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# OFFICIAL REPORT

(HANSARD)

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# NORTHERN IRELAND ASSEMBLY

Monday 3 November 2008

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

*Members observed two minutes' silence.*

## MINISTERIAL STATEMENT

### Public Expenditure: September Monitoring 2008-2009

**Mr Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement on the public expenditure September monitoring round for the 2008-09 financial year.

**The Minister of Finance and Personnel (Mr Dodds):** With permission, I will make a statement regarding the outcome of the September monitoring round, following the First Minister and deputy First Minister's approval of the recommendations by the less-than-satisfactory means of urgent procedure. I am in a position to announce to the Assembly a sum of almost £50 million in funding allocations for local public services across a range of Departments.

In my statement to the Assembly on the June monitoring round, I highlighted the substantial public expenditure pressure that had come to light in respect of the Northern Ireland Civil Service equal pay claim, as well as the impact of the downturn in the property market. In response, the Executive agreed to adopt a two-stage process whereby only limited allocations would be made as part of the June monitoring round, with the position to be reviewed when negotiations with the Treasury were completed.

Over the summer and early autumn, work has been ongoing to address the equal pay pressure faced by the Executive, and discussions are continuing with the Treasury — at official and ministerial level — on how to minimise the impact on public services. Engagements with the aim of resolving the issue have commenced with the trade union, and they will continue.

The one-off payment to staff could cost in excess of £100 million, although Members will appreciate that that figure is dependent on a range of factors that we are in the process of considering. The Executive remain mindful of the need to ensure a fair deal for the

civil servants affected, although there is the potential for a significant impact on public services from a provision of that amount.

In that context, we are also seeking to ensure that the public expenditure implications are managed in a way that does not require reductions to the spending plans for future years that were agreed and announced by the Executive in January.

It remains my clear belief that the equal pay claim is a legacy issue for the United Kingdom Government. However, at the same time, we cannot ignore the broader UK public expenditure context. In recent weeks, I have met both the Prime Minister and the Chief Secretary to the Treasury to press the case for Northern Ireland on equal pay, as well as a range of other measures, including the level and duration of winter fuel payments.

The equal pay issue involves a large number of complex issues and thus, as the employee representatives have pointed out, may involve protracted negotiations. Therefore, although I recognise the desire of staff on the lowest pay scales to receive payment as soon as possible, a final settlement may not be reached for some time.

As regards capital receipts, the property market has shown little sign of improvement since June monitoring, with Departments still indicating that they expect a significant shortfall against the planned revenue from asset disposals this year. That, in turn, impacts on the Executive's investment programme. Although Departments are taking steps to address the shortfall, the position on housing receipts remains difficult.

The continuing instability in local property and national financial markets was highlighted last Friday when it was announced that the Workplace 2010 project would be suspended. That will allow time to assess the impact of recent changes in the financial and property markets on the proposed procurement. In addition, the continuing media speculation that the remaining bidders for the contract will come under common ownership had the potential to affect the procurement process. Although that confirms that the potential £175 million capital receipt for the project will not now be realised in this financial year, it was no longer possible to proceed uninterrupted with the project at a time when there was such unprecedented uncertainty in the financial and property markets.

Workplace 2010 procurement will be reviewed early in 2009, by which time we hope that the present uncertainties affecting the process will have been clarified. I remain committed to the principles underpinning the Workplace 2010 project, and the Civil Service will continue to work towards creating a modern, flexible working environment for its staff that will enable the delivery of better public services.

As regards the impact on the Executive's investment programme, we must recognise that the nature of capital investment projects means that there will always be some degree of uncertainty in the precise timing of both expenditure and receipts. Rather than adopt an overly cautious and conservative position in setting out our spending ambitions for capital projects for the next decade, the Executive adopted an approach that sought to encourage Departments to seek to deliver the greatest possible level of investment in public infrastructure over the Budget period and beyond.

