1.5	7.5
10/08/2015		6		1.5	7.5
17/08/2015		6		1.5	7.5
24/08/2015		6		1.5	7.5
31/08/2015		6		1.5	7.5
07/09/2015		2	0.1	1.5	3.6
14/09/2015		2	1.7	2.5	6.2
21/09/2015		2	2.2	2.5	6.7
28/09/2015		2	4.2	4.5	10.7
05/10/2015		2	4.2	3.5	9.7
12/10/2015		2	5.2	3.5	10.7
19/10/2015	2	3	5.2	3.5	13.7
26/10/2015	2	2	5.2	3.5	12.7
02/11/2015	2	2	5.4	3.5	12.9
09/11/2015	2	2	5.4	4.5	13.9
16/11/2015	2	3	5.4	5.5	15.9
23/11/2015	2	3	5.4	5.5	15.9

W/C	Accountant	General Farm Worker	Supply instructor	Supply Lecturer	Total
30/11/2015	2	3	6.2	5.5	16.7
07/12/2015	2	3	6.2	5.5	16.7
14/12/2015	2	2	6.2	5.5	15.7
21/12/2015	2	2	6.2	5.5	15.7
28/12/2015		2	6.2	5.5	13.7
04/01/2016		2	6.2	5.5	13.7
11/01/2016		2	6.2	5.5	13.7
18/01/2016		2	6.2	5.5	13.7
25/01/2016		2	6.2	5.7	13.9

AFBI

W/C	AA	AO	EOII	EOI	SO	DP	Grade 7	Total
01/06/2015	0	0	2	0	0	3	1	6
08/06/2015	0	0	2	0	0	3	1	6
15/06/2015	0	0	2	0	1	3	1	7
22/06/2015	0	0	2	0	1	3	1	7
29/06/2015	0	0	2	1	1	3	1	8
06/07/2015	0	0	2	1	1	3	1	8
13/07/2015	0	0	2	1	1	3	1	8
20/07/2015	0	0	1	1	1	3	1	7
27/07/2015	0	0	1	1	1	3	1	7
03/08/2015	0	2	1	1	2	2	1	9
10/08/2015	0	4	1	1	2	2	1	11
17/08/2015	0	4	1	1	2	2	1	11
24/08/2015	0	4	1	1	2	2	1	11
31/08/2015	0	2	1	1	2	2	1	9
07/09/2015	0	2	1	1	2	2	1	9
14/09/2015	0	2	1	1	2	2	2	10
21/09/2015	0	2	1	1	2	2	2	10
28/09/2015	0	0	1	1	2	2	2	8
05/10/2015	0	0	1	0	2	2	2	7
12/10/2015	0	0	1	0	2	2	2	7
19/10/2015	0	0	1	0	2	2	2	7
26/10/2015	0	0	1	0	2	2	2	7
02/11/2015	0	0	1	0	2	2	2	7
09/11/2015	0	1	1	0	2	2	2	8
16/11/2015	1	2	2	0	2	3	3	13
23/11/2015	1	3	2	0	2	3	3	14
30/11/2015	1	4	2	0	2	3	3	15
07/12/2015	1	5	2	0	2	4	3	17
14/12/2015	1	6	2	1	2	4	3	19

W/C	AA	AO	EOII	EOI	SO	DP	Grade 7	Total
21/12/2015	3	6	2	1	2	4	3	21
28/12/2015	3	6	2	1	2	4	3	21
04/01/2016	3	6	2	1	2	4	3	21
11/01/2016	4	6	2	1	2	4	3	22
18/01/2016	4	6	2	1	2	4	3	22
25/01/2016	4	6	2	1	2	4	3	22

Livestock and Meat Commission for NI (LMC)

W/C	Receptionist	Total
01/06/2015	1	1
08/06/2015	1	1
15/06/2015	1	1
22/06/2015	1	1
29/06/2015	1	1
06/07/2015	1	1
13/07/2015	1	1
20/07/2015	1	1
27/07/2015	1	1
03/08/2015	1	1
10/08/2015	1	1
17/08/2015	1	1
24/08/2015	1	1
31/08/2015	1	1
07/09/2015	1	1
14/09/2015	1	1
21/09/2015	1	1
28/09/2015	1	1
05/10/2015	1	1
12/10/2015	1	1
19/10/2015	1	1
26/10/2015	1	1
02/11/2015	1	1
09/11/2015	1	1
16/11/2015	1	1
23/11/2015	1	1
30/11/2015		0
07/12/2015		0
14/12/2015		0
21/12/2015		0
28/12/2015		0
04/01/2016		0

W/C	Receptionist	Total
11/01/2016		0
18/01/2016		0
25/01/2016		0

Loughs Agency of the Foyle, Carlingford and Irish Lights Commission

W/C	AA	AO	EOII	Total
01/06/2015				0
08/06/2015				0
15/06/2015				0
22/06/2015				0
29/06/2015		1		1
06/07/2015		1		1
13/07/2015				0
20/07/2015				0
27/07/2015				0
03/08/2015				0
10/08/2015	1		1	2
17/08/2015	1		1	2
24/08/2015	1		1	2
31/08/2015	1		1	2
07/09/2015	1		1	2
14/09/2015	1		1	2
21/09/2015	1		1	2
28/09/2015	1		1	2
05/10/2015	1		1	2
12/10/2015	1	1	1	3
19/10/2015	1	1	1	3
26/10/2015	1	1	1	3
02/11/2015	1	1	1	3
09/11/2015	1	1		2
16/11/2015	1	1		2
23/11/2015	1	1		2
30/11/2015	1	1		2
07/12/2015	1	1		2
14/12/2015	1	1		2
21/12/2015	1	1		2
28/12/2015	1	1		2
04/01/2016	1	1		2
11/01/2016	1	1		2
18/01/2016	1	1		2
25/01/2016	1	1		2

Mrs Overend asked the Minister of Agriculture and Rural Development to list the departmental approved Pesticide Training Course providers.

(AQW 53739/11-16)

Mrs O'Neill: The awarding bodies for Pesticide Training Courses are responsible for approving assessment centres and assessors. Therefore my Department does not publish a list of approved providers.

Anyone who uses Pesticides (approved for use in Agriculture, Horticulture and Forestry) in the course of their job is legally required to have a Certificate of Competence in the Safe Use of Pesticides. The assessment for this certificate must be completed by an assessor who is approved by either City and Guilds or Lantra.

Pesticide training, assessment and certification are available from a range of providers. City and Guilds Certificates of Competence are delivered through a network of approved Centres; some of these also provide training. Details of the City and Guilds approved centres are available on www.nptc.org.uk (under Qualifications).

Lantra approve instructors/assessors to deliver and assess their training courses/qualifications. Details of Lantra approved instructors/assessors are available on www.lantra.co.uk (under Training & Qualifications).

Mr Weir asked the Minister of Agriculture and Rural Development to list the community organisations in North Down that receive funding from her Department.

(AQW 53799/11-16)

Mrs O'Neill: My Department does not directly fund any community organisations in North Down.

Under my Rural Community Development Support Programme, County Down Rural Community Network has been awarded funding to provide support for rural community organisations in the Ards & North Down Borough Council area.

Mr McGlone asked the Minister of Agriculture and Rural Development, pursuant to AQW 52978/11-16, whether retrospective applications, to include small businesses and farms, will be possible to the proposed Emergency Financial Assistance Scheme and to the Homeowners Flood Protection Grant Scheme extension.

(AQW 53819/11-16)

Mrs O'Neill: The 'Homeowner Flood Protection Grant Scheme' was launched on 13 January 2016. The Grant Scheme is designed to assist homeowners, who meet the scheme eligibility criteria, in making their property more resilient to flooding. However, I have also announced a proposal that the Scheme be extended, subject to a viable business case, to include small businesses including farms. Retrospective applications however cannot be considered, as the scheme requires the Individual Property Protection measures to be designed in advance, to ensure the grant finances the most economically viable solution.

Mr McGlone asked the Minister of Agriculture and Rural Development what support is available from her Department for improving access to, and the speed of, broadband in rural areas.

(AQW 53830/11-16)

Mrs O'Neill: To date my Department has provided a total of £7.5m to date, split £2.5m to the Next Generation Broadband project and £5m to the NI Broadband Improvement Project, both being delivered on the ground by Department of Enterprise Trade and Investment (DETI). I have also just announced that my department is funding the residue of the Broadband Voucher scheme rural business applicants. This will see up to 170 rural businesses getting the opportunity to benefit from a grant of up to £3,000 to install high speed broadband.

Finally under the Rural Broadband scheme delivered through the Local Action Groups (LAGs) there is £2m available to LAGs to implement community broadband solutions to isolated rural not spot areas. The LAGs have indicated through their Local Rural Development Strategies that they plan to invest £1.8m in community broadband through LEADER going forward.

Mr Dunne asked the Minister of Agriculture and Rural Development when the Ards and North Down Local Action Group will be open for applications for funding.

(AQW 53835/11-16)

Mrs O'Neill: All ten LAG strategies have now been assessed and successfully scored the pass mark or above and have been invited to complete a strategy implementation plan. As implementation plans are agreed by officials the Department will issue each LAG with a contract for delivery of the LEADER schemes.

Opening a call for applications for funding is a 2 stage process. Firstly applicants must attend a funding workshop. There they will be given advice on eligibility and pre application documentation that they need before applying for funding, such as a business plan, proof of match funding etc.

LAG's can commence their funding workshops once their strategy has been approved and most have already started workshops or are providing information to potential applicants at LAG information events.

Once workshops are complete in a LAG area, the LAG will contact those applicants that have the required pre-requisites and invite them to submit an application, this should happen in the first quarter of this year.

My Department will also provide information on calls for applications through the DARD website and the LEADER facebook page.

Mr McKinney asked the Minister of Agriculture and Rural Development (i) to detail the (a) matched; and (b) unmatched European Union funding her Department has sourced in each of the last ten years; and (ii) where this money was spent. (AQW 53842/11-16)

Mrs O'Neill: The Department for Agriculture and Rural Development has sourced £277m of matched and £1,618m of unmatched European Union funding in the last 6 years from April 2009 to March 2015.

A table showing where this funding was spent is broken down in the table below.

Due to the Department's document retention policy of 7 years, financial information for 2008/09 and earlier years is limited and has therefore been excluded.

DARD - Details of Where EU Funding was Spent

Programme /Area	2009/10 £m	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m	Total £m
European Fisheries Fund	0	1	1	1	1	2	7
Interreg IVA	0	0	0	1	2	2	5
European Agricultural Guarantee Fund	303	274	270	246	270	256	1,618
Rural Development Programme	35	30	42	37	45	45	234
Tuberculosis & Other testing	2	5	5	4	8	5	30
Other	0	0	1	0	1	0	3
Total	341	311	319	290	325	309	1,895

Mr Rogers asked the Minister of Agriculture and Rural Development how many Single Farm applications were received in 2015; (ii) how many were successful; and (iii) how many applicants have received payment. (AQW 53846/11-16)

Mrs O'Neill: 27,714 Single Application Forms were submitted for the 2015 scheme year. To date, 23,013 farm businesses have demonstrated eligibility for the Basic Payment Scheme and 22,224 have received payment. My officials are working to finalise the remaining claims as quickly as possible.

Mr Murphy asked the Minister of Agriculture and Rural Development to detail how much her (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years. (AQW 53856/11-16)

Mrs O'Neill: The Department of Agriculture and Rural Development spent a total of £2,451,000 on office supplies from 2010/11 to 2014/15. This is broken down in the table below.

DARD Spending on Office Supplies 2010/11 to 2014/15

Organisation	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
DARD	376	368	387	466	369	1,966
AFBI	108	82	84	70	66	410
FCILC	9	10	9	8	10	46
LMC	5	4	5	5	4	23
NIFHA	1	2	1	1	1	6
Total	499	466	486	550	450	2,451

Ms Sugden asked the Minister of Agriculture and Rural Development for her assessment of the impact on the agriculture sector of a 41 per cent drop in total income for farming in 2015; and how her Department is working to grow and sustain farming for the future. (AQW 53879/11-16)

Mrs O'Neill: Farm incomes fell significantly in 2015 because of very poor market prices reflecting weak global markets and adverse exchange rate movements. The total income from farming figure for the industry as a whole is at a level not seen for 10 years and that is very concerning.

The Executive's strategy for support to the agri-food supply chain is outlined in its response to Going for Growth, which details actions that Executive departments would deliver in support of the Executive's commitment to the agri-food sector.

In particular, my Department has undertaken a number of initiatives to grow and sustain farming for the future. I have secured the largest ever Rural Development Programme funding, up to £623m, including up to £250m for the Farm Business Improvement Scheme which will deliver a number of programmes to assist and support farmers in securing the future of their businesses. On 8 February 2016, I announced that all eligible applications for the first tranche of Business Development Groups will be offered a place on the Programme. This is the first part of the Farm Business Improvement Scheme and will mean that over 3000 farmers will have the opportunity to work together to help develop their businesses in the aim of improving farm profitability.

Accessing new and developing markets is vital to the long term sustainability of the sector. Through dedicating significant resources to this important area, DARD has also opened up a number of significant new markets, including provisional approval to sell pork to China and work is ongoing to secure access to further markets including Australia and the Philippines. My Department has also taken forward a number of initiatives in plant and animal health, including the establishment of the TB Strategic Partnership to provide further impetus to the ongoing efforts to eradicate TB.

Developing a strong and resilient agricultural sector able to react to market volatility requires a strong and integrated supply chain. With the support of the Agri-Food Strategy Board, I have been encouraging all elements of the supply chain to work together in a more open and transparent manner. That work began at the initial Supply Chain Forum event in October 2015, and has continued via the AFSB. A further Supply Chain Forum event will take place in the near future and see more detailed discussions on potential tools available to the sector to soften the impact of volatility.

I remain optimistic about the long-term opportunities for our farming industry. Though, the current income crisis requires that we continue to work on all fronts to help farmers and I will continue to do whatever can be done.

Mr Allister asked the Minister of Agriculture and Rural Development to outline her commitment to the retention of her Department's local rural offices; and what are her future plans for these offices.

(AQW 53902/11-16)

Mrs O'Neill: The Department's network of local offices has been a key feature of how it has engaged with and supported farmers for a number of years and I am very conscious of the importance of its role in that regard, in terms of the delivery of online, telephone and face-to-face services.

My commitment to supporting farmers has been consistent and I look forward to the opening of a new office in Strabane next month, marking the completion of the rollout of the DARD Direct network.

Mr Patterson asked the Minister of Agriculture and Rural Development for an update on the relocation of the Forest Service to Enniskillen, including (i) how many staff will be relocated; and (ii) how this compares to the number of employees working in the Forest Service headquarters in each of the last three years.

(AQW 53935/11-16)

Mrs O'Neill: Building work on the Forest Service headquarters was completed in September 2015.

- (i) Over 50 Forest Service posts will be located in the new headquarters. 47 are already working there, 39 in posts relocated from Belfast.
- (ii) The number of employees working in the Forest Service headquarters in each of the last three years is outlined in the table below:-

YEAR	Number of Staff working in Forest Service headquarters
2013	61
2014	62
2015	59

Staff in post figures are based on 15th January 2013 to 2016. The number of staff working in Forest Service, including its headquarters, is fluid as a result of the NICS Voluntary Exit Scheme and other staff reduction initiatives.

Mr Weir asked the Minister of Agriculture and Rural Development for an update on any consideration given to legislation on the control of greyhounds.

(AQW 53972/11-16)

Mrs O'Neill: As previously advised to you, in my response to Assembly Question AQW 41991/ 11-15, whilst no specific Department has responsibility for the Control of Greyhounds Act 1950, my Department has policy and legislative responsibility for animal welfare, dog control, the identification and licensing of dogs and dog breeding.

Any amendment to the Control of Greyhounds Act 1950 would need to be taken forward through the Assembly, and any decision about whether to bring forward an amendment would be preceded by an examination of the available evidence on greyhounds and engagement with stakeholders, particularly Councils given their role in enforcing dog control legislation here.

The Dogs Order 1983 sets out licensing and registration conditions for dogs; requirements in relation to control of dogs on certain roads or land; conditions in respect of dogs bred for fighting; and controls for other specially dangerous dogs. It does not make specific reference to greyhounds but applies to them in the same way it applies to all other dogs.

I have no plans to bring forward additional proposals in relation to this issue.

Mr Ó hOisín asked the Minister of Agriculture and Rural Development to detail the funding his Department has allocated to the East Derry constituency in each of the last five years.

(AQW 54011/11-16)

Mrs O'Neill: The Department of Agriculture and Rural Development has allocated a total of £149,754,000 in East Derry from 2010/11 to 2014/15. This is broken down by year in the table below.

DARD East Derry Constituency Funding

Programme / Scheme	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
Single Farm Payment	22,877	22,220	21,066	23,027	21,233	110,423
Axis 1 NI Rural Development Programme 2007-13	223	503	48	718	472	1,964
Axis 3 NI Rural Development Programme 2007-13	379	851	978	2,040	2,191	6,439
Tackling Rural Poverty & Social Isolation	188	281	217	224	202	1,112
Drainage and Flood Alleviation	571	1,847	597	86	37	3,138
Agri-environment Scheme Payments	2,945	2,775	2,044	2,069	1,666	11,499
Rural Development Programme - New Entrants Scheme	19	29	22	18	6	94
Forestry Grant Schemes	142	128	101	84	102	557
Forestry Capital investment	115	71	0	0	0	186
European Fisheries Fund	48	19	56	14	80	217
NI Countryside Management	313	353	396	548	557	2,167
Less Favoured Area Compensatory Allowance (LFA)	2,199	2,228	2,495	2,143	2,513	11,578
Estate Expenditure	8	11	24	19	318	380
Total	30,027	31,316	28,044	30,990	29,377	149,754

Mr McKay asked the Minister of Agriculture and Rural Development what investment her Department has made in North Antrim in each year since May 2010.

(AQW 54057/11-16)

Mrs O'Neill: The Department of Agriculture and Rural Development invested a total of £177,145,000 in North Antrim from 2010/11 to 2014/15. This is broken down in the table below.

DARD North Antrim Constituency Investment

Programme / Scheme	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
Single Farm Payment	28,044	27,531	25,705	27,437	26,827	135,544
Axis 1 NI Rural Development Programme 2007-13	347	866	219	882	815	3,129
Axis 3 NI Rural Development Programme 2007-13	949	1,010	1,506	2,808	1,644	7,917
Tackling Rural Poverty & Social Isolation	141	121	288	287	256	1,093
NI Regional Food Programme	5	2	0	0	5	12
Drainage and Flood Alleviation	39	1	0	46	10	96
Agri-environment Scheme payments	3,164	3,199	2,392	2,260	1,711	12,726
Rural Development Programme - New Entrants Scheme	132	140	99	66	22	459
Forestry Grant Schemes	142	103	122	113	95	575

Programme / Scheme	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
Forestry Capital	0	0	0	2	0	2
European Fisheries Fund (EFF)	5	12	0	0	0	17
NI Countryside Management Scheme	536	631	751	1,083	1,017	4,018
Less Favoured Area Compensatory Allowance (LFA)	2,441	2,180	2,345	1,922	2,455	11,343
Estate Expenditure	0	0	0	7	3	10
Biomass Processing Challenge	0	0	0	0	204	204
Total	35,945	35,796	33,427	36,913	35,064	177,145

Mrs Dobson asked the Minister of Agriculture and Rural Development for an update on the opening of the Rural Business Investment Scheme.

(AQW 54135/11-16)

Mrs O'Neill: All ten LAG strategies have now been assessed and successfully scored the pass mark or above and have been invited to complete a strategy implementation plan. As implementation plans are agreed by officials the Department will issue each LAG with a contract for delivery of the LEADER schemes.

Opening a call for applications for funding is a 2 stage process. Firstly applicants must attend a funding workshop. There they will be given advice on eligibility and pre application documentation that they need before applying for funding, such as a business plan, proof of match funding etc.

LAG's can commence their funding workshops once their strategy has been approved and most have already started workshops or are providing information to potential applicants at LAG information events.

Once workshops are complete in a LAG area, the LAG will contact those applicants that have the required pre-requisites and invite them to submit an application, this should happen in the first quarter of this year.

My Department will also provide information on calls for applications through the DARD website and the LEADER facebook page.

Mr Allister asked the Minister of Agriculture and Rural Development how much her Department has spent on producing material in Irish in each of the last three years.

(AQW 54229/11-16)

Mrs O'Neill: A breakdown of translations costs into Irish for my Department and arm's length bodies for the financial years from 2012/13 to 2014/15 is detailed in the table below.

DARD Expenditure on Translations Costs Last 3 Financial Years (2012-2015)*

Language	2012-2013	2013-2014	2014-2015
English - Irish	£2,687.14	£3,400.24	£2,189.40
Irish - English	Nil	£44.64	Nil

* Includes NDPB expenditure

Department of Culture, Arts and Leisure

Mr Agnew asked the Minister of Culture, Arts and Leisure how much funding she has provided to the community and voluntary sector (i) in actual terms; and (ii) as a proportion of her overall budget, in each of the last three years, including the projected spend for the current financial year.

(AQW 52943/11-16)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): The information you have asked for is provided in the table below.

Year	Amount £k	Proportion of total spend (%)
2013/14	37,142	24.4
2014/15	47,729	33.9
2015/16	32,993	28.9

Year	Amount £k	Proportion of total spend (%)
Total	117,864	

You should note that spend on the Stadiums' programme is contained in the values above.

Mr Agnew asked the Minister of Culture, Arts and Leisure how much funding his Department is providing to the community and voluntary sector in terms of (i) grants; (ii) grants-in-aid; and (iii) procurement in this financial year, including any projected spend.

(AQW 53002/11-16)

Ms Ní Chuilín: My Department, including its ALBs, will provide approximately £33.8m to the voluntary and community sector in the current financial year. This will be by means of grant and includes funding for the Stadiums' programme.

Mr Easton asked the Minister of Culture, Arts and Leisure what assurances the IFA has given on the procedures and processes it will put in place to take the Sub-Regional Stadia Programme forward in a fair and transparent manor.

(AQW 53648/11-16)

Ms Ní Chuilín: DCAL is responsible for the development and delivery of the Sub Regional Stadia Programme for Soccer, including the allocation of funding.

Programme governance structures for the Sub Regional Programme are currently being developed by my officials and these will be established and implemented in line with best practice to oversee the delivery of the programme. It is envisaged that IFA representation will be required within the governance structures of the programme.

Mr Dunne asked the Minister of Culture, Arts and Leisure to detail the funding her Department has awarded to motorsport in each of the last five years.

(AQW 53834/11-16)

Ms Ní Chuilín: In the last five years up to March 2015, Sport NI, an arms length body of my Department, awarded Exchequer and Lottery funding of £458,602.04 to motorsport as detailed at Annex A.

Annex A

Funding to Motorsport 2010/11 – 2014/15

Fiscal Year	Organisation Name	Programme	Sport	Fund/ Programme	Grant Amount
2010/11	ASP Living Costs	Athlete Support Programme	Motor Cycling	Lottery	1,626.75
	2&4 Wheel Steering Group	Investment in Motorsport	Motorsports	Exchequer	23,209.26
	ASP Living Costs	Athlete Support Programme	Motor Cycling	Exchequer	6,507.00
	2&4 Wheel Steering Group	Investment in Motorsport	Motorsports	Exchequer	45,491.63
Total					76,834.64
2011/12	NI Karting Association	Athlete Investment Programme	Karting	Exchequer	3,000.00
	Association of NI Car Clubs	Athlete Investment Programme	Motorsports	Exchequer	42,000.00
	Motor Cycle Union of Ireland Ulster Centre	Athlete Investment Programme	Motor Cycling	Exchequer	12,000.00
	AIP Living Costs	Athlete Investment Programme	Motor Cycling	Exchequer	4,579.00
	NI Karting Association	Governance Improvement Programme	Karting	Exchequer	1,500.00
Total					63,079.00

Fiscal Year	Organisation Name	Programme	Sport	Fund/ Programme	Grant Amount
2012/13	Motor Cycle Union of Ireland Ulster Centre	Athlete Investment Programme	Motor Cycling	Lottery	15,000.00
	Association of NI Car Clubs	Athlete Investment Programme	Motorsports	Lottery	9,000.00
	Motorcycle Racing Association	Athlete Investment Programme	Motor Cycling	Lottery	18,000.00
	AIP Living Costs	Athlete Investment Programme	Motor Cycling	Lottery	7,912.40
Total					49,912.40
2013/14	2&4 Wheel Steering Group	Performance Focus	Motorsports	Lottery	89,500.00
	Motor Cycle Union of Ireland Ulster Centre	Athlete Investment Programme	Motor Cycling	Exchequer	7,500.00
	NI Karting Association	Athlete Investment Programme	Karting	Exchequer	7,500.00
	Motorcycle Racing Association	Athlete Investment Programme	Motor Cycling	Exchequer	15,000.00
	Association of NI Car Clubs	International Events Programme	Motorsports	Exchequer	16,700.00
	AIP Living Costs	Athlete Investment Programme	Karting	Exchequer	4,364.00
	2&4 Wheel Steering Group	Business Case Investment	Motorsports	Exchequer	9,712.00
Total					150,276.00
2014/15	Motor Cycle Union of Ireland Ulster Centre	Athlete Investment Programme	Motor Cycling	Exchequer	7,000.00
	Motorcycle Racing Association	Athlete Investment Programme	Motor Cycling	Exchequer	24,000.00
	AIP Living Costs	Athlete Investment Programme	Motor Cycling	Exchequer	3,000.00
	2&4 Wheel Steering Group	Performance Focus	Motorsports	Lottery	84,500.00
Total					118,500.00

Mr Murphy asked the Minister of Culture, Arts and Leisure to detail how much her (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years.

(AQW 53857/11-16)

Ms Ní Chuilín: The information you have asked for is provided in the table below. Please note that the financial year for North South bodies runs on a calendar year basis.

Spend on office supplies (£)

Year	2010-11	2011-12	2012-13	2013-14	2014-15
Department	48,552	84,030	75,356	86,164	65,024
Arms' Length Bodies	376,539	415,846	293,267	390,352	421,381
Year	2011	2012	2013	2014	2015
North South Bodies	152,847	129,258	118,850	127,079	69,028

Mr Allen asked the Minister of Culture, Arts and Leisure whether her Department has given any consideration to recognition an official Northern Ireland Boxing Association.

(AQW 53909/11-16)

Ms Ní Chuilín: Applications to recognise a Governing Body for any sport are considered under a joint policy between Sport NI and the other Sports Councils in England, Scotland and Wales. My Department has no role in this process.

No application has been received by Sport NI.

Mr Weir asked the Minister of Culture, Arts and Leisure how much capital funding has been provided to sports in each of the last five years; and how much of this funding has gone to (i) individual sports clubs; and (ii) governing bodies.

(AQW 53924/11-16)

Ms Ní Chuilín: In the last five years up to end March 2015, Sport NI, an arms length body of my Department, has provided capital funding to sports as detailed below:

Year	Total Capital Funding to Sports	Capital Funding to Sports Clubs		Capital Funding to Governing Bodies	
		Exchequer	Lottery	Exchequer	Lottery
2014/2015	£3,945,426.00	£1,216,508.97	22,264.20	£10,321.20	£39,792.84
2013/2014	£4,685,610.00	£2,810,622.18	£0	£0	£0
2012/2013	£10,453,898.00	£1,047,408.10	£0	£441,720.92	£0
2011/2012	£12,746,867.00	£4,075,668.79	£25,874.40	£209,434.68	£0
2010/2011	£15,539,813.00	£7,443,035.24	£203,864.21	£1,023,758.50	£0

In addition, in the same term, my Department provided Exchequer capital funding to sports as detailed below:

Year	Total Capital Funding to Sports	Capital Funding to Sports Clubs	Capital Funding to Governing Bodies
2014/2015	£21,146,979	£99,908	£21,047,071
2013/2014	£13,033,834.98	£0	£12,966,187.48
2012/2013	£8,342,596.31	£0	£8,342,596.31
2011/2012	£0	£0	£0
2010/2011	£0	£0	£0

Mr Weir asked the Minister of Culture, Arts and Leisure how much revenue funding has been provided to sports in each of the last five years; and how much of this funding has gone to (i) individual sports clubs; and (ii) governing bodies.

(AQW 53925/11-16)

Ms Ní Chuilín: In the last five years up to end March 2015, Sport NI, an arms length body of my Department, has provided revenue funding to sports as detailed below:

Year	Total Revenue Funding to Sports	Revenue Funding to Sports Clubs		Revenue Funding to Governing Bodies	
		Exchequer	Lottery	Exchequer	Lottery
2014/2015	£10,390,768.00	£886,510.59	£207,084.04	£981,434.23	£2,836,400.11
2013/2014	£11,225,901.00	£751,810.20	£140,397.87	£1,523,944.27	£2,399,811.36
2012/2013	£10,000,032.00	£902,500.64	£200,578.10	£3,025,629.00	£402,634.25
2011/2012	£9,411,774.00	£843,978.32	£145,864.01	£3,332,333.30	£1,649.93
2010/2011	£7,952,112.00	£351,376.72	£118,017.87	£3,020,316.17	£177,070.33

In addition, in the same term, my Department provided Exchequer revenue funding to sports as detailed below:

Year	Total Capital Funding to Sports	Capital Funding to Sports Clubs	Capital Funding to Governing Bodies
2014/2015	£942,656	£1,000	£922,656

Year	Total Capital Funding to Sports	Capital Funding to Sports Clubs	Capital Funding to Governing Bodies
2013/2014	£413,964.01	£0	£353,964.01
2012/2013	£566,903.31	£26,000.00	£540,903.31
2011/2012	£0	£0	£0
2010/2011	£0	£0	£0

Mr Murphy asked the Minister of Culture, Arts and Leisure to detail how much her (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

(AQW 54027/11-16)

Ms Ní Chuilín: The information you have asked for is provided in the table below. Please note that the financial year for North South bodies runs on a calendar year basis.

Spend on energy bills (£)

Year	2010-11	2011-12	2012-13	2013-14	2014-15
Department	276,516	335,406	283,635	242,779	217,942
Arms' Length Bodies	1,885,230	2,101,229	2,280,624	2,146,635	1,799,585
Year	2011	2012	2013	2014	2015
North South Bodies	137,476	153,499	152,188	150,842	127,390

Mr Agnew asked the Minister of Culture, Arts and Leisure to detail the number of full time equivalent agency staff employed by (i) her Department; and (ii) each of its arm's-length bodies in each week since June 2015, broken down by grade.

(AQW 54044/11-16)

Ms Ní Chuilín:

- i The number of full time equivalent agency staff engaged by my Department each week since June 2015, broken down by grade is set out in table 1 attached.
- ii The number of full time equivalent agency staff engaged by each of my Department's ALBs each week since June 2015, broken down by grade is set out in the tables 2, 3, 4, 5, 6, 7, 8 and 9 attached. Two of DCAL's ALBs (NI Museums Council and Foras na Gaeilge) did not engage agency staff in the period specified.

Carál Ní Chuilín MLA

Note Tables Below

Table 1: The number of full time equivalent agency staff employed by DCAL

Week Commencing	Grade			
	AA	AO	EOI	SO
01/06/2015	3		1	1
08/06/2015	3		1	1
15/06/2015	3		1	1
22/06/2015	3		1	1
29/06/2015	3		1	1
06/07/2015	3		1	1
13/07/2015	3		1	1
20/07/2015	3		1	1
27/07/2015	3		1	1
03/08/2015	3		1	1
10/08/2015	3		1	1
17/08/2015	3		1	1

Week Commencing	Grade			
	AA	AO	EOI	SO
24/08/2015	3		1	1
31/08/2015	3		1	1
07/09/2015	2.4		1	1
14/09/2015	2		1	1
21/09/2015	2		1	1
28/09/2015	1.2		1	1
05/10/2015			1	1
12/10/2015			1	
19/10/2015			1	
26/10/2015			1	
02/11/2015			1	
09/11/2015			1	
16/11/2015	1		1	
23/11/2015	1		1	
30/11/2015	1		1	
07/12/2015	1			
14/12/2015	2			
21/12/2015	3			
28/12/2015	3			
04/01/2016	3			
11/01/2016	2.4			
18/01/2016	3	1		
25/01/2016	3	1		
01/02/2016	3	1	0.8	
08/02/2016	3	1	1	

Table 2: The number of full time equivalent agency staff employed by Sport NI

Week Commencing	Grade		
	AO	EO11	SO
01/06/2015		1	2
08/06/2015		1	2
15/06/2015		1	2
22/06/2015		1	2
29/06/2015	1	1	2
06/07/2015	1	1	2
13/07/2015	1	1	2
20/07/2015	1	1	2
27/07/2015	1	1	2
03/08/2015	1	1	2
10/08/2015	1	1	2

Week Commencing	Grade		
	AO	EO11	SO
17/08/2015	1	1	2
24/08/2015		1	2
31/08/2015		1	2
07/09/2015		1	2
14/09/2015		1	2
21/09/2015		1	2
28/09/2015		1	2
05/10/2015		1	2
12/10/2015		1	2
19/10/2015		1	2
26/10/2015		1	2
02/11/2015		1	2
09/11/2015		1	2
16/11/2015		1	2
23/11/2015		1	2
30/11/2015		1	2
07/12/2015		1	2
14/12/2015		1	2
21/12/2015		1	2
28/12/2015		1	2
04/01/2016		1	2
11/01/2016		1	2
18/01/2016		1	2
25/01/2016		1	2
01/02/2016		1	2
08/02/2016		1	2

Table 3: The number of full time equivalent agency staff employed by Ulster Scots Agency

Week Commencing	Grade EO2
02/11/2015	0.6
09/11/2015	0.6
16/11/2015	0.6
23/11/2015	0.6
30/11/2015	0.6
07/12/2015	0.6
14/12/2015	0.6
21/12/2015	0.6
04/01/2016	0.6
11/01/2016	0.6
18/01/2016	0.6
25/01/2016	0.6

Table 4: The number of full time equivalent agency staff employed by Arts Council NI

Week Commencing	Grade		
	DP	EOI	EOII
01/06/2015	1	1	
08/06/2015	1	1	
15/06/2015	1	1	
22/06/2015	1	1	
29/06/2015	1	1	
06/07/2015	1	1	
13/07/2015	1	1	
20/07/2015	1	1	
27/07/2015	1	1	
03/08/2015	1	1	
10/08/2015	1	1	
17/08/2015	1	1	
24/08/2015	1	1	
31/08/2015	1	1	
07/09/2015	1	1	
14/09/2015	1	1	
21/09/2015	1	1	
28/09/2015	1	1	
05/10/2015	1	1	1
12/10/2015	1	1	1
19/10/2015	1	1	1
26/10/2015	1	1	1
02/11/2015	1	1	1
09/11/2015	1	1	1
16/11/2015	1	1	1
23/11/2015	1	1	1
30/11/2015	1	1	1
07/12/2015	1	1	1
14/12/2015	1	1	1
21/12/2015	1	1	1
28/12/2015	1	1	1
04/01/2016	1	1	1
11/01/2016	1	1	1
18/01/2016	1	1	1
25/01/2016	1	1	1
01/02/2016	1	1	1

Table 5: The number of full time equivalent agency staff employed by Libraries NI

Week Commencing	Grade	
	CO* (FTE)	SCO* (FTE)
01/06/2015	5.35	31.88
08/06/2015	4.81	30.62
15/06/2015	5.29	34.89
22/06/2015	4.99	31.12
29/06/2015	4.11	33.84
06/07/2015	4.81	32.22
13/07/2015	3.34	25.88
20/07/2015	4.51	33.87
27/07/2015	4.61	33.13
03/08/2015	4.25	34.18
10/08/2015	4.37	37.16
17/08/2015	4.07	32.63
24/08/2015	4.06	36.90
31/08/2015	3.18	30.50
07/09/2015	3.78	32.26
14/09/2015	4.57	31.00
21/09/2015	4.53	33.43
28/09/2015	4.50	33.21
05/10/2015	3.26	36.96
12/10/2015	4.47	38.29
19/10/2015	4.02	38.30
26/10/2015	5.39	36.15
02/11/2015	2.92	44.83
09/11/2015	4.63	38.82
16/11/2015	7.75	46.80
23/11/2015	6.70	45.13
30/11/2015	7.50	48.57
07/12/2015	7.42	49.25
14/12/2015	7.45	49.90
21/12/2015	2.55	28.94
28/12/2015	3.08	22.96
04/01/2016	6.32	49.95
11/01/2016	4.73	54.92
18/01/2016	5.67	52.15
25/01/2016	4.93	57.05
01/02/2016	-	-
08/02/2016	-	-

* CO – Clerical Officer grade (Cleaners, Library Attendants, Delivery Drivers)

* SCO – Senior Clerical Officer grade (Library Assistants, Admin Assistants, Mobile Library Assistant/Drivers).

Table 6: The number of full time equivalent agency staff employed by National Museums Northern Ireland

Week Commencing	Grade		
	AA	AO	EOII
01/06/2015	0.38	1	
08/06/2015	0.38	1	
15/06/2015	0.38	1	
22/06/2015	0.38	1	
29/06/2015	0.38	1	
06/07/2015	0.38	1	
13/07/2015	0.38	1	
20/07/2015	0.38	1	
27/07/2015	0.38	1	
03/08/2015	0.76	1	
10/08/2015	0.76	1	
17/08/2015	0.76	1	1
24/08/2015	0.76	1	1
31/08/2015	0.76	1	1
07/09/2015	0.76	1	1
14/09/2015	0.76	1	1
21/09/2015	0.76	1	1
28/09/2015	0.76	1	1
05/10/2015	0.76	1	1
12/10/2015	0.76	1	1
19/10/2015	0.76	1	1
26/10/2015	0.76	1	1
02/11/2015	0.76	1	1
09/11/2015	0.76	1	1
16/11/2015	0.76	1	1
23/11/2015	0.76	2	1
30/11/2015	0.76	2	1
07/12/2015	0.76	2	1
14/12/2015	0.76	2	1
21/12/2015	0.76	2	1
28/12/2015	0.76	2	1
04/01/2016	0.76	2	1
11/01/2016	0.76	2	1
18/01/2016	0.76	2	1
25/01/2016	0.76	2	1
01/02/2016	0.76	2	1
08/02/2016	0.76	2	1

Table7: The number of full time equivalent agency staff employed by Armagh Observatory and Planetarium

Week Commencing	SGB2	AO	DP
01/06/2015			
08/06/2015			
15/06/2015			
22/06/2015			
29/06/2015			
06/07/2015	0.45	1.8	1
13/07/2015	0.45	1.8	1
20/07/2015	0.45	1.8	1
27/07/2015	0.45	1.8	1
03/08/2015	0.45	2.5	1
10/08/2015	0.45	2.5	1
17/08/2015	0.45	2.5	1
24/08/2015	0.45	2.5	1
31/08/2015	0.45	0.4	1
07/09/2015	0.45	0.4	1
14/09/2015	0.45	0.4	1
21/09/2015	0.45	0.4	1
28/09/2015	0.45	0.4	1
05/10/2015	0.45	0.5	1
12/10/2015	0.45	0.5	1
19/10/2015	0.45	0.5	1
26/10/2015	0.45	0.5	1
02/11/2015	0.45	0.4	1
09/11/2015	0.45	0.4	1
16/11/2015	0.45	0.4	1
23/11/2015	0.45	0.4	1
30/11/2015	0.45	0.4	1
07/12/2015	0.45	0.5	1
14/12/2015	0.45	0.5	1
21/12/2015	0.45	0.5	1
28/12/2015	0.45	0.5	1
04/01/2016	0.45	0.4	1
11/01/2016	0.45	0.4	1
18/01/2016	0.45	0.4	1
25/01/2016	0.45	0.4	1
01/02/2016	0.45		1
08/02/2016	0.45		1

Table8: The number of full time equivalent agency staff employed by Northern Ireland Screen

Week Commencing	Grade	
	Finance Assistant	Receptionist
01/06/2015		
08/06/2015		1
15/06/2015		1
22/06/2015	1.7	1
29/06/2015	1.4	1
06/07/2015	0.6	0.2
13/07/2015	0.4	0.1
20/07/2015	0.8	0.2
27/07/2015	0.3	0.4
03/08/2015	0.6	1
10/08/2015	0.6	1
17/08/2015	0.6	1
24/08/2015	0.6	1
31/08/2015	0.4	0.8
07/09/2015	0.4	0.9
14/09/2015	0.6	0.9
21/09/2015	0.4	0.9
28/09/2015	0.4	0.8
05/10/2015	0.4	0.8
12/10/2015	0.4	0.8
19/10/2015	0.4	0.8
26/10/2015	0.2	
02/11/2015		1.2
09/11/2015		
16/11/2015	0.4	0.6
23/11/2015	0.6	1
30/11/2015	0.5	1
07/12/2015	0.6	0.2
14/12/2015	0.6	
21/12/2015	0.4	0.6
28/12/2015		
04/01/2016	0.4	
11/01/2016		
18/01/2016		
25/01/2016	0.5	
01/02/2016		
08/02/2016		

Table 9: The number of full time equivalent agency staff employed by Waterways Ireland

Week Commencing	Grade			
	Clerical Officer	Executive Officer	Staff Officer	Grade 7
01/06/2015		1	1	
08/06/2015		1	1	
15/06/2015		1	1	0.8
22/06/2015		1	1	1
29/06/2015		1	1	1
06/07/2015		1	1	1
13/07/2015		1	1	1
20/07/2015		1	1	1
27/07/2015		1	1	1
03/08/2015		1	1	1
10/08/2015		1	1	1
17/08/2015		1	1	1
24/08/2015		1	1	1
31/08/2015		1	1	1
07/09/2015		1	1	1
14/09/2015		1	1	1
21/09/2015		1	1	1
28/09/2015		1	1	0.6
05/10/2015		1	1	
12/10/2015		1	1	
19/10/2015		1	1	
26/10/2015		1	1	
02/11/2015		1	1	
09/11/2015		1	1	
16/11/2015		1	0.4	
23/11/2015		1		
30/11/2015	0.6	1		
07/12/2015	1	1		
14/12/2015	1	1		
21/12/2015	1	1		
28/12/2015	1	1		
04/01/2016	1	1		
11/01/2016	1	1		
18/01/2016	1	1		
25/01/2016	1			
01/02/2016	1			
08/02/2016				

Mr Hazzard asked the Minister of Culture, Arts and Leisure to detail the investment her Department has made in South Down since 2011.

(AQW 54065/11-16)

Ms Ní Chuilín: The information you have asked for is set out in the attached table.

Year	Funder	Organisation	Amount
2011	Foras na Gaeilge	Cumann Gaelach Leath Chathail	£1,310
2011	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£39,322
2011	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£47,878
2011	Foras na Gaeilge	2011 Conradh na Gaeilge Boirche Íochtar	£3,500
2011	Foras na Gaeilge	Cumann Gaelach Ait Thí Chathal	£3,500
2011	Foras na Gaeilge	St Patricks Youth Club	£3,500
2011	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2011	Foras na Gaeilge	Cumann Gaelach Ait Thí Chathal	£3,500
2011	Foras na Gaeilge	Ballyholland Primary School	£3,250
2011	Foras na Gaeilge	St Marys Primary School	£3,211
2011	Foras na Gaeilge	Grúpa Tuismitheoirí agus Tachráin	£3,500
2011	Foras na Gaeilge	St Patrick's Community Centre Mayobridge	£3,500
2011	Ulster-Scots Agency	Schomberg Fife & Drum	£1,115
2011	Foras na Gaeilge	Bunscoil na mBeann	£11,777
2011	Foras na Gaeilge	Cumann Gaelach Leath Chathail (Colmcille)	£1,308
2011	Ulster-Scots Agency	South Down Defenders Flute Band	£2,150
2011	Ulster-Scots Agency	Banbridge Orange Hall Committee	£5,075
2011	Ulster-Scots Agency	Banbridge Orange Hall Committee	£1,763
2011	Ulster-Scots Agency	Banbridge Orange Hall Committee	£250
2011	Ulster-Scots Agency	Banbridge Orange Hall Committee	£250
2011	Ulster-Scots Agency	Schomberg Festival Committee	£4,157
2011	Ulster-Scots Agency	Donaghmore Dev Association	£215
2011	Ulster-Scots Agency	Donaghmore Dev Association	£1,650
2011	Ulster-Scots Agency	Finnard Rural Dev Association	£225
2011	Ulster-Scots Agency	Finnard Rural Dev Association	£249
2011	Ulster-Scots Agency	Kirknarra School of Dance	£333
2011	Ulster-Scots Agency	Kirknarra School of Dance	£2,205
2011	Ulster-Scots Agency	Annalong Single Star Flute Band	£1,650
2011	Ulster-Scots Agency	Aughlisnafin Accordion Band	£998
2011	Ulster-Scots Agency	Ballymageough Rural Dev Association	£165
2011	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,568
2011	Ulster-Scots Agency	Benraw Highland Pipe Band	£1,650
2011	Ulster-Scots Agency	Brunswick Accordion Band	£1,050
2011	Ulster-Scots Agency	Closkelt Pipe Band	£1,238
2011	Ulster-Scots Agency	Crimsom Arrow Pipe Band	£659
2011	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,050
2011	Ulster-Scots Agency	Crimsom Arrow Pipe Band	£480
2011	Ulster-Scots Agency	Crossgar Young Defenders	£1,650

Year	Funder	Organisation	Amount
2011	Ulster-Scots Agency	Drumlough Highland Pipe Band	£1,050
2011	Ulster-Scots Agency	Lisnamulligan Pipe Band	£1,650
2011	Ulster-Scots Agency	Moneygore Rural Development Association	£1,650
2011	Ulster-Scots Agency	Orangefield Flute Band	£1,650
2011	Ulster-Scots Agency	Pride of the Hill Flute Band Rathfriland	£1,650
2011	Ulster-Scots Agency	Closkelt Highland Dancers	£1,553
2011	Ulster-Scots Agency	Cranfield Cultural Society	£1,647
2011	Ulster-Scots Agency	Curley Rural Community Association	£2,565
2011	Ulster-Scots Agency	Finnard Rural Dev Association	£1,971
2011	Ulster-Scots Agency	Mourne School of Dance	£2,421
2011	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£15,885
2011/12	Northern Ireland Museums Council	Down County Museum	£7,403
2011/12	Department	Banbridge district Council	£10,000
2011/12	Department	Down district Council	£20,320
2011/12	Department	Newry & Mourne District Council	£25,807
2011/12	Arts Council NI	Belfast Music Society	£1,250
2011/12	Arts Council NI	Down Community Arts Ltd	£30,000
2011/12	Arts Council NI	Discovery Publications	£10,000
2011/12	Arts Council NI	Ballyvea Flute Band	£3,567
2011/12	Arts Council NI	Pride of Ballinran Flute Band	£4,680
2011/12	Arts Council NI	Pride of the Hill Auld Boys	£5,000
2011/12	Arts Council NI	Roden Accordion Band	£5,000
2011/12	Arts Council NI	Upper Crossgare Pipe Band	£4,890
2011/12	Arts Council NI	Newcastle Arts Festival Committee	£5,000
2011/12	Arts Council NI	The Beacon Association	£5,000
2011/12	Department	River restoration at Annacloy River	£33,000
2011/12	Libraries NI	Library HQ, Ballynahinch Running Costs	£143,424
2011/12	Libraries NI	Ballynahinch Library Running Costs	£117,532
2011/12	Libraries NI	Castlewellan Library Running Costs	£64,571
2011/12	Libraries NI	Downpatrick Library Running Costs	£260,714
2011/12	Libraries NI	Newcastle Library Running Costs	£119,296
2011/12	Libraries NI	Kilkeel Library Running Costs	£88,042
2011/12	Libraries NI	Warrenpoint Library Running Costs	£89,907
2011/12	Libraries NI	Rathfriland Library Running Costs	£46,006
2011/12	Sport NI	Clearsky Adventure Centre	£750
2011/12	Sport NI	Life Adventure	£750
2011/12	Sport NI	Outdoor Concepts	£750
2011/12	Sport NI	Mourne Heritage Trust	£5,000
2011/12	Sport NI	Greenhill YMCA	£750
2011/12	Sport NI	Castlewellan FC	£1,126

Year	Funder	Organisation	Amount
2011/12	Sport NI	Down Camogie Association	£3,150
2011/12	Sport NI	Friends of St Dallan's	£2,765
2011/12	Sport NI	Mayobridge Community Association	£5,130
2011/12	Sport NI	Moneyslane Football Club	£245,000
2011/12	Sport NI	Mourne Mountain Rescue Team	£16,300
2011/12	Sport NI	Down District Council	£282,651
2012	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£39,497
2012	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£45,864
2012	Foras na Gaeilge	Campa Chormaic an Dúin	£3,500
2012	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2012	Foras na Gaeilge	Mayobridge Community Centre	£3,500
2012	Foras na Gaeilge	Ballyholland Primary School	£3,500
2012	Foras na Gaeilge	Grúpa Tuismitheoirí agus Tachráin	£2,690
2012	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2012	Foras na Gaeilge	Mayobridge Community Centre	£3,500
2012	Foras na Gaeilge	Ballyholland Primary School	£3,400
2012	Foras na Gaeilge	St Marys Primary School	£3,245
2012	Foras na Gaeilge	Scoil Samhraidh an Dúin (Glór na nGael Uachtar Tíre)	£3,900
2012	Ulster-Scots Agency	Schomberg Festival Committee	£6,422
2012	Ulster-Scots Agency	Finnard Rural Dev Association	£250
2012	Ulster-Scots Agency	Kilnacrew & District Rural Community Group	£250
2012	Ulster-Scots Agency	Kirknarra School of Dance	£706
2012	Ulster-Scots Agency	Lisnamulligan Rural Association	£250
2012	Ulster-Scots Agency	Kirknarra School of Dance	£706
2012	Ulster-Scots Agency	Lisnamulligan Rural Association	£250
2012	Ulster-Scots Agency	Schomberg Folk Orchestra	£250
2012	Ulster-Scots Agency	Schomberg Folk Orchestra	£926
2012	Ulster-Scots Agency	Benraw Highland Pipe Band	£1,140
2012	Ulster-Scots Agency	St Patrick Pipe Band	£1,650
2012	Ulster-Scots Agency	Pride of the Hill Flute Band Rathfriland	£1,193
2012	Ulster-Scots Agency	Closkelt Pipe Band	£1,035
2012	Ulster-Scots Agency	Drumlough Highland Pipe Band	£1,478
2012	Ulster-Scots Agency	Grallagh Part Flute Band	£1,620
2012	Ulster-Scots Agency	Legananny Accordion Band	£1,500
2012	Ulster-Scots Agency	Ballymageough Rural Dev Association	£1,350
2012	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,170
2012	Ulster-Scots Agency	Kirknarra School of Dance	£2,169
2012	Ulster-Scots Agency	Mourne School of Dance	£2,361
2012	Ulster-Scots Agency	Mourne School of Dance	£1,054
2012	Ulster-Scots Agency	Mourne School of Dance	£1,984
2012	Ulster-Scots Agency	Cranfield Cultural Society	£1,656

Year	Funder	Organisation	Amount
2012	Ulster-Scots Agency	Finnard Rural Dev Association	£1,338
2012	Ulster-Scots Agency	Cloughskelt Rural & Cultural Association	£1,551
2012	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£15,829
2012/13	Northern Ireland Museums Council	Down County Museum	£2,964
2012/13	Northern Ireland Museums Council	Downpatrick and Co. Down Railway	£510
2012/13	Libraries NI	Library HQ, Ballynahinch	£99,192
2012/13	Libraries NI	Ballynahinch Library Running Costs	£109,080
2012/13	Libraries NI	Castlewellan Library Running Costs	£62,224
2012/13	Libraries NI	Downpatrick Library Running Costs	£204,370
2012/13	Libraries NI	Newcastle Library Running Costs	£106,815
2012/13	Libraries NI	Kilkeel Library Running Costs	£83,379
2012/13	Libraries NI	Warrenpoint Library Running Costs	£105,693
2012/13	Libraries NI	Rathfriland Library Running Costs	£47,178
2012/13	Libraries NI	Rathfriland Library Capital	£30,380
2012/13	Libraries NI	Rathfriland Library Capital	£77,463
2012/13	Arts Council NI	Down Community Arts Ltd	£25,030
2012/13	Arts Council NI	Happenstance Theatre Company	£10,000
2012/13	Arts Council NI	Dphisound	£9,990
2012/13	Arts Council NI	Mighty Sprite Productions Ltd	£10,000
2012/13	Arts Council NI	Down District Council	£27,000
2012/13	Arts Council NI	Aughlisnafin Accordion Band	£4,698
2012/13	Arts Council NI	Ballymageough Accordion Band	£4,500
2012/13	Arts Council NI	Castlewellan Victoria Accordion Band	£3,045
2012/13	Arts Council NI	Glenloughan Flute Band	£3,600
2012/13	Arts Council NI	Holy Cross Accordion Band Atticall	£5,000
2012/13	Arts Council NI	Legananny Accordion Band	£4,993
2012/13	Arts Council NI	Atticall Youth Club	£5,000
2012/13	Department	Banbridge district Council	£10,700
2012/13	Department	Down district Council	£17,925
2012/13	Department	Newry & Mourne District Council	£25,000
2012/13	Sport NI	Clearsky Adventure Centre	£150
2012/13	Sport NI	East Coast Adventure	£750
2012/13	Sport NI	Outdoor Concepts	£150
2012/13	Sport NI	Greenhill YMCA	£150
2012/13	Sport NI	Mourne Heritage Trust	£245,000
2012/13	Sport NI	Action Outdoors	£750
2012/13	Sport NI	Mourne Mountain Rescue Team	£19,565
2012/13	Sport NI	Down District Council	£287,556
2013	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£39,700
2013	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£49,358

Year	Funder	Organisation	Amount
2013	Foras na Gaeilge	Campa Chormaic an Dúin	£1,750
2013	Foras na Gaeilge	Campa Chormaic an Dúin	£1,750
2013	Foras na Gaeilge	Mayobridge Community Centre	£1,750
2013	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2013	Foras na Gaeilge	Grúpa Tuismitheoirí agus Tachráin	£3,025
2013	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,450
2013	Foras na Gaeilge	Ballyholland Primary School	£3,400
2013	Foras na Gaeilge	Glór Uachtar Tíre (Colmcille)	£1,485
2013	Foras na Gaeilge	Cumann Gaelach Leath Chathail (Colmcille)	£1,000
2013	Foras na Gaeilge	Scoil Samhraidh Shéamúis Uí Néill (Glór na nGael Uachtar Tíre)	£2,000
2013	Ulster-Scots Agency	Ardarragh Accordion Band	£1,650
2013	Ulster-Scots Agency	Schomberg Festival Committee	£8,204
2013	Ulster-Scots Agency	Finnard Rural Dev Association	£3,193
2013	Ulster-Scots Agency	Loughbrickland & District Rural Dev Association	£4,840
2013	Ulster-Scots Agency	Kirknarra School of Dance	£647
2013	Ulster-Scots Agency	Kirknarra School of Dance	£2,194
2013	Ulster-Scots Agency	St Patrick Pipe Band	£1,650
2013	Ulster-Scots Agency	Orangefield Flute Band	£1,650
2013	Ulster-Scots Agency	Brunswick Accordion Band	£1,650
2013	Ulster-Scots Agency	Benraw Highland Pipe Band	£1,650
2013	Ulster-Scots Agency	Aughlisnafin Accordion Band	£375
2013	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,448
2013	Ulster-Scots Agency	Ballymageough Rural Dev Association	£1,650
2013	Ulster-Scots Agency	Schomberg Fife & Drum	£1,500
2013	Ulster-Scots Agency	Schomberg Folk Orchestra	£975
2013	Ulster-Scots Agency	Closkelt Highland Dancers	£1,093
2013	Ulster-Scots Agency	Cranfield Cultural Society	£1,656
2013	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£3,948
2013	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£950
2013/14	Libraries NI	Library HQ, Ballynahinch	£204,455
2013/14	Libraries NI	Ballynahinch Library Running Costs	£103,407
2013/14	Libraries NI	Castlewellan Library Running Costs	£72,779
2013/14	Libraries NI	Downpatrick Library Running Costs	£230,218
2013/14	Libraries NI	Newcastle Library Running Costs	£150,427
2013/14	Libraries NI	Kilkeel Library Running Costs	£106,613
2013/14	Libraries NI	Warrenpoint Library Running Costs	£102,267
2013/14	Libraries NI	Rathfriland Library Running Costs	£45,085
2013/14	Libraries NI	Kilkeel Library Capital	£805,780
2013/14	Libraries NI	Kilkeel Library Capital	£109,896
2013/14	Department	Banbridge District Council	£10,000

Year	Funder	Organisation	Amount
2013/14	Department	Down District Council	£15,400
2013/14	Department	Newry & Mourne District Council	£25,000
2013/14	Northern Ireland Museums Council	Down County Museum	£2,641
2013/14	Northern Ireland Museums Council	Downpatrick and Co. Down Railway	£4,739
2013/14	Arts Council NI	Down Community Arts Ltd	£10,250
2013/14	Arts Council NI	Digital Circle (NI) Ltd	£9,995
2013/14	Arts Council NI	Dphisound	£9,600
2013/14	Arts Council NI	Mourne Textiles Ltd	£10,000
2013/14	Arts Council NI	Dunmore Silver Band	£4,920
2013/14	Arts Council NI	Kilkeel Silver Band	£4,515
2013/14	Arts Council NI	Loyal Sons of Benagh	£5,000
2013/14	Arts Council NI	Orangefield Flute Band	£3,892
2013/14	Arts Council NI	Spa Accordion Band	£4,920
2013/14	Sport NI	Ballymartin GFC	£245,000
2013/14	Sport NI	Christ The King Primary School (Drumaness)	£5,493
2013/14	Sport NI	Castlewellan FC	£131,394
2013/14	Sport NI	Mountain Sojourns	£750
2013/14	Sport NI	Mourne Mountain Rescue Team	£18,833
2013/14	Sport NI	Down District Council	£293,617
2014	Ulster-Scots Agency	Annalong Cultural Education Society	£4,436
2014	Ulster-Scots Agency	Aughnavollog Ulster Scots Cultural Society	£1,950
2014	Foras na Gaeilge	Conradh na Gaeilge, Boirche Íochtar	£39,700
2014	Foras na Gaeilge	Glór na nGael Uachtar Tíre	£49,358
2014	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£3,500
2014	Foras na Gaeilge	Grúpa Tuismitheoirí agus Tachráin	£3,500
2014	Foras na Gaeilge	Ógras an Dúin	£3,500
2014	Foras na Gaeilge	Campa Chormaic An Dúin	£1,750
2014	Foras na Gaeilge	Campa Chormaic An Dúin	£1,750
2014	Foras na Gaeilge	Conradh na Gaeilge Boirche Íochtar	£1,750
2014	Foras na Gaeilge	Cumann Gaelach Leath Chathail	£1,750
2014	Foras na Gaeilge	Glór Uachtar Tíre	£1,750
2014	Foras na Gaeilge	Mayobridge Community Centre	£1,750
2014	Foras na Gaeilge	Glór Uachtar Tíre (Colmille)	£800
2014	Foras na Gaeilge	Scoil Samhraidh Shéamuis Uí Néill (Glór na nGael Uachtar Tíre)	£2,000
2014	Ulster-Scots Agency	Ballynahinch Protestant Boys Flute Band	£1,950
2014	Ulster-Scots Agency	Brunswick Accordion Band	£1,950
2014	Ulster-Scots Agency	Closkelt Highland Dancers	£1,122
2014	Ulster-Scots Agency	Closkelt Pipe Band	£208
2014	Ulster-Scots Agency	Closkelt Pipe Band	£1,575

Year	Funder	Organisation	Amount
2014	Ulster-Scots Agency	Cranfield Accordion Band	£1,950
2014	Ulster-Scots Agency	Drumlough Highland Pipe Band	£1,943
2014	Ulster-Scots Agency	Finnard Rural Development Association	£2,094
2014	Ulster-Scots Agency	Finnard Rural Development Association	£242
2014	Ulster-Scots Agency	Kirknarra School of Dance	£2,259
2014	Ulster-Scots Agency	Kirknarra School of Dance	£1,925
2014	Ulster-Scots Agency	Loughbrickland & District Rural Development Association	£4,125
2014	Ulster-Scots Agency	Moneygore Rural Development Association	£1,913
2014	Ulster-Scots Agency	Schomberg Folk Orchestra	£250
2014	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,125
2014	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£21,235
2014	Ulster-Scots Agency	Schomberg Society Kilkeel Ltd.	£2,745
2014/15	Libraries NI	Ballynahinch Library Running Costs	£81,765
2014/15	Libraries NI	Castlewellan Library Running Costs	£46,210
2014/15	Libraries NI	Downpatrick Library Running Costs	£136,994
2014/15	Libraries NI	Newcastle Library Running Costs	£93,545
2014/15	Libraries NI	Kilkeel Library Running Costs	£81,784
2014/15	Libraries NI	Warrenpoint Library Running Costs	£75,232
2014/15	Libraries NI	Rathfriland Library Running Costs	£38,296
2014/15	Arts Council NI	Happenstance Theatre Company	£2,000
2014/15	Arts Council NI	Marie-Claire Ferguson Bespoke Millinery	£9,548
2014/15	Arts Council NI	Mary Callan Knitwear	£10,000
2014/15	Arts Council NI	Mourne Textiles Ltd	£10,000
2014/15	Arts Council NI	Ballyrea Flute Band	£4,725
2014/15	Department	Down District Council	£6,001
2014/15	Department	Glór Uachtar Tíre	£1,000
2014/15	Department	Craobh an Iúir	£1,000
2014/15	Department	Banbridge District Council	£6,564
2014/15	Department	Down District Council	£3,850
2014/15	Sport NI	Friends of St Patricks Primary School	£2,120
2014/15	Sport NI	Newry Basketball Club	£2,520
2014/15	Sport NI	Down District Council	£293,617
2014/15	Sport NI	Down District Council	£262,596
2014/15	Sport NI	Atticall Youth Club	£3,988
2014/15	Sport NI	Ballela GAC	£4,625
2014/15	Sport NI	Celtic Bhoys FC	£5,601
2014/15	Sport NI	Kilcoo GAC	£9,113
2014/15	Sport NI	Annaclone Summer Scheme	£1,434
2014/15	Sport NI	Tollymore United FC	£10,000
2014/15	Sport NI	Mourne Mountain Rescue Team	£18,000

Year	Funder	Organisation	Amount
2014/15	Department	Walkway at Lough Money and fishing stands at Lough Money and River Quoile.	£42,000
2014	DCAL (Líofa)	Glór Uachtar Tíre	£1,000
2014	DCAL (Líofa)	Conradh na Gaeilge, Craobh an Iúir	£1,000
2015	DCAL (Líofa)	St. Pauls Highschool, Bessbrook	£1,000
2015	DCAL (Líofa)	Cumann Gaelach Leath Cathaiol	£712
2015	Ulster-Scots Agency	Finnard Rural Development Association	£2,808
2015	Ulster-Scots Agency	Brunswick Accordion Band	£1,950
2015	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,200
2015	Ulster-Scots Agency	Closkelt Highland Dancers	£1,489
2015	Ulster-Scots Agency	Drumlough Highland Pipe Band	£1,950
2015	Ulster-Scots Agency	Rising Sons of the Valley Flute Band	£1,950
2015	Ulster-Scots Agency	Ardaragh Accordion Band	£1,600
2015	Ulster-Scots Agency	Ballymageough Accordion Band	£1,950
2015	Ulster-Scots Agency	Schomberg Fife & Drum	£1,713
2015	Ulster-Scots Agency	Kirknarra School of Dance	£3,400
2015	Ulster-Scots Agency	St Patrick's Pipe Band	£1,950
2015	Ulster-Scots Agency	Ballyvea Rural Development Association	£1,950
2015	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,200
2015	Ulster-Scots Agency	Aughnavollog Ulster Scots Cultural Society	£1,950
2015	Ulster-Scots Agency	Annalong Cultural Education Society	£5,418
2015	Ulster-Scots Agency	Schomberg Festival Committee	£8,625
2015	Ulster-Scots Agency	Schomberg Folk Orchestra	£1,616
2015	Ulster-Scots Agency	The Share Group	£1,538
2015/16	Sport NI	Ballymote Community Project	£11,315
2015/16	Sport NI	The Feel Good Factor	£8,387.50
2015/16	Sport NI	Ballynagross Football Club	£5,570
2015/16	Sport NI	The Kairos Centre	£5,088
2015/16	Sport NI	Dundrum Cricket Club	£3,802
2015/16	Sport NI	Dundrum Sailing Club	£6,366
2015/16	Northern Ireland Screen	Cinemagic (Filmclub)	£19,335
2015/16	Northern Ireland Screen	Nerve Belfast	£2,600
2015/16	Northern Ireland Screen	DFA Presentations delivered to/for: 1. 'Creating Connections' Down Arts Centre	£70
2014/15	Libraries NI	Castlewellan Library	£20,291
2014/15	Libraries NI	Downpatrick	£47,142
2014/15	Libraries NI	Kilkeel	£16,945
2014/15	Libraries NI	Newcastle	£32,898
2014/15	Libraries NI	Rathfriland	£9,604
2014/15	Libraries NI	Warrenpoint	£18,384
2015/16	Libraries NI	Castlewellan Library	£59,051
2015/16	Libraries NI	Downpatrick	£123,210

Year	Funder	Organisation	Amount
2015/16	Libraries NI	Kilkeel	£75,089
2015/16	Libraries NI	Newcastle	£111,552
2015/16	Libraries NI	Rathfriland	£36,044
2015/16	Libraries NI	Warrenpoint	£76,177
2014/15	Northern Ireland Museums Council	Down County Museum	£9,016
2014/15	Northern Ireland Museums Council	Downpatrick and Co Down Railway	£2,295
2015/16	Northern Ireland Museums Council	Down County Museum	£1,105
2015	Foras na Gaeilge	Boirche Íochtar CnaG	£26,467
2015	Foras na Gaeilge	Boirche Íochtar CnaG	£13,223
2015	Foras na Gaeilge	Glór na nGael, Uachtar Tíre	£32,906
2015	Foras na Gaeilge	Glór na nGael, Uachtar Tíre	£16,453
2015	Foras na Gaeilge	Boirche Íochtar CnaG	£13,233
2015	Foras na Gaeilge	Glór na nGael, Uachtar Tíre	£16,453
2015	Foras na Gaeilge	Mayobridge Community Centre	£1,750
2015	Foras na Gaeilge	Ballyholland Primary School	£1,750
2015	Foras na Gaeilge	Campa Chormaic an Dúin	£1,750
2015	Foras na Gaeilge	Campa Chormaic an Dúin	£1,750
2015	Foras na Gaeilge	Mayobridge Community Centre	£2,990
2015	Foras na Gaeilge	Naíscoil na mBeann	£18,000

Mr McMullan asked the Minister of Culture, Arts and Leisure (i) whether a contract bond exists with the parties involved in the construction of the Mac; (ii) whether this bond allows for the repair of the current damage to the building; (iii) who is responsible for the bond; and (iv) what is the monetary value of the bond.

(AQW 54336/11-16)

Ms Ní Chuilín: A Performance Bond to the value of 10% of the construction costs was in place between the contractor and the MAC up to practical completion of the project. This equated to a value of approximately £1.33m.

Construction was completed in February 2012 at which point the Performance Bond expired, therefore it does not allow for the repair of the current damage to the building. There are no other Bonds in place.

Department of Education

Mr Weir asked the Minister of Education to detail the stipulation or point of reference that makes split site school funding dependant on the financial state of the school; or permits that Education Authority to withdraw funding on that basis.

(AQW 53063/11-16)

Mr O'Dowd (The Minister of Education): The criteria for eligibility for consideration of schools to be designated as Dual Sites (split site), is outlined at paragraph 6.22 of the Common Funding Scheme. As detailed in paragraph 6.23 of the Scheme, in operating Dual Site arrangements, Funding Authorities will advise the school on what it sees as the most efficient manner of operation across the sites, taking account of local circumstances such as the nature and phase of schooling, timetabling and transfer difficulties for pupils/teachers, together with any associated costs.

The determination of financial support for additional costs arising from Dual Site operations rests with the individual school's relevant Funding Authority.

Any one provision in the CFS cannot be read in isolation, but must be subject to any provisions in CFS which are of general application. In this regard the Education Authority (EA) has advised that it will exercise a challenge function in relation to the funding sought and the school's financial position. Any school, with a surplus in excess of the threshold of 5%, or £75,000

(whichever is the lesser) of its delegated CFS budget, will be critically assessed by the EA, before any split site funding is provided. This is in accordance with Departmental guidance.

Mr Weir asked the Minister of Education on what basis split site funding has been removed from some schools in 2015-16; and the justification for this removal.

(AQW 53240/11-16)

Mr O'Dowd: The criteria for eligibility for consideration of schools to be designated as Dual Sites (split site), is outlined at paragraph 6.22 of the Common Funding Scheme (CFS). As detailed in paragraph 6.23 of the Scheme, in operating Dual Site arrangements, Funding Authorities will advise the school on what it sees as the most efficient manner of operation across the sites, taking account of local circumstances such as the nature and phase of schooling, timetabling and transfer difficulties for pupils/teachers, together with any associated costs.

The determination of financial support for additional costs arising from Dual Site operations rests with the individual school's relevant Funding Authority.

Any one provision in the CFS cannot be read in isolation, but must be subject to any provisions in CFS which are of general application. In this regard the Education Authority (EA) has advised that it will exercise a challenge function in relation to the funding sought and the school's financial position. Any school, with a surplus in excess of the threshold of 5%, or £75,000 (whichever is the lesser) of its delegated CFS budget, will be critically assessed by the EA, before any split site funding is provided. This is in accordance with Departmental guidance.

Mr Weir asked the Minister of Education to detail (i) the schools recognised as operating on a split site; and (ii) those that received funding in (a) 2014-15; and (b) 2015-16.

(AQW 53241/11-16)

Mr O'Dowd: The eligibility for consideration of a school as a Dual Site (Split site) is outlined at paragraph 6.22 of the Common Funding Scheme. Details of schools funded in the 2014/15 and 2015/16 year (to date) are shown in the tables below.

2014-15

DE Ref	School Name	Funding £
103-6698	St Patrick's PS	12,000
325-0207	Parkhall College St Patrick's College	149,914
323-0234	St Patrick's College, Maghera	61,572
303-2285	St Patrick's & St Joseph's Fed PS, Garvagh	15,656
521-0282	Craigavon Senior High	75,000
503-6634	St Clare's Abbey PS, Newry	35,000
203-6632	Holy Trinity PS	17,490
241-0311	Strabane Academy	49,365
142-0264	Victoria College	50,033
242-0229	Foyle College	46,951
	2014-15 Financial Year	512,981

2015-16

DE Ref	School Name	Funding £
103-6698	St Patrick's PS	12,000
325-0207	Parkhall College St Patrick's College	149,113
323-0234	St Patrick's College, Maghera	61,572
521-0282	Craigavon Senior High	75,000
203-6632	Holy Trinity PS	17,365
241-0311	Strabane Academy	48,601
142-0264	Victoria College	37,719
242-0229	Foyle College	34,958
	2015-16 Financial Year *	436,328

Note * Funding in the 2015-16 financial year reflects allocations to date.

All data is provided by the relevant Funding Authority (EA for controlled and maintained schools and DE for VG schools).

In addition, the following schools operating on Dual Sites did not receive funding in 2014-15 and 2015-16.

Year	DE Ref	School Name
2014-15	103-6075	St Bride's PS
2015-16	103-6075	St Bride's PS
2015-16	101-0255	Elmgrove PS *

* from 1 September

2015-16 Dual Site funding for the 3 schools listed below is still under consideration.

DE Ref	School Name
342-0317	Coleraine Grammar School
542-0314	St Ronan's Grammar School
303-2285	St Patrick's and St Joseph's Fed PS, Garvagh

Mr Weir asked the Minister of Education to detail how much financial support has been provided for split site schools in each of the last five years.

(AQW 53242/11-16)

Mr O'Dowd: Total funding, provided by the relevant Funding Authorities (EA and former Education & Library Boards for their schools) and DE (for voluntary grammar schools), for schools recognised as operating on Dual Sites – as defined under paragraphs 6.22 and 6.23 of the Common Funding Scheme – is detailed in the table below:

Financial Year	Funding £
2011/12	467,444
2012/13	505,063
2013/14	472,465
2014/15	512,981
2015/16 *	436,328

Note: * year to date as at 31 January 2016

Mr Weir asked the Minister of Education to detail the criteria for funding split site schools.

(AQW 53243/11-16)

Mr O'Dowd: The criteria for eligibility for consideration of schools to be designated as Dual Sites (split site), is outlined at paragraph 6.22 of the Common Funding Scheme. As detailed in paragraph 6.23 of the Scheme, in operating Dual Site arrangements, Funding Authorities will advise the school on what it sees as the most efficient manner of operation across the sites, taking account of local circumstances such as the nature and phase of schooling, timetabling and transfer difficulties for pupils/teachers, together with any associated costs.

The determination of financial support for additional costs arising from Dual Site operations rests with the individual school's relevant Funding Authority.

Any one provision in the CFS cannot be read in isolation, but must be subject to any provisions in CFS which are of general application. In this regard the Education Authority (EA) has advised that it will exercise a challenge function in relation to the funding sought and the school's financial position. Any school, with a surplus in excess of the threshold of 5%, or £75,000 (whichever is the lesser) of its delegated CFS budget, will be critically assessed by the EA, before any split site funding is provided. This is in accordance with Departmental guidance.

Mr Givan asked the Minister of Education to detail the business case for the cut off point of three years since qualification included in the Investing in the Teaching Workforce Scheme.

(AQW 53361/11-16)

Mr O'Dowd: The Investing in the Teaching Workforce Scheme is still under development in collaboration with teaching unions and employer representatives, and details have yet to be finalised. All relevant criteria will be published when details of the Scheme have been finalised.

It is intended to launch the Scheme in early Spring, all relevant criteria will be published at that stage.

Mr Weir asked the Minister of Education to detail how much funding, through the Early Years Fund, was awarded to the private sector in 2015-16.

(AQW 53415/11-16)

Mr O'Dowd: Early Years - the Organisation for Young Children (EYO), which administers the Early Years Fund on behalf of the Department of Education, has confirmed that none of the funding has been awarded to the private sector in 2015/16.

Mr Agnew asked the Minister of Education to detail the changes that have been made over the last three years to how funding is allocated to the community voluntary sector; and the reasons for the changes.

(AQW 53605/11-16)

Mr O'Dowd: There have been no changes made over the last three years to how funding is allocated to the community/voluntary sector by the Department of Education.

Mr Weir asked the Minister of Education to detail what action his Department is taking to ensure the provision of continual professional development for teachers that are not in full time employment.

(AQW 53664/11-16)

Mr O'Dowd: The Education Authority (EA) has a statutory duty to provide in-service training for teachers in schools here. I have been advised that within EA there is no centrally organised professional development for unemployed teachers.

Mr Weir asked the Minister of Education, given the restriction of the three years since qualification for teachers in the Investing in the Teaching Workforce scheme, to detail what continual professional development will be targeted at teachers that are unemployed and beyond the point of three years qualification.

(AQW 53665/11-16)

Mr O'Dowd: The Education Authority (EA) has a statutory duty to provide in-service training for teachers in schools here. I have been advised that within EA there is no centrally organised professional development for unemployed teachers.

Mrs Dobson asked the Minister of Education to detail (i) how he will respond to the disappointment expressed at his proposal to exclude experienced teachers from the opportunity to apply for permanent posts through the Investing in the Teaching Workforce scheme; and (ii) whether he has sought any legal advice on his proposals.

(AQW 53666/11-16)

Mr O'Dowd: The Investing in the teaching Workforce Scheme is currently under development, in collaboration with the teaching unions and employers, and details have yet to be finalised.

It is intended that the Scheme will be launched in early Spring 2016; all relevant criteria will be published at that stage.

I realise that disappointment has been expressed by some about the proposed parameters of the Scheme, however I must stress that the Scheme will have potential to provide up to 500 permanent teaching posts for recently qualified teachers and up to 500 teachers will be able to retire early. In the absence of this Scheme neither will happen.

Legal advice has been received on the proposals.

Mr Agnew asked the Minister of Education to detail (i) the relationship between his Department and the Education Authority; and (ii) who is responsible when a statutory duty on his Department is discharged to the Education Authority for delivery but the duty is not met.

(AQW 53689/11-16)

Mr O'Dowd: The Education Authority (EA) is an Executive NDPB of DE established by statute, the Education Act (NI) 2014. The broad framework within which the EA operates is set out in the EA's Management Statement and Financial Memorandum which was drawn up by DE in consultation with the EA and includes: the EA's overall aims and objectives in support of DE's wider strategic aims and objectives and the contribution to the Executive's Programme for Government; the rules and guidelines relevant to the activities of the EA in the discharge of its functions, duties and powers; the conditions under which any public funds are paid to the EA; and how the EA is to be held to account for its performance.

Whilst the Department does not delegate any statutory duty to the EA for delivery, it expects the EA and its other executive NDPBs to assist it (appropriate to their own roles) in discharging its own duties including, for example, in relation to the encouragement and facilitation of both integrated and Irish-medium education. The Department also has a general duty to secure the effective execution by the EA of the Department's policy in relation to the provision of the education service; and, after consultation with the EA, may give directions as to the performance of any of the EA's duties under the Education Orders.

Mr Rogers asked the Minister of Education how many permanent teachers were paid a salary in December 2015.

(AQW 53707/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, but processes teacher payments on behalf of employers for the controlled, maintained and grant-maintained integrated sectors. The number of teachers that were paid for current employment via the Department's payroll in December 2015 was 20,311 – 16,068 permanent teachers and 4,243 temporary. These figures do not include teachers who are employed by Voluntary Grammar Schools, who process their own payrolls and pay their own teachers directly.

Mr Rogers asked the Minister of Education how many temporary teachers were paid a salary in December 2015.
(AQW 53708/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, but processes teacher payments on behalf of employers for the controlled, maintained and grant-maintained integrated sectors. The number of teachers that were paid for current employment via the Department's payroll in December 2015 was 20,311 – 16,068 permanent teachers and 4,243 temporary. These figures do not include teachers who are employed by Voluntary Grammar Schools, who process their own payrolls and pay their own teachers directly.

Mr Rogers asked the Minister of Education to detail the number of teachers that were paid for current employment via the Department's payroll in December 2015.
(AQW 53709/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, but processes teacher payments on behalf of employers for the controlled, maintained and grant-maintained integrated sectors. The number of teachers that were paid for current employment via the Department's payroll in December 2015 was 20,311 – 16,068 permanent teachers and 4,243 temporary. These figures do not include teachers who are employed by Voluntary Grammar Schools, who process their own payrolls and pay their own teachers directly.

Mr Rogers asked the Minister of Education how many temporary teaching positions were advertised by his Department in each of the last five years.
(AQW 53710/11-16)

Mr O'Dowd: My Department is not the employer of teachers; responsibility for the recruitment of teachers lies with the relevant Employing Authority or, in the case of Voluntary Grammar Schools (VGS) and Grant Maintained Integrated (GMI) Schools, the Board of Governors.

The number of temporary teaching positions advertised by the Employing Authorities in each of the last five years is detailed in the table below.

It is important to note that the Employing Authorities advertise temporary teaching positions of six months or more duration. The figures are, therefore, exclusive of temporary teaching positions secured through the Substitute Register (which are for a period of "up to six months duration").

Please note these figures do not include VGS or GMI Schools.

Temporary Teaching (6 months+) Positions Advertised In Each Of The Last Five Financial Years

	2014/15	2013/14	2012/13	2011/12	2010/11
Totals	485	634	368	414	400

Mr Weir asked the Minister of Education to detail the number of nursery places in (i) North Down; and (ii) Northern Ireland that are provided on a (a) part-time basis; and (b) full-time basis.
(AQW 53717/11-16)

Mr O'Dowd: The number of nursery places in North Down and the north of Ireland provided on a (a) part-time basis and (b) full-time basis is set out in the table below.

	North Down	North of Ireland
Statutory Part-time*	390	5,797
Statutory Full-time *	130	9,416
Non-statutory# (P/T)	417	8,691

* Approved enrolments 2015/16.

Actual enrolments 2015/16 (provisional figures).

Mr Campbell asked the Minister of Education whether an assessment of primary schools in East Londonderry that require major refurbishment in the 2016-17 financial year has been completed in the last twelve months.

(AQW 53741/11-16)

Mr O'Dowd: My Department does not maintain a list of schools in need of a new school build. When I wish to make a further Major Capital announcement the School Managing Authorities are requested to provide a list of the projects that they consider to be their top priority.

I am currently considering the merits and feasibility of making a further announcement of schools to progress to planning in the primary sector before the end of the current mandate. The criteria used for prioritising the schools submitted for consideration will be broadly based on the protocol that was utilised for my Major Capital Works announcement in June 2014. This protocol is available from the Departments website at the following hyperlink: <https://www.deni.gov.uk/sites/default/files/publications/de/protocol-for-selection-for-the-selection-of-major-capital-works-24-june-2014.pdf>.

Mr Dallat asked the Minister of Education to detail the number of schools that received funding for breakfast clubs in the last twelve months.

(AQW 53762/11-16)

Mr O'Dowd: Information on breakfast clubs is not routinely collected from schools. The Department's Extended Schools (ES) programme provides additional funding for those schools serving the most disadvantaged areas to provide for a wide range of services and activities outside of the traditional school day and, where assessed as needed by schools, this may include breakfast clubs.

The Education Authority has confirmed that during the 2015/16 financial year just over 200 schools provided breakfast clubs through the ES programme.

Mr Dallat asked the Minister of Education to detail the number of schools with a scheme offering pasteurised milk to pupils.

(AQW 53763/11-16)

Mr O'Dowd: The Department of Education's Nutritional Standards for School Lunches require all schools to make milk available for pupils to purchase every day. The Department for Agriculture and Rural Development has advised that 692 schools have purchased subsidised milk through the EU School Milk Subsidy Scheme which it administers.