At the same time, however, the Executive were prudent in committing funding to projects, particularly in the early years of the period covered by the investment strategy. In addition, the position on capital expenditure has been proactively managed during the subsequent in-year monitoring process. That has meant that over £130 million was available following the September monitoring round to address potential shortfalls in the overall capital position for the remainder of this financial year.

It is also expected that additional capital resources will become available during the second half of this financial year, as some projects spend less before next April than was planned initially. Therefore, I believe that there is sufficient scope to accommodate the loss of the Workplace 2010 receipt during the remaining months of this financial year without the need for action to scale other projects currently under way.

A further issue that has arisen since June monitoring relates to Northern Ireland Water, which was previously classified as a public corporation. Although the final decisions have yet to be made on the future funding arrangements for local water and sewerage services, Her Majesty's Treasury has indicated that the company should be reclassified this year as being within central Government. That is in light of the fact that the company does not derive a sufficient share of its income from customer charges to still be considered a public corporation and is, therefore, largely a technical matter. However, it has real-world implications on the level of Budget cover required to support the company, the scale of which will be dependent on the outcome of the ongoing discussions with the Treasury.

Members will also be aware of the significant increases in household energy bills announced in recent months, which has placed an intolerable burden on households at a time of rising unemployment and uncertainty in the banking sector. Although it would be pure delusion to suggest that, on their own, the Executive or the Assembly can resolve issues that have worldwide impacts, it is also important that we recognise the actions taken already by the Executive.

Those include the freeze on regional rates that was announced as part of last year's Budget, and the

deferral of water charges. That means that those costs are significantly lower in Northern Ireland than in the rest of the United Kingdom. In addition, the concessionary fares scheme will be extended this year in order to provide free public transport for everyone aged 60 and over, while generous Budget allocations to the Department of Health, Social Services and Public Safety (DHSSPS) have enabled plans to be put in place in order to abolish prescription charges.

Although there is a need to go further, it is essential that that is done in a way that leads to a sustainable solution rather than adopting seemingly attractive quick fixes that build in recurrent costs to the detriment of the delivery of public services more generally. To that end, I am taking forward a cross-cutting fuel poverty action plan, which will involve working with the Minister for Social Development, the Minister of Health, Social Services and Public Safety, and the Minister of Enterprise, Trade and Investment. Once completed, that work will be submitted for agreement by the Executive and for consideration as part of the December monitoring round.

It is clear that the overall context for the September monitoring round is, perhaps, even more constrained than was the case in the previous monitoring round. However, unlike the situation in June, there is now less scope to defer decisions in light of the emerging pressures that Departments have identified. As regards current expenditure, the Executive concluded the June monitoring round with an overcommitment of £85 million. That figure has been offset by the £41.1 million of reduced requirements that Departments identified, although the total amount of reduced requirements in the year to date remains below that in recent years. Further details on the reduced requirements that were declared in the September monitoring round are set out in table 1 of my statement.

In addition, the latest forecasts from Departments, as set out in table 2 of the statement, suggest that little further current expenditure will be released through to the end of the financial year. However, Departments indicated close to full spend at this time in the 2007-08 financial year, yet then declared significant levels of reduced requirements in the later monitoring rounds, as well as a high level of underspend. In that context, therefore, I repeat the call for Committees to challenge robustly the expenditure performance of all Departments in order to ensure that resources become available for reallocation as early as possible so that we can make the best use of the resources at the Executive's disposal.

Although departmental forecasts have tended to be overly pessimistic in that respect, there is a need to leave scope in order to address pressures that emerge later in the year. It was, therefore, agreed that there were sufficient resources to make £21 million in



current expenditure allocations to Departments, against the £137 million of spending proposals that Departments submitted.

The allocations that were agreed include a further £5 million for the Department of Health, Social Services and Public Safety as part of the first call on available resources agreed in the Budget process; £5 million for extended schools, in recognition of that programme's importance — although I remain of the view that those funds could have been found from the Department's own resources; and some £3.5 million in order to address pressures in respect of animal health, as the rising market price of animals has implications for the level of compensation payments.

A figure of £1.5 million was allocated to the flood-relief scheme for payments to households and district councils after the severe weather conditions in August, and £2.5 million as a contribution to the increased cost of the special purchase of evacuated dwellings scheme — although I hope that the Department for Social Development (DSD) will take steps to meet the remainder of the additional costs. In addition, £1.5 million was allocated to help to meet the increased costs of establishing the new Northern Ireland library authority, and £500,000 for the re-imaging communities initiative, which supports local communities as they replace divisive symbols and murals of the past with images that are a positive celebration of the future. Finally, £1.5 million was allocated in order to enhance the collection of rates arrears, with the additional revenue being used to meet the residual costs of Civil Service reform rather than that pressure being met from the scarce resources available in this monitoring round.

I explained the approach to managing the in-year capital position, including holding back more than £130 million to set against the pressures emerging on in-year budgets due to the impact of the downturn in the property market and the wider difficulties in financial markets. There is also continuing uncertainty surrounding the technical reclassification of Northern Ireland Water.

However, there was judged to be scope for limited capital allocations, and the following were agreed: £15 million to the Department for Social Development in order to address 30% of the remaining capital receipts shortfall after proactive action by the Department to minimise the pressure on its housing programme. In not meeting the full shortfall now, the Department for Social Development is being encouraged to continue to maximise its capital receipts in the current financial year.

12.15 pm

The Department for Regional Development (DRD) will receive £6.2 million for work at Warrenpoint

harbour, which, although fully committed, has slipped since the 2007-08 financial year.

The Department of the Environment (DOE) will receive £1.9 million for the Electronic Planning Information for Citizens (e-PIC) system, which will enhance the operation of the Planning Service, and £1.9 million for the implementation of aspects of the cross-departmental Civil Service reform programme.

The allocations mean that the Executive leave the September monitoring round with a planned overcommitment in current expenditure of £65 million and an under-commitment of £132 million in capital expenditure. Although the position on the Workplace 2010 project has crystallised, that risk had already been incorporated into our plans for the current financial year. Therefore, confirmation of the Workplace 2010 position will not require significant changes to be made to our plans, or my recommendations, on the September monitoring round. However, it does highlight that the downturn in the property market has affected the public sector as well as private developers.

Northern Ireland Departments still plan to deliver their highest-ever level of investment in capital projects in the current financial year, which will provide significant help for the local construction sector. However, it must be recognised that the Executive have limited scope to go further than their current plans. Following the boom of the past few years, the construction sector should focus on making the structural changes necessary to allow it to compete on a sustainable basis over the longer term.

The Executive entered the September monitoring round facing a range of pressures at strategic level and at departmental level. The wider financial situation meant that it was not possible to address all those pressures at this stage. However, a prudent and responsible approach is being taken, which balances the need to address the immediate pressures faced by Departments and the creation of sufficient flexibility to accommodate pressures that may emerge in the remainder of the financial year. I commend the September monitoring position to the Assembly.

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement and for the courtesy that he and his officials afforded the Deputy Chairperson and me in briefing us on it.

The Budget for 2008-09 included a planned capital receipt of £175 million from the Workplace 2010 project. The Minister outlined the position regarding Workplace 2010, and the project's suspension was announced last Friday. That was the correct decision, and I agree that it was prudent and responsible. The Minister also outlined how the shortfall will be managed, and it is

important that the Minister believes that a black hole will not open in the economy, despite comments to the contrary from some people in the media.

Capital receipts for all Departments in the current financial year were projected at £486 million. Will the Minister comment on the extent to which that target will be met and the work of the capital assets realisation team in that regard? During a recent briefing with the Department of Finance and Personnel (DFP) officials, the Committee was informed that all Departments had reassured the central finance group that they would spend their entire budget in the current financial year. Indeed, the September monitoring allocations forecast that underspend will be zero after the reduced requirements have been taken into account. Is the Minister confident that cross-departmental underspend will be minimal at the end of the current financial year?