Under the DE Milk and Meals Arrangements, free school milk is currently provided to all pupils at special schools, to pupils in nursery and primary schools who do not have access to school meals and to individual nursery and primary school pupils where it is deemed necessary in the interests of their health.

Nursery schools and primary schools with nursery classes can also apply to the DHSSPS Day Care Food Scheme for free milk for children under five. DHSSPS has advised that 335 nursery schools / units offer milk to pupils under the Day Care Food Scheme.

Mr Allister asked the Minister of Education to detail (i) the action he has taken light of the acknowledgement by the OECD that their report which denigrated the literacy and numeracy skills of local students contained information that was incorrect, and (ii) the consequences in terms of the probity of other OECD reports on which he has relied.

(AQW 53769/11-16)

Mr O'Dowd: Given that the error contained within the OECD's recent report was purely presentational in nature, caused by a formatting issue, and has since been identified and corrected by the OECD, I do not deem it necessary to take any further action. I should emphasise that the data underpinning this report are correct and, in turn, there is no reason to comment on the findings of any other OECD report.

Mr Rogers asked the Minister of Education to detail the number of permanent teaching vacancies advertised by his Department in each of the last five years.

(AQW 53777/11-16)

Mr O'Dowd: My Department is not the employer of teachers; responsibility for the recruitment of teachers lies with the relevant Employing Authority or, in the case of Voluntary Grammar Schools (VGS) and Grant Maintained Integrated (GMI) Schools, the Board of Governors.

The number of permanent teaching positions advertised by the Employing Authorities in each of the last five years is detailed in the table below.

Please note these figures do not include VGS or GMI Schools.

Permanent Teaching Positions (including Principal and Vice Principal) Advertised In Each Of The Last Five Financial Years

	2014/15	2013/14	2012/13	2011/12	2010/11
Totals	553	536	422	402	523

Mr Rogers asked the Minister of Education whether his Department has established the value of an A* graded GCSE awarded by the Council for the Curriculum, Examinations and Assessment when converted to Ofqual's proposed new numerical grading system of one to nine.

(AQW 53778/11-16)

Mr O'Dowd: Here, as in Wales, an A* represents the highest level of performance in GCSE qualifications. In England the designation will be different.

I am informed by the Qualifications Regulator that, in moving to the new numeric grade scale in England, Ofqual intends to ensure year on year comparability by anchoring the current A Grade to the new 7 Grade.

This will mean a direct read across, so that the percentage achieving A/A* will align with Grade 7 and above achievement.

Mr Rogers asked the Minister of Education to detail the (a) waiting lists for children requiring a Special Educational Needs assessment in South Down; and (b) length of time each child has been waiting.

(AQW 53779/11-16)

Mr O'Dowd: Following receipt of a request for a statutory assessment of a child's special educational needs, the Education Authority (EA) is required to complete this process within the statutory timeframes outlined in the Education (NI) Order 1996 and the Code of Practice on the Identification and Assessment of Special Educational Needs. Therefore, waiting lists do not apply in relation to such assessments.

The EA has advised that the number of pupils in South Down constituency for whom a decision has been made to carry out a statutory assessment and who were within the ten week period, allowed by statute, to complete the assessment, as at 31 December 2015, is 23.

Mr Dallat asked the Minister of Education to detail the amount of money held in reserve by (i) primary; and (ii) post-primary schools.

(AQW 53788/11-16)

Mr O'Dowd: For the purposes of answering this question 'money held in reserve' is taken to mean schools' surpluses. The value of schools' surpluses as at 31 March 2015 held by (i) primary; and (ii) post-primary schools, is as follows:

Sector	Value of Schools' Surpluses* £
Primary	£33,294,944
Post Primary	£15,219,443

Mr Ó Muilleoir asked the Minister of Education to detail the (i) current use of the Ulidia annexe site in South Belfast; (ii) annual cost of maintaining the buildings and site; and (iii) future plans for the site.

(AQW 53795/11-16)

Mr O'Dowd: The Education Authority (EA) is responsible for the Ulidia site. The EA has advised that the site is currently used by the EA Schools Library Service, the Education Welfare Office and the EA Cleaning Service. The first floor of the main block is currently leased by 'Studio On', creative learning centre.

The EA has advised that the annual cost of maintaining the buildings and site is £122,738.

The site has been identified as a potential new site for Scoil an Droichid and discussions are ongoing with the EA in relation to this proposal.

Mr Weir asked the Minister of Education to detail the schools that currently provide a breakfast club service.

(AQW 53828/11-16)

Mr O'Dowd: Information on breakfast clubs is not routinely collected from schools. The Department's Extended Schools (ES) programme provides additional funding for those schools serving the most disadvantaged areas to provide for a wide range of services and activities outside of the traditional school day and, where assessed as needed by schools, this may include breakfast clubs.

The Education Authority has confirmed funding used by schools, through their ES allocations, for breakfast club provision in each of the last three financial years.

I have arranged for these details to be placed in the Assembly Library.

Mr McKinney asked the Minister of Education (i) to detail the (a) matched; and (b) unmatched European Union funding his Department has sourced in each of the last ten years; and (ii) where this money was spent.

(AQW 53844/11-16)

Mr O'Dowd: My Department's ability to access EU funding is directly linked to the applicability of EU funding streams to the core business of the Department.

Based on information available within my Department the table below details the funding received in the last 10 years from the EU Programme for Peace and Reconciliation in NI and the Border Region of Ireland (Peace II) and the NI Programme for Building Sustainable Prosperity (BSP) from 2000-2006.

Contribution from EU - DE acting as principal for EU*

Financial Year	£000
2005-06	7,299
2006-07	21,441
2007-08	7,074
2008-09	1,314
2009-10	400
2010-11	0
2011-12	5,594
2012-13	1,976
2013-14	0
2014/15	0

* The amounts shown all relate to match funding.

My Department has focused on maximising the support available from the EU's Comenius and Youth in Action Programmes which ended on 31 December 2013 and the EU's Erasmus+ programme which was launched on 1 January 2014.

The British Council was the National Agency for the Comenius and Youth in Action programmes and the British Council in partnership with Ecorys, is the National Agency responsible for delivering the EU's Erasmus+ programme. The education service here has been able to benefit from the following amounts drawn down by the National Agency in each of the last 5 financial years:

Financial Year	Drawdown
2010/11	£1.4m
2011/12	£1.2m
2012/13	£1.6m
2013/14*	£2.2m
2014/15*	£1.8m

* Erasmus+ drawdown reported by DE for Year 3 (2013/14) and 4 (2014/15) is provisional until DE receive final figures from the British Council.

The Peace IV programme was launched on 22 January 2016 and covers the period up to 2020 (with eligibility until 31 Dec 2023), the total funding is €35.29m for shared education (€30m EU funding plus €5.29m match funding provided from central funds); no Peace IV funding has been spent yet as the Special EU Programmes Body has not announced calls for applications.

Mr Hussey asked the Minister of Education, pursuant to AQW 51473/11-16, for an update on the strategy in relation to reports of sexual offences, alleged cases of rape and physical sexual assaults committed on school premises following the meeting of Designated Officers of Child Protection in Education group and the PSNI.

(AQW 53853/11-16)

Mr O'Dowd: There are established child protection procedures in place which involve school staff and staff within the Child Protection Support Service for Schools (CPSSS), working closely with Social Services and the PSNI in the best interests of all the children or young people concerned.

Officers from the PSNI Central Referral Unit attended the Designated Officers for Child Protection in Education Group (DOCPEG) to discuss various issues relating to sexual assaults in schools, including communication and reporting of offences. For information, DOCPEG is comprised of the Chief Education and Welfare Officers from the Education Authority who manage the Child Protection Support Service for Schools (CPSSS) and the Council for Catholic Maintained Schools (CCMS) and is chaired by the Department.

In the course of these discussions, the following clarification was provided in relation to the PSNI statistics:

- All allegations of sexual assault are recorded by the PSNI, regardless of whether these are actioned or are subsequently withdrawn.
- The statistics on assaults on school premises included incidents after hours, weekends and in school holiday periods.
- Any revelations/allegations made to a school's Designated Teacher or independent Counsellor and subsequently referred to the PSNI for further action are recorded against the school's address for statistical purposes. They may not however relate to an incident in school at all rather the school is where the disclosure was made.

In addition, a number of measures have been agreed to ensure improved cooperation and communication between the PSNI and the education sector. This includes closer working with colleagues in the PSNI, in the main through the Safeguarding Board NI to address issues whilst avoiding duplication and inconsistencies. These improvements will complement the established child protection procedures mentioned above.

Mr Murphy asked the Minister of Education to detail how much his (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years.

(AQW 53858/11-16)

Mr O'Dowd: Please see the table below in relation to amounts spent by DE and its arm's-length bodies on office supplies:

Financial Year	2010/11	2011/12	2012/13	2013/14	2014/15
DE	£149,914	£115,730	£152,837	£148,370	£153,487
YCNi	£5,656	£10,471	£8,046	£6,586	£6,662
GTCNi	£17,945	£10,998	£9,551	£4,798	£5,323
CnaG	£3,047	£1,865	£1,601	£1,239	£1,345
Staff Commission	£7,000	£8,000	£6,000	£8,000	£7,000
CCMS	£49,346	£30,440	£28,986	£22,569	£30,683
CCEA	£296,657	£317,667	£242,979	£164,954	£222,067
NICIE	£9,999	£5,756	£10,124	£5,334	£4,340
EA	£5,029,941	£4,097,825	£3,874,141	£3,523,353	£3,896,153

Mr Agnew asked the Minister of Education whether the Home to School transport review is a policy priority for his Department.

(AQW 53873/11-16)

Mr O'Dowd: I remain committed to ensuring the Home to School Transport policy is fit for purpose; however, I determined it was not possible to achieve a wholesale policy change given the limited time left in the Assembly mandate. As such, I decided not to proceed with the consultation.

Mr Irwin asked the Minister of Education to detail how much the General Teaching Council has paid to HMRC in corporation tax, interest and penalties; and any subsequent amount refunded in each of the last five years.

(AQW 53889/11-16)

Mr O'Dowd: The Department does not hold the information requested. The General Teaching Council has however provided the following table detailing the information sought:

	Payments	Refunds
2011	-	-
2012	-	-
2013	£193,144	-
2014	-	£193,653
2015	-	-

Ms Sugden asked the Minister of Education to detail the area plan for (i) primary and (ii) post-primary schools in East Londonderry.

(AQW 53905/11-16)

Mr O'Dowd: The current area plans for primary schools and post primary schools in the former Western and North Eastern Education and Library Boards which straddled East Derry can be accessed through the following links:

- http://www.welbni.org/uploads/file/pdf/WELB_Strategic_Area_Plan_for_Primary_Schools.pdf
- http://www.welbni.org/uploads/file/WELB_Strategic_Area_Plan_-_Post_Primary_Schools_-_January_2015.pdf
- EA, North Eastern Region - Post Primary Area Planning (<http://www.neelb.org.uk/schools/area-planning/post-primary/?assetdet13f93b2a-246e-42a5-9621-cb68a0519dd5=24385>)
- EA, North Eastern Region - Area Planning (<http://www.neelb.org.uk/schools/area-planning/?assetdetecd9191c-3510-4eb1-a129-2ddeed9a4574=24425>)

Mr McNarry asked the Minister of Education to detail the costs associated with teaching English to pupils that do not have English or Irish as their first language broken down per school, in each of the last five years.

(AQW 53919/11-16)

Mr O'Dowd: My Department does not hold this information in the detail required.

My Department provides an additional factor of £1000 per year, via the Common Funding Formula (CFF) to schools for each pupil designated as a newcomer, that is, a pupil who does not have a language in common with the teacher in order to access the curriculum. Over the last five years the total amount provided to schools in respect of the newcomer additional factor is £47 million.

Individual schools have the delegated responsibility to plan and use their funds in accordance with their own needs and priorities including provision for newcomer pupils.

My Department also provides funding to the Inclusion and Diversity Service which supports all Newcomer children to make the transition into the classroom and provide support to schools in relation to translation and teaching methods.

Mr McNarry asked the Minister of Education to detail (i) whether the costs of teaching English to pupils that do not have English or Irish as their first language is met out of schools' delegated budgets; and if so (ii) these schools and the expenditure from their delegated budgets, in each of the last five years.

(AQW 53921/11-16)

Mr O'Dowd: Individual schools have the delegated responsibility to plan and use their funds in accordance with their own needs and priorities. Schools may utilise whatever element of their overall budget they deem necessary, in whatever way they consider appropriate to support newcomer pupils.

Neither my Department, nor the Education Authority can provide the costing information requested.

My Department provides an additional factor of about £1000 per year, via the Common Funding Formula (CFF) to schools, for each pupil designated as a newcomer, that is, a pupil who does not have a language in common with the teacher in order to access the curriculum.

Over the last five years the total amount provided to schools in respect of the newcomer additional factor was £47 million.

Mr Weir asked the Minister of Education to detail the funding given to schools for breakfast clubs in each of the last three years.

(AQW 53934/11-16)

Mr O'Dowd: Information on breakfast clubs is not routinely collected from schools. The Department's Extended Schools (ES) programme provides additional funding for those schools serving the most disadvantaged areas to provide for a wide range of services and activities outside of the traditional school day and, where assessed as needed by schools, this may include breakfast clubs.

The Education Authority has confirmed funding used by schools, through their ES allocations, for breakfast club provision in each of the last three financial years.

I have arranged for these details to be placed in the Assembly Library.

Mr Patterson asked the Minister of Education to list the planned capital investment for each in school in Fermanagh and South Tyrone in the 2016-17 financial year.

(AQW 53938/11-16)

Mr O'Dowd: I have been delighted to announce a number of capital build projects in the Fermanagh and South Tyrone constituency.

The following schools currently have Major Capital Works projects:

- The new build project for Enniskillen Model Primary School has an approved business case for £6m and it anticipated that the project will move to site in December 2016.
- St Patrick's Academy, Dungannon, with an approved business case for £28.7m, is anticipated to commence on site early in the 2016-17 financial year.

- The Devenish College project has an approved business case for £23.2m and it is anticipated that it will progress to site in the 2017-18 financial year.
- The Moy Shared Education Campus for St John's Primary School, Moy and Moy Regional Primary school is at business case stage and until this has been approved it is difficult to estimate when construction will commence.

The seven schools detailed below have School Enhancement Programme Projects that were announced in March 2014:

- The project for Willowbridge has a total project cost of £3.9m to demolish the Edwards Campus and provide new build accommodation to the Lendrum Campus to include multi-purpose rooms, Home Economic, Art and Design and General Classrooms, in the form of an extension. The project is currently on site and due to complete November 2016.
- The project for Erne Integrated College has a total project cost of £4m to provide a New Sports Hall, learning support, sixth form and refurbishment of existing school buildings. Phase 1 of the works completed August 2015, Phase 2 was given approval in February 2016 to progress to tender for the construction.
- The project for Mount Lourdes has a total project cost of £1.1m to provide an extension to the dining hall and a covered walkway. Approval was given in February 2016 to progress to tender for the construction.
- The scheme for Integrated College Dungannon has a total project cost of £3.1m to provide a new sports hall and ancillary accommodation by a new build 2 storey building. Approval was given in February 2016 to progress to tender for the construction.
- The Loreto College project involves the demolition of 8 general classrooms; the provision of 4 double modular classrooms; the demolition of 4 science rooms; the provision of 1 double modular classroom science suite; the provision of 1 double modular classroom music suite; the refurbishment of 4 science laboratories; and the replacement of underground pipes at a total project cost of £9.44m. It is anticipated that works will complete on site in March 2016.
- The project for St Michael's College is currently at the final design stage. The project will see the provision of a new floodlit 3G pitch, with athletics area and changing pavilion. Once the final Design is approved by the Department, funding to release the project to construction will be reviewed against the available capital budget at that time. The project has a total project cost of £1.07m.

Actual investment in the 2016-17 financial year will be dependent on the progress of these various projects.

Mr Patterson asked the Minister of Education for an update on the construction of the new build for Devenish College.
(AQW 53939/11-16)

Mr O'Dowd: Following the appointment, in October 2015, of Isherwood & Ellis as the Integrated Design Team for this project work has progressed to take forward the development of the design for the new school. Enabling works for the build are currently ongoing for the project but have been delayed due to the inclement weather conditions.

It is anticipated that this project will progress to site in the 17/18 financial year.

Mr McKay asked the Minister of Education for an update on the proposed School Enhancement Programme works for St Louis Grammar School, Ballymena.
(AQW 53951/11-16)

Mr O'Dowd: The SEP project at St Louis Grammar School Ballymena, with total project costs valued at £4m, is for the refurbishment and extension of the existing Convent Building to provide a Creative and Expressive Arts facility. The scheme will include facilities for Music, Drama, Art, Moving Image & Media Studies with additional space for an ICT Suite and Sixth Form Centre.

The school's Professional Design Team has undertaken extensive liaison with Planning and NIEA Historic Buildings regarding the scheme as the Convent Building has Grade B1 listed status.

The final designs for the scheme at St Louis Grammar School were approved on 25 June 2015 but due to the restricted Capital budget the project could not be approved to move to construction at that time.

I am pleased to inform you that I have now given approval for the scheme to move to tender for the construction works and it is hoped that work will commence on site early in the FY 2016/17.

Mr Agnew asked the Minister of Education why his Department has taken the decision not to put the home to school transport review out to consultation.
(AQW 53984/11-16)

Mr O'Dowd: I remain committed to ensuring the Home to School Transport policy is fit for purpose; however, I determined it was not possible to achieve a wholesale policy change given the limited time left in the Assembly mandate. As such, I decided not to proceed with the consultation.

Mr Weir asked the Minister of Education to detail what support his Department provides to schools that run breakfast clubs.
(AQW 53991/11-16)

Mr O'Dowd: Information on breakfast clubs is not routinely collected from schools. The Department's Extended Schools (ES) programme provides additional funding for those schools serving the most disadvantaged areas to provide for a wide range of services and activities outside of the traditional school day and, where assessed as needed by schools, this may include breakfast clubs.

The Education Authority has confirmed funding used by schools, through their ES allocations, for breakfast club provision in each of the last three financial years.

I have arranged for these details to be placed in the Assembly Library.

Mr Weir asked the Minister of Education for an update on the Home to School Transport Review.
(AQW 54023/11-16)

Mr O'Dowd: I remain committed to ensuring the Home to School Transport policy is fit for purpose; however, I determined it was not possible to achieve a wholesale policy change given the limited time left in the current Assembly mandate and that it is more appropriate for it to be taken forward in a future Assembly mandate.

Mr Dallat asked the Minister of Education to detail (i) the number of post-primary pupils currently suspended from school; and (ii) how long they have been suspended.

(AQW 54036/11-16)

Mr O'Dowd: My Department collects information on suspensions annually from the Education Authority. Statistics are published on the Departments website.

The figures in the following table have been provided by the EA to the most current date. Please note the figures in the table refer to the number of suspensions and not the number of pupils. The same pupil may have been suspended more than once.

School Type	Suspensions from 1 September 2015 to 31 January 2016	
	Number of post-primary pupils suspended	Total number of days lost from suspension for post-primary pupils
Post-primary	2,685	7,063

Mr Agnew asked the Minister of Education to detail the number of staff that have availed of the Voluntary Exit Scheme in each tranche (a) in his Department; (b) its arm's-length bodies; including (c) their grade; and (d) whether they were part time or full time staff.

(AQW 54045/11-16)

Mr O'Dowd:

- (a) Seventy one staff on my Department's payroll have availed of the NICS Voluntary Exit Scheme in tranches 1- 4, as shown in the table below. In accordance with the confidentiality principle of the Statistics Authority's Code of Practice on Official Statistics, figures have been suppressed where small numbers are involved.

Grade/ Analogous Grade	Tranche 1		Tranche 2		Tranche 3		Tranche 4		Total
	F/T	P/T	F/T	P/T	F/T	P/T	F/T	P/T	
Grade 5	-	-	*	-	-	-	-	-	*
Grade 6	-	-	*	-	*	-	*	-	5
Grade 7	*	*	*		*	-	-	-	6
Deputy Principal	*	*	*	*	*	-	-	-	12
Staff Officer	*	*	*	-	*	-	-	-	#
Executive Officer 1	-	*	*	*	*	-	-	-	10
Executive Officer 2	*	*	*	*	*	*	-	-	9
Administrative Officer	*	*	*	*	*	*	-	-	13
Administrative Assistant	-	*	-	-	*	*	-	-	6
Totals	#	15	13	5	20	5	*	-	71

* denotes figure fewer than 5

denotes figure more than or equal to 5

- (b) The Education Authority (EA) is operating a Voluntary Exit Scheme, on a rolling programme rather than in tranches, and the number of staff who have availed is as follows:

Education Authority Staff Category	Number of Staff approved and confirmed for release in 2015/16	
	Full Time	Part Time
Senior Management ASEO and above (and equivalent)	14	*
Middle Management Assistant Principal Officer to Education Officer (and equivalent)	36	13
Supervisory Management Executive Officer to Senior Administrative Officer (and equivalent)	39	9
Clerical and Support Clerical Officer and Senior Clerical Officer (and equivalent)	54	28

* denotes figure fewer than 5

Mrs Cochrane asked the Minister of Education to detail the (i) number; and (ii) as a proportion, the number of (a) primary school pupils; and (b) post-primary school pupils enrolled at schools within Translink Metro zones that were eligible for free travel on existing Metro services through the Home to School Transport scheme, excluding private buses provided for students on un-serviced routes, in each of the last three years

(AQW 54067/11-16)

Mr O'Dowd: The table below shows the number of school pupils in receipt of a sessional pass for use on Translink Metro public bus services over the last three completed academic years:

Year	Pupils Numbers
2012/13	3,147
2013/14	3,223
2014/15	3,225

In relation to part (ii), given the nature of Translink Metro routes, my Department is not able to provide this information.

Mrs Cochrane asked the Minister of Education to detail how much his Department (i) has spent internally on administering the Home to School Transport scheme, excluding external payments; and (ii) has paid to Translink for providing travel on (a) existing Translink routes through the Home to School Transport scheme; and (b) private buses provided for students on un-serviced routes, in each of the last three years.

(AQW 54068/11-16)

Mr O'Dowd:

Year	Expenditure
2012/13	£1566k
2013/14	£1611k
2014/15	£1691k

The table below shows the expenditure involved in the Education Authority's administration of home to school transport for the last three completed academic years:

In relation to part (ii), both the Education Authority and the Department for Regional Development have confirmed that the funding that is paid to Translink for the provision of home to school bus services is not able to be disaggregated between those pupils using public stage carriage bus services and those using designated school bus services.

Mrs Cochrane asked the Minister of Education to detail the (i) number; and (ii) as a proportion, the number of (a) primary school pupils; and (b) post-primary school pupils that were eligible for free travel on existing Translink routes through the Home to School Transport scheme, excluding private buses provided for students on un-serviced routes, in each of the last three years.

(AQW 54069/11-16)

Mr O'Dowd: The Education Authority and the Department for Regional Development have confirmed that they are not able to disaggregate the number of pupils receiving home to school transport using Translink buses into those using public bus services and non-public bus services.

Mr Weir asked the Minister of Education how much his Department has allocated to providing defibrillators in schools.
(AQW 54095/11-16)

Mr O'Dowd: A defibrillator is an optional addition to first aid provision in schools and should be considered in the context of the school's first aid risk assessment. The decision to purchase a defibrillator and train staff in its use is therefore a matter for each school.

Mr Weir asked the Minister of Education to detail the number of pupils that have achieved a GCSE in Physical Education in each of the last ten years.
(AQW 54096/11-16)

Mr O'Dowd: The answer is contained in the table below:

	Number of GCSE Physical Education examination entries by year 12 pupils achieving grades A*-G
2004/05	3,285
2005/06	3,533
2006/07	3,865
2007/08	3,979
2008/09	4,020
2009/10	4,011
2010/11	3,676
2011/12	3,504
2012/13	3,353
2013/14	3,200

Source: RM Education

The figures are not yet available for the 2014/15 academic year

Mr Allister asked the Minister of Education to detail the criteria followed by the Education Authority in terms of admission to the Voluntary Exit Scheme in respect of managers.
(AQW 54117/11-16)

Mr O'Dowd: All Education Authority non-school based employees, including all managers, have been provided access to the Voluntary Exit Scheme.

Mr Allister asked the Minister of Education to detail the process for decision making in the Education Authority in respect of determining applications under the Voluntary Exit Scheme.
(AQW 54118/11-16)

Mr O'Dowd: The Education Authority (EA) initiated a 2015-16 Voluntary Exit Scheme (VES) on 21 May 2015 targeting non-school based staff. Around 1065 expressions of interest were received by 3 June 2015 including 27 from staff at senior management (i.e. Assistant Senior Education Officer (ASEO) grade and above). The VES has remained open throughout 2015-16 and a further small number of expressions of interest have been received.

Applications are prioritised to achieve the cost reductions identified in the EA centre budget agreed by the Board on 03 July 2015.

All VES applications are considered on balance of savings delivery requirements and service provision, before staff can be approved for exit, and must satisfy the following predetermined criteria:

- it is a bona fide redundancy, that is, the post is being suppressed and it is not to be filled at a later date;
- there is a genuine reduction in the full time equivalent (FTE) staffing level and corresponding reduction in staffing budget, in line with the EA budget cost savings requirements, which is not to be increased at a later date;
- the proposal falls within the payback period of 3.25 years; and
- the proposal clearly sets out the impact that the permanent removal of a post will have on service delivery.

In the first instance formal offers of voluntary severance were made to staff with an exit date of either 30 September 2015 or as soon as possible thereafter; or a date to be agreed as soon as possible on or before 31 March 2016, conditional on sufficient funding being made available and approved by my Department. These offers targeted the suppression of posts mainly at senior management level and from the former CASS service, Schools Library Service and the Regional Training Unit. Additional formal offers of voluntary severance were then made to clerical and administrative support staff in a range of support functions across the organisation with an exit date as soon as possible. This included staff in posts that continue to be required in areas such as finance, HR and student finance, whose release is conditional on transferred redundancy.

The EA continues to keep VES applications under active consideration, subject to examination of service requirements and statutory responsibilities.

Ms McGahan asked the Minister of Education to detail any opportunities primary schools can avail off to assist with the teaching of history at Key Stage 2 in relation to the 1916 Easter Rising and other key events in Irish and European history that have approaching centenaries .

(AQW 54129/11-16)

Mr O'Dowd: There are opportunities for teachers to address significant centenaries within the History strand of The World Around Us at Key Stage 2. For example, many schools choose to study 'Titanic' as a topic and the Council for the Curriculum, Examinations and Assessment (CCEA) has produced teaching resources (such as the Thematic Unit 'Unsinkable') to support this.

As part of the 'Ireland 2016' programme to commemorate the events of 1916, of which the Easter Rising is one, three all-island schools' competitions will be held this year in History, Drama and Art. The cross-curricular nature of these competitions provides opportunities for pupils to learn about this important period in our history.

CCEA is currently developing support materials, in conjunction with other partners to assist teachers should they wish to explore the significant centenaries. I have agreed to provide funding of up to £45k for this work by CCEA in 2016/17.

Mr Weir asked the Minister of Education for an update on his plans to address the shortage of pre-school places in North Down.

(AQW 54143/11-16)

Mr O'Dowd: The Pre-School Education Advisory Groups (PEAG) of the Education Authority (EA) are responsible for ensuring that there is adequate pre-school provision in local areas. For the 2015/16 admissions process in North Down, all children whose parents stayed with the admissions process were placed in a pre-school setting for which they had expressed a preference.

By the closing date for 2016/17 pre-school admissions, 855 first preference applications had been received for settings in North Down. The PEAG will continue to assess the demand for pre-school places and make additional provision based on an assessment of need.

Mr Agnew asked the Minister of Education for an update on the transformation plan for Crumlin College.

(AQW 54181/11-16)

Mr O'Dowd: The Education Authority and NICIE have worked with Crumlin Integrated College to develop an updated Transformation Plan, which is now being implemented.

Mr Agnew asked the Minister of Education ,given the recent report entitled Commission on Religion and Beliefs in British Public Life and its recommendation that RE should be renamed and broadened to include more religious and non-religious worldviews, to detail what steps his Department is taking to move this forward.

(AQW 54183/11-16)

Mr O'Dowd: The core RE syllabus aims to reflect the changing world and enables Key Stage 2 pupils to become aware of and have respect for differing cultures and faiths, as well as providing for Key Stage 3 pupils to study two world religions. Key Stage 4 pupils study the Christian Church from both a Protestant and Catholic tradition. This applies in all grant-aided schools and was drawn up after wide consultation by a group made up of the four main churches.

When the Education and Training Inspectorate (ETI) undertakes inspection of a school, it takes cognisance of, and reports on, the overall ethos and values of all schools which are inspected. It also takes account of the delivery of key aspects of the curriculum including Personal Development and Mutual Understanding, Learning for Life and Work, Citizenship and Literacy. Inspectors visit RE lessons to evaluate teaching and learning when it is requested by the Chairperson of the Board of Governors. This request is made in writing to the Chief Inspector in advance of the inspection. In most instances the request is agreed.

Parents have the right to withdraw their child from all or part of RE on the grounds of conscience and teachers also have the right to be excused from teaching all or part of RE.

Mr Agnew asked the Minister of Education how his Department monitors Religious Education in controlled schools given that the Education and Training Inspectorate has no rights of inspection for Religious Education in Controlled schools.

(AQW 54184/11-16)

Mr O'Dowd: The core RE syllabus aims to reflect the changing world and enables Key Stage 2 pupils to become aware of and have respect for differing cultures and faiths, as well as providing for Key Stage 3 pupils to study two world religions. Key Stage 4 pupils study the Christian Church from both a Protestant and Catholic tradition. This applies in all grant-aided schools and was drawn up after wide consultation by a group made up of the four main churches.

When the Education and Training Inspectorate (ETI) undertakes inspection of a school, it takes cognisance of, and reports on, the overall ethos and values of all schools which are inspected. It also takes account of the delivery of key aspects of the curriculum including Personal Development and Mutual Understanding, Learning for Life and Work, Citizenship and Literacy. Inspectors visit RE lessons to evaluate teaching and learning when it is requested by the Chairperson of the Board of Governors. This request is made in writing to the Chief Inspector in advance of the inspection. In most instances the request is agreed.

Parents have the right to withdraw their child from all or part of RE on the grounds of conscience and teachers also have the right to be excused from teaching all or part of RE.

Mr McKay asked the Minister of Education to detail the projected cost of the capital build at Braidside Integrated Primary and Nursery School which is due to commence in 2017.

(AQW 54189/11-16)

Mr O'Dowd: The business case for Braidside Integrated Primary School was approved in August 2015 for £5.27m. The progress of this project to construction stage is dependent on the new build for Castle Tower School being completed and the site being vacated. The completion of Castle Tower is currently programmed for June 2017.

It is difficult to predict a definitive value of the investment required for the Braidside build as the project is currently at an early stage of design. It should be noted that progression of any project that is not contractually committed will be subject to funding being available at that time.

Ms McGahan asked the Minister of Education for an update on the shared educational campus for St John's Primary School and Moy Regional; and whether he has received an economical appraisal for this project.

(AQW 54198/11-16)

Mr O'Dowd: A Project Board for the Moy Shared Education Campus has been established and has been meeting regularly. The Education Authority is currently carrying out a detailed economic appraisal for the project, including the completion of Traffic Impact Assessments and geotechnical investigations relating to sites identified as potential options for the new shared education campus.

The economic appraisal is due with my Department by March 2016.

Mrs Overend asked the Minister of Education how the funding for special educational needs will change under the new Special Educational Needs and Disability legislation.

(AQW 54213/11-16)

Mr O'Dowd: How special educational needs (SEN) are funded will not change as a result of the Special Educational Needs and Disability (SEND) Bill.

It remains the responsibility of the Education Authority and schools to ensure they fully meet statutory obligations in the provision of education for children with special education needs.

Mr Campbell asked the Minister of Education to detail when his Private Office was first in possession of an initial draft reply to AQW 53741/11-16.

(AQW 54285/11-16)

Mr O'Dowd: The Member will be aware that I provided him with an answer to

AQW 53741/11-16 before its due date of 17 February 2016.

Mr Campbell asked the Minister of Education to detail all the appointments he has made to outside bodies since 16 May 2011, broken down by community background.

(AQW 54286/11-16)

Mr O'Dowd: A breakdown, by community background, of the appointments I have made to the Boards of arms' length bodies and school governing bodies between 16 May 2011 and 16 February 2016 is set out below.

Protestant Community	Roman Catholic Community	Neither Community / Not Known
194	225	45

Mrs Overend asked the Minister of Education to detail (a) the number of teacher training places available in (i) 2010-2011; (ii) 2011-2012; (iii) 2012-2013; (iv) 2013-2014; (v) 2014-2015; (vi) 2015-2016; and (b) the number of projected places available in 2016-2017.

(AQW 54287/11-16)

Mr O'Dowd: The number of teacher training places allocated for the years in question is set out in the table below.

Year	Number of places allocated
2010-11	649
2011-12	656
2012-13	600
2013-14	600
2014-15	600
2015-16	580
2016-17	580

Mrs Overend asked the Minister of Education what steps are being taken to create a single model of governance for schools.
(AQW 54340/11-16)

Mr O'Dowd: All grant aided schools operate the same model of governance. On a day to day basis all grant aided schools are managed by a Board of Governors constituted in accordance with the provisions of Schedules 4, 5 and 6 of the Education and Libraries (NI) Order 1986 (as amended) or Schedule 5 of the Education Reform (NI) Order 1989.

Mrs Overend asked the Minister of Education what steps are being taken to create a single administration body for education.
(AQW 54341/11-16)

Mr O'Dowd: There are currently no steps being taken to create a single administration body for education.

The establishment of an Education and Skills Authority (ESA), as proposed under the Review of Public Administration, would have integrated all of the different sectors of education administration. Bills to establish ESA were introduced in the Assembly in 2007 and in 2012. The 2007 Bill did not complete before the dissolution of that Assembly mandate and, in the continuing absence of political agreement, the 2012 Bill did not advance beyond its completion of Committee Stage on 8 April 2013.

Ms Lo asked the Minister of Education to detail (a) the policies applied in deciding which organisations should be represented on the (i) Area Planning Steering group; (ii) Area Planning Working Group; and (iii) ELB Planning Groups; and (b) the representatives in place.

(AQW 54361/11-16)

Mr O'Dowd: The Area Planning support structures which include the Area Planning Steering Group (APSG), the Area planning Working Group (APWG) and Area Planning Local Groups (APLGs), have been established to support the Area planning process by providing strategic direction, operational consistency and opportunity to actively engage with all the key stakeholder bodies.

The representation on these groups relates to those organisations that have specific statutory or sectoral support roles and responsibilities in the strategic planning of education provision.

The Education Authority (EA) has statutory responsibility to secure sufficient education provision for all pupils and to plan for controlled schools. The Council for Catholic Maintained Schools (CCMS) has statutory planning responsibilities for the Catholic maintained sector. The Council for Integrated Education (NICIE), Comhairle na Gaelscolaíochta (CnaG) and the Controlled Sector Support Council (CSSC) are sectoral support bodies.

The Voluntary Grammar sector does not have a single organisation that represents all voluntary grammar schools as they are all autonomous organisations. However, the Governing Bodies Association (GBA) is involved at APLG level to ensure the views of local grammar schools can be reflected.

Representatives from the Department of Employment and Learning (DEL) and the Further Education (FE) colleges are included as observers to advise on FE policy and strategic developments within that sector.

Nominations were sought from the organisations aforementioned.

Department for Employment and Learning

Mr Weir asked the Minister for Employment and Learning what steps are being taken to provide funding to bridge the gap between the completion of the pilot projects in the United Youth pilot schemes and the roll out of the full United Youth project. (AQW 52918/11-16)

Dr Farry (The Minister for Employment and Learning): The United Youth Pilot Phase will end on 31 March 2016. I am meeting with Ministers in the Office of the First Minister and Deputy First Minister on Monday 15 February to discuss the future of the Together Building a United Community (TBUC) United Youth Programme.

Mr Newton asked the Minister for Employment and Learning what action he is taking to ensure working class protestant pupils are encouraged to apply for places in local universities and third level education. (AQW 53712/11-16)

Dr Farry: The key to increasing the uptake of university places from working class protestant pupils is to raise aspirations and attainment levels while young people are still in school. While that is primarily a matter for the Department of Education and the school sector, my Department also provides considerable financial support to our Universities and Further Education Colleges to further support widening participation in higher education.

This includes special project funding for programmes which allow the universities to develop partnerships with non-selective, post-primary schools in disadvantaged areas to raise awareness of the benefits of higher education and to help pupils attain the necessary qualification for entry. Pupils from controlled post-primary schools, in areas with traditionally low levels of participation in higher education, are specifically targeted for inclusion in outreach programmes such as Ulster University's Step-Up and Queen's University's Junior and Senior Academy programmes.

My Department is currently implementing Access to Success, the regional strategy to widen participation in higher education. Significant progress has been made on a range of measures in the strategy aimed at increasing the recruitment, retention and progression of disadvantaged pupils into and through higher education. In addition, my Department allocates £2.5 million each year to help local higher education providers with the additional costs associated with recruitment from groups which are currently under-represented in higher education.

Ms Sugden asked the Minister for Employment and Learning how his Department identifies skills shortage by geographical area; and how skills shortage is being targeted, and respective skills developed, to support the needs of local industries. (AQW 53726/11-16)

Dr Farry: The Department for Employment and Learning provides a range of pathways and provision to meet the skills needs in Northern Ireland, primarily through our universities and further education colleges.

The Skills Strategy for Northern Ireland, 'Success through Skills – Transforming Futures' articulates the overarching vision for the development of skills throughout Northern Ireland and provides the framework for developing further the skills base to meet this challenge and ensure that Northern Ireland has the skills base to support growth and prosperity.

We know that the economy we aspire to over the next decade and beyond will be increasingly dominated by demand for higher level skills, including those developed through higher level apprenticeships.

I commissioned a Skills Barometer for Northern Ireland and my Department has worked with the Ulster University to develop this tool for forecasting skills needs. The initial report shows that under a high growth, low corporation tax environment, skills will be undersupplied in the economy. It is essential that we address these skills needs, so that we are able to fully gain the benefits of a lower corporation tax rate.

Subjects related to science, technology, engineering, and maths - STEM subjects - will be in most demand reflecting the anticipated growth in the ICT, Professional Services and Advanced Manufacturing sectors. STEM qualifications will also be demanded by a wider range of sectors across the economy. The Department has led on the production of the STEM Strategy, 'Success through STEM' and we are making good progress in implementing this.

The UK Commission for Employment and Skills currently runs two large-scale employer surveys in alternate years: the Employer Skills Survey (ESS) and the Employer Perspectives Survey (EPS). The overall aim of the two surveys is to provide robust and reliable information and intelligence from UK employers on skills issues and workforce development activities.

The ESS is the larger of the two surveys and includes data based on over 4,000 completed interviews in Northern Ireland. It provides a detailed understanding of the level and nature of employer demand for new staff and the ability of the labour market to meet such demand, with data broken down by region.

This sets the context for then exploring imbalances and mismatches in the labour market that result from a lack of skills. UK results were available on 28th January and a NI toolkit is to be released on 10th March.

My Department is committed to working with and supporting employers to ensure local skills needs continue to be met in a growing economy, as evidenced by the Working Groups I established to engage with local industries. The six further education colleges play an important role in this in their local areas through delivery of the Employer Support Programme across Northern Ireland.

The Employer Support Programme is a skills development programme consisting of two strands; Skills Focus, which aims to increase the skills levels and employability of a business's existing workforce to qualifications at level 2 and above; and InnovateUs, which delivers the skills necessary to engage in innovation activity.

In delivering the Employer Support Programme, colleges focus on engaging directly with and providing support to employers through identifying future skills needs in collaboration with employers/skills groups, and being both proactive and reactive to employer skills needs in order to provide tailored skills provision.

My Department has also encouraged our universities to rebalance their course provision increasingly to economically relevant subject areas. The findings of the first report of the Skills Barometer underline the need for more graduates in STEM subject areas and provide further validation for my Department's support for an additional 1,419 undergraduate STEM places and 234 PhD places in economically relevant areas since 2012.

The Northern Ireland universities play a critical role in driving sustainable economic prosperity through high quality, internationally excellent research and translating that research into successful innovation through knowledge exchange – central planks of both the Department's Higher Education Strategy 'Graduating to Success' and the Executive's Innovation Strategy.

However, the structure of the Northern Ireland economy leads to a lack of absorptive capacity for R&D in the NI business base. This presents a very real set of challenges which the Department seeks to address by directly supporting the innovation agenda, most notably through the Northern Ireland Higher Education Innovation Fund (NI HEIF) which provides the core, underpinning funding for the universities' business and community engagement activities. NI HEIF is complemented by 'Connected' - a 'unique to Northern Ireland' programme which promotes collaborative working right across the higher and further education sectors enabling universities and colleges to collectively provide a "one-stop-shop" for companies wishing to access technology and knowledge capital, taking them right through the whole process from problem definition through to solution identification and implementation

'Securing Our Success', the new Northern Ireland Strategy on Apprenticeships, aims to help provide the skills needed to rebalance and rebuild our local economy. The strategy puts employers at the heart of a new Apprenticeship system, and I have established an interim Strategic Advisory Forum, comprised of employers, trade unions, providers of off-the-job training and other key stakeholders, to provide advice on key issues concerning implementation of the new strategy. In addition, we have launched Sectoral Partnerships, involving employers, employer representatives and curriculum experts from the FE and HE Sectors to design and agree apprenticeship provision to ensure the needs of employers are met.

Furthermore, working with Invest NI, the Assured Skills programme is designed to help attract new foreign direct investment (FDI) companies to Northern Ireland, by assuring them that the skills they need to be successful are available. Assured Skills support is also open to support existing companies which are considering expansion

Through its Collaborative Skills Change Fund, Assured Skills works collaboratively with companies, further education colleges and universities in all regions of Northern Ireland. The aim of the programme is to provide short term, pre-employment training solutions to skills shortages, in order to support the needs of local companies. One example of programme support to date is with SDC Trailers and MDF Engineering where the programme, in conjunction with Northern Regional College, provided a number of trained welders to fill job opportunities. Another example is training for Automotive/Electrician Panel Builders, in conjunction with Mallaghan Engineering and Contak Wiring Systems, which is currently being delivered in South West College, Cookstown Campus. These participants, following their period of training, will move into placement with the companies with the opportunity of gaining full time employment.

Following the recent 'Fresh Start' agreement, announced on 17 November 2015, which will see the devolution of Corporation Tax powers, a need now exists for speculative training to meet the anticipated demand in skills from employers. The devolution of Corporation Tax powers will change the landscape for business growth and employment and will greatly enhance Northern Ireland's ability to attract FDI and enable indigenous companies to re-invest savings back into their businesses.

Speculative Training will be used as an Assured Skills' tool to assist in the delivery of a lower rate of Corporation Tax to employers. Research that is currently under way is considering which sectors speculative training should focus on and also how the training should be delivered.

The Department's Employment Service supports all businesses across Northern Ireland by providing a comprehensive range of products and services designed to assist employers to fill vacancies with appropriately skilled staff. This includes engaging proactively with employers to promote a better understanding of skills development.

The Employer Engagement Team supports employers to grow their businesses, by ensuring that people of all skill levels are given individually tailored advice and guidance to gain the relevant qualifications and achieve the appropriate skills and experience to make them more employable and to address skill deficits within an area. The Team also assists with employers' recruitment needs; a dedicated Employer Contact Manager (ECM) will be assigned to an employer when a request for assistance is received. ECMs are experienced in working with employers to deliver a high quality service and are focused on finding candidates with the right skills and attitude to match an employer's needs.

During the last financial year the Department hosted six major Job Fair events in Belfast, Londonderry, Ballymoney, Newry, Portadown and Newcastle. 9,067 people attended, 243 companies participated and there were a total of 4,231 jobs on offer to visiting jobseekers.

I hope this gives a flavour of the important and comprehensive work which my Department is doing to identify and address skills shortages in Northern Ireland.

Ms Sugden asked the Minister for Employment and Learning how he is encouraging the involvement of local industries and businesses with (i) schools; (ii) further education colleges; (iii) universities; and (iv) recruitment agencies as part of a long-term strategy to identify and address skills shortage.

(AQW 53727/11-16)

Dr Farry: Employer engagement is at the heart of my Department's approach to ensuring that a workforce with the right skills for the future economic success of Northern Ireland is developed.

My Department's main source of information on emerging skills needs is the Skills Barometer, which was developed in conjunction with Ulster University. This provides detailed forecasts of the skill requirements for the Northern Ireland economy up to 2025. It includes an analysis of job growth, examination of the changing skills mix and a detailed review into the demand and the supply of skills for our economy, highlighting potential imbalances.

The forecasts within the model are based on a high growth assumption, which has identified an aspirational level of economic and employment growth, including the potential impact of a lower Corporation Tax rate in Northern Ireland. This scenario was adopted as planning will be essential if we are to achieve our economic ambitions of higher economic growth and improved prosperity.

The tool clearly highlights that there will be a strong need in our economy for people with intermediate and graduate level skills in Science, Technology, Engineering and Maths (STEM) related subjects. There will be growth opportunities for all skills levels across a range of sectors; however the focus will be predominately on higher level skills. It also identifies a strong emphasis on developing employability skills in order to secure employment.

Partnership working with industry is key to identifying and addressing our skills needs. To this end, I have established a number of industry working groups, with a focus on priority sectors. These groups bring together business, academia and government and have developed action plans, through which specific sectoral skills issues are being addressed. The ICT Action Plan, for example, includes the employer led 'Bring IT On' campaign which aims to: improve the image of the ICT sector; to encourage individuals to consider the sector as a viable career option; and to encourage the workforce to seek skills in the areas required to pursue a career in ICT. As part of this year's programme the IT Industry will directly engage with over 150 secondary schools and 15 primary schools.

While the main responsibility for linkages between schools and business lies within the remit of the Department of Education, Minister O'Dowd and I have worked together to establish the Careers Advisory Forum, which includes representatives from business, education and other key stakeholders. Part of the Forum's remit is to facilitate engagement between employers, educators and other stakeholders, and to improve employer links with schools at a local level.

My Department is also developing a work experience system which will improve access to placement opportunities for all young people, highlighting areas where we anticipate employment growth, and provide a platform for employers to promote their sectors.

In terms of encouraging the involvement of local industries and businesses with further education colleges, the six further education colleges play an important role in engaging with local industries and businesses to address skills needs through the delivery of the Employer Support Programme across Northern Ireland.

The Employer Support Programme is a skills development programme consisting of two strands; Skills Focus, which aims to increase the skills levels and employability of a business's existing workforce to qualifications at level 2 and above; and InnovateUs which delivers the skills necessary to engage in innovation activity.

In delivering the Employer Support Programme, colleges focus on engaging directly with and providing support to employers through identifying future skills needs, in collaboration with employers/skills groups, and being both proactive and reactive to employer skills needs in order to provide tailored skills provision.

From a university perspective, the Northern Ireland Higher Education Innovation Fund (NI HEIF) provides the core, underpinning funding for the universities' business and community engagement activities. NI HEIF is complemented by 'Connected' - a 'unique to Northern Ireland' programme which promotes collaborative working right across the higher and further education sectors enabling universities and colleges to collectively provide a "one-stop-shop" for companies wishing to access technology and knowledge capital, taking them right through the whole process from problem definition through to solution identification and implementation.

In addition to the study options offered by further and higher education, my Department offers a range of skills pathways developed in conjunction with industry to deliver on identified skills needs.

'Securing Our Success', the new Northern Ireland Strategy on Apprenticeships, puts employers at the heart of a new Apprenticeship system, and I have established an interim Strategic Advisory Forum, comprised of employers, trade unions, providers of off-the-job training and other key stakeholders, to provide advice on key issues concerning implementation of the new strategy. In addition Sectoral Partnerships have been established to involve employers, employer representatives and curriculum experts from the further and higher education sectors in the design and provision of apprenticeships to ensure the needs of employers are met.

The Department's Assured Skills programme is another area in which employer involvement is key. The programme is designed to help attract new foreign direct investment companies to Northern Ireland by assuring them that the skills they need to be successful are available in Northern Ireland. Assured Skills support is also available to encourage existing companies who are considering expansion.

Working with business to identify skills needs, a structured mechanism exists for collaboration between further education, higher education, InvestNI and the Department through the Assured Skills programme to design and deliver bespoke training programmes tailored to meet the needs of the individual companies. Through this collaboration, our colleges and universities are gaining direct industry experience, providing bespoke training, and thus making changes to the curriculum.

The Collaborative Skills Change Fund programme provides short term pre-employment training solutions to skills shortages. In the creative sector, for example, the Animation Academy and the Game Development Academy were developed in conjunction with employers, Northern Ireland Screen and colleges. Each Academy offered 16 participants the opportunity to uptake employment in their respective areas.

The higher education institutions also work collaboratively with employers. For example, the University of Ulster has worked with CME, Citi and SR Labs to develop and deliver a financial services academy for 13 participants. The programme will continue to work with employers and academia to meet the skills needs of local employers in Northern Ireland.

Following the recent 'Fresh Start' agreement, announced on 17 November 2015, which will see the devolution of Corporation Tax powers, a need now exists for speculative training to meet the anticipated demand in skills from employers. The devolution of Corporation Tax powers will change the landscape for business growth and employment and will greatly enhance Northern Ireland's ability to attract foreign direct investment and enable indigenous companies to re-invest savings back into their businesses.

Speculative Training will be used as an Assured Skills tool to assist in the delivery of a lower rate of Corporation Tax to employers. Research that is currently underway is considering which sectors speculative training should focus on and also how the training should be delivered.

Finally, the Department's Employment Service has an essential role in working with local industries and employers to help them find the people with the right skills for their business. The Department does not, however, deal directly with recruitment agencies.

I trust that my response demonstrates the value I place on ensuring that partnership working with business is integral to my Department's work in ensuring the appropriate skills for our economy both now and in the future.

Ms Sugden asked the Minister for Employment and Learning how he is working with the Minister of Education to develop partnerships between companies and schools so that young people are encouraged to develop careers in industries that are facing a present or projected skills shortage.

(AQW 53730/11-16)

Dr Farry: My Department has established a number of working groups, which I chair and co chair, in sectors which have been identified as vital to rebalancing the Northern Ireland economy and providing economically relevant skills to the workforce. The Department of Education is also represented on these groups which include the advanced manufacturing, food processing and ICT sectors to identify and address the skills challenges facing each sector.

The groups bring together government, academia and local employers to identify skills needs associated with the particular sector and develop appropriate solutions through an agreed Action Plan. A number of key programmes have been put in place to promote the sectors, increase attractiveness and ensure employees and prospective employees have the required skills. Through the action plan the groups work with employers and career attractiveness campaigns feature prominently to help encourage career choices in each sector to help long term skill shortages.

My Department also works closely with the Department of Education, as well as other relevant departments and industry representatives, to deliver against the recommendations set out in the STEM Strategy for Northern Ireland: Success through STEM, to deliver a skills pipeline in science, technology, engineering and maths. Evidence continues to highlight that growing the number of economically relevant STEM qualifications will be central to Northern Ireland's economic success and it is essential that our young people are encouraged to follow study and careers in STEM.

I also recently established, with Minister O'Dowd, a Careers Advisory Forum which includes representatives from business, education and other key stakeholders. A key role of the Forum is to facilitate engagement between employers, educators and other stakeholders, and to improve employer links with schools at a local level.

My Department is also developing a work experience system which will improve access to placement opportunities for all young people, highlighting areas where we anticipate employment growth, and provide a platform for employers to promote their sectors.

Mr McCrossan asked the Minister for Employment and Learning to detail the number of people in West Tyrone enrolled in apprenticeships; and the type of apprenticeship on which they are enrolled.

(AQW 53757/11-16)

Dr Farry: As of July 2015, total occupancy in the ApprenticeshipsNI programme across all occupational frameworks for residents of West Tyrone was 411.

Programme occupancy, broken down by framework and level, is included at Table 1.

The latest full ApprenticeshipsNI Statistical Bulletin can be found by following the link below.

<https://www.delni.gov.uk/articles/apprenticeshipsni-statistics>

In addition to ApprenticeshipsNI provision, 10 apprentices are currently participating in a level 3 apprenticeship pilot programme in Automotive Engineering at South West College.

At South West College there are a further 60 apprentices participating in higher level apprenticeship pilot programmes covering, Engineering specialisms, Accounting, Computing, Sustainable Construction and Creative Arts.

Of the apprentices participating in higher level apprenticeship pilots at South West College, 28 have an address in West Tyrone and 38 are enrolled at the Omagh Campus.

Table 1: Occupancy on ApprenticeshipsNI for residents of West Tyrone, by Framework and Level, July 2015

	Level 2	Level 2/3	Level 3 Progression	Level not assigned	Total
Accountancy	0	1	0	0	1
Agriculture	4	0	12	0	16
Barbering	2	1	0	0	3
Business and Administration	3	1	1	0	5
Call Handling	1	0	0	0	1
Catering and Professional Chefs	1	0	2	0	3
Child Care, Learning and Development	0	0	3	0	3
Construction	14	0	0	0	14
Construction Crafts	0	0	34	0	34
Contact Centre Operation	0	0	1	0	1
Customer Service	6	0	0	0	6
Electrical Distribution and Trans. Engineering	0	2	2	0	4
Electrical Power Engineering	4	0	0	0	4
Electrotechnical	0	25	25	0	50
Engineering	12	6	22	0	40
Food Manufacture	40	0	12	0	52
Hairdressing	2	2	5	0	9
Health and Social Care	14	2	23	0	39
Hospitality	6	0	7	0	13
Insurance	11	0	0	0	11
IT and Telecoms Professional	3	0	0	0	3
IT User	1	1	2	0	4
Laboratory Technician	0	0	1	0	1
Land Based Service Engineering	2	0	9	0	11
Light Vehicle Body and Paint Operations	0	0	5	0	5
MES Plumbing	1	0	6	0	7
Pharmacy Services	4	0	4	0	8
Retail	22	0	13	0	35
Team Leading	2	0	0	0	2
Vehicle Maintenance and Repair	4	0	19	0	23
Youth Work	0	0	1	0	1
Not Known	0	0	0	2	2

	Level 2	Level 2/3	Level 3 Progression	Level not assigned	Total
Total	159	41	209	2	411

Source: Data obtained from the Department for Employment and Learning Client Management System

Mr McKinney asked the Minister for Employment and Learning (i) to detail the (a) matched; and (b) unmatched European Union funding his Department has sourced in each of the last ten years; and (ii) where this money was spent.

(AQW 53841/11-16)

Dr Farry: The European Social Fund (ESF) is the Department's primary source of funding from the European Union. The overall strategic aim of the current Northern Ireland ESF Programme 2014-2020 is to combat poverty; enhance social inclusion by reducing economic inactivity; and increase the skills base of those currently in work and future potential participants in the workforce. The Programme is delivered through a variety of employability-focussed projects across Northern Ireland.

Funding under the Voluntary and Community strand of the current ESF Programme is based on 40% European Commission contribution; 25% DEL contribution; and 35% private or public match funding contribution through a variety of different funding sources.

Funding under the Government Programmes strand of the ESF Programme is based on 40% European Commission contribution; and 60 % DEL contribution.

The Department is only required to retain financial records for the preceding seven years.

Voluntary and Community Strand of ESF Programme

Financial Year	European Commission ESF Contribution (40%)	DEL Contribution (25%)	Match Funding (35%)
2008/09	£8.78m	£5.49m	£7.68m
2009/10	£9.61m	£6.01m	£8.41m
2010/11	£9.55m	£5.97m	£8.36m
2011/12	£9.48m	£5.93m	£8.3m
2012/13	£10.08m	£6.3m	£8.82m
2013/14	£10.08m	£6.3m	£8.82m
2014/15	£10.08m	£6.3m	£8.82m
2015/16	£12.48m	£7.8m	£10.92m

Government Programmes Strand of ESF Programme

Financial Year	European Commission ESF Contribution (40%)	DEL Contribution (60%)
2008/09	£4.12m	£5.94m
2009/10	£8.33m	£12.24m
2010/11	£13.17m	£23.73m
2011/12	£16.85m	£31.29m
2012/13	£12.28m	£20.92m
2013/14	£14.6m	£33.3m
2014/15	£14.11m	£30.69m
2015/16	£2.81m	£3.63m

Mr Weir asked the Minister for Employment and Learning to detail the number of people in North Down enrolled in apprenticeships; and the type of apprenticeship on which they are enrolled.

(AQW 53865/11-16)

Dr Farry: As of July 2015, the total occupancy in the ApprenticeshipsNI programme across all occupational frameworks for residents of North Down was 221. Programme occupancy, broken down by framework and level, is included in Table 1.

The latest full ApprenticeshipsNI Statistical Bulletin can be found by following the link below:

<https://www.delni.gov.uk/articles/apprenticeshipsni-statistics>

In addition to ApprenticeshipsNI provision, 20 people are enrolled in Higher Level Apprenticeship training in Gas Management. Training is based in the South Eastern Regional College, Newtownards campus.

Table 1: Occupancy on ApprenticeshipsNI for residents of North Down, by Framework and Level, July 2015

	Level 2	Level 2/3	Level 3	Level not assigned	Total
Beauty Therapy	0	0	1	0	1
Business and Administration	0	0	1	0	1
Catering and Professional Chefs	17	0	2	0	19
Child Care, Learning and Development	0	0	6	0	6
Construction Crafts	0	0	3	0	3
Customer Service	10	0	6	0	16
Electrical Distribution and Trans. Engineering	0	0	1	0	1
Electrotechnical	0	10	4	0	14
Engineering	1	15	4	0	20
Food Manufacture	4	1	0	0	5
Hairdressing	2	0	7	0	9
Health and Social Care	9	1	20	0	30
Heating, Ventilation, Air Conditioning and Refrigeration	1	0	1	0	2
Hospitality	28	0	15	0	43
Insurance	2	0	3	0	5
IT and Telecoms Professional	4	0	3	0	7
Management	0	0	1	0	1
MES Plumbing	1	0	2	0	3
Providing Mortgage Advice	0	0	1	0	1
Retail	15	0	6	0	21
Security Systems	2	0	0	0	2
Team Leading	3	0	0	0	3
Vehicle Body and Paint	1	0	0	0	1
Vehicle Maintenance and Repair	1	0	4	0	5
Not Known	0	0	1	1	2
Total	101	27	92	1	221

Source: Data obtained from the Department for Employment and Learning Client Management System

Mr Dallat asked the Minister for Employment and Learning to detail the number of students taking literacy and numeracy courses at further education colleges in the last twelve months.

(AQW 54034/11-16)

Dr Farry: In the 2014/15 academic year, the last full year for which records are available, there were 12,060 individuals enrolled on Literacy Essential Skills courses and 13,219 individuals enrolled on Numeracy Essential skills courses.

Mr Dallat asked the Minister for Employment and Learning how many Regional Colleges are offering Polish as a modern language course.

(AQW 54035/11-16)

Dr Farry: At present, one Regional College, Belfast Metropolitan, is offering Polish as a modern language course. They have provided the following information:

Belfast Metropolitan College offers classes in Polish as a Modern Language. Students have the option to gain a qualification accredited by Open College Network Northern Ireland (OCNNI) (Entry level 3). The following courses were offered for the last three academic years:

13/14	Polish Beginner (Step 1)
13/14	Polish Beginner Plus (Step 2)
14/15	Polish Beginner (Step 1)
14/15	Polish Beginner Plus (Step 2)
15/16	Polish Beginner (Step 1)
15/16	Polish Beginner Plus (Step 2)

Mr Easton asked the Minister for Employment and Learning how many foreign students are attending local universities in the 2015/16 academic year.

(AQW 54061/11-16)

Dr Farry: My Department does not currently hold enrolment data for the 2015/16 academic year, however the table below shows the breakdown of non UK domiciled student enrolments for the 2014/15 academic year.

Country of domicile	Total enrolments
Republic of Ireland	2,345
Other European Union	385
Non European Union	2,795
Total non UK enrolments	5,525

Mr Easton asked the Minister for Employment and Learning how many students leave Northern Ireland to attend universities in other parts of the United Kingdom, broken down by religion.

(AQW 54063/11-16)

Dr Farry: Information on religious background is only available for Northern Ireland-domiciled students studying at Northern Ireland higher education institutions, and is not currently available for those students studying at institutions in the rest of the UK.

The table below sets out the numbers of Northern Ireland-domiciled students enrolled at higher education institutions in other parts of the UK in 2014/15.

Location of institution	Total enrolments
England	11,170
Scotland	4,160
Wales	545
Total	15,875

Department of Enterprise, Trade and Investment

Mr McNarry asked the Minister of Enterprise, Trade and Investment to detail his departmental budget for advertising and promotions for TV, radio and newspapers between 1 January 2016 and 31 March 2016.

(AQW 53823/11-16)

Mr Bell (The Minister of Enterprise, Trade and Investment): The departmental budget for advertising and promotions for TV, radio and newspapers between 1 January 2016 and 31 March 2016 is NIL.

Mr Murphy asked the Minister of Enterprise, Trade and Investment to detail how much his (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years.

(AQW 53859/11-16)

Mr Bell: The Department of Enterprise, Trade and Investment and its arms length bodies has spent the following amounts on office supplies in the financial years as shown:

	2011-2012	2012-2013	2013-2014	2014-2015	2015 - 31st Jan 2016	Total
DETI Core	£70328	£59677	£51864	£37400	£26550	£245819
HSENI	£30619	£26180	£20992	£20107	£8631	£106529
Consumer Council	£12293	£9248	£6473	£4530	£2933	£35477
Tourism NI	£7969	£7962	£7830	£7873	£3672	£35306
Invest NI	£26432	£21202	£16645	£19839	£10088	£94206

We have interpreted office supplies to mean general office stationery, paper and printer cartridges and have used financial years which is more compatible with our management systems.

Tourism NI have included general office stationery and paper but have excluded printer cartridges since they were unable to separate the cost for consumables from their managed print service.

Department of the Environment

Mr Agnew asked the Minister of the Environment, pursuant to AQW 48918/11-16, (i) to provide the planning permission or permitted development case, including reference numbers on which the granting of Aggregates Levy Credit Scheme certificates were based, for each of the six certificates granted for Lough Neagh; and (ii) whether it detailed in full the specific Aggregates Levy Credit Scheme files for audit purposes.

(AQW 49633/11-16)

Mr Durkan (The Minister of the Environment): The table overleaf provides the planning information, used at the time, upon which the granting of ALCS certificates was based.

The planning files do not hold information pertaining to the ALCS certificates.

ALCS No.	Name & Site address	Date applied for	Date Certificate Issued	Planning information used for processing ALCS
51	Norman Emerson & Sons Ltd, Ardmore Readymix, 118 Ardmore Rd, Lurgan	9/2/2004	18/11/2004	Planning reference C356 granted approval - 27/01/1969 and C305 granted approval - 19/02/1969. The certificate was subsequently withdrawn by the applicant on 14/11/2005.
99	A E Mulholland & Sons, Derryclone Rd, Gawleys Gate, Craigavon, BT67 0BP	20/5/2004	12/4/2005	Planning reference N/2000/0161 - granted approval 20/05/2004.
100	Mulholland Bros. (B&S) Ltd, 17 Shore Rd, Ballinderry Upper, Lisburn BT28 2LQ	2/8/2004	17/11/2004	Planning reference - S/880/81 and S/92/0067, also recorded as S/1981/0880 – PM 81/036 and S/1992/0067 – PM 81/036 respectively.
125	Cemex (NI) Ltd, Toomebridge Sand Depot, 30 Creagh Rd, Toomebridge BT41 3SE	17/5/2004	26/1/2005 to Readymix (NI) Ltd Reissued 16 Oct 2007 to Cemex (NI) Ltd	Planning reference H/97/0419 - granted approval 19/06/1998, also recorded as H/1997/0419 and PLA 3/4/9/97.
137	Northstone (NI) Ltd Sandybay Site, 19 Shore Rd, upper Ballinderry BT28 2LF	23/6/2004	17/11/2004 to Scott (Toomebridge) Ltd reissued 4/7/2006 to Northstone (NI) Ltd	Development immune from enforcement action

ALCS No.	Name & Site address	Date applied for	Date Certificate Issued	Planning information used for processing ALCS
138	Northstone (NI) Ltd, Ballyginniff Site, Loughview Rd, Crumlin, Co Antrim BT29 4EE	23/6/2004	17/11/2004 to Scott (Toomebridge) Ltd reissued 4/7/2006 to Northstone (NI) Ltd	Planning reference AN1053 - granted approval 20/05/1969.
139	Northstone (NI) Ltd, Hutchinson's Site, Creagh Rd, Toomebridge, Co Antrim BT41 3SD	23/6/2004	17/11/2004 to Scott (Toomebridge) Ltd reissued 4/7/2006 to Northstone (NI) Ltd	Development immune from enforcement action

Mr Agnew asked the Minister of the Environment, in light of paragraph 10 of the Planning Appeals Commission ruling relating to Lough Neagh dated 13 November 2013, whether (i) the planning application being considered as part of the enforcement appeal relates solely to the retrospective regularisation of unauthorised sand extraction up to the date of the enforcement notice; and (ii) all unauthorised activities currently being permitted because he did not serve stop notices are not the subject of the enforcement appeal.

(AQW 51217/11-16)

Mr Durkan: The Department previously stated its position in correspondence to the Planning Appeals Commission (PAC) on 9 November 2015 and in letters to Quarry Plan on 11 November 2015 and 18 January 2016. Copies of the letters have been placed in the Assembly Library.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 52577/11-16, to detail the error that rendered the enforcement notice served in regard to the deposition of illegal waste at Site F, Mobuoy Road, Derry defective.

(AQW 53177/11-16)

Mr Durkan: The notice was withdrawn when it was considered that the requirements of S. 139(3) of The Planning Act (NI) 2011 (service on interested parties) were not satisfied.

Mr Ó hOisín asked the Minister of the Environment for his assessment and the cost of the damage caused by storm Henry on 1 February 2016.

(AQW 53748/11-16)

Mr Durkan: My Department did not incur any cost due to Storm Henry as there were no flooding damage claims submitted to the Department as a result of the storm.

Mr Weir asked the Minister of the Environment to detail the grants available through his Department for the restoration, preservation and promotion of historical sites, locations and buildings, particularly those relating to World War 2.

(AQW 53755/11-16)

Mr Durkan: There are between 20-30 scheduled monuments in Northern Ireland which date to World War Two. The majority are defensive pillboxes built to repel possible invasion, but they also include light and heavy anti-aircraft battery positions. Scheduling is an ongoing process and it is intended to schedule more World War Two sites in future.

There is provision in legislation for my department to support owners of scheduled monuments in their upkeep through management agreements. These management agreements are aimed at ensuring that our heritage is maintained in a sustainable manner for the future and in recognition of the economic benefit such sites can provide for the local economy. Such agreements are considered by my Department on the basis of the risks to the monument and the benefits that it can bring to the surrounding area, within the confines of Departmental budgets.

My Department has a grant-aid scheme to assist with the costs of eligible repairs for most listed buildings; however - due to constraints on departmental budgets - I have not been in a position to allocate any monies to new letters of offer for listed building grant aid in this financial year.

In the new Department for Communities, which will also have responsibility for urban regeneration and for local government, there will be an opportunity to create new options to support works to protect and conserve the historic environment, alongside ongoing advice and guidance to owners of historic structures. Levels of funding available will be dependent on Departmental budgets; I expect to make proposals on how such support may be managed and prioritised, in the coming weeks.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 51672/11-16, whether the preparation of management plans for Northern Ireland's Natura 2000 network of European sites is to be outsourced to private consultants; and if so,

to detail (i) the reason for this; (ii) the total budget available; and; (iii) where the funding will come from given the cuts experienced by his Department.

(AQW 53808/11-16)

Mr Durkan: My Department will be employing a range of delivery and funding mechanisms for the Natura 2000 conservation management plans, including:

- Production of plans in-house;
- The INTERREG VA Programme for 2014-2020;
- The Rural Development Programme 2014-2020(measure 7);
- The DOE Environment Fund.

External bodies are eligible to apply for a number of these streams highlighted above, but as some of the mechanisms are at the assessment stage, it is not possible to define who the delivery bodies will be.

Given the varied nature, size and complexity of our Natura 2000 sites and delivery mechanisms, it would not be possible to give a definitive total budget for this work stream at this time.

It should be noted that the production of Natura 2000 conservation plans is not a legal requirement. However, they are a preferred approach to co-ordinating management activities and conservation measures across a site.

Mr Agnew asked the Minister of the Environment, in relation to planning permission Z/2014/1346/F and current planning application LA04/2015/0310/F for a waste incinerator at Airport Road; to detail (i) how these proposals are to be connected to the Northern Ireland Electricity network; (ii) if any detailed design of this connection exists; and (iii) whether any connection will require planning permission.

(AQW 53812/11-16)

Mr Durkan: The proposed electricity connection for the development is contained within the site boundary for planning permission Z/2014/1346/F. This utilises existing duct work that connects to an existing substation.

Planning application LA04/2015/0301/F seeks to amend planning conditions relating the waste throughput of the facility approved under Z/2014/1346/F. The planning application boundary is the same for both applications.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 51672/11-16, whether his Department is outsourcing the management plan preparation to private consultants in order to avoid infraction and heavy fines being imposed on the Executive.

(AQW 53818/11-16)

Mr Durkan: My Department will be employing a range of delivery and funding mechanisms for the Natura 2000 conservation management plans, including:

- Production of plans in-house;
- The INTERREG VA Programme for 2014-2020;
- The Rural Development Programme 2014-2020(measure 7);
- The DOE Environment Fund.

External bodies are eligible to apply for a number of these streams highlighted above, but as some of the mechanisms are at the assessment stage, it is not possible to define who the delivery bodies will be.

Given the varied nature, size and complexity of our Natura 2000 sites and delivery mechanisms, it would not be possible to give a definitive total budget for this work stream at this time.

It should be noted that the production of Natura 2000 conservation plans is not a legal requirement. However, they are a preferred approach to co-ordinating management activities and conservation measures across a site.

Mr Dunne asked the Minister of the Environment what steps he is taking to improve road safety and help reduce the risk of road deaths.

(AQW 53831/11-16)

Mr Durkan: My Department continues to take a range of actions to reduce deaths and serious injuries on our roads. We focus on the key causes of road casualties, and on groups which are over-represented in the casualty figures.

The Road Traffic (Amendment) Bill completed its legislative passage on 12 January 2016 and currently awaits Royal Assent. The Bill makes provision for a new drink driving regime and a new Graduated Driver Licensing Scheme. We will now develop and consult on a significant package of subordinate legislation to implement the new arrangements.

My Department has a statutory duty to promote road safety and, within the context of the Northern Ireland Road Safety Strategy, does this through a wide range of rolling road safety education activities, including road safety public information campaigns and education programmes.

Through its current portfolio of awareness campaigns, my Department in 2016 will continue to focus on problem areas, such as drink driving, speeding, carelessness and inattention; and on groups which are over-represented in the casualty figures.

I have also recently commissioned two new campaigns. The first is a social media campaign specifically addressing the various issues in relation to mobile phone use while driving. The second campaign will deal with young driver distraction, particularly when carrying passengers. Both campaigns will be launched in the coming months.

My Department also continues to provide a range of resources and schemes to be used by teachers to allow them to improve road safety behaviours in children and young people.

I recognise the continuing challenges of preventing road deaths and serious injuries and as such my Department will continue to address the issues through various activities.

Mrs Cochrane asked the Minister of the Environment to detail how (i) Public Service Vehicle; (ii) MOT; (iii) AccessNI; (iv) roof sign; (v) ranking; and (vi) printer and meter checks will be undertaken on all taxis (a) after the new regulations come into force in May 2016; and (b) once the new departmental structures are in place.

(AQW 53860/11-16)

Mr Durkan: The Driver & Vehicle Agency will be responsible for the mandatory approval, testing and sealing requirements for taximeters and printers required in all Class A and Class B taxis. The taximeter test will be offered at all 15 Test Centres. In addition to the initial taximeter sealing test, taximeters and printers will also be inspected during the taxi's annual licensing test, to ensure continued compliance.

The Agency will also continue to conduct a range of checks on taxis, drivers and operators, both at the roadside and at commercial premises, to ensure compliance with the new regulations and the various rules that apply to each prescribed class of taxi.

This work will comprise of a technical inspection to ensure that vehicles are roadworthy and that they conform with taxi roof sign, taxi meter and printer requirements. Licensing checks will also be carried out to ensure that operators, drivers and their vehicles meet all of the various statutory licensing and annual vehicle test requirements and that each prescribed class of taxi operates within strict accordance with the law.

Access NI repute checks are only completed upon receipt of a taxi driver licensing application and therefore will remain unaffected by the new regulations.

It is anticipated that the new Departmental structure will have little effect on the current taxi licensing and enforcement arrangements.

Mrs Cochrane asked the Minister of the Environment to detail (i) whether a taxi operator is required to offer disabled access vehicles as a condition of its operating licence and, if so, how many as a minimum requirement; and (ii) the number of disability accessible cars registered by each taxi operator.

(AQW 53861/11-16)

Mr Durkan: Taxi operators are not required to offer disabled access vehicles as a condition of their Taxi Operator's Licence. There is therefore no requirement for Taxi operators to specifically register the number of disability accessible vehicles in their fleet.

Mrs Cochrane asked the Minister of the Environment to detail the words, numbers or information that must be displayed on taxi roof signs under the new regulations.

(AQW 53862/11-16)

Mr Durkan: Under the new taxi licensing regime a taxi requiring a roof sign must display to the front either the name or trading name of the licensed operator, or the word 'TAXI', and to the rear either a telephone number or the word 'TAXI'.

These requirements are outlined in Regulation 25 of The Taxi Licensing Regulations (Northern Ireland) 2015.

Mrs Cochrane asked the Minister of the Environment how his Department will enforce the requirement for meters and printers in all taxis after 31 May 2016.

(AQW 53863/11-16)

Mr Durkan: The Driver & Vehicle Agency will be responsible for the mandatory approval, testing and sealing requirements for taxi meters and printers required in all Class A and Class B taxis. The taximeter test will be offered at all 15 Test Centres. In addition to the initial taxi meter sealing test, taxi meters and printers will also be inspected during the taxi's annual licensing test, to ensure continued compliance.

The Agency will also conduct roadside inspections on taxis and check to ensure that taxi meters and printers have been installed properly and are operating in accordance with the requirements. Enforcement action will be taken where non-compliance is detected.

Mrs Cochrane asked the Minister of the Environment how he will advise HMRC about taxi sales and the VAT arising.
(AQW 53864/11-16)

Mr Durkan: My Department has no remit regarding the VAT implications of taxi sales and therefore I have no plans to discuss the issue with HMRC.

Mr Agnew asked the Minister of the Environment why planning application Z/2014/1473/F for a waste incinerator at Airport Road has been removed from the planning portal.
(AQW 53870/11-16)

Mr Durkan: My officials have advised that there was a minor system issue which prevented this application being viewed by the public. This issue has been resolved and the planning application is now available to view on the planning portal.

Ms Sugden asked the Minister of the Environment whether a building that is still lived in can be listed on the Built Heritage At Risk register for Northern Ireland.
(AQW 53875/11-16)

Mr Durkan: A building that is still lived in can be included on the Built Heritage at Risk Register for Northern Ireland.

Departmental officials met the UAHS's Chief Executive and buildings at risk officer on 11 January 2016 and agreed a timetable for the project. The UAHS is currently compiling relevant material. The work therefore remains on track for completion in the first half of this year. Once the work is complete my Department will determine the appropriate means by which to make it public.

Ms Sugden asked the Minister of the Environment for an update on the Ulster Architectural Heritage Society review of the work of the Built Heritage At Risk Register Northern Ireland, including when it will be published.
(AQW 53876/11-16)

Mr Durkan: A building that is still lived in can be included on the Built Heritage at Risk Register for Northern Ireland.

Departmental officials met the UAHS's Chief Executive and buildings at risk officer on 11 January 2016 and agreed a timetable for the project. The UAHS is currently compiling relevant material. The work therefore remains on track for completion in the first half of this year. Once the work is complete my Department will determine the appropriate means by which to make it public.

Mr Easton asked the Minister of the Environment to detail the areas of North Down that have tree preservation orders in place.
(AQW 53884/11-16)

Mr Durkan: On 1 April 2015 the majority of planning functions transferred to the 11 new local councils for Northern Ireland and responsibility for holding information about TPOs now rests with Ards and North Down Borough Council.

You may therefore wish to contact the Council Chief Executive regarding the matters raised and he can be contacted at:

Mr Stephen Reid
Chief Executive, Ards and North Down Borough Council, Council Offices, 2 Church Street, Newtonards, BT23 4AP

Mr Easton asked the Minister of the Environment how many cars have undergone a MOT test in each of the last three years.
(AQW 53892/11-16)

Mr Durkan: The number of private car tests, broken down by full test and retest, completed in each of the last three financial years (1 April - 31 March) is set out below.

Private Car Vehicle Tests 2012-13 to 2014-15¹

	2012-13	2013-14	2014-15
Full Test	678,086	696,876	703,585
Retest	141,391	139,587	132,721
All Tests	819,477	836,463	836,306

¹ Figures are the latest DOE/DVA National Statistics.

Mr Easton asked the Minister of the Environment how much money his Department has generated through MOT tests in each of the last three years.
(AQW 53893/11-16)

Mr Durkan: The total amount of fees generated from MOT's in each of the last three financial years is set out below:

- 2014/15 £30,230,581

- 2013/14 £30,012,987
- 2012/13 £29,222,452

Mrs Cochrane asked the Minister of the Environment for a definition of an operating centre within the requirements of Taxi legislation; and whether planning permission is required to be demonstrated for any such operating centre.

(AQW 53953/11-16)

Mr Durkan: The Taxis Act 2008 defines a Taxi Operating Centre as 'premises at or from which a taxi operator operates a taxi service'.

Taxi Operators are required to ensure that their operating centres comply with the relevant planning regulations. The class of planning permission will vary depending on the use of the building or office and whether the business provides access to the public.

Operators working from a business or commercial premises are required to ensure that any operating centre on their application (a) has existing planning approval, or (b) has a certificate of Lawful Use or Development, or (c) does not require planning approval and is outside the scope of any planning enforcement action.

Mrs Cochrane asked the Minister of the Environment to detail the address of Uber's operating centre, as per its operating licence; and whether it has planning permission for taxi use.

(AQW 53954/11-16)

Mr Durkan: The operating centre specified on Uber's Taxi Operator Licence is:

- Forysth House, Cromac Square, Belfast BT2 8IA.

UBER fulfilled the planning requirements for Taxi Operator Licensing, appropriate to the use of their operating centre.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 50125/11-16, whether the Aggregates Levy Credit Scheme certificates issued to Lough Neagh sand traders required consideration of the issue that the sand being extracted from this Special Protection Area had neither planning permission or environmental assessments.

(AQW 53983/11-16)

Mr Durkan: The Department processed Aggregates Levy Credit Scheme (ALCS) applications in accordance with the procedures and in compliance with relevant legislation. The ALCS did not require consideration of off-site activities; the scheme application criteria only related to the site, registered with Her Majesty's Revenue and Customs.

Mr Agnew asked the Minister of the Environment to detail all the country parks that are under consideration for sale or disposal by the Northern Ireland Environment Agency.

(AQW 53986/11-16)

Mr Durkan: I can confirm that no consideration is being given to the sale or disposal of my Departments Country Parks at present.

Mr Weir asked the Minister of the Environment to detail any plans his Department has to reform the legislation or practices on the use of snares, including any consideration given to the banning of snares.

(AQW 53993/11-16)

Mr Durkan: In taking forward the Snares Order, which is subordinate legislation designed to place further restrictions on the use of snares, I received several calls for the Order to be overturned and for a total ban on the use of snares to be introduced. The Snares Order requires the approval of the Assembly to bring it into force.

Given the complexity of the issues and the differing views held, I wish to consider the issue in more detail and am meeting several stakeholders to help inform my view.

The overarching legislation governing snares is the Wildlife (NI) Order 1985, which is primary legislation. Given the limited timescale remaining for the current Assembly it would not be possible to take forward any legislative changes to the 1985 Order before the recess.

Mrs Dobson asked the Minister of the Environment, pursuant to AQW 51160/11-16, for an update on the implementation of the new driver licensing IT system in terms of each phase of delivery; and whether providing an online application process will lower the cost of a provisional driving licence and bring it into line with the cost of a licence in other regions of the United Kingdom.

(AQW 54149/11-16)

Mr Durkan: In responding to AQW 51160/11-16, I indicated that the Driver & Vehicle Agency is currently developing a new Driver Licensing IT system, the first phase of which was to be ready for implementation by April 2016.

However, due to the complexity of the driver licensing business rules and the development of a scanning solution to sit within the workflow processes, development is taking slightly longer than anticipated.

Delivery of the core system is now planned for the end of May 2016 with a range of limited online services being available from June 2016. Other phases are due to be delivered in 2017 and 2018 and include the roll out of further online services and enhancements in access to the driver record.

The introduction of the new system and roll out of online services will provide the opportunity to review the fees currently charged in NI.

Mr Hussey asked the Minister of the Environment how many successful prosecutions there have been in the last 12 months for offences related to environmental crime.

(AQO 9658/11-16)

Mr Durkan: Since January 2015, the Northern Ireland Environment Agency has overseen 96 prosecutions for offences related to environmental crime.

Ms Ruane asked the Minister of the Environment to outline the action his Department is taking to address the issue of illegal dumping in Carlingford Lough.

(AQO 9659/11-16)

Mr Durkan: I do not have any evidence of current illegal dumping activities in Carlingford Lough, although I am aware of poor practice by the aquaculture industry, and my officials are in discussions with both DARD and the Loughs Agency on this. Any illegal dumping within Carlingford Lough alerted to the Department would be subject to an investigation and potentially enforcement action. If Ms Ruane has any specific information, I will be happy to ensure it is investigated.

Mr McGlone asked the Minister of the Environment for an update on the latest statistics on municipal waste going to landfill.

(AQO 9660/11-16)

Mr Durkan: The latest available statistics regarding local authority collected municipal waste (LACMW) going to landfill were those published on 28 January 2016 which covered the period Jul-Sep 2015.