**The Minister of Finance and Personnel:** I thank the Chairperson of the Committee for his contribution. I welcome what he said about the position of the Workplace 2010 project. Given the unprecedented conditions in the financial and property markets, the decision to suspend that project was correct. Capital receipts represented less than 10% of the overall gross investment by the Northern Ireland Departments in 2008-09. Our in-year investment programmes have already set aside some £130 million to deal with the implications of the volatility in the property and financial markets.

Slippage on planned capital spending is also likely before the end of the year. In those circumstances, the issue will be revisited in early 2009 in order to take stock of the financial position and the two companies involved in the bidding process — in that context, there has been considerable speculation about a merger.

The Chairperson of the Committee for Finance and Personnel also talked about capital receipts and the downturn in the property market, which I mentioned in my statement. That situation has improved little since it was dealt with in the June monitoring round and substantial amounts of capital funding have been set aside in order to manage it proactively. There will be reduced in-year requirements coming through and, given the scale of the projects, some slippage will occur. That ties in with the Committee Chairperson's last point — about Departments forecasting that they will spend their full financial allocations. My statement pointed out that that has been a recurring theme over the years. Therefore, it is not entirely surprising that that is what Departments are saying. However, given what has happened historically, and the nature of the process, it is expected that the position will be much clearer in the December monitoring round and as we move towards the end of the financial year.

I could stop everything now; halt everything in its tracks, cease all spending and take up a very cautious position. That may suit me, but it would not be good for the local construction industry or for Departments. The best way to manage the situation is through careful monitoring; setting aside money while recognising the reality of what might happen later on, and taking a detailed look at the situation in December. That approach avoids taking money away from Departments; something which I am determined to avoid doing at all costs. Ultimately, Departments must be able to deliver on the priorities, objectives and goals of the Programme for Government.

**Mr Speaker:** It is understandable that the Minister's statement has attracted a lot of interest in the House and quite a number of Members wish to ask questions. I remind Members that they must ask a question — not make a further statement or ask multiple questions. If Members bear that in mind, all those with questions may get an opportunity to speak.

**Mr Hamilton:** Thank you, Mr Speaker. I will do my best to comply.

I thank the Minister for his statement and I agree with him; the agreement of the statement by urgent procedure is less than ideal. All Executive decisions affecting Departments must be taken at Executive meetings.

The Minister mentioned many emerging pressures and his discussions with the Treasury on a range of issues. Has he considered asking the Treasury for greater access to Northern Ireland's stock of end-year flexibility? I also remind the Minister of the concerns that the Committee for Finance and Personnel has raised consistently about the lack of funding for Civil Service reform projects. Will the Minister assure Members that those projects remain a priority and on-track to be implemented given their importance in realising efficiencies?

**The Minister of Finance and Personnel:** I thank the Deputy Chairperson of the Committee for Finance and Personnel for his remarks. I agree that it is less than satisfactory to use urgent procedure in order to proceed with the monitoring round and allocate money to Departments. It is probably less than they would like, but £50 million is a considerable amount of capital and current funding that will enable Departments to manage their budgets and move forward.

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

It is less than satisfactory that the matter is being dealt with by urgent procedure, because it cuts out the opportunity for discussion, debate and consideration around the Executive table. It is vital that that should happen. It is unsatisfactory, by any stretch of the imagination, that matters cannot be discussed and agreed at Executive meetings.



Mr Hamilton mentioned end-year flexibility; we continue to press the Treasury on the issue. At the end of the year, any underspend goes back into the Treasury, and we have to negotiate that. It is all the more important, therefore, that money that is not required is released during the in-year monitoring round and reallocated as quickly as possible. We are negotiating the position on end-year flexibility as part of our ongoing discussions on equal pay, and it will be extremely important to have access to the money as quickly as possible.