Whilst I recently commented on the latest household waste landfill figures I welcome the opportunity to comment on the LACMW ones too.

The provisional data supplied by the 11 new councils showed that LACMW fell to 97,603 tonnes a drop of 4.4% compared to same quarter last year. This gave an overall quarterly landfill rate of 38.3% compared to 40.5% last year. This was a good result since LACMW arisings (that is all the waste the collected by the councils) increased by 1.1% in the same period. The reduction in landfilling is in line with the Northern Ireland Landfill Allowance Scheme (which reduces the amount of biodegradable LACMW that can be landfilled each year).

Ms Lo asked the Minister of the Environment to outline the work his Department is undertaking with relevant bodies to address the large volume of waste which has been deposited by flooding in key nature reserves around Lough Neagh.

(AQO 9661/11-16)

Mr Durkan: The prevailing South Westerly wind direction means that waste floating on Lough Neagh tends to be washed up on those Nature Reserves located around the North East corner of the Lough, such as Rea's Wood and Randalstown Forest which are managed by NIEA. The recent strong winds and exceptional rainfall with resulting high Lough levels have driven this waste further up the shore than usual.

Throughout the year, my officials from NIEA carry out regular patrols of the sites they manage during which they collect litter. They also arrange periodic volunteer efforts to collect and dispose of larger items which have been washed ashore. The recent flooding has, however, hampered these efforts, particularly at Rea's Wood Nature Reserve where access has been restricted.

In response to the large volume of waste and debris which has been deposited at its Lough Neagh Nature Reserves, NIEA officers have contacted a number of relevant bodies to discuss the co-ordination of 'action days' to tackle this issue. These include:

- the Forest Service
- Antrim and Newtownabbey Borough Council
- the Lough Neagh Partnership
- the Six Mile Water Rivers Trust
- Keep Northern Ireland Beautiful
- The Conservation Volunteers NI and
- the Association of Rivers Trusts.

My officials will monitor the water levels at these sites and will continue to engage with these bodies to arrange co-ordinated 'action days' once water conditions allow for safer access.

Ms Hanna asked the Minister of the Environment whether his Department is carrying out preparatory work for the possibility of a British exit from the European Union.

(AQO 9662/11-16)

Mr Durkan: My Department has not carried out any preparatory work for the possibility of a British exit from the European Union.

Mr Hazzard asked the Minister of the Environment how his Department will assist Newry, Mourne and Down District Council to achieve the Bathing Water Directive 2006/7/EC quality standards for bathing water for the beaches at Kilclief, Ballyhoran and Killough.

(AQO 9663/11-16)

Mr Durkan: My Department is only required to identify bathing waters where it expects a large number of people to bathe and where there is no prohibition against bathing.

My Department intends to undertake a review in 2017 of the 23 currently identified bathing waters in Northern Ireland. In addition, this review offers an opportunity to nominate sites for consideration as formally identified bathing waters, subject to certain criteria being met – that is, there must be:

- usage evidence at the site showing over 45 bathers on at least one occasion or over 100 beach users on at least two occasions across the review period;
- evidence that bathing is not prohibited or inadvisable for reasons of safety;
- information about the provision of facilities at the site - for example, signage, litter collection, site access, car parks, life guards and changing facilities; and
- confirmation from an appropriate body that it is willing to take responsibility as the bathing water operator.

In preparation for this review, my Department will be writing to councils and other interested parties in the coming weeks seeking nominations of any coastal or inland waters for initial consideration as candidate sites.

I should add that as this is part of a formal review, my Department will conduct the required usage surveys during the 2016 bathing season, which runs from 1 June to the 15 September inclusive. The results of these usage surveys will inform the review in 2017.

Mr Kennedy asked the Minister of the Environment for his assessment of the damage caused by the dumping of laundered fuel waste in South Armagh.

(AQO 9664/11-16)

Mr Durkan: It is difficult to quantify the extent of environmental harm caused by illegal fuel laundering, as it is clandestine in nature. However, we do know that substantial quantities of liquid waste residue (often acidic), are generated during the fuel laundering process. Almost invariably this fuel and the associated wastes will be handled in entirely inadequate premises where no thought or care has been given to the containment of spills, and where spills and pollution therefore could readily occur.

Solid waste residue (e.g. chicken/cat litter or fullers' earth clay) tends to be moved from the laundering plants and dumped in multiple sites in relatively small quantities (2-3 tonnes). Given the volume dumped, it can run off into and damage our water courses and seep into arable land. Acid and hydrocarbon waste in rivers will alter the quality of the water and kill its plant and animal life.

Her Majesty's Revenue and Customs (HMRC) is responsible for investigating fuel fraud including fuel laundering. As part of this work HMRC clean any sites that they uncover and as such HMRC hold the information on the each fuel laundering site.

The Northern Ireland Environment Agency (NIEA) introduced a Flytipping Partnership Pilot Project with councils in June 2012. Under this Project, Councils could refer cases of flytipping, including wastes under a volume of 20m³ and hazardous wastes such as fuel laundered waste abandoned outside the site of origin to NIEA for investigation and/or clean up from land in their area.

For this financial year, from 1 April 2015 to 31 December 2015, there were 11 incidents relating to fuel laundered waste in the Armagh City, Banbridge and Craigavon Borough Council area, that were cleared by NIEA, totalling 37.2 tonnes, with clean-up cost to The Department of the Environment of £17,234.

NIEA's Water Management Unit dealt with 62 'low severity' pollution incidents (i.e. minor incidents with localised impact) in 2014, and 33 'low severity' incidents in 2015 in the Local Management Area for Carlingford & Newry.

Mr Lynch asked the Minister of the Environment to outline the funding his Department has allocated to road safety for 2016-17.

(AQO 9665/11-16)

Mr Durkan: During the present year (2015-16) my Department allocated £1.5 million of funding for road safety communications. This consisted of an opening allocation of £0.8 million, which was supplemented by further in year funding of £0.7 million.

In respect of 2016-17, the functions currently performed by my Department will transfer to three new departments, namely the Department for Infrastructure (DfI), the Department for Agriculture, Environment and Rural Affairs (DAERA) and the Department for Communities (DfC). The Executive has decided to proceed with a one year budget for 2016-17 compiled and presented on a nine department basis.

The 2016-17 Budget for the current DOE functions has been included within the budgets for the DfI, the DAERA and the DfC and has been subject to a 5.7% reduction.

An amount of funding has been earmarked for road safety campaigns in 2016-17 similar to the opening allocation for 2015-16. However, it will be for the Minister of the new Department for Infrastructure to determine final allocations of budget against priorities.

Mr McNarry asked the Minister of the Environment how much has been spent on maintaining and improving Carrickfergus Castle over the last three years.

(AQO 9666/11-16)

Mr Durkan: The costs of maintaining and improving Carrickfergus Castle are outlined in the table below. The three year period recorded is the last three complete financial years.

The Castle is one of the best preserved mediaeval castles on this island. It is an important asset to the town of Carrickfergus and a key part of the itinerary of many visitors. Recognising this, my officials are working with Mid and East Antrim Council to enable, through partnership working, a wider range of activities at the Castle. This will further embed the Castle as a key tourist attraction which brings significant benefits to the town and area.

	2012/13 £	2013/14 £	2014/15 £
Day to day running costs			
Maintenance	142,689.40	70,596.53	24,610.67
Utilities and overheads	117,487.60	117,608.87	106,605.88
Front of house staff costs	126,928.84	131,692.12	143,713.69
Maintenance of the Fabric			
Conservation	0.00	5,766.80	16,173.90
Construction	0.00	43,173.87	440,133.34
Other capital spend	9,036.30	0.00	25,511.40
Craft team costs	137,803.60	138,519.97	140,888.43
Income Generated	174,805.25	168,734.86	154,767.92

In the table, maintenance costs refer to the daily running costs of the Castle, including costs associated with staff based there. Conservation and construction costs include all works delivered by contractors to my Department. The figures have been collated from a number of records held by my Department.

In addition to front of house staff, my Department also maintains a construction crafts/trade works depot at Carrickfergus Castle. Much – but not all – of this team's work is in relation to the conservation and maintenance of historic fabric of Carrickfergus Castle; it is not possible to separate out in detail their work on the Castle and their work on other State Care Monuments in the area. Some of the figures are therefore an approximation

Work is currently underway to design a new roof for the Castle, to address the ongoing problems of water ingress. This is important work for the conservation of the Castle and to allow greater use and appreciation of the Castle.

Mr Givan asked the Minister of the Environment for an update on the removal of waste originating from the Republic of Ireland that has been dumped illegally in Northern Ireland.

(AQO 9667/11-16)

Mr Durkan: To date 11 of the 17 unauthorised sites have been addressed and approximately 88,000 tonnes of waste has been repatriated. Waste removal is currently ongoing at one site and this site will be completed this financial year. That will leave 5 sites remaining to complete the repatriation programme.

Department of Finance and Personnel

Mr Swann asked the Minister of Finance and Personnel, pursuant to AQW 52326/11-16, whether the Properties Division within his Department is considering County Hall in Ballymena as an alternative location for a centre for a (a) new Government Department; or (b) corporate Northern Ireland Civil Service back office support function.

(AQW 52875/11-16)

Mr Storey (The Minister of Finance and Personnel): DFP's Properties Division works with departments to address their accommodation needs.

Consolidation of the office estate, including future proposals for Ballymena County Hall, is being taken forward under the Reform of Property Management. Detailed plans will be developed in due course. These will take account of locational office demand from departments including for accommodation in Ballymena.

Mr McKinney asked the Minister of Finance and Personnel whether his Department has considered plans to introduce regulatory legislation for housing management companies.
(AQW 53483/11-16)

Mr Storey: The Northern Ireland Law Commission has considered the issues relating to property management and has recommended the regulation of managing agents, rather than additional regulation for housing management companies. Such companies are already subject to regulation under general company law and the issue of additional regulation would not be a matter for my Department.

Mr Allister asked the Minister of Finance and Personnel to detail why almost 40 per cent of the SEUPB budget is set aside for the administration costs of SEUPB in their 2016 Business Plan.
(AQW 53489/11-16)

Mr Storey: SEUPB's Business Plan anticipates higher administration costs against relatively small programme expenditure during 2016. This is due to work on closure of 2007-13 programmes, launch of the new 2014-20 programmes and the time-lag in effecting spend for new programmes. A more representative figure is that SEUPB administration costs were 3 per cent for the whole of the 2007-13 programme period.

Mr Weir asked the Minister of Finance and Personnel to detail the amount of rates relief received by community halls in North Down in each year since 2007.
(AQW 53598/11-16)

Mr Storey: The table below details the estimated amount of rate relief received by community halls in the North Down Parliamentary Constituency area from 2006/07 to 2014/15.

Estimated Rates Relief Received By Community Halls in North Down Parliamentary Constituency

Financial Year	Rates Relief Received
2006/07	£19,901
2007/08	£20,625
2008/09	£21,481
2009/10	£22,088
2010/11	£22,709
2011/12	£24,942
2012/13	£25,568
2013/14	£26,816
2014/15	£27,398

Mr Allister asked the Minister of Finance and Personnel to detail why all of the £200m borrowing for 2016-17 in respect of the Voluntary Exit Scheme is being drawn down in circumstances where only £117m is expected to be expended on the Voluntary Exit Scheme.
(AQW 53628/11-16)

Mr Storey: The allocation of £117.6 million from the Public Sector Transformation Fund in Budget 2016-17 represents the first tranche of allocations in 2016-17. There will be a further opportunity for departments to submit bids in respect of the Fund, with a second tranche of allocations being made as part of the 2016-17 In-year Monitoring process.

Based on the estimated requirements of the Public Sector Transformation Fund in 2016-17, the Executive agreed that £25 million of the borrowing available for the Voluntary Exit Scheme would be used to fund capital projects. This is permitted under the 'Fresh Start' agreement.

The amounts presented in the Budget 2016-17 represent the planned borrowing requirement for the year. As actual loans are drawn monthly the borrowing will not be accessed until required.

Mr Allister asked the Minister of Finance and Personnel to detail the percentage of Northern Ireland exports that go to (a) Great Britain; and (b) other EU countries.
(AQW 53644/11-16)

Mr Storey: HMRC Regional Trade Statistics indicate that the value of goods exported from Northern Ireland to countries outside the UK was worth £6.0 billion in 2014, of this 61% (£3.6 billion) went to EU countries.

HMRC Regional Trade Statistics do not include trade in goods from one part of the UK to another.

Local business surveys estimate that the value of goods and services sold in 2014 by Northern Ireland manufacturing companies to Great Britain was £8.3 billion.

Mr Allister asked the Minister of Finance and Personnel, pursuant to AQW 48974/11-16 and AQW 48347/11-16, for his assessment of the publication by the Minister of Agriculture and Rural Development, as published on her Department's website on 29 January 2016, that 60 per cent of Northern Ireland's exports, that is, all goods and produce sold to outside Northern Ireland, go to other EU countries.

(AQW 53645/11-16)

Mr Storey: HMRC Regional Trade Statistics for 2014 indicate that 60.7% of Northern Ireland's exports go to other European Union countries. This is consistent with AQ 48347/11-16 and that quoted on the Department of Agriculture and Rural Development's website. This figure excludes external sales from Northern Ireland to Great Britain, to which AQW 48974/11-16 referred.

Mr Allister asked the Minister of Finance and Personnel to detail the percentage of Northern Ireland imports that come from (a) Great Britain; and (b) other EU countries.

(AQW 53646/11-16)

Mr Storey: HMRC Regional Trade Statistics indicate that the value of goods imported from outside the UK to Northern Ireland was worth £6.0 billion in 2014, 56.4% (£3.4 billion) of which came from other EU countries.

HMRC Regional Trade Statistics do not include trade in goods from one part of the UK to another.

Mr Ó Muilleoir asked the Minister of Finance and Personnel to detail the procurement process for Departments in relation to their oil and gas requirements.

(AQW 53656/11-16)

Mr Storey: Oil is procured for Departments by way of a further competition from an existing National Framework for Liquid Fuels in line with the Public Contracts Regulations 2015.

CPD awarded a Framework for Natural Gas using the open procedure outlined in the Public Contracts Regulations 2015. This Framework is used by the 12 Departments, Non Departmental Public Bodies (NDPBs), Further Education Colleges, Police Service for NI (PSNI), NI Water, Translink and NI Housing Executive.

Mr Ó Muilleoir asked the Minister of Finance and Personnel whether oil and gas is acquired centrally in one procurement process for all Departments.

(AQW 53657/11-16)

Mr Storey: No, oil and gas are not acquired centrally in one procurement process for all Departments.

Mr Ó Muilleoir asked the Minister of Finance and Personnel to detail (i) the last procurement exercise for oil and gas requirements for Departments, including costs; and whether any consideration was given to hedging against future increases in fuel prices.

(AQW 53658/11-16)

Mr Storey:

(i) Oil and gas are procured separately.

Oil is procured through the Crown Commercial Service Liquid Fuels Framework contract. The last contract for Heating Oil, Automotive Fuel, Marine Oil and Aviation Fuel for the 12 Departments was established in October 2015. The price for oil is based on the Platts index plus margin. Pricing tracks the market price by reference to Platts Indices on a daily or weekly basis. The margin cannot be disclosed as this is commercially sensitive information.

The last CPD procurement exercise for Natural Gas commenced in January 2015 and contracts for 2 years were awarded in March 2015. The procurement included the 12 Departments and Non Departmental Public Bodies (NDPBs), Further Education Bodies, Police Service for NI (PSNI) and NI Housing Executive. NI Water and Translink onboarded at a later date.

37% of supply of natural gas (valued at £4,992,000), is priced on a discount off the regulated Industrial and Commercial (IC) tariffs and therefore the prices vary in line with the regulated rates. The level of discount cannot be disclosed as this information is commercially sensitive.

57% of supply of natural gas (valued at £6,492,000) is on fixed prices which were set in March 2015.

6% of supply (valued at £735,000) is linked to gas commodity costs and varies each month.

The procurement for Liquefied Petroleum Gas (LPG) for the 12 Departments, NDPBs, PSNI, NI Water, Further Education Colleges and Health and Social Care bodies commenced in December 2015.

The LPG contract will be awarded in February 2016, the contract price will track the Platts propane index on a quarterly basis.

- (ii) No consideration was given to hedging against future increases in fuel prices.

Mr Ó Muilleoir asked the Minister of Finance and Personnel whether his Department has drafted any estimates on the likely savings to departmental budgets due to the fall in global oil prices.

(AQW 53659/11-16)

Mr Storey: No. The Department has not drafted any estimates on likely savings to departmental budgets due to the fall in global oil prices.

Mr Ó Muilleoir asked the Minister of Finance and Personnel what preparations are being made to lock-in low prices in any imminent procurement process for oil and gas for Departments.

(AQW 53660/11-16)

Mr Storey: There are no imminent procurements for oil or natural gas.

A CPD contract for Liquefied Petroleum Gas (LPG) will be awarded in February 2016, the contract price will track the Platts propane index on a quarterly basis.

Mr Dallat asked the Minister of Finance and Personnel to detail the number of people that have died from tobacco-related diseases in each of the last five years.

(AQW 53682/11-16)

Mr Storey: NISRA's Demographic Statistics Branch provides figures on smoking related deaths. While death certificates do not record if the deceased was a smoker, estimates can however be made of the number of deaths attributable to smoking. Such estimates use information on the contribution of smoking to specific conditions such as lung cancer, which are recorded at death. The attached table 1 provides the estimated number of smoking-related deaths registered in Northern Ireland between 2010 and 2014, the latest year for which figures are currently available.

Table 1: Estimated number of smoking related deaths registered in Northern Ireland, 2010-2014

Registration Year	Estimated number of smoking related deaths
2010	2,310
2011	2,270
2012	2,270
2013	2,404
2014	2,317

Mr McNarry asked the Minister of Finance and Personnel to detail the (i) number of businesses in Lisburn City centre that have closed or ceased to pay rates in each of the last three years; and (ii) total loss of rateable income.

(AQW 53697/11-16)

Mr Storey: Liability for non-domestic rates is based on the occupancy status of non-domestic properties and therefore has no regard to the trading status of the occupier/owner of the property. Therefore the information requested is not available.

Mr McNarry asked the Minister of Finance and Personnel to detail how much each Department has paid in EU fines for non-compliance; operational mistakes and errors in administration, in each of the last eight years.

(AQW 53793/11-16)

Mr Storey: My Department is responsible for the coordination of EU Structural Funds Programmes in Northern Ireland and I have restricted my answer to those programmes.

No EU fines have been paid by any department in relation to these programmes, in any of the last eight years.

Mr McKinney asked the Minister of Finance and Personnel (i) to detail the (a) matched; and (b) unmatched European Union funding his Department has sourced in each of the last ten years; and (ii) where this money was spent.

(AQW 53801/11-16)

Mr Storey: Within the past ten years my Department has participated in two cycles of EU Structural Funding: the 2007-13 Interreg IVA and PEACE III programmes and the Interreg V and PEACE IV programmes which commenced in 2014 and

will end in 2020. In both programmes my Department is accountable for provision of matched funding to a limited number of themes.

The 2007-13 PEACE III programme was worth €333m of which DFP was accountable for the Technical Assistance element of the programme which was €8,524,834 (ERDF funding provided by the EU, NI only).

The 2007-13 INTERREG IVA programme was worth €256m of which DFP was accountable for the Public Sector Collaboration, Enterprise, Tourism and Technical Assistance themes of the programme which was €30,172,408 (ERDF, NI only).

The 2014-20 PEACE IV programme is worth €270m of which DFP is accountable for the Technical Assistance theme which is €10,777,093 (ERDF, NI only)

The 2014-20 INTERREG VA programme is worth €283m and DFP is accountable for the Technical Assistance theme which is €10,094,603 (ERDF, NI only).

The attached table summarises ERDF funding provided by the EU for which DFP is accountable and the themes to which it has been allocated.

The funding for the 2007-13 programmes was allocated on basis of 75% ERDF and 25% match. The 2014-20 programmes is allocated on the basis of 85% ERDF and 15% match.

Programming period	Programme	Theme	European Union Funding allocated (€)
2007-13	PEACE III	Technical Assistance	8,524,834
	INTERREG IVA Programme	Public Sector Collaboration	11,560,271
		Enterprise	10,854,126
		Tourism	2,340,000
		Technical Assistance	5,418,011
2014-20	PEACE IV	Technical Assistance	10,777,093
	INTERREG VA Programme	Technical Assistance	10,094,603

Technical Assistance provides support for programme management, monitoring and evaluation, and information and communication. The necessary Northern Ireland match funding is provided by the NI Executive.

Mr Easton asked the Minister of Finance and Personnel what is the current level of unemployment in the Hollywood electoral area. (AQW 53880/11-16)

Mr Storey: The official measure of unemployment is sourced to the Labour Force Survey. The Labour Force Survey is a sample survey and estimates of unemployment for local areas within Northern Ireland, are not sourced to the Labour Force Survey because of the relatively large confidence intervals around such estimates.

The following table is sourced instead to the claimant count measure of unemployment. The table shows the number of persons claiming unemployment related benefits at December 2015, in all wards in the historical Ards & North Down Local Government Districts.

Table 1 – Claimant count for 16-64 year olds for wards within Ards and North Down Local Government Districts, December 2015

Ward	Number	Ward	Number
Ballycrochan (North Down)	45	Donaghadee South (Ards)	55
Ballygowan (Ards)	35	Dufferin (North Down)	95
Ballyholme (North Down)	20	Glen (Ards)	90
Ballymacconnell (North Down)	15	Gregstown (Ards)	80
Ballymagee (North Down)	30	Groomsport (North Down)	20
Ballyrainey (Ards)	80	Harbour (North Down)	120
Ballywalter (Ards)	90	Hollywood Demesne (North Down)	40
Bangor Castle (North Down)	50	Hollywood Priory (North Down)	15
Bloomfield (North Down)	80	Killinchy (Ards)	25
Bradshaw's Brae (Ards)	55	Kircubbin (Ards)	65

Ward	Number	Ward	Number
Broadway (North Down)	25	Lisbane (Ards)	20
Bryansburn (North Down)	20	Loughries (Ards)	70
Carrowdore (Ards)	50	Loughview (North Down)	55
Central (Ards)	130	Millisle (Ards)	50
Churchill (North Down)	30	Movilla (Ards)	50
Clandeboyne (North Down)	95	Portaferry (Ards)	105
Comber East (Ards)	65	Portavogie (Ards)	65
Comber North (Ards)	55	Princetown (North Down)	35
Comber West (Ards)	30	Rathgael (North Down)	40
Conlig (North Down)	125	Scrabo (Ards)	145
Craigavad (North Down)	15	Silverstream (North Down)	65
Crawfordsburn (North Down)	15	Spring Hill (North Down)	30
Cultra (North Down)	15	Whitehill (North Down)	75
Donaghadee North (Ards)	55	Whitespots (Ards)	30
		Total	2,670

Note: Totals may not sum due to rounding, which is to the nearest 5.

Mr Easton asked the Minister of Finance and Personnel what is the current level of unemployment in the Millisle electoral area. (AQW 53881/11-16)

Mr Storey: The official measure of unemployment is sourced to the Labour Force Survey. The Labour Force Survey is a sample survey and estimates of unemployment for local areas within Northern Ireland, are not sourced to the Labour Force Survey because of the relatively large confidence intervals around such estimates.

The following table is sourced instead to the claimant count measure of unemployment. The table shows the number of persons claiming unemployment related benefits at December 2015, in all wards in the historical Ards & North Down Local Government Districts.

Table 1 – Claimant count for 16-64 year olds for wards within Ards and North Down Local Government Districts, December 2015

Ward	Number	Ward	Number
Ballycrochan (North Down)	45	Donaghadee South (Ards)	55
Ballygowan (Ards)	35	Dufferin (North Down)	95
Ballyholme (North Down)	20	Glen (Ards)	90
Ballymacconnell (North Down)	15	Gregstown (Ards)	80
Ballymagee (North Down)	30	Groomsport (North Down)	20
Ballyrainey (Ards)	80	Harbour (North Down)	120
Ballywalter (Ards)	90	Hollywood Demesne (North Down)	40
Bangor Castle (North Down)	50	Hollywood Priory (North Down)	15
Bloomfield (North Down)	80	Killinchy (Ards)	25
Bradshaw's Brae (Ards)	55	Kircubbin (Ards)	65
Broadway (North Down)	25	Lisbane (Ards)	20
Bryansburn (North Down)	20	Loughries (Ards)	70
Carrowdore (Ards)	50	Loughview (North Down)	55
Central (Ards)	130	Millisle (Ards)	50
Churchill (North Down)	30	Movilla (Ards)	50

Ward	Number	Ward	Number
Clandeboyne (North Down)	95	Portaferry (Ards)	105
Comber East (Ards)	65	Portavogie (Ards)	65
Comber North (Ards)	55	Princetown (North Down)	35
Comber West (Ards)	30	Rathgael (North Down)	40
Conlig (North Down)	125	Scrabo (Ards)	145
Craigavad (North Down)	15	Silverstream (North Down)	65
Crawfordsburn (North Down)	15	Spring Hill (North Down)	30
Cultra (North Down)	15	Whitehill (North Down)	75
Donaghadee North (Ards)	55	Whitespots (Ards)	30
		Total	2,670

Note: Totals may not sum due to rounding, which is to the nearest 5.

Mr Easton asked the Minister of Finance and Personnel what is the current level of unemployment in the Donaghadee electoral area.

(AQW 53882/11-16)

Mr Storey: The official measure of unemployment is sourced to the Labour Force Survey. The Labour Force Survey is a sample survey and estimates of unemployment for local areas within Northern Ireland, are not sourced to the Labour Force Survey because of the relatively large confidence intervals around such estimates.

The following table is sourced instead to the claimant count measure of unemployment. The table shows the number of persons claiming unemployment related benefits at December 2015, in all wards in the historical Ards & North Down Local Government Districts.

Table 1 – Claimant count for 16-64 year olds for wards within Ards and North Down Local Government Districts, December 2015

Ward	Number	Ward	Number
Ballycrochan (North Down)	45	Donaghadee South (Ards)	55
Ballygowan (Ards)	35	Dufferin (North Down)	95
Ballyholme (North Down)	20	Glen (Ards)	90
Ballymacconnell (North Down)	15	Gregstown (Ards)	80
Ballymagee (North Down)	30	Groomsport (North Down)	20
Ballyrainey (Ards)	80	Harbour (North Down)	120
Ballywalter (Ards)	90	Hollywood Demesne (North Down)	40
Bangor Castle (North Down)	50	Hollywood Priory (North Down)	15
Bloomfield (North Down)	80	Killinchy (Ards)	25
Bradshaw's Brae (Ards)	55	Kircubbin (Ards)	65
Broadway (North Down)	25	Lisbane (Ards)	20
Bryansburn (North Down)	20	Loughries (Ards)	70
Carrowdore (Ards)	50	Loughview (North Down)	55
Central (Ards)	130	Millisle (Ards)	50
Churchill (North Down)	30	Movilla (Ards)	50
Clandeboyne (North Down)	95	Portaferry (Ards)	105
Comber East (Ards)	65	Portavogie (Ards)	65
Comber North (Ards)	55	Princetown (North Down)	35
Comber West (Ards)	30	Rathgael (North Down)	40
Conlig (North Down)	125	Scrabo (Ards)	145

Ward	Number	Ward	Number
Craigavad (North Down)	15	Silverstream (North Down)	65
Crawfordsburn (North Down)	15	Spring Hill (North Down)	30
Cultra (North Down)	15	Whitehill (North Down)	75
Donaghadee North (Ards)	55	Whitespots (Ards)	30
		Total	2,670

Note: Totals may not sum due to rounding, which is to the nearest 5.

Mr Easton asked the Minister of Finance and Personnel what is the current level of unemployment in the Bangor electoral area. (AQW 53883/11-16)

Mr Storey: The official measure of unemployment is sourced to the Labour Force Survey. The Labour Force Survey is a sample survey and estimates of unemployment for local areas within Northern Ireland, are not sourced to the Labour Force Survey because of the relatively large confidence intervals around such estimates.

The following table is sourced instead to the claimant count measure of unemployment. The table shows the number of persons claiming unemployment related benefits at December 2015, in all wards in the historical Ards & North Down Local Government Districts.

Table 1 – Claimant count for 16-64 year olds for wards within Ards and North Down Local Government Districts, December 2015

Ward	Number	Ward	Number
Ballycrochan (North Down)	45	Donaghadee South (Ards)	55
Ballygowan (Ards)	35	Dufferin (North Down)	95
Ballyholme (North Down)	20	Glen (Ards)	90
Ballymacconnell (North Down)	15	Gregstown (Ards)	80
Ballymagee (North Down)	30	Groomsport (North Down)	20
Ballyrainey (Ards)	80	Harbour (North Down)	120
Ballywalter (Ards)	90	Hollywood Demesne (North Down)	40
Bangor Castle (North Down)	50	Hollywood Priory (North Down)	15
Bloomfield (North Down)	80	Killinchy (Ards)	25
Bradshaw's Brae (Ards)	55	Kircubbin (Ards)	65
Broadway (North Down)	25	Lisbane (Ards)	20
Bryansburn (North Down)	20	Loughries (Ards)	70
Carrowdore (Ards)	50	Loughview (North Down)	55
Central (Ards)	130	Millisle (Ards)	50
Churchill (North Down)	30	Movilla (Ards)	50
Clandeboyne (North Down)	95	Portaferry (Ards)	105
Comber East (Ards)	65	Portavogie (Ards)	65
Comber North (Ards)	55	Princetown (North Down)	35
Comber West (Ards)	30	Rathgael (North Down)	40
Conlig (North Down)	125	Scrabo (Ards)	145
Craigavad (North Down)	15	Silverstream (North Down)	65
Crawfordsburn (North Down)	15	Spring Hill (North Down)	30
Cultra (North Down)	15	Whitehill (North Down)	75
Donaghadee North (Ards)	55	Whitespots (Ards)	30
		Total	2,670

Note: Totals may not sum due to rounding, which is to the nearest 5.

Mr Allister asked the Minister of Finance and Personnel, pursuant to AQW 53040/11-16, to detail whether the £25million is Departmental Expenditure Limits or Annually Managed Expenditure funding; and if further fraud and error savings are not achieved will Northern Ireland have to fund the unachieved savings from its Departmental Expenditure Limits.

(AQW 53888/11-16)

Mr Storey: The £25 million provided to address welfare error and fraud is Departmental Expenditure Limits (DEL) funding. Savings have not been anticipated in Budget 2016-17, thereby avoiding any risk to the Northern Ireland DEL.

Mr Ó Muilleoir asked the Minister of Finance and Personnel to detail the (i) number of small businesses benefiting from small business rate relief; and (ii) cost of small business rate relief, broken down by constituency in each of the last five years.

(AQW 53894/11-16)

Mr Storey: The following tables detail (i) the number of properties benefitting from small business rate relief; and (ii) the net cost of small business rate relief. Each table is broken down by parliamentary constituency in each of the last five financial years.

Number of Properties Benefitting from Small Business Rate Relief by Parliamentary Constituency from 2010/11 to 2014/15

Parliamentary Constituency	2010/11	2011/12	2012/13	2013/14	2014/15
Belfast East	666	690	1,162	1,254	1,270
Belfast North	826	814	1,291	1,392	1,477
Belfast South	776	823	1,457	1,837	1,915
Belfast West	707	738	1,136	1,177	1,191
East Antrim	789	785	1,056	1,035	1,051
East Londonderry	1,054	1,070	1,473	1,487	1,535
Fermanagh & South Tyrone	1,423	1,423	1,963	1,944	1,990
Foyle	787	787	1,242	1,325	1,342
Lagan Valley	723	718	1,239	1,308	1,328
Mid Ulster	1,136	1,162	1,597	1,528	1,540
Newry & Armagh	1,231	1,204	1,726	1,752	1,827
North Antrim	1,259	1,237	1,691	1,681	1,736
North Down	641	623	1,011	1,108	1,118
South Antrim	756	761	1,170	1,187	1,208
South Down	1,057	1,082	1,536	1,544	1,572
Strangford	896	906	1,339	1,305	1,350
Upper Bann	1,069	1,107	1,581	1,632	1,665
West Tyrone	928	952	1,351	1,432	1,476
Northern Ireland Total	16,724	16,882	25,021	25,928	26,591

Net Small Business Rate Relief Cost by Parliamentary Constituency from 2010/11 to 2014/15

Parliamentary Constituency	2010/11	2011/12	2012/13	2013/14	2014/15
Belfast East	£280,330	£300,477	£660,919	£878,163	£911,183
Belfast North	£351,801	£357,708	£754,372	£1,011,306	£1,081,195
Belfast South	£348,967	£388,495	£900,438	£1,465,818	£1,545,078
Belfast West	£293,093	£280,652	£609,364	£823,699	£819,329
East Antrim	£315,256	£332,573	£533,194	£653,513	£679,957
East Londonderry	£443,794	£463,505	£779,664	£995,407	£1,061,617
Fermanagh & South Tyrone	£513,825	£537,787	£884,812	£1,123,727	£1,154,258
Foyle	£343,208	£345,718	£712,035	£970,520	£1,013,344
Lagan Valley	£272,344	£278,082	£627,357	£847,397	£904,023

Parliamentary Constituency	2010/11	2011/12	2012/13	2013/14	2014/15
Mid Ulster	£417,847	£444,950	£712,132	£904,104	£928,417
Newry & Armagh	£531,769	£532,449	£919,040	£1,192,664	£1,281,134
North Antrim	£494,993	£514,284	£855,632	£1,067,197	£1,140,021
North Down	£231,148	£233,529	£504,249	£715,642	£734,305
South Antrim	£305,672	£315,391	£627,853	£803,806	£832,232
South Down	£419,963	£446,913	£768,506	£967,949	£1,013,755
Strangford	£340,116	£350,543	£661,260	£792,838	£850,961
Upper Bann	£430,920	£466,154	£831,822	£1,077,897	£1,154,132
West Tyrone	£393,785	£414,702	£718,378	£955,057	£980,567
Northern Ireland Total	£6,728,830	£7,003,914	£13,061,027	£17,246,706	£18,085,507

Totals may not add due to rounding.

Mr Lyttle asked the Minister of Finance and Personnel whether any extra resources are being allocated to the Department for Social Development to ensure ongoing funding of the Women's Centre Childcare Fund for 2016-17.

(AQW 53898/11-16)

Mr Storey: Having discussed the issue of continuation funding for the Woman's Centre Childcare Fund with the DSD Minister, it is anticipated that DSD will continue to fund this important project pending wider consideration as part of the Executives Childcare Strategy.

Mr Murphy asked the Minister of Finance and Personnel to detail (i) the number of local small and medium sized enterprises (SMEs); (ii) the number of people employed in these enterprises; and (iii) the economic output in each SME sector in each of the last five years.

(AQW 53912/11-16)

Mr Storey: The information is sourced from the Inter-Departmental Business Register.

Tables 1 to 3 detail the number of businesses operating in Northern Ireland with less than 249 employees, including employment and turnover for each industry sector from 2011 to 2015.

Table 1: Number of VAT and/or PAYE registered Small or Medium Sized businesses operating in Northern Ireland, March 2011-2015

Industry Section	Number of businesses				
	2011	2012	2013	2014	2015
Agriculture, forestry and fishing	16,340	16,465	16,820	16,955	17,255
Mining and quarrying	100	100	100	90	100
Manufacturing	3,930	3,860	3,755	3,745	3,770
Electricity, gas, steam and air conditioning supply	55	85	150	210	245
Water supply, sewerage, waste management and remediation activities	220	225	240	215	215
Construction	10,950	10,415	9,645	9,165	8,975
Wholesale and retail trade; repair of motor vehicles and motor cycles	12,265	12,160	11,955	11,800	11,700
Transport and storage	2,355	2,255	2,185	2,180	2,150
Accommodation and food service activities	3,660	3,620	3,520	3,620	3,565
Information and communication	1,310	1,360	1,420	1,510	1,600
Financial and insurance activities	1,080	1,070	1,045	1,030	1,040
Real estate activities	1,975	1,945	1,895	1,935	1,925

Industry Section	Number of businesses				
	2011	2012	2013	2014	2015
Professional, scientific and technical activities	4,890	4,920	4,970	5,035	5,205
Administrative and support service activities	2,405	2,360	2,330	2,290	2,330
Public administration and defence: compulsory social security	40	35	35	35	40
Education	510	520	550	560	585
Human health and social work activities	2,695	2,745	2,730	2,795	2,835
Arts, entertainment and recreation	945	945	940	980	990
Other service activities	3,070	3,285	3,175	3,260	3,275
Total	68,795	68,380	67,455	67,420	67,790

Source: Inter-Departmental Business Register.

Figures have been rounded to the nearest 5 and counts under 5 have been suppressed. Thus figures may not sum to totals.

An enterprise operating in Northern Ireland definition has been used for this analysis.

Table 2: Employment of VAT and/or PAYE registered Small or Medium Sized businesses operating in Northern Ireland, March 2011-2015

Industry Section	Number of employees				
	2011	2012	2013	2014	2015
Agriculture, forestry and fishing	29,705	30,525	31,350	31,480	32,895
Mining and quarrying	1,820	1,555	1,585	1,640	1,785
Manufacturing	41,785	41,735	41,390	41,035	41,210
Electricity, gas, steam and air conditioning supply	855	940	1,220	1,230	1,270
Water supply, sewerage, waste management and remediation activities	2,320	2,540	2,665	2,635	2,195
Construction	43,380	40,330	35,860	34,555	33,795
Wholesale and retail trade; repair of motor vehicles and motor cycles	88,700	86,010	86,120	85,690	85,730
Transport and storage	15,085	14,780	14,560	15,040	15,315
Accommodation and food service activities	39,320	38,105	37,300	39,055	39,910
Information and communication	7,940	7,825	7,980	8,410	9,145
Financial and insurance activities	6,905	6,895	6,510	6,535	6,380
Real estate activities	5,555	5,425	5,305	5,545	5,750
Professional, scientific and technical activities	24,780	24,030	23,865	23,760	25,140
Administrative and support service activities	17,485	17,845	17,985	18,930	18,430
Public administration and defence: compulsory social security	2,850	2,520	2,365	2,225	2,230
Education	9,985	10,650	10,740	10,915	11,250
Human health and social work activities	36,965	37,020	38,120	38,370	38,915
Arts, entertainment and recreation	7,985	8,480	8,395	9,055	9,210
Other service activities	13,365	13,810	13,870	14,020	14,465
Total	396,785	391,025	387,185	390,135	395,010

Source: Inter-Departmental Business Register.

Alternative official statistics sources of employment and turnover are available but the IDBR estimates are the most consistent with the information requested on the number of businesses.

Figures have been rounded to the nearest 5 and counts under 5 have been suppressed. Thus figures may not sum to totals.

An enterprise operating in Northern Ireland definition has been used for this analysis.

Table 3: Total Turnover of VAT and/or PAYE registered Small or Medium Sized businesses operating in Northern Ireland, March 2011-2015

Industry Section	Total Turnover (£millions)				
	2011	2012	2013	2014	2015
Agriculture, forestry and fishing	1,547	1,685	1,922	1,998	2,147
Mining and quarrying	358	270	283	308	832
Manufacturing	5,257	6,094	6,395	6,606	6,647
Electricity, gas, steam and air conditioning supply	769	917	1,047	1,353	1,416
Water supply, sewerage, waste management and remediation activities	324	408	444	425	390
Construction	5,996	5,625	4,985	4,677	4,857
Wholesale and retail trade; repair of motor vehicles and motor cycles	16,731	16,508	16,911	18,310	18,802
Transport and storage	2,052	2,347	2,131	2,299	2,290
Accommodation and food service activities	1,544	1,369	1,292	1,344	1,314
Information and communication	831	905	830	943	1,247
Financial and insurance activities	1,652	1,457	1,582	1,473	1,483
Real estate activities	680	711	614	578	507
Professional, scientific and technical activities	2,071	1,886	1,860	1,824	1,846
Administrative and support service activities	1,305	1,357	1,430	1,343	1,516
Public administration and defence: compulsory social security	236	211	195	178	212
Education	506	479	451	440	489
Human health and social work activities	1,420	1,352	1,349	1,396	1,624
Arts, entertainment and recreation	388	389	377	399	399
Other service activities	493	516	529	527	537
Total	44,160	44,487	44,628	46,421	48,554

Source: Inter-Departmental Business Register.

Alternative official statistics sources of employment and turnover are available but the IDBR estimates are the most consistent with the information requested on the number of businesses.

Figures have been rounded to the nearest million and counts under 5 have been suppressed. Thus figures may not sum to totals.

An enterprise operating in Northern Ireland definition has been used for this analysis.

Mr Ó Muilleoir asked the Minister of Finance and Personnel to detail the number of local businesses operating with rates payable before the application of rates and exemptions of (i) £3,000-5,000; (ii) £5,001-£7,000; (iii) £7,001-£9,000; (iv) £9,001-£10,500; (v) £10,501-£15,000; and (vi) over £15,001, in each of the last five years.

(AQW 53917/11-16)

Mr Storey: Information is not available on the number of local businesses liable for rates. However, the table overleaf provides information on the number of non-domestic properties in Northern Ireland for which non-domestic rates would have been payable of (i) £3,000-£5,000 (ii) £5,001-£7,000; (iii) £7,001-£9,000; (iv) £9,001-£10,500; (v) £10,501-£15,000; and (vi) over £15,000, before any reliefs or exemptions were taken into account, in each of the last five years for which information is available.

It should be noted that after the application of reliefs and exemptions some of the properties presented in this table would not be liable for any rates at all or be liable for rates within a lower band.

Number of Non-Domestic Properties for which Non-Domestic Rates would have been payable before Reliefs or Exemptions in Selected Bands, at Year End for the last Five Years

Band	Number of Non Domestic Properties for which Non-Domestic Rates would have been payable in each Band				
	31-Mar-11	31-Mar-12	31-Mar-13	31-Mar-14	31-Mar-15
(i) £3,000-£5,000	10,257	10,416	10,589	10,797	10,856
(ii) £5,001-£7,000	5,694	5,767	5,820	6,015	6,079
(iii) £7,001-£9,000	3,473	3,521	3,562	3,667	3,751
(iv) £9,001-£10,500	1,828	1,895	1,941	2,032	2,045
(v) £10,501-£15,000	3,639	3,739	3,788	3,906	3,907
(vi) over £15,000	9,170	9,481	9,593	10,072	10,110

Mr Murphy asked the Minister of Finance and Personnel to detail how much his (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years.

(AQW 53944/11-16)

Mr Storey: My Department has spent the following on office supplies in the last 5 years:

£000s	2010-11	2011-12	2012-13	2013-14	2014-15
Department	2,016	1,451	1,299	1,179	1,216

As a North/South Body, the Special European Union Programmes Body (SEUPB) prepares its financial information on a calendar year basis. SEUPB has spent the following on office supplies in the last 5 years:

£000s	2011	2012	2013	2014	2015
SEUPB	19	27	23	26	21

The SEUPB costs for office supplies are funded on a North/South basis. The Department of Finance and Personnel is responsible for 53% of this cost.

Mr Agnew asked the Minister of Finance and Personnel what changes have been made to how departmental funding is allocated to the community and voluntary sector over the last three years; and to outline the reasons for any such change.

(AQW 53987/11-16)

Mr Storey: The majority of funding my Department provided to the voluntary and community sector over the last three years was through European Union Programmes. These programmes are subject to EU regulations set by the European Commission.

There have been no changes to how my Department allocates other funding to community and voluntary groups over the last three years.

This response is provided for the Department of Finance and Personnel only as the information for all departments is not held centrally.

Mr Weir asked the Minister of Finance and Personnel to detail the (i) number of small businesses benefiting from small business rate relief; and (ii) cost of small business rate relief in North Down, in each of the last five years

(AQW 53992/11-16)

Mr Storey: The table overleaf details (i) the number of properties benefitting from small business rate relief; and (ii) the net cost of small business rate relief in the North Down parliamentary constituency area in each of the last five financial years.

Number of Properties in the North Down Parliamentary Constituency Area Benefitting from Small Business Rate Relief and Net Cost from 2010/11 to 2014/15

Financial Year	Number of Properties	Net Cost
2010/11	641	£231,148
2011/12	623	£233,529

Financial Year	Number of Properties	Net Cost
2012/13	1,011	£504,249
2013/14	1,108	£715,642
2014/15	1,118	£734,305

Mr Agnew asked the Minister of Finance and Personnel how much funding is being provided to the community and voluntary sector in terms of (i) grants; (ii) grants-in-aid; and (iii) procurement in the 2015-16 financial year, including any projected spend. **(AQW 54046/11-16)**

Mr Storey: My Department is projecting providing grants totalling £116.5k to the community and voluntary sector in 2015-16. There is no grant-in-aid or procurement projected for 2015-16.

This response is provided for the Department of Finance and Personnel only as the information for all departments is not held centrally.

Ms Hanna asked the Minister of Finance and Personnel for his assessment of the impact of EU Mortgage Credit Directive on local residents in border areas that are employed in the Republic of Ireland and paid in Euro but seeking a mortgage in Northern Ireland.

(AQW 54073/11-16)

Mr Storey: The regulation of financial services is a reserved matter and Her Majesty's Treasury and the Financial Conduct Authority (FCA) are responsible for ensuring that the requirements of the EU Mortgage Credit Directive are reflected in UK legislation and regulations.

As such, my Department has not undertaken analysis of the potential impact of the Directive. That said, Her Majesty's Treasury has indicated that the Government does not believe that the Directive offers many benefits to consumers beyond that which is already provided by the high level of protection offered by the existing FCA regime for mortgages.

Mr Swann asked the Minister of Finance and Personnel why he rejected the bid submitted by the Department for Employment and Learning for £2.7m for quality-related research funding that was submitted in the January Monitoring Round.

(AQW 54082/11-16)

Mr Storey: The Executive agreed, as part of November Monitoring, that January Monitoring should only allow technical adjustments and not reallocation of resources. Whilst the First Minister and Deputy First Minister subsequently did agree some limited reallocation under Urgent Procedure, this was mainly to ensure that no Financial Transactions Capital would be lost at year end. This was not the case on the Resource DEL side, where the Executive expects to carry forward funding through the Budget Exchange Scheme. Therefore, apart from two minor genuinely inescapable Resource bids submitted by The Assembly Ombudsman and Commissioner of complaints and the Public Prosecution Service, no Resource DEL bids were met in January Monitoring.

Mr Clarke asked the Minister of Finance and Personnel for an update on the funds allocated to the Department for Regional Development to repair the roads network.

(AQO 9614/11-16)

Mr Storey: In the November 2015 Monitoring Round the Executive allocated a total of £21.5 million for road maintenance activities during the 2015-16 financial year including £5 million Capital and £16.5 million Resource.

Road Maintenance continues to be one of Executive's highest priorities and in announcing the outcome of the Executive's Budget for 2016-17, I was delighted to be able to confirm a total of £66 million for roads maintenance including £46 million of Capital for structural maintenance together with an additional £20m in Resource for other maintenance work on the road and footway network for the Department for Infrastructure.

Mr McCarthy asked the Minister of Finance and Personnel to outline the total receipts from EU sources spent in Northern Ireland since May 2011.

(AQO 9616/11-16)

Mr Storey: My responsibility is for European Structural Funds programmes.

Total receipts from these programmes from May 2011 to 31 December 2015 are £429,727,317.93.

This includes receipts for PEACE and INTERREG cross-border programmes, where money may be spent in Northern Ireland, Ireland or Scotland (for INTERREG).

In addition to EU Structural Funds Northern Ireland also benefits from receipts from the Rural Development Programme, the Common Agricultural Policy (CAP) initiatives and has the opportunity to participate in EU Competitive Funding programmes such as Horizon 2020 and Erasmus.

Mr Beggs asked the Minister of Finance and Personnel for his assessment of the local Invest to Save schemes operating between 2010 and 2015, compared to Invest to Save schemes in other parts of the UK during the same period.

(AQO 9617/11-16)

Mr Storey: I welcome the recent Northern Ireland Audit Office report on the operation of Invest to Save schemes in Northern Ireland. I believe these schemes have been successful in delivery of their key objective of delivering savings for the Executive in a constrained budgetary environment.

Due to the differing contexts and scheme criteria direct comparison between local Invest to Save schemes and those operating in other parts of the UK would not be meaningful.

Ms McGahan asked the Minister of Finance and Personnel for his assessment of the local implications arising from the Scotland Bill.

(AQO 9618/11-16)

Mr Storey: The Scotland Bill, if passed into law, will provide Scotland with further powers in relation to tax, welfare and constitutional issues particularly.

The Bill seeks to address the specific needs of Scotland as devolution becomes further embedded there.

I will continue to take a close interest in how the Scotland Bill progresses. Nevertheless, it is for us to engage with the UK Government and to decide how we would wish to see devolution shaped here so it fits the needs of Northern Ireland.

Ms McCorley asked the Minister of Finance and Personnel to outline the timetable for the consultation on rate relief regulations for Community Amateur Sports Clubs.

(AQO 9619/11-16)

Mr Storey: During the final stage debate on the Bill I outlined that I would be taking forward this consultation in the coming days and weeks.

That remains the plan and I look forward to launching the consultation later this month. My officials have already drafted the consultation paper and are now undertaking the necessary impact assessments related to the preferred policy option. Officials met the Finance Committee on Wednesday to discuss both wider non domestic rating issues and next steps for this consultation.

It would have been possible to start the consultation before the final stage of the Bill, however, unexpected amendments were tabled that changed the scope of the Bill and this needed to be bottomed out before my Department could progress matters.

Indeed, my predecessors had hoped to put all of this to bed earlier in this mandate, which would have delivered extra help to many community amateur sports clubs for the start of this forthcoming financial year but they were frustrated in doing so at virtually every stage in the process.

Mr Patterson asked the Minister of Finance and Personnel how he is supporting businesses in Fermanagh and South Tyrone in participating in public procurement contracts.

(AQO 9620/11-16)

Mr Storey: Central Procurement Directorate (CPD) works closely with partner organisations such as InterTradeIreland and Invest NI throughout the year to provide local enterprises with advice and direction in identifying and competing for public sector business.

Most recently, on 28 January, CPD collaborated with Fermanagh and Omagh District Council to deliver a procurement workshop in Enniskillen Business Centre.

Public sector procurement contracts are publicly advertised on the new eTendersNI portal. Prior to its launch CPD delivered supplier roadshows in Armagh, Belfast and Omagh, giving suppliers a demonstration of the system and advising how to register.

Mr Dallat asked the Minister of Finance and Personnel to outline the purpose of the £16 million increase in total resources for the Strategic Investment Board from the Main Estimates 2015-16 to the Spring Supplementary Estimates 2015-16.

(AQO 9621/11-16)

Mr Storey: The Strategic Investment Board was allocated additional resources through the in year monitoring process in 2015-16.

There were two Financial Transactions Capital allocations totaling £14.5 million for Queen's University and a £2 million allocation under Together Building a United Community for the Urban Villages Programme.

Ms Maeve McLaughlin asked the Minister of Finance and Personnel for his assessment of the economic impact of exempting derelict land from rates.

(AQO 9622/11-16)

Mr Storey: Derelict land cannot be rated, as the system is based on existing use value. The system cannot be extended to include derelict property without fundamentally changing its nature.

Even if a way could be found to do that, it would be a straightforward matter for someone to avoid paying a penalising charge through the rates by simply placing a hut on the site and asking for it to be assessed as a rough yard or car park, which would attract a relatively low rateable value.

However, my Department has recently canvassed views on the issue of a separate levy on derelict property.

That consultation closed at the start of the month and I note the Member's own party has supported such a measure.

I think there may be merit in the measure, providing it is properly targeted at a local level and it 'helps rather than hinders' the fragile recovery experienced by our construction industry.

Department of Health, Social Services and Public Safety

Mr A Maginness asked the Minister of Health, Social Services and Public Safety (i) what was the capacity of Emergency Departments in (a) the Mater Hospital; and (b) the Royal Hospital to treat patients each month, for each of the last 24 months; and (ii) how many patients have been treated each month, for each of the past 24 months, in (a) the Mater Hospital; and (b) the Royal Hospital.

(AQW 51647/11-16)

Mr Hamilton (The Minister of Health, Social Services and Public Safety):

- (i) The Emergency Departments (ED) at the Royal Victoria Hospital (RVH) and the Mater Hospital service a population of 340,000 across Belfast. There is also a Children's ED at the Royal Belfast Hospital for Sick Children. The adult EDs cared for a total of 332,000 new and review attendances from October 2013 to September 2015 including 214,000 at the RVH, and 118,000 at the Mater. The new ED at the RVH, opened in August 2015, was built with an annual capacity of 77,000. The Mater Hospital's ED has sufficient capacity to deal with current attendances.
- (ii) Information on the number of new and unplanned review attendances at each emergency care department in Northern Ireland, including those at the Royal Victoria and Mater Hospitals, is published on a quarterly basis, and available to view or download from: <https://www.dhsspsni.gov.uk/articles/emergency-care-waiting-times>.

Mr Allister asked the Minister of Health, Social Services and Public Safety to detail (i) what arrangements are in place in the Belfast Health and Social Care Trust for the provision of hospital beds, specialised or otherwise; and (ii) whether any are rented, and if so, at what rates.

(AQW 52424/11-16)

Mr Hamilton: Hospital beds are provided to the Belfast Trust under the terms of a competitive tendering process conducted on behalf of the Trust by the Business Services Organisation.

Beds are supplied on a rental basis with the daily rental price ranging from £0.44 to £9.00 depending on the type of bed. The rental price includes provision of the product and the service requirements.

Mrs McKeivitt asked the Minister of Health, Social Services and Public Safety what support is offered to GPs working in the Out Of Hours services in the Southern Health and Social Care Trust when the service is experiencing high volumes of contact.

(AQW 52640/11-16)

Mr Hamilton: I am aware of pressures facing the Out of Hours (OOH) services in the Southern Health and Social Care Trust. The Health and Social Care Board (HSCB) and the Trust are working together to address these challenges.

A number of actions have been taken to support the GP OOH service within the Southern Trust. These include the introduction of nurse triage, nurse practitioners and clinical pharmacists to support GPs in managing the service; on-going recruitment campaigns for GPs; the introduction of flexible working arrangements; enhanced premia for difficult to fill OOH shifts and additional funding to boost capacity at busy times. The Southern Trust has also established a link with Dalriada Urgent Care (DUC) to support call triage.

It has been agreed that a peer review of OOH services in the Southern Trust will be taken forward led by Dalriada Urgent Care. The review, which will commence shortly, will develop recommendations including actions necessary to support the OOH service.

Mrs McKeivitt asked the Minister of Health, Social Services and Public Safety to detail (i) the recruitment that has taken place for posts in the Emergency Department in Daisy Hill Hospital, Newry in the last six months; (ii) how these posts were advertised; and (iii) whether the posts have been filled on a permanent or temporary basis.

(AQW 52642/11-16)

Mr Hamilton: Two Specialty Doctors have been appointed to the Emergency Department, Daisy Hill Hospital over the past six months. One commenced appointment in October 2015 and the other in November 2015. The Southern Trust has also sought

to secure other staff for this Emergency Department via a number of recruitment processes over the last six months. An overview of the recruitment processes, where the posts were advertised and the outcome, to date, is set out below:

Job title	Month advertised	Where they were advertised	Status on whether the vacancy filled & if so, Perm or Temp
Specialty Doctor - Acute Medicine & Emergency Medicine	June 2015	Belfast Tele, NHS jobs website and Job Centre	No applicants. Re-advertised.
Consultant in Emergency Medicine (2 posts)	July 2015	BMJ, NHS jobs website and Job Centre	No applicants. Re-advertised.
Specialty Doctor – Emergency Medicine (4 posts)	July 2015	BMJ, NHS jobs website and Job Centre	No one appointed. Re-advertised.
Locum appointment for service (LAS - ST1-2) Emergency Medicine	July 2015	Belfast Tele, NHS jobs website and Job Centre	No applicants. Re-advertised.
Locum appointment for service (LAS - ST1-2) Emergency Medicine (2 posts)	Aug 2015	Belfast Tele, NHS jobs website and Job Centre	No applicants. Re-advertised.
Consultant Emergency Medicine (2 or more posts). Trustwide which includes Daisy Hill Hospital	Sept 2015	BMJ and NHS jobs website	No applicants. Re-advertised.
Locum appointment for service (LAS - ST1-2) Emergency Medicine (4 posts)	Sept 2015	BMJ and NHS jobs website	No applicants. Re-advertised.
Specialty Doctor in Emergency Medicine (3 or more posts)	Sept 2015	BMJ and NHS jobs website	Interviews scheduled, but posts remain vacant.
Specialty Doctor in Acute and Emergency Medicine	Sept 2015	BMJ, NHS jobs website and Job Centre	No applicants. Post remains vacant.
Locum appointment for service (LAS - ST1-2 level) Emergency Medicine (4 posts)	Sept 2015	BMJ and NHS jobs website	No one appointed. Posts remain vacant.
Consultant Emergency Medicine (5 posts) Trustwide which includes Daisy Hill Hospital	Jan 2016	BMJ full page advert, Irish Medical Times, NHS Jobs website and Job Centre	Posts remain vacant. Currently out for advert.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the (i) time; (ii) date; and (iii) location of meetings when he or his departmental officials have met with (a) the Royal College of Nursing; and (b) any union body representing nurses in relation to pay increases in each of the last three years.

(AQW 52711/11-16)

Mr Hamilton: Meetings took place as follows:

(i) Time	(ii) Date	(iii) Location	(a)&(b) Trade Union Attendees
13:00	10/06/13	Clotworthy House, Antrim Castle Gardens	British Dietetic Association (BDA), British Orthoptic Society (BOS), Chartered Society of Physiotherapy (CSP), Northern Ireland Public Service Alliance (NIPSA), Royal College of Midwives (RCM), Royal College of Nursing (RCN), Society of Chiropractors & Podiatrists (SOCP), Society of Radiographers (SOR), UNISON & UNITE
13:30	09/06/14	Legal Island Centre, Antrim	BDA, BOS, CSP, NIPSA, RCM, RCN, SOCP, SOR, UNISON & UNITE
13:30	08/09/14	Clotworthy House, Antrim Castle Gardens	BDA, BOS, CSP, NIPSA, RCM, RCN, SOCP, SOR, UNISON & UNITE
21:00	10/10/14	Board Room, Lagan Valley Hospital	UNITE
15:30	10/10/14	Castle Buildings, Stormont Estate, Belfast	UNISON
12:30	23/10/14	Castle Buildings, Stormont Estate, Belfast	NIPSA, UNISON, UNITE & RCN

(i) Time	(ii) Date	(iii) Location	(a)&(b) Trade Union Attendees
12:00	07/01/15	Castle Buildings, Stormont Estate, Belfast	UNISON
14:00	09/03/15	Bush House, Antrim Area Hospital Site	BDA, BOS, CSP, NIPSA, RCM, RCN, SOCP, SOR, UNISON & UNITE
11:00	28/04/15	Castle Buildings, Stormont Estate, Belfast	RCM & SOR
10:15	02/06/15	Castle Buildings, Stormont Estate, Belfast	NIPSA, UNISON, UNITE & RCN
14:00	08/06/15	Unite Offices, Antrim Road, Belfast	BDA, BOS, CSP, NIPSA, RCM, RCN, SOCP, SOR, UNISON & UNITE
14:00	14/09/15	Bush House, Antrim Area Hospital Site	BDA, BOS, CSP, NIPSA, RCM, RCN, SOCP, SOR, UNISON & UNITE
10:30	20/10/15	Castle Buildings, Stormont Estate, Belfast	UNISON & UNITE
14:00	06/11/15	Castle Buildings, Stormont Estate, Belfast	NIPSA, RCM & RCN
14:00	14/12/15	Bush House, Antrim Area Hospital Site	BDA, BOS, CSP, NIPSA, RCM, RCN, SOCP, SOR, UNISON & UNITE
14:00	16/12/15	Castle Buildings, Stormont Estate, Belfast	NIPSA, UNISON, UNITE & RCN

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety what steps he is taking to remove bureaucratic tasks from the workload of GPs to ensure more time can be dedicated to patient consultations.

(AQW 52724/11-16)

Mr Hamilton: I want to ensure that all health and social care services are focused on the people who use them rather than excessive bureaucracy.

Over recent years the amount of GP paperwork has been decreased through a reduction in the number of Quality and Outcomes Framework (QOF) indicators to be completed, from 148 in 2012/13 to 64 in 2015/16, thereby freeing up more time for GPs to spend with their patients.

Technology has the potential to make a significant impact both on the way in which services are delivered to patients and on GP workload. The successful deployment of the Electronic Care Record has supported easier transfer and sharing of information by bringing together key information in one place for clinical staff, avoiding unnecessary duplication of tests and investigations and facilitating electronic referrals, to the benefit of patients while also reducing bureaucracy and costs.

A number of practices have implemented systems that allow patients to book GP appointments or order repeat prescriptions online. In addition, online triage systems can help ensure that people are directed to the most appropriate professional while diagnostic technology enables GPs to arrange tests and analyse results without having to refer patients to hospital.

Mr Humphrey asked the Minister of Health, Social Services and Public Safety how many frontline Emergency Department staff in the Belfast Health and Social Care Trust have been trained in Assist; safeTALK; and mental health first aid in each of the last three years.

(AQW 52812/11-16)

Mr Hamilton: Information is not available in the format requested.

Approximately 64% of Belfast Trust emergency department staff have received mental healthcare training in the past three years. This principally comprises STORM (Skills-based Training on Risk Management for Suicide Prevention), ASIST (Applied Suicide Intervention Skills Training), and bespoke induction training. All Belfast Trust social work staff, involved in frontline emergency department care, receive ASIST training.

Ms McCorley asked the Minister of Health, Social Services and Public Safety, given there are plans in the 2016-17 budget for a regional children's hospital and a new maternity hospital to be built on the site of the Royal Victoria Hospital, Belfast, for his assessment of the opportunity for increased medical jobs and apprenticeships in West Belfast as a result.

(AQW 52820/11-16)

Mr Hamilton: The project for the new children's and maternity hospitals includes the development of a workforce plan. This will assess the entire workforce requirements for all professions and grades of staff as well as the training and development needs to deliver care in the new hospitals.

Ms McCorley asked the Minister of Health, Social Services and Public Safety what social clauses will be put in place during the procurement process to build a regional children's hospital and a new maternity hospital on the site of the Royal Victoria Hospital, Belfast.

(AQW 52821/11-16)

Mr Hamilton: In line with DFP Guidance On Social Clauses In Construction Contracts, the letting of the main contracts for the Regional Children's Hospital and new Maternity Hospital on the Royal Victoria Hospital site will include, where applicable, social clauses covering:

- Employer's Social Requirements
- New Entrant Trainee Opportunities
- Opportunities for skilled/experienced workers
- Business in Education
- Recruitment and Training Plan for the Project
- New Entrant Trainees
- Opportunities for skilled/experienced workers
- Management, Administration and Reporting
- Monitoring Information
- Insurances and Health and Safety
- Subcontractors
- Equality of Opportunity
- Respect for People
- Health & Safety – BuildSafe-NI
- Essential Skills

Mr Dickson asked the Minister of Health, Social Services and Public Safety what actions the Health and Social Care Trusts are taking to maximise the potential benefits of the TF3 Consortium telehealth services to patients with chronic conditions. **(AQW 52851/11-16)**

Mr Hamilton: The Health and Social Care Trusts are required to develop annual implementation plans setting out the areas of practice in which they are targeting telehealth interventions. Each Trust has a dedicated Telehealth Service Manager (TSM) who works with stakeholders to implement the plan, embed use of the service and identify new areas for service intervention.

All the Trusts undertake a range of stakeholder engagement activities to promote uptake of the telemonitoring service. Much of this effort continues to be focused on increasing uptake and usage among GPs and Integrated Care Partnerships. Demonstration sessions have been held at GP practices which have also been issued with leaflets promoting the service. TSMs meet regularly with clinical teams which use the service to review progress and provide training and advice on day-to-day user issues.

While the telemonitoring service has traditionally been used by people with respiratory and heart conditions, diabetes, renal disease and post-stroke and weight management, individual Trusts have explored opportunities for expansion into new areas. For example the Northern Health and Social Care Trust has begun to use telehealth monitoring in areas such as Parkinson's disease and learning disability; and the Southern Health and Social Care Trust is exploring the potential for its use to support smoking cessation. TSMs attend monthly regional service management group meetings with representatives of the TF3 consortium. These meetings are service-orientated and encourage sharing of knowledge, experience and good practice. Some Trust staff and key stakeholders have also taken the opportunity to visit the Telemonitoring NI centre to gain a better understanding of the service and its associated benefits and to develop positive working relationships with the TF3 team.

Mr Campbell asked the Minister of Health, Social Services and Public Safety what assessment he has made of the availability of placements in residential care homes for people with dementia that require nursing care within the Coleraine area of the Northern Health and Social Care Trust. **(AQW 52858/11-16)**

Mr Hamilton: People with dementia who require nursing care would not be placed in residential care homes. However there are places available in nursing homes within the Coleraine area for people with dementia who require nursing care.

Mr McCrossan asked the Minister of Health, Social Services and Public Safety to detail how his Department is supporting farmers with mental ill health in West Tyrone . **(AQW 52866/11-16)**

Mr Hamilton: Farmers with mental ill health in West Tyrone can avail of the complete range of services provided by Western Trust Mental Health services as required, including primary care talking therapies teams, community mental health services, acute mental health services and specialist services such as alcohol/drug addiction counselling. Service users in West Tyrone and Fermanagh are also advised about additional support, listening and signposting services provided by local community and voluntary organisations such as Rural Support and Fermanagh Rural Community Network.

The refreshed Protect Life Strategy contains actions aimed at supporting integrated community-based suicide prevention initiatives which acknowledge the diversity of urban and rural communities. The Public Health Agency promotes positive mental health and helps to address suicide in rural communities, through programmes such as Farm Families Health Checks. Lifeline targets all localities and continues to promote its services in rural areas, with a view to increasing uptake.

Mr McGlone asked the Minister of Health, Social Services and Public Safety what body is responsible for ensuring quality standards are adhered to in relation to foods advertised as being free of allergens. **(AQW 52934/11-16)**

Mr Hamilton: District councils are responsible for most food law enforcement. This includes investigation of complaints and carrying out checks of all food businesses in their area to ensure compliance with food law. District council controls take place at all stages of the food supply chain, including manufacturing, processing, packing, distribution and storage, to catering and retail.

Mr B McCrea asked the Minister of Health, Social Services and Public Safety when the Diabetes Strategy framework and implementation plan will be published.

(AQW 53007/11-16)

Mr Hamilton: Diabetes continues to be one of the most challenging long term conditions, affecting more than 85,000 people across Northern Ireland.

The Report of the Diabetes Review Steering Group, Chaired by the Chief Medical Officer was published in June 2014. The Review put forward 11 recommendations which are aimed at improving services and the patient experience for people living with diabetes. The recommendations encompass important aspects in the prevention and management of diabetes and its complications. These include an emphasis on public health measures to help prevent Type 2 diabetes, improving access to structured diabetes education, building capacity in the workforce, improving services for vulnerable groups and encouraging innovation in care for people living with diabetes. Following on from the review report, and in line with its recommendation to develop a strategic way forward for diabetes, Departmental officials have been working in partnership with the wider Health and Social Care sector and Diabetes UK to develop a draft Diabetes Strategic Framework and implementation plan. It is anticipated that subject to approval, the draft Framework would be published for consultation in early spring 2016.

Mr Swann asked the Minister of Health, Social Services and Public Safety to detail the number of times Ballycastle Fire Station was in breach of its Gartan availability target times in each of the last twelve months.

(AQW 53017/11-16)

Mr Hamilton: The information requested is not readily available and could only be provided at a disproportionate cost.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the number of General Practitioners employed, broken down by Health and Social Care Trust, in each of the last ten years.

(AQW 53018/11-16)

Mr Hamilton: General Practitioners are not employed by Health and Social Care Trusts. General Practitioners are independent contractors, who contract with the Health and Social Care Board to provide primary medical services to their patients.

Whilst accurate data does not exist on the Health and Social Care Trust area that each GP worked in, it is possible to establish the practice that each GP worked in and map that to LCG, back to 2009. Each LCG is co-terminus with their respective Health and Social Care Trust. The 5 current LCGs were created in April 2009. Prior to that, there was a combination of 7 non-statutory LCGs (from April 2007) and 13 individual trusts. For the years of 2006, 2007 and 2008, GP practice number has been used to geographically locate the GP surgeries as though the LCG had existed.

The number of GPs in Northern Ireland, in each of the last 10 years and in each LCG area, is shown in Table 1.

Table 1 Number of GPs in Northern Ireland, by LCG area*, 2006 - 2015

LCG	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Belfast	273	278	285	283	285	283	283	284	289	313
Northern	266	269	266	272	276	274	282	275	282	288
Southern	209	213	219	221	220	220	216	223	235	249
South Eastern	178	188	189	192	191	192	194	197	203	212
Western	190	185	193	191	191	192	192	186	194	200
Total	1,116	1,133	1,152	1,159	1,163	1,161	1,167	1,165	1,203	1,262

Source: HSC Business Services Organisation

*LCGs were formed in 2009. For the years of 2006, 2007 and 2008, the location of the Practice was based on the LCG that it would have belonged to in 2009. GP location by LCG is based on the location of the Practice in which the GP worked in October of each year.

Figures exclude 2 GPs who worked in more than one LCG during the period.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail any discussions he has had with his Executive colleagues regarding the ring-fencing of the Northern Ireland Fire and Rescue Budget.

(AQW 53020/11-16)

Mr Hamilton: The Northern Ireland Executive, when considering Budget 2016/17, agreed specific areas that would be protected from the level of reductions that were applied to departmental budgets. The Northern Ireland Fire and Rescue Service were not afforded any special protection.

The financial planning process within my department for 2016/17 is ongoing and no decisions have been taken on the budget allocation for the Northern Ireland Fire and Rescue Service. The safety of both the public and firefighters remains a priority.

Mr McCrossan asked the Minister of Health, Social Services and Public Safety for an update on the risk levels at Strabane Fire Station; and whether action will be taken to mitigate risks to the local community.

(AQW 53059/11-16)

Mr Hamilton: Following a recent risk assessment, the Northern Ireland Fire and Rescue Service (NIFRS) has identified Strabane Station as one of four locations in Northern Ireland in which emergency capability could be enhanced to rebalance the level of risk.

NIFRS are currently consulting on a proposal to place Wholetime Firefighters in Strabane Fire Station from Monday to Friday, 0800 hours to 1800 hours to enhance emergency capability. This consultation is due to close on 7 March 2016.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety to detail the number of operations that have been cancelled in each hospital, in each of the last fourteen months due to hospital pressures.

(AQW 53110/11-16)

Mr Hamilton: For the purposes of answering of this question, it is assumed that hospital pressures, refers to emergency department pressures.

The number of operations cancelled because of hospital pressures during the period January to December 2015, broken down by hospital, has been provided in the table below. 'Cancellations due to Emergency Department pressures' was introduced as a sub-category under non-clinical reasons for cancellation in January 2015. Prior to this date, any cancellations falling under this category would have been included in non-clinical reasons for cancellation.

The number of elective operations cancelled¹ due to increased pressure on Hospitals, by hospital site: January 2015 to December 2015

Hospital	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15
Belfast City	21	40	0	8	0	0	0	0	0	0	0	0
Mater	7	20	8	0	6	0	0	0	0	0	0	0
Musgrave Park	0	0	0	0	0	0	0	0	0	0	0	0
Royal Group	82	88	5	5	0	0	0	0	0	1	0	0
Antrim	25	20	44	19	29	10	0	4	0	0	6	4
Causeway	2	2	4	0	0	23	3	0	0	0	18	14
Mid Ulster	13	0	0	0	4	0	0	0	0	0	0	0
Whiteabbey	10	20	0	0	6	0	0	0	0	0	0	0
Ulster	25	6	14	7	1	1	0	0	4	2	8	24
Ards	0	0	0	0	0	0	0	0	0	0	0	0
Lagan Valley	0	0	0	0	0	0	0	0	0	0	0	0
Downe	0	0	0	0	0	0	0	0	0	0	0	0
Craigavon	1	4	0	0	0	0	0	0	0	0	0	0
Daisy Hill	0	10	0	0	0	0	0	0	0	0	0	0
South Tyrone	0	0	0	0	0	0	0	0	0	0	0	0
Altnagelvin	135	52	7	8	0	0	0	0	0	0	0	0
South West Acute	27	13	0	0	0	0	0	0	0	0	1	0
Tyrone County	0	0	0	0	0	0	0	0	0	0	0	0

Source: P9 Cancelled Operation Information Return

¹ Includes only those operations cancelled on the day of, or up to two days before the planned operation.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for his assessment of the number of qualified social workers in the Northern Health and Social Care Trust.

(AQW 53185/11-16)

Mr Hamilton: The table below provides the most recent information available on the number of qualified Social Workers employed in the Northern Health and Social Care Trust:

NHSCT Social work Workforce - Dec 2015

Programme of Care	Number
Children's Services	471
Acute Services	34
Community Care	158
Mental Health & Learning Disability	162
Total	825

The Trust's Management Board is responsible for ensuring that there are sufficient staff in place to provide the safe and efficient delivery of all of the social work services for which the Trust has responsibility.

Mr Lunn asked the Minister of Health, Social Services and Public Safety to detail the number of staff in health and care services in the statutory sector that were paid below the living wage for all or part of the 2015-16 financial year.

(AQW 53312/11-16)

Mr Hamilton: The National Living Wage has been set at £7.20, and comes into effect in April 2016. The only Health and Social Care employees who are paid less than that figure at the present date are interns on a 50-week contract. The internship programme is a public sector work experience scheme to provide recent graduates with an opportunity to gain experience working at the heart of Health and Social Care (HSC) management. Their honorarium has increased annually to ensure that it remains above the National Minimum Wage, and it is intended that this will be continued with the coming into force of the National Living Wage.

At January 2016, there were 39 such staff.

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail (i) the number of children diagnosed with autism in West Tyrone, in each of the last five years; (ii) the number of children waiting for an assessment; and (iii) what steps he is taking to reduce the assessment times.

(AQW 53334/11-16)

Mr Hamilton:

- (i) As figures are not available for West Tyrone, the table below details the number of children diagnosed with autism in each of the last five years in the Western Health and Social Care Trust.

Year	Number of children diagnosed with Autism
2011	126
2012	120
2013	105
2014	161
2015	144
Total	656

- (ii) At 31 January 2016, 353 children were on the waiting list for an assessment for autism in the Western HSC Trust.
- (iii) An additional £260k non-recurrent funding has been allocated to HSC Trusts to address the waiting pressure for autism assessments in year (2015/16). The HSC Board are also working with the Department and HSC Trusts to develop a new major redesign in services aimed at improving the effectiveness of services over the next year.

Mr Allister asked the Minister of Health, Social Services and Public Safety to detail the number of acute beds available and in use in the Downe Hospital.

(AQW 53348/11-16)

Mr Hamilton: Information on hospital bed availability and occupancy in HSC Hospitals in Northern Ireland is published in the annual 'Northern Ireland Hospital Statistics: Inpatient and Day Case Activity Statistics' Publication. Data detailed in this publication are available in spreadsheet format to aid secondary analysis in 'Statistics on Inpatient and Day Case Activity by Hospital, HSC Trust and Specialty'. The latest available data can be found at the following link;

<https://www.dhsspsni.gov.uk/publications/hospital-statistics-inpatient-and-day-case-activity-statistics-201415>

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of the need to establish local walk-in centres.

(AQW 53425/11-16)

Mr Hamilton: There are no plans at present to establish walk-in centres in Northern Ireland. Patients here have access to advice and treatment for minor illnesses and ailments from a range of services, including community pharmacists, GPs, GP out of hours services and minor injuries units.

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail the number of vacant nurses posts in nursing and care homes in the independent sector that have been vacant for 6 months or more.

(AQW 53590/11-16)

Mr Hamilton: My Department does not monitor recruitment activity in the independent sector.

Mrs McKeivitt asked the Minister of Health, Social Services and Public Safety for an update on the provision of out of hours GP services in Newry.

(AQO 9629/11-16)

Mr Hamilton: The Southern Health and Social Care Trust provides GP out of hours services across five bases, including Newry. The Newry base is open from 6pm until 12 midnight. The overnight service (from 12 midnight until 8am) may be provided from either the Newry, Craigavon or Dungannon bases. All patients contacting GP out of hours services in the Southern Trust area will receive triage advice over the telephone, and this can be provided from any base. Patients who need to see a doctor will either be given an appointment in one of the bases or, where clinically necessary, a home visit will be made.

Ensuring sufficient GPs are available to cover out of hours sessions has been a challenge for the Southern Trust and a number of actions have been taken to support the service. These include the introduction of nurse triage, nurse practitioners and pharmacists to support GPs in delivering out of hours services; enhanced premia for difficult to fill shifts; and additional funding to boost capacity at busy times. The Southern Trust has also established a link with Dalriada Urgent Care to support call triage during busy periods. A peer review of out of hours services in the Southern Trust has recently been completed. The Health and Social Care Board is considering the recommendations of that review and the actions needed to support the service in the short, medium and longer term.

My Department is currently undertaking a review of GP out of hours services across Northern Ireland to examine current delivery of services and make recommendations to improve service provision. This review is due to complete by the end of February and I will give careful consideration to its recommendations.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of whether £1.6 million is sufficient to address nursing home and domiciliary care pressures.

(AQO 9630/11-16)

Mr Hamilton: I am very aware of the significant challenges facing the nursing and residential home and domiciliary care sector, which includes the increase to the national minimum wage in April this year and also the difficulties providers are experiencing around recruitment of staff.

The action taken by the Health and Social Care Board to release an additional £1.6 million of funding into the care sector to cover the period 1st February 2016 to 31st March 2016 is to be welcomed as a crucial step in helping to address those challenges. I believe this support package will not only help to promote stability and restore confidence among providers, but also importantly will demonstrate to those clients in receipt of services that we are committed to working as hard as possible to ensure their continued well being.

However, I am conscious that there remains much work to do in this area. Following the completion of negotiations with the independent sector, the new regional nursing and residential home tariff rates for 2016/17 being prepared by the Health and Social Care Board, will take account of a range of pressures including the forthcoming increase to the national minimum wage.

In addition, my Department will continue to focus on taking forward the reform of adult care and support, which will set the future long term strategic direction for adult social care services. The reform project will look at how services are funded, with the aim of ensuring that the adult care and support system of the future is fit for purpose, efficient, and sustainable for years to come.

Mr Dallat asked the Minister of Health, Social Services and Public Safety to outline his proposals for the delivery of mental health services in the Northern Health and Social Care Trust.

(AQO 9631/11-16)

Mr Hamilton: As with all Health Trusts, the Northern Trust will continue to develop mental health services in line with the Bamford vision and the priorities identified in Transforming Your Care.

Key proposals for reform include: a new, purpose built Mental Health Inpatient Unit at the Antrim Area Hospital site; and psychological wellbeing hubs and a network of recovery colleges across the Trust to provide early intervention and self help skills

These reforms are based upon principles of recovery and empowerment and the active involvement of service users in their own health and wellbeing.

Mr Hilditch asked the Minister of Health, Social Services and Public Safety how the support package for recruitment in the care sector will affect East Antrim.

(AQO 9632/11-16)

Mr Hamilton: I have met with a number of providers from the independent care sector in recent weeks and have listened to their concerns about the significant challenges they are facing regarding financial viability and difficulties in recruiting staff into the sector. These challenges have an impact on providers operating across East Antrim, but also are affecting providers throughout Northern Ireland.

The action taken by the Health and Social Care Board to release an additional £1.6 million of funding into the care sector to cover the period 1st February 2016 to 31st March 2016 is to be welcomed as a crucial step in helping to address those challenges.

I believe this support package will not only help to promote stability and restore confidence among providers, but also importantly will demonstrate to those clients in receipt of services that we are committed to working as hard as possible to ensure their continued well being.

It will be for the independent providers to determine how best to utilise this additional short term funding.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety why the agreed volumes of funded activity are not being fully delivered across a number of specialties, by some providers.

(AQO 9633/11-16)

Mr Hamilton: Full delivery of commissioned volumes of core elective activity by Trusts is reliant on a number of factors, in particular the need for a wide range of staff to be in place at the required times. In practice, this is not always the case due to operational difficulties such as long term sickness absence, maternity leave, vacancies, recruitment difficulties etc.

The Board has required Trusts to produce elective improvement plans for a number of specialties detailing the forecast improvement in delivery of core and waiting times by March 2016. The Board is continuing to monitor Trusts' performance against these plans at the regular elective performance meetings to ensure that progress is being made to deliver the agreed outcomes or, where this is not the case, to agree what remedial actions the Trust plans to take.

Regionally in the year to the end of December 2015 there has been an improvement in the delivery of commissioned volumes of core activity for new outpatient assessments.

Mr McKay asked the Minister of Health, Social Services and Public Safety when a replacement fire station at Ballycastle will be built.

(AQO 9634/11-16)

Mr Hamilton: The Northern Ireland Fire and Rescue Service has a number of competing capital priorities and the replacement fire station at Ballycastle will be built when it can be prioritised within the available capital resources.

Mr McGimpsey asked the Minister of Health, Social Services and Public Safety how many of the urgent breast cancer referrals in the last twelve months in the Belfast Health and Social Care Trust, that were not seen within fourteen days, were later diagnosed with breast cancer.

(AQO 9635/11-16)

Mr Hamilton: In the calendar year 2015 the Breast Service in Belfast Health and Social Care Trust managed 2,759 urgent suspect cancer breast referrals at the One-Stop Breast Clinic in the Belfast City Hospital. The vast majority of these patients 2,557 (93%) did not get a cancer diagnosis and would have been discharged with this reassurance on the day first seen at the One-Stop Breast Clinic.

Of the patients who were not seen within 14 days of initial urgent or red flag referral, 6.4% of these (121 patients) subsequently had a breast cancer diagnosis. This is reflective of some outpatient capacity issues caused by senior medical staffing shortages during the year and also a number of peaks in referrals made to the service.