I assure Mr Hamilton that the Northern Ireland Civil Service reform projects are proceeding. Civil Service reform is important to realise efficiencies and, most importantly, to deliver a better service to the public. At the end of the day, that is what Civil Service reform is all about.

I hope to be in a position shortly to announce progress on some projects that come under that agenda. As the Member will be aware from my statement, money has been allocated in this monitoring round to address some of the issues regarding funding for taking forward cross-departmental, cross-cutting projects that will benefit all Departments and people across Northern Ireland.

**Mr McNarry:** I thank the Minister for his statement. The First Minister recently claimed responsibility for almost every good initiative that the Executive have managed to produce, including free prescriptions, which required a lot of money. Will he then take responsibility for the frighteningly large black hole of potentially £500 million in the Executive Budget? What will be his responsibilities in the crushing effect of the emerging shortfall of a further £500 million hole in the coffers of the Department for Regional Development?

**The Minister of Finance and Personnel:** I thank the Member for his succinct question. It is not a new question, but I will answer it again for the third or fourth time.

**Mr McNarry:** I will keep on asking it.

**The Minister of Finance and Personnel:** I am sure that the Member will keep on asking the question, because nothing seems to be getting through. Nevertheless, I will have a go at answering it.

There is no black hole in the Budget. I should be happy for officials to sit down with the honourable Member. I sincerely mean that — leaving aside the knockabout stuff — because he is a member of the Finance and Personnel Committee, and it is important that Committee members have an opportunity to discuss the process with officials. However, I assure him that there is no black hole in the Budget.

There is nothing new in the idea that Governments face spending pressures. It happens all the time, and I have been very open about that in various statements to the Assembly on the in-year financial position. The Executive have the in-year monitoring process so that resources no longer required by certain business areas can be used to meet pressures in others.

The Member talked about a black hole, but we have set aside £130 million in the capital budget. In 2007-08, £230 million in current expenditure and £270 million in capital expenditure were declared surplus by Departments, even before the significant levels of underspend were declared at the end of the year.

12.30 pm

It would be easy to say that I will protect myself and the Department of Finance and Personnel by stating that there will be no more spending and that we will ensure that every penny is in place now, or I could tell the Departments that I will ask for money back. I am not prepared to do that because the delivery of services to the community is vital.

We will be able to manage our way through this situation. We have proactively done that already, and we will continue to do so. We will revisit the situation during the December monitoring round, by which time we will have a clearer picture. I stress that it is vital that Departments recognise that we are all in this situation together, and that if there are areas in which money cannot be spent and is unlikely to be spent, it is far better to free up those resources so that we can address shortfalls in areas such as housing where that money can be spent productively and sensibly now.

That is why I decided, even in this constrained situation, to put another £15 million into housing capital. I took the view that although we could hold that money back and keep waiting to see what happens, it is important to keep moving forward and to try to deliver on the objectives of the Programme for Government.

We will continue to monitor the situation, and, as I said, I leave open my offer to the Member to meet officials —

**Mr McNarry:** What about DRD?

**The Minister of Finance and Personnel:** I understand that the DRD position relates to an internal document on the strategic stocktake. There will always be emerging pressures and reduced requirements within Departments. All Departments' returns will come to DFP. We will examine them all, and we will make decisions on that case. However, as we saw in the present monitoring round, even this year, there were bids worth £137 million. There will always be pressures and easements; it is a question of managing them as we go forward.

**Mr O’Loan:** I thank the Minister for his statement, but he has said that £130 million of capital expenditure will not proceed. That is a statement to the construction industry — which is in crisis — that there will be a spending cut of that order, largely in respect of construction projects. The Minister must state, not to me but to that industry, why, instead of expenditure going ahead, as the industry requested, it is being cut to such a degree.

The current stocktake has been described as nothing more than a glorified monitoring round. In view of the huge pressures on the Budget, a few of which the Minister enumerated, such as Workplace 2010, the equal pay issue, the loss of revenue from property sales — and one could mention the property at Crossnacreevy in particular — will he give us a commitment that he will bring a revised annual Budget before the Assembly?

**The Minister of Finance and Personnel:** I thank the Member for his contribution, but he must understand that there has not been a cut of £130 million in the capital budget. That money has been set aside and proactively managed to deal with the issues that are emerging, in year.

No doubt, the Member would be the first person to criticise me if I were to say that those pressures were emerging, and we had not set anything aside. He would be the first to ask what type of way that is to manage public finances. Of course such matters will have an effect. Next he will say that, if certain Departments — perhaps some Departments are closer to his heart than others — experience reduced requirements, they are, somehow, suffering a cut.

What this is really about, as the Member must understand, is that all Departments, at certain times, experience reduced requirements in certain areas. That is not to say that they will not have increased demands to spend money in other areas. Therefore, there is no cut.

As for the capital investment strategy, I wish to be very clear that the public sector is providing the construction industry with more than 40% of its total turnover in Northern Ireland. For instance, the Department of Health has seven major projects under construction this year, with a total value of £264.6 million. There will be capital spend of £440 million on roads this year. Northern Ireland Water has £127 million available for the Belfast sewers project and £90 million for 10 waste-water treatment projects. Contracts for an additional four schemes, with an aggregated value of £45 million, will be awarded this year.

The Department for Employment and Learning (DEL) has projects currently under construction that total £83 million, including South Eastern Regional College, South West College, Northern Regional College, and North West Regional College.

The education and library boards have embarked on a major programme of works with a total value of £120 million. The Department of Education (DE) will, shortly, work on other programmes and PPP projects that are worth £84 million at the contract-award stage.

Let us not allow party-political point-scoring to paint a different picture of the situation. Over the next three years, £925 million will go into housing in order to meet the objectives of creating 10,000 new affordable social houses by 2013, and £5.5 billion will be spent through the investment strategy over those three years.

**Mr O’Loan:** Perhaps.

**The Minister of Finance and Personnel:** The Member says “perhaps”, but is it not far better to aim for a progressive, ambitious programme than to say that ‘we will spend only £3 million and will keep all the other money back’? I could take a far more cautious approach. I am taking a prudent approach, as are the Executive. Through that, we will try to move ahead as much as we can in order to help to deliver the infrastructure projects that the Departments and the public want, at the same time helping our construction industry. Let us not be senseless about the £130 million that the Member mentioned. It is not a cut; it represents prudent management, given our current situation.

**Dr Farry:** The Department of Finance and Personnel has committed to giving the Department of Health, Social Services and Public Safety first call on the £20 million that is available in the monitoring rounds. According to the Minister’s statement, it appears that that new money will be phased in, or, in practice, backloaded. Is that not self-defeating for the health budget?

Bearing in mind the existing flexibility that is available to the Minister, as well as the new money in the monitoring rounds, how will we ensure transparency in the manner in which that money will be spent? The public is confused about the situation in which an announcement about free prescriptions is followed a week later by news of cuts — including the possible loss of 700 nursing posts — in front-line services.

**The Minister of Finance and Personnel:** The allocations to the health budget are part of the commitments that have been made in the overall Budget process. The Department of Health, Social Services and Public Safety has already allocated that money in its budget, so the extra money will simply go into that budget. There is no issue, because that Department knows that that money is coming.

The Minister of Health, Social Services and Public Safety is responsible for the announcements that have been made, and Dr Farry and his colleagues should raise those issues — and the question of transparency — with Mr McGimpsey.

Finally, to go back to Mr O'Loan's contribution, I should have made the point that £100 million of the £130 million that he mentioned is coming out of end-year flexibility from previous years. Therefore, it is even less of a concern to him than it would otherwise be.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister explain why £1.5 million was allocated to the new library authority? It is my understanding that the nature of a monitoring round is such that allocations are made on the basis of unforeseen and unanticipated pressures. How could such sudden circumstances have arisen with regard to the new library authority?