It is important to highlight however that 92.5% of these patients received their first definitive treatment within 62 days and overall a very high proportion 94.5% of all breast cancers diagnosed, received treatment within 62 days.

The EUROCARE 5 project found that breast cancer survival rate in Northern Ireland was the best in the UK and Ireland.

Mr Beggs asked the Minister of Health, Social Services and Public Safety when the health centres in Carrickfergus and Larne will be upgraded.

(AQO 9636/11-16)

Mr Hamilton: It is not possible at this point to give an indication of the timescale for upgrading the Health and Care Centres in Carrickfergus and Larne.

Both Carrickfergus and Larne have been identified as possible hubs within the Northern Trust area. Delivery of these facilities 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.

Mr Campbell asked the Minister of Health, Social Services and Public Safety to outline the effect the utilisation of the private sector has had on waiting times over recent months.

(AQO 9637/11-16)

Mr Hamilton: Since November significant efforts have been made across the HSC, within a very tight timeframe, to secure additional outpatient clinics and treatments within Trusts, and to put in place appropriate arrangements with independent sector organisations to transfer suitable patients for assessment and/or treatment.

Contracts have been awarded with Independent Sector providers for some 26,000 new outpatients assessments across a range of specialties and 8,000 patients for admission for treatment.

It is expected that the impact of the additional funding will slow the rate of increase seen in the earlier months of the year however the full effect will not be known until early 2016/17.

The Board will continue to monitor progress to ensure that available capacity is fully maximised.

Mr G Kelly asked the Minister of Health, Social Services and Public Safety how he is addressing capacity and demand issues within ophthalmology.

(AQO 9638/11-16)

Mr Hamilton: In the short term, from the additional £40m secured from the November monitoring round to address waiting times for patients, it is planned that 3,500 new assessments for patients and 550 inpatient and day cases will be undertaken in the independent sector. Alongside this, Trusts are continuing to undertake additional in house activity to reduce the number of outpatients waiting and as part of this, an additional 1,268 review patients are due to be seen.

In the longer term, significant reform is underway in this service in both primary and secondary care settings through Developing Eyecare Partnerships, a five year plan to improve the commissioning and delivery of eyecare services in Northern Ireland.

Department of Justice

Mr Allister asked the Minister of Justice how long did those referred to in AQW 52584/11-15 hold the posts identified in AQW 52587/11-16.

(AQW 53720/11-16)

Mr Ford (The Minister of Justice): The information requested is detailed below:

Post held in NIPS	Period employed by or seconded to NIPS
Director General	July 2012 to date
Director of Operations	July 2015 to date
Director of Operations	June 2013 to June 2015
Governor, Hydebank Wood	April 2013 to April 2014
Head of Women's Centre, Hydebank Wood	June 2011 to June 2013
Operations Change Manager	April 2013 to September 2015
Operations Change Manager and then Head of Learning and Skills	April 2013 to September 2015

Mr Weir asked the Minister of Justice how many people were fitted with an electronic tag in each of the last five years.

(AQW 53796/11-16)

Mr Ford: The table below provides a breakdown of the number of people who have been fitted with an electronic monitoring tag in each of the last five years. The data includes some individuals who may have been fitted with monitoring equipment on more than one occasion during this period.

Year	Number
2015/2016*	962
2014/2015	1158
2013/2014	1311
2012/2013	1457
2011/2012	907

* Current figures as at the end of January 2016

Ms Sugden asked the Minister of Justice for an update on work to achieve the Programme for Government 11-15 target to reform and modernise the Prison Service.

(AQW 53904/11-16)

Mr Ford: The Prison Review Oversight Group held its final meeting on 3 February 2016, having signed off 36 of the 40 recommendations made in the Prison Review Team report. This achieved the Programme for Government target to implement 90% of the recommendations within the agreed timescales.

Mr Allister asked the Minister of Justice how many attacks on Prison Officers have taken place in HMP Maghaberry in the past year, broken down by each house.

(AQW 53906/11-16)

Mr Ford: There have been 52 assaults recorded as having taken place against Prison Officers within Maghaberry Prison during the past year. Assaults have been carried out throughout the prison estate and are not confined to houses.

Mr Lyttle asked the Minister of Justice what support is available to Prison Officers who have been assaulted in, or affected by an incident while on duty.

(AQW 53913/11-16)

Mr Ford: The Northern Ireland Prison Service (NIPS) has a range of support mechanisms in place for prison officers who are assaulted, or affected by an incident, while on duty. These range from discussing any concerns they have with their line managers or their HR representatives based in their establishment to externally provided services. They can make direct contact with the Welfare Support Service and Carecall, an independent, confidential and professional counselling service available to all NIPS staff.

Regarding medical matters prison officers can be referred to, or self-refer to, the Northern Ireland Civil Service Occupational Health Service.

In addition in the event of an incident involving a number of prison officers the locally based management team can arrange for 'Carecall' to provide direct assistance to the staff involved.

Mr McKinney asked the Minister of Justice (i) to detail the (a) matched; and (b) unmatched European Union funding his Department has sourced in each of the last ten years; and (ii) where this money was spent.

(AQW 53914/11-16)

Mr Ford: Since my Department was established in April 2010 it has received £800,240 in unmatched European funding:

- £737,000 was received by the Northern Ireland Prison Service to fund a Challenge Hate Crime project, led by NIACRO. This funding was received from the PEACE III Programme; and
- £63,240 was received by Forensic Science Northern Ireland to fund their participation in the Framework Programme 7 project ROSFEN.

No matched funding was received.

Mr Patterson asked the Minister of Justice for his assessment of the scale of rural crime in Fermanagh and South Tyrone.

(AQW 53937/11-16)

Mr Ford: My assessment of the scale of rural crime in Fermanagh and South Tyrone is based on a number of factors.

Firstly, the Police Service of Northern Ireland, Agricultural and Rural Crime in Northern Ireland, Quarterly Update to 31 December 2015, which provides a numerical assessment of the scale of rural crime. These figures show that the number of burglary, robbery and theft offences in rural areas has fallen each year since 2010/11, with 553 fewer offences when comparing the latest twelve months with the previous twelve months.

The second factor is people's perceptions of crime and how it impacts on their feelings of safety, security and livelihoods.

My Department, through the delivery of the Community Safety Strategy, has continued to support the development of initiatives at a strategic and local level to deter crime and provide reassurance to our rural communities.

At a strategic level, these initiatives have included a funding package to encourage farmers in theft hotspots to fit security devices to their machinery, supporting Freeze Branding of livestock, development of a forensic marking scheme to deter the theft of farm equipment and the funding of 'Feel Safe' workshops – one was held on 22 January 2016, in Enniskillen – which provide practical advice and guidance to help older people feel safe in their homes and communities.

At a local level, I am aware there have recently been specific concerns regarding theft from cars in Fermanagh and South Tyrone and this has led to increased concerns regarding levels of rural crime.

Fermanagh and Omagh and Mid Ulster Policing and Community Safety Partnerships are taking forward a range of initiatives to help address these concerns including, promotion of specific crime prevention advice in local papers, information events for Neighbourhood Watch Coordinators and a Text Alert Service that local clergy can avail of to ensure they receive updates on any suspicious activity in their local area.

Mr Weir asked the Minister of Justice how many anti-social behaviour orders have been handed down (i) in conjunction with; or (ii) as an alternative to, a custodial sentence, binding order, conditional discharge or any other disposal for public order offences in North Down, in each of the last three years.

(AQW 54085/11-16)

Mr Ford: No anti-social behaviour orders have been handed down (i) in conjunction with; or (ii) as an alternative to, a custodial sentence, binding order, conditional discharge or any other disposal for public order offences in North Down in any of the last three years.

Mr Weir asked the Minister of Justice how many cases per month, that would have been heard at Bangor courthouse, have been listed for (i) Ards courthouse; and (ii) another venue.

(AQW 54168/11-16)

Mr Ford: Bangor Courthouse closed in March 2013 and business transferred to Newtownards Courthouse. Consequently data relating to business that would previously have been listed in Bangor courthouse is no longer collated by NICTS.

Mr Hussey asked the Minister of Justice, following his announcement of the closure of Strabane courthouse, what steps are being taken to bring Omagh courthouse to the required standards for disability access; and to provide suitable accommodation for those attending tribunals to have private consultations with their representatives.

(AQW 54202/11-16)

Mr Ford: In 2014 the Northern Ireland Courts and Tribunals Service carried out a programme of Disability Discrimination Act (DDA) upgrades to Omagh Courthouse. The work included new automated door closures with push pads, new door closures, redesign of the public counter to ensure DDA compliance, installation of an induction loop and upgraded ironmongery to a DDA approved type.

In terms of suitable accommodation for the members of the public attending tribunals there are two consultations rooms, a small waiting area and a family room. All of the consultation rooms are on the ground floor of the Courthouse.

Department for Regional Development

Mr McNarry asked the Minister for Regional Development what criteria are used to determine prioritisation for the painting of white lines on the edges of roads; and whether this prioritisation takes into account whether the road is an A class or a B class road.

(AQW 53502/11-16)

Miss M McIlveen (The Minister for Regional Development): Edge of carriageway markings are provided on all motorways (including slip roads) and on all other roads which have either hard shoulders or 1m wide hard strips. Edge markings are also provided on unlit, rural sections of the trunk road network which comprises approximately half of the A Class network.

Edge markings may also be provided in exceptional circumstances, for example on roads prone to fog or mist, where sudden changes in carriageway width occur or on approaches to bends indicated by warning signs. In addition they may also be provided as part of a Local Transport and Safety Measure scheme. These schemes or projects are individually prioritised at Divisional level to ensure highest priority works are done first and take account of traffic volumes, accident history, value for money, environmental factors and deliverability.

Edge markings are not normally provided if the carriageway is less than 6.1m wide.

In terms of maintaining existing road markings, the Department carries out regular inspections of all public roads and footways to ensure that essential response maintenance is identified and completed as far as resources permit. During these inspections all defects are noted, including for example defective signs and road markings. The frequency of these inspections depends on the type of road and the volume of vehicular and pedestrian traffic,

Road markings are inspected during these routine inspections and where their condition falls below the required standards they should be replaced as soon as possible.

Road markings are not replaced on a routine / specific time frame but when they have faded by approximately 30 – 40% depending on their specific importance.

For example regulatory road markings such as stop markings, no entry markings etc. and markings on high traffic roads are replaced sooner.

High traffic roads are those roads with over 5000 vehicles per day. This applies to all roads regardless of classification.

Mr Agnew asked the Minister for Regional Development to detail the number of (i) full time; and (ii) part time staff in (a) his Department; and (b) each of its arm's-length bodies that have availed of each tranche of the voluntary exit scheme, broken down by grade.

(AQW 53613/11-16)

Miss M McIlveen: The details for my Department and Translink/NITHC are outlined in the tables attached. Northern Ireland Water is not currently running a voluntary exit scheme.

Voluntary Exit Scheme – DRD Staff

Grade (all disciplines)	Tranche 1		Tranche 2		Tranche 3		Tranche 4	
	Full time	Part time						
Industrial	18	0	15	0	34	0	11	0
Personal Secretary	1	1	0	0	0	0	1	0
Typist	0	0	0	0	0	0	1	1
Support Grade 1	1	3	0	0	0	0	1	0
Support Grade 2	2	0	2	0	1	0	2	0
Administrative Assistant	3	2	3	0	4	3	1	0
Administrative Officer	2	6	9	3	3	5	2	1
Executive Officer 2	0	0	2	1	3	1	0	1
Executive Officer 1	1	4	5	1	3	1	0	1
Staff Officer	0	3	1	0	1	0	1	0
Deputy Principal	0	3	2	5	0	2	2	1
Principal (Grade 7)	1	0	2	0	1	0	1	0
Technical Grade 2	0	0	1	0	0	0	0	0
Technical Grade 1	12	3	11	1	14	1	4	0
Professional Technical Officer	15	8	14	2	20	1	0	0
Higher Professional Technology Officer	1	7	4	5	7	0	1	0
Senior Professional Technology Officer	2	0	0	0	2	0	0	0
Principal Professional Technology Officer	3	1	2	0	0	0	0	0
Total	62	41	73	18	93	14	28	5

Voluntary Exit Scheme – Translink

Grade	Full Time	Part Time
Clerical	20	2
Management/Supervisory	42	0
Infrastructure Permanent Way	8	0
Total	70	2

Mr Agnew asked the Minister for Regional Development to detail the number of full time equivalent agency staff employed by (i) her Department; and (ii) each of its arm's-length bodies in each week since June 2015, broken down by grade. (AQW 53614/11-16)

Miss M McIlveen: The details for my Department and its arm's length bodies are set out in the tables below.

DRD Temporary Agency Workers from 1 June 2015

From week commencing	To week ending	SO Accountant	AO	SO Auditor
1/6/15	7/6/15	3	0	0
8/6/15	12/7/15	2	0	0
13/7/15	9/8/15	1	0	0
10/8/15	23/8/15	2	0	0
24/8/15	30/8/15	2	1	0

From week commencing	To week ending	SO Accountant	AO	SO Auditor
31/8/15	20/9/15	2	2	0
21/9/15	4/10/15	3	3	0
5/10/15	11/10/15	2	3	1
12/10/15	18/10/15	2	6	1
19/10/15	1/11/15	2	7	1
2/11/15	8/11/15	1	7	1
9/11/15	15/11/15	1	8	1
16/11/15	31/01/16	1	10	1

Translink Temporary Agency Workers from 1 June 2015

From week commencing	To week ending	Clerical	Management/ Professional	Engineering	Call Centre Agents
1/6/15	14/6/15	11	1	10	0
15/6/15	28/6/15	12	1	10	0
29/6/15	5/7/15	16	2	12	0
6/7/15	19/7/15	17	2	12	0
20/7/15	9/8/15	18	3	12	0
10/8/15	30/8/15	19	3	12	0
31/8/15	6/9/15	22	3	12	0
7/9/15	20/9/15	15	2	13	0
21/9/15	4/10/15	14	2	13	0
5/10/15	11/10/15	14	2	12	0
12/10/15	18/10/15	15	2	12	0
19/10/15	1/11/15	14	2	12	0
2/11/15	8/11/15	15	2	11	0
9/11/15	6/12/15	13	2	11	0
7/12/15	3/1/16	14	2	11	0
4/1/16	10/1/16	14	2	10	3
11/1/16	17/1/16	14	1	10	3
18/1/16	31/1/16	13	1	10	3

Northern Ireland Water Temporary Agency Workers from 1 June 2015

*NICS Equivalent Grades below

From week commencing	To week ending	Level 3	Level 4	Level 5	Level 6	Level 7	Craft Grade A	Class 1	Class 2
01/06/15	7/6/15	0	4.9	1	18	12	0	2	1
08/06/15	14/6/15	0	4.9	1	19	12	0	2	1
15/06/15	5/7/15	0	4.9	1	19	13	0	2	1
06/07/15	12/7/15	0	4.1	1	22	14	0	2	1
13/07/15	26/7/15	1	4.1	1	22	14	0	2	1
27/07/15	2/8/15	1	4.1	1	23	17	0	2	1
03/08/15	9/8/15	1	4.1	1	18	18	0	2	1
10/08/15	16/8/15	1	4.1	1	18	17	1	2	1

From week commencing	To week ending	Level 3	Level 4	Level 5	Level 6	Level 7	Craft Grade A	Class 1	Class 2
17/08/15	23/8/15	1	4.1	1	20	17	2	2	1
24/08/15	30/8/15	1	5.1	1	20	19	2	2	1
31/08/15	20/9/15	2	5.1	1	19	18	1	2	1
21/09/15	4/10/15	2	4.1	1	19	17	1	2	1
05/10/15	11/10/15	2	4.1	1	16	16	1	1	1
12/10/15	18/10/15	2	4.9	2	16	16	1	1	1
19/10/15	25/10/15	2	4.9	1	14	18	1	1	1
26/10/15	01/11/15	2	4.9	1	14	18	2	1	1
02/11/15	22/11/15	2	4.9	0	15	14	2	1	1
23/11/15	29/11/15	2	4.9	0	15	15	2	1	2
30/11/15	6/12/15	2	2.9	0	15	12	2	1	2
07/12/15	13/12/15	2	2.9	1	14	12	2	1	2
14/12/15	27/12/15	2	1.9	1	14	12	2	1	2
28/12/15	10/1/16	2	1.9	1	14	13	2	1	2
11/01/16	17/1/16	2	1.1	1	15	14	2	1	2
18/01/16	31/1/16	2	1.1	1	12	14	2	1	2

- * NIW Level 3 – NICS equivalent – Head of Division/Grade 6/Grade 7/PPTO
- * NIW Level 4 – NICS equivalent – Deputy Principal/SPTO
- * NIW Level 5 – NICS equivalent – Staff Officer/HPTO
- * NIW Level 6 – NICS equivalent – Executive Officer 1/Executive Officer II/PTO
- * NIW Level 7 – NICS equivalent – Administrative Officer
- * NIW Craft Grade A, Class I and Class II staff are industrial workers

Mr McMullan asked the Minister for Regional Development whether NI Water has conducted an investigation in to the possible effects of drilling beside their water catchment facility at Woodburn Forest.
(AQW 53667/11-16)

Miss M McIlveen: The exploratory drilling by Infrastrata is regulated under the terms of its Consent to Drill.

The 'Consent to Drill' at Woodburn Forest has been granted by DETI and the granting of this consent demonstrates that DETI is satisfied with all of the technical, environmental and health and safety aspects of the proposed drilling plans. DETI's consent follows a separate consent issued by NIEA (Water Management Unit) under the Water (NI) Order 1999, which regulates the well in terms of surface water and groundwater impacts and includes the implementation of a monitoring plan to verify that no adverse impacts arise on neighbouring waterbodies from the exploratory activity. Infrastrata produced a detailed Project Environmental Report, addressing all aspects of biodiversity and environmental impact, which was considered and approved by NIEA.

NI Water has in place Drinking Water Safety Plans (DWSP) for all of its water treatment works and associated supply areas. Drinking Water Safety Plans identify the potential for risk to water quality from all potential raw water sources within the catchment area of a treatment works. NI Water works closely with the NIEA to minimise any potential impacts on drinking water quality and keeps under review any risks identified to inform the DWSP risk assessment process.

The exploration project at Woodburn has been designed as 'zero discharge' and NI Water is satisfied that the proposed work will have no detrimental impact upon the impounding reservoirs or the public water supply and therefore has not conducted a separate investigation.

Mr Campbell asked the Minister for Regional Development when the current work on the passing loop at Bellarena will be completed; and when the improved rail schedule will commence.
(AQW 53687/11-16)

Miss M McIlveen: The project to complete the passing loop at Bellarena is scheduled for completion at the end of December 2016.

Discussions regarding service levels, including any future service enhancements, will take place in the coming months with my Department as part of the corporate planning process.

Mr A Maginness asked the Minister for Regional Development, pursuant to AQW 33823/11-15, AQW 39603/11-15 and following the experimental Traffic Regulation Order to provide a tidal urban clearway on three routes in south Belfast in November 2013, whether an assessment has been made if a similar scheme will be implemented for the Antrim Road in North Belfast.
(AQW 53700/11-16)

Miss M McIlveen: Arterial routes, which are often located in vibrant commercial and residential areas, need to serve a number of functions, not all of which are mutually compatible. My Department must strike a balance between these conflicting needs.

Urban Clearways are a very successful way of dealing with these conflicting needs along arterial routes, providing a maximum throughput of traffic during the peak hours by banning all parking including loading / unloading but providing on street parking outside the restriction times. Vehicles are however, permitted to set down or pick up passengers when the urban clearway restrictions are in operation.

My Department is committed to encouraging sustainable ways of travelling including public transport and cycling, particularly on arterial routes and in Belfast City Centre. Urban Clearways provide traffic lanes free from parked cars and my Department is not currently considering relaxing any further Urban Clearways due to the adverse impact it has for public transport and cycling.

My Department is also considering the potential for extending Belfast Rapid Transit to serve North Belfast and one of the possible routes for this area is the Antrim Road. In order for such a service to be successful it will require bus priority measures to be introduced, in both directions, along the route. The presence of a tidal clearway would severely compromise the ability to provide this public transport priority.

Mr Ó hOisín asked the Minister for Regional Development what was the total cost of the 200 road signs erected in Belfast city centre to advise motorists of the new speed limit zones.
(AQW 53737/11-16)

Miss M McIlveen: The total cost of purchasing the signs and poles to advise the public of the recently introduced 20mph speed limit in Belfast City centre is £9,935.64.

The signs were erected by TransportNI's internal work force.

Mr McCrossan asked the Minister for Regional Development for an update on road repairs for Nancy's Lane in Strabane.
(AQW 53756/11-16)

Miss M McIlveen: Nancy's Lane is over 500m in length with around 180m at the Derry Road end adopted and maintained by TransportNI. The adopted stretch is in a satisfactory condition so there are no proposals to carry out any road repairs.

The remaining unadopted section of Nancy's Lane has been the subject of a number of adoption requests over the years and my Department has consistently taken the view that it can only be adopted after it is brought up to an appropriate standard. Responsibility for bringing the road up to an adoptable standard would lie with the residents who have been advised of the standards to be provided before adoption could take place.

Mr Easton asked the Minister for Regional Development whether his Department conducts regular maintenance checks to see if streetlights are working.
(AQW 53775/11-16)

Miss M McIlveen: My Department has introduced a new on-line reporting facility for street lighting faults, whereby the public can report faults on the NI Direct website, under 'Street Lighting and Reporting a Fault'. Callers can also report street lighting faults by telephone to 0300 200 7899.

Following the Executive's allocation of additional funding for street lighting repairs in the November 2015 monitoring round, my Department's TransportNI staff have carried out inspections to establish whether street lights were working and to facilitate repairs.

Mr Weir asked the Minister for Regional Development to outline any plans for expanded or additional park and ride facilities.
(AQW 53798/11-16)

Miss M McIlveen: My Department's 'Park & Ride Strategic Delivery Programme for 2013-15' delivered over 2,000 additional Park & Ride and Park & Share spaces across Northern Ireland, bringing the total number of spaces to over 8,000. Further additional spaces are currently being progressed in this financial year, including spaces at Ballymoney Train Station, Randalstown and Ballynure.

There is a growing demand for our Park & Ride facilities, with the sites serving the Belfast Metropolitan area having an average daily occupancy level of 80%. Following the success of the Strategic Delivery Programme, a further review of my Department's Park & Ride Strategy is currently being carried out to identify potential locations for further facilities across Northern Ireland.

Mr McKinney asked the Minister for Regional Development (i) to detail the (a) matched; and (b) unmatched European Union funding her Department has sourced in each of the last ten years; and (ii) where this money was spent.

(AQW 53804/11-16)

Miss M McIlveen: My Department has sourced a total of £98.57m of European Union funding, all of which is matched, during the last ten years. This includes £58.12m of funding secured from 'Competitive' funding sources such as Trans European Network – Transport (TEN-T) and the Connecting Europe Facility (CEF) where my Department has successfully competed against applications submitted by all other Member States of the European Union.

Annex A to this letter gives a full breakdown of this funding detailing the projects it relates to, the European programme and the year it was sourced in. A copy of annex A has been placed in the library. *(Please see next spread).*

Department for Regional Development European Funding sourced from 2007 (£)											Annex A
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Grand Total
DETI European Sustainable Competitiveness Programme							5,800,000.00	10,735,500.00	7,185,000.00		23,720,500.00
A2 Upgrade -Belfast Shore Road to Greenisland								5,485,500.00			5,485,500.00
A2 Upgrade -Belfast Shore Road to Greenisland Extension									3,450,000.00		3,450,000.00
Extended Bus Replacement Project								5,250,000.00			5,250,000.00
Optares and Goldlines									3,735,000.00		3,735,000.00
Replacement of Goldline & Metro Fleet							5,800,000.00				5,800,000.00
FP7 Research and Development - People Programme				177,247.23							177,247.23
Advanced Technologies for Water Resource Management (ATWARM)				177,247.23							177,247.23
INTERREG IVA			2,591,969.50		424,334.00		2,400,000.00	10,276,822.00			15,695,125.50
ANSWER (Agricultural Need for Sustainable Willow Effluent Recycling)					424,334.00						424,334.00
Cross Border Rural Infrastructure Development Schemes (CBRIDS) -Upgrade to Culmore Roundabout & Project Extension			2,518,419.00								2,518,419.00
Drogheda Viaduct								3,168,072.00			3,168,072.00
Enterprise Phase 3 Overhaul Programme -Stage 2								7,110,750.00			7,110,750.00
Redevelopment of Portadown Railway Station							2,400,000.00				2,400,000.00
Small Ferries Project			73,550.50								73,550.50
INTERREG IVB (AA)			-								284,000.00
BATTERIE Project											284,000.00
START			-								-

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Grand Total
INTERREG IVB (NWE)				568,194.00							568,194.00
The Sustainable Stations Project - Antrim Integrated Transport Centre				568,194.00							568,194.00
TEN-T		13,460,203.67	1,408,254.00	3,312,045.79		2,440,505.83	15,724,594.80		2,860,472.67	18,917,874.86	58,123,951.62
Ballymena - Derry: Track Life Extension			1,408,254.00								1,408,254.00
Belfast Inter-modal Transport Hub									2,860,472.67		2,860,472.67
Bottleneck Alleviation and Cross Border Connectivity Works Knockmore to Lurgan										7,576,200.15	7,576,200.15
Coleraine to Londonderry Track Relay Phase 1						1,309,005.95					1,309,005.95
Dualling of A1 Beech Hill to Cloghogue		12,958,808.40									12,958,808.40
Dualling of A6 Derry to Dungiven '				1,141,222.75							1,141,222.75
Dualling of A8 Belfast to Larne - Colemans Corner - Bally Rickard Road (Study)				1,933,994.50							1,933,994.50
Dualling of the A8 Coleman's Corner to Ballyrickard Roundabout							15,724,594.80				15,724,594.80
EASYWAY I		501,395.27									501,395.27
EASYWAY II				236,828.54							236,828.54
Installation of rapid charge points for electric vehicles and a supporting IT system						110,232.08					110,232.08
Technical Equipment and Infrastructure Upgrade: Londonderry to Coleraine Rail Line										11,341,674.70	11,341,674.70
York Street Interchange - Improvement to Belfast Port Hinterland Connections (Scheme Development Studies)						1,021,267.80					1,021,267.80
Grand Total	0.00	13,460,203.67	4,000,223.50	4,057,487.02	424,334.00	2,724,505.83	23,924,594.80	21,014,322.00	10,045,472.67	18,917,874.86	98,569,018.35

Mr B McCrea asked the Minister for Regional Development whether there are any plans to install traffic calming measures in Moira.

(AQW 53837/11-16)

Miss M McIlveen: I can advise that traffic calming in the form of central hatching and pedestrian islands are already in place along Main Street from its junction with Meeting Street and the Old Kilmore Road roundabout.

Backwood Road, around the primary school, has been treated with formal vertical deflection measures in the form of ramps.

In recent months gateway signing has also been provided on five approach roads to the village.

There are no plans to provide further measures at this time.

Mr B McCrea asked the Minister for Regional Development whether there are plans to ban heavy goods vehicles from the centre of Moira.

(AQW 53838/11-16)

Miss M McIlveen: My Department has no plans to introduce a weight limit or ban heavy goods vehicles within Moira.

Mr B McCrea asked the Minister for Regional Development for an update on plans to ban heavy goods vehicles from the centre of Hillsborough.

(AQW 53839/11-16)

Miss M McIlveen: My Department intends to introduce a 7.5 tonne weight limit for heavy goods vehicles within the conservation area of Hillsborough in a staged approach. The first phase will apply to the stretch of Lisburn Street from the Culcavey Road to the Ballynahich Road/ Main Street junction.

The legislation will be progressed in the coming weeks and subject to satisfactory completion it is hoped that the necessary signage will be erected during Summer 2016.

Mr Allister asked the Minister for Regional Development to place in the library a copy of the map delineating the lands being offered for sale by NI Water adjacent to Ballysallagh Upper Reservoir and Cairn Wood, Craigtantlet.

(AQW 53886/11-16)

Miss M McIlveen: The open market sale of lands at Ballysallagh Upper Reservoir and Cairn Wood is no longer being pursued, while Forest Service interest in purchasing the site is explored. A map delineating the lands in question has been placed in the Assembly Library.

Mr Allen asked the Minister for Regional Development what factors she considered when setting the 20mph speed limit in Belfast city centre.

(AQW 53910/11-16)

Miss M McIlveen: The Northern Ireland Road Safety Strategy is a joint initiative between DRD, DoE and PSNI to reduce the number and severity of road traffic collisions in Northern Ireland. The concept of piloting signed only 20 mph schemes is one of 199 action measures contained within the strategy.

A pre-consultation phase for the Northern Ireland Road Safety Strategy was carried out between March 2009 and February 2010. This involved engagement with 500+ stakeholders to identify key road safety issues and draft solutions. An extensive public consultation was then carried out in March 2010. This confirmed general support for pilot 20 mph signed only schemes.

As a result of the commitment to the Northern Ireland Road Safety Strategy, TransportNI selected five pilot 20 mph signed only sites, including Belfast City Centre.

TransportNI wrote to the PSNI in November 2013 and the PSNI responded in January 2014 giving their agreement to a zone consisting of the main pedestrian zone, the front and back of City Hall, Cathedral Quarter and areas of high pedestrian activity including High Street and North Street.

The main factors taken into account include:

- Level of pedestrian and cycling activity in the area.
- Record of road traffic collisions resulting in an injury, particularly those involving pedestrians and cyclists.
- Existing conditions in the streets prior to implementation including analysis of average speed of motor vehicles and operation of bus lanes.
- Support of PSNI and Belfast City Council.
- Consideration of similar 20mph limits in Great Britain.
- Analysis of the responses to the consultation exercise.

Ms Maeve McLaughlin asked the Minister for Regional Development for an update on residents' parking scheme in the Bogside area of Derry.

(AQW 53911/11-16)

Miss M McIlveen: My Department has progressed the Rossville Street Residents' Parking Scheme in the Bogside area of the City. Many of the necessary preparations have been made ahead of formal consultation on the scheme.

However, given the difficulties in securing public support for schemes in Belfast and the costs associated with implementing and managing schemes in Londonderry and Antrim, I wish to take some time to consider my Department's position on this matter before making any further decisions.

Mr Allister asked the Minister for Regional Development what is the difference between the lux level bulbs and the blown street lighting bulbs they replaced in Lurgan.

(AQW 53923/11-16)

Miss M McIlveen: As far as maintenance is concerned, TransportNI generally replaces defective light bulbs on a like for like basis. This principle applies equally in the Lurgan area as in any other area of Southern Division.

Mr Easton asked the Minister for Regional Development to outline the criteria for selecting the location of salt boxes.

(AQW 54178/11-16)

Miss M McIlveen: Salt bins may be provided for use by the public, on a self-help basis on roads which do not qualify for inclusion on the gritting schedule, providing the necessary criteria are met. There are no limits placed on the number of salt bins which may be provided, although they will not normally be provided within 100m of another bin.

Salt Bin Criteria

TransportNI will consider the provision of a salt bin when the following criteria are met:

- the location in question must be on the publically maintained road network;
- the gradient of the road in question must be over 5%;
- no reasonable alternative route shall be available; and
- the subject road attains a minimum overall score, derived using a specific formula, where points are awarded depending on road geometry, residential usage, community welfare and commercial usage.

Salt bins can also be provided to schools that are regularly affected by severe wintry weather.

Department for Social Development

Mr A Maginness asked the Minister for Social Development to detail the total (i) number of Disability Living Allowance and Employment Support Allowance hearings that have taken place in each of the last five years; (ii) cost of Disability Living Allowance and Employment Support Allowance appeal hearings in each of the last five years; and (iii) number of Disability Living Allowance and Employment Support Allowance appeal hearings that overturned the original decision.

(AQW 53675/11-16)

Lord Morrow (The Minister for Social Development): Tables 1 and 2 detail the number of Disability Living Allowance and Employment and Support Allowance appeals that were considered at a tribunal hearing, of those the number that received a final determination/outcome and of those how many were successful in each of the last five financial years.

Table 1 — Disability Allowance Appeals

Year	Benefit Type	Number of Appeals Heard	Number of Appeal Outcomes ¹	More Advantageous Decision
2010/11	DLA	6420	4330	1551
2011/12	DLA	5821	3826	1511
2012/13	DLA	5857	3819	1395
2013/14	DLA	5768	3799	1318
2014/15	DLA	5372	3691	1307

Table 2 — Employment Support Allowance

Year	Benefit Type	Number of Appeals Heard	Number of Appeal Outcomes ¹	More Advantageous Decision
2010/11	ESA	6409	5035	1461

Year	Benefit Type	Number of Appeals Heard	Number of Appeal Outcomes ¹	More Advantageous Decision
2011/12	ESA	8417	6318	2193
2012/13	ESA	11804	8559	2855
2013/14	ESA	16270	12193	3778
2014/15	ESA	8753	6647	2258

1 These figures represent final outcomes at hearing and excludes adjourned appeals.

Identification of the precise cost of all hearings would require a manual trawl of computer and manual records, an exercise that would incur a disproportionate cost.

A Disability Living Allowance Appeal Tribunal panel is comprised of a Legally Qualified Member, a Medically Qualified Member and a Disability Qualified Member. An Employment and Support Allowance Appeal Tribunal panel is comprised of a Legally Qualified Member and a Medically Qualified Member.

The current rate payable to each category of panel member for a hearing session is detailed in the Table 3 below. The number of appeals listed for each session is a matter for the President of the Appeals Tribunal

Table 3 — Panel Members Fee Rate

Panel Member Category	Rate per Session
Legally Qualified member	£229.00
Medically Qualified member (up to 40 sessions)	£158.00
Medically Qualified member (over 40 sessions & consultants in certain appeal types)	£189.50
Financially Qualified Member	£154.00
Disability Qualified Member	£98.00

Mr Easton asked the Minister for Social Development to detail how much funding his Department has spent on the Warm Homes Scheme in the last three years.

(AQW 53764/11-16)

Lord Morrow: The Warm Homes Scheme ended on 31st March 2015. The table below shows how much my Department spent on the Warm Homes Scheme in the last three years:

2012/2013	£16,696,000
2013/2014	£15,625,000
2014/2015	£12,385,000
Total expenditure over last 3 years	£44,706,000

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 Allen asked the Minister for Social Development to detail all completed new build houses, including the year they were completed and their location, in each of the last five years.

(AQW 53783/11-16)

Lord Morrow: The number of new build houses completed for the five years period 2010/11 to 2014/15 are as follows:

Parliamentary Constituency	2010/11	2011/12	2012/13	2013/14	2014/15	Total
East Antrim	25	11	6	34	7	83
East Belfast	137	68	34	123	32	394
East Londonderry	0	13	14	25	5	57
Fermanagh & South Tyrone	42	55	41	57	90	285
Foyle	142	175	184	212	301	1014
Lagan Valley	147	13	57	247	115	579

Parliamentary Constituency	2010/11	2011/12	2012/13	2013/14	2014/15	Total
Mid Ulster	33	11	30	40	65	179
Newry & Armagh	82	106	60	122	110	480
North Antrim	5	16	9	106	102	238
North Belfast	298	179	182	124	215	998
North Down	146	25	0	80	58	309
South Antrim	11	22	127	66	77	303
South Belfast	164	128	92	151	167	702
South Down	14	117	54	165	25	375
Strangford	43	131	163	32	90	459
Upper Bann	28	85	19	29	1	162
West Belfast	73	127	176	343	198	917
West Tyrone	19	28	6	11	0	64
Total	1409	1310	1254	1967	1658	7598

Please be advised that overall SHDP includes new build, rehabilitated and acquisition of Existing Satisfactory properties. A more detailed breakdown of the individual scheme locality can be found on the Housing Executive website.

- http://www.nihe.gov.uk/index/services/housing_need.htm

Mr Allen asked the Minister for Social Development to detail the number of planned new build houses, broken down by (a) the year they are to commence; and (b) their location.

(AQW 53784/11-16)

Lord Morrow: The total number of social housing schemes programmed as part of Social Housing Development Programme (SHDP) 2016/17 to 2018/19 and Parliament Constituency is as follows.

Parliamentary Constituency	Total 2016/17	Total 2017/18	Total 2018/19	Overall Total
East Antrim	109	8	22	181
East Belfast	214	113	45	461
East Londonderry	69	149	23	241
Fermanagh & South Tyrone	97	63		161
Foyle	611	433	498	1,774
Lagan Valley	163	46	85	349
Mid Ulster	34	10	6	69
Newry & Armagh	150	85	86	425
North Antrim	137	107	80	548
North Belfast	268	109	146	692
North Down	76	10		389
South Antrim	176	97	65	424
South Belfast	268	8	80	380
South Down	59	31	15	142
Strangford	188	5	10	312
Upper Bann	32	28	10	122
West Belfast	519	276	130	1,153
West Tyrone	71	14	28	113
Overall Total	3,241	1,592	1,329	7,936

You may however, wish to note that programmed schemes may be lost or slip to future programme years for a variety of reasons relating to e.g. site acquisition / achieving Planning Permission. Additional schemes may also be added to the SHDP through the purchase of Existing Satisfactory / Off-the-shelf properties in-year, and through the annual housing association bidding round / programme formulation (which is currently underway).

Mr McKinney asked the Minister for Social Development (i) to detail the (a) matched; and (b) unmatched European Union funding his Department has sourced in each of the last ten years; and (ii) where this money was spent.
(AQW 53803/11-16)

Lord Morrow: The information requested is not available in the format requested. The Department facilitates the sourcing of European Funding through the provision of match funding to a number of European programmes i.e. from the European Territorial Cooperation Programme; the European Social Fund and the European Regional Development Fund.

European Territorial Cooperation Programme: As Accountable Department for Peace III, the Department has responsibility for Priority 2.1 - Creating Shared Public Spaces (2007-2013). Match funding of €16m provided by the Department facilitated drawdown of €48m to support 18 capital projects across Northern Ireland and the Border Regions. The location of the projects and associated spend were:

- Belfast £32.4m,
- Londonderry £18.5m,
- Portadown £5.5m,
- Omagh £ 4.3m,
- Dungannon £ 7.4m,
- Monaghan € 7.8m,
- Cavan € 3.7m,
- Fermanagh/Donegal € 8.1m.

The Shared Spaces and Services theme of the Peace IV programme (2014-2020) will seek calls for applications later in 2016 from Northern Ireland and the Border Regions. The Department will provide €6.2m match funding to facilitate the drawdown of €35.3m.

European Social Fund: Between 2008/09 and 2015/16 the Department provided the match funding of £6.1m to a number of European Social Fund projects. Details of the each year's funding and the location of the spend is provided in the table below:

Region	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Belfast	404,500	558,096	471,705	480,587	663,090	698,849	677,803	0.00
Londonderry	13,512	14,069	14,069	347,590	361,875	357,956	289,043	68,000
Dungannon	91,113	95,865	76,368	73,368	73,368	76,368	76,368	76,368

European Regional Development Fund: The Housing Group within the Department sourced £6.0m funding from the EU Sustainable Competitiveness Programme for Northern Ireland 2007-2013 to support the Boiler Replacement Scheme. The scheme was available to eligible owner occupiers throughout Northern Ireland. Details of spend by year are provided in the table below:

Year	Purpose	Amount £'000
2013-14	Boiler Replacement	3,000
2014-15	Boiler Replacement	2,650
2015-16	Boiler Replacement	350

Mr Weir asked the Minister for Social Development to detail the number of homes in (i) North Down; and (ii) Northern Ireland that have availed of the Warm Homes Scheme in each of the last five years.
(AQW 53827/11-16)

Lord Morrow: The last Warm Homes Scheme operated from 1st July 2009 and ended on 31st March 2015. The table below details the total number of homes across Northern Ireland that availed of the scheme in each of the last five years and the number of homes assisted in the Ards and North Down Council area. The Housing Executive is unable to provide information by parliamentary constituency and can only extract information by council area.

Year	Total Number of Homes	Ards & North Down
2009/2010	7,071	665
2010/2011	10,369	632
2011/2012	10,651	641
2012/2013	9,755	524
2013/2014	8,019	633
2014/2015	7,013	465

Year	Total Number of Homes	Ards & North Down
Totals	52,878	3,560

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Mr Dunne asked the Minister for Social Development to detail the cost of the proposed restructuring of local district Housing Executives (a) for Northern Ireland; and (b) North Down.

(AQW 53832/11-16)

Lord Morrow: I have been advised by the Housing Executive that the proposed restructuring of local district Housing Executive offices for Northern Ireland is cost neutral. Indicative costings show that there are no significant variations against current operating costs for each area office, including North Down.

Mr Dunne asked the Minister for Social Development to detail what consideration his Department has given to (a) ensuring that the proposed restructuring of local district Housing Executive offices will not adversely affect the local skills and knowledge of staff; and (b) what protection will be given to existing staff at Level 4 and below in regard to relocation.

(AQW 53833/11-16)

Lord Morrow: The Housing Executive advises that in respect of part (a) it is currently undertaking a major transformation programme entitled Journey to Excellence which aims to enhance overall organisational performance and maintain a more customer focused and efficient approach to service delivery.

A key programme objective is to ensure that leaders and staff within the Housing Executive are equipped with the skills and knowledge to meet the requirements of the new ways of working. The Housing Executive is committed to retaining and developing the wealth of skills and knowledge that staff hold, both at a local level and across the organisation insofar as possible. In addition to a comprehensive training programme to support the programme, the Housing Executive has undertaken to support its staff through this change process by committing to pre-recruitment activities for staff. The latter includes:-

- i Access to eLearning focussed on the Recruitment process
- ii Access to eLearning on Build Yes (the primary business improvement methodology in the NIHE)
- iii Pre-Recruitment staff information events

The e-learning packages covering the new ways of working and the recruitment process will give our staff as much information as possible in advance of any selection exercise.

In relation to part (b) the Housing Executive advises that Housing Executive staff including those at Level 4 and below have the protection of a Redeployment Policy, agreed with the trade unions, which would come into effect in the event that surpluses arise in any location as a result of restructuring. It is the Housing Executive's intention to redeploy staff on a voluntary basis and it is progressing work on an overall workforce plan to support this intent.

It is the Housing Executive's policy to take all reasonable measures to absorb surplus staff by redeployment in the interests of those staff and the Housing Executive's business needs generally. Under the policy all surplus staff will be given an opportunity to identify their preferences for redeployment by location and function, and every effort will be made to accommodate those preferences insofar as possible dependent on the availability of posts.

Mr Campbell asked the Minister for Social Development to detail the change in the number of fraud investigators working in his Department between 2010 and 2015.

(AQW 53849/11-16)

Lord Morrow: The number of fraud investigators working in the Social Security Agency's Single Investigation Service during this period has not changed significantly. The average number of fraud investigators in post each year is as follows;

Years	2010	2011	2012	2013	2014	2015
Total	81	77	87	92	84	77

In addition, within the wider Department, a Corporate Investigations Unit investigates suspicions of internal fraud or irregularity. On 1st January 2010 the unit had 8 fraud investigators, reducing to 4 by 31st December 2015.

The Department's Child Maintenance Service has had between 3 and 4 officers during this period, whose role is also to identify fraud.

Mr Lyttle asked the Minister for Social Development for an update on the financing of the Women's Centre Childcare Fund for 2016-17.

(AQO 9623/11-16)

Lord Morrow: I can advise that funds will be made available for the Women's Centres Childcare Fund for 2016/17.

Mr Lyttle asked the Minister for Social Development for an update on the work his Department is carrying out to ensure that funding is in place for the Women's Centre Childcare Fund in 2016-17.

(AQW 53899/11-16)

Lord Morrow: I can advise that funds will be made available for the Women's Centres Childcare fund for 2016/17.

Mr McNarry asked the Minister for Social Development to detail (i) the number of EU and non-EU nationals claiming benefits; (ii) how much was paid to such claimants; and (iii) how much has been sent in child benefit to other countries within the EU broken down by country; in each of the last five years.

(AQW 53922/11-16)

Lord Morrow: The information relating to part (iii) is not available; please see the background notes for further information. The table below provides the information for parts (i) and (ii).

Number of European Union/Non-European Union Benefit Claimants and Associated Total Weekly Payments for 2011-2015

Year	European Union		Non-European Union	
	No of Claimants	Weekly Benefit Paid	No of Claimants	Weekly Benefit Paid
2011	8,610	£689,000	1,570	£113,000
2012	10,610	£865,000	1,840	£138,000
2013	12,050	£1,000,000	2,040	£166,000
2014	12,400	£1,078,000	2,120	£181,000
2015	11,460	£1,096,000	2,180	£203,000

Mr Weir asked the Minister for Social Development to detail how much funding his Department has provided to the Warm Homes Scheme in (i) North Down; and (ii) Northern Ireland in each of the last five years.

(AQW 53932/11-16)

Lord Morrow: The Warm Homes Scheme ended on 31st March 2015. The table below details how much funding was provided for the scheme in the last five years, also shown are the amounts spent in the Ards and North Down council areas. The Housing Executive is unable to provide expenditure by parliamentary constituency and can only extract expenditure by council area.

YEAR	Total Expenditure	Ards & North Down Expenditure
2009/2010	£9.101m	£807,000
2010/2011	£12.207m	£838,000
2011/2012	£14.015m	£902,000
2012/2013	£16.696m	£888,000
2013/2014	£15.625m	£930,000
2014/2015	£12.385m	£778,000
Total	£80.029M	£5.143M

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Mr Weir asked the Minister for Social Development for an update on the restructuring of the Northern Ireland Housing Executive.

(AQW 53940/11-16)

Lord Morrow: The Housing Executive is currently undertaking a major transformation programme entitled 'Journey to Excellence', which aims to enhance overall organisational performance and maintain a more customer focused and efficient approach to service delivery. It is anticipated that the programme will result in services which are more effective and efficient, with improved levels of customer and staff satisfaction.

The programme aims to transform housing services for both housing customers and tenants by developing new ways of delivering services and implementing these across the organisation. The aim of these service redesigns is to deliver a more seamless service to housing customers and tenants.

The new delivery models include the provision of a dedicated 'housing solution' service by dedicated teams of staff performing a housing advisory role and a seamless transition to dedicated 'patch managers', who perform the housing management role, and who will then assist prospective tenants once they accept an offer of accommodation from the Housing Executive. The redesigned process will improve continuity for the customer.

New structures and new job roles have been defined and are currently with the Trade Union for consultation. Substantial work is currently underway to prepare for the roll-out of 'Journey to Excellence' across the Housing Executive including new structures, systems and business processes, with implementation due to commence in mid-2016.

Ms Sugden asked the Minister for Social Development for an update on the matching service designed to bring empty homes back into use, in East Londonderry.

(AQW 53957/11-16)

Lord Morrow: A matching service scheme to bring privately owned empty homes back into use has been developed by the Housing Executive which is similar to initiatives used by local authorities in other parts of the United Kingdom. The scheme aims to match potential buyers with sellers of privately owned empty houses. To be part of scheme, prospective buyers and sellers are required to register with the Housing Executive to be part of the scheme, using the Empty Homes website (www.emptyhomesni.com).

The scheme went live in September 2015, with the Housing Executive writing to over 500 known owners of empty homes in Northern Ireland advising of the scheme. My Department has also promoted the scheme through the Private Rented Sector newsletter.

In the East Londonderry area there have been no owners of empty homes who have registered their property with the matching service scheme. However, as part of ongoing actions within my Department's Empty Homes Strategy there have been 42 empty homes reported to the Housing Executive in East Londonderry. Of these, 18 have now been returned into use or demolished, 17 have been blocked up with the owners unable to be contacted, and 7 empty homes where the Housing Executive are seeking the owners to bring them back into use.

Ms Sugden asked the Minister for Social Development for an update on funding for Neighbourhood Renewal projects in East Londonderry in 2016-2017.

(AQW 53958/11-16)

Lord Morrow: My officials have previously written to all organisations funded through the Neighbourhood Renewal programme advising of the significant financial pressures facing the Executive. Following the Executive's agreement on the final budget for 2016/17, I now need to consider the impact the settlement will have across the remit of my Department.

Whilst I have still to finalise decisions around my Departmental budget, which will limit the amount of funding that will be available through the programmes that my Department currently delivers, my officials are seeking to identify those projects which demonstrate most effectively that they are meeting the objectives of these programmes; including the Neighbourhood Renewal programme. As this exercise is ongoing and I have not yet finalised my decisions therefore it is premature to speculate on the outcome, with regards to which projects will be supported.

Mr Easton asked the Minister for Social Development to detail the number of houses owned by the Northern Ireland Housing Executive in Kilcooley Estate with either ineffective or no cavity wall insulation.

(AQW 53967/11-16)

Lord Morrow: The Housing Executive has advised that they do not hold records on the number of its properties with either ineffective or no cavity wall insulation.

Mr Easton asked the Minister for Social Development how many Housing Executive properties in the Bloomfield Estate, Bangor have ineffective or no cavity wall insulation.

(AQW 53969/11-16)

Lord Morrow: The Housing Executive has advised that they do not hold records on the number of its properties with either ineffective or no cavity wall insulation.

Mr Weir asked the Minister for Social Development for a breakdown of the (i) number; and (ii) percentage of people claiming Job Seekers Allowance in (a) North Down; (b) Northern Ireland; (c) May 2011; and (d) January 2016.

(AQW 53998/11-16)

Lord Morrow: The most recently published Jobseeker's Allowance statistics refer to August 2015. Figures for November 2015 will be published at the end of February 2016. The number of Jobseeker's Allowance claimants as well as the Percentage of

Working Age Population in the North Down Assembly Area and Northern Ireland are available at May 2011 and August 2015 in the table below.

Area	May-11		Aug-15	
	Number	%age	Number	%age
North Down	1,900	3.6%	1,420	2.7%
Northern Ireland	56,580	5.1%	41,170	3.7%

Mr Easton asked the Minister for Social Development whether it is standard Northern Ireland Housing Executive policy to fit smoke alarms in its properties.

(AQW 54006/11-16)

Lord Morrow: The NIHE has confirmed that it is its standard Policy to fit smoke alarms in its properties.

Ms Sugden asked the Minister for Social Development for an update on the redevelopment of Portrush Harbour.

(AQW 54051/11-16)

Lord Morrow: In 2011 Coleraine Borough Council appointed consultants to carry out a feasibility study to determine if it was possible to extend and pontoon Portrush harbour. A number of development options were identified with development costs ranging from £10 M to £14 M.

A further piece of work was commissioned to determine if any other value for money options were available. It is anticipated that this additional work will be completed around the end of March 2016.

Ms Sugden asked the Minister for Social Development for an update on the programme for regeneration works in Portrush prior to the Open Championship in 2019.

(AQW 54052/11-16)

Lord Morrow: My Department has established a programme board to oversee the development and implementation of a number of major infrastructure projects in Portrush. Two of the major capital projects proposed in the programme are a new train station and public realm works throughout the town centre. Subject to funding, it is planned to commence the design process in 2016/17.

A further piece of work to determine options for the development of the harbour is expected to be completed around the end of March 2016.

Ms Sugden asked the Minister for Social Development to detail (i) the number of households identified as being affected by fuel poverty in East Londonderry in the last 12 months; and of those identified (ii) how many have been approved for the Affordable Warmth Scheme.

(AQW 54078/11-16)

Lord Morrow: In relation to part (i), the Housing Executive do not record fuel poverty figures aligned to parliamentary constituency. East Londonderry is part of the council area of Causeway Coast and Glens and 353 households have received approval to install energy efficiency measures including new heating systems, cavity wall and loft insulation and new windows through the Affordable Warmth Scheme.

Mr Weir asked the Minister for Social Development to detail the number of people in receipt of Employment Support Allowance in each of the last three years, broken down by constituency.

(AQW 54142/11-16)

Lord Morrow: The most recently published Employment and Support Allowance statistics refer to August 2015. The tables below detail the number of people in receipt of Employment and Support Allowance at August in each of the last 3 years, broken down by Assembly Area.

Table 1 – August 2013

Assembly Area	All Claimants	Recipients	Credits Only
Belfast East	3,870	3,710	160
Belfast North	7,000	6,780	220
Belfast South	3,950	3,760	190
Belfast West	6,760	6,580	180
East Antrim	3,420	3,260	170

Assembly Area	All Claimants	Recipients	Credits Only
East Londonderry	4,770	4,560	210
Fermanagh And South Tyrone	3,530	3,320	210
Foyle	6,320	6,130	190
Lagan Valley	3,120	2,950	170
Mid Ulster	4,220	3,940	270
Newry And Armagh	5,040	4,780	260
North Antrim	4,490	4,280	200
North Down	2,650	2,490	160
South Antrim	3,390	3,230	150
South Down	4,580	4,290	290
Strangford	3,090	2,920	170
Upper Bann	5,500	5,260	240
West Tyrone	4,780	4,570	210
Unknown	860	810	50
Total	81,340	77,610	3,730

Data source DSD Analytical Services Unit Employment and Support Allowance MIDAS scan August 2013, Central Postcode Directory 2013.

The information provided is an Official Statistic. The Production and dissemination of all such Statistics is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Table 2 – August 2014

Assembly Area	All Claimants	Recipients	Credits Only
Belfast East	5390	5200	190
Belfast North	9,410	9,160	260
Belfast South	5,390	5,170	230
Belfast West	9,360	9,170	190
East Antrim	4,650	4,470	190
East Londonderry	6,420	6,150	270
Fermanagh And South Tyrone	4,980	4,730	250
Foyle	8,620	8,380	240
Lagan Valley	4,320	4,120	200
Mid Ulster	5,840	5,550	290
Newry And Armagh	6,950	6,620	330
North Antrim	6,150	5,900	260
North Down	3,660	3,470	190
South Antrim	4,650	4,430	220
South Down	6,200	5,890	320
Strangford	4,270	4,070	200
Upper Bann	7,450	7,070	370
West Tyrone	6,640	6,410	240
Unknown	1,310	1,240	70
Total	111,670	107,190	4,480

Data source DSD Analytical Services Unit Employment and Support Allowance MIDAS scan August 2014, Central Postcode Directory 2013.

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Table 3 – August 2015

Assembly Area	All Claimants	Recipients	Credits Only
Belfast East	5,840	5,560	280
Belfast North	10,310	9,970	340
Belfast South	5,850	5,600	260
Belfast West	10,240	9,940	300
East Antrim	5,010	4,780	230
East Londonderry	6,680	6,390	290
Fermanagh And South Tyrone	5,680	5,380	300
Foyle	9,330	9,090	240
Lagan Valley	4,480	4,240	230
Mid Ulster	6,060	5,780	280
Newry And Armagh	7,430	7,100	340
North Antrim	6,420	6,150	270
North Down	4,020	3,820	200
South Antrim	5,010	4,770	240
South Down	6,680	6,340	340
Strangford	4,490	4,270	220
Upper Bann	7,830	7,480	350
West Tyrone	6,990	6,690	300
Unknown	550	520	30
Total	118,900	113,870	5,030

Data source DSD Analytical Services Unit Employment and Support Allowance MIDAS scan August 2015, Central Postcode Directory 2015.

The information provided is an Official Statistic. The Production and dissemination of all such Statistics is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Easton asked the Minister for Social Development to detail any new heating schemes for Northern Ireland Housing Executive properties in North Down available in the 2016-17 financial year.
(AQW 54187/11-16)

Lord Morrow: The NIHE has advised that it has 4 heating schemes, involving a total of 127 properties, currently planned in the North Down constituency in the 2016/17 financial year.

Mr Lyons asked the Minister for Social Development how many applications to the Special Purchase of Evacuated Dwellings scheme have been (i) received; and (ii) accepted, in each of the last three years.
(AQW 54252/11-16)

Lord Morrow: The table below, provided by the Housing Executive, details the number of applications to the Special Purchase of Evacuated Dwellings scheme that have been (i) received; and (ii) accepted, in each of the last three years.

	Applications Received	Applications Accepted
2014/15	29	11
2013/14	29	9
2012/13	67	29

Northern Ireland Assembly Commission

Mr McKay asked the Assembly Commission to detail the number of visitors to Parliament Buildings in each of the last five years. (AQW 53761/11-16)

Ms Ruane (The Representative of the Assembly Commission): From January 2011 to December 2015 the total number of people on record having visited Parliament Buildings is 352,826.

This number represents the total number of visitors attending a diverse range of events, functions, guided tours and schools' education programmes. The NI Assembly does not however keep a record of the number of public visitors attending Plenary sessions, Committee meetings or using the public dining facilities during Parliamentary Recesses.

For each of the last 5 years, the breakdown is as follows:

	Functions & Tours		Education Programmes	
	Number of groups	Number of visitors	Number of groups	Number of visitors
2011	1304	53371	576	18185
2012	1546	64208	587	17502
2013	1595	56521	520	17664
2014	1745	54633	476	16197
2015	909	39608	438	14937
Total / Category	7099	268341	2597	84485
Grand Total	352,826			

Ó mhí Eanáir 2011 go mí na Nollag 2015 ba é 352,826 líon iomlán na ndaoine a thug cuairt ar Fhoirgnimh na Parlaiminte.

D'fhreastail na cuairteoirí ar réimse éagsúil imeachtaí, ócáidí, turasanna treoraithe, agus clár oideachais scoileanna. Ach ní choinníonn an Tionól cuntas ar líon na gcuairteoirí ar shuíonna iomlána den Tionól, ar chruinnithe na gCoistí ná ar líon na gcuairteoirí a úsáideann na háiseanna poiblí itheacháin sna sosanna parlaiminteacha.

Seo thíos miondealú ar gach bliain de na cúig bliana seo caite:

	Imeachtaí & Turasanna		Clár Oideachais	
	Líon na ngrúpaí	Líon na gcuairteoirí	Líon na ngrúpaí	Líon na gcuairteoirí
2011	1304	53371	576	18185
2012	1546	64208	587	17502
2013	1595	56521	520	17664
2014	1745	54633	476	16197
2015	909	39608	438	14937
Iomlán/Catagóir	7099	268341	2597	84485
Mór-iomlán	352,826			

Mr McKay asked the Assembly Commission to outline any engagement it has had with the Committee on Procedures in relation to adopting a family friendly cut off time of 5pm each sitting day as is the practice of the Scottish Parliament. (AQW 53820/11-16)

Mr Gardiner (The Representative of the Assembly Commission): Further to the response provided to AQW 46683/11-15, the Assembly Commission has had no subsequent engagement with the Committee on Procedures in relation to sitting times.

As noted in the reply to AQW 46683/11-15, the Committee on Procedures' review into the organisation of the business week in the Assembly in 2013-2014 resulted in the production of a report entitled "Review of the current organisation of the business week of the Northern Ireland Assembly".

The Committee examined sitting patterns of other legislatures including the Scottish Parliament and considered whether these could be applied or adapted to suit the Northern Ireland Assembly. While the Northern Ireland Assembly Commission did not provide a written submission to the committee inquiry on its own behalf, the views of its constituent members were reflected in the written and oral responses submitted to the Committee. The Committee recommended that "the current organisation of the business week is fit for purpose and recommended that no changes be made to the current organisation of

the business week within the Northern Ireland Assembly." The report and recommendation were agreed by the Assembly on 27 May 2014.

At its January meeting, the Commission noted that, the Speaker has established a reference group following the AERC report on "Women in Politics" to advise him on gender issues which will include the sitting times of the Assembly. Therefore, this issue is likely to be returned to in the next mandate. In the interim, I understand that the Speaker has been working with the Business Committee to minimise the number of late sittings as much as possible with the heavy pressures on plenary business coming from the Executive towards the end of the Assembly mandate. The Business Committee has therefore frequently been agreeing order papers for especially heavy business days with provision for business to be carried over from a Monday to a Tuesday or for an additional sitting on a Wednesday so that decisions on a cut off time during the evening can be taken in the context of the business remaining for that week.

Journal of Proceedings

Minutes of Proceedings

Northern Ireland Assembly

Monday 1 February 2016

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 New Member

The Speaker informed Members that he had been notified by the Chief Electoral Officer that Mr Alastair Patterson had been returned as a Member of the Assembly for the Fermanagh and South Tyrone constituency to fill the vacancy that resulted from the resignation of Mr Neil Somerville.

Mr Patterson signed the Roll of Membership on 27 January 2016 in the presence of the Speaker and the Clerk to the Assembly. The Speaker confirmed that Mr Patterson had signed the Roll and had entered his designation of identity.

3. Assembly Business

3.1 Motion – Suspension of Standing Orders 10(2) to 10(4)

Proposed:

That Standing Orders 10(2) to 10(4) be suspended for 1 February 2016.

*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*.

3.2 Motion – Committee Membership

Proposed:

That the Ulster Unionist Party Assembly Committee membership be changed in accordance with the proposals laid in the Assembly Business Office by the Party on 27 January 2016.

*Mr R Swann
Mrs S Overend*

The Question being put, the Motion was **carried** without division.

4. Executive Committee Business

4.1 Statement – North South Ministerial Council in Tourism Sectoral Format

The Minister of Enterprise, Trade and Investment, Mr Jonathan Bell, made a statement regarding the meeting of the North South Ministerial Council in Tourism Sectoral format, which was held in Armagh on Wednesday 2 December 2015, following which he replied to questions.

4.2 Statement – North South Ministerial Council in Trade and Business Development Sectoral Format

The Minister of Enterprise, Trade and Investment, Mr Jonathan Bell, made a statement regarding the meeting of the North South Ministerial Council in Trade and Business Development Sectoral format, which was held in Armagh on Wednesday 2 December 2015, following which he replied to questions.

The Principal Deputy Speaker (Mr Newton) in the Chair.

4.3 Further Consideration Stage – Departments Bill (NIA Bill 70/11-16)

The junior Minister, Mrs Emma Pengelly, moved the Further Consideration Stage of the Departments Bill (NIA Bill 70/11-16).

Two amendments were tabled to the Bill and selected for debate.

Clauses

After debate, Amendment 1 to Clause 2 was **made** without division.

After debate, Amendment 2 to Schedule 2 was **made** without division.

The Departments Bill (NIA Bill 70/11-16) stood referred to the Speaker for consideration in accordance with Section 10 of the Northern Ireland Act 1998.

4.4 Further Consideration Stage – Rates (Amendment) Bill (NIA Bill 75/11-16)

The Minister of Finance and Personnel, Mr Mervyn Storey, moved the Further Consideration Stage of the Rates (Amendment) Bill (NIA Bill 75/11-16).

2 amendments were tabled to the Bill and selected for debate.

Clauses

After debate, Amendment 1 to Clause 1 was **made** without division.

After debate, Amendment 2 inserting new Clause 1A was **made** on division and it was **agreed** that the new clause stand part of the Bill (Division).

The Rates (Amendment) Bill (NIA Bill 75/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

The sitting was suspended at 13.56pm.

The sitting resumed at 2.00pm, with the Speaker in the Chair.

5. Question Time

5.1 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.

5.2 Regional Development

Questions were put to, and answered by, the Minister for Regional Development, Miss Michelle McIlveen.

6. Executive Committee Business (cont'd)

6.1 Legislative Consent Motion – Housing and Planning Bill

Proposed:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in the Housing and Planning Bill dealing with enforcement of the estate agents legislation.

Minister of Enterprise, Trade and Investment

Debate ensued.

The Question being put, the Motion was **carried**.

6.2 Consideration Stage – Housing (Amendment) Bill (NIA 58/11-16)

The Minister for Social Development, the Lord Morrow, moved the Consideration Stage of the Housing (Amendment) Bill (NIA Bill 58/11-16).

Three amendments were tabled to the Bill and selected for debate.

Clauses

The question being put, it was **agreed** without division that Clause 1 stand part of the Bill.

The Deputy Speaker (Mr Dallat) in the Chair.

After debate, Amendment 1 to Clause 2 was **made** without division.

After debate, Amendment 2 to Clause 2 was **made** without division.

After debate, Amendment 3 to Clause 2 was **made** without division.

The question being put, it was **agreed** without division that Clause 2, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 3 to 5 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.

The Housing (Amendment) Bill (NIA Bill 58/11-16) stood referred to the Speaker.

7. Committee Business

7.1 Motion – Suspension of Standing Order 39(1) and Standing Order 37A(1), (2) and (3)(b) & (c)

Proposed:

That Standing Order 39(1) and Standing Order 37A(1), (2) and (3)(b) & (c) be suspended in respect of the Exceptional Further Consideration Stage of the Public Services Ombudsman Bill (NIA Bill 47/11-16).

Chairperson, Committee for the Office of the First Minister and deputy First Minister

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

7.2 Exceptional Further Consideration Stage – Public Services Ombudsman Bill (NIA Bill 47/11-16)

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister, Mr Mike Nesbitt, moved the Exceptional Further Consideration Stage of the Public Services Ombudsman Bill (NIA Bill 47/11-16).

One amendment was tabled to the Bill and selected for debate.

Clauses

After debate, Amendment 1 to Clause 50 was **made** without division.

The Public Services Ombudsman Bill (NIA Bill 47/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

8. Adjournment

Proposed:

That the Assembly do now adjourn.

The Deputy Speaker (Mr Dallat)

The Assembly adjourned at 4.24pm.

Mr Mitchel McLaughlin

The Speaker

1 February 2016

Northern Ireland Assembly

1 February 2016

Division

Further Consideration Stage – Rates (Amendment) Bill (NIA Bill 75/11-16) (Amendment 2)

The Question was put and the Assembly divided.

Ayes: 55

Noes: 29

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Durkan, Dr Farry, Mr Flanagan, Mr Ford, Mr Gardiner, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr McMullan, Mr McNarry, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mr Rogers, Ms Ruane.

Tellers for the Ayes: Mr Cree, Mrs Overend.

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Noes: Mr I McCrea, Mr G Robinson.

The Amendment was **made**.

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Monday 1 February 2016, in relation to Clause 20 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Sydney Anderson
- Mr Jonathan Bell
- Ms Paula Bradley
- Mr Thomas Buchanan
- Mrs Pam Cameron
- Mr Gregory Campbell
- Mr Trevor Clarke
- Mr Jonathan Craig
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mrs Arlene Foster
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr Simon Hamilton
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Mr Gordon Lyons
- Mr Nelson McCausland
- Mr Ian McCrea
- Mr David McIlveen
- Miss Michelle McIlveen
- Mr Adrian McQuillan
- Mr Gary Middleton
- The Lord Morrow
- Mr Stephen Moutray
- Mr Robin Newton
- Mrs Emma Pengelly
- Mr Edwin Poots
- Mr George Robinson
- Mr Peter Robinson
- Mr Alastair Ross
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells

Departments Bill

Annotated Marshalled List of Amendments Further Consideration Stage

Monday 1 February 2016

Amendments tabled up to 9.30am Wednesday, 27 January 2016 and selected for debate.

Amendment 1 [*Made*]

Clause 2, Page 2, Line 7

Leave out subsection (1)

First Minister and deputy First Minister

Amendment 2 [*Made*]

Schedule 2, Page 3

Leave out Schedule

First Minister and deputy First Minister

Rates (Amendment) Bill

Annotated Marshalled List of Amendments Further Consideration Stage

Monday 1 February 2016

Amendments tabled up to 9.30am Wednesday, 27 January 2016 and selected for debate.

Amendment 1 [*Made*]

Clause 1, Page 1, Line 8

At end insert -

‘(5B) Without prejudice to the generality of paragraph (5A), prescribed cases in regulations under that paragraph shall include, subject to such conditions as may be prescribed, where a hereditament is occupied by a community amateur sports club.

(5C) The first regulations under paragraph (5A) shall be made no later than 30 September 2016.’,

(b) in paragraph (6) insert at the appropriate place—

“‘community amateur sports club’ means a registered club within the meaning of section 658(6) of the Corporation Tax Act 2010;”.’

Mr Daithí McKay
Mr Máirtín Ó Muilleoir
Mr Barry McElduff

Amendment 2 [*Made on Division*]

New Clause

After clause 1 insert -

‘Specified recreations: pigeon racing

1A. In the Schedule to the Rates (Recreational Hereditaments) Order (Northern Ireland) 2007 (list of specified recreations), where appropriate insert “Pigeon Racing”.’

Mr Robin Swann
Mr Leslie Cree

Housing (Amendment) Bill

Annotated Marshalled List of Amendments Consideration Stage

Monday 1 February 2016

Amendments tabled up to 9.30am Wednesday, 27 January 2016 and selected for debate.

The Bill will be considered in the following order-
Clauses and Long Title

Amendment 1 [*Made*]

Clause 2, Page 3, Line 4

Leave out subsection (4)

Minister for Social Development

Amendment 2 [*Made*]

Clause 2, Page 4, Line 1

Leave out 'or 3'

Minister for Social Development

Amendment 3 [*Made*]

Clause 2, Page 4, Line 2

Leave out from '(convictions' to end of line 3 and insert '(conduct and convictions) (whether or not the order is also sought on other Grounds);'

Minister for Social Development

Public Services Ombudsman Bill

Marshalled List of Amendments
Exceptional Further Consideration Stage

Monday 1 February 2016

Amendments tabled up to 9.30am Wednesday, 27 January 2016 and selected for debate.

Amendment 1 [*Made*]

Clause 50, Page 20, Line 2

Leave out from 'the safety' to 'United Kingdom' on line 3 and insert 'public safety'

Chair, Committee for the Office of the First Minister and deputy First Minister

Northern Ireland Assembly

Papers Presented to the Assembly on 27 January 2016 - 1 February 2016

1. Acts of the Northern Ireland Assembly

Insolvency (Amendment) Act (Northern Ireland) 2016.

Food Hygiene Rating Act (Northern Ireland) 2016.

2. Bills of the Northern Ireland Assembly

3. Orders in Council

4. Publications Laid in the Northern Ireland Assembly

Legislative Consent Memorandum - Criminal Cases Review Commission (Information) Bill (DOJ).

Ulster Unionist Party Committee Membership as referred to in the Committee Membership motion on the Order Paper of 27 January 2016 (UUP).

Ulster Supported Employment Limited Annual Report for the year 31 March 2015 (DEL).

5. Assembly Reports

Committee for Employment and Learning - Report on the Employment Bill (NIA Bill 73/11-16) (NIA 300/11-16).

Ninth Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees (NIA 301/11-16) (ESR).

6. Statutory Rules

S.R. 2016/15 The Areas of Natural Constraint Regulations (Northern Ireland) 2016 (DARD).

S.R. 2016/25 The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2016 (DSD).

S.R. 2016/26 The Rates (Small Business Hereditament Relief) (Amendment) Regulations (Northern Ireland) 2016 (DFP).

S.R. 2016/000 (Draft) The General Register (Fees) Order (Northern Ireland) 2016 (DFP).

For Information Only

S.R. 2016/19 The Bus Lanes (Belfast City Centre) (Amendment) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/20 The Parking Places (Ballynahinch) Order (Northern Ireland) 2016 (DRD).

7. Written Ministerial Statements

8. Consultation Documents

9. Departmental Publications

Tenant Participation Strategy for Northern Ireland: 2015 to 2020 (DSD).

10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Northern Ireland Assembly

Tuesday 2 February 2016

The Assembly met at 10.30am, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Speaker's Business

2.1 Royal Assent – Insolvency (Amendment) Act (Northern Ireland) 2016

The Speaker informed Members that Royal Assent had been signified, on 29 January 2016, to the Insolvency (Amendment) Act (Northern Ireland) 2016.

2.2 Royal Assent – Food Hygiene Rating Act (Northern Ireland) 2016

The Speaker informed Members that Royal Assent had been signified, on 29 January 2016, to the Food Hygiene Rating Act (Northern Ireland) 2016.

3. Public Petition

3.1 Public Petition – Development Proposals to Discontinue Little Flower Girls' School and St. Patrick's College, Bearnageeha

Mr Alban Maginness was granted leave, in accordance with Standing Order 22, to present a Public Petition regarding development proposals to discontinue Little Flower Girls' School and St. Patrick's College, Bearnageeha.

4. Executive Committee Business

4.1 Consideration Stage – Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16)

The junior Minister, Ms Jennifer McCann, moved the Consideration Stage of the Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16).

One amendment was tabled to the Bill.

Clauses

After debate, Amendment 1 to Clause 1 was **negatived** on division (Division 1).

The question being put, it was **agreed** without division that clause 1 stand part of the Bill.

The question being put, it was **agreed** without division that clause 2 stand part of the Bill.

Long Title

The question being put, the Long Title was **agreed** without division.

The Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16) stood referred to the Speaker.

4.2 Final Stage – Departments Bill (NIA Bill 70/11-16)

The junior Minister, Mrs Emma Pengelly, moved that the Final Stage of the Departments Bill (NIA Bill 70/11-16) do now pass.

Debate ensued.

The Principal Deputy Speaker (Mr Newton) in the Chair.

The Departments Bill (NIA Bill 70/11-16) passed Final Stage.

4.3 Final Stage – Rates (Amendment) Bill (NIA Bill 75/11-16)

The Minister of Finance and Personnel, Mr Mervyn Storey, moved that the Final Stage of the Rates (Amendment) Bill (NIA Bill 75/11-16) do now pass.

Debate ensued.

The Rates (Amendment) Bill (NIA Bill 75/11-16) passed Final Stage with cross-community support *nemine contradicente*.

4.4 Motion – Draft Public Service (Civil Servants and Others) Pensions (Consequential Provisions) (Amendment) Regulations 2016**Proposed:**

That the draft Public Service (Civil Servants and Others) Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 be approved.

Minister of Finance and Personnel

Debate ensued.

The Question being put, the Motion was **carried** without division.

The sitting was suspended at 12.54pm.

The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Dallat) in the Chair.

5. Question Time**5.1 Social Development**

Questions were put to, and answered by, the Minister for Social Development, the Lord Morrow.

5.2 Agriculture and Rural Development

Questions were put to, and answered by, the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill.

The Speaker in the Chair.

6. Private Members' Business**6.1 Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16)**

A valid Petition of Concern, under Standing Order 28, was presented in relation to Clause 20, on Monday 1 February 2016 (Appendix 1).

A valid Petition of Concern, under Standing Order 28, was presented in relation to Clause 13, on Tuesday 2 February 2016 (Appendix 2).

A valid Petition of Concern, under Standing Order 28, was presented in relation to Clause 21 on Tuesday 2 February 2016 (Appendix 3).

A valid Petition of Concern, under Standing Order 28, was presented in relation to Schedule 1 on Tuesday 2 February 2016 (Appendix 4).

The sponsor of the Bill, Mr John McCallister, moved the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill.

Forty amendments were tabled to the Bill.

The Deputy Speaker (Mr Beggs) in the Chair.

Clauses

After debate, the question being put, it was **agreed** on division that Clause 1 stand part of the Bill. (Division 2)

Amendment 1 was not moved.

After debate, amendment 2 to Clause 2 was **made** without division.

After debate, amendment 3 to Clause 2 was **made** without division.

After debate, the question being put, it was agreed on division that Clause 2, as amended stand part of the Bill. (Division 3)

Amendment 4 was not moved.

After debate, amendment 5 to Clause 3 was **made** without division.

As amendment 5 was made, amendment 6 was not called.

Amendment 7 was not moved.

After debate, the question being put, it was **agreed** on division that Clause 3, as amended, stand part of the Bill. (Division 4)

After debate, the question being put, it was **negatived** without division that Clause 4 stand part of the Bill.

After debate, the question being put, it was **agreed** without division that Clause 5 stand part of the Bill.

As Clause 5 was agreed to, amendment 8 was not called.

After debate, amendment 9 to Clause 6 was **made** without division.

After debate, amendment 10 to Clause 6 was **made** without division.

After debate, amendment 11 to Clause 6 was **made** without division.

After debate, amendment 12 to Clause 6 was **made** without division.

After debate, amendment 13 to Clause 6 was **made** without division.

After debate, amendment 14 to Clause 6 was **made** without division.

As amendment 14 was made, amendment 15 was not called.

After debate, amendment 16 to Clause 6 was **made** without division.

After debate, the question being put, it was **agreed** on division that Clause 6, as amended stand part of the Bill. (Division 5)

After debate, amendment 17 to Clause 7 was **made** without division.

After debate, the question being put, it was **agreed** on division that Clause 7, as amended stand part of the Bill. (Division 6)

After debate, amendment 18 inserting new clause 7A was **made** without division and it was agreed that the new clause stand part of the Bill.

After debate, amendment 19 to Clause 8 was **made** without division.

After debate, amendment 20 to Clause 8 was **negatived** without division.

After debate, the question being put, it was **agreed** on division that Clause 8, as amended stand part of the Bill. (Division 7)

After debate, amendment 21 to Clause 9 was **made** without division.

After debate, amendment 22 to Clause 9 was **made** without division.

After debate, the question being put, it was **agreed** on division that Clause 9, as amended stand part of the Bill. (Division 8)

After debate, the question being put, it was **agreed** on division that Clause 10 stand part of the Bill. (Division 9)

After debate, the question being put, it was **agreed** on division that Clause 11 stand part of the Bill. (Division 10)

After debate, the question being put, it was **negatived** without division that Clause 12 stand part of the Bill.

Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill was suspended until Monday 8 February 2016.

7. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 8.02pm.

Mr Mitchel McLaughlin

The Speaker

2 February 2016

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 Monday 1 February 2016, in relation to Clause 20 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Sydney Anderson
- Mr Jonathan Bell
- Ms Paula Bradley
- Mr Thomas Buchanan
- Mrs Pam Cameron
- Mr Gregory Campbell
- Mr Trevor Clarke
- Mr Jonathan Craig
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mrs Arlene Foster
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr Simon Hamilton
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Mr Gordon Lyons
- Mr Nelson McCausland
- Mr Ian McCrea
- Mr David McIlveen
- Miss Michelle McIlveen
- Mr Adrian McQuillan
- Mr Gary Middleton
- The Lord Morrow
- Mr Stephen Moutray
- Mr Robin Newton
- Mrs Emma Pengelly
- Mr Edwin Poots
- Mr George Robinson
- Mr Peter Robinson
- Mr Alastair Ross
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells

Appendix 2

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Tuesday 2 February 2016, in relation to Clause 13 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Martin McGuinness
- Mr John O'Dowd
- Mrs Michelle O'Neill
- Ms Carál Ní Chuilín
- Ms Jennifer McCann
- Mr Cathal Boylan
- Mr Chris Hazzard
- Ms Caitriona Ruane
- Mr Phil Flanagan
- Mr Máirtín Ó Muilleoir
- Mr Gerry Kelly
- Mr Seán Lynch
- Mr Declan McAleer
- Mr Fra McCann
- Mr Raymond McCartney
- Ms Rosie McCorley
- Mr Barry McElduff
- Ms Bronwyn McGahan
- Mr Daithí McKay
- Ms Maeve McLaughlin
- Mr Ian Milne
- Mr Conor Murphy
- Mr Oliver McMullan
- Mr Alex Maskey
- Mr Cathal Ó Hoisín
- Mr Colum Eastwood
- Mrs Karen McKeivitt
- Mrs Dolores Kelly
- Mr Patsy McGlone
- Mr Gerard Diver
- Mr Daniel McCrossan
- Ms Claire Hanna
- Mr Seán Rogers
- Mr Alban Maginness
- Mr Alex Attwood
- Mr Fearghal McKinney
- Mr John Dallat
- Mr Mark Durkan
- Mr Dominic Bradley

Appendix 3

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Tuesday 2 February 2016, in relation to Clause 21 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Martin McGuinness
- Mr John O'Dowd
- Mrs Michelle O'Neill
- Ms Carál Ní Chuilín
- Ms Jennifer McCann
- Mr Cathal Boylan
- Mr Chris Hazzard
- Ms Caitriona Ruane
- Mr Phil Flanagan
- Mr Máirtín Ó Muilleoir
- Mr Gerry Kelly
- Mr Seán Lynch
- Mr Declan McAleer
- Mr Fra McCann
- Mr Raymond McCartney
- Ms Rosie McCorley
- Mr Barry McElduff
- Ms Bronwyn McGahan
- Mr Daithí McKay
- Ms Maeve McLaughlin
- Mr Ian Milne
- Mr Conor Murphy
- Mr Oliver McMullan
- Mr Alex Maskey
- Mr Cathal Ó Hoisín
- Mr Colum Eastwood
- Mrs Karen McKeivitt
- Mrs Dolores Kelly
- Mr Patsy McGlone
- Mr Gerard Diver
- Mr Daniel McCrossan
- Ms Claire Hanna
- Mr Seán Rogers
- Mr Alban Maginness
- Mr Alex Attwood
- Mr Fearghal McKinney
- Mr John Dallat
- Mr Mark Durkan
- Mr Dominic Bradley

Appendix 4

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Tuesday 2 February 2016, in relation to Schedule 1 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Martin McGuinness
- Mr John O'Dowd
- Mrs Michelle O'Neill
- Ms Carál Ní Chuilín
- Ms Jennifer McCann
- Mr Cathal Boylan
- Mr Chris Hazzard
- Ms Caitriona Ruane
- Mr Phil Flanagan
- Mr Máirtín Ó Muilleoir
- Mr Gerry Kelly
- Mr Seán Lynch
- Mr Declan McAleer
- Mr Fra McCann
- Mr Raymond McCartney
- Ms Rosie McCorley
- Mr Barry McElduff
- Ms Bronwyn McGahan
- Mr Daithí McKay
- Ms Maeve McLaughlin
- Mr Ian Milne
- Mr Conor Murphy
- Mr Oliver McMullan
- Mr Alex Maskey
- Mr Cathal Ó Hoisín
- Mr Colum Eastwood
- Mrs Karen McKeivitt
- Mrs Dolores Kelly
- Mr Patsy McGlone
- Mr Gerard Diver
- Mr Daniel McCrossan
- Ms Claire Hanna
- Mr Seán Rogers
- Mr Alban Maginness
- Mr Alex Attwood
- Mr Fearghal McKinney
- Mr John Dallat
- Mr Mark Durkan
- Mr Dominic Bradley

Northern Ireland Assembly

2 February 2016
Division 1

Consideration Stage – Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16) (Amendment 1)

The Question was put and the Assembly divided.

Ayes: 9

Noes: 43

AYES

Mr Agnew, Mr Allister, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Dickson, Mr Lyttle.

NOES

Mr Allen, Mr Attwood, Mr Beggs, Mr Cree, Mr Dallat, Mr Diver, Mr Easton, Mr Eastwood, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Alastair Patterson, Mr Rogers, Ms Ruane.

Tellers for the Noes: Mr McCartney, Ms Ruane.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir.

The Amendment was **negatived**.

Northern Ireland Assembly

2 February 2016
Division 2

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 1)

The Question was put and the Assembly divided.

Ayes: 61

Noes: 24

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Allister, Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff, Mr McKay.

It was **agreed** that Clause 1 stand part of the Bill.

Northern Ireland Assembly

2 February 2016
Division 3

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 2, as amended)

The Question was put and the Assembly divided.

Ayes: 61

Noes: 24

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff, Mr McKay.

It was **agreed** that Clause 2, as amended, stand part of the Bill.

Northern Ireland Assembly

2 February 2016
Division 4

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 3, as amended)

The Question was put and the Assembly divided.

Ayes: 60

Noes: 24

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff, Mr McKay.

It was **agreed** that Clause 3, as amended, stand part of the Bill.

Northern Ireland Assembly

2 February 2016
Division 5

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 6, as amended)

The Question was put and the Assembly divided.

Ayes: 60

Noes: 24

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff, Mr McKay.

It was **agreed** that Clause 6, as amended, stand part of the Bill.

Northern Ireland Assembly

2 February 2016
Division 6

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 7, as amended)

The Question was put and the Assembly divided.

Ayes: 61

Noes: 25

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Ford, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff, Mr McKay.

It was **agreed** that Clause 7, as amended, stand part of the Bill.

Northern Ireland Assembly

2 February 2016
Division 7

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 8, as amended)

The Question was put and the Assembly divided.

Ayes: 61

Noes: 25

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McElduff, Mr McKay.

It was **agreed** that Clause 8, as amended, stand part of the Bill.

Northern Ireland Assembly

2 February 2016
Division 8

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 9, as amended)

The Question was put and the Assembly divided.

Ayes: 56

Noes: 25

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan, Mr McKay.

It was **agreed** that Clause 9, as amended, stand part of the Bill.

Northern Ireland Assembly

2 February 2016
Division 9

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 10)

The Question was put and the Assembly divided.

Ayes: 44

Noes: 37

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Mr Durkan, Mr Eastwood, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane.

Tellers for the Noes: Mr Boylan, Mr McKay.

It was **agreed** that Clause 10 stand part of the Bill.

Northern Ireland Assembly

2 February 2016
Division 10

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 11)

The Question was put and the Assembly divided.

Ayes: 56

Noes: 25

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Mr Weir

Tellers for the Ayes: Mr Agnew, Mr McCallister

NOES

Mr Boylan, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane

Tellers for the Noes: Mr Boylan, Mr McKay

It was **agreed** that Clause 11 stand part of the Bill.

Assembly Members (Reduction of Numbers) Bill

Annotated Marshalled List of Amendments Consideration Stage

Tuesday 2 February 2016

Amendments tabled up to 9.30am Wednesday, 27 January 2016 and selected for debate.

The Bill will be considered in the following order-
Clauses and Long Title

Amendment 1 [*Negated on Division*]

Clause 1, Page 1

Leave out subsection (2) and insert -

‘(2) The amendment made by subsection (1) comes into effect on or before 28 March 2016; and has effect in relation to the Assembly elected at the poll on 5 May 2016 (the Assembly election) as well as its successors.’

Mr Chris Lyttle
Mr Stewart Dickson

Assembly and Executive Reform (Assembly Opposition) Bill

Marshalled List of Amendments Consideration Stage

Tuesday 2 February 2016

Amendments tabled up to 9.30am Wednesday, 27 January 2016 and selected for debate.
The Bill will be considered in the following order
Clauses, Schedule and Long Title

Clause 1

The Members listed below give notice of their intention to oppose the question that clause 1 stand part of the Bill.

*Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan*

Amendment 1

Clause 2, Page 1, Line 16

Leave out subsections (2) and (3) and insert -

‘(2) The Opposition may be formed by one or more qualifying parties.

(3) A qualifying party is a political party—

(a) whose members comprise 5% or more of the total number of members of the Assembly, and

(b) which does not contain a member who is a Minister.’

Mr John McCallister

Amendment 2

Clause 2, Page 1, Line 17

Leave out from second ‘or’ to end of line 18

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 3

Clause 2, Page 2

Leave out lines 5 to 7

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Clause 2

The Members listed below give notice of their intention to oppose the question that clause 2 stand part of the Bill.

*Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan*

Amendment 4

Clause 3, Page 2

Leave out subsection (2)

Mr John McCallister

Amendment 5**Clause 3, Page 2**

Leave out subsection (3)

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 6**Clause 3, Page 2, Line 22**

Leave out 'by one or more technical groups'

Mr John McCallister

Amendment 7**Clause 3, Page 2, Line 28**

At end insert -

'(3A) The Opposition may also be formed within one month of this section coming into operation.'

Mr John McCallister

Clause 3

The Members listed below give notice of their intention to oppose the question that clause 3 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 4

The Members listed below give notice of their intention to oppose the question that clause 4 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Ms Paula Bradley
Mr John McCallister*

Clause 5

The Members listed below give notice of their intention to oppose the question that clause 5 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Mr John McCallister*

Amendment 8**New Clause**

After clause 5 insert -

'Dissolution of the Opposition'

5A.—(1) Standing orders must make provision for the dissolution of the Opposition in accordance with this section.

(2) If all Ministers cease to hold office in accordance with section 18(1) of the Northern Ireland Act 1998, the Opposition is dissolved.

(3) Where the Opposition was formed by one qualifying party only, and that party subsequently contains a member who is a Minister, the Opposition is dissolved.'

Mr John McCallister

Amendment 9**Clause 6, Page 3, Line 6**

Leave out from 'offices' to 'Opposition' on line 7 and insert 'offices in the leadership of the Opposition'

Mr John McCallister

Amendment 10**Clause 6, Page 3, Line 10**

Leave out 'Opposition' and insert 'Non-Executive Party'

Mr John McCallister

Amendment 11**Clause 6**, Page 3, Line 11

Leave out 'Opposition' and insert 'Non-Executive Party'

*Mr John McCallister***Amendment 12****Clause 6**, Page 3, Line 14

Leave out 'Opposition' and insert 'Largest Non-Executive Party'

*Mr John McCallister***Amendment 13****Clause 6**, Page 3, Line 16

Leave out 'Deputy Leader of the Opposition' and insert 'Leader of the Second-Largest Non-Executive Party'

*Mr John McCallister***Amendment 14****Clause 6**, Page 3

Leave out subsections (4) and (5)

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray***Amendment 15****Clause 6**, Page 3

Leave out subsection (4)

*Mr John McCallister***Amendment 16****Clause 6**, Page 3, Line 20

At end insert -

'(4A) Standing orders may provide for alternative names for the offices in the leadership of the Opposition.'

*Mr John McCallister***Clause 6***The Members listed below give notice of their intention to oppose the question that clause 6 stand part of the Bill.**Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan***Amendment 17****Clause 7**, Page 3, Line 32

Leave out 'Leader and Deputy Leader of the Opposition' and insert 'leadership of the Opposition'

*Mr John McCallister***Clause 7***The Members listed below give notice of their intention to oppose the question that clause 7 stand part of the Bill.**Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan***Amendment 18****New Clause**

After clause 7 insert -

'Speaking rights in the Assembly

7A. Standing orders must make provision that speaking rights in the Assembly are allocated on the basis of party strength.'

Mr John McCallister

Amendment 19**Clause 8**, Page 3, Line 38

Leave out '15' and insert '10'

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 20**Clause 8**, Page 3, Line 39

At end insert -

'(2A) After the formation of an Executive and an Opposition, enhanced speaking rights for the Opposition shall be calculated as rights enhanced by 20% at the expense of Executive speaking rights.'

Mr John McCallister

Clause 8

The Members listed below give notice of their intention to oppose the question that clause 8 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Amendment 21**Clause 9**, Page 4, Line 5

Leave out from 'Leader' to 'Opposition' on line 6 and insert 'Leader of the Non-Executive Party, Leader of the Largest Non-Executive Party'

Mr John McCallister

Amendment 22**Clause 9**, Page 4, Line 7

Leave out from 'Deputy' to 'Opposition' on line 8 and insert 'Deputy Leader of the Non-Executive Party, Leader of the Second-Largest Non-Executive Party'

Mr John McCallister

Clause 9

The Members listed below give notice of their intention to oppose the question that clause 9 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 10*The Members listed below give notice of their intention to oppose the question that clause 10 stand part of the Bill.*

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 11*The Members listed below give notice of their intention to oppose the question that clause 11 stand part of the Bill.*

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 12*The Members listed below give notice of their intention to oppose the question that clause 12 stand part of the Bill.*

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Ms Paula Bradley
Mr Danny Kennedy*

Clause 13

The Members listed below give notice of their intention to oppose the question that clause 13 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 14

The Members listed below give notice of their intention to oppose the question that clause 14 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 15

The Members listed below give notice of their intention to oppose the question that clause 15 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Amendment 23

Clause 16, Page 5, Line 15

Leave out from 'to' to end of line 19

Mr John McCallister

Clause 16

The Members listed below give notice of their intention to oppose the question that clause 16 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Ms Paula Bradley*

Amendment 24

Clause 17, Page 5, Line 21

Leave out from ', where' to 'parties,' on line 22'

Mr John McCallister

Clause 17

The Members listed below give notice of their intention to oppose the question that clause 17 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Ms Paula Bradley*

Amendment 25

Clause 18, Page 5, Line 31

Leave out from 'Leader' to 'Opposition' on line 32 and insert 'leadership of the Opposition'

Mr John McCallister

Clause 18

The Members listed below give notice of their intention to oppose the question that clause 18 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Amendment 26

Clause 19, Page 5, Line 36

Leave out from the beginning to '1998' on line 37 and insert 'budget committee'

Mr John McCallister

Amendment 27**Clause 19**, Page 5, Line 37

At end insert -

‘(1A) That committee may—

- (a) scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998,
- (b) review the delivery of the budget, for example by matching spending against outcomes,
- (c) examine the financial memorandum of each Bill introduced into the Assembly,
- (d) examine the implications of any changes to powers to raise taxes.’

*Mr John McCallister***Amendment 28****Clause 19**, Page 5, Line 37

At end insert -

‘(1A) The Budget Committee will consider quarterly budget forecasts, reports, estimates and oral evidence collated from all departments and presented by a bespoke unit in the Department of Finance and Personnel dedicated to servicing the requirements and supporting the scrutiny work of the Committee.’

*Mr Colum Eastwood**Mr Alex Attwood**Mr Seán Rogers***Clause 19***The Members listed below give notice of their intention to oppose the question that clause 19 stand part of the Bill.**Mr Raymond McCartney**Ms Caitriona Ruane**Mr Pat Sheehan**Ms Paula Bradley***Clause 20***The Members listed below give notice of their intention to oppose the question that clause 20 stand part of the Bill.**Mr Raymond McCartney**Ms Caitriona Ruane**Mr Pat Sheehan**Ms Paula Bradley***Clause 21***The Members listed below give notice of their intention to oppose the question that clause 21 stand part of the Bill.**Mr Raymond McCartney**Ms Caitriona Ruane**Mr Pat Sheehan**Ms Paula Bradley***Amendment 29****Clause 22**, Page 6, Line 28

Leave out from ‘and’ to end of line 29

*Ms Paula Bradley**Mr Gregory Campbell**Mr Alastair Ross**Mr Stephen Moutray***Clause 22***The Members listed below give notice of their intention to oppose the question that clause 22 stand part of the Bill.**Mr Raymond McCartney**Ms Caitriona Ruane**Mr Pat Sheehan*

Clause 23

The Members listed below give notice of their intention to oppose the question that clause 23 stand part of the Bill.

*Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan*

Clause 24

The Members listed below give notice of their intention to oppose the question that clause 24 stand part of the Bill.

*Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan*

Amendment 30

Schedule, Page 7, Line 7

At end insert -

'Petition of Concern Reform

2A. The motion may request that upon the tabling of a valid Petition of Concern under section 42 of the Northern Ireland Act 1998, voting be postponed and an Ad-Hoc Committee on conformity with Equality Arrangements, exercising the powers in section 44 of the Northern Ireland Act 1998, be established within the Assembly to scrutinise the effects on human rights and equality of the proposal in question. If this committee should report adverse findings to the Assembly the vote on the matter should require cross-community support as defined in section 4(5) of the Northern Ireland Act 1998. However if the committee should report no adverse findings the petition shall be deemed to be invalid and the vote shall proceed on a simple majority basis.'

*Mr Colum Eastwood
Mr Alex Attwood
Mr Seán Rogers*

Amendment 31

Schedule, Page 7

Leave out paragraphs 3 to 6

*Mr Colum Eastwood
Mr Alex Attwood
Mr Seán Rogers*

Amendment 32

Schedule, Page 7, Line 16

Leave out from 'and,' to end of line 17

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 33

Schedule, Page 7, Line 19

Leave out sub-paragraph (2)

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 34

Schedule, Page 7

Leave out paragraphs 7 to 14

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 35**Schedule**, Page 7, Line 28

At end insert -

‘(aa) that the Deputy Speakers be elected in a secret ballot under a weighted majority vote,’

*Mr John McCallister***Amendment 36****Schedule**, Page 7, Line 28

At end insert -

‘(ab) that at least one of the following must be female —

(i) the Speaker,

(ii) a Deputy Speaker,’

*Mr John McCallister***Amendment 37****Schedule**, Page 8, Line 30

Leave out ‘four’ and insert ‘two’

*Mr Danny Kennedy***Amendment 38****Schedule**, Page 8, Line 31

At end insert -

‘Legislative timetable

13A. The motion may request that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year.’

*Mr John McCallister***Amendment 39****Schedule**, Page 8, Line 33

Leave out paragraph 14 and insert -

‘14. The motion may request that the function of statutory committees becomes to scrutinise Ministers and to advise and assist Ministers in the formulation of policy.’

*Mr John McCallister***Amendment 40****Schedule**, Page 8

Leave out paragraph 15

*Mr Colum Eastwood**Mr Alex Attwood**Mr Seán Rogers***Schedule***The Members listed below give notice of their intention to oppose the question that the Schedule stand part of the Bill.**Mr Raymond McCartney**Ms Cairíona Ruane**Mr Pat Sheehan*

Northern Ireland Assembly

Papers Presented to the Assembly on 2 February 2016

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
 - Northern Ireland Spring Supplementary Estimates 2015-2016 (DFP).
 - Construction Industry Training Board NI Annual Report 2014/2015 (DEL).
 - Northern Ireland Estimates Vote on Account 2016-2017 – An estimate showing the services for which Vote on Account is required for the year ending 31 March 2017 (DFP).
 - Northern Ireland Estimates 2013-2014 Statement of Excesses for the year ending 31 March 2014 (DFP).
5. Assembly Reports
 - Committee for Agriculture and Rural Development Report on the Fisheries Bill (NIA Bill 74/11-16) (NIA 285/11-16).
6. Statutory Rules
 - S.R. 2016/21 The Education (Student Support) (Amendment) Regulations (Northern Ireland) 2016 (DEL).
 - S.R. 2016/0000 (Draft) The Firefighters' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 (DHSSPS).

For Information Only

 - S.R. 2016/23 (C.1) The Coroners and Justice Act 2009 (Commencement No.2) (Northern Ireland) Order 2016 (DOJ).
7. Written Ministerial Statements
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 February 2016

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	Bill fell at Final Stage on 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	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	24.06.15	24.07.15
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	29.06.15	01.12.15	12.01.16	
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	16.06.15 & 22.06.15	30.06.15	24.07.15
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	23.06.15	06.10.15	08.12.15	29.01.16
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	29.06.15	30.11.15	08.12.15	29.01.16
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	23.06.15
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15	Minister not planning to move Bill			

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15	11.11.15	01.12.15	11.01.16	25.01.16	
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	28.01.16	25.01.16				
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	18.12.15	09.12.15	18.01.16	26.01.16		
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	25.11.15	18.11.15	08.12.15	12.01.16	25.01.16	
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	20.11.15	18.11.15	11.01.16	26.01.16		
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	24.07.15
Pensions Schemes Bill 54/11-16	22.06.15	30.06.15	/	/	16.11.15	23.11.15	24.11.15	15.01.16
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	27.11.15	19.11.15	11.01.16	26.01.16		
Credit Unions and Co-operative and Community Benefit Societies Bill 56/11-16	23.06.15	06.01.15	24.11.15	24.11.15	12.01.16			
Justice (No. 2) Bill 57/11-16	30.06.15	08.09.15	15.01.16	14.01.16				
Housing (Amendment) Bill 58/11-16	30.06.15	09.11.15	15.01.16	07.01.16	01.02.16			
Houses in Multiple Occupation Bill 60/11-16	07.09.15	07.12.15	12.2.16					

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Shared Education Bill 66/11-16	02.11.15	10.11.15	12.01.16	06.01.16	26.01.16			
Rural Needs Bill 67/11-16	09.11.15	17.11.15	26.01.16	26.01.16				
Health and Personal Social Services (Amendment) Bill 68/11-16	23.11.15	01.12.15	05.02.16					
Departments Bill 70/11-16	30.11.15	08.12.15	/	/	19.01.16	01.02.16	02.02.16	
Addressing Bullying in Schools 71/ 11-16	30.11.15	08.12.15	09.02.16					
Health (Miscellaneous Provisions) Bill 72/11-16	30.11.15	08.12.15	09.02.16					
Employment Bill 73/11-16	07.12.15	12.01.16	23.02.16	27.01.16				
Fisheries Bill 74/11-16	07.12.15	11.01.16	22.02.16	02.02.16				
Rates (Amendment) Bill 75/ 11-16	11.01.16	19.01.16	/	/	25.01.16	01.02.16	02.02.16	
Assembly Members (Reduction of Numbers) Bill 76/ 11-16	12.01.16	25.01.16	/	/	02.02.16			

**2011-2016 Mandate
Non-Execuctive 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)							

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
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	14.10.15				
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15	02.07.15	29.09.15	19.10.15	03.11.15	09.12.15
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15	29.09.15	20.10.15	30.11.15 / 01.02.16		
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	20.07.15
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15	Bill fell at Second Stage on 20.10.15						
Civil Service (Special Advisers) (Amendment) Bill 61/11-16	14.09.15	Bill fell at Second Stage on 13.10.15						
Assembly and Executive Reform (Assembly Opposition) Bill 62/11-16	22.09.15	12.10.15	26.01.16	20.01.16				
Local Government (Numbers and Addresses in Townlands) Bill 63/11-16	12.10.15	Bill fell at Second Stage on 17.11.15						
Human Transplantation Bill 64/11-16	13.10.15	16.11.15	05.02.16					

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Scrap Metal Dealers Bill 65/11-16	19.10.15	16.11.15	19.02.16					
Licensing Bill 69/11-16	24.11.15	07.12.15	12.02.16					

/ 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 February 2016

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 Deputy Chairperson Appointment

The Speaker informed Members that, with effect from 4 February 2016, Mr Dominic Bradley had resigned his position as Deputy Chairperson of the Committee for Finance and Personnel. The Speaker also informed members that, with effect from 4 February 2016, Ms Claire Hanna had been nominated as Deputy Chairperson of the Committee for Finance and Personnel and confirmed the appointment.

3. Assembly Business

3.1 Motion – Suspension of Standing Orders

Proposed:

That Standing Orders 10(2) to 10(4) be suspended for 8 February 2016.

*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*.

3.2 Motion – Committee Membership

Proposed:

That Mrs Dolores Kelly replace Mr Seán Rogers as a member of the Committee for Education; that Mr Alex Attwood replace Mr Patsy McGlone as a member of the Committee for Justice; and that Mr Patsy McGlone replace Ms Claire Hanna as a member of the Committee for the Environment.

*Mrs K McKeivitt
Mr A Maginness*

The Question being put, the Motion was **carried** without division.

4. Private Members' Business

4.1 Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16)

A valid Petition of Concern, under Standing Order 28, was presented in relation to Clause 20, on Monday 1 February 2016 (Appendix 1).

A valid Petition of Concern, under Standing Order 28, was presented in relation to Clause 13, on Tuesday 2 February 2016 (Appendix 2).

A valid Petition of Concern, under Standing Order 28, was presented in relation to Clause 21 on Tuesday 2 February 2016 (Appendix 3).

A valid Petition of Concern, under Standing Order 28, was presented in relation to Schedule 1 on Tuesday 2 February 2016 (Appendix 4).

Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill resumed on Monday, 8 February 2016.

Clauses

After debate, the question being put, it was **negatived** on division by a cross-community vote that Clause 13 stand part of the Bill (Division 1).

After debate, the question being put, it was **agreed** on division that Clause 14 stand part of the Bill (Division 2).

After debate, the question being put, it was **agreed** on division that Clause 15 stand part of the Bill (Division 3).

After debate, amendment 23 to Clause 16 was **negatived** without division.

After debate, the question being put, it was **negatived** on division that Clause 16 stand part of the Bill (Division 4).

After debate, amendment 24 to Clause 17 was **negatived** without division.

After debate, the question being put, it was **negatived** without division that Clause 17 stand part of the Bill.

After debate, amendment 25 to Clause 18 was **agreed** without division.

After debate, the question being put, it was **agreed** on division that Clause 18, as amended stand part of the Bill (Division 5).

After debate, amendment 26 to Clause 19 was **negatived** without division.

After debate, amendment 27 to Clause 19 was **negatived** without division.

After debate, amendment 28 to Clause 19 was **negatived** on division (Division 6).

After debate, the question being put, it was **negatived** without division that Clause 19 stand part of the Bill.

After debate, the question being put, it was **negatived** on division that Clause 20 stand part of the Bill (Division 7).

After debate, the question being put, it was **negatived** without division that Clause 21 stand part of the Bill.

After debate, amendment 29 to Clause 22 was **made** without division.

After debate, the question being put, it was **agreed** on division that Clause 22, as amended stand part of the Bill (Division 8).

The Deputy Speaker (Mr Beggs) in the Chair.

After debate, the question being put, it was **agreed** on division that Clause 23 stand part of the Bill (Division 9).

After debate, the question being put, it was **agreed** on division that Clause 24 stand part of the Bill (Division 10).

The sitting was suspended at 1.50pm.

The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Beggs) in the Chair.

5. Question Time

5.1 Culture, Arts and Leisure

Questions were put to, and answered by, the Minister of Culture, Arts and Leisure, Ms Carál Ní Chuilín.

5.2 Education

Questions were put to, and answered by, the Minister of Education, Mr John O'Dowd.

6. Private Members' Business (cont'd)

6.1 Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (cont'd)

Debate resumed.

The Speaker in the Chair.

Schedules

After debate, amendment 30 to the Schedule was **negatived** without division.

After debate, amendment 31 to the Schedule was **negatived** without division.

After debate, amendment 32 to the Schedule was **made** without division.

After debate, amendment 33 to the Schedule was **made** without division.

After debate, amendment 34 to the Schedule was **made** without division.

As amendment 34 was made, amendments 35 to 37 were not called.

After debate, amendment 38 to the Schedule was **made** without division.

After debate, amendment 39 to the Schedule was **made** without division.

After debate, amendment 40 to the Schedule was **negatived** without division.

After debate, the question being put, it was **negatived** on division by a cross-community vote that the Schedule, as amended, stand part of the Bill (Division 11).

Long Title

The question being put, it was **negatived** without division that the Long Title stand part of the Bill.

The Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) stood referred to the Speaker.

7. Executive Committee Business

7.1 Statement – Rationalisation of the Court Estate

The Deputy Speaker (Mr Dallat) in the Chair.

The Minister of Justice, Mr David Ford, made a statement regarding the rationalisation of the court estate, following which he replied to questions.

8. Committee Business

8.1 Motion – Extension of Committee Stage: Addressing Bullying in Schools Bill (NIA Bill 71/11-16)

Proposed:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 February 2016, in relation to the Committee Stage of the Addressing Bullying in Schools Bill (NIA Bill 71/11-16).

Chairperson, Committee for Education

The Motion was **not moved**.

8.2 Motion – Further Extension of Committee Stage: Licensing Bill (NIA Bill 69/11-16)**Proposed:**

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended further to 19 February 2016, in relation to the Committee Stage of the Licensing Bill (NIA Bill 69/11-16).

Chairperson, Committee for Social Development

The Question being put, the Motion was **carried** without division.

9. Executive Committee Business**9.1 Further Consideration Stage – Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16)**

The Minister of Finance and Personnel, Mr Mervyn Storey, on behalf of the Minister of Enterprise, Trade and Investment, moved the Further Consideration Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill.

No amendments were tabled to the Bill.

The Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16) stood referred to the Speaker for consideration in accordance with Section 10 of the Northern Ireland Act 1998.

9.2 Motion – Statement of Proposed Entitlements for an Official Opposition**Proposed:**

That this Assembly endorses the Statement of Proposed Entitlements for an Official Opposition, as set out at Appendix F4 of the Fresh Start Agreement; and calls on the Speaker to take forward the implementation of these provisions before the end of the current Assembly mandate.

Office of the First Minister and deputy First Minister

The Speaker in the Chair

Debate ensued.

The Question being put, the Motion was **carried** without division.

9.3 Motion – Supply Resolution for the 2015-2016 Spring Supplementary Estimates**Proposed:**

That this Assembly approves that a total sum, not exceeding £15,770,704,000, 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 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 total resources, not exceeding £17,135,765,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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(c) and 2(c) of Table 1 in the volume of the Northern Ireland Spring Supplementary Estimates 2015-2016 that was laid before the Assembly on 2 February 2016.

Minister of Finance and Personnel

Motion – Supply Resolution for the 2016-2017 Vote on Account**Proposed:**

That this Assembly approves that a sum, not exceeding £7,899,052,800, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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 2017 and that resources, not exceeding £8,680,276,400, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland

Assembly Commission, the Assembly Ombudsman for Northern Ireland and 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 2017 as summarised for each Department or other public body in Columns 4 and 6 of Table 1 in the Vote on Account 2016-17 document that was laid before the Assembly on 2 February 2016.

Minister of Finance and Personnel

Motion – Supply Resolution for the 2013-2014 Excess Vote

Proposed:

That this Assembly approves that resources, not exceeding £6,031,448.89 be authorised for use by the Public Prosecution Service for Northern Ireland for the year ending 31 March 2014, as summarised in Part II of the 2013-2014 Statement of Excesses that was laid before the Assembly on 2 February 2016.

Minister of Finance and Personnel

The Principal Deputy Speaker (Mr Newton) in the Chair.

A single debate ensued on all three motions.

Mr Speaker in the Chair.

The Question being put, the Motion regarding the Supply Resolution for the 2015-2016 Spring Supplementary Estimates was **carried** with cross-community support *nemine contradicente*.

The Question being put, the Motion regarding the Supply Resolution for the 2016-2017 Vote on Account was **carried** with cross-community support *nemine contradicente*.

The Question being put, the Motion regarding the Supply Resolution for the 2013-2014 Excess Vote was **carried** with cross-community support *nemine contradicente*.

9.4 First Stage – Budget Bill (NIA Bill 77/11-16)

A Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the years ending 31st March 2016 and 2017; 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 for the years ending 31st March 2016 and 2017; and to revise the limits on the use of certain accruing resources in the year ending 31 March 2016.

The Budget Bill (NIA Bill 77/11-16) passed First Stage and ordered to be printed.

9.5 Final 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, moved that the Final Stage of the Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16) do now pass.

Debate ensued.

The Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16) passed Final Stage.

9.6 Motion – Draft Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016

Proposed:

That the draft Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016 be approved.

Minister of Justice

Debate ensued.

The Question being put, the Motion was **carried** without division.

10. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 10.27pm.

Mr Mitchel McLaughlin

The Speaker

8 February 2016

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 Monday 1 February 2016, in relation to Clause 20 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Sydney Anderson
- Mr Jonathan Bell
- Ms Paula Bradley
- Mr Thomas Buchanan
- Mrs Pam Cameron
- Mr Gregory Campbell
- Mr Trevor Clarke
- Mr Jonathan Craig
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mrs Arlene Foster
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr Simon Hamilton
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Mr Gordon Lyons
- Mr Nelson McCausland
- Mr Ian McCrea
- Mr David McIlveen
- Miss Michelle McIlveen
- Mr Adrian McQuillan
- Mr Gary Middleton
- The Lord Morrow
- Mr Stephen Moutray
- Mr Robin Newton
- Mrs Emma Pengelly
- Mr Edwin Poots
- Mr George Robinson
- Mr Peter Robinson
- Mr Alastair Ross
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells

Appendix 2

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Tuesday 2 February 2016, in relation to Clause 13 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Martin McGuinness
- Mr John O'Dowd
- Mrs Michelle O'Neill
- Ms Carál Ní Chuilín
- Ms Jennifer McCann
- Mr Cathal Boylan
- Mr Chris Hazzard
- Ms Caitriona Ruane
- Mr Phil Flanagan
- Mr Máirtín Ó Muilleoir
- Mr Gerry Kelly
- Mr Seán Lynch
- Mr Declan McAleer
- Mr Fra McCann
- Mr Raymond McCartney
- Ms Rosie McCorley
- Mr Barry McElduff
- Ms Bronwyn McGahan
- Mr Daithí McKay
- Ms Maeve McLaughlin
- Mr Ian Milne
- Mr Conor Murphy
- Mr Oliver McMullan
- Mr Alex Maskey
- Mr Cathal Ó Hoisín
- Mr Colum Eastwood
- Mrs Karen McKeivitt
- Mrs Dolores Kelly
- Mr Patsy McGlone
- Mr Gerard Diver
- Mr Daniel McCrossan
- Ms Claire Hanna
- Mr Seán Rogers
- Mr Alban Maginness
- Mr Alex Attwood
- Mr Fearghal McKinney
- Mr John Dallat
- Mr Mark Durkan
- Mr Dominic Bradley

Appendix 3

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Tuesday 2 February 2016, in relation to Clause 21 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Martin McGuinness
- Mr John O'Dowd
- Mrs Michelle O'Neill
- Ms Carál Ní Chuilín
- Ms Jennifer McCann
- Mr Cathal Boylan
- Mr Chris Hazzard
- Ms Caitriona Ruane
- Mr Phil Flanagan
- Mr Máirtín Ó Muilleoir
- Mr Gerry Kelly
- Mr Seán Lynch
- Mr Declan McAleer
- Mr Fra McCann
- Mr Raymond McCartney
- Ms Rosie McCorley
- Mr Barry McElduff
- Ms Bronwyn McGahan
- Mr Daithí McKay
- Ms Maeve McLaughlin
- Mr Ian Milne
- Mr Conor Murphy
- Mr Oliver McMullan
- Mr Alex Maskey
- Mr Cathal Ó Hoisín
- Mr Colum Eastwood
- Mrs Karen McKeivitt
- Mrs Dolores Kelly
- Mr Patsy McGlone
- Mr Gerard Diver
- Mr Daniel McCrossan
- Ms Claire Hanna
- Mr Seán Rogers
- Mr Alban Maginness
- Mr Alex Attwood
- Mr Fearghal McKinney
- Mr John Dallat
- Mr Mark Durkan
- Mr Dominic Bradley

Appendix 4

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Tuesday 2 February 2016, in relation to Schedule 1 of the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 61/11-16):

- Mr Martin McGuinness
- Mr John O'Dowd
- Mrs Michelle O'Neill
- Ms Carál Ní Chuilín
- Ms Jennifer McCann
- Mr Cathal Boylan
- Mr Chris Hazzard
- Ms Caitriona Ruane
- Mr Phil Flanagan
- Mr Máirtín Ó Muilleoir
- Mr Gerry Kelly
- Mr Seán Lynch
- Mr Declan McAleer
- Mr Fra McCann
- Mr Raymond McCartney
- Ms Rosie McCorley
- Mr Barry McElduff
- Ms Bronwyn McGahan
- Mr Daithí McKay
- Ms Maeve McLaughlin
- Mr Ian Milne
- Mr Conor Murphy
- Mr Oliver McMullan
- Mr Alex Maskey
- Mr Cathal Ó Hoisín
- Mr Colum Eastwood
- Mrs Karen McKeivitt
- Mrs Dolores Kelly
- Mr Patsy McGlone
- Mr Gerard Diver
- Mr Daniel McCrossan
- Ms Claire Hanna
- Mr Seán Rogers
- Mr Alban Maginness
- Mr Alex Attwood
- Mr Fearghal McKinney
- Mr John Dallat
- Mr Mark Durkan
- Mr Dominic Bradley

Northern Ireland Assembly

8 February 2016
Division 1

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 13)

The Question was put and the Assembly divided.

Ayes: 47

Noes: 35

AYES

Unionist

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Other

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Nationalist

Mr Attwood, Mr Boylan, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Unionist

Ms Sugden.

Tellers for the Noes: Mr McAleer, Ms McCorley.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Swann.

Total Votes	82	Total Ayes	47	[57.3%]
Nationalist Votes	34	Nationalist Ayes	0	[0.0%]
Unionist Votes	40	Unionist Ayes	39	[97.5%]
Other Votes	8	Other Ayes	8	[100%]

Clause 13 was **negatived** on a cross-community vote.

Northern Ireland Assembly

8 February 2016
Division 2

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 14)

The Question was put and the Assembly divided.

Ayes: 66

Noes: 26

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCreagh, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McAleer, Ms McCorley.

It was **agreed** that Clause 14 stand part of the Bill.

Northern Ireland Assembly

8 February 2016
Division 3

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 15)

The Question was put and the Assembly divided.

Ayes: 70

Noes: 26

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McAleer, Ms McCorley.

It was **agreed** that Clause 15 stand part of the Bill.

Northern Ireland Assembly

8 February 2016
Division 4

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 16)

The Question was put and the Assembly divided.

Ayes: 21

Noes: 73

AYES

Mr Agnew, Mr Allister, Mr Attwood, Mrs Cochrane, Mr Dallat, Mr Diver, Mr Eastwood, Dr Farry, Mr Ford, Ms Hanna, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Ms Sugden.

Tellers for the Ayes: Mr Allister, Mr McCallister.

NOES

Mr Anderson, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCreagh, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McAleer, Ms McCorley.

Clause 13 was **negatived**.

Northern Ireland Assembly

8 February 2016
Division 5

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 18, as amended)

The Question was put and the Assembly divided.

Ayes: 63

Noes: 26

AYES

Mr Agnew, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr McCallister, Ms Sugden.

NOES

Mr Allister, Mr Boylan, Ms Fearon, Mr Flanagan, 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, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Lynch, Ms McCorley.

It was **agreed** that Clause 18, as amended, stand part of the Bill.

Northern Ireland Assembly

8 February 2016
Division 6

**Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16)
(Amendment 28)**

The Question was put and the Assembly divided.

Ayes: 19

Noes: 72

AYES

Mr Agnew, Mr Allister, Mr Attwood, Mrs Cochrane, Mr Dallat, Mr Diver, Mr Eastwood, Mr Ford, Ms Hanna, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness.

Tellers for the Ayes: Mr McCrossan, Mrs McKeivitt.

NOES

Mr Anderson, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCreagh, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr Lynch, Ms McCorley.

Amendment 28 was **negatived**.

Northern Ireland Assembly

8 February 2016
Division 7

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 20)

The Question was put and the Assembly divided.

Ayes: 20

Noes: 60

AYES

Nationalist

Mr Attwood, Mr Dallat, Mr Diver, Mr Durkan, Mr Eastwood, Ms Hanna, Mrs D Kelly, Mr McCrossan, Mr McGlone, Mrs McKeivitt.

Unionist

Mr Allister, Mr McCallister, Mr B McCrea, Mr Nesbitt, Ms Sugden.

Other

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Mr Lunn.

Tellers for the Ayes: Mr Diver, Mr McCallister.

NOES

Nationalist

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Unionist

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Boylan, Ms Fearon.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Allen, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mrs Overend, Mr Patterson, Mr Swann.

Total Votes	80	Total Ayes	20	[25.0%]
Nationalist Votes	34	Nationalist Ayes	10	[29.4%]
Unionist Votes	41	Unionist Ayes	5	[12.2%]
Other Votes	5	Other Ayes	5	[100.0%]

Clause 20 was **negatived** on a cross-community vote.

Northern Ireland Assembly

8 February 2016
Division 8

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 22, as amended)

The Question was put and the Assembly divided.

Ayes: 66

Noes: 24

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan, Ms Fearon.

It was **agreed** that Clause 22, as amended, stand part of the Bill.

Northern Ireland Assembly

8 February 2016
Division 9

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 23)

The Question was put and the Assembly divided.

Ayes: 64

Noes: 23

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan, Ms Ruane.

It was **agreed** that Clause 23, as amended, stand part of the Bill.

Northern Ireland Assembly

8 February 2016
Division 10

Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) (Clause 24)

The Question was put and the Assembly divided.

Ayes: 67

Noes: 23

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan, Ms Ruane.

It was **agreed** that Clause 24, as amended, stand part of the Bill.

Northern Ireland Assembly

8 February 2016
Division 11

**Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16)
(Schedule 1)**

The Question was put and the Assembly divided.

Ayes: 45

Noes: 36

AYES

Unionist

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Weir, Mr Wells.

Other

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Mr Lunn, Mr McCarthy.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Nationalist

Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McMullan, Mr Ó hOisín.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Allen, Mr Cochrane-Watson, Mrs Dobson, Mr Hussey, Mr Kennedy, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Swann.

Total Votes	81	Total Ayes	45	[55.6%]
Nationalist Votes	36	Nationalist Ayes	0	[0.0%]
Unionist Votes	39	Unionist Ayes	39	[100.0%]
Other Votes	6	Other Ayes	6	[100.0%]

Schedule 1 was **negatived** on a cross-community vote.

Assembly and Executive Reform (Assembly Opposition) Bill

Annotated Marshalled List of Amendments Consideration Stage

Tuesday 2 February 2016 and Monday 8 February 2016

Amendments tabled up to 9.30am Wednesday, 27 January 2016 and selected for debate.
The Bill will be considered in the following order
Clauses, Schedule and Long Title

Clause 1 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 1 stand part of the Bill.

*Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan*

Amendment 1 [Not moved]

Clause 2, Page 1, Line 16

Leave out subsections (2) and (3) and insert -

‘(2) The Opposition may be formed by one or more qualifying parties.

(3) A qualifying party is a political party—

(a) whose members comprise 5% or more of the total number of members of the Assembly, and

(b) which does not contain a member who is a Minister.’

Mr John McCallister

Amendment 2 [Made]

Clause 2, Page 1, Line 17

Leave out from second ‘or’ to end of line 18

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 3 [Made]

Clause 2, Page 2

Leave out lines 5 to 7

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Clause 2 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 2 stand part of the Bill.

*Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan*

Amendment 4 [Not moved]

Clause 3, Page 2

Leave out subsection (2)

Mr John McCallister

Amendment 5 [*Made*]**Clause 3**, Page 2

Leave out subsection (3)

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 6 [*Not called*]**Clause 3**, Page 2, Line 22

Leave out 'by one or more technical groups'

Mr John McCallister

Amendment 7 [*Not moved*]**Clause 3**, Page 2, Line 28

At end insert -

'(3A) The Opposition may also be formed within one month of this section coming into operation.'

Mr John McCallister

Clause 3 [**Question that Clause stand part agreed on division**]

The Members listed below give notice of their intention to oppose the question that Clause 3 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 4 [**Question that Clause stand part negated without division**]

The Members listed below give notice of their intention to oppose the question that Clause 4 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Ms Paula Bradley
Mr John McCallister*

Clause 5 [**Question that Clause stand part agreed without division**]

The Members listed below give notice of their intention to oppose the question that Clause 5 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Mr John McCallister*

Amendment 8 [*Not called*]**New Clause**

After Clause 5 insert -

'Dissolution of the Opposition

5A.—(1) Standing orders must make provision for the dissolution of the Opposition in accordance with this section.

(2) If all Ministers cease to hold office in accordance with section 18(1) of the Northern Ireland Act 1998, the Opposition is dissolved.

(3) Where the Opposition was formed by one qualifying party only, and that party subsequently contains a member who is a Minister, the Opposition is dissolved.'

Mr John McCallister

Amendment 9 [*Made*]**Clause 6**, Page 3, Line 6

Leave out from 'offices' to 'Opposition' on line 7 and insert 'offices in the leadership of the Opposition'

Mr John McCallister

Amendment 10 [*Made*]**Clause 6**, Page 3, Line 10

Leave out 'Opposition' and insert 'Non-Executive Party'

Mr John McCallister

Amendment 11 [Made]**Clause 6**, Page 3, Line 11

Leave out 'Opposition' and insert 'Non-Executive Party'

*Mr John McCallister***Amendment 12 [Made]****Clause 6**, Page 3, Line 14

Leave out 'Opposition' and insert 'Largest Non-Executive Party'

*Mr John McCallister***Amendment 13 [Made]****Clause 6**, Page 3, Line 16

Leave out 'Deputy Leader of the Opposition' and insert 'Leader of the Second-Largest Non-Executive Party'

*Mr John McCallister***Amendment 14 [Made]****Clause 6**, Page 3

Leave out subsections (4) and (5)

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray***Amendment 15 [Not called]****Clause 6**, Page 3

Leave out subsection (4)

*Mr John McCallister***Amendment 16 [Made]****Clause 6**, Page 3, Line 20

At end insert -

'(4A) Standing orders may provide for alternative names for the offices in the leadership of the Opposition.'

*Mr John McCallister***Clause 6 [Question that Clause stand part agreed on division]***The Members listed below give notice of their intention to oppose the question that Clause 6 stand part of the Bill.**Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan***Amendment 17 [Made]****Clause 7**, Page 3, Line 32

Leave out 'Leader and Deputy Leader of the Opposition' and insert 'leadership of the Opposition'

*Mr John McCallister***Clause 7 [Question that Clause stand part agreed on division]***The Members listed below give notice of their intention to oppose the question that Clause 7 stand part of the Bill.**Mr Raymond McCartney
Ms Cairiona Ruane
Mr Pat Sheehan***Amendment 18 [Made]****New Clause**

After Clause 7 insert -

'Speaking rights in the Assembly

7A. Standing orders must make provision that speaking rights in the Assembly are allocated on the basis of party strength.'

Mr John McCallister

Amendment 19 [Made]**Clause 8**, Page 3, Line 38

Leave out '15' and insert '10'

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 20 [Negatived]**Clause 8**, Page 3, Line 39

At end insert -

'(2A) After the formation of an Executive and an Opposition, enhanced speaking rights for the Opposition shall be calculated as rights enhanced by 20% at the expense of Executive speaking rights.'

Mr John McCallister

Clause 8 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 8 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Amendment 21 [Made]**Clause 9**, Page 4, Line 5

Leave out from 'Leader' to 'Opposition' on line 6 and insert 'Leader of the Non-Executive Party, Leader of the Largest Non-Executive Party'

Mr John McCallister

Amendment 22 [Made]**Clause 9**, Page 4, Line 7

Leave out from 'Deputy' to 'Opposition' on line 8 and insert 'Deputy Leader of the Non-Executive Party, Leader of the Second-Largest Non-Executive Party'

Mr John McCallister

Clause 9 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 9 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 10 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 10 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 11 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 11 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 12 [Question that Clause stand part negatived without division]

The Members listed below give notice of their intention to oppose the question that Clause 12 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Ms Paula Bradley
Mr Danny Kennedy*

Clause 13 [Question that Clause stand part negated on division by a cross-community vote]

The Members listed below give notice of their intention to oppose the question that Clause 13 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 14 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 14 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 15 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 15 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Amendment 23 [Negatived]

Clause 16, Page 5, Line 15

Leave out from 'to' to end of line 19

Mr John McCallister

Clause 16 [Question that Clause stand part negated on division]

The Members listed below give notice of their intention to oppose the question that Clause 16 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Ms Paula Bradley*

Amendment 24 [Negatived]

Clause 17, Page 5, Line 21

Leave out from ', where' to 'parties,' on line 22'

Mr John McCallister

Clause 17 [Question that Clause stand part negated without division]

The Members listed below give notice of their intention to oppose the question that Clause 17 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan
Ms Paula Bradley*

Amendment 25 [Made]

Clause 18, Page 5, Line 31

Leave out from 'Leader' to 'Opposition' on line 32 and insert 'leadership of the Opposition'

Mr John McCallister

Clause 18 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 18 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Amendment 26 [Negatived]

Clause 19, Page 5, Line 36

Leave out from the beginning to '1998' on line 37 and insert 'budget committee'

Mr John McCallister

Amendment 27 [Negatived]**Clause 19**, Page 5, Line 37

At end insert -

‘(1A) That committee may—

- (a) scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998,
- (b) review the delivery of the budget, for example by matching spending against outcomes,
- (c) examine the financial memorandum of each Bill introduced into the Assembly,
- (d) examine the implications of any changes to powers to raise taxes.’

*Mr John McCallister***Amendment 28 [Negatived on division]****Clause 19**, Page 5, Line 37

At end insert -

‘(1A) The Budget Committee will consider quarterly budget forecasts, reports, estimates and oral evidence collated from all departments and presented by a bespoke unit in the Department of Finance and Personnel dedicated to servicing the requirements and supporting the scrutiny work of the Committee.’

*Mr Colum Eastwood**Mr Alex Attwood**Mr Séan Rogers***Clause 19 [Question that Clause stand part negatived without division]***The Members listed below give notice of their intention to oppose the question that Clause 19 stand part of the Bill.**Mr Raymond McCartney**Ms Caitriona Ruane**Mr Pat Sheehan**Ms Paula Bradley***Clause 20 [Question that Clause stand part negatived on division by a cross-community vote]***The Members listed below give notice of their intention to oppose the question that Clause 20 stand part of the Bill.**Mr Raymond McCartney**Ms Caitriona Ruane**Mr Pat Sheehan**Ms Paula Bradley***Clause 21 [Question that Clause stand part negatived without division]***The Members listed below give notice of their intention to oppose the question that Clause 21 stand part of the Bill.**Mr Raymond McCartney**Ms Caitriona Ruane**Mr Pat Sheehan**Ms Paula Bradley***Amendment 29 [Made]****Clause 22**, Page 6, Line 28

Leave out from ‘and’ to end of line 29

*Ms Paula Bradley**Mr Gregory Campbell**Mr Alastair Ross**Mr Stephen Moutray***Clause 22 [Question that Clause stand part agreed on division]***The Members listed below give notice of their intention to oppose the question that Clause 22 stand part of the Bill.**Mr Raymond McCartney**Ms Caitriona Ruane**Mr Pat Sheehan*

Clause 23 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 23 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Clause 24 [Question that Clause stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 24 stand part of the Bill.

*Mr Raymond McCartney
Ms Caitriona Ruane
Mr Pat Sheehan*

Amendment 30 [Negatived]

Schedule, Page 7, Line 7

At end insert -

'Petition of Concern Reform

2A. The motion may request that upon the tabling of a valid Petition of Concern under section 42 of the Northern Ireland Act 1998, voting be postponed and an Ad-Hoc Committee on conformity with Equality Arrangements, exercising the powers in section 44 of the Northern Ireland Act 1998, be established within the Assembly to scrutinise the effects on human rights and equality of the proposal in question. If this committee should report adverse findings to the Assembly the vote on the matter should require cross-community support as defined in section 4(5) of the Northern Ireland Act 1998. However if the committee should report no adverse findings the petition shall be deemed to be invalid and the vote shall proceed on a simple majority basis.'

*Mr Colum Eastwood
Mr Alex Attwood
Mr Seán Rogers*

Amendment 31 [Negatived]

Schedule, Page 7

Leave out paragraphs 3 to 6

*Mr Colum Eastwood
Mr Alex Attwood
Mr Seán Rogers*

Amendment 32 [Made]

Schedule, Page 7, Line 16

Leave out from 'and,' to end of line 17

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 33 [Made]

Schedule, Page 7, Line 19

Leave out sub-paragraph (2)

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 34 [Made]

Schedule, Page 7

Leave out paragraphs 7 to 14

*Ms Paula Bradley
Mr Gregory Campbell
Mr Alastair Ross
Mr Stephen Moutray*

Amendment 35 [*Not called*]**Schedule**, Page 7, Line 28

At end insert -

'(aa) that the Deputy Speakers be elected in a secret ballot under a weighted majority vote,'

*Mr John McCallister***Amendment 36** [*Not called*]**Schedule**, Page 7, Line 28

At end insert -

'(ab) that at least one of the following must be female—

(i) the Speaker,

(ii) a Deputy Speaker,'

*Mr John McCallister***Amendment 37** [*Not called*]**Schedule**, Page 8, Line 30

Leave out 'four' and insert 'two'

*Mr Danny Kennedy***Amendment 38** [*Made*]**Schedule**, Page 8, Line 31

At end insert -

'Legislative timetable

13A. The motion may request that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year.'

*Mr John McCallister***Amendment 39** [*Made*]**Schedule**, Page 8, Line 33

Leave out paragraph 14 and insert -

'14. The motion may request that the function of statutory committees becomes to scrutinise Ministers and to advise and assist Ministers in the formulation of policy.'

*Mr John McCallister***Amendment 40** [*Negatived*]**Schedule**, Page 8

Leave out paragraph 15

*Mr Colum Eastwood**Mr Alex Attwood**Mr Seán Rogers***Schedule** [*Question that Schedule stand part negatived on division by a cross-community vote*]*The Members listed below give notice of their intention to oppose the question that the Schedule stand part of the Bill.**Mr Raymond McCartney**Ms Cairiona Ruane**Mr Pat Sheehan*

Northern Ireland Assembly

Papers Presented to the Assembly on 3 - 8 February 2016

1. Acts of the Northern Ireland Assembly

2. Bills of the Northern Ireland Assembly

Budget Bill (NIA Bill 77/11-16)

3. Orders in Council

4. Publications Laid in the Northern Ireland Assembly

5. Assembly Reports

Committee for Health, Social Services and Public Safety - Report on the Human Transplantation Bill (NIA Bill 64/11-16) (NIA 295/11-16).

Committee for Health, Social Services and Public Safety - Report on the Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16) (NIA 293/11-16).

Committee for Health, Social Services and Public Safety - Report on the Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16) (NIA 294/11-16).

Public Accounts Committee - Report on Excess Votes (Northern Ireland) 2014-15 Thirty-Third Report (NIA 302/11-16).

Committee for Social Development - Report on Houses in Multiple Occupation Bill (NIA Bill 60/11-16) (NIA 270/11-16).

6. Statutory Rules

S.R. 2016/14 The Northern Ireland Police Fund Regulations 2016 (DOJ).

S.R. 2016/22 The Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016 (DARD).

S.R. 2016/27 The Planning (Local Development Plan) (Amendment) Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/28 The Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/29 The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2016 (DHSSPS).

S.R. 2016/30 The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations (Northern Ireland) 2016 (DRD).

S.R. 2016/33 The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 (DOJ).

S.R. 2016/000 The Draft Health Service Workers (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 (DHSSPS).

S.R. 2016/000 The Draft Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 (DOJ).

S.R. 2016/000 The Draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 (DETI).

7. Written Ministerial Statements

8. Consultation Documents

Northern Ireland Environmental Agency – Consultation on NIEA Regulatory Charging Policy proposals for 2016-2021 (DOE).

Domestic Abuse Offence and Domestic Violence Disclosure Scheme Public Consultation (DOJ).

9. Departmental Publications

Report on Investigation into an elver mortality event at Cathleen's Fall Station (DCAL).

10. Agency Publications

11. Westminster Publications

12. Miscellaneous Publications

Northern Ireland Assembly

Tuesday 9 February 2016 and Wednesday 10 February 2016

The Assembly met at 10.30am, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Assembly Business

2.1 Consideration of business not concluded on Monday 8 February 2016

The Speaker informed the Assembly that all business listed on the Order Paper for 8 February 2016 was concluded.

3. Executive Committee Business

3.1 Final Stage – Environmental Better Regulation Bill (NIA Bill 55/11-16)

The Minister of the Environment, Mr Mark Durkan, moved that the Final Stage of the Environmental Better Regulation Bill (NIA Bill 55/11-16) do now pass.

Debate ensued.

The Environmental Better Regulation Bill (NIA Bill 55/11-16) passed Final Stage.

3.2 Legislative Consent Motion – Enterprise Bill: Small Business Commissioner Provisions

Proposed:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in the Enterprise Bill dealing with the Small Business Commissioner.

Minister of Enterprise, Trade and Investment

The Motion was **not moved**.

3.3 Consideration Stage – Employment Bill (NIA Bill 73/11-16)

The Minister for Employment and Learning, Dr Stephen Farry, moved the Consideration Stage of the Employment Bill (NIA Bill 73/11-16).

Nineteen amendments were tabled to the Bill and selected for debate.

Clauses

The question being put, it was **agreed** without division that Clauses 1 to 3 stand part of the Bill.

The question being put, it was **negatived** without division that Clause 4 stand part of the Bill.

After debate, amendment 1 to Clause 5 was **negatived** without division.

After debate, amendment 2 to Clause 5 was **made** without division.

The question being put, it was **agreed** without division that Clause 5, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 6 stand part of the Bill.

After debate, amendment 3 to Clause 7 was **made** without division.

The question being put, it was **agreed** without division that Clause 7, as amended, 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 4 to Clause 9 was **negatived** without division.

After debate, amendment 5 to Clause 9 was **made** without division.

The question being put, it was **agreed** without division that Clause 9, as amended, stand part of the Bill.

After debate, amendment 6 inserting new Clause 9A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 7 inserting new Clause 9B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

As the Question that Clauses 4 and 8 stand part was negatived, amendment 8 was not called.

The question being put, it was **agreed** without division that Clauses 10 to 13 stand part of the Bill.

The sitting was suspended at 12.56pm.

The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Dallat) in the Chair.

4. Question Time

4.1 Employment and Learning

Questions were put to, and answered by, the Minister for Employment and Learning, Dr Stephen Farry.

4.2 Enterprise, Trade and Investment

Questions were put to, and answered by, the Minister of Enterprise, Trade and Investment, Mr Jonathan Bell.

The Deputy Speaker (Mr Beggs) in the Chair.

5. Executive Committee Business (cont'd)

5.1 Consideration Stage – Employment Bill (NIA Bill 73/11-16) (cont'd)

Debate resumed.

The Principal Deputy Speaker (Mr Newton) in the Chair.

After debate, amendment 9 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 being put, it was **agreed** without division that Clauses 15 and 16 stand part of the Bill.

Amendment 10 was not moved.

After debate, amendment 11 to Clause 17 was **made** without division.

The question being put, it was **agreed** without division that Clause 17, as amended, stand part of the Bill.

After debate, amendment 12 to Clause 18 was **made** without division.

After debate, amendment 13 to Clause 18 was **made** without division.

The question being put, it was **agreed** without division that Clause 18, as amended, stand part of the Bill.

After debate, amendment 14 inserting new Clause 18A was **negatived** on division (Division 1).

After debate, amendment 15 inserting new Clause 18A was **negatived** on division (Division 2).

After debate, amendment 16 to Clause 19 was **made** without division.

The question being put, it was **agreed** without division that Clause 19, as amended, stand part of the Bill.

After debate, amendment 17 to Clause 20 was **made** without division.

The question being put, it was **agreed** without division that Clause 20, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 21 to 27 stand part of the Bill.

Schedules

The question being put, it was **agreed** without division that Schedules 1 and 2 stand part of the Bill.

After debate, amendment 18 to Schedule 3 was **made** without division.

After debate, amendment 19 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.

Long Title

The question being put, it was **agreed** without division that the Long Title stand part of the Bill.

The Employment Bill (NIA Bill 73/11-16) stood referred to the Speaker.

5.2 Second Stage – Budget Bill (NIA Bill 77/11-16)

The Minister of Finance and Personnel, Mr Mervyn Storey, moved the Second Stage of the Budget Bill (NIA Bill 77/11-16).

Debate ensued.

The Budget Bill (NIA Bill 77/11-16) passed Second Stage with cross-community support (Division 3).

The sitting was suspended at 10.32pm.

The sitting resumed at 10.30am on Wednesday 10 February 2016, with the Speaker in the Chair.

5.3 Statement – North South Ministerial Council in Agriculture Sectoral Format

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, made a statement regarding the twenty-fifth meeting of the North South Ministerial Council in Agriculture Sectoral format, which was held in Armagh on Wednesday 20 January 2016, following which she replied to questions.

5.4 Consideration Stage – Justice (No. 2) Bill (NIA Bill 57/11-16)

The Deputy Speaker (Mr Dallat) in the Chair.

The Minister of Justice, Mr David Ford, moved the Consideration Stage of the Justice (No. 2) Bill.

Eighty-six amendments were tabled to the Bill and selected for debate, as well as notice of intention to oppose the questions that Clauses 38 and 45 stand part of the Bill.

Clauses

After debate, amendment 1 to Clause 1 was **made** without division.

The question being put, it was **agreed** without division that Clause 1, as amended, stand part of the Bill.

After debate, amendment 2 to Clause 2 was **negatived** on division (Division 1).

The question being put, it was **agreed** without division that Clause 2 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 3 stand part of the Bill.

After debate, amendment 3 to Clause 4 was **negatived** on division (Division 2).

After debate, amendment 4 to Clause 4 was **made** without division.

After debate, amendment 5 to Clause 4 was **made** without division.

The question being put, it was **agreed** without division that Clause 4, as amended, stand part of the Bill.

After debate, amendment 6 to Clause 5 was **made** without division.

The question being put, it was **agreed** without division that Clause 5, as amended, stand part of the Bill.

After debate, amendment 7 to Clause 6 was **made** without division.

After debate, amendment 8 to Clause 6 was **made** without division.

After debate, amendment 9 was not moved.

The question being put, it was **agreed** without division that Clause 6, as amended, stand part of the Bill.

After debate, amendment 10 to Clause 7 was **made** without division.

The question being put, it was **agreed** without division that Clause 7, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 8 stand part of the Bill.

After debate, amendment 11 was not moved.

After debate, amendment 12 was not moved.

After debate, amendment 13 was not moved.

After debate, amendment 14 was not moved.

After debate, amendment 15 to Clause 9 was **made** without division.

The question being put, it was **agreed** without division that Clause 9, as amended, stand part of the Bill.

After debate, amendment 16 inserting a new Clause 9A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 17 inserting a new Clause 9B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 18 inserting a new Clause 9C was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 19 inserting a new Clause 9D was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 20 to Clause 10 was **negatived** without division.

The question being put, it was **agreed** without division that Clause 10 stand part of the Bill.

After debate, amendment 21 to Clause 11 was **made** without division.

The question being put, it was **agreed** without division that Clause 11, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 12 stand part of the Bill.

After debate, amendment 22 inserting new Clause 12A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 23 to Clause 13 was **made** without division.

The question being put, it was **agreed** on division that Clause 13, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 14 stand part of the Bill.

After debate, amendment 24 to Clause 15 was **negatived** without division.

The question being put, it was **agreed** without division that Clause 15 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 16 stand part of the Bill.

After debate, amendment 25 to Clause 17 was **negatived** without division.

The question being put, it was **agreed** without division that Clause 17 stand part of the Bill.

After debate, amendment 26 to Clause 18 was **made** without division.

After debate, amendment 27 to Clause 18 was **made** without division.

After debate, amendment 28 was not moved.

After debate, amendment 29 to Clause 18 was **made** without division.

The question being put, it was **agreed** without division that Clause 18, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 19 to 21 stand part of the Bill.

After debate, amendment 30 to Clause 22 was **made** without division.

The question being put, it was **agreed** without division that Clause 22, as amended, stand part of the Bill.

The sitting was suspended at 1.19pm.

The sitting resumed at 2.00pm with the Deputy Speaker (Mr Beggs) in the Chair.

After debate, amendment 31 to Clause 23 was **made** without division.

The question being put, it was **agreed** without division that Clause 23, as amended, stand part of the Bill.

After debate, amendment 32 to Clause 24 was **made** without division.

After debate, amendment 33 to Clause 24 was **made** without division.

After debate, amendment 34 to Clause 24 was **made** without division.

The question being put, it was **agreed** without division that Clause 24, as amended, stand part of the Bill.

After debate, amendment 35 to Clause 25 was **made** without division.

The question being put, it was **agreed** without division that Clause 25, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 26 stand part of the Bill.

After debate, amendment 36 to Clause 27 was **made** without division.

The question being put, it was **agreed** without division that Clause 27, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 28 stand part of the Bill.

The Speaker in the Chair.

After debate, amendment 37 to Clause 29 was **made** without division.

After debate, amendment 38 to Clause 29 was **negatived** on division (Division 3).

The question being put, it was **agreed** without division that Clause 29, as amended, stand part of the Bill.

After debate, amendment 39 to Clause 30 was **made** without division.

After debate, amendment 40 to Clause 30 was **made** without division.

The question being put, it was **agreed** without division that Clause 30, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 31 stand part of the Bill.

After debate, amendment 41 to Clause 32 was **made** without division.

The question being put, it was **agreed** without division that Clause 32, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 33 stand part of the Bill.

After debate, amendment 42 to Clause 34 was **made** without division.

After debate, amendment 43 to Clause 34 was **made** without division.

After debate, amendment 44 to Clause 34 was **made** without division.

The question being put, it was **agreed** without division that Clause 34, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 35 stand part of the Bill.

After debate, amendment 45 inserting new Clause 35A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 46 inserting new Clause 35B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 47 to Clause 36 was **negatived** without division.

As amendment 47 was not made, amendment 48 was not called.

The question being put, it was **agreed** without division that Clause 36 stand part of the Bill.

After debate, amendment 49 to Clause 37 was **made** without division.

After debate, amendment 50 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.

After debate, the question being put, it was **agreed** on division that Clause 38 stand part of the Bill (Division 4).

The question being put, it was **agreed** without division that Clause 39 stand part of the Bill.

After debate, amendment 51 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.

The Deputy Speaker (Mr Beggs) in the Chair.

The sitting was suspended at 6.06pm.

The sitting resumed at 6.30pm with the Deputy Speaker (Mr Dallat) in the Chair.

After debate, amendment 52 inserting new Clause 40A 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 41 and 42 stand part of the Bill.

After debate, amendment 53 inserting new Clause 42A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 54 inserting new Clause 42B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 55 inserting new Clause 42C was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 56 inserting new Clause 42A was not moved.

After debate, amendment 57 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 Clauses 43 and 44 stand part of the Bill.

After debate, amendment 58 inserting new Clause 44A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 59 inserting new Clause 44B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 60 inserting new Clause 44C was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The Speaker in the Chair.

*After debate, amendment 61 inserting new Clause 44A was **negatived** on division (Division 5).*

After debate, amendment 62 inserting new Clause 44A was not moved.

As amendment 62 was not moved, amendment 63 was not called.

After debate, amendment 64 inserting new Clause 44B was not moved.

As amendment 64 was not moved, amendment 65 was not called.

After debate, amendment 66 inserting new Clause 44C was not moved.

As amendment 66 was not moved, amendment 67 was not called.

After debate, amendment 68 inserting new Clause 44A was **negatived** on division (Division 6).

After debate, the question being put, it was **negatived** without division that Clause 45 stand part of the Bill.

After debate, amendments 69 to 71 to Clause 46 were **made** without division.

The question being put, it was **agreed** without division that Clause 46, as amended, stand part of the Bill.

After debate, amendments 72 and 73 to Clause 47 were **made** without division.

The question being put, it was **agreed** without division that Clause 47, as amended, stand part of the Bill.

Schedules

After debate, amendments 74 to 76 to Schedule 1 were **made** without division.

The question being put, it was **agreed** without division that Schedule 1, as amended, stand part of the Bill.

After debate, amendments 77 to 79 to Schedule 2 were **made** without division.

The question being put, it was **agreed** on division that Schedule 2, as amended, stand part of the Bill.

After debate, amendment 80 to Schedule 3 was **negatived** without division.

After debate, amendment 81 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 82 inserting new Schedule 4 was **made** without division and it was **agreed** that the new schedule stand part of the Bill.

Long Title

After debate, amendments 83 to 86 to the Long Title were **made** without division.

The question being put, it was **agreed** without division that Long Title, as amended, stand part of the Bill.

The Justice (No. 2) Bill (NIA Bill 57/11-16) stood referred to the Speaker.

The sitting was suspended at 10.32pm.

The sitting resumed at 10.45pm with the Speaker in the Chair.

6. Committee Business

6.1 Final Stage – Public Services Ombudsman Bill (NIA Bill 47/11-16)

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 Public Services Ombudsman Bill (NIA Bill 47/11-16) do now pass.

Debate ensued.

The Principal Deputy Speaker (Mr Newton) in the Chair.

The Public Services Ombudsman Bill (NIA 47/11-16) passed Final Stage.

7. Adjournment

Proposed:

That the Assembly do now adjourn.

The Principal Deputy Speaker (Mr Newton)

The Assembly adjourned at 12.38am.

Mr Mitchel McLaughlin

The Speaker

10 February 2016

Northern Ireland Assembly

9 February 2016
Division 1

Consideration Stage – Employment Bill (NIA Bill 73/11-16) (Amendment 14)

The Question was put and the Assembly divided.

Ayes: 37

Noes: 56

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr B McCrea, Mr G Robinson.

NOES

Mr Agnew, Mr Allen, Mr Attwood, Mr Boylan, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Ms Hanna, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Ms Ruane, Ms Sugden, Mr Swann.

Tellers for the Noes: Mr Diver, Mr Lunn.

The amendment was **negatived**.

Northern Ireland Assembly

9 February 2016
Division 2

Consideration Stage – Employment Bill (NIA Bill 73/11-16) (Amendment 15)

The Question was put and the Assembly divided.

Ayes: 37

Noes: 56

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Flanagan, Mr F McCann.

NOES

Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, 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 Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Ms Lo, Mr Lunn.

The amendment was **negatived**.

Northern Ireland Assembly

9 February 2016
Division 3

Second Stage – Budget Bill (NIA Bill 77/11-16)

The Question was put and the Assembly divided.

Ayes: 27

Noes: 56

AYES

Nationalist

Mr Boylan, Ms Fearon, Mr Flanagan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Unionist

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Other

Mrs Cochrane, Mr Dickson, Ms Lo.

Tellers for the Ayes: Mr G Robinson, Mr Ó Muilleoir.

NOES

Nationalist

Mr Attwood, Mr Dallat, Mr Diver, Ms Hanna, Mrs D Kelly, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness.

Unionist

Mr Allen, Mr Allister, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Hussey, Mr Kennedy, Mr McCallister, Mr B McCrea, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Patterson, Ms Sugden, Mr Swann.

Other

Mr S Agnew.

Tellers for the Noes: Mr McCrossan, Mrs Overend

Total Votes	89	Total Ayes	62	[69.7%]
Nationalist Votes	36	Nationalist Ayes	26	[72.2%]
Unionist Votes	49	Unionist Ayes	33	[67.3%]
Other Votes	4	Other Ayes	3	[75%]

The Budget Bill (NIA Bill 77/11-16) passed Second Stage with cross-community support.

Northern Ireland Assembly

10 February 2016
Division 1

Consideration Stage – Justice (No. 2) Bill (NIA Bill 57/11-16) (Amendment 2)

The Question was put and the Assembly divided.

Ayes: 37

Noes: 57

AYES

Mr Attwood, Mr Boylan, Mr D Bradley, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCrossan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Boylan, Mr Lynch.

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Dickson, Mr McCarthy.

The amendment was **negatived**.

Northern Ireland Assembly

10 February 2016
Division 2

Consideration Stage – Justice (No. 2) Bill (NIA Bill 57/11-16) (Amendment 3)

The Question was put and the Assembly divided.

Ayes: 36

Noes: 58

AYES

Mr Agnew, Mr Boylan, Mr D Bradley, Mr Diver, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Boylan, Mr Lynch.

NOES

Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCreagh, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Dickson, Mr McCarthy.

The amendment was **negatived**.

Northern Ireland Assembly

10 February 2016
Division 3

Consideration Stage – Justice (No. 2) Bill (NIA Bill 57/11-16) (Amendment 38)

The Question was put and the Assembly divided.

Ayes: 37

Noes: 59

AYES

Mr Attwood, Mr Boylan, Mr D Bradley, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Lynch, Ms Ruane.

NOES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCarthy, 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, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Dickson, Mr McCarthy.

The amendment was **negatived**.

Northern Ireland Assembly

10 February 2016
Division 4

Consideration Stage – Justice (No. 2) Bill (NIA Bill 57/11-16) (Clause 38)

The Question was put and the Assembly divided.

Ayes: 62

Noes: 37

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Boylan, Mr Lynch.

NOES

Mr Attwood, Mr Boylan, Mr D Bradley, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, 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, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Dickson, Mr McCarthy.

It was **agreed** that Clause 38 stand part of the Bill.

Northern Ireland Assembly

10 February 2016
Division 5

Consideration Stage – Justice (No. 2) Bill (NIA Bill 57/11-16) (Amendment 61)

The Question was put and the Assembly divided.

Ayes: 40

Noes: 59

AYES

Mr Agnew, Mr Allen, Mr Boylan, Ms Boyle, Mrs Cochrane, Mr Dickson, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Dickson, Ms Lo.

NOES

Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lyons, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr A Maginness, Mr G Robinson.

The following Members voted in both Lobbies and are therefore not counted in the result: Ms Hanna, Mr McCarthy.

The amendment was **negatived**.

Northern Ireland Assembly

10 February 2016
Division 6

Consideration Stage – Justice (No. 2) Bill (NIA Bill 57/11-16) (Amendment 68)

The Question was put and the Assembly divided.

Ayes: 32

Noes: 64

AYES

Mr Agnew, Mr Boylan, Ms Boyle, Dr Farry, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Ms Lo, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Ayes: Mr Agnew, Ms Lo.

NOES

Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr A Maginness, Mr G Robinson.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Allen.

The amendment was **negatived**.

Employment Bill

Annotated Marshalled List of Amendments Consideration Stage

Tuesday 9 February 2016

Amendments tabled up to 9.30am Wednesday, 3 February 2016 and selected for debate.
The Bill will be considered in the following order
Clauses, Schedules and Long Title

Clause 4 [*Question that Clause 4 stand part negatived*]

The Minister for Employment and Learning gives notice of his intention to oppose the question that Clause 4 stand part of the Bill.

Minister for Employment and Learning

Amendment 1 [*Negatived*]

Clause 5, Page 5, Line 10

After ‘add ‘’ insert ‘(irrespective of the number of heads of claim)’

Mr Phil Flanagan

Ms Bronwyn McGahan

Mr Fra McCann

Amendment 2 [*Made*]

Clause 5, Page 5, Line 12

At end insert -

‘(2) In Article 25 of that Order (regulations and orders) —

(a) in paragraph (1), for “All” substitute “Subject to paragraph (1A), all”;

(b) after paragraph (1) insert —

“(1A) Regulations which include provision under Article 11(2)(a) shall not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”’

Minister for Employment and Learning

Amendment 3 [*Made*]

Clause 7, Page 7

Leave out line 37 and insert ‘for “to Article 46A” substitute “and to Articles 46A and 46B”.’

Minister for Employment and Learning

Clause 8 [*Question that Clause 8 stand part negatived*]

The Minister for Employment and Learning gives notice of his intention to oppose the question that Clause 8 stand part of the Bill.

Minister for Employment and Learning

Amendment 4 [*Negatived*]

Clause 9, Page 8, Line 37

After ‘add ‘’ insert ‘(irrespective of the number of heads of claim)’

Mr Phil Flanagan

Ms Bronwyn McGahan

Mr Fra McCann

Amendment 5 [*Made*]

Clause 9, Page 8, Line 39

At end insert -

‘(2) In Article 104 of that Order (regulations and orders) —

(a) in paragraph (1), after “101(1)” insert “and no regulations which include provision under Article 84B(2)(a)”;

(b) in paragraph (2), after “Schedule 1” insert “and regulations which include provision under Article 84B(2)(a)”.’

Minister for Employment and Learning

Amendment 6 [Made]**New Clause**

After Clause 9 insert -

'Assessment of matters relating to tribunal proceedings

Assessment of matters relating to tribunal proceedings

9A.—(1) The Department may by regulations make provision for a prescribed person to provide relevant parties with an assessment in accordance with the regulations of prescribed matters in connection with any tribunal proceedings which might be or have been instituted by one or more of those parties.

(2) In this section—

“prescribed” means prescribed by regulations under this section;

“relevant parties” means such persons as may be prescribed;

“tribunal proceedings” means prescribed proceedings before an industrial tribunal or the Fair Employment Tribunal.

(3) Regulations under this section are subject to negative resolution.’

Minister for Employment and Learning

Amendment 7 [Made]**New Clause**

After Clause 9 insert -

‘Review of early conciliation

9B.—(1) The Department must review the operation of—

(a) Articles 20 to 20C of the Industrial Tribunals (Northern Ireland) Order 1996;

(b) Articles 46B and 88ZA to 88ZC of the Fair Employment and Treatment (Northern Ireland) Order 1996; and

(c) the amendments made by Schedules 1 and 2,

at the end of the period of one year beginning with the commencement of this section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

(a) a synopsis of consultation responses;

(b) an assessment and evaluation of the effectiveness of these provisions;

(c) the number of cases overall, the number dealt with by early conciliation, the length of time taken for each and the outcome of each;

(d) any savings directly attributable to the introduction of these provisions.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of early conciliation.’

Chair, Committee for Employment and Learning

Amendment 8 [Not called]**New Clause**

After Clause 9 insert -

‘Review of neutral assessment

9C.—(1) The Department must review the operation of—

(a) Article 20D of the Industrial Tribunals (Northern Ireland) Order 1996; and

(b) Article 88ZD of the Fair Employment and Treatment (Northern Ireland) Order 1998,

at the end of the period of one year beginning with the commencement of this section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

(a) a synopsis of consultation responses;

(b) an assessment and evaluation of the effectiveness of these provisions;

(c) the number of cases overall, the number dealt with by neutral assessment, the length of time taken for each and the outcome of each;

(d) any savings directly attributable to the introduction of these provisions.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of neutral assessment.’

Chair, Committee for Employment and Learning

Amendment 9 [Made]**Clause 14**, Page 10, Line 28

After 'Assembly' insert 'or to the Secretary of State for laying before both Houses of Parliament'

*Minister for Employment and Learning***Amendment 10 [Not moved]****New Clause**

After Clause 16 insert -

*'Gender pay and disclosure of information***Gender pay gap information****16A.**—(1) Employers must, in accordance with regulations to be made by the Department under this section, publish—

- (a) information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees; and
- (b) details of the methodology used to calculate any statistics contained in the information.

(2) Where there are differences in the pay of male and female employees, an employer must publish an action plan to eliminate those differences.

(3) A copy must be sent to all employees and any trade union recognised by the employer.

(4) This section does not apply to an employer who has fewer than 50 employees.

(5) The regulations must prescribe—

- (a) descriptions of employer;
- (b) descriptions of employee;
- (c) how to calculate the number of employees that an employer has;
- (d) a standardised method for calculating any differences in the pay of male and female employees;
- (e) descriptions of information;
- (f) a requirement that information include statistics on workers within each pay band in relation to:
 - (i) ethnicity, and
 - (ii) disability;
- (g) the time at which information is to be published; and
- (h) the form and manner in which it is to be published.

(6) The first regulations under this section must be made by 10 November 2016.

(7) Regulations under subsection (5)(g) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months or less frequently than at intervals of 36 months.

(8) The regulations may make provision for a failure to comply with the regulations—

- (a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for every employee;
- (b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(9) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

(10) Within 18 months of the day on which this Act receives Royal Assent, the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees.'

*Mr Phil Flanagan**Ms Bronwyn McGahan**Mr Fra McCann***Amendment 11 [Made]****Clause 17**, Page 11

Leave out lines 43 to line 6 on page 12 and insert -

“(4) The Department must make arrangements under this section for providing careers guidance for such persons as the Department considers appropriate.

(5) The guidance must—

- (a) be provided in an impartial manner; and
- (b) be in the best interests of the person receiving it.

(5A) The Department may by regulations make such provision concerning arrangements under subsection (4) as the Department considers appropriate, including provision requiring the guidance to be delivered or otherwise provided by a person who has such qualifications as the Department may determine.’

Minister for Employment and Learning

Amendment 12 [Made]

Clause 18, Page 12

Leave out line 18 and insert ‘must be made under this section for providing apprenticeships and traineeships’

Minister for Employment and Learning

Amendment 13 [Made]

Clause 18, Page 12, Line 20

At end insert -

‘(8) Regulations under subsection (7) may make provision as to the components of apprenticeships and traineeships.’

Minister for Employment and Learning

Amendment 14 [Negatived on division]

New Clause

After Clause 18 insert -

‘Qualifying period of employment

Qualifying period of employment

18A.—(1) Article 124 of the Employment Rights (Northern Ireland) Order 1996 (right to written statement of reasons of dismissal) is amended as follows.

(2) In paragraph (3), for “one year” substitute “two years”.

(3) In Article 140 of that Order (qualifying period of employment), for “one year” substitute “two years”—

(a) in paragraph (1); and

(b) in paragraph (2).’

Mr Basil McCrea

Amendment 15 [Negatived on division]

New Clause

After Clause 18 insert -

‘Zero hour contracts

Zero hour contracts

18A.—(1) Zero hour contracts are prohibited.

(2) Zero hours contracts means a contract of employment or other worker’s contract under which—

(a) the undertaking to do or perform work or services is an undertaking to do so conditionally on the employer making work or services available to the worker, and

(b) there is no certainty that any such work or services will be made available to the worker.’

Mr Phil Flanagan

Ms Bronwyn McGahan

Mr Fra McCann

Amendment 16 [Made]

Clause 19, Page 12, Line 36

At end insert -

‘(8) An order under paragraph (7) may exclude the application of paragraph (2) in relation to any sum increased or decreased by the order for such period as may be specified in the order.’

Minister for Employment and Learning

Amendment 17 [Made]

Clause 20, Page 13, Line 31

After ‘only’ insert ‘by or’

Minister for Employment and Learning

Amendment 18 [*Made*]

Schedule 3, Page 24, Line 21

Column 2, at beginning insert -

‘Article 38(1A).
In Article 46(1), the words from “and to any regulations” to
“2003”.’

Minister for Employment and Learning

Amendment 19 [*Made*]

Schedule 3, Page 24, Line 33

Column 2, at end insert -

‘In Schedule 5, paragraph 4(1) and (2).’

Minister for Employment and Learning

Justice (No. 2) Bill

Annotated Marshalled List of Amendments Consideration Stage

Wednesday 10 February 2016

Amendments tabled up to 9.30am Wednesday, 3 February 2016 and selected for debate.
The Bill will be considered in the following order
Clauses, Schedules and Long Title

Amendment 1 [*Made*]

Clause 1, Page 2, Line 1

Leave out subsection (3)

Minister of Justice

Amendment 2 [*Negated on division*]

Clause 2, Page 2, Line 14

After 'officers' insert ', however, regulations under this provision may not provide for the outsourcing of those functions to agencies or private companies'

Mr Raymond McCartney

Mr Seán Lynch

Ms Bronwyn McGahan

Amendment 3 [*Negated on division*]

Clause 4, Page 3, Line 25

After 'satisfied' insert 'that any deduction from benefits would not have the effect of extending the sanction to dependants of the debtor,'

Mr Raymond McCartney

Mr Seán Lynch

Ms Bronwyn McGahan

Amendment 4 [*Made*]

Clause 4, Page 3, Line 32

Leave out 'sum due' and insert 'outstanding amount'

Minister of Justice

Amendment 5 [*Made*]

Clause 4, Page 3, Line 33

Leave out 'sum due' and insert 'outstanding amount'

Minister of Justice

Amendment 6 [*Made*]

Clause 5, Page 4, Line 34

After 'applies' insert 'or which is treated by a provision of that section as if it were a benefit to which that section applies'

Minister of Justice

Amendment 7 [*Made*]

Clause 6, Page 5, Line 20

Leave out '(2)(a) or (b)' and insert '(2)'

Minister of Justice

Amendment 8 [*Made*]

Clause 6, Page 5, Line 39

Leave out from 'is' to 'amount' on line 40 and insert '(if sold) would be sufficient to discharge the outstanding amount and the amount of any charges likely to be imposed and costs likely to be incurred in connection with executing a vehicle seizure order in relation to the vehicle'

Minister of Justice

Amendment 9 [*Not moved*]**Clause 6**, Page 5, Line 40

At end insert -

‘(d) it can be demonstrated that such a seizure may adversely impact upon children or adult dependants of the debtor.’

*Mr Raymond McCartney**Mr Seán Lynch**Ms Bronwyn McGahan***Amendment 10** [*Made*]**Clause 7**, Page 6, Line 34

At end insert -

‘(3) The collection officer’s report is admissible in proceedings before a court as evidence of the facts stated in it; and a court may, for example, take the report into account in deciding whether to issue a warrant under section 9A.’

*Minister of Justice***Amendment 11** [*Not moved*]**Clause 9**, Page 7, Line 32

At end insert -

‘(i) if the debtor is an individual with a drug or alcohol addiction, make a Work Development and Rehabilitation of Debtors order that the debt shall be satisfied by attendance on an addiction course or programme of counselling;’

*Chair, Committee for Justice***Amendment 12** [*Not moved*]**Clause 9**, Page 7, Line 32

At end insert -

‘(j) if the debtor is an individual with a mental health condition, make a Work Development and Rehabilitation of Debtors order that the debt shall be satisfied by attendance on a programme of psychiatric counselling;’

*Chair, Committee for Justice***Amendment 13** [*Not moved*]**Clause 9**, Page 7, Line 32

At end insert -

‘(k) if the debtor is a homeless person, make a Work Development and Rehabilitation of Debtors order that the debt shall be satisfied by attendance on a period of unpaid community service;’

*Chair, Committee for Justice***Amendment 14** [*Not moved*]**Clause 9**, Page 7, Line 36

At end insert -

‘(2) The Department may by regulations provide for a Work Development and Rehabilitation of Debtors scheme under which a debtor referred to court may be required to undertake a course, counselling or community work in accordance with paragraphs (i), (j) and (k) above; the scheme to include appeal and consent mechanisms and the provision of supporting documentation by a relevant professional person.’

*Chair, Committee for Justice***Amendment 15** [*Made*]**Clause 9**, Page 8, Line 20

At end insert -

‘(8A) Where the court issues a warrant of committal under subsection (1)(i), the length of the period of committal as pronounced by the court is to be reduced by the length of any period during which the debtor has, in the case to which the hearing under this section relates, been remanded or committed in custody under section 9C (but not under subsection (7) of that section).’

*Minister of Justice***Amendment 16** [*Made*]**New Clause**

After Clause 9 insert -

‘Power to issue arrest warrant where debtor fails to attend hearing referral of case

9A.—(1) This section applies where, in the case of a debtor who is an individual—

- (a) a summons is issued under section 6(10) or 8(3), but
- (b) the debtor does not appear before court as required by the summons.

- (2) The court before which the debtor was required to appear may issue a warrant for the debtor's arrest if—
- it is not satisfied that the summons was served on the debtor or that the debtor is evading service but is satisfied that a reasonable attempt has been made to serve the summons on the debtor,
 - it is satisfied that the debtor is aware of the liability to pay the sum due and of the possible consequences of defaulting on the payment,
 - it is considering the possibility of issuing a warrant to commit the debtor to prison under section 9(1)(i), and
 - it is satisfied that issuing a warrant for the debtor's arrest instead of reissuing the summons is proportionate to the objective of securing the debtor's appearance before the court.
- (3) On issuing a warrant under this section, the court must endorse the warrant for bail so as to direct that, once arrested, the debtor must be released on entering into the recognizance specified in the endorsement.
- (4) A warrant under this section may be executed only by a constable.
- (5) A warrant under this section is not to be regarded for the purposes of Article 19(1)(a)(i) of the Police and Criminal Evidence (Northern Ireland) Order 1989 as a warrant issued in connection with or arising out of criminal proceedings.'

Minister of Justice

Amendment 17 [Made]

New Clause

After Clause 9 insert -

***Arrest under warrant under section 9A**

- 9B.**—(1) This section applies where a debtor is arrested in reliance on a warrant issued under section 9A.
- (2) If the debtor enters into the recognizance specified in the endorsement to the warrant, it is not necessary for the debtor to be taken to a police station; and if the debtor is taken to a police station without having entered into the recognizance, he or she must be released from custody on entering into it.
- (3) If the debtor enters into the recognizance, the hearing of the debtor's case under section 9 on the referral under section 6 or 8 is to take place at the time and place specified in accordance with provision made in the recognizance.
- (4) If the debtor does not enter into the recognizance, the debtor must as soon as is practicable be brought before either a magistrates' court or the Crown Court, whichever is next sitting; and, pending that, the debtor may be kept in custody at a police station.
- (5) If the debtor is brought before a magistrates' court and it is the responsible court in the debtor's case, it—
- must at that sitting hear the debtor's case under section 9 on the referral under section 6 or 8, or
 - if it not possible for the court to do so at that sitting, must adjourn the hearing on the referral to such time and place as it specifies and must remand the debtor in accordance with section 9C.
- (6) If the debtor is brought before a magistrates' court but the Crown Court is the responsible court in the debtor's case, it must commit the debtor to the Crown Court in accordance with section 9C.
- (7) If the debtor is brought before the Crown Court and it is the responsible court in the debtor's case, it—
- must at that sitting hear the debtor's case under section 9 on the referral under section 6 or 8, or
 - if it not possible for the court to do so at that sitting, must adjourn the hearing on the referral to such time and place as it specifies and must remand the debtor in accordance with section 9C.
- (8) If the debtor is brought before the Crown Court but it is not the responsible court in the debtor's case, it must remit the debtor's case to the magistrates' court which is the responsible court and must remand the debtor in accordance with section 9C.
- (9) Where a debtor has entered into the recognizance, the outstanding amount may, before the hearing on the referral of the debtor's case, be paid to the police or the court; and on the payment being made, the warrant ceases to have effect.
- (10) Where the debtor has not entered into the recognizance, the outstanding amount may, before the debtor is brought before the court under this section, be paid to the police or the court; and on the payment being made, the warrant ceases to have effect.
- (11) Where the debtor has been dealt with as mentioned in subsections (5) to (8) pending the hearing on the referral of the debtor's case, the outstanding amount may, before the hearing on the referral, be paid to the court.
- (12) The police, on receiving a payment under subsection (9) or (10), must send it to the court.
- (13) If, at the time of the commencement of this section, Part 1 of the Justice Act (Northern Ireland) 2015 (single jurisdiction for county courts and magistrates' courts) has yet to come into force, this section, pending the commencement of that Part, has effect as if after subsection (5) there were inserted—
- “(5A) If the debtor is brought before a magistrates' court but another magistrates' court is the responsible court in the debtor's case, it must adjourn the hearing on the referral to that other court at such time and place as it specifies and must remand the debtor in accordance with section 9C.”'

Minister of Justice

Amendment 18 [Made]**New Clause**

After Clause 9 insert -

‘Remand or committal under section 9B

- 9C.**—(1) For the purposes of the remand or committal of a debtor under section 9B(5) to (8), the court must either—
- (a) remand or commit the debtor in custody, by committing the debtor to custody to be brought before the responsible court at the end of the period specified by the court (but see also subsection (7)), or
 - (b) remand or commit the debtor on bail, by remanding the debtor on bail subject to such conditions as the court may specify for the debtor’s subsequent appearance before the responsible court.
- (2) A reference in this section to being remanded or committed in custody is to be read in accordance with subsection (1)(a); and a reference in this section to being remanded or committed on bail is to be read in accordance with subsection (1)(b).
- (3) If the debtor is remanded or committed in custody, the court may give its consent to the debtor being remanded or committed on bail.
- (4) The period for which the debtor may be remanded or committed in custody must not exceed—
- (a) in a case where the debtor consents, 28 days;
 - (b) in any other case, 8 days.
- (5) The period for which the debtor may remanded or committed on bail must not exceed 28 days.
- (6) If the debtor is aged under 18, he or she may not be remanded or committed in custody.
- (7) If the debtor is aged 21 or over, the remand or committal of the debtor in custody may, on an application made by a police officer not below the rank of inspector, be made by—
- (a) committing the debtor to detention at a police station, or
 - (b) committing the debtor to the custody of a constable (otherwise than at a police station).
- (8) The period for which the debtor may be committed under subsection (7)(a) must not exceed 3 days beginning with the day following that on which the debtor was committed.
- (9) The debtor may not be committed to detention at a police station under subsection (7)(a) unless there is a need for him or her to be so detained for the purposes of inquiries into a criminal offence; and if the debtor is committed to such detention—
- (a) the debtor must, as soon as that need ceases, be brought back before the court;
 - (b) the debtor is to 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 debtor is to be subject to periodic review at the times set out in Article 41 of that Order.
- (10) The debtor may not be committed to the custody of a police officer under subsection (7)(b) unless there is a need for him or her to be kept in such custody for the purposes of inquiries into a criminal offence; and if the debtor is committed to such custody, he or she must, as soon as that need ceases, be brought back before the court.
- (11) The court may order the debtor to be brought before it at any time before the expiration of the period for which the person has been remanded or committed.’

Minister of Justice

Amendment 19 [Made]**New Clause**

After Clause 9 insert -

‘Costs relating to referral of debtor’s case

- 9D.**—(1) The costs of the hearing of a debtor’s case under section 9 (including any costs incurred in connection with any matter preliminary or incidental to the hearing, but not including any costs incurred by the debtor) are to be defrayed in the first instance by the Department of Justice.
- (2) The costs to be defrayed under subsection (1) are to be such rates or such amounts as may be generally or specifically approved by the Department of Finance and Personnel.
- (3) The court hearing the debtor’s case under section 9 may, in addition to any other order which it may make at the hearing, order the debtor to pay the whole or any part of the costs referred to in subsection (1); but, if the debtor is an individual aged under 18, the amount of any costs ordered under this subsection may not exceed the outstanding amount.
- (4) The payment of an amount imposed by an order under subsection (3) is enforceable in the same manner as a fine or other sum adjudged to be paid by or imposed on a conviction of the court (and this Chapter applies in relation to that amount accordingly).
- (5) The costs of any proceedings under section 9B involving the debtor are to be regarded for the purposes of this section as costs of the hearing of the debtor’s case under section 9.’

Minister of Justice

Amendment 20 [Negatived]**Clause 10**, Page 8, Line 32

At end insert -

‘(2A) The application may not be made in a case where any deduction from benefits would have the effect of extending the sanction to dependants of the debtor.’

*Mr Raymond McCartney**Mr Seán Lynch**Ms Bronwyn McGahan***Amendment 21 [Made]****Clause 11**, Page 9, Line 15

After ‘make’ insert ‘further provision about applications for deductions from benefits; and the regulations may in particular make’

*Minister of Justice***Amendment 22 [Made]****New Clause**

After Clause 12 insert -

‘Disclosure of information

12A.—(1) The Department for Social Development, or a person providing services to that Department, may disclose social security information to a court or a collection officer for the purpose of—

- (a) facilitating a decision by the court or officer whether or not to make an application for deduction from benefits, or
- (b) facilitating the making of the application by the court or officer.

(2) In subsection (1), “social security information” means—

- (a) information which is held by the Department for the purposes of functions relating to social security,
- (b) information which is held by a person providing services to the Department in connection with the provision of those services, or
- (c) information which is held with information of the description given in paragraph (a) or (b).

(3) A person to whom information is disclosed under this section commits an offence if the person—

- (a) discloses the information to another person, or
- (b) uses the information for a purpose other than a purpose referred to in subsection (1).

(4) It is not an offence under subsection (3)—

- (a) to disclose any information in accordance with a statutory provision or with an order of a court or of a tribunal established by or under a statutory provision or for the purposes of any proceedings before a court,
- (b) to disclose or use any information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it, or
- (c) to disclose or use any information which has previously been lawfully disclosed to the public.

(5) It is a defence for a person charged with an offence under subsection (3) to prove that the person reasonably believed that the disclosure or use was lawful.

(6) A person guilty of an offence under subsection (3) 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 both.

(7) Nothing in this section authorises the making of a disclosure which contravenes the Data Protection Act 1998.

(8) In this section, “information” means information held in any form.’

*Minister of Justice***Amendment 23 [Made]****Clause 13**, Page 10, Line 32

Leave out ‘regarded’ and insert ‘treated’

*Minister of Justice***Amendment 24 [Negatived]****Clause 15**, Page 12, Line 21

At end insert -

‘(e)make provision for a formal assessment in which the impact of any order upon a debtors dependants is given due regard.’

*Mr Raymond McCartney**Mr Seán Lynch**Ms Bronwyn McGahan*

Amendment 25 [*Negatived*]**Clause 17**, Page 13, Line 36

At end insert -

‘(e)make provision for a formal assessment in which the impact of any order upon a debtors dependants is given due regard’

*Mr Raymond McCartney**Mr Seán Lynch**Ms Bronwyn McGahan***Amendment 26** [*Made*]**Clause 18**, Page 14, Line 14

After ‘require’ insert ‘(even though the collection officer’s report is, by virtue of section 7(3), admissible at the hearing)’

*Minister of Justice***Amendment 27** [*Made*]**Clause 18**, Page 14, Line 14

At end insert -

‘(3A) Before making a vehicle seizure order, the responsible court must, in satisfying itself that the order would be justified, reasonable and proportionate in all the circumstances of the case, have particular regard to the likely effect of the order on the debtor’s ability to earn a living.’

*Minister of Justice***Amendment 28** [*Not moved*]**Clause 18**, Page 14, Line 24

At end insert -

‘(f)a case where it can be demonstrated that such a seizure may adversely impact upon children or adult dependants of the debtor.’

*Mr Raymond McCartney**Mr Seán Lynch**Ms Bronwyn McGahan***Amendment 29** [*Made*]**Clause 18**, Page 14, Line 36

Leave out paragraph (b)

*Minister of Justice***Amendment 30** [*Made*]**Clause 22**, Page 16, Line 27

At end insert -

“‘statutory provision’ has the same meaning as in the Interpretation Act (Northern Ireland) 1954;”

*Minister of Justice***Amendment 31** [*Made*]**Clause 23**, Page 17, Line 9

At end insert -

‘(2) The Department of Justice may by order make such consequential, supplementary or incidental provision as it considers appropriate in consequence of, or for giving full effect to, this Chapter.

(3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.’

*Minister of Justice***Amendment 32** [*Made*]**Clause 24**, Page 17, Line 19

Before ‘either’ insert ‘the individual’

*Minister of Justice***Amendment 33** [*Made*]**Clause 24**, Page 18, Line 25

At end insert -

‘(10A) But the references in this Article to a sum adjudged to be paid by or imposed on a conviction do not include a reference to an amount payable under a confiscation order under Part 4 of the Proceeds of Crime Act 2002.’

Minister of Justice

Amendment 34 [Made]**Clause 24**, Page 18, Line 26

Leave out from ‘means’ to end of line 28 and insert ‘, in relation to a supervised activity order, means a probation officer with responsibility for supervising the carrying out of the requirements of the order.’

*Minister of Justice***Amendment 35 [Made]****Clause 25**, Page 20, Line 22

At end insert -

‘(5A) In section 5(3) of the Treatment of Offenders (Northern Ireland) Act 1968 (power of court to detain young person in youth offenders centre for default), for “Article 47” substitute “Article 46C”.’

*Minister of Justice***Amendment 36 [Made]****Clause 27**, Page 21, Line 23

Leave out ‘1998’ and insert ‘2008’

*Minister of Justice***Amendment 37 [Made]****Clause 29**, Page 22, Line 14

At end insert ‘or on the Ombudsman’s own initiative (see sections 35A and 35B)’

*Minister of Justice***Amendment 38 [Negatived on division]****Clause 29**, Page 22, Line 14

At end insert -

‘(2) The Ombudsman may for the purpose of any of the Ombudsman’s functions, initiate such investigations as the Ombudsman considers necessary or expedient.

(3) The Ombudsman may not exercise the power under 29 (2) unless he/she is satisfied that any investigation would be—

- (a) in the public interest and
- (b) the substance of the investigation would not fall within an existing statutory complaints or investigatory framework.’

*Mr Raymond McCartney**Mr Seán Lynch**Ms Bronwyn McGahan***Amendment 39 [Made]****Clause 30**, Page 23, Line 11

Leave out from ‘at’ to end of line 19 and insert -

‘at any time if it appears to the Ombudsman that—

- (a) a criminal investigation might be adversely affected by the Ombudsman’s investigation;
- (b) the exercise of functions under the Health and Safety at Work (Northern Ireland) Order 1978 might be adversely affected by the Ombudsman’s investigation;
- (c) it is appropriate to do so because of any proceedings for judicial review; or
- (d) it is appropriate to do so for any other reason.’

*Minister of Justice***Amendment 40 [Made]****Clause 30**, Page 23, Line 39

At end insert -

‘(15) At any time in the course of an investigation under this section the Ombudsman may—

- (a) draw to the attention of the police any matter which in the Ombudsman’s opinion is relevant to any criminal investigation;
- (b) draw to the attention of any body or person any matter which in the Ombudsman’s opinion calls for action to be taken by that body or person.’

Minister of Justice

Amendment 41 [Made]**Clause 32**, Page 25, Line 3

Leave out from 'at' to end of line 11 and insert -

'at any time if it appears to the Ombudsman that—

- (a) a criminal investigation might be adversely affected by the Ombudsman's investigation;
- (b) the exercise of functions under the Health and Safety at Work (Northern Ireland) Order 1978 might be adversely affected by the Ombudsman's investigation;
- (c) it is appropriate to do so because of any proceedings for judicial review; or
- (d) it is appropriate to do so for any other reason.'

*Minister of Justice***Amendment 42 [Made]****Clause 34**, Page 26, Line 9

Leave out subsection (1) and insert -

'(1) The Department—

- (a) shall request the Ombudsman to investigate any custody-related matter if any of the events to which it relates is of such a nature or description, or occurs in such circumstances, as may be prescribed;
 - (b) may request the Ombudsman to investigate any other custody-related matter which is specified in the request.
- (1A) Before making any request under subsection (1) the Department shall consult the Ombudsman.'

*Minister of Justice***Amendment 43 [Made]****Clause 34**, Page 26, Line 17

At end insert -

- '(2A) Before making any regulations under subsection (1)(a) the Department shall consult—
- (a) the Ombudsman; and
 - (b) such other persons as the Department thinks appropriate.'

*Minister of Justice***Amendment 44 [Made]****Clause 34**, Page 26, Line 26

At end insert -

- '(6) At any time in the course of an investigation under this section the Ombudsman may—
- (a) draw to the attention of the police any matter which in the Ombudsman's opinion is relevant to any criminal investigation;
 - (b) draw to the attention of any body or person any matter which in the Ombudsman's opinion calls for action to be taken by that body or person.'

*Minister of Justice***Amendment 45 [Made]****New Clause**

After Clause 35 insert -

*'Own-initiative investigations***Own-initiative investigations****35A.**—(1) The Ombudsman may carry out an investigation under this section into a matter if—

- (a) the matter relates—
 - (i) to the way in which a prisoner has been treated by a prison officer;
 - (ii) to the way in which a person visiting a prison has been treated by a prison officer;
 - (iii) to the facilities available to a person at a prison (including, in the case of a prisoner, facilities for the welfare of the prisoner);
 - (iv) to the cleanliness and adequacy of a prison; and
- (b) the Ombudsman has reasonable grounds for believing that, in relation to the matter—
 - (i) a number of events of the same or a similar nature have occurred; and
 - (ii) the number or frequency of the events requires the matter to be investigated under this section.

(2) Before commencing an investigation under this section, the Ombudsman must—

- (a) consult the Department; and

- (b) inform the Department of the matter proposed to be investigated and of the grounds referred to in subsection (1)(b).
 (3) It is for the Ombudsman to determine the procedures to be applied to an investigation under this section.
 (4) This section applies to a matter whether or not a complaint has been, or could be, made about the matter under section 30.'

Minister of Justice

Amendment 46 [Made]

New Clause

After Clause 35 insert -

'Report on investigation under section 35A

35B.—(1) Where the Ombudsman has carried out an investigation under section 35A, the Ombudsman must report in writing on the outcome of the investigation to—

- (a) the Department; and
 (b) any other person the Ombudsman considers should receive the report.

(2) In a report to the Department the Ombudsman may make recommendations about any matter arising from the investigation.

(3) Where such recommendations are made in a report, the Department must, within the required period, respond in writing to the Ombudsman setting out (with reasons) what it proposes to do about the recommendations.

(4) The required period is the period of 28 days commencing with the day on which the Department receives the report or such longer period as the Ombudsman may in the case of any report allow.

(5) The Ombudsman may report on that response to such persons as the Ombudsman may think fit.

(6) Regulations may make provision as to the procedures to be followed in relation to reports under this section and may in particular include provision—

- (a) enabling the Ombudsman to show any person a draft of the whole or any part of a report;
 (b) enabling the Ombudsman to publish the whole or any part of a report;
 (c) restricting or prohibiting the identification of prescribed persons or persons of a prescribed description in a report or the inclusion of information of a prescribed description.'

Minister of Justice

Amendment 47 [Negatived]

Clause 36, Page 27, Line 16

At end insert -

'(d) compel a person to assist in any investigation under this Part.'

Mr Raymond McCartney

Mr Seán Lynch

Ms Bronwyn McGahan

Amendment 48 [Not called]

Clause 36, Page 27

Leave out subsection (4) and insert -

'(4) A person who refuses to assist an investigation under this Part or a person who intentionally obstructs an investigation under this Part commits an offence and is liable under summary conviction to a fine not exceeding Level 3 on the standard scale.'

Mr Raymond McCartney

Mr Seán Lynch

Ms Bronwyn McGahan

Amendment 49 [Made]

Clause 37, Page 28, Line 2

At end insert -

'(ca) to the Attorney General for Northern Ireland for the purposes of the exercise of any functions of that office;'

Minister of Justice

Amendment 50 [Made]

Clause 37, Page 28, Line 3

Leave out 'Ombudsperson' and insert 'Ombudsman'

Minister of Justice

Clause 38 [Question that Clause 38 stand part agreed on division]

The Members listed below give notice of their intention to oppose the question that Clause 38 stand part of the Bill.

Mr Raymond McCartney

Mr Seán Lynch

Ms Bronwyn McGahan

Amendment 51 [Made]

Clause 40, Page 30, Line 12

At end insert -

‘(6A) In applying section 35A(1)(b) the Ombudsman may take into account events occurring in the period of 12 months immediately preceding the appointed day (as well as events occurring on or after that day).’

Minister of Justice

Amendment 52 [Made]

New Clause

Before Clause 41 insert -

‘Animal welfare

Penalties for animal welfare offences

40A.—(1) In section 31 of the Welfare of Animals Act (Northern Ireland) 2011 (penalties), in subsection (1) (summary-only offences), omit “8(3),” and “, 33(9), 40(7)”.

(2) After that subsection insert—

“(1A) A person guilty of an offence under section 4 or 8(1) or (2) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding £20,000, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or both.”.

(3) In subsection (2) of that section (hybrid offences)—

(a) omit “4,” and

(b) for “and 8(1) and (2)” substitute “, 8(3), 33(9) and 40(7)”.

(4) In that subsection, in paragraph (b), for “2 years” substitute “5 years”.

(5) In each of the following provisions of that Act, for “8(1) and (2)” substitute “8”—

(a) section 32(1) (deprivation);

(b) section 33(10) (disqualification);

(c) section 36(1) (destruction in interests of animal).

(6) In each of the following provisions of that Act, for “8(1) or (2)” substitute “8”—

(a) section 36(6) (destruction in interests of animal);

(b) section 37(1) (destruction of animals involved in fighting offences);

(c) section 38(1) (reimbursement of expenses relating to animals involved in fighting offences).

(7) In Article 29(1) of the Magistrates’ Courts (Northern Ireland) Order 1981 (right to claim trial by jury subject to exceptions), after sub-paragraph (o) insert—

“(p)section 4 or 8(1) or (2) of the Welfare of Animals Act (Northern Ireland) 2011 (unnecessary suffering; fighting).”.

Minister of Justice

Amendment 53 [Made]

New Clause

After Clause 42 insert -

‘Disclosing private sexual photographs and films with intent to cause distress

42A.—(1) It is an offence for a person to disclose a private sexual photograph or film if the disclosure is made—

(a) (a) without the consent of an individual who appears in the photograph or film, and

(b) with the intention of causing that individual distress.

(2) But it is not an offence under this section for the person to disclose the photograph or film to the individual mentioned in subsection (1)(a) and (b).

(3) It is a defence for a person charged with an offence under this section to prove that he or she reasonably believed that the disclosure was necessary for the purposes of preventing, detecting or investigating crime.

(4) It is a defence for a person charged with an offence under this section to show that—

(a) the disclosure was made in the course of, or with a view to, the publication of journalistic material, and

- (b) he or she reasonably believed that, in the particular circumstances, the publication of the journalistic material was, or would be, in the public interest.
- (5) It is a defence for a person charged with an offence under this section to show that—
- (a) he or she reasonably believed that the photograph or film had previously been disclosed for reward, whether by the individual mentioned in subsection (1)(a) and (b) or another person, and
- (b) he or she had no reason to believe that the previous disclosure for reward was made without the consent of the individual mentioned in subsection (1)(a) and (b).
- (6) A person is taken to have shown the matters mentioned in subsection (4) or (5) if—
- (a) sufficient evidence of the matters is adduced to raise an issue with respect to it, and
- (b) the contrary is not proved beyond reasonable doubt.
- (7) For the purposes of subsections (1) to (5)—
- (a) “consent” to a disclosure includes general consent covering the disclosure, as well as consent to the particular disclosure, and
- (b) “publication” of journalistic material means disclosure to the public at large or to a section of the public.
- (8) A person charged with an offence under this section is not to be taken to have disclosed a photograph or film with the intention of causing distress merely because that was a natural and probable consequence of the disclosure.
- (9) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both), and
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine (or both).’

Chair, Committee for Justice

Amendment 54 [Made]

New Clause

After Clause 42 insert -

‘Meaning of “disclose” and “photograph or film”

- 42B.**—(1) The following apply for the purposes of section 42A, this section and section 42C.
- (2) A person “discloses” something to a person if, by any means, he or she gives or shows it to the person or makes it available to the person.
- (3) Something that is given, shown or made available to a person is disclosed—
- (a) whether or not it is given, shown or made available for reward, and
- (b) whether or not it has previously been given, shown or made available to the person.
- (4) “Photograph or film” means a still or moving image in any form that—
- (a) appears to consist of or include one or more photographed or filmed images, and
- (b) in fact consists of or includes one or more photographed or filmed images.
- (5) The reference in subsection (4)(b) to photographed or filmed images includes photographed or filmed images that have been altered in any way.
- (6) “Photographed or filmed image” means a still or moving image that—
- (a) was originally captured by photography or filming, or
- (b) is part of an image originally captured by photography or filming.
- (7) “Filming” means making a recording, on any medium, from which a moving image may be produced by any means.
- (8) References to a photograph or film include—
- (a) a negative version of an image described in subsection (4), and
- (b) data stored by any means which is capable of conversion into an image described in subsection (4).’

Chair, Committee for Justice

Amendment 55 [Made]

New Clause

After Clause 42 insert -

‘Meaning of “private” and “sexual”

- 42C.**—(1) The following apply for the purposes of section 42A.
- (2) A photograph or film is “private” if it shows something that is not of a kind ordinarily seen in public.
- (3) A photograph or film is “sexual” if—
- (a) it shows all or part of an individual’s exposed genitals or pubic area,
- (b) it shows something that a reasonable person would consider to be sexual because of its nature, or
- (c) its content, taken as a whole, is such that a reasonable person would consider it to be sexual.

- (4) Subsection (5) applies in the case of—
- (a) a photograph or film that consists of or includes a photographed or filmed image that has been altered in any way,
 - (b) a photograph or film that combines two or more photographed or filmed images, and
 - (c) a photograph or film that combines a photographed or filmed image with something else.
- (5) The photograph or film is not private and sexual if—
- (a) it does not consist of or include a photographed or filmed image that is itself private and sexual,
 - (b) it is only private or sexual by virtue of the alteration or combination mentioned in subsection (4), or
 - (c) it is only by virtue of the alteration or combination mentioned in subsection (4) that the person mentioned in section 42A(1)(a) and (b) is shown as part of, or with, whatever makes the photograph or film private and sexual.’

Chair, Committee for Justice

Amendment 56 [Not moved]

New Clause

After Clause 42 insert -

‘Controlling or coercive behaviour in an intimate or family relationship

- 42A.—(1)** A person (A) commits an offence if—
- (a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
 - (b) at the time of the behaviour, A and B are personally connected,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A and B are “personally connected” if—
- (a) A is in an intimate personal relationship with B, or
 - (b) A and B live together and—
 - (i) they are members of the same family, or
 - (ii) they have previously been in an intimate personal relationship with each other.
- (3) But A does not commit an offence under this section if at the time of the behaviour in question—
- (a) A has responsibility for B, for the purposes of section 6 of the Children (Northern Ireland) Order 1995, and
 - (b) B is under 16.
- (4) A’s behaviour has a “serious effect” on B if—
- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities.
- (5) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.
- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—
- (a) they are, or have been, married to each other;
 - (b) they are, or have been, civil partners of each other;
 - (c) they are relatives;
 - (d) they have agreed to marry one another (whether or not the agreement has been terminated);
 - (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - (f) they are both parents of the same child;
 - (g) they have, or have had, parental responsibility for the same child.
- (7) In subsection (6)—
- “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
 - “child” means a person under the age of 18 years;
 - “parental responsibility” has the meaning described in sections 6 and 6 of the Children (Northern Ireland) Order 1995;
 - “relative” has the meaning understood in family law in Northern Ireland.
- (8) In proceedings for an offence under this section it is a defence for A to show that—
- (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
 - (b) the behaviour was in all the circumstances reasonable.
- (9) A is to be taken to have shown the facts mentioned in subsection (8) if—
- (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (10) The defence in subsection (8) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.

- (11) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.’

Mr Paul Frew

Amendment 57 [Made]

New Clause

After Clause 42 insert -

‘Offence of assaulting and obstructing certain emergency workers

42B.—(1) A person who without reasonable excuse assaults or obstructs another while that other person is, in a capacity mentioned in subsection (2) below, responding to emergency circumstances, commits an offence.

(2) The capacity referred to in subsection (1) above is that of a person employed by a relevant NHS body in the provision of ambulance services (including air ambulance services), or of a person providing such services pursuant to arrangements made by, or at the request of, a relevant NHS body.

- (3) A person guilty of an offence under subsection (1) shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.’

Mr Paul Frew

Amendment 58 [Made]

New Clause

After Clause 44 insert -

‘Direct committal for trial

Direct committal for trial: indictable offence triable summarily

44A.—(1) Section 9 of the Justice Act (Northern Ireland) 2015 (cases where direct committal provisions may apply) is amended as follows.

- (2) In subsection (1) for “either” substitute “one”.
- (3) In subsection (2) after paragraph (a) insert—
 - “(aa)that the offence is an indictable offence to which Article 45 of the Magistrates Courts (Northern Ireland) Order 1981 or Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998 applies; or”.

Minister of Justice

Amendment 59 [Made]

New Clause

After Clause 44 insert -

‘Firearms

Amendments of Firearms (Northern Ireland) Order 2004, etc.

- 44B.—**(1) The Firearms (Northern Ireland) Order 2004 has effect subject to the amendments contained in Schedule 4.
- (2) The following provisions of the Justice Act (Northern Ireland) 2011 are repealed—
- section 103 (variation of firearm certificate);
 - section 104 (restrictions on use of shotguns by young persons), and
 - section 105 (restrictions on possession of air guns by young persons).’

Minister of Justice

Amendment 60 [Made]

New Clause

After Clause 44 insert -

‘Costs

Costs of Accountant General in administering funds in court

44C.—(1) In section 116 of the Judicature (Northern Ireland) Act 1978 (fees), in subsection (1), after “in any office or by any officer connected with any such court” insert “(including the Accountant General and the office maintained under section 77(2))”.

- (2) At the end of that section insert—

“(5) Nothing in this section affects section 39 of the Administration of Justice Act 1982 (which includes provision relating to the costs of administering funds in court).”.’

Minister of Justice

Amendment 61 [Negatived on division]

New Clause

After Clause 44 insert -

‘Medical termination of pregnancy

44A.—(1) Subject to the provisions of this section, a person shall not be guilty of an offence under sections 58 and 59 of the Offences Against the Person Act 1861 and sections 25 and 26 of the Criminal Justice Act (Northern Ireland) 1945 when—

- (a) a pregnancy is terminated by a registered medical practitioner where a diagnosis has been made of a foetal abnormality which is likely to prove fatal, and
- (b) the diagnosis was made by two suitably qualified registered medical practitioners who are of the opinion, formed in good faith, that—
 - (i) the condition of the foetus is likely to cause death either before birth, or during birth, or,
 - (ii) if a live birth should occur, there is no medical treatment which could be offered to alter the fatal nature of the condition or improve the chances of survival.

(2) Every woman, in the circumstances where two medical practitioners have formed an opinion as described in subsection (1), must be given—

- (a) a clinical assessment of the potential impact on her health of either continuing or terminating the pregnancy;
- (b) information on the provision of neonatal and postnatal palliative care in such circumstances; and
- (c) the opportunity to decide whether to terminate the pregnancy or to continue to the point of natural delivery.

(3) In the case where a woman in the circumstances where two medical practitioners have formed an opinion as described in subsection (1) decides to either terminate the pregnancy or continue to the point of natural delivery, she should receive suitable medical and nursing care to enable her to do so.

(4) In subsection (1)(b), “suitably qualified” means a registered medical practitioner who has achieved a Certificate of Completion of Training to practise in the fields of obstetrics, foetal medicine, gynaecology or paediatrics.

(5) No person shall be under any duty to participate directly in any medical or surgical procedure to which they have a conscientious objection and which will result in the termination of a pregnancy.

(6) The right to object on grounds of conscience will not affect any duty to participate directly in such a procedure which is necessary to save the life, or to prevent permanent or long-term injury to the physical or mental health, of a pregnant woman.’

Mr Trevor Lunn
Mr Stewart Dickson

Amendment 62 [Not moved]

New Clause

After Clause 44 insert -

‘Abortion in exceptional cases

44A.—(1) The Offences Against the Person Act 1861 shall be amended as follows.

(2) In section 58 (Administering drugs or using instruments to procure abortion), after “being with child” insert “, except in instances of fatal abnormality, as determined by the woman’s physician, a determination which also concluded that the child is incapable of an existence independent of the woman,”.’

Mr Steven Agnew
Mr Basil McCrea

Amendment 63 [Not called]

As an amendment to amendment 62

‘After “except in” insert -

“cases where the pregnancy was a result of rape or incest, or”’.

Mr Steven Agnew
Mr Basil McCrea

Amendment 64 [Not moved]

New Clause

After Clause 44 insert -

‘Amendment to the Criminal Justice Act (Northern Ireland) 1945: exception

44B.—(1) The Criminal Justice Act (Northern Ireland) 1945 is amended as follows.

(2) In section 25(1) at end insert—

“; or that the act was not done because a fatal abnormality had been determined by the woman’s physician, a determination which also concluded that the child was incapable of an existence independent of the woman.”’

Mr Steven Agnew

Mr Basil McCrea

Amendment 65 [Not called]

As an amendment to amendment 64

‘After “because” insert -

“the pregnancy was a result of rape or incest, or”’.

Mr Steven Agnew

Mr Basil McCrea

Amendment 66 [Not moved]

New Clause

After Clause 44 insert -

‘Amendment to the Criminal Justice Act (Northern Ireland) 1945: defence

44C.—(1) The Criminal Justice Act (Northern Ireland) 1945 is amended as follows.

(2) In section 26, after subsection (2) insert—

“(3) It shall be a defence to an offence under the said section fifty-eight and to an offence under section twenty-five that the person charged is shown by the evidence to have acted in the knowledge that a fatal abnormality had been determined by the woman’s physician, a determination which also concluded that the child was incapable of an existence independent of the woman.”’

Mr Steven Agnew

Mr Basil McCrea

Amendment 67 [Not called]

As an amendment to amendment 66

‘After “knowledge that” insert -

“the pregnancy was a result of rape or incest, or”’.

Mr Steven Agnew

Mr Basil McCrea

Amendment 68 [Negatived on division]

New Clause

After Clause 44 insert -

‘Defence to sections 25 and 26 of the Criminal Justice (Northern Ireland) Act 1945 and sections 58 and 59 of the Offences against the Person Act 1861 in cases of certain sexual crimes

44A.—(1) A person shall not be guilty of an offence under section 25 and 26 of the Criminal Justice (Northern Ireland) Act 1945 or sections 58 and 59 of the Offences against the Persons Act 1861 when a pregnancy is terminated if—

- (a) the pregnant woman has made a complaint to the police alleging that the pregnancy could be caused by rape, incest or indecent assault, as soon as was reasonable in all the circumstances;
- (b) the pregnant woman has produced to the hospital surgeon and/or medical practitioner evidence suggesting that the pregnancy could be caused by rape, incest or indecent assault; and
- (c) the hospital surgeon and/or medical practitioner are of the opinion, formed in good faith, that there are no medical indications which are inconsistent with the allegation that the pregnancy could be caused by rape, incest or indecent assault.

(2) No evidence in respect of, or any matter connected with, the termination of a pregnancy in accordance with this section shall be admissible in any criminal proceedings relating to the alleged rape, incest or indecent assault, except with the leave of the court.’

Ms Anna Lo

Clause 45 [Question that Clause 45 stand part negatived]

The Minister of Justice gives notice of his intention to oppose the question that Clause 45 stand part of the Bill.

Minister of Justice

Amendment 69 [Made]

Clause 46, Page 33, Line 3

Leave out ‘or 30(5)’ and insert ‘, 30(5) or 34(1)(a)’

Minister of Justice

Amendment 70 [Made]**Clause 46**, Page 33, Line 9

At end insert -

‘(aa) an order under section 23(2) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation;’

*Minister of Justice***Amendment 71 [Made]****Clause 46**, Page 33, Line 11

Leave out paragraph (c)

*Minister of Justice***Amendment 72 [Made]****Clause 47**, Page 33, Line 19

Before ‘Part 3’ insert ‘Section 23(2) and (3),’

*Minister of Justice***Amendment 73 [Made]****Clause 47**, Page 33, Line 19

After ‘Part 3’ insert ‘(other than section 40A)’

*Minister of Justice***Amendment 74 [Made]****Schedule 1**, Page 37, Line 17

After ‘court’ insert ‘in the first and third places it appears’

*Minister of Justice***Amendment 75 [Made]****Schedule 1**, Page 37, Line 20

Leave out ‘each place’ and insert ‘the first, third and fourth places’

*Minister of Justice***Amendment 76 [Made]****Schedule 1**, Page 37, Line 35

Leave out from ‘who’ to ‘principal’ on line 36 and insert ‘whose earnings are paid by the body as principal and who is accordingly treated by virtue of section 13(5) as being employed’

*Minister of Justice***Amendment 77 [Made]****Schedule 2**, Page 39, Line 25

At end insert -

‘Police and Criminal Evidence (Northern Ireland) Order 1989

4A. In Article 19(1) (power of constable to enter and search), in sub-paragraph (a), after paragraph (ii) insert “; or

(iii) a warrant of commitment issued under section 9(1)(i) of the Justice (No. 2) Act (Northern Ireland) 2015 (default by debtor);”.’

*Minister of Justice***Amendment 78 [Made]****Schedule 2**, Page 40, Line 26

Leave out ‘clerk of petty sessions’ and insert ‘fixed penalty clerk’

*Minister of Justice***Amendment 79 [Made]****Schedule 2**, Page 40, Line 40

At end insert -

‘Justice Act (Northern Ireland) 2015

6A.—(1) In section 24 (prosecutorial fines: registration of sum payable in default), in subsection (2)(a), for “21 days” substitute “28 days”.

(2) After section 24(3) insert—

“(3A) The fines clerk must refer the case to a district judge (magistrates’ courts) for the judge to consider whether to make a collection order; and the order may be made without a court hearing.

(3B) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under subsection (2) (a).”

(3) In section 25 (challenge to notice), in subsection (7), after “enforcing payment of that sum” insert “(including the making of a collection order)”.

(4) In section 26 (setting aside of sum enforceable under section 24), in subsection (3), after “enforcing payment of that sum” insert “(including the making of a collection order)”.

(5) In section 27 (interpretation), at the appropriate place insert—

““collection order” means an order under section 3 of the Justice (No. 2) Act (Northern Ireland) 2015;”.

Minister of Justice

Amendment 80 [Negatived]

Schedule 3, Page 41, Line 22

Leave out head (d) and insert -

‘(d)if, on conviction of a criminal offence and in the aftermath of risk assessment and the relevance of the offence to the post and it is found that the person is no longer suitable for the post; or’

Mr Raymond McCartney

Mr Seán Lynch

Ms Bronwyn McGahan

Amendment 81 [Made]

Schedule 3, Page 43, Line 6

Leave out ‘Ombudsperson’ and insert ‘Ombudsman’

Minister of Justice

Amendment 82 [Made]

New Schedule

After schedule 3 insert -

‘SCHEDULE 4

Section

AMENDMENTS OF FIREARMS (NORTHERN IRELAND) ORDER 2004

PART 1

FIREARMS - PERSONS UNDER 18

Authorisation of shotgun clubs to allow use of shotguns by persons under the age of 16

1.—(1) In Article 2(2) (interpretation), after the definition of “shotgun certificate” insert—

““shotgun club” means a club established for the purpose of promoting and practising skill in the use of shotguns;”.

(2) In the heading to Part 6, add at the end “AND SHOTGUN CLUBS”.

(3) After the heading to Part 6 add—

“Firearms clubs”.

(4) After Article 50 insert—

“Shotgun clubs

Authorisation of shotgun clubs to allow use of shotguns by minors for limited purposes

50A.—(1) If the Chief Constable is satisfied that there will not be a danger to public safety or to the peace, the Chief Constable may, on payment of the appropriate fee, grant an authorisation for a shotgun club to allow persons under the age of 16 who have attained the age of 12 to use shotguns under appropriate supervision in accordance with the authorisation.

(2) An authorisation must state that it is limited to the use of shotguns for clay target shooting or for such other purposes as may be prescribed.

(3) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to an authorisation;
 - (b) vary or revoke conditions attached under this Article.
- (4) An authorisation shall continue in force for a period of five years from the date on which it is granted but if the Chief Constable is satisfied that there is a danger to public safety or to the peace, the Chief Constable may revoke the authorisation.
- (5) Any person who—
- (a) operates a shotgun club which allows a person under the age of 16 to use a shotgun except in accordance with an authorisation, or
 - (b) contravenes any condition of an authorisation,
- shall be guilty of an offence.
- (6) In this Article—
- “appropriate supervision” means under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least five years;
 - “authorisation” means an authorisation granted under this Article;
 - “prescribed” means prescribed by regulations made by the Department of Justice.
- (7) The Department of Justice may make regulations substituting a different age for the lower age mentioned in paragraph (1) and paragraph 11(4) of Schedule 1.
- (8) The Department of Justice shall not make regulations under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(5) Before the heading to Article 51 insert—

“Power of entry”.

- (6) In Article 51 (power of entry), in paragraph (1)—
- (a) in sub-paragraph (a), after “club” insert “or a shotgun club”;
 - (b) after “Article 49” insert “or 50A”.
- (7) In Schedule 1 (firearm certificates - exemptions), in paragraph 11, after sub-paragraph (3) add—
- “(4) A person who is under the age of 16 but has attained the age of 12 may, without holding a firearm certificate, use a shotgun in accordance with an authorisation under Article 50A.”.
- (8) In Schedule 5 (table of punishments), after the entry relating to Article 49(5)(b) insert—

“Article 50A(5)(a)	Operating a shotgun club which allows unauthorised use of shotguns	(a) Summary	1 year or a fine of the statutory maximum or both
		(b) Indictment	3 years or a fine or both
Article 50A(5)(b)	Contravention of conditions of authorisation	(a) Summary	1 year or a fine of the statutory maximum or both
		(b) Indictment	3 years or a fine or both”.

(9) In Schedule 5, in the second column of the entry relating to Article 51(2), after “club” insert “or shotgun club”.

Other amendments relating to persons under 18

- 2.—(1) Article 7 (purposes for which young person may acquire and have in possession certain firearms and ammunition), in paragraph (3)(b)(i), after “sporting purposes” insert “or for the purpose of pest control”.
- (2) In Schedule 1 (firearm certificates—exemptions)—
- (a) in paragraph 9 (air guns and ammunition), in sub-paragraph (3)(b), (person under 18 may not purchase air gun without a certificate unless the person has attained the age of 17), the words “unless he has attained the age of 17” are repealed;
 - (b) in paragraph 11 (shotguns), in sub-paragraph (3), at the end add “unless the person has attained the age of 16 and is under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least three years”.

PART 2

FIREARM CERTIFICATES AND OTHER CERTIFICATES

Variation of firearm certificate

- 3.—(1) In Article 11 (variation of firearm certificate), for paragraphs (3) to (5) substitute—
- “(3) If a person—

(a) sells a firearm (“the first firearm”) to the holder of a firearms dealer’s certificate (“the dealer”); and
 (b) as part of the same transaction purchases from the dealer another firearm (“the second firearm”); and
 (c) paragraph (4) applies,
 the dealer may, on payment of the appropriate fee, vary that person’s firearm certificate by substituting the second firearm for the first firearm.

- (4) This paragraph applies—
- (a) if both the first firearm and the second firearm are shotguns; or
 - (b) if—
 - (i) the second firearm is of the same type and calibre as the first firearm; and
 - (ii) neither firearm is a prohibited weapon or a shotgun; or
 - (c) if—
 - (i) the first firearm is a rifle of a description mentioned in the first column of Schedule 1A; and
 - (ii) the second firearm is a rifle of a calibre specified in relation to the same Band of Schedule 1A as the calibre of the first firearm; and
 - (iii) neither firearm is a prohibited weapon, a muzzle-loading firearm as defined in Article 45(9) or a shotgun; and
 - (iv) the second firearm will not be of the same calibre as any other firearm to which the firearm certificate relates; and
 - (v) the firearm certificate is not held subject to a condition that the first firearm may be used only for the purposes of target shooting.

(5) If a person—

- (a) sells or transfers a firearm to the holder of a firearms dealer’s certificate (“the dealer”); and
- (b) does not as part of the same transaction purchase or acquire from the dealer another firearm,

the dealer may, on payment of the appropriate fee (if any), vary that person’s firearm certificate by deleting that firearm.

(6) Where the holder of a firearms dealer’s certificate (“the dealer”) varies a firearm certificate under this Article, the dealer shall —

- (a) notify the Chief Constable of the variation within 72 hours of the variation being made; and
- (b) where the dealer receives the fee for varying the certificate, pay it to the Chief Constable.

(7) A person who fails to comply with paragraph (6)(a) shall be guilty of an offence.

(8) Schedule 1A (relevant firearms for Article 11(4)(c)) shall have effect.

(9) The Department of Justice may make regulations amending Schedule 1A if a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(2) After Schedule 1 insert—

“SCHEDULE 1A

Article 11(8).

RELEVANT FIREARMS FOR ARTICLE 11(4)(C)

BAND	CALIBRE
1. Small quarry air rifles	.177 .20 .22 .25
2. Small quarry	.17 Mach 2 .17 HMR (Hornady Magnum Rimfire) .22 LR (Long Rifle) .22 WMR (Winchester Magnum Rimfire)

3. Medium quarry	.17 Hornet .17 Remington .17 Remington Fireball .22 Hornet/5.6x36Rmm .222 Remington .204 Ruger .223 Remington/5.56x45mm .220 Swift .22-250
4. Large quarry	.243 Winchester .25-06 6.5mm x 55/.256 7mm x 08 Remington .270 7.62 x 51mm/.308 Winchester .30-06".

(3) In Schedule 5 (table of punishments), after the entry relating to Article 10(3) insert—

"Article 11(7)	Failure of firearms dealer to notify Chief Constable of variation of firearm certificate	Summary	Level 3".
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Variation of firearms dealer's certificate

4. In Article 29(6) (variation of firearms dealer's certificate), at the end add "on payment of the appropriate fee".

Updated certificates

5.—(1) In Article 5 (grant of firearm certificate)—

(a) in paragraph (5), after "duplicate certificate" insert "or an updated certificate";

(b) after paragraph (5) add—

"(6) In paragraph (5)—

"duplicate certificate" means a copy of the firearm certificate as granted; and

"updated certificate" means the firearm certificate revised up to such date as may be specified on the certificate.".

(2) In Article 26 (grant of firearms dealer's certificate)—

(a) in paragraph (7)—

(i) after "duplicate certificate" insert "or an updated certificate";

(ii) the words "(if any)" are repealed;

(b) after paragraph (7) add—

"(8) In paragraph (7)—

"duplicate certificate" means a copy of the firearms dealer's certificate as granted;

"updated certificate" means the firearms dealer's certificate revised up to such date as may be specified on the certificate.".

Certificates granted in Great Britain

6.—(1) The following provisions of Article 17 (firearm certificate or shotgun certificate granted in Great Britain has effect in Northern Ireland if Chief Constable grants certificate of approval) are repealed—

(a) in paragraph (1), the words from "if" to the end;

(b) paragraphs (2) and (3);

(c) in paragraph (4)—

(i) in the definition of "applicable conditions" the words from "subject" to the end;

(ii) the definitions of "certificate of approval" and "modifications".

(2) In Article 18 (air guns held without a firearm certificate in Great Britain)—

(a) in paragraph (1)—

(i) after "an air gun" insert "to which paragraph (3) applies";

(ii) in sub-paragraph (c) after "issued to him by the Chief Constable" add "on payment of the appropriate fee";

(b) after paragraph (2) add—

“(3) This paragraph applies to an air gun which is capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of one joule.”.

PART 3

SUPPLEMENTARY

Fees

7.—(1) For Schedule 6 (fees) substitute—

“SCHEDULE 6

Article 75.

FEES

Firearm certificate

1. Grant of firearm certificate	£98
2. Variation by Chief Constable	£30
3. Variation by firearms dealer under Article 11(3) to substitute firearm	£15
4. Variation by firearms dealer under Article 11(5) to delete firearm	No fee
5. Duplicate certificate	£14
6. Updated certificate	£14

Museum firearms licence

7. Grant of museum firearms licence by Department of Justice	£110
8. Extension to additional premises	£75

Visitor's firearm permit

9. Grant of visitor's firearm permit (except where paragraph 10 applies)	£16
10. Grant of six or more permits (taken together) on a group application	£80

Certificate of approval for air gun for resident in Great Britain

11. Certificate of approval for air gun for resident in Great Britain	£11
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Firearms dealer's certificate

12. Grant of firearms dealer's certificate	£300
13. Duplicate certificate	£14
14. Updated certificate	£14

Firearms clubs and shotgun clubs

15. Authorisation of firearms club	£71
16. Authorisation of shotgun club to allow use of shotgun by persons 12 or over but under 16, except where the shotgun club is also a firearms club and an authorisation under Article 49 is granted at the same time	£71.”.

Consequential amendment

8. In Article 80(5) (regulations and orders made by the Department of Justice), after “Order” insert “, except regulations under Article 11(9) or 50A,”.

Minister of Justice

Amendment 83 [Made]

Long Title

After 'relating to' insert -

'the penalties for certain animal welfare offences, '

Minister of Justice

Amendment 84 [Made]

Long Title

After 'United Kingdom' insert -

'and direct committal for trial'

Minister of Justice

Amendment 85 [Made]

Long Title

After 'United Kingdom' insert -

'and firearms'

Minister of Justice

Amendment 86 [Made]

Long Title

At end insert '; to make provision relating to the costs of the Accountant General of the Court of Judicature'

Minister of Justice

Northern Ireland Assembly

Papers Presented to the Assembly on 9 – 10 February 2016

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

Safefood Annual Report 2014 (DHSSPS).

Tourism NI Retention and Disposal Schedule (DCAL).

5. Assembly Reports

6. Statutory Rules

S.R. 2016/32 The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (Northern Ireland) 2016 (DSD).

S.R. 2016/000 The Draft Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016 (DHSSPS).

For Information Only

S.R. 2016/31 The Parking Places on Roads (Disabled Persons' Vehicles) (Amendment) Order (Northern Ireland) 2016 (DRD).

7. Written Ministerial Statements

8. Consultation Documents

9. Departmental Publications

10. Agency Publications

Department of Enterprise, Trade and Investment Mineral Development Account for the year ended 31 March 2015 (Northern Ireland Audit Office).

Department of Enterprise, Trade and Investment Petroleum Development Account for the year ended 31 March 2015 (Northern Ireland Audit Office).

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 10 February 2016

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	Bill fell at Final Stage on 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	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	24.06.15	24.07.15
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	29.06.15	01.12.15	12.01.16	
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	16.06.15 & 22.06.15	30.06.15	24.07.15
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	23.06.15	06.10.15	08.12.15	29.01.16
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	29.06.15	30.11.15	08.12.15	29.01.16
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	23.06.15
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15	Minister not planning to move Bill			

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15	11.11.15	01.12.15	11.01.16	25.01.16	
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	28.01.16	25.01.16				
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	18.12.15	09.12.15	18.01.16	26.01.16		
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	25.11.15	18.11.15	08.12.15	12.01.16	25.01.16	
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	20.11.15	18.11.15	11.01.16	26.01.16	08.02.16	
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	24.07.15
Pensions Schemes Bill 54/11-16	22.06.15	30.06.15	/	/	16.11.15	23.11.15	24.11.15	15.01.16
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	27.11.15	19.11.15	11.01.16	26.01.16	09.02.16	
Credit Unions and Co-operative and Community Benefit Societies Bill 56/11-16	23.06.15	06.01.15	24.11.15	24.11.15	12.01.16	08.02.16		
Justice (No. 2) Bill 57/11-16	30.06.15	08.09.15	15.01.16	14.01.16	10.02.16			
Housing (Amendment) Bill 58/11-16	30.06.15	09.11.15	15.01.16	07.01.16	01.02.16			
Houses in Multiple Occupation Bill 60/11-16	07.09.15	07.12.15	12.2.16	04.02.16				

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Shared Education Bill 66/11-16	02.11.15	10.11.15	12.01.16	06.01.16	26.01.16			
Rural Needs Bill 67/11-16	09.11.15	17.11.15	26.01.16	26.01.16				
Health and Personal Social Services (Amendment) Bill 68/11-16	23.11.15	01.12.15	05.02.16	03.02.16				
Departments Bill 70/11-16	30.11.15	08.12.15	/	/	19.01.16	01.02.16	02.02.16	
Addressing Bullying in Schools 71/ 11-16	30.11.15	08.12.15	09.02.16	08.02.16				
Health (Miscellaneous Provisions) Bill 72/11-16	30.11.15	08.12.15	09.02.16	03.02.16				
Employment Bill 73/11-16	07.12.15	12.01.16	23.02.16	27.01.16	09.02.16			
Fisheries Bill 74/11-16	07.12.15	11.01.16	22.02.16	02.02.16				
Rates (Amendment) Bill 75/ 11-16	11.01.16	19.01.16	/	/	25.01.16	01.02.16	02.02.16	
Assembly Members (Reduction of Numbers) Bill 76/ 11-16	12.01.16	25.01.16	/	/	02.02.16			
Budget Bill 77/11-16	08.02.16	09.02.16	/	/				

**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)							

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
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	14.10.15				
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15	02.07.15	29.09.15	19.10.15	03.11.15	09.12.15
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15	29.09.15	20.10.15	30.11.15 / 01.02.16	10.02.16	
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	20.07.15
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15	Bill fell at Second Stage on 20.10.15						
Civil Service (Special Advisers) (Amendment) Bill 61/11-16	14.09.15	Bill fell at Second Stage on 13.10.15						
Assembly and Executive Reform (Assembly Opposition) Bill 62/11-16	22.09.15	12.10.15	26.01.16	20.01.16	02.02.16 / 08.02.16			
Local Government (Numbers and Addresses in Townlands) Bill 63/11-16	12.10.15	Bill fell at Second Stage on 17.11.15						
Human Transplantation Bill 64/11-16	13.10.15	16.11.15	05.02.16	03.02.16				

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Scrap Metal Dealers Bill 65/11-16	19.10.15	16.11.15	19.02.16					
Licensing Bill 69/11-16	24.11.15	07.12.15	19.02.16					

/ 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 February 2016

The Assembly met at noon, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Public Petition

2.1 Public Petition – Better Care for Children with Autism Spectrum Disorder in Northern Ireland

Mr Kieran McCarthy was granted leave, in accordance with Standing Order 22, to present a Public Petition regarding Better Care for Children with Autism Spectrum Disorder in Northern Ireland.

2.2 Motion – Suspension of Standing Orders

Proposed:

That Standing Orders 10(2) to 10(4) be suspended for 15 February 2016.

*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*.

3. Executive Committee Business

3.1 Statement – North South Ministerial Council in Health and Food Safety Sectoral Format

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, made a statement regarding the North South Ministerial Council in Health and Food Safety Sectoral format, which was held in Armagh on Wednesday 20 January 2016, following which he replied to questions.

The Principal Deputy Speaker (Mr Newton) in the Chair.

3.2 Further Consideration Stage – Housing (Amendment) Bill (NIA Bill 58/11-16)

The Minister for Social Development, the Lord Morrow of Clogher Valley, moved the Further Consideration Stage of the Housing (Amendment) Bill (NIA Bill 58/11-16).

No amendments were tabled to the Bill.

The Housing (Amendment) Bill (NIA Bill 58/11-16) stood referred to the Speaker for consideration in accordance with Section 10 of the Northern Ireland Act 1998.

3.3 Consideration Stage – Budget Bill (NIA Bill 77/11-16)

The Minister of Finance and Personnel, Mr Mervyn Storey, moved the Consideration Stage of the Budget Bill (NIA Bill 77/11-16).

No amendments were tabled to the Bill.

Clauses

The question being put, it was **agreed** without division that Clauses 1 to 8 stand part of the Bill.

Schedules

The question being put, it was **agreed** without division that Schedules 1 to 5 stand part of the Bill.

Long Title

The question being put, the Long Title was **agreed** without division.

The Budget Bill (NIA Bill 77/11-16) stood referred to the Speaker.

The Speaker in the Chair.

3.4 Consideration Stage – Rural Needs Bill (NIA Bill 67/11-16)

A valid Petition of Concern, under Standing Order 28, was presented in relation to Amendment 5, on Monday 15 February 2016 (Appendix 1).

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, moved the Consideration Stage of the Rural Needs Bill (NIA Bill 67/11-16).

Fourteen amendments were tabled to the Bill and selected for debate.

The Deputy Speaker (Mr Beggs) in the Chair.

The debate was suspended for Question Time.

The Speaker in the Chair.

4. Question Time

4.1 Office of the First Minister and deputy First Minister

Questions were put to, and answered by, the First Minister, Mrs Arlene Foster. The junior Minister, Mrs Emma Pengelly, also answered a number of questions.

The Principal Deputy Speaker (Mr Newton) in the Chair.

4.2 Environment

Questions were put to, and answered by, the Minister of the Environment, Mr Mark Durkan.

The Deputy Speaker (Mr Beggs) in the Chair.

5. Executive Committee Business (cont'd)

5.1 Consideration Stage – Rural Needs Bill (NIA Bill 67/11-16) (cont'd)

Debate resumed.

Clauses

After debate, amendment 1 to Clause 1 was **made** without division.

After debate, amendment 2 to Clause 1 was **made** without division.

After debate, amendment 3 to Clause 1 was **made** without division.

After debate, amendment 4 to Clause 1 was **made** without division.

The question being put, it was **agreed** without division that Clause 1, as amended, stand part of the Bill.

Amendment 5 was not moved.

The question being put, it was **agreed** without division that Clause 2 stand part of the Bill.

After debate, amendment 6, inserting a new Clause 2A, was **negatived** on division (Division 1).

After debate, amendment 7 to Clause 3 was **made** without division.

After debate, amendment 8 to Clause 3 was **made** without division.

After debate, amendment 9 to Clause 3 was **negatived** without division.

After debate, amendment 10 to Clause 3 was **made** without division.

The question being put, it was **agreed** without division that Clause 3, as amended, stand part of the Bill.

After debate, amendment 11 to Clause 4 was **negatived** without division.

The question being put, it was **agreed** without division that Clause 4 stand part of the Bill.

After debate, amendment 12 to Clause 5 was **made** without division.

The question being put, it was **agreed** without division that Clause 5, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 6 and 7 stand part of the Bill.

Schedules

After debate, amendment 13, inserting a new Schedule, was **made** without division and it was agreed that the new schedule stand part of the Bill.

Long Title

After debate, amendment 14 to the Long Title was **made** without division.

The question being put, it was **agreed** without division that the Long Title, as amended, stand part of the Bill.

The Rural Needs Bill (NIA Bill 67/11-16) stood referred to the Speaker.

5.2 Final Stage – Legal Complaints and Regulation Bill (NIA 50/11-16)

The Minister of Finance and Personnel, Mr Mervyn Storey, moved that the Final Stage of the Legal Complaints and Regulation Bill (NIA Bill 50/11-16) do now pass.

Debate ensued.

The Legal Complaints and Regulation Bill (NIA Bill 50/11-16) passed Final Stage.

5.3 Motion – Draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016

Proposed:

That the draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 be approved.

Minister of Enterprise, Trade and Investment

Debate ensued.

The Deputy Speaker (Mr Dallat) in the Chair.

The Question being put, the Motion was **carried** (Division 2).

6. Committee Business

6.1 Motion – Appointment of an Acting Commissioner

Proposed:

That this Assembly notes that the Northern Ireland Assembly Commissioner for Standards is unable to act in relation to a complaint from Mr Sammy Wilson MP dated 15 December 2015; appoints Mr Gerard Elias as an Acting Commissioner, in accordance with section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, to investigate all such complaints; directs that this appointment shall cease when Mr Elias has reported on all such complaints; and further directs that the terms of his appointment, in particular his remuneration will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards.

Chairperson, Committee on Standards and Privileges

Debate ensued.

The Question being put, the Motion was **carried** without division.

6.2 Motion – Report on the Inquiry into the Inclusion in the Arts of Working Class Communities (NIA 298/11-16)**Proposed:**

That this Assembly approves the Report of the Committee for Culture, Arts and Leisure on its Inquiry into Inclusion in the Arts of Working Class Communities (NIA 298/11–16); and calls on the Minister of Culture, Arts and Leisure to implement the recommendations contained in the Report.

Chairperson, Committee for Culture, Arts and Leisure

Debate ensued.

The Question being put, the Motion was **carried** without division.

7. Adjournment**Proposed:**

That the Assembly do now adjourn.

The Deputy Speaker (Mr Dallat)

The Assembly adjourned at 7.52pm.

Mr Mitchel McLaughlin

The Speaker

15 February 2016

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 Monday 15 February 2016, in relation to Amendment 5 of the Consideration Stage of the Rural Needs Bill (NIA Bill 67/11-16):

- Mr Sydney Anderson
- Mr Jonathan Bell
- Ms Paula Bradley
- Mr Thomas Buchanan
- Mrs Pam Cameron
- Mr Gregory Campbell
- Mr Trevor Clarke
- Mr Jonathan Craig
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mrs Arlene Foster
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr Simon Hamilton
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Mr Gordon Lyons
- Mr Nelson McCausland
- Mr Ian McCrea
- Mr David McIlveen
- Miss Michelle McIlveen
- Mr Adrian McQuillan
- Mr Gary Middleton
- The Lord Morrow
- Mr Stephen Moutray
- Mr Robin Newton
- Mrs Emma Pengelly
- Mr Edwin Poots
- Mr George Robinson
- Mr Peter Robinson
- Mr Alastair Ross
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells

Appendix 2

Northern Ireland Assembly

The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Monday 15 February 2016, in relation to Amendment 116 of the Consideration Stage of the Mental Capacity Bill (NIA Bill 49/11-16):

- Mr Sydney Anderson
- Mr Jonathan Bell
- Ms Paula Bradley
- Mr Thomas Buchanan
- Mrs Pam Cameron
- Mr Gregory Campbell
- Mr Trevor Clarke
- Mr Jonathan Craig
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mrs Arlene Foster
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr Simon Hamilton
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Mr Gordon Lyons
- Mr Nelson McCausland
- Mr Ian McCrea
- Mr David McIlveen
- Miss Michelle McIlveen
- Mr Adrian McQuillan
- Mr Gary Middleton
- The Lord Morrow
- Mr Stephen Moutray
- Mrs Emma Pengelly
- Mr Edwin Poots
- Mr George Robinson
- Mr Peter Robinson
- Mr Alastair Ross
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells

Northern Ireland Assembly

15 February 2016
Division 1

Consideration Stage – Rural Needs Bill (NIA Bill 67/11-16) (Amendment 6)

The Question was put and the Assembly divided.

Ayes: 31
Noes: 62

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Eastwood, Mr Gardiner, Ms Hanna, Mr Hussey, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Mr Swann.

Tellers for the Ayes: Mrs Dobson, Mr Patterson.

NOES

Mr Anderson, Mr Bell, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr McAleer, Mr McCallister, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCreagh, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Anderson, Mr Milne.

Amendment 6 was **negatived**.

Northern Ireland Assembly

15 February 2016
Division 2

Motion – Draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016

Proposed:

That the draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 be approved.

Minister of Enterprise, Trade and Investment

The Question was put and the Assembly divided.

Ayes: 60

Noes: 34

AYES

Mr Anderson, Mr Bell, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Murphy, Mr Newton, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McQuillan, Mr G Robinson.

NOES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dickson, Mr Diver, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Gardiner, Ms Hanna, Mr Hussey, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr B McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Mr Swann.

Tellers for the Noes: Mr Cochrane-Watson, Mr McKinney.

The Motion was **carried**.

Rural Needs Bill

Annotated Marshalled List of Amendments Consideration Stage

Monday 15 February 2016

Amendments tabled up to 9.30am Wednesday, 10 February 2016 and selected for debate.

The Bill will be considered in the following order

Clauses, Schedules and Long Title

Amendment 1 [*Made*]

Clause 1, Page 1, Line 2

Leave out 'consider' and insert 'have due regard to'

Chair, Committee for Agriculture and Rural Development

Amendment 2 [*Made*]

Clause 1, Page 1

Leave out lines 7 to 9 and insert 'any body or person listed in the Schedule.'

Chair, Committee for Agriculture and Rural Development

Amendment 3 [*Made*]

Clause 1, Page 1, Line 9

At end insert -

'(2A) The Department must, at least every three years from the coming into operation of this section, review the list of bodies and persons set out in the Schedule and, if it thinks it appropriate, amend the Schedule to—

- (a) add a body or person to the Schedule;
- (b) remove a body or person from the Schedule; or
- (c) modify any entry in the Schedule.'

Chair, Committee for Agriculture and Rural Development

Amendment 4 [*Made*]

Clause 1, Page 1, Line 15

At end insert -

'(4A) An order under subsection (2A) may contain such transitional provision as the Department thinks appropriate.'

Chair, Committee for Agriculture and Rural Development

Amendment 5 [*Not Moved*]

Clause 2, Page 1, Line 19

Leave out 'may' and insert 'must'

Minister of Agriculture and Rural Development

Amendment 6 [*Negatived on division*]

New Clause

After Clause 2 insert -

'Training

2A. The Department may take such steps as appear to it to be appropriate to ensure all staff who develop, adopt, implement or revise policies, strategies and plans receive training connected with identifying and meeting rural needs.'

Mrs Jo-Anne Dobson

Mr Robin Swann

Amendment 7 [*Made*]

Clause 3, Page 2, Line 6

At end insert-

'(aa) include this information in its annual report; and'

Mrs Jo-Anne Dobson

Mr Robin Swann

Amendment 8 [Made]**Clause 3**, Page 2, Line 8

Leave out 'prepare' and insert 'publish'

*Minister of Agriculture and Rural Development***Amendment 9 [Negatived]****Clause 3**, Page 2, Line 9

At end insert-

'(aa) its assessment of how each public authority considered rural needs; and'

*Mrs Jo-Anne Dobson**Mr Robin Swann***Amendment 10 [Made]****Clause 3**, Page 2, Line 12

At end insert -

'(2A) The Minister of Agriculture and Rural Development must, on or after the day on which the report is laid before the Assembly, make a statement to the Assembly about the content of the report.'

*Minister of Agriculture and Rural Development***Amendment 11 [Negatived]****Clause 4**, Page 2, Line 14

Leave out from second 'with' to 'securing' on line 15 and insert 'to secure'

*Mrs Jo-Anne Dobson**Mr Robin Swann***Amendment 12 [Made]****Clause 5**, Page 2, Line 19

After 'appoint' insert 'but no later than 1 June 2017'

*Mrs Jo-Anne Dobson**Mr Robin Swann***Amendment 13 [Made]****New Schedule**

After Clause 7 insert-

SCHEDULE

Section 1.

Public authorities for the purposes of this Act

A Northern Ireland department
 A district council
 The Chief Constable of the Police Service of Northern Ireland
 The Council for Catholic Maintained Schools
 The Education Authority
 A Health and Social Care Trust
 Invest Northern Ireland
 The Northern Ireland Fire and Rescue Service Board
 The Northern Ireland Housing Executive
 The Northern Ireland Library Authority
 The Northern Ireland Tourist Board
 The Regional Agency for Public Health and Social Well-Being
 The Regional Health and Social Care Board
 The Sports Council for Northern Ireland'

*Chair, Committee for Agriculture and Rural Development***Amendment 14 [Made]****Long Title**

Leave out 'consider' and insert 'have due regard to'

Chair, Committee for Agriculture and Rural Development

Northern Ireland Assembly

Papers Presented to the Assembly on 11 - 15 February 2016

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

The Insolvency Service Annual Report and Account for the year ended 31 March 2015 (DETI).

Legislative Consent Memorandum – Northern Ireland (Stormont Agreement and Implementation Plan) Bill (OFMDFM).

5. Assembly Reports

Report on the Northern Ireland Events Company (NIA 308/11-16) (Public Accounts Committee).

Report on Assembly Committee Priorities for European Scrutiny 2016 (NIA 303/11-16) (Committee for the Office of the First Minister and deputy First Minister).

Report on the Scrap Metal Dealers Bill (NIA Bill 65/11-16) (NIA 307/11-16) (Committee for the Environment).

Tenth Report of the Examiner of Statutory Rules (NIA 309/11-16) (Examiner of Statutory Rules).

6. Statutory Rules

S.R. 2016/36 The College Street, Belfast (Stopping-Up) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/38 The Green Road, Conlig (Abandonment) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/40 The Former Route C646 Killyliss Road, Dungannon (Abandonment) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/44 The Social Security (Housing Costs Amendments) Regulations (Northern Ireland) 2016 (DSD).

For Information Only

S.R. 2016/37 The Employment Rights (Increase of Limits) Order (Northern Ireland) 2016 (DEL).

S.R. 2016/39 The Moyallan Road, Portadown and College Lands Road, Charlemont (Part-Time 20mph Speed Limit) Order (Northern Ireland) 2016 (DRD).

7. Written Ministerial Statements

A5 Western Transport Corridor – Consultation on Draft Statutory Orders and Environmental Statement (DRD).

8. Consultation Documents

9. Departmental Publications

Research for Better Health and Social Care - A strategy for health and social care research and development in Northern Ireland (2016-2025) (DHSSPS).

Report on the Proposal to Rename the Driver and Vehicle Testing Agency (DVTA) Trading Fund Order and to Extend its Scope (DOE).

Local Government Auditors Draft Code of Audit Practice 2016 (DOE).

10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Northern Ireland Assembly

Tuesday 16 February 2016

The Assembly met at 10.30am, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Assembly Business

2.1 Consideration of business not concluded on Monday 15 February 2016

The Speaker informed the Assembly that all business listed on the Order Paper for 15 February 2016 was concluded.

3. Executive Committee Business

3.1 Motion – The Draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016

Proposed:

That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016 be approved.

Minister of Justice

3.2 Motion – The Draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016

Proposed:

That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 be approved.

Minister of Justice

3.3 Motion – The Draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016

Proposed:

That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016 be approved.

Minister of Justice

A single debate ensued on all three motions.

The Question being put, the Motion on the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016 was **carried** without division.

The Question being put, the Motion on the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 was **carried** without division.

The Question being put, the Motion on the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016 was **carried** without division.

3.4 Motion – The Draft Working Time Regulations (Northern Ireland) 2016**Proposed:**

That the draft Working Time Regulations (Northern Ireland) 2016 be approved.

Minister for Employment and Learning

Debate ensued.

The Question being put, the Motion was **carried** without division.

3.5 Further Consideration Stage – Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16)

The junior Minister for the Office of the First Minister and deputy First Minister, Ms Jennifer McCann, moved the Further Consideration Stage of the Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16).

Three amendments were tabled to the Bill and selected for debate.

The Principal Deputy Speaker (Mr Newton) in the Chair.

Clauses

After debate, amendment 1 to Clause 1 was **made** without division.

After debate, amendment 2 to Clause 1 was **made** without division.

Amendment 3 was not moved.

The Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16) stood referred to the Speaker in accordance with Section 10 of the Northern Ireland Act 1998.

3.6 Further Consideration Stage – Budget Bill (NIA Bill 77/11-16)

The Minister of Finance and Personnel, Mr Mervyn Storey, moved the Further Consideration Stage of the Budget Bill (NIA Bill 77/11-16).

No amendments were tabled to the Bill.

The Budget Bill (NIA Bill 77/11-16) stood referred to the Speaker for consideration in accordance with Section 10 of the Northern Ireland Act 1998.

3.7 Final Stage – Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16)

The Principal Deputy Speaker informed the Assembly that as the Minister of Enterprise, Trade and Investment was not in his place to move the Final Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16) that item of business **falls**.

3.8 Motion – Draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016**Proposed:**

That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016 be approved.

Minister of Enterprise, Trade and Investment

The Principal Deputy Speaker informed the Assembly that as the Minister of Enterprise, Trade and Investment was not in his place to move the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016 that item of business **falls**.

3.9 Consideration Stage – Mental Capacity Bill (NIA Bill 49/11-16)

A valid Petition of Concern, under Standing Order 28, was presented in relation to amendment 116, on Monday 15 February 2016 (Appendix 1).

The Minister of Health, Social Services, and Public Safety, Mr Simon Hamilton, moved the Consideration Stage of the Mental Capacity Bill (NIA Bill 49/11-16).

489 amendments were tabled to the Bill, as well as the Minister's intention to oppose the question that Clauses 65, 252 and 253 stand part, the Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill's intention to oppose the question that Clause 110 and Schedule 5 stand part, and both the Minister and the Chairperson's intention to oppose the question that Clause 288 stand part.

Clauses

The question being put, it was **agreed** without division that Clauses 1 to 3 stand part of the Bill.

After debate, amendment 1 to Clause 4 was **made** without division.

The question being put, it was **agreed** without division that Clause 4 as amended stand part of the Bill.

After debate, amendment 2 to Clause 5 was **made** without division.

The question being put, it was **agreed** without division that Clause 5 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 6 stand part of the Bill.

After debate, amendment 3 to Clause 7 was **made** without division.

After debate, amendment 4 to Clause 7 was **made** without division.

The sitting was suspended at 12.49pm.

The sitting resumed at 2.00pm, with the Speaker in the Chair.

4. Question Time

4.1 Finance and Personnel

Questions were put to, and answered by, the Minister of Finance and Personnel, Mr Mervyn Storey.

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) in the Chair.

5. Executive Committee Business (cont'd)

5.1 Consideration Stage – Mental Capacity Bill (NIA Bill 49/11-16) (cont'd)

After debate, amendment 5 to Clause 7 was **made** without division.

The question being put, it was **agreed** without division that Clause 7 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 8 stand part of the Bill.

After debate, amendment 6 to Clause 9 was **made** without division.

The question being put, it was **agreed** without division that Clause 9 as amended stand part of the Bill.

After debate, amendment 7 to Clause 10 was **negatived** without division.

The question being put, it was **agreed** without division that Clause 10 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 11 stand part of the Bill.

After debate, amendment 8 to Clause 12 was **negatived** on division (Division 1).

The question being put, it was **agreed** without division that Clause 12 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 9 to Clause 14 was **made** without division.

As amendment 9 was made, amendment 10 was not called.

The question being put, it was **agreed** without division that Clause 14 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 15 stand part of the Bill.

Amendment 11 was not moved.

After debate, amendment 12 to Clause 16 was **made** without division.

The question being put, it was **agreed** without division that Clause 16 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 17 stand part of the Bill.

After debate, amendment 13 to Clause 18 was **made** without division.

After debate, amendment 14 to Clause 18 was **made** without division.

After debate, amendment 15 to Clause 18 was **made** without division.

After debate, amendment 16 to Clause 18 was **made** without division.

After debate, amendment 17 to Clause 18 was **made** without division.

The question being put, it was **agreed** without division that Clause 18 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 19 and 20 stand part of the Bill.

After debate, amendment 18 to Clause 21 was **made** without division.

After debate, amendment 19 to Clause 21 was **negatived** on division (Division 2).

As amendment 19 was not made, amendments 20 and 21 were not called.

The question being put, it was **agreed** without division that Clause 21 as amended stand part of the Bill.

After debate, amendment 22 to Clause 22 was **made** without division.

After debate, amendments 23 to 25 to Clause 22 were **made** without division.

The question being put, it was **agreed** without division that Clause 22 as amended stand part of the Bill.

After debate, amendment 26 to Clause 23 was **made** without division.

The question being put, it was **agreed** without division that Clause 23 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 24 to 27 stand part of the Bill.

After debate, amendment 27 to Clause 28 was **made** without division.

After debate, amendment 28 to Clause 28 was **made** without division.

The question being put, it was **agreed** without division that Clause 28 as amended stand part of the Bill.

Amendment 29 was not moved.

The question being put, it was **agreed** without division that Clause 29 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 30 stand part of the Bill.

After debate, amendment 30 to Clause 31 was **made** without division.

As amendment 30 was made, amendment 31 was not called.

After debate, amendment 32 to Clause 31 was **made** without division.

The question being put, it was **agreed** without division that Clause 31 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 32 to 34 stand part of the Bill.

After debate, amendments 33 to 37 to Clause 35 were **made** without division.

The question being put, it was **agreed** without division that Clause 35 as amended stand part of the Bill.

After debate, amendment 38 to Clause 36 was **made** without division.

The question being put, it was **agreed** without division that Clause 36 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 37 and 38 stand part of the Bill.

Amendment 39 was not moved.

As amendment 39 was not moved, amendments 40 and 41 were not called.

After debate, amendment 42 to Clause 39 was **made** without division.

As amendment 39 was not moved, amendment 43 was not called.

The question being put, it was **agreed** without division that Clause 39 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 40 to 42 stand part of the Bill.

After debate, amendments 44 and 45 to Clause 43 were **made** without division.

The question being put, it was **agreed** without division that Clause 43 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 44 to 46 stand part of the Bill.

Amendment 46 was not moved.

The question being put, it was **agreed** without division that Clause 47 stand part of the Bill.

After debate, amendment 47 to Clause 48 was **made** without division.

Amendment 48 was not moved.

Amendment 49 was not moved.

After debate, amendment 50 to Clause 48 was **made** without division.

The question being put, it was **agreed** without division that Clause 48 as amended stand part of the Bill.

After debate, amendment 51 inserting a new Clause 48A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 52 to Clause 49 was **made** without division.

The question being put, it was **agreed** without division that Clause 49 as amended stand part of the Bill.

After debate, amendments 53 and 54 to Clause 50 were **made** without division.

The question being put, it was **agreed** without division that Clause 50 as amended stand part of the Bill.

After debate, amendment 55 to Clause 51 was **made** without division.

The question being put, it was **agreed** without division that Clause 51 as amended stand part of the Bill.

After debate, amendment 56 inserting a new Clause 51A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

Amendment 57 was not moved.

After debate, amendment 58 to Clause 52 was **made** without division.

As amendment 57 was not moved, amendments 59 to 62 were not called.

The question being put, it was **agreed** without division that Clause 52 as amended stand part of the Bill.

Amendment 63 was not moved.

After debate, amendments 64 to 66 to Clause 53 were **made** without division.

The question being put, it was **agreed** without division that Clause 53 as amended stand part of the Bill.

After debate, amendment 67 to Clause 54 was **made** without division.

The question being put, it was **agreed** without division that Clause 54 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 55 to 57 stand part of the Bill.

After debate, amendment 68 to Clause 58 was **made** without division.

The question being put, it was **agreed** without division that Clause 58 as amended stand part of the Bill.

After debate, amendment 69 inserting a new Clause 58A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendments 70 to 72 to Clause 59 were **made** without division.

The question being put, it was **agreed** without division that Clause 59 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 60 to 62 stand part of the Bill.

After debate, amendment 73 to Clause 63 was **made** without division.

The question being put, it was **agreed** without division that Clause 63 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 64 stand part of the Bill.

After debate, the question that Clause 65 stand part of the bill was **negatived** without division.

After debate, amendment 74 to Clause 66 was **made** without division.

The question being put, it was **agreed** without division that Clause 66 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 67 to 72 stand part of the Bill.

After debate, amendment 75 to Clause 73 was **negatived** on division (Division 3).

The question being put, it was **agreed** without division that Clause 73 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 74 to 76 stand part of the Bill.

After debate, amendment 76 to Clause 77 was **made** without division.

The question being put, it was **agreed** without division that Clause 77 as amended stand part of the Bill.

After debate, amendment 77 to Clause 78 was **made** without division.

After debate, amendment 78 to Clause 78 was **made** without division.

The question being put, it was **agreed** without division that Clause 78 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 79 to 83 stand part of the Bill.

After debate, amendments 79 to 81 to Clause 84 were **made** without division.

After debate, amendment 82 to Clause 84 was **made** without division.

After debate, amendment 83 to Clause 84 was **made** without division.

The question being put, it was **agreed** without division that Clause 84 as amended stand part of the Bill.

After debate, amendments 84 to 87 to Clause 85 were **made** without division.

The question being put, it was **agreed** without division that Clause 85 as amended stand part of the Bill.

After debate, amendments 88 to 90 to Clause 86 were **made** without division.

The question being put, it was **agreed** without division that Clause 86 as amended stand part of the Bill.

After debate, amendments 91 to 93 to Clause 87 were **made** without division.

After debate, amendment 94 to Clause 87 was **made** without division.

After debate, amendment 95 to Clause 87 was **made** without division.

The question being put, it was **agreed** without division that Clause 87 as amended stand part of the Bill.

After debate, amendments 96 and 97 to Clause 88 were **made** without division.

The question being put, it was **agreed** without division that Clause 88 as amended stand part of the Bill.

After debate, amendments 98 and 99 to Clause 89 were **made** without division.

The question being put, it was **agreed** without division that Clause 89 as amended stand part of the Bill.

After debate, amendments 100 to 104 to Clause 90 were **made** without division.

The question being put, it was **agreed** without division that Clause 90 as amended stand part of the Bill.

After debate, amendments 105 to 107 to Clause 91 were **made** without division.

The question being put, it was **agreed** without division that Clause 91 as amended stand part of the Bill.

After debate, amendments 108 to 110 to Clause 92 were **made** without division.

The question being put, it was **agreed** without division that Clause 92 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 93 stand part of the Bill.

After debate, amendments 111 to 115 to Clause 94 were **made** without division.

The question being put, it was **agreed** without division that Clause 94 as amended stand part of the Bill.

Amendment 116 was not moved.

The question being put, it was **agreed** without division that Clause 95 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 96 and 97 stand part of the Bill.

Amendment 117 was not moved.

The question being put, it was **agreed** without division that Clause 98 stand part of the Bill.

The Deputy Speaker (Mr Dallat) in the Chair.

After debate, amendment 118 to Clause 99 was **negatived** on division (Division 4).

The question being put, it was **agreed** without division that Clause 99 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 100 to 109 stand part of the Bill.

Amendment 119 was not moved.

After debate, the question that Clause 110 stand part of the bill was **negatived** without division.

The question being put, it was **agreed** without division that Clauses 111 and 112 stand part of the Bill.

After debate, amendment 120 to Clause 113 was **made** without division.

The question being put, it was **agreed** without division that Clause 113 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 114 stand part of the Bill.

After debate, amendments 121 and 122 to Clause 115 were **made** without division.

The question being put, it was **agreed** without division that Clause 115 as amended stand part of the Bill.

After debate, amendment 123 to Clause 116 was **made** without division.

The question being put, it was **agreed** without division that Clause 116 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 117 to 120 stand part of the Bill.

After debate, amendment 124 to Clause 121 was **made** without division.

After debate, amendment 125 to Clause 121 was **made** without division.

After debate, amendments 126 and 127 to Clause 121 were **made** without division.

The question being put, it was **agreed** without division that Clause 121 as amended stand part of the Bill.

After debate, amendment 128 inserting a new Clause 121A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendments 129 to 132 to Clause 122 were **made** without division.

The question being put, it was **agreed** without division that Clause 122 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 123 and 124 stand part of the Bill.

After debate, amendment 133 to Clause 125 was **made** without division.

The question being put, it was **agreed** without division that Clause 125 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 126 stand part of the Bill.

After debate, amendments 134 to 136 to Clause 127 were **made** without division.

The question being put, it was **agreed** without division that Clause 127 as amended stand part of the Bill.

Amendment 137 was not moved.

The question being put, it was **agreed** without division that Clause 128 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 129 and 130 stand part of the Bill.

After debate, amendment 138 to Clause 131 was **made** without division.

The question being put, it was **agreed** without division that Clause 131 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 132 stand part of the Bill.

After debate, amendment 139 to Clause 133 was **made** without division.

The question being put, it was **agreed** without division that Clause 133 as amended stand part of the Bill.

Amendment 140 was not moved.

The question being put, it was **agreed** without division that Clause 134 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 135 and 136 stand part of the Bill.

The sitting was suspended at 6.32pm.

The sitting resumed at 7.05pm with the Deputy Speaker (Mr Dallat) in the Chair.

After debate, amendment 141 to Clause 137 was **made** without division.

After debate, amendment 142 to Clause 137 was **made** without division.

The question being put, it was **agreed** without division that Clause 137 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 138 stand part of the Bill.

After debate, amendments 143 and 144 to Clause 139 were **made** without division.

The question being put, it was **agreed** without division that Clause 139 as amended stand part of the Bill.

Amendment 145 was not moved.

The question being put, it was **agreed** without division that Clause 140 stand part of the Bill.

Amendment 146 was not moved.

After debate, amendment 147 to Clause 141 was **made** without division.

The question being put, it was **agreed** without division that Clause 141 as amended stand part of the Bill.

After debate, amendment 148 to Clause 142 was **made** without division.

After debate, amendment 149 to Clause 142 was **made** without division.

The question being put, it was **agreed** without division that Clause 142 as amended stand part of the Bill.

After debate, amendments 150 and 151 to Clause 143 were **made** without division.

The question being put, it was **agreed** without division that Clause 143 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 144 stand part of the Bill.

After debate, amendments 152 to 162 to Clause 145 were **made** without division.

The question being put, it was **agreed** without division that Clause 145 as amended stand part of the Bill.

After debate, amendments 163 to 171 to Clause 146 were **made** without division.

The question being put, it was **agreed** without division that Clause 146 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 147 to 152 stand part of the Bill.

After debate, amendment 172 to Clause 153 was **made** without division.

The question being put, it was **agreed** without division that Clause 153 as amended stand part of the Bill.

After debate, amendment 173 to Clause 154 was **made** without division.

After debate, amendment 174 to Clause 154 was **made** without division.

The question being put, it was **agreed** without division that Clause 154 as amended stand part of the Bill.

After debate, amendment 175 to Clause 155 was **made** without division.

The question being put, it was **agreed** without division that Clause 155 as amended stand part of the Bill.

Amendment 176 was not moved.

The question being put, it was **agreed** without division that Clause 156 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 157 stand part of the Bill.

After debate, amendment 177 to Clause 158 was **made** without division.

The question being put, it was **agreed** without division that Clause 158 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 159 to 161 stand part of the Bill.

Amendment 178 was not moved.

Amendment 179 was not moved.

As amendment 178 was not moved, amendment 180 was not called.

The question being put, it was **agreed** without division that Clause 162 stand part of the Bill.

After debate, amendment 181 to Clause 163 was **made** without division.

After debate, amendment 182 to Clause 163 was **made** without division.

As amendment 178 was not moved, amendments 183 to 185 were not called.

The question being put, it was **agreed** without division that Clause 163 as amended stand part of the Bill.

Amendment 186 was not moved.

The question being put, it was **agreed** without division that Clause 164 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 165 stand part of the Bill.

After debate, amendments 187 and 188 to Clause 166 were **made** without division.

As amendment 178 was not moved, amendment 189 was not called.

After debate, amendment 190 to Clause 166 was **made** without division.

The question being put, it was **agreed** without division that Clause 166 as amended stand part of the Bill.

After debate, amendments 191 and 192 to Clause 167 were **made** without division.

The question being put, it was **agreed** without division that Clause 167 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 168 and 169 stand part of the Bill.

After debate, amendment 193 to Clause 170 was **made** without division.

The question being put, it was **agreed** without division that Clause 170 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 171 and 172 stand part of the Bill.

After debate, amendments 194 and 195 to Clause 173 were **made** without division.

Amendment 196 was not moved.

The question being put, it was **agreed** without division that Clause 173 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 174 stand part of the Bill.

Amendment 197 was not moved.

The question being put, it was **agreed** without division that Clause 175 stand part of the Bill.

As amendment 197 was not moved, amendments 198 and 199 were not called.

The question being put, it was **agreed** without division that Clause 176 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 177 stand part of the Bill.

Amendment 200 was not moved.

As amendment 200 was not moved, amendments 201 and 202 were not called.

After debate, amendment 203 to Clause 178 was **made** without division.

The question being put, it was **agreed** without division that Clause 178 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 179 and 180 stand part of the Bill.

Amendment 204 was not moved.

As amendment 204 was not moved, amendments 205 to 207 were not called.

The question being put, it was **agreed** without division that Clause 181 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 182 stand part of the Bill.

After debate, amendment 208 to Clause 183 was **made** without division.

The question being put, it was **agreed** without division that Clause 183 as amended stand part of the Bill.

As amendment 204 was not moved, amendments 209 and 210 were not called.

The question being put, it was **agreed** without division that Clause 184 stand part of the Bill.

As amendment 204 was not moved, amendments 211 to 214 were not called.

The question being put, it was **agreed** without division that Clause 185 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 186 to 189 stand part of the Bill.

After debate, amendment 215 to Clause 190 was **made** without division.

The question being put, it was **agreed** without division that Clause 190 as amended stand part of the Bill.

Amendment 216 was not moved.

The question being put, it was **agreed** without division that Clause 191 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 192 stand part of the Bill.

As amendment 200 was not moved, amendments 217 to 221 were not called.

The question being put, it was **agreed** without division that Clause 193 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 194 stand part of the Bill.

After debate, amendment 222 to Clause 195 was **made** without division.

The question being put, it was **agreed** without division that Clause 195 as amended stand part of the Bill.

After debate, amendment 223 to Clause 196 was **made** without division.

After debate, amendment 224 to Clause 196 was **made** without division.

After debate, amendments 225 to 229 to Clause 196 were **made** without division.

As amendment 229 was made, amendments 230 to 232 were not called.

The question being put, it was **agreed** without division that Clause 196 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 197 stand part of the Bill.

After debate, amendment 233 to Clause 198 was **made** without division.

The question being put, it was **agreed** without division that Clause 198 as amended stand part of the Bill.

As amendment 200 was not moved, amendment 234 was not called.

The question being put, it was **agreed** without division that Clause 199 stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 200 and 201 stand part of the Bill.

As amendment 200 was not moved, amendments 235 and 236 were not called.

The question being put, it was **agreed** without division that Clause 202 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 203 stand part of the Bill.

As amendment 178 was not moved, amendments 237 and 238 were not called.

The question being put, it was **agreed** without division that Clause 204 stand part of the Bill.

After debate, amendment 239 to Clause 205 was **made** without division.

After debate, amendment 240 to Clause 205 was **made** without division.

After debate, amendments 241 and 242 to Clause 205 were **made** without division.

The question being put, it was **agreed** without division that Clause 205 as amended stand part of the Bill.

After debate, amendment 243 to Clause 206 was **made** without division.

The Principal Deputy Speaker (Mr Newton) in the Chair.

As amendment 178 was not moved, amendment 244 was not called.

After debate, amendment 245 to Clause 206 was **made** without division.

As amendment 178 was not moved, amendments 246 to 248 were not called.

The question being put, it was **agreed** without division that Clause 206 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 207 stand part of the Bill.

After debate, amendment 249 inserting a new Clause 207A 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 208 stand part of the Bill.

After debate, amendments 250 and 251 to Clause 209 were **made** without division.

The question being put, it was **agreed** without division that Clause 209 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 210 and 211 stand part of the Bill.

After debate, amendment 252 to Clause 212 was **made** without division.

The question being put, it was **agreed** without division that Clause 212 as amended stand part of the Bill.

After debate, amendment 253 to Clause 213 was **made** without division.

After debate, amendment 254 to Clause 213 was **made** without division.

After debate, amendments 255 to 260 to Clause 213 were **made** without division.

The question being put, it was **agreed** without division that Clause 213 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 214 stand part of the Bill.

After debate, amendment 261 to Clause 215 was **made** without division.

The question being put, it was **agreed** without division that Clause 215 as amended stand part of the Bill.

After debate, amendments 262 and 263 to Clause 216 were **made** without division.

The question being put, it was **agreed** without division that Clause 216 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 217 stand part of the Bill.

After debate, amendment 264 to Clause 218 was **made** without division.

The question being put, it was **agreed** without division that Clause 218 as amended stand part of the Bill.

After debate, amendment 265 to Clause 219 was **made** without division.

After debate, amendment 266 to Clause 219 was **made** without division.

After debate, amendments 267 to 277 to Clause 219 were **made** without division.

The question being put, it was **agreed** without division that Clause 219 as amended stand part of the Bill.

After debate, amendments 278 and 279 to Clause 220 were **made** without division.

The question being put, it was **agreed** without division that Clause 220 as amended stand part of the Bill.

After debate, amendment 280 to Clause 221 was **made** without division.

The question being put, it was **agreed** without division that Clause 221 as amended stand part of the Bill.

After debate, amendment 281 to Clause 222 was **made** without division.

The question being put, it was **agreed** without division that Clause 222 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 223 to 225 stand part of the Bill.

After debate, amendments 282 to 285 to Clause 226 were **made** without division.

The question being put, it was **agreed** without division that Clause 226 as amended stand part of the Bill.

After debate, amendment 286 to Clause 227 was **made** without division.

The question being put, it was **agreed** without division that Clause 227 as amended stand part of the Bill.

After debate, amendment 287 to Clause 228 was **made** without division.

The question being put, it was **agreed** without division that Clause 228 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 229 stand part of the Bill.

After debate, amendment 288 to Clause 230 was **made** without division.

The question being put, it was **agreed** without division that Clause 230 as amended stand part of the Bill.

After debate, amendment 289 inserting a new Clause 230A 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 231 stand part of the Bill.

After debate, amendment 290 to Clause 232 was **made** without division.

The question being put, it was **agreed** without division that Clause 232 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 233 stand part of the Bill.

After debate, amendments 291 and 292 to Clause 234 were **made** without division.

The question being put, it was **agreed** without division that Clause 234 as amended stand part of the Bill.

After debate, amendment 293 inserting a new Clause 234A 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 235 to 240 stand part of the Bill.

After debate, amendment 294 to Clause 241 was **made** without division.

The question being put, it was **agreed** without division that Clause 241 as amended stand part of the Bill.

After debate, amendment 295 to Clause 242 was **made** without division.

The question being put, it was **agreed** without division that Clause 242 as amended stand part of the Bill.

After debate, amendment 296 inserting a new Clause 242A 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 243 to 246 stand part of the Bill.

After debate, amendment 297 to Clause 247 was **made** without division.

After debate, amendment 298 to Clause 247 was **made** without division.

The question being put, it was **agreed** without division that Clause 247 as amended stand part of the Bill.

After debate, amendment 299 to Clause 248 was **made** without division.

After debate, amendment 300 to Clause 248 was **made** without division.

The question being put, it was **agreed** without division that Clause 248 as amended stand part of the Bill.

After debate, amendments 301 and 302 to Clause 249 were **made** without division.

The question being put, it was **agreed** without division that Clause 249 as amended stand part of the Bill.

After debate, amendment 303 inserting a new Clause 249A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 304 inserting a new Clause 249B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 305 to Clause 250 was **made** without division.

The question being put, it was **agreed** without division that Clause 250 as amended stand part of the Bill.

After debate, amendment 306 to Clause 251 was **made** without division.

The question being put, it was **agreed** without division that Clause 251 as amended stand part of the Bill.

After debate, amendment 307 inserting a new Clause 251A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 308 inserting a new Clause 251B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, the question that Clause 252 stand part of the bill was **negatived** without division.

After debate, amendment 309 inserting a new Clause 252A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, the question that Clause 253 stand part of the bill was negatived without division.

After debate, amendment 310 inserting a new Clause 253A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 311 inserting a new Clause 253B 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 254 and 255 stand part of the Bill.

After debate, amendment 312 to Clause 256 was **made** without division.

After debate, amendment 313 to Clause 256 was **made** without division.

After debate, amendment 314 to Clause 256 was **made** without division.

The question being put, it was **agreed** without division that Clause 256 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 257 stand part of the Bill.

After debate, amendment 315 to Clause 258 was **made** without division.

After debate, amendment 316 to Clause 258 was **made** without division.

After debate, amendment 317 to Clause 258 was **made** without division.

The question being put, it was **agreed** without division that Clause 258 as amended stand part of the Bill.

After debate, amendment 318 to Clause 259 was **made** without division.

The question being put, it was **agreed** without division that Clause 259 as amended stand part of the Bill.

After debate, amendment 319 to Clause 260 was **made** without division.

After debate, amendment 320 to Clause 260 was **made** without division.

The question being put, it was **agreed** without division that Clause 260 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 261 stand part of the Bill.

After debate, amendment 321 to Clause 262 was **made** without division.

The question being put, it was **agreed** without division that Clause 262 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 263 and 264 stand part of the Bill.

After debate, amendments 322 and 323 to Clause 265 were **made** without division.

After debate, amendment 324 to Clause 265 was **made** without division.

After debate, amendment 325 to Clause 265 was **made** without division.

The question being put, it was **agreed** without division that Clause 265 as amended stand part of the Bill.

After debate, amendments 326 and 327 to Clause 266 were **made** without division.

The question being put, it was **agreed** without division that Clause 266 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 267 to 269 stand part of the Bill.

After debate, amendments 328 and 329 to Clause 270 were **made** without division.

The question being put, it was **agreed** without division that Clause 270 as amended stand part of the Bill.

After debate, amendment 330 to Clause 271 was **made** without division.

The question being put, it was **agreed** without division that Clause 271 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 272 stand part of the Bill.

After debate, amendment 331 inserting a new Clause 272A 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 273 stand part of the Bill.

After debate, amendment 332 to Clause 274 was **made** without division.

The question being put, it was **agreed** without division that Clause 274 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 275 stand part of the Bill.

After debate, amendments 333 to 338 to Clause 276 were **made** without division.

The question being put, it was **agreed** without division that Clause 276 as amended stand part of the Bill.

After debate, amendment 339 to Clause 277 was **made** without division.

After debate, amendment 340 to Clause 277 was **made** without division.

The question being put, it was **agreed** without division that Clause 277 as amended stand part of the Bill.

After debate, amendment 341 inserting a new Clause 277A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 342 inserting a new Clause 277B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendments 343 to 346 to Clause 278 were **made** without division.

After debate, amendment 347 to Clause 278 was **made** without division.

After debate, amendments 348 and 349 to Clause 278 were **made** without division.

The question being put, it was **agreed** without division that Clause 278 as amended stand part of the Bill.

After debate, amendments 350 to 355 to Clause 279 were **made** without division.

The question being put, it was **agreed** without division that Clause 279 as amended stand part of the Bill.

After debate, amendment 356 to Clause 280 was **made** without division.

The question being put, it was **agreed** without division that Clause 280 as amended stand part of the Bill.

After debate, amendment 357 to Clause 281 was **made** without division.

The question being put, it was **agreed** without division that Clause 281 as amended stand part of the Bill.

After debate, amendments 358 and 359 to Clause 282 were **made** without division.

The question being put, it was **agreed** without division that Clause 282 as amended stand part of the Bill.

After debate, amendment 360 to Clause 283 was **made** without division.

After debate, amendment 361 to Clause 283 was **made** without division.

After debate, amendments 362 to 367 to Clause 283 were **made** without division.

The question being put, it was **agreed** without division that Clause 283 as amended stand part of the Bill.

After debate, amendment 368 to Clause 284 was **made** without division.

The question being put, it was **agreed** without division that Clause 284 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 285 stand part of the Bill.

Amendment 369 was not moved.

As amendment 369 was not moved, amendments 370 to 378 were not called.

The question being put, it was **agreed** without division that Clause 286 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 287 stand part of the Bill.

After debate, the question that Clause 288 stand part of the bill was **negatived** without division.

After debate, amendment 379 to Clause 289 was **made** without division.

After debate, amendment 380 to Clause 289 was **made** without division.

After debate, amendment 381 to Clause 289 was **made** without division.

After debate, amendment 382 to Clause 289 was **made** without division.

After debate, amendments 383 to 385 to Clause 289 were **made** without division.

After debate, amendment 386 to Clause 289 was **made** without division.

After debate, amendment 387 to Clause 289 was **made** without division.

The question being put, it was **agreed** without division that Clause 289 as amended stand part of the Bill.

After debate, amendment 388 to Clause 290 was **made** without division.

The question being put, it was **agreed** without division that Clause 290 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 291 and 292 stand part of the Bill.

After debate, amendments 389 to 402 to Clause 293 were **made** without division.

The question being put, it was **agreed** without division that Clause 293 as amended stand part of the Bill.

After debate, amendments 403 to 405 to Clause 294 were **made** without division.

The question being put, it was **agreed** without division that Clause 294 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 295 stand part of the Bill.

After debate, amendments 406 to 408 to Schedule 1 were **made** without division.

Amendment 409 was not moved.

As amendment 409 was not moved, amendments 410 to 412 were not called.

After debate, amendments 413 to 420 to Schedule 1 were **made** without division.

Amendment 421 was not moved.

The question being put, it was **agreed** without division that Schedule 1 as amended stand part of the Bill.

Amendment 422 was not moved.

As amendment 422 was not moved, amendment 423 was not called.

After debate, amendment 424 to Schedule 2 was **made** without division.

As amendment 422 was not moved, amendments 425 to 429 were not called.

After debate, amendment 430 to Schedule 2 was **made** without division.

After debate, amendment 431 to Schedule 2 was **made** without division.

As amendment 431 was made, amendment 432 was not called.

After debate, amendment 433 to Schedule 2 was **made** without division.

As amendment 432 was not made, amendments 434 to 436 were not called.

After debate, amendment 437 to Schedule 2 was **made** without division.

As amendment 437 was made, amendments 438 and 439 were not called.

As amendment 432 was not made, amendment 440 was not called.

After debate, amendment 441 to Schedule 2 was **made** without division.

As amendment 432 was not made, amendments 442 to 449 were not called.

After debate, amendment 450 to Schedule 2 was **made** without division.

After debate, amendments 451 to 457 to Schedule 2 were **made** without division.

The question being put, it was **agreed** without division that Schedule 2 as amended stand part of the Bill.

After debate, amendment 458 to Schedule 3 was **made** without division.

As amendment 39 was not moved, amendments 459 to 462 were not called.

After debate, amendments 463 and 464 to Schedule 3 were **made** without division.

The question being put, it was **agreed** without division that Schedule 3 as amended stand part of the Bill.

After debate, amendments 465 to 468 to Schedule 4 were **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 469 to Schedule 5 was **made** without division.

After debate, the question that Schedule 5 stand part of the bill was **negatived** without division.

The question being put, it was **agreed** without division that Schedules 6 and 7 stand part of the Bill.

After debate, amendment 470 inserting a new Schedule 7A was **made** without division and it was **agreed** that the new schedule stand part of the Bill.

After debate, amendments 471 to 480 to Schedule 8 were **made** without division.

After debate, amendment 481 to Schedule 8 was **made** without division.

The question being put, it was **agreed** without division that Schedule 8 as amended stand part of the Bill.

After debate, amendment 482 to Schedule 9 was **made** without division.

The question being put, it was **agreed** without division that Schedule 9 as amended stand part of the Bill.

After debate, amendments 483 and 484 to Schedule 10 were **made** without division.

The question being put, it was **agreed** without division that Schedule 10 as amended stand part of the Bill.

After debate, amendments 485 to 489 to Schedule 11 were **made** without division.

The question being put, it was **agreed** without division that Schedule 11 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.

The Mental Capacity Bill (NIA Bill 49/11-16) stood referred to the Speaker

6. Private Members' Business

6.1 Further Consideration Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16)

The sponsor of the Bill, Mr John McCallister, moved the Further Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16).

28 amendments were tabled to the Bill.

The Speaker in the Chair

Clauses

After debate, amendment 4 to Clause 2 was **made** without division.

After debate, amendment 5 to Clause 3 was **made** without division.

Amendment 6 was not moved.

After debate, amendment 7 to Clause 5 was **made** without division.

After debate, amendment 8 to Clause 6 was **made** on division (Division 5).

After debate, amendment 9 inserting a new Clause 9A was **made** on division (Division 6).

After debate, amendment 10 inserting a new Clause 11A was **made** without division.

After debate, amendment 11 inserting a new Clause 11B was **made** on division (Division 7).

After debate, amendment 12 inserting a new Clause 11A was **made** on division (Division 8).

As amendment 11 was made, amendment 13 was not called.

After debate, amendment 14 to Clause 12 was **made** without division.

As amendment 13 was not made, amendment 15 was not called.

As amendment 13 was not made, amendment 16 was not called.

After debate, amendment 17 to Clause 13 was **made** without division.

After debate, amendment 18 to Clause 14 was **made** without division.

After debate, amendment 19 to Clause 16 was **made** without division.

After debate, amendment 21, as an amendment to amendment 20, was **made** without division.

After debate, amendment 20, as amended, inserting a new Schedule was **made** without division.

As amendment 12 was not made, amendment 22 was not called.

As amendment 20 was made, amendment 23 was not called.

As amendment 20 was made, amendment 24, as an amendment to amendment 23, was not called.

As amendment 20 was made, amendment 25, as an amendment to amendment 23, was not called.

As amendment 20 was made, amendment 26, as an amendment to amendment 23, was not called.

As amendment 20 was made, amendment 27, as an amendment to amendment 23, was not called.

As amendment 20 was made, amendment 28, as an amendment to amendment 23, was not called.

After debate, amendment LT1 to the Long Title was **made** on division (Division 9).

As amendment LT1 was made, amendment LT2 was not called.

As amendment LT1 was made, amendment LT3 was not called.

The Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) stood referred to the Speaker for consideration in accordance with Section 10 of the Northern Ireland Act 1998.

7. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 11.28pm.

Mr Mitchel McLaughlin

The Speaker

16 February 2016

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 Monday 15 February 2016, in relation to amendment 116 of the Consideration Stage of the Mental Capacity Bill (NIA Bill 49/11-16):

- Mr Sydney Anderson
- Mr Jonathan Bell
- Ms Paula Bradley
- Mr Thomas Buchanan
- Mrs Pam Cameron
- Mr Gregory Campbell
- Mr Trevor Clarke
- Mr Jonathan Craig
- Mr Sammy Douglas
- Mr Gordon Dunne
- Mr Alex Easton
- Mrs Arlene Foster
- Mr Paul Frew
- Mr Paul Girvan
- Mr Paul Givan
- Mrs Brenda Hale
- Mr Simon Hamilton
- Mr David Hilditch
- Mr William Humphrey
- Mr William Irwin
- Mr Gordon Lyons
- Mr Nelson McCausland
- Mr Ian McCrea
- Mr David McIlveen
- Miss Michelle McIlveen
- Mr Adrian McQuillan
- Mr Gary Middleton
- The Lord Morrow
- Mr Stephen Moutray
- Mrs Emma Pengelly
- Mr Edwin Poots
- Mr George Robinson
- Mr Peter Robinson
- Mr Alastair Ross
- Mr Mervyn Storey
- Mr Peter Weir
- Mr Jim Wells

Northern Ireland Assembly

16 February 2016
Division 1

Consideration Stage – Mental Capacity Bill (NIA Bill 49/11-16) (Amendment 8)

The Question was put and the Assembly divided.

Ayes: 37

Noes: 56

AYES

Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Lynch, Mr Sheehan.

NOES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Irwin, Mr G Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, 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, Mr Ó Muilleoir, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan, Mr G Robinson.

The amendment was **negatived**.

Northern Ireland Assembly

16 February 2016
Division 2

Consideration Stage – Mental Capacity Bill (NIA Bill 49/11-16) (Amendment 19)

The Question was put and the Assembly divided.

Ayes: 39

Noes: 53

AYES

Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lunn, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Lynch, Mr Sheehan.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan, Mr G Robinson.

The amendment was **negatived**.

Northern Ireland Assembly

16 February 2016
Division 3

Consideration Stage – Mental Capacity Bill (NIA Bill 49/11-16) (Amendment 75)

The Question was put and the Assembly divided.

Ayes: 38

Noes: 52

AYES

Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr G Kelly, Mr McCartney.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan, Mr G Robinson.

The amendment was **negatived**.

Northern Ireland Assembly

16 February 2016
Division 4

Consideration Stage – Mental Capacity Bill (NIA Bill 49/11-16) (Amendment 118)

The Question was put and the Assembly divided.

Ayes: 37

Noes: 51

AYES

Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Lynch, Mr McAleer.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCreá, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr McQuillan, Mr G Robinson.

The amendment was **negatived**.

Northern Ireland Assembly

16 February 2016
Division 5

**Further Consideration Stage – Assembly and Executive Reform (Assembly Opposition) (NIA Bill 62/11-16)
(Amendment 8)**

The Question was put and the Assembly divided.

Ayes: 30

Noes: 51

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Durkan, Mr Eastwood, Dr Farry, Ms Hanna, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Ms Sugden, Mr Swann.

Tellers for the Ayes: Mr Kennedy, Mrs Overend.

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr G Robinson, Mr Ó Muilleoir.

The amendment was **negatived**.

Northern Ireland Assembly

16 February 2016
Division 6

**Further Consideration Stage – Assembly and Executive Reform (Assembly Opposition) (NIA Bill 62/11-16)
(Amendment 9)**

The Question was put and the Assembly divided.

Ayes: 19

Noes: 61

AYES

Mr Agnew, Mr Attwood, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Diver, Mr Durkan, Mr Eastwood, Ms Hanna, Mrs D Kelly, Mr Lunn, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Rogers, Ms Sugden.

Tellers for the Ayes: Ms Hanna, Mrs D Kelly.

NOES

Mr Allen, Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr Lyons, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr G Robinson, Mr Ó Muilleoir.

The amendment was **negatived**.

Northern Ireland Assembly

16 February 2016
Division 7

**Further Consideration Stage – Assembly and Executive Reform (Assembly Opposition) (NIA Bill 62/11-16)
(Amendment 11)**

The Question was put and the Assembly divided.

Ayes: 53

Noes: 28

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Ms Sugden, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew, Mr McCallister.

NOES

Mr Allen, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr F McCann, Mr McCartney, Ms McCorley, Mr McElduff, Mr McKay, Ms Maeve McLaughlin, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mr Ruane, Mr Sheehan, Mr Swann.

Tellers for the Noes: Ms Fearon, Mr Ó Muilleoir.

The amendment was **made**.

Northern Ireland Assembly

16 February 2016
Division 8

**Further Consideration Stage – Assembly and Executive Reform (Assembly Opposition) (NIA Bill 62/11-16)
(Amendment 12)**

The Question was put and the Assembly divided.

Ayes: 30

Noes: 51

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mrs Cochrane, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mr Durkan, Mr Eastwood, Dr Farry, Ms Hanna, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Ms Sugden, Mr Swann.

Tellers for the Ayes: Mr Agnew, Ms Sugden.

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr Lyons, Mr F McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr G Robinson, Mr Ó Muilleoir.

The amendment was **negatived**.

Northern Ireland Assembly

16 February 2016
Division 9

**Further Consideration Stage – Assembly and Executive Reform (Assembly Opposition) (NIA Bill 62/11-16)
(Amendment LT1)**

The Question was put and the Assembly divided.

Ayes: 53

Noes: 28

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dallat, Mr Dickson, Mr Diver, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Storey, Ms Sugden, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McCallister, Ms Sugden.

NOES

Mr Allen, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr F McCann, Mr McCartney, Ms McCorley, Mr McElduff, Mr McKay, Ms Maeve McLaughlin, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Ms Ruane, Mr Sheehan, Mr Swann.

Tellers for the Noes: Ms Fearon, Mr Ó Muilleoir.

The amendment was **made**.

Assembly Members (Reduction of Numbers) Bill

Annotated Marshalled List of Amendments Further Consideration Stage

Tuesday 16 February 2016

Amendments tabled up to 9.30am Wednesday, 10 February 2016 and selected for debate.

Amendment 1 [*Made*]

Clause 1, Page 1, Line 5

Leave out 'next Assembly' and insert '2016'

The First Minister and deputy First Minister

Amendment 2 [*Made*]

Clause 1, Page 1, Line 7

At end insert -

“2016 election” means the election held in 2016 in accordance with section 31(1) of that Act.”

The First Minister and deputy First Minister

Amendment 3 [*Not moved*]

New Clause

After Clause 1 insert -

‘Review of number of members of the Assembly

1A. Standing orders shall provide that the committee established in accordance with section 29A of the Northern Ireland Act 1998 shall—

- (a) review the impact section 1 would have on the total number of Assembly members, should changes be made to the number of constituencies; and
- (b) report on its review, including in relation to the desirability of reducing the number of Assembly members below 90, by 1 December 2018.’

Mr John McCallister

Mental Capacity Bill

Annotated Marshalled List of Amendments Consideration Stage

Tuesday 16 February 2016

Amendments tabled up to 9.30am Wednesday, 10 February 2016 and selected for debate.

The Bill will be considered in the following order

Clauses, Schedules and Long Title

Amendment 1 [*Made*]

Clause 4, Page 2, Line 41

After 'means)' insert 'and references to enabling or helping a person to make a decision about a matter are to be read accordingly.'

Minister of Health, Social Services and Public Safety

Amendment 2 [*Made*]

Clause 5, Page 3, Line 29

At end insert -

'(3A) For the purposes of providing the information or explanation mentioned in subsection (2)(a) in a way appropriate to the person's circumstances it may, in particular, be appropriate—

(a) to use simple language or visual aids; or

(b) to provide support for the purposes of communicating the information or explanation.

(3B) The reference in subsection (2)(c) to persons whose involvement is likely to help the person to make a decision may, in particular, include a person who provides support to help the person communicate his or her decision.'

Minister of Health, Social Services and Public Safety

Amendment 3 [*Made*]

Clause 7, Page 5, Line 17

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 4 [*Made*]

Clause 7, Page 5, Line 19

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 5 [*Made*]

Clause 7, Page 5, Line 23

After second 'attorney' insert ', or an enduring power of attorney,'

Minister of Health, Social Services and Public Safety

Amendment 6 [*Made*]

Clause 9, Page 6, Line 33

After '(independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 7 [*Negatived*]

Clause 10, Page 7, Line 3

After 'damage' insert 'or injury'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 8 [*Negated on division*]**Clause 12**, Page 8, Line 18

Leave out 'a threat' and insert 'an expressed intention to use force'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 9 [*Made*]**Clause 14**, Page 9, Line 22

Leave out subsection (4) and insert -

'(4) In this section references to a "suitably qualified" person are to a person of a prescribed description.'

Minister of Health, Social Services and Public Safety

Amendment 10 [*Not called*]**Clause 14**, Page 9, Line 22

Leave out 'may' and insert 'shall'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 11 [*Not moved*]**Clause 16**, Page 10, Line 6

Leave out paragraph (a)

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 12 [*Made*]**Clause 16**, Page 10, Line 10

Leave out 'for P'

Minister of Health, Social Services and Public Safety

Amendment 13 [*Made*]**Clause 18**, Page 11, Line 24

Leave out 'for P'

Minister of Health, Social Services and Public Safety

Amendment 14 [*Made*]**Clause 18**, Page 11, Line 32

Leave out from 'consulted' to end of line 33 and insert -

'—

- (a) examined P;
- (b) examined any health records relating to P that have been produced under subsection (2)(b) and appear to the practitioner to be relevant (having taken reasonable steps to require the production of relevant health records); and
- (c) consulted such person or persons as appear to the practitioner to be principally concerned with treating P (generally).'

Minister of Health, Social Services and Public Safety

Amendment 15 [*Made*]**Clause 18**, Page 11, Line 41

Leave out 'for P'

Minister of Health, Social Services and Public Safety

Amendment 16 [*Made*]**Clause 18**, Page 11, Line 42

At end insert -

'(5A) Where RQIA receives a relevant request and proposes to ask a medical practitioner to provide an opinion on whether it would be in P's best interests to have the treatment, it must (when considering who to ask) have regard to the desirability of asking a medical practitioner who is independent of any medical practitioner concerned with the provision to P of the treatment.'

Minister of Health, Social Services and Public Safety

Amendment 17 [*Made*]**Clause 18**, Page 12, Line 1

Leave out 'subsection (5)' and insert 'this section'

*Minister of Health, Social Services and Public Safety***Amendment 18** [*Made*]**Clause 21**, Page 13, Line 10

Leave out 'section 19' and insert 'sections 19 and 22'

*Chair, Ad Hoc Joint Committee on the Mental Capacity Bill***Amendment 19** [*Negated on division*]**Clause 21**, Page 13, Line 14

Leave out 'physical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 20** [*Not called*]**Clause 21**, Page 13, Line 16

Leave out 'physical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 21** [*Not called*]**Clause 21**, Page 13, Line 24

Leave out 'physical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 22** [*Made*]**Clause 22**, Page 13, Line 38

Leave out from '(and' to 'act)' on line 39 and insert '; and (b) the prevention of serious harm condition (as well as the conditions of section 9(1)(c) and (d), and any other conditions that apply under this Part) is met'

*Chair, Ad Hoc Joint Committee on the Mental Capacity Bill***Amendment 23** [*Made*]**Clause 22**, Page 13, Line 40

Leave out 'This section' and insert 'Subsection (2)(a)'

*Chair, Ad Hoc Joint Committee on the Mental Capacity Bill***Amendment 24** [*Made*]**Clause 22**, Page 14, Line 1

Leave out '(2)' and insert '(2)(a)'

*Chair, Ad Hoc Joint Committee on the Mental Capacity Bill***Amendment 25** [*Made*]**Clause 22**, Page 14, Line 3

At end insert -

'(5) See section 21 for the prevention of serious harm condition.'

*Chair, Ad Hoc Joint Committee on the Mental Capacity Bill***Amendment 26** [*Made*]**Clause 23**, Page 14, Line 14

At end insert -

'; or

(d) the act is done at a time when a supervision and assessment order (see Schedule 7A) is in force in respect of the person.'

Minister of Health, Social Services and Public Safety

Amendment 27 [Made]**Clause 28**, Page 16, Line 22

Leave out from 'which' to 'to' on line 23 and insert 'that would or might'

*Minister of Health, Social Services and Public Safety***Amendment 28 [Made]****Clause 28**, Page 17, Line 1

Leave out subsection (6)

*Minister of Health, Social Services and Public Safety***Amendment 29 [Not moved]****Clause 29**, Page 17, Line 8

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 30 [Made]****Clause 31**, Page 18, Line 16

Leave out subsection (3) and insert -

'(3) In subsection (2)(a) "healthcare professional" means a person of a prescribed description.'

*Minister of Health, Social Services and Public Safety***Amendment 31 [Not called]****Clause 31**, Page 18, Line 16

Leave out 'may' and insert 'shall'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 32 [Made]****Clause 31**, Page 18, Line 18

Leave out 'which is likely to' and insert 'that would or might'

*Minister of Health, Social Services and Public Safety***Amendment 33 [Made]****Clause 35**, Page 19, Line 39

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 34 [Made]****Clause 35**, Page 19, Line 41

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 35 [Made]****Clause 35**, Page 20, Line 2

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 36 [Made]****Clause 35**, Page 20, Line 5

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 37 [Made]****Clause 35**, Page 20, Line 12

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 38 [*Made*]**Clause 36**, Page 20, Line 19

Leave out from 'which' to 'to' on line 20 and insert 'that would or might'

*Minister of Health, Social Services and Public Safety***Amendment 39** [*Not moved*]**Clause 39**, Page 21, Line 36

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 40** [*Not called*]**Clause 39**, Page 22, Line 4

After 'practitioner's' insert 'or approved clinician's'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 41** [*Not called*]**Clause 39**, Page 22, Line 13

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 42** [*Made*]**Clause 39**, Page 22, Line 13

Leave out 'is likely to lack' and insert 'lacks (or probably lacks)'

*Minister of Health, Social Services and Public Safety***Amendment 43** [*Not called*]**Clause 39**, Page 22, Line 18

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 44** [*Made*]**Clause 43**, Page 23, Line 32

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 45** [*Made*]**Clause 43**, Page 23, Line 41

Leave out 'likely to lack' and insert 'lacks, or probably lacks,'

*Minister of Health, Social Services and Public Safety***Amendment 46** [*Not moved*]**Clause 47**, Page 25, Line 40

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 47** [*Made*]**Clause 48**, Page 26, Line 4

Leave out subsections (1) and (2) and insert -

'(1) Where—

(a) on any date ("the extension date"), the period of an authorisation under Schedule 1 is extended under section 38 or Schedule 3,

- (b) the authorisation has been in force throughout the relevant period (see subsection (2)), and
 - (c) the Tribunal has not considered the person's case at any time in that period,
- the relevant trust must as soon as practicable refer the person's case to the Tribunal.

(2) The "relevant period" is—

- (a) if the person to whom the authorisation relates ("the person") is under 18, the period of one year ending with the extension date;
- (b) otherwise, the period of two years ending with the extension date.'

Minister of Health, Social Services and Public Safety

Amendment 48 [Not moved]

Clause 48, Page 26, Line 8

Leave out 'two' and insert 'one'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 49 [Not moved]

Clause 48, Page 26, Line 9

Leave out 'one year' and insert 'six months'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 50 [Made]

Clause 48, Page 26, Line 32

Leave out '(1)(c)' and insert '(2)'

Minister of Health, Social Services and Public Safety

Amendment 51 [Made]

New Clause

After Clause 48 insert -

'References etc to Tribunal: persons formerly detained under the Mental Health Order

48A.—(1) This section applies where—

- (a) immediately before the day a person reaches the age of 16 ("the relevant day"), the person is liable to be detained under Part 2 of the Mental Health Order; and
- (b) on that day, there is in force an authorisation under Schedule 1 to this Act ("the authorisation") that authorises the detention of the person in circumstances amounting to a deprivation of liberty.

(2) If an application to the Tribunal by the person, or a reference of the person's case to the Tribunal, was made under Part 5 of the Mental Health Order before the relevant day but has not been dealt with by that day, the matters to be considered by the Tribunal include the question whether the authorisation is appropriate.

(3) If—

- (a) on any date when the person is under 17, the period of the authorisation is extended (under section 37 or 38 or Schedule 3),
 - (b) a relevant authority has been in force throughout the period of one year ending with that date, and
 - (c) the Tribunal has not considered the person's case at any time in that period,
- the relevant trust must as soon as practicable refer to the Tribunal the question whether the authorisation is appropriate.

(4) In this section—

"the person's case"—

- (a) in relation to any time when the person was under 16, has the same meaning as in Part 5 of the Mental Health Order;
- (b) in relation to any time when the person is 16 or over, means the question whether the authorisation is appropriate;

"relevant authority"—

- (a) in relation to any time when the person was under 16, means an authority under Part 2 of the Mental Health Order for the detention of the person;
 - (b) in relation to any time when the person is 16 or over, means the authorisation;
- "the relevant trust" has the same meaning as in section 48.'

Minister of Health, Social Services and Public Safety

Amendment 52 [Made]**Clause 49**, Page 26, Line 41

Leave out 'is likely to lack' and insert 'lacks (or probably lacks)'

*Minister of Health, Social Services and Public Safety***Amendment 53 [Made]****Clause 50**, Page 27, Line 27

Leave out 'it is more likely than not' and insert 'there is a good prospect of it being established'

*Minister of Health, Social Services and Public Safety***Amendment 54 [Made]****Clause 50**, Page 27, Line 30

Leave out from 'it' to 'not' on line 31 and insert 'there is a good prospect of it being established'

*Minister of Health, Social Services and Public Safety***Amendment 55 [Made]****Clause 51**, Page 28, Line 11

Leave out from 'prevention' to '2)' on line 12 and insert 'condition in paragraph 12 of Schedule 2'

*Minister of Health, Social Services and Public Safety***Amendment 56 [Made]****New Clause**

After Clause 51 insert -

'Sections 50 and 51: additional powers of Tribunal**51A.**—(1) This section applies where, under section 50 or 51, the Tribunal decides to do anything other than revoke the authorisation.

(2) The Tribunal may, with a view to facilitating the ending at a future date of a measure still authorised by the authorisation—

(a) recommend the taking of specified actions in relation to P; and

(b) further consider P's case in the event of any recommendation not being complied with.

(3) Where the Tribunal further considers P's case under subsection (2)(b), section 50 or (as the case may be) section 51 applies.'

*Minister of Health, Social Services and Public Safety***Amendment 57 [Not moved]****Clause 52**, Page 28, Line 17

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 58 [Made]****Clause 52**, Page 28, Line 28

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 59 [Not called]****Clause 52**, Page 28, Line 32

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 60 [Not called]****Clause 52**, Page 28, Line 34

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch*

Amendment 61 [*Not called*]**Clause 52**, Page 28, Line 35

Leave out 'medical' and insert 'clinical'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 62 [*Not called*]**Clause 52**, Page 28, Line 36

Leave out 'medical' and insert 'clinical'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 63 [*Not moved*]**Clause 53**, Page 28, Line 38

Leave out 'medical' and insert 'clinical'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 64 [*Made*]**Clause 53**, Page 28, Line 40

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 65 [*Made*]**Clause 53**, Page 29, Line 4

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 66 [*Made*]**Clause 53**, Page 29, Line 13

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 67 [*Made*]**Clause 54**, Page 29, Line 31

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 68 [*Made*]**Clause 58**, Page 31, Line 32

Leave out 'power' and insert 'a power (or duty)'

Minister of Health, Social Services and Public Safety

Amendment 69 [*Made*]**New Clause**

After Clause 58 insert -

'Power to make further provision'

58A.—(1) The Department may by regulations make provision modifying any provision of this Part in relation to cases where—

- (a) an act is proposed to be done in respect of a person after that person has reached the age of 16, but
- (b) at the time the act is proposed, the person is under 16.

(2) The Department may by regulations make provision enabling prescribed relevant documents that are found to be incorrect or defective within a prescribed period from being made—

- (a) to be rectified within a prescribed period, and
- (b) to have effect as if originally made as rectified.

(3) In subsection (2) "relevant document" means an authorisation, or other document, made for the purposes of this Part.'

Minister of Health, Social Services and Public Safety

Amendment 70 [Made]**Clause 59**, Page 32, Line 6

Leave out 'other' and insert 'otherwise'

*Minister of Health, Social Services and Public Safety***Amendment 71 [Made]****Clause 59**, Page 32, Line 8

Leave out 'at the end of that period, did not become liable to be' and insert 'immediately after the end of that period, was not'

*Minister of Health, Social Services and Public Safety***Amendment 72 [Made]****Clause 59**, Page 32, Line 32

Leave out 'liable to be'

*Minister of Health, Social Services and Public Safety***Amendment 73 [Made]****Clause 63**, Page 35, Line 4

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Clause 65 [Question that Clause 65 stand part negatived]***The Minister of Health, Social Services and Public Safety gives notice of his intention to oppose the question that Clause 65 stand part of the Bill.**Minister of Health, Social Services and Public Safety***Amendment 74 [Made]****Clause 66**, Page 36, Line 27

After '20.' insert 'treatment that "might be" treatment with serious consequences: references to such treatment are to treatment where the risk of the treatment turning out to be treatment with serious consequences is more than negligible.'

*Minister of Health, Social Services and Public Safety***Amendment 75 [Negatived on division]****Clause 73**, Page 39, Line 37

Leave out paragraph (b)

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 76 [Made]****Clause 77**, Page 41, Line 37

After 'X' insert '(including sensitive personal information)'

*Minister of Health, Social Services and Public Safety***Amendment 77 [Made]****Clause 78**, Page 42, Line 27

After second 'attorney' insert ', or an enduring power of attorney.'

*Minister of Health, Social Services and Public Safety***Amendment 78 [Made]****Clause 78**, Page 42, Line 31

Leave out subsection (6) and insert -

'(6) In this section "appropriate healthcare professional" means a person of a prescribed description.'

*Minister of Health, Social Services and Public Safety***Amendment 79 [Made]****Clause 84**, Page 45, Line 6

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 80 [Made]**Clause 84**, Page 45, Line 8

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 81 [Made]****Clause 84**, Page 45, Line 15

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 82 [Made]****Clause 84**, Page 45, Line 16

Leave out from ', so' to 'practicable,' on line 17

*Minister of Health, Social Services and Public Safety***Amendment 83 [Made]****Clause 84**, Page 45, Line 19

Leave out "'an independent' and insert "'independent mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 84 [Made]****Clause 85**, Page 45, Line 39

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 85 [Made]****Clause 85**, Page 45, Line 41

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 86 [Made]****Clause 85**, Page 46, Line 13

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 87 [Made]****Clause 85**, Page 46, Line 17

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 88 [Made]****Clause 86**, Page 46, Line 26

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 89 [Made]****Clause 86**, Page 46, Line 29

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 90 [Made]****Clause 86**, Page 46, Line 37

Leave out subsection (6) and insert -

'(6) In this section "appropriate healthcare professional" means a person of a prescribed description.'

*Minister of Health, Social Services and Public Safety***Amendment 91 [Made]****Clause 87**, Page 46, Line 41

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 92 [Made]**Clause 87**, Page 47, Line 2

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 93 [Made]****Clause 87**, Page 47, Line 8

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 94 [Made]****Clause 87**, Page 47, Line 8

After 'P' insert '(including sensitive personal information)'

*Minister of Health, Social Services and Public Safety***Amendment 95 [Made]****Clause 87**, Page 47, Line 9

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 96 [Made]****Clause 88**, Page 47, Line 12

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 97 [Made]****Clause 88**, Page 47, Line 19

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 98 [Made]****Clause 89**, Page 47, Line 27

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 99 [Made]****Clause 89**, Page 47, Line 32

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 100 [Made]****Clause 90**, Page 47, Line 35

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 101 [Made]****Clause 90**, Page 47, Line 38

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 102 [Made]****Clause 90**, Page 47, Line 40

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 103 [Made]****Clause 90**, Page 48, Line 1

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 104 *[Made]***Clause 90**, Page 48, Line 5

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 105** *[Made]***Clause 91**, Page 48, Line 9

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 106** *[Made]***Clause 91**, Page 48, Line 12

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 107** *[Made]***Clause 91**, Page 48, Line 13

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 108** *[Made]***Clause 92**, Page 48, Line 22

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 109** *[Made]***Clause 92**, Page 48, Line 23

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 110** *[Made]***Clause 92**, Page 48, Line 27

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 111** *[Made]***Clause 94**, Page 49, Line 10

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 112** *[Made]***Clause 94**, Page 49, Line 14

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 113** *[Made]***Clause 94**, Page 49, Line 17

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 114** *[Made]***Clause 94**, Page 49, Line 19

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 115** *[Made]***Clause 94**, Page 49, Line 21

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 116 [*Not moved*]**Clause 95**, Page 50, Line 17

Leave out '18' and insert '16'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 117 [*Not moved*]**Clause 98**, Page 52, Line 37

Leave out '(including the attorney)'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 118 [*Negated on division*]**Clause 99**, Page 53, Line 14

At end insert -

'(3) An individual convicted of fraud should be the subject of a risk assessment for suitability for post of Attorney.'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 119 [*Not moved*]**Clause 110**, Page 60, Line 9

At end insert -

'(4) Enduring power of Attorney can run in tandem with lasting power of attorney.'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Clause 110 [**Question that Clause 110 stand part negated**]*The Member listed below gives notice of his intention to oppose the question that Clause 110 stand part of the Bill.**Chair, Ad Hoc Joint Committee on the Mental Capacity Bill***Amendment 120** [*Made*]**Clause 113**, Page 61, Line 34

At end insert -

'(1A) In this section "specified" means specified by the court.'

*Minister of Health, Social Services and Public Safety***Amendment 121** [*Made*]**Clause 115**, Page 62, Line 37

Leave out paragraphs (a) and (b) and insert -

'(a) in specified circumstances or on the happening of specified events;

(b) for a specified period.'

*Minister of Health, Social Services and Public Safety***Amendment 122** [*Made*]**Clause 115**, Page 63, Line 14

At end insert -

'(10) In this section "specified" means specified by the court.'

*Minister of Health, Social Services and Public Safety***Amendment 123** [*Made*]**Clause 116**, Page 63, Line 35

After 'attorney' insert ', or an enduring power of attorney,'

Minister of Health, Social Services and Public Safety

Amendment 124*[Made]***Clause 121**, Page 66, Line 11

Leave out 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 125***[Made]***Clause 121**, Page 66, Line 16

Leave out paragraphs (c) and (d) and insert -

'(c)where the application relates to a lasting power of attorney or enduring power of attorney and the application is made by the donor or any person who is an attorney under the power;'

*Minister of Health, Social Services and Public Safety***Amendment 126***[Made]***Clause 121**, Page 66, Line 26

Leave out 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 127***[Made]***Clause 121**, Page 66, Line 28

Leave out 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 128***[Made]***New Clause**

After Clause 121 insert -

'Duty to notify Attorney General

121A.—(1) A person who makes an application to the court under this Part must notify the Attorney General of that fact.

(2) The notification must be made in accordance with rules of court.

(3) The Attorney General may intervene in the proceedings on the application in such way as the Attorney General considers appropriate.'

*Minister of Health, Social Services and Public Safety***Amendment 129***[Made]***Clause 122**, Page 68, Line 11

Leave out 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 130***[Made]***Clause 122**, Page 68, Line 12

Leave out 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 131***[Made]***Clause 122**, Page 68, Line 13

Leave out 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 132***[Made]***Clause 122**, Page 68, Line 20

Leave out 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 133***[Made]***Clause 125**, Page 70, Line 20

After 'trust' insert 'or its employees or agents;'

Minister of Health, Social Services and Public Safety

Amendment 134*[Made]***Clause 127**, Page 71, Line 19

Leave out first 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 135***[Made]***Clause 127**, Page 71, Line 19

Leave out second 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 136***[Made]***Clause 127**, Page 71, Line 22

Leave out 'institution' and insert 'bringing'

*Minister of Health, Social Services and Public Safety***Amendment 137***[Not moved]***Clause 128**, Page 71, Line 33

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 138***[Made]***Clause 131**, Page 73, Line 11

Leave out from 'and' to end of line 12 and insert 'that are designated by regulations made for the purposes of this subsection.'

*Minister of Health, Social Services and Public Safety***Amendment 139***[Made]***Clause 133**, Page 74, Line 38

After second 'attorney' insert ', or an enduring power of attorney.'

*Minister of Health, Social Services and Public Safety***Amendment 140***[Not moved]***Clause 134**, Page 75, Line 12

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 141***[Made]***Clause 137**, Page 76, Line 39

After first 'serious' insert 'physical or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 142***[Made]***Clause 137**, Page 77, Line 2

Leave out sub-paragraphs (i) and (ii) and insert 'the likelihood and seriousness of the harm concerned;'

*Minister of Health, Social Services and Public Safety***Amendment 143***[Made]***Clause 139**, Page 77, Line 35

Leave out 'taken' and insert 'removed'

*Minister of Health, Social Services and Public Safety***Amendment 144***[Made]***Clause 139**, Page 77, Line 37

Leave out 'taken' and insert 'removed'

Minister of Health, Social Services and Public Safety

Amendment 145*[Not moved]***Clause 140**, Page 78, Line 7

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 146*[Not moved]***Clause 141**, Page 78, Line 24

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 147*[Made]***Clause 141**, Page 78, Line 25

After 'preventing' insert 'physical or psychological'

Minister of Health, Social Services and Public Safety

Amendment 148*[Made]***Clause 142**, Page 78, Line 38

After first 'serious' insert 'physical or psychological'

Minister of Health, Social Services and Public Safety

Amendment 149*[Made]***Clause 142**, Page 79, Line 1

Leave out sub-paragraphs (i) and (ii) and insert 'the likelihood and seriousness of the harm concerned;'

Minister of Health, Social Services and Public Safety

Amendment 150*[Made]***Clause 143**, Page 79, Line 27

After 'serious' insert 'physical or psychological'

Minister of Health, Social Services and Public Safety

Amendment 151*[Made]***Clause 143**, Page 79, Line 31

Leave out sub-paragraphs (i) and (ii) and insert 'the likelihood and seriousness of the harm concerned;'

Minister of Health, Social Services and Public Safety

Amendment 152*[Made]***Clause 145**, Page 80, Line 12

Leave out from 'removes' to end of line 14 and insert 'takes a person ("R") to a place of safety under section 137 or 143.'

Minister of Health, Social Services and Public Safety

Amendment 153*[Made]***Clause 145**, Page 80, Line 15

Leave out 'the person ("R")' and insert 'R'

Minister of Health, Social Services and Public Safety

Amendment 154*[Made]***Clause 145**, Page 80, Line 18

Leave out '(but this is subject to subsection (4))'

Minister of Health, Social Services and Public Safety

Amendment 155*[Made]***Clause 145**, Page 80, Line 20

Leave out 'person within subsection (3)' and insert 'relevant person'

Minister of Health, Social Services and Public Safety

Amendment 156*[Made]***Clause 145**, Page 80, Line 22

Leave out subsection (3)

*Minister of Health, Social Services and Public Safety***Amendment 157***[Made]***Clause 145**, Page 80, Line 26

At beginning insert 'But'

*Minister of Health, Social Services and Public Safety***Amendment 158***[Made]***Clause 145**, Page 80, Line 28

Leave out 'but' and insert 'and'

*Minister of Health, Social Services and Public Safety***Amendment 159***[Made]***Clause 145**, Page 80, Line 29

Leave out from 'person' to '(3)' on line 30 and insert 'relevant person'

*Minister of Health, Social Services and Public Safety***Amendment 160***[Made]***Clause 145**, Page 80

Leave out lines 31 to 33 and insert -

'subsection (2) has effect as if the reference in paragraph (b) to the appropriate person were to a relevant person.'

*Minister of Health, Social Services and Public Safety***Amendment 161***[Made]***Clause 145**, Page 80, Line 37

At end insert -

"relevant person" means a person who is 16 or over and is—

- (a) named by R as someone to whom the information should be given;
- (b) engaged in caring for R; or
- (c) interested in R's welfare;

*Minister of Health, Social Services and Public Safety***Amendment 162***[Made]***Clause 145**, Page 80, Line 39

Leave out subsections (6) and (7)

*Minister of Health, Social Services and Public Safety***Amendment 163***[Made]***Clause 146**, Page 81, Line 5

Leave out subsection (1) and insert 'This section supplements section 145.'

*Minister of Health, Social Services and Public Safety***Amendment 164***[Made]***Clause 146**, Page 81, Line 9

Leave out 'That information is' and insert "'The required information' means'

*Minister of Health, Social Services and Public Safety***Amendment 165***[Made]***Clause 146**, Page 81, Line 10

Leave out from 'removed' to 'be)' on line 11

*Minister of Health, Social Services and Public Safety***Amendment 166***[Made]***Clause 146**, Page 81, Line 11

After 'section' insert '137 or'

Minister of Health, Social Services and Public Safety

Amendment 167*[Made]***Clause 146**, Page 81, Line 13

Leave out from 'removed' to 'be)' on line 14

*Minister of Health, Social Services and Public Safety***Amendment 168***[Made]***Clause 146**, Page 81, Line 18

Leave out 'removed' and insert 'taken'

*Minister of Health, Social Services and Public Safety***Amendment 169***[Made]***Clause 146**, Page 81, Line 22

Leave out 'removed or transferred' and insert 'taken'

*Minister of Health, Social Services and Public Safety***Amendment 170***[Made]***Clause 146**, Page 81, Line 23

Leave out 'removed or transferred' and insert 'taken'

*Minister of Health, Social Services and Public Safety***Amendment 171***[Made]***Clause 146**, Page 81, Line 23

At end insert -

'(3) Section 145 applies instead of Article 10 of the Criminal Justice (Children) (Northern Ireland) Order 1998 in any case where (but for this subsection) both that section and that Article would apply.

(4) Article 57 of PACE (right to have someone informed when arrested and detained) does not apply in relation to a person detained in a place of safety under this Part.'

*Minister of Health, Social Services and Public Safety***Amendment 172***[Made]***Clause 153**, Page 83, Line 39

After '(10A)' insert ', (12)(a)(iii)'

*Minister of Health, Social Services and Public Safety***Amendment 173***[Made]***Clause 154**, Page 84, Line 5

At end insert -

'(c)the number of children detained under this Part in hospitals;

(d) the number of children detained under this Part in police stations;

(e) final disposals in respect of children detained as mentioned in paragraphs (c) and (d).'

*Chair, Ad Hoc Joint Committee on the Mental Capacity Bill***Amendment 174***[Made]***Clause 154**, Page 84, Line 8

At end insert -

'(3) In this section "children" means persons under 18.'

*Chair, Ad Hoc Joint Committee on the Mental Capacity Bill***Amendment 175***[Made]***Clause 155**, Page 85, Line 17

Leave out from ', 2' to 'interests)' on line 18 and insert 'to 3 and 5 to 8 (principles, best interests etc'

*Minister of Health, Social Services and Public Safety***Amendment 176***[Not moved]***Clause 156**, Page 85, Line 30

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 177*[Made]***Clause 158**, Page 86, Line 19

Leave out 'has the meaning given by' and insert ', and references to enabling a person to make a decision, are to be read in accordance with'

*Minister of Health, Social Services and Public Safety***Amendment 178***[Not moved]***Clause 162**, Page 88, Line 26

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 179***[Not moved]***Clause 162**, Page 88, Line 27

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 180***[Not called]***Clause 162**, Page 88, Line 31

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 181***[Made]***Clause 163**, Page 88, Line 38

Leave out 'substantially likely' and insert 'more likely than not'

*Minister of Health, Social Services and Public Safety***Amendment 182***[Made]***Clause 163**, Page 88, Line 38

After first 'serious' insert 'physical or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 183***[Not called]***Clause 163**, Page 89, Line 15

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 184***[Not called]***Clause 163**, Page 89, Line 16

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 185***[Not called]***Clause 163**, Page 89, Line 21

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch*

Amendment 186*[Not moved]***Clause 164**, Page 89, Line 37

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 187*[Made]***Clause 166**, Page 91, Line 39

After 'physical' insert 'or psychological'

Minister of Health, Social Services and Public Safety

Amendment 188*[Made]***Clause 166**, Page 92, Line 6

After 'of' insert 'physical or psychological'

Minister of Health, Social Services and Public Safety

Amendment 189*[Not called]***Clause 166**, Page 92, Line 17

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 190*[Made]***Clause 166**, Page 92, Line 21

Leave out from 'means' to end of line 22 and insert 'has the same meaning as in Part 8 of the Justice Act (Northern Ireland) 2015 (see section 76(1)).'

Minister of Health, Social Services and Public Safety

Amendment 191*[Made]***Clause 167**, Page 92, Line 28

After 'physical' insert 'or psychological'

Minister of Health, Social Services and Public Safety

Amendment 192*[Made]***Clause 167**, Page 92, Line 32

After 'of' insert 'physical or psychological'

Minister of Health, Social Services and Public Safety

Amendment 193*[Made]***Clause 170**, Page 93, Line 30

After 'physical' insert 'or psychological'

Minister of Health, Social Services and Public Safety

Amendment 194*[Made]***Clause 173**, Page 95, Line 24

Leave out 'substantially likely' and insert 'more likely than not'

Minister of Health, Social Services and Public Safety

Amendment 195*[Made]***Clause 173**, Page 95, Line 24

After 'serious' insert 'physical or psychological'

Minister of Health, Social Services and Public Safety

Amendment 196*[Not moved]***Clause 173**, Page 95, Line 43

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 197 [*Not moved*]**Clause 175**, Page 97, Line 10

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 198 [*Not called*]**Clause 176**, Page 97, Line 28

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 199 [*Not called*]**Clause 176**, Page 97, Line 38

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 200 [*Not moved*]**Clause 178**, Page 98, Line 34

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 201 [*Not called*]**Clause 178**, Page 98, Line 40

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 202 [*Not called*]**Clause 178**, Page 99, Line 1

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 203 [*Made*]**Clause 178**, Page 99, Line 5

After 'physical' insert 'or psychological'

Minister of Health, Social Services and Public Safety

Amendment 204 [*Not moved*]**Clause 181**, Page 100, Line 5

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 205 [*Not called*]**Clause 181**, Page 100, Line 8

After 'practitioner's' insert 'or approved clinician's'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 206*[Not called]***Clause 181**, Page 100, Line 15

After first 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 207***[Not called]***Clause 181**, Page 100, Line 15

After second 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 208***[Made]***Clause 183**, Page 100, Line 41

After 'physical' insert 'or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 209***[Not called]***Clause 184**, Page 101, Line 13

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 210***[Not called]***Clause 184**, Page 101, Line 14

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 211***[Not called]***Clause 185**, Page 101, Line 27

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 212***[Not called]***Clause 185**, Page 101, Line 31

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 213***[Not called]***Clause 185**, Page 101, Line 36

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 214***[Not called]***Clause 185**, Page 102, Line 13

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 215*[Made]***Clause 190**, Page 104, Line 23

After 'physical' insert 'or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 216***[Not moved]***Clause 191**, Page 104, Line 40

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 217***[Not called]***Clause 193**, Page 105, Line 18

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 218***[Not called]***Clause 193**, Page 105, Line 23

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 219***[Not called]***Clause 193**, Page 105, Line 28

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 220***[Not called]***Clause 193**, Page 106, Line 5

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 221***[Not called]***Clause 193**, Page 106, Line 9

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 222***[Made]***Clause 195**, Page 106, Line 41

Leave out '234' and insert '235'

*Minister of Health, Social Services and Public Safety***Amendment 223***[Made]***Clause 196**, Page 107, Line 7

Leave out 'may' and insert 'must'

Minister of Health, Social Services and Public Safety

Amendment 224*[Made]***Clause 196**, Page 107, Line 10

At end insert -

‘(2A) But subsection (2) does not apply if (having received a relevant notification) the Department of Justice directs that with effect from a specified date—

- (a) A is to be treated as if he or she had been removed to the hospital under the relevant provision from a prison specified in the direction under this subsection; and
- (b) the hospital direction is to cease to have effect.’

*Minister of Health, Social Services and Public Safety***Amendment 225***[Made]***Clause 196**, Page 107, Line 15

Leave out ‘not substantially likely’ and insert ‘more likely than not’

*Minister of Health, Social Services and Public Safety***Amendment 226***[Made]***Clause 196**, Page 107, Line 16

After ‘(2),’ insert ‘no’

*Minister of Health, Social Services and Public Safety***Amendment 227***[Made]***Clause 196**, Page 107, Line 16

After first ‘serious’ insert ‘physical or psychological’

*Minister of Health, Social Services and Public Safety***Amendment 228***[Made]***Clause 196**, Page 107, Line 20

Leave out ‘where A is detained’

*Minister of Health, Social Services and Public Safety***Amendment 229***[Made]***Clause 196**, Page 107, Line 21

Leave out subsections (4) to (6) and insert -

‘(4) In this section—

- (a) “the disorder” means the disorder in respect of which the hospital direction was given;
- (b) “the hospital” means the hospital where A is detained;
- (c) any reference to “prison” is to be read, where A would (but for the hospital direction) be detained in a place of any other description, as a reference to a place of that other description;
- (d) “the relevant provision” means—
 - (i) section 16(2) of the Prison Act (Northern Ireland) 1953; or
 - (ii) if A would (but for the hospital direction) be detained in a juvenile justice centre, paragraph 3 of Schedule 2 to the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (e) “a suitable medical practitioner” means the responsible medical practitioner or—
 - (i) if the disorder was mental disorder, any approved medical practitioner;
 - (ii) otherwise, any medical practitioner who appears to the Department of Justice to have special experience in the diagnosis or treatment of the disorder.’

*Minister of Health, Social Services and Public Safety***Amendment 230***[Not called]***Clause 196**, Page 107, Line 21

After ‘practitioner’ insert ‘or approved clinician’

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 231 [*Not called*]**Clause 196**, Page 107, Line 22

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 232 [*Not called*]**Clause 196**, Page 107, Line 23

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 233 [*Made*]**Clause 198**, Page 108, Line 10

At end insert -

'(e) any power to apply to the Sentence Review Commissioners;

(f) any power or duty of the Sentence Review Commissioners or the Secretary of State under the Northern Ireland (Sentences) Act 1998.'

Minister of Health, Social Services and Public Safety

Amendment 234 [*Not called*]**Clause 199**, Page 108, Line 34

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 235 [*Not called*]**Clause 202**, Page 110, Line 9

After 'practitioners' insert 'or approved clinicians'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 236 [*Not called*]**Clause 202**, Page 110, Line 10

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 237 [*Not called*]**Clause 204**, Page 111, Line 2

After 'practitioners' insert 'or approved clinicians'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 238 [*Not called*]**Clause 204**, Page 111, Line 3

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 239*[Made]***Clause 205**, Page 111, Line 12

Leave out 'treatment' and insert 'assessment'

*Minister of Health, Social Services and Public Safety***Amendment 240***[Made]***Clause 205**, Page 111, Line 21

At end insert -

'(5A) The power to make an order under subsection (2)(c) is subject to Schedule 7A, which makes provision about such orders.'

*Minister of Health, Social Services and Public Safety***Amendment 241***[Made]***Clause 205**, Page 111, Line 24

Leave out '(5)' and insert '(5A)'

*Minister of Health, Social Services and Public Safety***Amendment 242***[Made]***Clause 205**, Page 111, Line 31

Leave out subsection (8)

*Minister of Health, Social Services and Public Safety***Amendment 243***[Made]***Clause 206**, Page 111, Line 38

Leave out 'treatment' and insert 'assessment'

*Minister of Health, Social Services and Public Safety***Amendment 244***[Not called]***Clause 206**, Page 111, Line 40

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 245***[Made]***Clause 206**, Page 112, Line 7

Leave out 'treatment' and insert 'assessment'

*Minister of Health, Social Services and Public Safety***Amendment 246***[Not called]***Clause 206**, Page 112, Line 16

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 247***[Not called]***Clause 206**, Page 112, Line 17

After 'practitioner' insert 'or approved responsible clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 248***[Not called]***Clause 206**, Page 112, Line 18

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch*

Amendment 249*[Made]***New Clause**

After Clause 207 insert -

*'Restraining orders***Power to make restraining order following finding of unfitness to plead etc**

207A.—(1) In Article 7 of the Protection from Harassment (Northern Ireland) Order 1997 (restraining orders on conviction) (“the 1997 Order”)—

(a) in the heading at the end insert “etc”;

(b) for paragraph (7) substitute—

“(7) A court—

(a) which deals with a person convicted of an offence under this Article, or

(b) before which a person is acquitted of an offence under this Article,

may vary or discharge the order in question by a further order.

(8) In paragraphs (1) and (7) references to a person convicted of an offence include—

(a) a person in respect of whom findings that the person is unfit to be tried, and that the person did the act or made the omission charged against him or her in respect of the offence, have been made; and

(b) a person in respect of whom a public protection order (as defined by section 165 of the Mental Capacity Act (Northern Ireland) 2016) has been made in respect of the offence by virtue of section 207 of that Act.

(9) Where an order under this Article is made in respect of a person by virtue of paragraph (7)(b) or (8), the person has the same right of appeal against the order as if—

(a) the person had been convicted of the offence in question before the court that made the order; and

(b) that court had made the order when dealing with the person in respect of that offence.”

(2) In Article 7A(2) of the 1997 Order (restraining orders on acquittal) after “7” insert “(and paragraph (8) so far as applying for the purposes of paragraph (7))”.

(3) The amendments made by subsections (1) and (2) apply in relation to offences committed (or alleged to have been committed) before (as well as after) the coming into operation of this section.

(4) In Article 7(8)(b) of the 1997 Order (inserted by subsection (1))—

(a) the reference to a public protection order is to be read, until the coming into operation of section 165, as a reference to a hospital order within the meaning of the Mental Health Order; and

(b) the reference to section 207 is to be read, until the coming into operation of that section, as a reference to Article 44(4) of the Mental Health Order.’

Minister of Health, Social Services and Public Safety

Amendment 250*[Made]*

Clause 209, Page 113, Line 26

Leave out ‘substantially likely’ and insert ‘more likely than not’

Minister of Health, Social Services and Public Safety

Amendment 251*[Made]*

Clause 209, Page 113, Line 26

After first ‘serious’ insert ‘physical or psychological’

Minister of Health, Social Services and Public Safety

Amendment 252*[Made]*

Clause 212, Page 114, Line 31

Leave out ‘234’ and insert ‘235’

Minister of Health, Social Services and Public Safety

Amendment 253*[Made]*

Clause 213, Page 115, Line 3

Leave out ‘may’ and insert ‘must’

Minister of Health, Social Services and Public Safety

Amendment 254*[Made]***Clause 213**, Page 115, Line 8

At end insert -

‘(3A) But subsection (3) does not apply if (having received a relevant notification) the Department of Justice directs that with effect from a specified date—

- (a) A is to be treated as if he or she had been removed to the hospital under the relevant provision from a place, specified in the direction under this subsection, in which A might (but for the hospital transfer direction) be detained; and
- (b) the hospital transfer direction is to cease to have effect.’

*Minister of Health, Social Services and Public Safety***Amendment 255***[Made]***Clause 213**, Page 115, Line 13

Leave out ‘not substantially likely’ and insert ‘more likely than not’

*Minister of Health, Social Services and Public Safety***Amendment 256***[Made]***Clause 213**, Page 115, Line 14

After ‘(3),’ insert ‘no’

*Minister of Health, Social Services and Public Safety***Amendment 257***[Made]***Clause 213**, Page 115, Line 14

After first ‘serious’ insert ‘physical or psychological’

*Minister of Health, Social Services and Public Safety***Amendment 258***[Made]***Clause 213**, Page 115, Line 18

Leave out ‘where A is detained’

*Minister of Health, Social Services and Public Safety***Amendment 259***[Made]***Clause 213**, Page 115, Line 21

At end insert -

“‘the hospital’ means the hospital where A is detained;”

*Minister of Health, Social Services and Public Safety***Amendment 260***[Made]***Clause 213**, Page 115, Line 24

At end insert -

“‘the relevant provision’—

- (a) in the case of a civil prisoner (as defined by section 211), means section 16(2) of the Prison Act (Northern Ireland) 1953;
- (b) in the case of an immigration detainee (as defined by section 211) means—
 - (i) if the place specified in the direction under subsection (3A) is a prison, section 16(2) of the Prison Act (Northern Ireland) 1953;
 - (ii) otherwise, removal centre rules (within the meaning of Part 8 of the Immigration and Asylum Act 1999);’

*Minister of Health, Social Services and Public Safety***Amendment 261***[Made]***Clause 215**, Page 116, Line 8

Leave out ‘234’ and insert ‘235’

*Minister of Health, Social Services and Public Safety***Amendment 262***[Made]***Clause 216**, Page 116, Line 29

Leave out ‘not substantially likely that’ and insert ‘more likely than not that no’

Minister of Health, Social Services and Public Safety

Amendment 263*[Made]***Clause 216**, Page 116, Line 29

After first 'serious' insert 'physical or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 264***[Made]***Clause 218**, Page 117, Line 36

Leave out '234' and insert '235'

*Minister of Health, Social Services and Public Safety***Amendment 265***[Made]***Clause 219**, Page 118, Line 9

Leave out 'may' and insert 'must'

*Minister of Health, Social Services and Public Safety***Amendment 266***[Made]***Clause 219**, Page 118, Line 14

At end insert -

'(3A) But subsection (3) does not apply if (having received a relevant notification) the Department of Justice directs that with effect from a specified date—

(a) A is to be treated as if he or she had been removed to the hospital under the relevant provision from a place, specified in the direction under this subsection, in which A might (but for the hospital transfer direction) be detained; and

(b) the hospital transfer direction is to cease to have effect.'

*Minister of Health, Social Services and Public Safety***Amendment 267***[Made]***Clause 219**, Page 118, Line 15

Leave out 'subsection (3)' and insert 'this section'

*Minister of Health, Social Services and Public Safety***Amendment 268***[Made]***Clause 219**, Page 118, Line 19

Leave out 'not substantially likely' and insert 'more likely than not'

*Minister of Health, Social Services and Public Safety***Amendment 269***[Made]***Clause 219**, Page 118, Line 20

After '(3),' insert 'no'

*Minister of Health, Social Services and Public Safety***Amendment 270***[Made]***Clause 219**, Page 118, Line 20

After first 'serious' insert 'physical or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 271***[Made]***Clause 219**, Page 118, Line 24

Leave out 'where A is detained'

*Minister of Health, Social Services and Public Safety***Amendment 272***[Made]***Clause 219**, Page 118, Line 25

After '(3)' insert 'or (3A)'

*Minister of Health, Social Services and Public Safety***Amendment 273***[Made]***Clause 219**, Page 118, Line 35

Leave out 'not substantially likely' and insert 'more likely than not'

Minister of Health, Social Services and Public Safety

Amendment 274*[Made]***Clause 219**, Page 118, Line 36

After '(5),' insert 'no'

*Minister of Health, Social Services and Public Safety***Amendment 275***[Made]***Clause 219**, Page 118, Line 36

After first 'serious' insert 'physical or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 276***[Made]***Clause 219**, Page 118, Line 40

Leave out 'where A is detained'

*Minister of Health, Social Services and Public Safety***Amendment 277***[Made]***Clause 219**, Page 119, Line 3

At end insert -

"the hospital" means the hospital where A is detained;

"the relevant provision" means—

(a) section 16(2) of the Prison Act (Northern Ireland) 1953; or

(b) if A would (but for the hospital transfer direction) be detained in a juvenile justice centre, paragraph 3 of Schedule 2 to the Criminal Justice (Children) (Northern Ireland) Order 1998;'

*Minister of Health, Social Services and Public Safety***Amendment 278***[Made]***Clause 220**, Page 119, Line 32

Leave out 'substantially likely' and insert 'more likely than not'

*Minister of Health, Social Services and Public Safety***Amendment 279***[Made]***Clause 220**, Page 119, Line 32

After first 'serious' insert 'physical or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 280***[Made]***Clause 221**, Page 120, Line 27

Leave out from second 'is' to 'lack' on line 28 and insert 'lacks (or probably lacks)'

*Minister of Health, Social Services and Public Safety***Amendment 281***[Made]***Clause 222**, Page 121, Line 33

At end insert -

'(3) This section is subject to sections 232 and 233 (applications to Tribunal following conditional discharge of person subject to public protection order with restrictions).'

*Minister of Health, Social Services and Public Safety***Amendment 282***[Made]***Clause 226**, Page 122, Line 38

Leave out subsections (1) and (2) and insert -

'(1) Where—

(a) on a relevant date, a person is liable to be detained under a public protection order or is liable to be detained in a hospital under a hospital direction or hospital transfer direction,

(b) the order or direction has been in force throughout the relevant period, and

(c) the Tribunal has not considered the person's case at any time in that period,

the relevant trust must as soon as practicable refer the person's case to the Tribunal.

(2) The "relevant period" is—

(a) if the person is under 18, the period of one year ending with the relevant date;

(b) otherwise, the period of two years ending with the relevant date.’

Minister of Health, Social Services and Public Safety

Amendment 283*[Made]*

Clause 226, Page 123, Line 9

Leave out ‘179 or’

Minister of Health, Social Services and Public Safety

Amendment 284*[Made]*

Clause 226, Page 123, Line 12

Leave out sub-paragraph (i)

Minister of Health, Social Services and Public Safety

Amendment 285*[Made]*

Clause 226, Page 123, Line 28

Leave out ‘(1)(b)’ and insert ‘(2)’

Minister of Health, Social Services and Public Safety

Amendment 286*[Made]*

Clause 227, Page 123, Line 38

Leave out from second ‘is’ to ‘lack’ on line 39 and insert ‘lacks (or probably lacks)’

Minister of Health, Social Services and Public Safety

Amendment 287*[Made]*

Clause 228, Page 124, Line 16

Leave out subsection (4)

Minister of Health, Social Services and Public Safety

Amendment 288*[Made]*

Clause 230, Page 125, Line 12

After ‘physical’ insert ‘or psychological’

Minister of Health, Social Services and Public Safety

Amendment 289*[Made]*

New Clause

After Clause 230 insert -

‘Sections 228 and 229: additional powers of Tribunal etc

230A.—(1) Where under section 228 or 229 the Tribunal decides not to discharge a person, the Tribunal may, with a view to facilitating the discharge of the person at a future date—

(a) recommend the taking of specified actions in relation to the person; and

(b) further consider the person’s case in the event of any recommendation not being complied with.

(2) Where the Tribunal further considers a person’s case under subsection (1)(b), section 228 or (as the case may be) section 229 applies.

(3) A discharge of a person under this Chapter does not prevent the person from being detained in circumstances amounting to a deprivation of liberty by virtue of Part 2 of this Act (or, where the person is under 16, under Part 2 of the Mental Health Order), if the criteria that apply to such detention are met.’

Minister of Health, Social Services and Public Safety

Amendment 290*[Made]*

Clause 232, Page 126, Line 9

At end insert -

‘(5A) No application under section 222 may be made in respect of the order.’

Minister of Health, Social Services and Public Safety

Amendment 291*[Made]*

Clause 234, Page 127, Line 16

Leave out ‘substantially likely’ and insert ‘more likely than not’

Minister of Health, Social Services and Public Safety

Amendment 292*[Made]***Clause 234**, Page 127, Line 17

After first 'serious' insert 'physical or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 293***[Made]***New Clause**

After Clause 234 insert -

'Section 234: additional powers of Tribunal**234A.**—(1) This section applies where under section 234 the Tribunal notifies the Department of Justice that it is satisfied that the prevention of serious harm condition is met in respect of a person.

(2) The Tribunal may, with a view to facilitating a transfer of the person at a future date—

(a) recommend the taking of specified actions in relation to the person; and

(b) further consider the person's case in the event of any recommendation not being complied with.

(3) Where the Tribunal further considers the person's case under subsection (2)(b), section 234 applies.

(4) In subsection (2) the reference to a "transfer" of the person is to a transfer to any place in which the person might (but for the relevant direction) be detained.'

*Minister of Health, Social Services and Public Safety***Amendment 294***[Made]***Clause 241**, Page 130, Line 31

Leave out 'treatment' and insert 'assessment'

*Minister of Health, Social Services and Public Safety***Amendment 295***[Made]***Clause 242**, Page 131, Line 3

Leave out 'treatment' and insert 'assessment'

*Minister of Health, Social Services and Public Safety***Amendment 296***[Made]***New Clause**

After Clause 242 insert -

'Hospital directions: cases stated by magistrates' courts**242A.**—(1) This section applies where a magistrates' court makes a hospital direction.

(2) For the purposes of Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (cases stated by magistrates' courts), the hospital direction is a determination of the proceedings in which the direction was made.'

*Minister of Health, Social Services and Public Safety***Amendment 297***[Made]***Clause 247**, Page 133

Leave out line 24

*Minister of Health, Social Services and Public Safety***Amendment 298***[Made]***Clause 247**, Page 133, Line 25

Leave out line 25 and insert -

"supervision and assessment order" has the meaning given by paragraph 1(1) of Schedule 7A;'

*Minister of Health, Social Services and Public Safety***Amendment 299***[Made]***Clause 248**, Page 134, Line 6

Leave out from 'by' to 'be' on line 7 and insert 'is'

*Minister of Health, Social Services and Public Safety***Amendment 300***[Made]***Clause 248**, Page 134, Line 22

Leave out subsection (5)

Minister of Health, Social Services and Public Safety

Amendment 301 [*Made*]**Clause 249**, Page 134, Line 28

Leave out from ‘by’ to ‘be’ on line 29 and insert ‘is’

*Minister of Health, Social Services and Public Safety***Amendment 302** [*Made*]**Clause 249**, Page 135, Line 8

Leave out subsection (5)

*Minister of Health, Social Services and Public Safety***Amendment 303** [*Made*]**New Clause**

After Clause 249 insert -

*‘Removal to other parts of UK of persons detained under Part 10***Removal of certain persons detained under Part 10 to England or Wales****249A.**—(1) This section applies in relation to a person (“P”) who is—

- (a) detained under a public protection order; or
- (b) detained in a hospital under a hospital direction or a hospital transfer direction made under section 208, 211 or 217.

(2) If it appears to the Department of Justice that the conditions for removal to England or Wales are met in P’s case, that Department may authorise P’s removal to England or Wales and may give any necessary directions for P’s conveyance there.

(3) The conditions for removal to England or Wales are that—

- (a) failure to remove P to England or (as the case may be) Wales would be more likely than not to result in serious physical or psychological harm to P or serious physical harm to other persons; and
- (b) arrangements have been made for admitting P to a hospital in England or Wales in which care or treatment which is appropriate in P’s case is available for him or her.

(4) Where P is removed from Northern Ireland under this section, the order or direction mentioned in subsection (1) ceases to have effect when P leaves Northern Ireland (within the meaning given by section 98 of the Northern Ireland Act 1998); but this is subject to subsection (6).

(5) Subsection (6) applies where—

- (a) P is not admitted to a hospital in England or Wales, and
- (b) P returns to Northern Ireland at any time before the end of period for which the order or direction mentioned in subsection (1) would have continued in force (but for P’s removal).

(6) Subsection (4) ceases to apply to the order or direction, so that (accordingly) the order or direction applies to P on P’s return to Northern Ireland.

(7) In subsections (3)(b) and (5)(a) “hospital” has the same meaning as in the 1983 Act.’

*Minister of Health, Social Services and Public Safety***Amendment 304** [*Made*]**New Clause**

After Clause 249 insert -

‘Removal of certain persons detained under Part 10 to Scotland**249B.**—(1) This section applies in relation to a person (“P”) who is—

- (a) detained under a public protection order; or
- (b) detained in a hospital under a hospital direction or a hospital transfer direction made under section 208, 211 or 217.

(2) If it appears to the Department of Justice that the conditions for removal to Scotland are met in P’s case, that Department may authorise P’s removal to Scotland and may give any necessary directions for P’s conveyance there.

(3) The conditions for removal to Scotland are that—

- (a) failure to remove P to Scotland would be more likely than not to result in serious physical or psychological harm to P or serious physical harm to other persons; and
- (b) arrangements have been made for admitting P to a hospital in Scotland in which care or treatment which is appropriate in P’s case is available for him or her.

(4) Where P is removed from Northern Ireland under this section, the order or direction mentioned in subsection (1) ceases to have effect when P leaves Northern Ireland (within the meaning given by section 98 of the Northern Ireland Act 1998); but this is subject to subsection (6).

(5) Subsection (6) applies where—

- (a) P is not admitted to a hospital in Scotland, and

(b) P returns to Northern Ireland at any time before the end of period for which the order or direction mentioned in subsection (1) would have continued in force (but for P's removal).

(6) Subsection (4) ceases to apply to the order or direction, so that (accordingly) the order or direction applies to P on P's return to Northern Ireland.

(7) In subsections (3)(b) and (5)(a) "hospital" has the same meaning as in the 2003 Act.'

Minister of Health, Social Services and Public Safety

Amendment 305[Made]

Clause 250, Page 135, Line 27

After 'If (' insert 'immediately'

Minister of Health, Social Services and Public Safety

Amendment 306[Made]

Clause 251, Page 136, Line 6

Before 'before' insert 'immediately'

Minister of Health, Social Services and Public Safety

Amendment 307[Made]

New Clause

After Clause 251 insert -

'Persons to be detained under Part 10

Persons to be detained under Part 10 after removal from England or Wales

251A.—(1) This section applies where—

- (a) a person ("P") is removed from England and Wales to Northern Ireland by virtue of Part 6 of the 1983 Act; and
- (b) immediately before being removed, P is subject to—
 - (i) a hospital order;
 - (ii) a hospital direction (within the meaning of the 1983 Act); or
 - (iii) a transfer direction.

(2) Immediately after P's admission to an appropriate establishment in Northern Ireland in pursuance of arrangements made for the purposes of his or her removal from England or Wales, the relevant trust must notify RQIA of P's admission.

(3) The relevant trust must also arrange for a report in the prescribed form, containing prescribed information, to be made by the responsible medical practitioner and given to the relevant trust within the period of 28 days beginning with the day P is admitted to the appropriate establishment.

(4) Where a report under subsection (3) is given to the relevant trust, that trust must as soon as practicable give RQIA a copy of the report.

(5) Where (immediately before being removed from England or Wales) P is of a description mentioned in the first column of the following table, an order or direction of a kind mentioned in the corresponding entry of the second column of the table, specifying the appropriate establishment, is treated as having been made or given in respect of P.

<i>Description of person</i>	<i>Order or direction treated as made</i>
Person subject to a hospital order and a restriction order	Public protection order with restrictions that provides as mentioned in section 165(4)(b)(i) (no time limit for treating the order as a PPO with restrictions)
Person subject to a hospital order but not a restriction order	Public protection order without restrictions
Person subject to a hospital direction (within the meaning of the 1983 Act)	Hospital direction under section 172
Person subject to a transfer direction given by virtue of section 47(1) of the 1983 Act	Hospital transfer direction under section 208
Person subject to a transfer direction given by virtue of section 48(2)(a) of the 1983 Act	Hospital transfer direction under section 217
Person subject to a transfer direction given by virtue of section 48(2)(c) or (d) of the 1983 Act	Hospital transfer direction under section 211

(6) An order or direction is to be treated as having been made or given under subsection (5), for the purposes mentioned in the first column of the following table, on the date mentioned in the corresponding entry in the second column of the table.

<i>Purpose</i>	<i>Date on which order or direction treated as made</i>

Duration for which P may be detained under section 177 and calculation of the “initial period” for the purposes of section 179 (where P is treated as being subject to a public protection order without restrictions)	Date of P’s arrival in Northern Ireland
Calculation of the “release date” within the meaning given by section 197 (where P is treated as being subject to a hospital direction made under section 172)	Date on which the hospital direction (within the meaning of the 1983 Act) was made
Right to apply to the Tribunal under the first entry in the table in section 222(1)	Date on which the hospital order, hospital direction (within the meaning of the 1983 Act) or transfer direction was made
Calculation of the “relevant date” for the purposes of section 226(3) (referral of case to the Tribunal)	Date on which the hospital order, hospital direction (within the meaning of the 1983 Act) or transfer direction was made

(7) The first report under section 191 (where P is treated as being subject to a public protection order with restrictions) must be made—

- (a) if the most recent report on P under section 41(6) of the 1983 Act was made more than 6 months before P’s arrival in Northern Ireland, not later than 6 months after P’s arrival there, or
- (b) otherwise, not later than 12 months after the most recent report under that section.

(8) Section 221(2) (direction ceasing to have effect if person not admitted within 14 days) does not apply to a hospital transfer direction which is treated as having been given under subsection (5).

(9) The date of P’s arrival in Northern Ireland is to be treated as being the end of a relevant period for the purposes of section 227 (duty to notify Attorney General).

(10) Where (immediately before being removed) P is subject to—

- (a) a hospital direction (within the meaning of the 1983 Act), or
- (b) a transfer direction made because P was serving a sentence of imprisonment (within the meaning of section 47 of that Act),

P is to be treated as if the sentence, order or committal in relation to which the direction has effect were a similar or corresponding sentence, order or committal imposed or made by a court in Northern Ireland.

(11) In this section—

- “hospital order” has the same meaning as in the 1983 Act;
- “relevant trust” means the HSC trust in whose area the appropriate establishment is situated;
- “restriction order” has the same meaning as in the 1983 Act;
- “transfer direction” has the same meaning as in the 1983 Act.’

Minister of Health, Social Services and Public Safety

Amendment 308[Made]

New Clause

After Clause 251 insert -

***Persons to be detained under Part 10 after removal from Scotland**

251B.—(1) This section applies where—

- (a) a person (“P”) is removed from Scotland to Northern Ireland under regulations made under section 290 of the 2003 Act; and
- (b) immediately before being removed, P is subject to—
 - (i) a relevant compulsion order;
 - (ii) a hospital direction (within the meaning of the 1995 Act); or
 - (iii) a transfer for treatment direction.

(2) Immediately after P’s admission to an appropriate establishment in Northern Ireland in pursuance of arrangements made for the purposes of his or her removal from Scotland, the relevant trust must notify RQIA of P’s admission.

(3) The relevant trust must also arrange for a report in the prescribed form, containing prescribed information, to be made by the responsible medical practitioner and given to the relevant trust within the period of 28 days beginning with the day P is admitted to the appropriate establishment.

(4) Where a report under subsection (3) is given to the relevant trust, that trust must as soon as practicable give RQIA a copy of the report.

(5) Where (immediately before being removed from Scotland) P is of a description mentioned in the first column of the following table, an order or direction of a kind mentioned in the corresponding entry of the second column of the table, specifying the appropriate establishment, is treated as having been made or given in respect of P on his or her arrival in Northern Ireland.

<i>Description of person</i>	<i>Order or direction treated as made</i>
Person subject to a relevant compulsion order and a restriction order	Public protection order with restrictions that provides as mentioned in section 165(4)(b)(i) (no time limit for treating the order as a PPO with restrictions)

Person subject to a relevant compulsion order but not a restriction order	Public protection order without restrictions
Person subject to a hospital direction (within the meaning of the 1995 Act)	Hospital direction under section 172
Person subject to a transfer for treatment direction	Hospital transfer direction of a description specified in P's case in a direction given by the Department of Justice under this subsection

(6) An order or direction is to be treated as having been made or given under subsection (5), for the purposes mentioned in the first column of the following table, on the date mentioned in the corresponding entry in the second column of the table.

<i>Purpose</i>	<i>Date on which order or direction treated as made</i>
Duration for which P may be detained under section 177 and calculation of the “initial period” for the purposes of section 179 (where P is treated as being subject to a public protection order without restrictions)	Date of P's arrival in Northern Ireland
Calculation of the “release date” within the meaning given by section 197 (where P is treated as being subject to a hospital direction made under section 172)	Date on which the hospital direction (within the meaning of the 1995 Act) was made
Right to apply to the Tribunal under the first entry in the table in section 222(1)	Date on which the relevant compulsion order, hospital direction (within the meaning of the 1995 Act) or transfer for treatment direction was made
Calculation of the “relevant date” for the purposes of section 226(3) (referral of case to the Tribunal)	Date on which the relevant compulsion order, hospital direction (within the meaning of the 1995 Act) or transfer for treatment direction was made

(7) The first report under section 191 (where P is treated as being subject to a public protection order with restrictions) must be made—

- (a) if the most recent report on P under section 183 of the 2003 Act was made more than 6 months before P's arrival in Northern Ireland, not later than 6 months after P's arrival there, or
- (b) otherwise, not later than 12 months after the most recent report under that section.

(8) Section 221(2) (direction ceasing to have effect if person not admitted within 14 days) does not apply to a hospital transfer direction which is treated as having been given under subsection (5).

(9) The date of P's arrival in Northern Ireland is to be treated as being the end of a relevant period for the purposes of section 227 (duty to notify Attorney General).

(10) Where (immediately before being removed) P is subject to—

- (a) a hospital direction (within the meaning of the 1995 Act), or
- (b) a transfer for treatment direction made because P was serving a sentence of imprisonment (within the meaning of section 136(1) of the 2003 Act),

P is to be treated as if the sentence, order or committal in relation to which the direction has effect were a similar or corresponding sentence, order or committal imposed or made by a court in Northern Ireland.

(11) In this section—

- “relevant compulsion order” means a compulsion order (within the meaning of the 1995 Act) that authorises the detention of the person in a hospital (within the meaning of that Act);
- “relevant trust” means the HSC trust in whose area the appropriate establishment is situated;
- “restriction order” has the same meaning as in the 1995 Act;
- “transfer for treatment direction” has the same meaning as in the 2003 Act.’

Minister of Health, Social Services and Public Safety

Clause 252 [Question that Clause 252 stand part negatived]

The Minister of Health, Social Services and Public Safety gives notice of his intention to oppose the question that Clause 252 stand part of the Bill.

Minister of Health, Social Services and Public Safety

Amendment 309 [Made]**New Clause**

After Clause 252 insert -

‘Removal or transfer from Northern Ireland: power to make further provision

252A.—(1) Regulations may make provision in connection with the removal of a person by virtue of this Part or Part 2 to a place outside Northern Ireland (whether or not a place in the United Kingdom).

(2) Regulations may make provision for and in connection with enabling the Department to authorise, and to give directions in connection with, the removal or transfer to a place outside Northern Ireland (whether or not a place in the United Kingdom) of prescribed descriptions of persons where—

- (a) the person is subject in Northern Ireland to measures under this Act, and
- (b) the person lacks capacity in relation to the removal or transfer and the removal or transfer would be in that person’s best interests.

(3) Regulations may make provision for and in connection with enabling the Department of Justice to authorise, and to give directions in connection with, the removal or transfer to a place outside Northern Ireland (whether or not a place in the United Kingdom) of prescribed descriptions of persons where—

- (a) the person is subject in Northern Ireland to measures under this Act, and
- (b) either—
 - (i) the person consents to the removal or transfer, or
 - (ii) failure to remove or transfer the person there would be more likely than not to result in serious physical or psychological harm to the person or serious physical harm to other persons.

(4) In this section, references to the “transfer” of a person are to the transfer of responsibility for a person who is not detained by virtue of Part 2 or Part 10; and regulations may prescribe the powers and duties that constitute responsibility for a person for this purpose.

(5) References to persons subject to measures under this Act include, in particular,—

- (a) in subsection (2)(a), persons in respect of whom an authorisation under Part 2 has been granted authorising a particular measure (within the meaning given by section 41);
- (b) in subsection (3)(a), persons in respect of whom an order or direction has been made or given under Part 10 (including persons in respect of whom a warrant under section 189(1)(b) or an order under section 229(2)(b) is in effect).

(6) Regulations under this section—

- (a) may prescribe steps to be taken before a person may be removed or transferred, or prescribe other conditions which must be met before a person may be removed or transferred,
- (b) may provide that, where a person is removed or transferred, any prescribed measure to which the person is subject ceases to have effect, and
- (c) may apply, or make provision similar to, any provision of Part 2 or Part 10 (with or without modifications).

(7) The powers to make regulations under this section must be exercised so as to ensure that, where under this Part the removal or transfer of a person from Northern Ireland is authorised—

- (a) notice of the authorisation and proposed removal or transfer must be given to—
 - (i) the person to be removed or transferred, and
 - (ii) any prescribed person,
 at least a prescribed period before the date of the proposed removal or transfer; and
- (b) there is a right to apply to the Tribunal in respect of the authorisation (except where the Tribunal approved the removal or transfer before the authorisation was given).

(8) Regulations under this section may amend this Part, and may make supplementary or consequential amendments to other provisions of this Act.

(9) In this section “regulations” means—

- (a) in relation to provision concerning the removal or transfer of a Part 10 transferee, regulations made by the Department of Justice;
- (b) in any other case, regulations made by the Department.

(10) In subsection (9) a “Part 10 transferee” is a person—

- (a) who is detained by virtue of Part 10 or (if not detained under this Act) in respect of whom an order or direction has been made or given under Part 10, or
- (b) (in the case of a person who does not fall within paragraph (a)) whose removal is authorised on the ground that either of the conditions set out in subsection (3)(b) is met.’

Minister of Health, Social Services and Public Safety

Clause 253 [Question that Clause 253 stand part negatived]

The Minister of Health, Social Services and Public Safety gives notice of his intention to oppose the question that Clause 253 stand part of the Bill.

Minister of Health, Social Services and Public Safety

Amendment 310 [Made]**New Clause**

After Clause 253 insert -

‘Persons removed or transferred to Northern Ireland: power to make further provision

253A.—(1) Regulations may make provision, in respect of persons of a prescribed description removed to Northern Ireland under a relevant provision—

- (a) requiring prescribed steps to be taken when the person arrives in Northern Ireland;
- (b) providing for the person to be treated as if he or she were a person of a prescribed description subject to measures under this Act.

(2) The reference in subsection (1)(b) to persons subject to measures under this Act includes, in particular—

- (a) persons in respect of whom an authorisation under Part 2 has been granted authorising a particular measure (within the meaning given by section 41), and
- (b) persons in respect of whom an order or direction has been made or given under Part 10 (including persons in respect of whom a warrant under section 189(1)(b) or an order under section 229(2)(b) is in effect).

(3) Subsection (1)(b) permits the regulations to provide for a person to be treated as if an authorisation under Part 2 authorising a particular measure had been granted only where the person (before being removed to Northern Ireland) was subject under the law of England, Wales or Scotland to a corresponding or similar measure.

(4) Subsection (1)(b) permits the regulations to provide for a person to be treated as if an order or direction had been made or given under Part 10 only where the person (before being removed to Northern Ireland) was subject under the law of England, Wales or Scotland to an order, direction or other measure have corresponding or similar effect.

(5) Regulations may make provision about the application of this Act to persons who are removed to Northern Ireland under a relevant provision and who are treated, by virtue of this Part, as if they were subject to particular measures under this Act.

(6) In this section “a relevant provision” means—

- (a) Part 6 of the 1983 Act;
- (b) regulations made under section 289 or 290 of the 2003 Act; or
- (c) any provision of the law of a country or territory other than the United Kingdom which is similar or corresponds to this Part or Part 2 or 10 of this Act.

(7) Regulations under this section may amend this Part, and may make supplementary or consequential amendments to other provisions of this Act.

(8) In this section “regulations” means—

- (a) in relation to provision concerning a Part 10 arrival, regulations made by the Department of Justice;
- (b) in any other case, regulations made by the Department.

(9) In subsection (8) a “Part 10 arrival” is a person who (by virtue of the regulations) is to be treated as if an order or direction under Part 10 had been made or given in respect of him or her.’

Minister of Health, Social Services and Public Safety

Amendment 311 [Made]**New Clause**

After Clause 253 insert -

‘Interpretation of Part 11

253B.—(1) In this Part—

“the 1983 Act” means the Mental Health Act 1983;

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995;

“the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003;

“appropriate establishment” has the same meaning as in Part 10 (see section 165);

“hospital direction”, except where otherwise provided, has the same meaning as in Part 10 (see section 247(1));

“hospital transfer direction” has the same meaning as in Part 10 (see section 247(1));

“public protection order”, “public protection order with restrictions” and “public protection order without restrictions” have the same meaning as in Part 10 (see section 165);

“the responsible medical practitioner” has the same meaning as in Part 10 (see section 247(1)).’

Minister of Health, Social Services and Public Safety

Amendment 312 [Made]

Clause 256, Page 138, Line 23

At end insert -

- ‘(aa) P is detained under Part 9 or 10, and is in the custody or care of X;’

Minister of Health, Social Services and Public Safety

Amendment 313*[Made]***Clause 256**, Page 138, Line 24

After second 'attorney' insert ', or an enduring power of attorney,'

*Minister of Health, Social Services and Public Safety***Amendment 314***[Made]***Clause 256**, Page 138, Line 30

At end insert -

'(4) Proceedings in respect of an offence under this section may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.'

*Minister of Health, Social Services and Public Safety***Amendment 315***[Made]***Clause 258**, Page 139, Line 23

Leave out 'receives and'

*Minister of Health, Social Services and Public Safety***Amendment 316***[Made]***Clause 258**, Page 139, Line 27

At end insert -

'(1A) A person ("R") commits an offence if—

- (a) R intentionally detains another person ("P") in circumstances amounting to a deprivation of liberty;
- (b) R does so in purported reliance on Part 9 or 10; and
- (c) P is not liable to be detained by virtue of that Part.'

*Minister of Health, Social Services and Public Safety***Amendment 317***[Made]***Clause 258**, Page 140, Line 2

At end insert -

'(5) Proceedings in respect of an offence under this section may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.

(6) Section 20(1) of the Interpretation Act (Northern Ireland) 1954 applies in relation to the offence under this section as it applies in relation to other offences under this Act (so, for example, nothing in this section prevents a person from being prosecuted and punished for an offence of false imprisonment).'

*Minister of Health, Social Services and Public Safety***Amendment 318***[Made]***Clause 259**, Page 140, Line 4

Leave out Subsections (1) to (5) and insert -

'(1) A person commits an offence if—

- (a) the person knows that another person ("P") is, by virtue of this Act, liable to be detained in a place in circumstances amounting to a deprivation of liberty; and
- (b) the person induces, or intentionally assists, P to absent himself or herself without permission from that place.

(2) A person commits an offence if—

- (a) the person knows that another person ("P") is, by virtue of this Act, liable to be detained in a place ("the relevant place") in circumstances amounting to a deprivation of liberty;

- (b) P has absented himself or herself without permission from the relevant place; and

(c) the person—

- (i) allows P to live or stay with the person, knowing that P absented himself or herself without permission from the relevant place; or
- (ii) gives P any assistance with the intention of preventing, delaying or interfering with P's being returned to detention.

(3) A person commits an offence if—

- (a) the person knows that another person ("P") is, by virtue of this Act, liable to be detained in a place in circumstances amounting to a deprivation of liberty;

- (b) P is being taken to that place; and

- (c) the person induces, or intentionally assists, P to escape.

(4) In subsections (1) and (2) references to P absenting himself or herself without permission from a place where P is liable to be detained ("the relevant place") include—

- (a) P failing to return to the relevant place at the end of an occasion or period for which P was given permission to be absent, or on being recalled from a permitted absence; and
- (b) P absenting himself or herself, without permission, from a place where P is required to be by conditions imposed on the grant of a permission for absence from the relevant place.'

Minister of Health, Social Services and Public Safety

Amendment 319[Made]

Clause 260, Page 140, Line 31

Leave out Subsections (1) to (3) and insert -

'(1) A person commits an offence if—

- (a) the person knows that another person ("P") is required by a community residence requirement to live at a particular place; and
- (b) the person induces, or intentionally assists, P to stop living at that place.

(2) A person commits an offence if—

- (a) the person knows that another person ("P") is required by a community residence requirement to live at a particular place;
- (b) P has stopped living at that place; and
- (c) the person gives P any assistance with the intention of preventing, delaying or interfering with P's being returned to live at that place.'

Minister of Health, Social Services and Public Safety

Amendment 320[Made]

Clause 260, Page 141, Line 3

Leave out from 'has' to end of line 4 and insert 'means a community residence requirement (as defined by section 31) that is imposed under Part 2.'

Minister of Health, Social Services and Public Safety

Amendment 321[Made]

Clause 262, Page 141, Line 39

At end insert -

'(2A) Proceedings in respect of an offence committed by virtue of this section may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.'

Minister of Health, Social Services and Public Safety

Amendment 322[Made]

Clause 265, Page 143, Line 9

Leave out subsection (3)

Minister of Health, Social Services and Public Safety

Amendment 323[Made]

Clause 265, Page 143, Line 37

After 'made' insert 'in accordance with this Act'

Minister of Health, Social Services and Public Safety

Amendment 324[Made]

Clause 265, Page 143, Line 37

After second 'attorney' insert ', or an enduring power of attorney,'

Minister of Health, Social Services and Public Safety

Amendment 325[Made]

Clause 265, Page 143, Line 39

After 'made' insert 'in accordance with this Act'

Minister of Health, Social Services and Public Safety

Amendment 326[Made]

Clause 266, Page 143, Line 42

After '265' insert '(2)'

Minister of Health, Social Services and Public Safety

Amendment 327*[Made]***Clause 266**, Page 144, Line 3

Leave out from 'taken' to 'has' on line 4 and insert -

'brought only—

(a) by RQIA; or

(b) by, or with'

*Minister of Health, Social Services and Public Safety***Amendment 328***[Made]***Clause 270**, Page 145, Line 20

Leave out from ', in' to 'Act' on line 22 and insert 'is absent with permission from a place of detention'

*Minister of Health, Social Services and Public Safety***Amendment 329***[Made]***Clause 270**, Page 145, Line 34

At end insert -

'(2) In subsection (1)(b) "place of detention" means a place where the person is detained, by virtue of this Act, in circumstances amounting to a deprivation of liberty.'

*Minister of Health, Social Services and Public Safety***Amendment 330***[Made]***Clause 271**, Page 146, Line 34

Leave out from 'granted' to 'and' on line 35 and insert 'or enduring power of attorney (within the meaning of the Mental Capacity Act) granted by P'

*Minister of Health, Social Services and Public Safety***Amendment 331***[Made]***New Clause**

After Clause 272 insert -

*'Advance decisions to refuse treatment***Review of law relating to advance decisions****272A.**—(1) Before the third anniversary of the day this section comes into operation, the Department must—

(a) review the law relating to advance decisions to refuse treatment; and

(b) produce a report setting out the conclusions reached on the review (including any proposals for changes to that law).

(2) The Department must lay a copy of the report before the Assembly.'

*Minister of Health, Social Services and Public Safety***Amendment 332***[Made]***Clause 274**, Page 148, Line 35

After 'questions' insert 'or propositions'

*Minister of Health, Social Services and Public Safety***Amendment 333***[Made]***Clause 276**, Page 149, Line 16

After 'over' insert '(or is under 16 and is detained under Part 9 or being dealt with under Part 10)'

*Minister of Health, Social Services and Public Safety***Amendment 334***[Made]***Clause 276**, Page 149, Line 18

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 335***[Made]***Clause 276**, Page 149, Line 19

Leave out 'of this Act'

Minister of Health, Social Services and Public Safety

Amendment 336*[Made]***Clause 276**, Page 150, Line 5

After ‘concerned’ insert ‘(and must in particular consult the Department of Justice if the code contains specific provision about persons detained under Part 9 or persons being dealt with under Part 10)’

*Minister of Health, Social Services and Public Safety***Amendment 337***[Made]***Clause 276**, Page 150, Line 12

At end insert -

‘(8A) For the purposes of this section a person is “being dealt with under Part 10” if—

- (a) the person is remanded to hospital under Chapter 1 of Part 10; or
- (b) a public protection order, hospital direction, interim detention order or hospital transfer direction has been made in respect of the person and remains in force.’

*Minister of Health, Social Services and Public Safety***Amendment 338***[Made]***Clause 276**, Page 150, Line 13

After first ‘section’ insert -

‘—

“hospital direction”, “hospital transfer direction”, “interim detention order” and “public protection order” have the same meaning as in Part 10 (see section 247);

*Minister of Health, Social Services and Public Safety***Amendment 339***[Made]***Clause 277**, Page 150, Line 22

After ‘independent’ insert ‘mental capacity’

*Minister of Health, Social Services and Public Safety***Amendment 340***[Made]***Clause 277**, Page 150, Line 23

After second ‘attorney’ insert ‘or an enduring power of attorney’

*Minister of Health, Social Services and Public Safety***Amendment 341***[Made]***New Clause**

After Clause 277 insert -

*‘Provision of information and facilities***Provision of information by HSC trusts and the Department**

277A.—(1) An HSC trust, and the Department, must provide to a relevant authority such returns, reports and other information as the relevant authority may require for the performance of its functions under this Act.

(2) In subsection (1) “relevant authority” means—

- (a) the High Court;
- (b) the Public Guardian;
- (c) the Tribunal; or
- (d) the Attorney General.’

*Minister of Health, Social Services and Public Safety***Amendment 342***[Made]***New Clause**

After Clause 277 insert -

‘Provision of facilities by HSC trusts and the Department

277B.—(1) An HSC trust must provide to a relevant authority such facilities as are necessary to enable the relevant authority to perform its functions under this Act.

(2) In subsection (1) “relevant authority” means—

- (a) the High Court;
- (b) the Public Guardian; or

(c) the Tribunal.

(3) The Department must provide, to the Tribunal, such facilities as are necessary to enable the Tribunal to perform its functions under this Act.’

Minister of Health, Social Services and Public Safety

Amendment 343*[Made]*

Clause 278, Page 150, Line 37

Leave out ‘justice of the peace’ and insert ‘lay magistrate’

Minister of Health, Social Services and Public Safety

Amendment 344*[Made]*

Clause 278, Page 150, Line 39

Leave out from ‘person’ to ‘place’ on line 40 and insert ‘relevant person’

Minister of Health, Social Services and Public Safety

Amendment 345*[Made]*

Clause 278, Page 151, Line 4

Leave out ‘justice’ and insert ‘lay magistrate’

Minister of Health, Social Services and Public Safety

Amendment 346*[Made]*

Clause 278, Page 151, Line 5

After second ‘the’ insert ‘relevant’

Minister of Health, Social Services and Public Safety

Amendment 347*[Made]*

Clause 278, Page 151, Line 6

At end insert -

‘(2A) A constable executing a warrant under subsection (2) may be accompanied by an approved social worker (as well as a medical practitioner).’

Minister of Health, Social Services and Public Safety

Amendment 348*[Made]*

Clause 278, Page 151, Line 7

Leave out ‘person concerned’ and insert ‘relevant person’

Minister of Health, Social Services and Public Safety

Amendment 349*[Made]*

Clause 278, Page 151, Line 9

Leave out from ‘place’ to end of line 10 and insert -

‘person’ means a person who—

(a) by virtue of this Act, is liable to be detained in a place in circumstances amounting to a deprivation of liberty; and

(b) is, by virtue of this Act, to be taken to that place.’

Minister of Health, Social Services and Public Safety

Amendment 350*[Made]*

Clause 279, Page 151, Line 12

Leave out ‘justice of the peace’ and insert ‘lay magistrate’

Minister of Health, Social Services and Public Safety

Amendment 351*[Made]*

Clause 279, Page 151, Line 15

After ‘(b)’ insert ‘(a “relevant person”)’

Minister of Health, Social Services and Public Safety

Amendment 352*[Made]*

Clause 279, Page 151, Line 19

Leave out ‘justice’ and insert ‘lay magistrate’

Minister of Health, Social Services and Public Safety

Amendment 353*[Made]***Clause 279**, Page 151, Line 21

Leave out 'person liable to be so taken' and insert 'relevant person'

*Minister of Health, Social Services and Public Safety***Amendment 354***[Made]***Clause 279**, Page 151, Line 23

Leave out '1983 Act' and insert 'Mental Health Act 1983'

*Minister of Health, Social Services and Public Safety***Amendment 355***[Made]***Clause 279**, Page 151, Line 26

Leave out 'into custody in Northern Ireland any person who may be so taken.' and insert 'any relevant person into custody in Northern Ireland.'

*Minister of Health, Social Services and Public Safety***Amendment 356***[Made]***Clause 280**, Page 152, Line 4

At end insert -

'(4) Nothing in subsection (3) affects any other power, or authority to do an act, that the relevant person (or any other person) may have.'

*Minister of Health, Social Services and Public Safety***Amendment 357***[Made]***Clause 281**, Page 152, Line 24

At end insert -

'(6) Nothing in subsection (1) affects any other power, or authority to do an act, that a person mentioned in subsection (2) (or any other person) may have.'

*Minister of Health, Social Services and Public Safety***Amendment 358***[Made]***Clause 282**, Page 152, Line 29

Leave out 'liable to be'

*Minister of Health, Social Services and Public Safety***Amendment 359***[Made]***Clause 282**, Page 152, Line 31

Leave out from 'from' to 'harm' on line 32

*Minister of Health, Social Services and Public Safety***Amendment 360***[Made]***Clause 283**, Page 152, Line 38

Leave out "'a panel'" and insert "'panel'"

*Minister of Health, Social Services and Public Safety***Amendment 361***[Made]***Clause 283**, Page 153, Line 3

After 'members' insert '(all of whom must be present during any proceedings of the panel)'

*Minister of Health, Social Services and Public Safety***Amendment 362***[Made]***Clause 283**, Page 153, Line 4

Leave out subsection (3)

*Minister of Health, Social Services and Public Safety***Amendment 363***[Made]***Clause 283**, Page 153, Line 5

Leave out 'provision about the procedure of such a panel' and insert 'further provision about the membership or procedure of panels'

Minister of Health, Social Services and Public Safety

Amendment 364*[Made]***Clause 283**, Page 153, Line 7

Leave out 'the panel to afford' and insert 'panels to give'

*Minister of Health, Social Services and Public Safety***Amendment 365***[Made]***Clause 283**, Page 153, Line 9

Leave out 'the' and insert 'a'

*Minister of Health, Social Services and Public Safety***Amendment 366***[Made]***Clause 283**, Page 153, Line 11

Leave out 'the' and insert 'a'

*Minister of Health, Social Services and Public Safety***Amendment 367***[Made]***Clause 283**, Page 153, Line 14

Leave out 'the' and insert 'a'

*Minister of Health, Social Services and Public Safety***Amendment 368***[Made]***Clause 284**, Page 153, Line 25

Leave out 'permission' and insert 'consent'

*Minister of Health, Social Services and Public Safety***Amendment 369***[Not moved]***Clause 286**, Page 154, Line 5

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 370***[Not called]***Clause 286**, Page 154, Line 8

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 371***[Not called]***Clause 286**, Page 154, Line 9

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 372***[Not called]***Clause 286**, Page 154, Line 10

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 373***[Not called]***Clause 286**, Page 154, Line 11

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 374*[Not called]***Clause 286**, Page 154, Line 13

After 'practitioners' insert 'or approved clinicians'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 375*[Not called]***Clause 286**, Page 154, Line 15

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 376*[Not called]***Clause 286**, Page 154, Line 16

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 377*[Not called]***Clause 286**, Page 154, Line 18

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 378*[Not called]***Clause 286**, Page 154, Line 22

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Clause 288 [Question that Clause 288 stand part negated]

The Minister of Health, Social Services and Public Safety gives notice of his intention to oppose the question that Clause 288 stand part of the Bill.

Minister of Health, Social Services and Public Safety

Clause 288 [Question that Clause 288 stand part negated]

The Member listed below gives notice of his intention to oppose the question that Clause 288 stand part of the Bill.

Chair, Ad Hoc Joint Committee on the Mental Capacity Bill

Amendment 379*[Made]***Clause 289**, Page 155, Line 8

Leave out 'under a relevant provision' and insert 'to which subsection (3) applies'

Minister of Health, Social Services and Public Safety

Amendment 380*[Made]***Clause 289**, Page 155, Line 11

Leave out 'Regulations under any other provision of' and insert 'Any other regulations under'

Minister of Health, Social Services and Public Safety

Amendment 381*[Made]***Clause 289**, Page 155, Line 13

Leave out 'In this section "relevant provision" means' and insert -

'This subsection applies to—

(a) regulations under'

Minister of Health, Social Services and Public Safety

Amendment 382 [*Made*]**Clause 289**, Page 155, Line 13

After '22(1),' insert '36(4)(b),'

*Minister of Health, Social Services and Public Safety***Amendment 383** [*Made*]**Clause 289**, Page 155, Line 14

After '48(5),' insert '58A(2),'

*Minister of Health, Social Services and Public Safety***Amendment 384** [*Made*]**Clause 289**, Page 155, Line 14

Leave out '205(8),'

*Minister of Health, Social Services and Public Safety***Amendment 385** [*Made*]**Clause 289**, Page 155, Line 15

Leave out ', 288(3)(b)'

*Minister of Health, Social Services and Public Safety***Amendment 386** [*Made*]**Clause 289**, Page 155, Line 15

After '293(3)' insert ', paragraph 14(1) of Schedule 7A'

*Minister of Health, Social Services and Public Safety***Amendment 387** [*Made*]**Clause 289**, Page 155, Line 15

At end insert -

'(b) regulations under section 252 or 253 that amend this Act;

(c) regulations under section 265(2) containing any provision that creates an offence;

(d) regulations under section 290(3) that amend the text of Northern Ireland legislation or an Act of Parliament;

(e) any other regulations under this Act that are contained in a statutory rule that contains regulations within any of paragraphs (a) to (d).'

*Minister of Health, Social Services and Public Safety***Amendment 388** [*Made*]**Clause 290**, Page 155, Line 21

At end insert -

'(3) The Department or the Department of Justice may by regulations make such other amendments of statutory provisions as it considers appropriate in consequence of this Act.'

*Minister of Health, Social Services and Public Safety***Amendment 389** [*Made*]**Clause 293**, Page 156

Leave out lines 12 to 14

*Minister of Health, Social Services and Public Safety***Amendment 390** [*Made*]**Clause 293**, Page 157, Line 9

After 'physical' insert 'or psychological'

*Minister of Health, Social Services and Public Safety***Amendment 391** [*Made*]**Clause 293**, Page 157, Line 11

Before 'includes harm' insert 'except in references to physical harm.'

Minister of Health, Social Services and Public Safety

Amendment 392 [*Made*]**Clause 293**, Page 157

Leave out line 27

*Minister of Health, Social Services and Public Safety***Amendment 393** [*Made*]**Clause 293**, Page 157, Line 28

At end insert -

“independent mental capacity advocate” has the meaning given by section 84;’

*Minister of Health, Social Services and Public Safety***Amendment 394** [*Made*]**Clause 293**, Page 157, Line 33

At end insert -

“liable to be detained”: any reference to a person who, by virtue of this Act, is liable to be detained in a place in circumstances amounting to a deprivation of liberty includes—

(a) person who is detained in the place in such circumstances, where section 9(2) applies in relation to the detention, and

(b) a person who would fall within paragraph (a) if he or she were so detained,

whether or not an authorisation under Schedule 1 or 2 is in force in respect of the person;’

*Minister of Health, Social Services and Public Safety***Amendment 395** [*Made*]**Clause 293**, Page 159, Line 11

After “regulations” insert ‘and “prescribed” mean’

*Minister of Health, Social Services and Public Safety***Amendment 396** [*Made*]**Clause 293**, Page 159, Line 12

Leave out ‘means’

*Minister of Health, Social Services and Public Safety***Amendment 397** [*Made*]**Clause 293**, Page 159, Line 13

After ‘and’ insert ‘prescribed by such regulations;’

*Minister of Health, Social Services and Public Safety***Amendment 398** [*Made*]**Clause 293**, Page 159, Line 14

Leave out ‘section 289’ and insert ‘sections 252, 253, 289, 290 and 294’

*Minister of Health, Social Services and Public Safety***Amendment 399** [*Made*]**Clause 293**, Page 159, Line 15

Leave out ‘means’

*Minister of Health, Social Services and Public Safety***Amendment 400** [*Made*]**Clause 293**, Page 159, Line 15

After ‘Department,’ insert ‘and prescribed by such regulations.’

*Minister of Health, Social Services and Public Safety***Amendment 401** [*Made*]**Clause 293**, Page 159

Leave out lines 16 and 17

Minister of Health, Social Services and Public Safety

Amendment 402 [*Made*]**Clause 293**, Page 159, Line 17

At end insert -

‘(6A) Part 1 (principles) applies in relation to regulations made under any provision of this Act as it applies in relation to that provision.’

*Minister of Health, Social Services and Public Safety***Amendment 403** [*Made*]**Clause 294**, Page 159, Line 23

After ‘Sections’ insert ‘272A,’

*Minister of Health, Social Services and Public Safety***Amendment 404** [*Made*]**Clause 294**, Page 159, Line 23

Leave out ‘288, 289 and’ and insert ‘289, 290(3),’

*Minister of Health, Social Services and Public Safety***Amendment 405** [*Made*]**Clause 294**, Page 159, Line 26

At end insert -

‘(3) The Department or the Department of Justice may by regulations make such transitional, transitory or saving provision as it considers appropriate in connection with the coming into operation of any provision of this Act.’

*Minister of Health, Social Services and Public Safety***Amendment 406** [*Made*]**Schedule 1**, Page 160, Line 33

Leave out ‘which would be likely to’ and insert ‘that would or might’

*Minister of Health, Social Services and Public Safety***Amendment 407** [*Made*]**Schedule 1**, Page 161, Line 40

Leave out ‘be, or would be likely to be,’ and insert ‘or might be’

*Minister of Health, Social Services and Public Safety***Amendment 408** [*Made*]**Schedule 1**, Page 162, Line 32

Leave out ‘would be likely to lack’ and insert ‘would lack (or would probably lack)’

*Minister of Health, Social Services and Public Safety***Amendment 409** [*Not moved*]**Schedule 1**, Page 162, Line 37

Leave out ‘medical’ and insert ‘clinical’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 410** [*Not called*]**Schedule 1**, Page 162, Line 38

After ‘practitioner’ insert ‘or approved clinician’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 411** [*Not called*]**Schedule 1**, Page 163, Line 1

Leave out ‘medical’ and insert ‘clinical’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 412*[Not called]***Schedule 1**, Page 163, Line 9

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 413*[Made]***Schedule 1**, Page 163, Line 12

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 414***[Made]***Schedule 1**, Page 164, Line 11

Leave out 'for P'

*Minister of Health, Social Services and Public Safety***Amendment 415***[Made]***Schedule 1**, Page 164, Line 15

Leave out 'which would be likely to' and insert 'that would or might'

*Minister of Health, Social Services and Public Safety***Amendment 416***[Made]***Schedule 1**, Page 167, Line 28

Leave out 'likely to lack' and insert 'lacks, or probably lacks'

*Minister of Health, Social Services and Public Safety***Amendment 417***[Made]***Schedule 1**, Page 167, Line 32

Leave out from 'in' to end of line 36 and insert -

‘—

(a) that it will not be possible within that period to decide whether the criteria for authorisation are met in respect of a measure proposed in the application, but

(b) that there is a good prospect of it being established that the criteria for authorisation are met in respect of the measure,’

*Minister of Health, Social Services and Public Safety***Amendment 418***[Made]***Schedule 1**, Page 168, Line 23

Leave out 'likely to lack' and insert 'lacks, or probably lacks,'

*Minister of Health, Social Services and Public Safety***Amendment 419***[Made]***Schedule 1**, Page 169, Line 30

Leave out 'P is liable by virtue of an authorisation under this Schedule to be detained' and insert 'an authorisation under this Schedule authorises the detention of P'

*Minister of Health, Social Services and Public Safety***Amendment 420***[Made]***Schedule 1**, Page 169, Line 33

Leave out lines 33 and 34 and insert 'the authorisation ceases to authorise any detention of P.'

*Minister of Health, Social Services and Public Safety***Amendment 421***[Not moved]***Schedule 1**, Page 170, Line 35

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 422*[Not moved]***Schedule 2**, Page 170, Line 38

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 423*[Not called]***Schedule 2**, Page 171, Line 33

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 424*[Made]***Schedule 2**, Page 172, Line 1

Leave out from second 'is' to 'lack' on line 2 and insert 'lacks (or probably lacks)'

Minister of Health, Social Services and Public Safety

Amendment 425*[Not called]***Schedule 2**, Page 172, Line 18

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 426*[Not called]***Schedule 2**, Page 172, Line 20

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 427*[Not called]***Schedule 2**, Page 172, Line 22

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 428*[Not called]***Schedule 2**, Page 172, Line 25

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 429*[Not called]***Schedule 2**, Page 172, Line 26

Leave out 'medical' and insert 'clinical'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 430*[Made]***Schedule 2**, Page 172, Line 28

After 'independent' insert 'mental capacity'

Minister of Health, Social Services and Public Safety

Amendment 431 [*Made*]**Schedule 2**, Page 174, Line 9

Leave out sub-paragraphs (2) to (3) and insert -

- ‘(2) Immediately after being admitted or treated as admitted, P must be examined by a medical practitioner who—
- (a) is within sub-paragraph (4); and
 - (b) did not make the medical report under paragraph 4.’

*Minister of Health, Social Services and Public Safety***Amendment 432** [*Not called*]**Schedule 2**, Page 174, Line 9

After ‘practitioner’ insert ‘or approved clinician’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 433** [*Made*]**Schedule 2**, Page 174, Line 19

Leave out ‘An examination under this paragraph must be carried out by’ and insert ‘The medical practitioners are’

*Minister of Health, Social Services and Public Safety***Amendment 434** [*Not called*]**Schedule 2**, Page 174, Line 20

After ‘practitioner’ insert ‘or approved clinician’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 435** [*Not called*]**Schedule 2**, Page 174, Line 21

After ‘practitioner’ insert ‘or approved clinician’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 436** [*Not called*]**Schedule 2**, Page 174, Line 22

After ‘practitioner’ insert ‘or approved clinician’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 437** [*Made*]**Schedule 2**, Page 174, Line 23

Leave out sub-paragraph (5)

*Minister of Health, Social Services and Public Safety***Amendment 438** [*Not called*]**Schedule 2**, Page 174, Line 24

After ‘practitioner’ insert ‘or approved clinician’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch***Amendment 439** [*Not called*]**Schedule 2**, Page 174, Line 24

Leave out ‘medical’ and insert ‘clinical’

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 440 [*Not called*]**Schedule 2**, Page 174, Line 25

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 441 [*Made*]**Schedule 2**, Page 174, Line 33

At end insert -

'(10) If there is a failure to examine P in accordance with sub-paragraph (2), or to make a report in accordance with sub-paragraphs (6) and (7), the failure is an event which terminates the authorisation.'

Minister of Health, Social Services and Public Safety

Amendment 442 [*Not called*]**Schedule 2**, Page 175, Line 16

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 443 [*Not called*]**Schedule 2**, Page 175, Line 19

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 444 [*Not called*]**Schedule 2**, Page 175, Line 20

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 445 [*Not called*]**Schedule 2**, Page 175, Line 22

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 446 [*Not called*]**Schedule 2**, Page 175, Line 24

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 447 [*Not called*]**Schedule 2**, Page 176, Line 6

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 448*[Not called]***Schedule 2**, Page 176, Line 7

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 449*[Not called]***Schedule 2**, Page 176, Line 11

After 'practitioner' insert 'or approved clinician'

*Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch*

Amendment 450*[Made]***Schedule 2**, Page 177, Line 33

Leave out sub-paragraph 1 and insert -

'(1) Where a report under this Schedule is incorrect or defective in any respect as a result of an administrative error, the appropriate person may (subject to sub-paragraph (2)) amend the report for the purpose of correcting the error.

(2) "The appropriate person", in relation to a report ("the relevant report"), means—

- (a) if the relevant report is a report under paragraph 2 and the amendment is to the medical report included in the relevant report, the person who signed the medical report;
- (b) otherwise, the person who signed the relevant report.'

Minister of Health, Social Services and Public Safety

Amendment 451*[Made]***Schedule 2**, Page 177, Line 40

Leave out 'But'

Minister of Health, Social Services and Public Safety

Amendment 452*[Made]***Schedule 2**, Page 178, Line 10

Leave out from 'in' to '(“P”)' on line 11

Minister of Health, Social Services and Public Safety

Amendment 453*[Made]***Schedule 2**, Page 178, Line 14

Leave out from ', or' to end of line 16 and insert 'does not comply with the requirements of paragraph 4.'

Minister of Health, Social Services and Public Safety

Amendment 454*[Made]***Schedule 2**, Page 178, Line 19

Leave out from 'or' to 'given' on line 20

Minister of Health, Social Services and Public Safety

Amendment 455*[Made]***Schedule 2**, Page 178, Line 21

Leave out sub-paragraph (4) and insert -

'(4) But if, before the end of the permitted period—

- (a) a fresh medical report is made in accordance with paragraph 4, and
- (b) the fresh report states that in the opinion of the person making the report the condition in paragraph 12 is met, and has been met at all times since the making of the medical report mentioned in sub-paragraph (1)(b),

the authorisation report is valid, and is to be treated as always having been valid.'

Minister of Health, Social Services and Public Safety

Amendment 456*[Made]***Schedule 2**, Page 178, Line 28

Leave out sub-paragraph (5) and insert -

‘(5) Nothing in this paragraph limits the application of paragraph 20.’

*Minister of Health, Social Services and Public Safety***Amendment 457***[Made]***Schedule 2**, Page 178, Line 32

At end insert -

‘22.—(1) This paragraph applies where—

(a) a report under paragraph 2 (“the authorisation report”) has been made in respect of a person (“P”); and

(b) at any time before the end of the permitted period, it appears to the managing authority that a report under paragraph 11, 13 or 14 made in respect of P (“the original report”) does not comply with the requirements of that paragraph (“the relevant paragraph”).

(2) The managing authority may, before the end of the permitted period, give notice in writing to that effect to the person who signed the authorisation report.

(3) Where any such notice is given, the original report is to be disregarded.

(4) But if, before the end of the permitted period—

(a) P is examined, and a fresh report is made, in accordance with the requirements of the relevant paragraph (except any requirements as to the timing of the examination or report), and

(b) the fresh report states that in the opinion of the person making the report the condition in paragraph 12 is met, and has been met at all times since the making of the original report,

the authorisation has effect, and is treated as always having had effect, as if it had not expired by virtue of the relevant paragraph.

(5) Nothing in this paragraph limits the application of paragraph 20.

(6) In this paragraph—

“the managing authority” has the same meaning as in paragraph 21;

“the permitted period” has the same meaning as in paragraph 20.’

*Minister of Health, Social Services and Public Safety***Amendment 458***[Made]***Schedule 3**, Page 180, Line 19

Leave out ‘would be likely to lack’ and insert ‘would lack (or would probably lack)’

*Minister of Health, Social Services and Public Safety***Amendment 459***[Not called]***Schedule 3**, Page 180, Line 24

Leave out ‘medical’ and insert ‘clinical’

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 460***[Not called]***Schedule 3**, Page 180, Line 25

After ‘practitioner’ insert ‘or approved clinician’

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch***Amendment 461***[Not called]***Schedule 3**, Page 180, Line 27

After ‘practitioner’ insert ‘or approved clinician’

*Ms Rosaleen McCorley**Mr Raymond McCartney**Mr Seán Lynch*

Amendment 462 [*Not called*]**Schedule 3**, Page 180, Line 31

After 'practitioner' insert 'or approved clinician'

Ms Rosaleen McCorley
Mr Raymond McCartney
Mr Seán Lynch

Amendment 463 [*Made*]**Schedule 3**, Page 180, Line 34

After 'independent' insert 'mental capacity'

*Minister of Health, Social Services and Public Safety***Amendment 464** [*Made*]**Schedule 3**, Page 182, Line 8

Leave out 'likely to lack' and insert 'lacks, or probably lacks,'

*Minister of Health, Social Services and Public Safety***Amendment 465** [*Made*]**Schedule 4**, Page 186, Line 32

Leave out 'give notice of the fact in the prescribed form to' and insert 'notify'

*Minister of Health, Social Services and Public Safety***Amendment 466** [*Made*]**Schedule 4**, Page 187, Line 9

After 'revoked' insert 'or has otherwise come to an end'

*Minister of Health, Social Services and Public Safety***Amendment 467** [*Made*]**Schedule 4**, Page 187, Line 10

Leave out sub-paragraph (2)

*Minister of Health, Social Services and Public Safety***Amendment 468** [*Made*]**Schedule 4**, Page 187, Line 31

At end insert -

'Notification on cancellation

19A. If the Public Guardian cancels the registration of an instrument as a lasting power of attorney, the Public Guardian must notify—

- (a) the donor;
- (b) each person appointed as attorney; and
- (c) each person (if any) appointed as replacement attorney.'

*Minister of Health, Social Services and Public Safety***Amendment 469** [*Made*]**Schedule 5**, Page 201, Line 36

Leave out sub-paragraph (2)

*Minister of Health, Social Services and Public Safety***Schedule 5** [**Question that Schedule 5 stand part negated**]*The Member listed below gives notice of his intention to oppose the question that Schedule 5 stand part of the Bill.**Chair, Ad Hoc Joint Committee on the Mental Capacity Bill*

Amendment 470 [Made]**New Schedule**

After schedule 7 insert -

‘SCHEDULE 7A

Section 205.

SUPERVISION AND ASSESSMENT ORDERS

PART 1

INTRODUCTORY

Introductory

- 1.—(1) In this Part a “supervision and assessment order” is an order made in respect of a person (“the supervised person”) containing—
- (a) a supervision element (see paragraph 3), and
 - (b) an assessment element (see paragraph 4).
- (2) A supervision and assessment order may also include a residence element (see paragraph 5).
- (3) In this Schedule, references to the commission of offences by a person include the commission of offences in the circumstances described in section 204 (finding that person not guilty on the ground of insanity).

PART 2

MAKING AND CONTENTS OF ORDER

Conditions which must be satisfied before order can be made

- 2.—(1) A court may make a supervision and assessment order only if the following four conditions are met.
- (2) The first condition is that the court is satisfied, on the required medical evidence, that the supervised person has a disorder, or that there is reason to suspect that the supervised person has a disorder.
- (3) The second condition is that the court is satisfied, on the required medical evidence, that examination of the supervised person (“S”) is necessary or desirable for the assessment of one or both of the following—
- (a) whether the disorder requires treatment;
 - (b) whether consent to the giving of such treatment will be given by S, or by a person with authority to give consent on behalf of S, or whether such treatment will be capable of being given to S by virtue of Part 2 of this Act (or, if S is under 16, under the Mental Health Order).
- (4) The third condition is that the court is satisfied that supervision under the order is desirable in the interests of—
- (a) securing the rehabilitation of the supervised person, or
 - (b) protecting the public from harm from that person or preventing the commission by that person of offences.
- (5) The fourth condition is that the court is satisfied that the making of such an order is the most suitable means of dealing with the supervised person.
- (6) In this paragraph “the required medical evidence” means the written or oral evidence of at least two medical practitioners, including—
- (a) if the disorder is mental disorder, the oral evidence of an approved medical practitioner;
 - (b) otherwise, the oral evidence of a medical practitioner who appears to the court to have special experience in the diagnosis or treatment of the disorder.

Supervision element

- 3.—(1) A supervision element is a requirement that the supervised person be under the supervision of—
- (a) a social worker, or
 - (b) a probation officer,
- for a period specified in the order (“the supervision period”), which must be not less than 6 months and not more than 3 years.
- (2) The social worker or probation officer is referred to in this Schedule as “the supervising officer”.
- (3) The court must not make a supervision and assessment order unless it is satisfied that the supervising officer is willing to undertake the supervision.
- (4) If the supervising officer is a social worker—
- (a) the supervision and assessment order must specify the HSC trust for the area in which the supervised person resides or will reside, and

- (b) the social worker must be an approved social worker appointed as such by that trust.

Assessment element

- 4.—(1) An assessment element is a requirement that, during a specified period (“the assessment period”), the supervised person must—
- (a) attend at a specified place at a specified time or times, or
 - (b) make himself or herself available at a specified place at a specified time or times,
- for assessment by or under the direction of a medical practitioner.
- (2) The assessment period may be the whole or any part of the supervision period.
- (3) Assessment under sub-paragraph (1) is to be assessment of such of the following as the medical practitioner considers appropriate at the time of the assessment—
- (a) the supervised person’s condition;
 - (b) either or both of the matters mentioned in paragraph 2(3)(a) and (b).
- (4) In sub-paragraph (1) “specified” means specified in the order.

Residence element

- 5.—(1) A residence element is any requirement as to the residence of the supervised person during a period specified in the order (“the residence period”).
- (2) The residence period may be the whole or any part of the supervision period.
- (3) Before including a residence element, the court must consider the home surroundings of the supervised person.
- (4) A residence element may not require the supervised person to reside as an in-patient or resident in a hospital or care home.

Procedural requirements relating to the making of the order

- 6.—(1) Before making a supervision and assessment order, the court must explain to the supervised person in ordinary language—
- (a) the effect of each of the elements included in the order, and
 - (b) that a court of summary jurisdiction, and the court making the order, have power under paragraphs 8 to 10, 11 and 13 to review the order on the application either of the supervised person or the supervising officer.
- (2) After making an order, the court must as soon as practicable—
- (a) give at least 2 copies of the order to the supervising officer, and
 - (b) if the supervising officer is a social worker, send at least 1 copy of the order to the Probation Board.
- (3) The supervising officer must give a copy of the order to the supervised person.

PART 3

EFFECT OF ORDER

7. Where an order is made, the supervised person must (as well as complying with the assessment element and any residence element) keep in touch with the supervising officer in accordance with such instructions as that officer may from time to time give, and must notify the supervising officer of any change of address.

PART 4

AMENDMENT OR REVOCATION OF ORDER

Amendment of order: general

- 8.—(1) A court of summary jurisdiction may, on the application of the supervised person or the supervising officer, amend a supervision and assessment order—
- (a) by cancelling any of the requirements of the order; or
 - (b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were the court by which the order was made and were then making it.
- (2) The power of a court under sub-paragraph (1) does not include power to amend an order by extending any period specified in it beyond the end of 3 years from the date of the original order.

Amendment of order: change of area of residence

- 9.—(1) This paragraph applies where—
- (a) a supervision and assessment order requires the supervised person to be under the supervision of a social worker, and
 - (b) (in accordance with paragraph 3(4)) the order specifies the HSC trust for the area in which the person resides (“the current trust”).

(2) If a court of summary jurisdiction is satisfied that the supervised person proposes to change, or has changed, his residence to the area of another HSC trust, the court may amend the order by substituting, for the current trust, the other HSC trust.

(3) The court must amend the order as mentioned in sub-paragraph (2) if the supervising officer applies for it to do so.

(4) Where—

- (a) the court amends a supervision and assessment order under this paragraph, and
- (b) the order contains requirements which in the opinion of the court cannot be complied with if the supervised person ceases to reside in the area of the current trust,

the court must either cancel those requirements or substitute for them other requirements which can be complied with if the supervised person ceases to reside in that area.

Medical reports

10.—(1) In this paragraph “relevant medical practitioner” means a medical practitioner by whom or under whose direction the supervised person—

- (a) has been assessed in pursuance of a supervision and assessment order, or
- (b) is being treated for a disorder in pursuance of such an order.

(2) Sub-paragraph (3) applies where any of the following conditions is met—

- (a) the order requires the supervised person to attend or make himself or herself available for assessment at specified intervals, but a relevant medical practitioner considers that assessment at longer intervals is sufficient for the purposes mentioned in paragraph 2(3)(a) and (b);
- (b) a relevant medical practitioner considers that it is necessary or desirable, for the purposes mentioned in paragraph 2(3)(a) and (b), to assess the supervised person more frequently than specified in the order;
- (c) a relevant medical practitioner considers that the supervised person no longer requires treatment for his or her disorder;
- (d) a relevant medical practitioner considers that the supervised person’s disorder is not (or is no longer) susceptible to treatment;
- (e) a relevant medical practitioner considers that the assessment period should be extended (subject to sub-paragraph (5));
- (f) a relevant medical practitioner is for any reason unwilling to continue to assess or treat, or direct the assessment or treatment of, the supervised person;
- (g) a relevant medical practitioner becomes aware that the supervised person has been admitted to hospital as an in-patient.

(3) The relevant medical practitioner must make a report in writing to that effect to the supervising officer.

(4) The supervising officer must—

- (a) in the case of a report made as mentioned in sub-paragraph (2)(a), inform the court which made the order;
- (b) in the case of a report made as mentioned in sub-paragraph (2)(b) to (f), apply to a court of summary jurisdiction for the order to be amended as the court considers appropriate (including by cancelling the assessment element);
- (c) in the case of a report made as mentioned in sub-paragraph (2)(g), apply to a court of summary jurisdiction for the assessment element to be suspended whilst the supervised person remains an in-patient.

(5) On an application made in the case of a report made as mentioned in sub-paragraph (2)(e)—

- (a) if the court considers it appropriate for the assessment period to end later than the end of the existing supervision period, the court may extend the supervision period;
- (b) the assessment period (as extended) must not end later than the end of the supervision period (as extended); and
- (c) neither period may be extended beyond the end of 3 years from the date of the original order.

Revocation of order

11.—(1) A court that has made a supervision and assessment order may, on the application of the supervised person or the supervising officer, revoke the order under this paragraph.

(2) The court may do so only if the court is satisfied that, having regard to circumstances which have arisen since the order was made, it would be in the interests of the health or welfare of the supervised person to revoke the order.

Procedural requirements on amendment or revocation of order

12.—(1) On the making under any of paragraphs 8 to 11 of an order amending or revoking a supervision and assessment order, the court must as soon as practicable give to the supervising officer at least 2 copies of the amending or revoking order.

(2) The supervising officer, when given copies under sub-paragraph (1), must give a copy of the amending or revoking order to—

- (a) the supervised person, and
- (b) if the supervised person is receiving in-patient treatment or is residing in a hospital, the person in charge of that hospital.

PART 5

BREACH OF ORDER

13.—(1) This paragraph applies where—

- (a) a supervision and assessment order is in force, and
- (b) the supervising officer applies to the court that made the order for the order to be revoked under this paragraph.

(2) If—

- (a) it is proved to the satisfaction of the court that the supervised person (“S”) has, without reasonable excuse, failed to comply with any of the requirements of the order, and
- (b) it appears to the court to be in the interests of justice to do so,

the court may revoke the order and deal with S, for the matter in respect of which the order was made, in any manner in which the court could deal with S if a finding mentioned in section 205(1) had just been recorded by it in respect of that matter.

(3) In doing so, the court must take into account the extent to which S has complied with the requirements of the order.

(4) In proceedings under this paragraph any question as to whether S has failed to comply with the requirements of the order is to be determined by the court and not by the verdict of a jury.

(5) Where the court proposes to exercise its powers under this paragraph, it must summon S to appear before the court and, if S does not appear in answer to the summons, may issue a warrant for the arrest of S.

PART 6

SUPPLEMENTARY

Power to vary period for which supervision element may be made

14.—(1) The Department of Justice may make regulations substituting, for the period of 3 years mentioned in paragraph 3(1), such other period (exceeding 6 months) as may be specified in the regulations.

(2) Regulations under sub-paragraph (1) may make in paragraph 8(2) any amendment which the Department thinks necessary in consequence of the substitution made by the regulations.

Transitional provision relating to the abolition of petty sessions districts

15.—(1) Until the day on which section 1 of the Justice (Northern Ireland) Act 2015 comes into operation, this Schedule is to be read with the following modifications.

(2) If the supervising officer is a probation officer—

- (a) the supervision and assessment order must specify the petty sessions district in which the supervised person resides or will reside, and
- (b) the supervising officer must be a probation officer appointed for or assigned to that district.

(3) If the supervising officer is a social worker—

- (a) paragraph 6(2)(b) does not apply, but
- (b) the court must, as soon as practicable after making the order, give to the probation officer assigned to the court at least 1 copy of the order.

(4) After making an order, the court must send to the clerk of petty sessions for the petty sessions district in which the supervised person resides or will reside—

- (a) a copy of the order; and
- (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that district in the exercise of its functions in relation to the order.

(5) The functions conferred by paragraphs 8 to 10 are to be exercised by a court for the petty sessions district in which the supervised person resides or will reside.

(6) In paragraph 9—

- (a) in sub-paragraph (1)(a), the reference to supervision by a social worker includes supervision by a probation officer appointed for or assigned to a petty sessions district;
- (b) the references to an HSC trust or to the area of such a trust include a petty sessions district.

(7) If the court amends a supervision and assessment order so as to substitute one petty session district for another, the court which amends the order must send to the clerk of petty sessions for the new petty sessions district—

- (a) at least 2 copies of the amending order; and
- (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that district in the

exercise of its functions in relation to the order.

(8) The clerk of petty sessions for the new petty sessions district, when given copies under sub-paragraph (7), must give a copy of the amending order to the supervising officer.’

Minister of Health, Social Services and Public Safety

Amendment 471 [*Made*]

Schedule 8, Page 211, Line 17

Leave out ‘affects any liability of the patient to be’ and insert ‘prevents the patient from being’

Minister of Health, Social Services and Public Safety

Amendment 472 [*Made*]

Schedule 8, Page 218, Line 18

Leave out paragraphs 50 and 51 and insert -

‘50. Omit Part 6 (functions of RQIA).

51. In Article 90 (registration of private hospitals) omit paragraph (1).

51A. Omit Articles 91 to 94 (provisions about registration and inspections).

51B. Omit Article 96 (offences under Part 7).’

Minister of Health, Social Services and Public Safety

Amendment 473 [*Made*]

Schedule 8, Page 219, Line 9

Leave out sub-paragraphs (3) and (4) and insert -

‘(3) In paragraph (2) for the words from “facilities” to the end substitute “facilities to the Review Tribunal as are necessary for it to exercise its functions under this Order.”.

(4) In paragraph (3) for “and RQIA as are necessary for them to exercise their” substitute “as are necessary for it to exercise its”.’

Minister of Health, Social Services and Public Safety

Amendment 474 [*Made*]

Schedule 8, Page 219, Line 13

At end insert -

‘(4) After paragraph (3) insert—

“(4) Nothing in this Article applies in relation to a person detained by virtue of the 2016 Act.”

Minister of Health, Social Services and Public Safety

Amendment 475 [*Made*]

Schedule 8, Page 219, Line 23

Leave out paragraph 61 and insert -

‘61. Omit Article 128 (pay, pensions etc of patients).’

Minister of Health, Social Services and Public Safety

Amendment 476 [*Made*]

Schedule 8, Page 219, Line 27

At end insert -

‘(b) for “a place of safety” substitute “an appropriate place”.’

Minister of Health, Social Services and Public Safety

Amendment 477 [*Made*]

Schedule 8, Page 219, Line 28

At end insert -

‘(4) In paragraph (5) for “a place of safety” substitute “an appropriate place”.

(5) In paragraph (7)—

(a) for ““place of safety”” substitute ““appropriate place””;

(b) omit “any police station.”.’

Minister of Health, Social Services and Public Safety

Amendment 478 *[Made]***Schedule 8**, Page 219, Line 30

Leave out 'omit "or' and insert 'for "a place of safety or'

*Minister of Health, Social Services and Public Safety***Amendment 479** *[Made]***Schedule 8**, Page 219, Line 31

At end insert 'substitute "an appropriate place (as defined by Article 129(7))".'

*Minister of Health, Social Services and Public Safety***Amendment 480** *[Made]***Schedule 8**, Page 219, Line 38

After '(3)' insert -

'—

(a) for "a place of safety" substitute "an appropriate place";

(b) '

*Minister of Health, Social Services and Public Safety***Amendment 481** *[Made]***Schedule 8**, Page 220, Line 13

Leave out paragraph 67

*Minister of Health, Social Services and Public Safety***Amendment 482** *[Made]***Schedule 9**, Page 226, Line 15

Leave out 'permission' and insert 'leave'

*Minister of Health, Social Services and Public Safety***Amendment 483** *[Made]***Schedule 10**, Page 228, Line 17

At end insert -

'A1. In section 116(1) (fees) after "Enforcement of Judgments Office" insert "or the Public Guardian".'

*Minister of Health, Social Services and Public Safety***Amendment 484** *[Made]***Schedule 10**, Page 231, Line 11

At end insert -

'(4) In paragraph (4) at the end insert "(and "sentence" includes a hospital direction under Part 10 of the Mental Capacity Act (Northern Ireland) 2016)".

Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

15. In Article 140 (appeals against conviction, sentence etc) after paragraph (2) insert—

"(2ZA) In paragraph (1) "sentence" also includes a hospital direction under Part 10 of the Mental Capacity Act (Northern Ireland) 2016.".'

*Minister of Health, Social Services and Public Safety***Amendment 485** *[Made]***Schedule 11**, Page 234, Column 2

Leave out lines 19 to 34 and insert -

Part 6.
Article 90(1).
Articles 91 to 94.
Article 96.

Minister of Health, Social Services and Public Safety

Amendment 486*[Made]*

Schedule 11, Page 234, Column 2

Leave out line 41

Minister of Health, Social Services and Public Safety

Amendment 487*[Made]*

Schedule 11, Page 235, Column 2

Leave out line 2 and insert -

Article 128.

In Article 129—

(a) paragraph (3);

(b) in paragraph (7) the words “any police station,”.

Minister of Health, Social Services and Public Safety

Amendment 488*[Made]*

Schedule 11, Page 235, Column 2

Leave out lines 4 and 5

Minister of Health, Social Services and Public Safety

Amendment 489*[Made]*

Schedule 11, Page 235, Column 2

Leave out lines 17 to 28

Minister of Health, Social Services and Public Safety

Assembly and Executive Reform (Assembly Opposition) Bill

Annotated Marshalled List of amendments Further Consideration Stage

Tuesday 16 February 2016

Amendments tabled up to 9.30am Wednesday, 10 February 2016 and selected for debate.

Amendment 4 [*Made*]

Clause 2, Page 1, Line 20

After subsection (3) insert -

‘; or whose members comprise 8% or more of the total number of members of the Assembly, and which does not contain a member who is a Minister.’

Mr John McCallister

Amendment 5 [*Made*]

Clause 3, Page 2, Line 4

At end insert -

‘(d)the Opposition may also be formed by one or more of the qualifying parties before the 30th June 2016.’

Mr John McCallister

Amendment 6 [*Not moved*]

New Clause

After Clause 3 insert -

‘Leaving the Opposition and joining the Executive

3A. Standing orders shall provide that a member or members may, having previously declined Ministerial office under section 18(2) to (6) of the Northern Ireland Act 1998, leave the Opposition and nominate or be nominated for Ministerial office in accordance with section 18(2) to (6) of the Northern Ireland Act 1998.’

Mr Colum Eastwood

Mr Alex Attwood

Mrs Dolores Kelly

Amendment 7 [*Made*]

Clause 5, Page 2, Line 15

Leave out paragraph (b)

Mr Danny Kennedy

Mr Robin Swann

Amendment 8 [*Negated on division*]

Clause 6, Page 2, Line 25

After ‘questions’ insert ‘, oral questions and statements’

Mr Danny Kennedy

Mr Robin Swann

Amendment 9 [*Negated on division*]

New Clause

After Clause 9 insert -

‘Establishment of Welfare Reform and Measures Committee

9A.—(1) Standing orders must make provision for the establishment of a standing committee, to be known as the Welfare Reform and Measures Committee, which shall—

- (a) keep under review the Northern Ireland (Welfare Reform) Act 2015;
- (b) keep under review the Welfare Reform and Work Bill 2015;
- (c) monitor the implementation of these and the effects on welfare provision in Northern Ireland; and
- (d) consider all consequential welfare measures, options for mitigating arrangements and their implementation.

- (e) this committee may table a legislative amendment request motion in the Assembly which would specify amendments which the Assembly might ask the Secretary of state to pursue. Such a legislative amendment request motion may address issues arising from the legislative measures named in this Clause or measures in future Westminster Welfare legislation which the committee considers to have implications which the Assembly should seek to influence or avert.

(2) Standing Orders shall provide that the committee is to have powers under section 44 of the Northern Ireland Act 1998 (power to call for witnesses and documents).’

Mr Colum Eastwood

Mr Alex Attwood

Mrs Dolores Kelly

Amendment 10 [Negatived]

New Clause

After Clause 11 insert -

‘Private Members’ Bills

11A. The Assembly Commission shall report to the Northern Ireland Assembly on the appropriateness of support available for the development of Private Members’ Bills at least once every three years.’

Mr John McCallister

Amendment 11 [Made on division]

New Clause

After Clause 11 insert -

‘Assembly and Executive Transfer of Responsibilities Motion

11B.—(1) An Assembly and Executive Transfer of Responsibilities Motion is a motion, passed with cross-community support in the Assembly, requesting that the Secretary of State bring forward legislation (being legislation which is beyond the legislative competence of the Assembly), to allow matters to be dealt with as Reserved rather than Excepted matters.

(2) The Schedule makes further provision in respect of the arrangements to be dealt with as Reserved rather than Excepted matters.

(3) Only those arrangements laid out in the Schedule can be contained in the Assembly and Executive Transfer of Responsibilities Motion.

(4) If the Assembly passes an Assembly and Executive Transfer of Responsibilities Motion the Speaker must send a copy of it to the Secretary of State.’

Mr John McCallister

Amendment 12 [Negatived on division]

New Clause

After Clause 11 insert -

‘Motion on alleged breaches of the Ministerial Code

11A. A Motion on alleged breaches of the Ministerial Code is a motion, passed by cross-community consent in the Assembly, requesting that the Secretary of State bring forward legislation (being legislation which is beyond the legislative competence of the Assembly) to reform governance in the Executive.’

Mr Steven Agnew

Ms Claire Sugden

Amendment 13 [Not called]

New Clause

After Clause 11 insert -

‘Opposition and Institutional Reform Motion

11A.—(1) An Opposition and Institutional Reform Motion is a motion, if passed by the Assembly, requesting that the Secretary of State bring forward legislation (being legislation which deals with excepted matters under the Northern Ireland Act 1998) to reform the Assembly and the Executive.

(2) An Opposition and Institutional Reform Motion shall be passed by cross community vote.

(3) An Opposition and Institutional Reform Motion may be tabled only in relation to those matters detailed in the Schedule.

(4) The Schedule makes further provisions in relation to the content of an Opposition and Institutional Reform Motion.

(5) If the Assembly passes an Opposition and Institutional Reform Motion, the Speaker shall send a copy of the motion to the Secretary of State for Northern Ireland.’

Mr Colum Eastwood

Mr Alex Attwood

Mrs Dolores Kelly

Amendment 14 [*Made*]**Clause 12**, Page 3, Line 19

Leave out 'Reform' and insert 'Transfer of Responsibilities'

*Mr John McCallister***Amendment 15** [*Not called*]**Clause 12**, Page 3, Line 19

Leave out 'Assembly and Executive' and insert 'Opposition and Institutional'

*Mr Colum Eastwood**Mr Alex Attwood**Mrs Dolores Kelly***Amendment 16** [*Not called*]**Clause 13**, Page 3, Line 28

Leave out from second 'Assembly' to 'Executive' on line 29 and insert 'Opposition and Institutional'

*Mr Colum Eastwood**Mr Alex Attwood**Mrs Dolores Kelly***Amendment 17** [*Made*]**Clause 13**, Page 3, Line 29

Leave out 'Reform' and insert 'Transfer of Responsibilities'

*Mr John McCallister***Amendment 18** [*Made*]**Clause 14**, Page 4, Line 4

After subsection (2) insert -

'(3) Standing Orders must make provision for an annual debate on the Executive legislative timetable.'

*Mr John McCallister***Amendment 19** [*Made*]**Clause 16**, Page 4, Line 15

Leave out 'one month after the day' and insert 'the day after'

*Mr John McCallister***Amendment 20** [*Made*]**New Schedule**

After Clause 17 insert -

SCHEDULE

Section 12.

CONTENT OF ASSEMBLY AND EXECUTIVE TRANSFER OF RESPONSIBILITIES MOTION

Scope of Assembly and Executive Transfer of Responsibilities Motion

1. An Assembly and Executive Transfer of Responsibilities Motion shall include the provisions set out in this Schedule.

Agreement of Programme for Government

2. The motion may request that the arrangements and timeframes for agreeing the terms of the Programme for Government are dealt with as reserved rather than excepted matters.

*Mr John McCallister***Amendment 21** [*Negatived*]**As an amendment to amendment 20****After Clause 17 insert -***'Presiding Officer*

The motion may request that the arrangements for election of the Presiding Officer are dealt with as reserved rather than excepted matters.'

Mr John McCallister

Amendment 22 [*Not called*]**New Schedule**

After Clause 17 insert -

SCHEDULE

Section 11A.

PROCEDURE FOR INVESTIGATION OF ALLEGED BREACHES OF MINISTERIAL CODE

Procedure for investigation of alleged breaches of Ministerial Code

1. The motion may request that procedures be established for the submission of complaints of breaches of the Ministerial Code, and for the investigation of those complaints.

2. The motion may request that as soon as practicable after an investigation of a complaint of a breach of the Ministerial Code is completed, a report on that investigation must be published.

*Mr Steven Agnew**Ms Claire Sugden***Amendment 23** [*Not called*]**New Schedule**

After Clause 17 insert -

SCHEDULE

Section 11A.

CONTENT OF OPPOSITION AND INSTITUTIONAL REFORM MOTION

Scope of Opposition and Institutional Reform Motion

1. An Opposition and Institutional Reform Motion may include the provisions set out in this Schedule.

Content of Opposition and Institutional Reform Motion

2. An Opposition and Institutional Reform Motion shall be limited to the provisions set out in this Schedule.

Election of First Ministers and deputy First Minister

3. The motion may request that the Assembly shall elect from among its members the First Minister and deputy First Minister, (or joint First Ministers), standing for election jointly, with the support of a majority of the designated Nationalists voting, a majority of the designated Unionists voting and a majority of Assembly members voting.

*Mr Colum Eastwood**Mr Alex Attwood**Mrs Dolores Kelly**Mr Robin Swann**Mr Danny Kennedy***Amendment 24** [*Not called*]**As an amendment to amendment 23**

After paragraph 3 insert -

'Programme for Government

3A. A motion may request that political parties are required to establish a programme for government before a member takes up Ministerial office under section 18 of the Northern Ireland Act 1998 and not later than 2 weeks after the election of a new Assembly.'

*Mr Colum Eastwood**Mr Alex Attwood**Mrs Dolores Kelly***Amendment 25** [*Not called*]**As an amendment to amendment 23**

After paragraph 3 insert -

'Leaving the Opposition to join the Executive

3B. The motion may request that a member may leave the Opposition and be nominated for Ministerial office in accordance with section

18(2) to (6) of the Northern Ireland Act 1998.’

Mr Colum Eastwood
Mr Alex Attwood
Mrs Dolores Kelly

Amendment 26 [Not called]

As an amendment to amendment 23

After paragraph 3 insert -

‘Election of Ministers

3C. The motion may request that all Ministers in charge of the Northern Ireland Departments shall be nominated under the provisions of section 18 of the Northern Ireland Act 1998.’

Mr Colum Eastwood
Mr Alex Attwood
Mrs Dolores Kelly

Amendment 27 [Not called]

As an amendment to amendment 23

After paragraph 3 insert -

‘Function of Statutory Committees

3D. The motion may request that the functions of statutory committees are to scrutinise Ministers, to propose legislation and to advise and assist Ministers in the formulation of policy.’

Mr Colum Eastwood
Mr Alex Attwood
Mrs Dolores Kelly

amendment 28 [Not called]

As an amendment to amendment 23

After paragraph 3 insert -

‘Leaving the Opposition and re-joining the Executive

3E. The motion may request that a member may leave the Opposition and be nominated for Ministerial office in accordance with section 18(2) to (6) of the Northern Ireland Act 1998.’

Mr Colum Eastwood
Mr Alex Attwood
Mrs Dolores Kelly

Amendment LT1 [Made on division]

Long Title

At beginning insert -

‘A

B I L L

TO

Provide for the formation of an Assembly Opposition; to provide for the passing of an Assembly and Executive Transfer of Responsibilities Motion; and to reform the Assembly and the Executive.’

Mr John McCallister

Amendment LT2 [*Not called*]

Long Title

At beginning insert -

‘A

B I L L

TO

Provide for the formation of an Assembly Opposition; and to reform the Assembly and the Executive.’

Mr John McCallister

amendment LT3[*Not called*]

Long Title

At beginning insert -

‘A

B I L L

TO

Provide for the formation of an Assembly opposition; to provide for an Opposition and Institutional Reform Motion; and to allow reform of the Institutions of the Assembly and the Executive.’

Mr Colum Eastwood

Mr Alex Attwood

Mrs Dolores Kelly

Northern Ireland Assembly

Papers Presented to the Assembly on 16 February 2016

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
Report on the Licensing Bill (NIA Bill 69/11-16) (NIA 296/11-16) (Committee for Social Development).
6. Statutory Rules
S.R. 2016/000 (Draft) The Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016 (DOJ).

For Information Only
S.R. 2016/45 The Prohibition of Right-Hand Turn (Portadown) Order (Northern Ireland) 2016 (DRD).
7. Written Ministerial Statements
8. Consultation Documents
Consultation on Options for future support to Areas of Natural Constraint (DARD).
Consultation on Designation of Areas of Natural Constraint (DARD).
Consultation on Review of CAP Coupled Support Options (DARD).
9. Departmental Publications
2014/2015 Final Outturn Report (DFP).
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 February 2016

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	Bill fell at Final Stage on 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	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	24.06.15	24.07.15
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	29.06.15	01.12.15	12.01.16	
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	16.06.15 & 22.06.15	30.06.15	24.07.15
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	23.06.15	06.10.15	08.12.15	29.01.16
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	29.06.15	30.11.15	08.12.15	29.01.16
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	23.06.15
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15	Minister not planning to move Bill			

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15	11.11.15	01.12.15	11.01.16	25.01.16	
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	28.01.16	25.01.16	16.02.16			
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	18.12.15	09.12.15	18.01.16	26.01.16	15.02.16	
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	25.11.15	18.11.15	08.12.15	12.01.16	25.01.16	
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	20.11.15	18.11.15	11.01.16	26.01.16	08.02.16	
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	24.07.15
Pensions Schemes Bill 54/11-16	22.06.15	30.06.15	/	/	16.11.15	23.11.15	24.11.15	15.01.16
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	27.11.15	19.11.15	11.01.16	26.01.16	09.02.16	
Credit Unions and Co-operative and Community Benefit Societies Bill 56/11-16	23.06.15	06.01.15	24.11.15	24.11.15	12.01.16	08.02.16		
Justice (No. 2) Bill 57/11-16	30.06.15	08.09.15	15.01.16	14.01.16	10.02.16			
Housing (amendment) Bill 58/11-16	30.06.15	09.11.15	15.01.16	07.01.16	01.02.16	15.02.16		
Houses in Multiple Occupation Bill 60/11-16	07.09.15	07.12.15	12.2.16	04.02.16				

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Shared Education Bill 66/11-16	02.11.15	10.11.15	12.01.16	06.01.16	26.01.16			
Rural Needs Bill 67/11-16	09.11.15	17.11.15	26.01.16	26.01.16	15.02.16			
Health and Personal Social Services (amendment) Bill 68/11-16	23.11.15	01.12.15	05.02.16	03.02.16				
Departments Bill 70/11-16	30.11.15	08.12.15	/	/	19.01.16	01.02.16	02.02.16	
Addressing Bullying in Schools 71/ 11-16	30.11.15	08.12.15	09.02.16	08.02.16				
Health (Miscellaneous Provisions) Bill 72/11-16	30.11.15	08.12.15	09.02.16	03.02.16				
Employment Bill 73/11-16	07.12.15	12.01.16	23.02.16	27.01.16	09.02.16			
Fisheries Bill 74/11-16	07.12.15	11.01.16	22.02.16	02.02.16				
Rates (amendment) Bill 75/ 11-16	11.01.16	19.01.16	/	/	25.01.16	01.02.16	02.02.16	
Assembly Members (Reduction of Numbers) Bill 76/ 11-16	12.01.16	25.01.16	/	/	02.02.16	16.02.16		
Budget Bill 77/11-16	08.02.16	09.02.16	/	/	15.02.16	16.02.16		

**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)							

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
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	14.10.15				
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15	02.07.15	29.09.15	19.10.15	03.11.15	09.12.15
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15	29.09.15	20.10.15	30.11.15 / 01.02.16	10.02.16	
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	20.07.15
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15	Bill fell at Second Stage on 20.10.15						
Civil Service (Special Advisers) (amendment) Bill 61/11-16	14.09.15	Bill fell at Second Stage on 13.10.15						
Assembly and Executive Reform (Assembly Opposition) Bill 62/11-16	22.09.15	12.10.15	26.01.16	20.01.16	02.02.16 / 08.02.16	16.02.16		
Local Government (Numbers and Addresses in Townlands) Bill 63/11-16	12.10.15	Bill fell at Second Stage on 17.11.15						
Human Transplantation Bill 64/11-16	13.10.15	16.11.15	05.02.16	03.02.16	Member not planning to move Bill			

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Scrap Metal Dealers Bill 65/11-16	19.10.15	16.11.15	19.02.16	11.02.16				
Licensing Bill 69/11-16	24.11.15	07.12.15	19.02.16	16.02.16				

/ Bill progressing by accelerated passage

** Please note that any bills that received Royal Assent in the previous session have been removed from the table.