In my capacity as a private Member, will the Minister tell me whether he received a bid from the Minister of Health, Social Services and Public Safety for health and community-care centres? The establishment of several of those centres has been put on hold, including projects that were earmarked in the Western Health and Social Services Board area for Carrickmore and Fintona, which are in County Tyrone.

**The Minister of Finance and Personnel:** I will answer the Member's second question once I have taken advice on the matter.

To answer his first question, the bid that was made was partly successful. The reason for the request was that the creation of the new library authority will require five redundancies at senior level. Those are inescapable calls on the Department of Culture, Arts and Leisure (DCAL).

If that bid were not to proceed, the anticipated savings that would otherwise be made by the establishment of the authority could not be realised. There is a difference between sudden pressures that may or may not emerge and inescapable pressures. It is not a matter of anyone's being taken by surprise; it is just that those pressures have crystallised at this time. There are other issues that we may know about, but when they crystallise is another matter; and they may only come to be decided during an in-year monitoring round.

**Mr McQuillan:** I thank the Minister for his sensible approach to public finances. Given the downturn in the property market, why can the Executive not simply borrow more to implement projects to help the construction industry?

**The Minister of Finance and Personnel:** There are several approaches that could be taken on the financial position. More money could be raised through the regional rate or through increases in manufacturing or business rates. However, the Executive have taken the right decision in those regards by freezing the regional rate over the next three years and capping at 30% the

industrial de-rating for the manufacturing industry as well as business rates.

No one in the Assembly can print money — although I was reminded that there may be some people who may, but not legally. Under the reinvestment and reform initiative, the Executive could seek more borrowing from the Treasury; a substantial amount has already been borrowed under that facility — about £250 million. It would not be wise, in the present circumstances, to increase that, and in so doing meet considerable resistance from the Treasury on public expenditure issues. That is unlikely to be a runner.

Northern Ireland receives a block grant — a finite amount of money. Money could be raised through rates, but that would be at the margins. Therefore, we have to manage the money over the three-year period, recognising that we do not have the resources to accrue new money unless it is given to us through the Treasury. That is one of the reasons underlying the call for a Budget process — despite the decision of the Executive and the Assembly to reject that process this year.

A Budget is decided on when setting out new governmental or Executive priorities. Surely no one is suggesting in the current circumstances that what the Executive are trying to do with the allocations that they have made and with the general thrust of trying to push the economy forward needs to be revisited. What do need to be revisited are the in-year pressures and how those are addressed. If Members are telling me that we need fundamentally to revise the allocations that were agreed in the Programme for Government, they should be upfront in outlining where they propose to cut money and where they propose to put it, because that is the only thing that can be done in a new Budget round. I would love to hear the Members who call for that revision outline where they would like to see more money spent and where they would cut the Budget. If they want a new Budget round, that is what they will have to do.

**Mr Cree:** I thank the Minister for his statement, and I support the view that having a fire sale of Government assets would be futile at this time. Will the Minister dispel the media speculation about the bidders coming under common ownership as a result of Workplace 2010 and that it will, therefore, not be necessary to re-advertise that important contract?

**The Minister of Finance and Personnel:** I thank the Member for his question, which, if I may say so, is a very important one.

Since the idea was first mooted and the bidding system set up, the process has taken many twists and turns, including the withdrawal of one bidder. The recent decision to suspend procurement, which I announced at the end of last week, was prompted by a



significant development in the sale process of one of the companies.

12.45 pm

The Member mentioned a fire sale. Given the fact that the cost of borrowing has risen steeply and that there has been a downturn in the property market, it is right to suspend now and take stock again early in 2009. I remain committed to the view that we are on the right lines in trying to obtain a modern estate in which civil servants can work better and deliver a more efficient service to the community.

If the two bidders were to merge, the contract could still be awarded; it is not uncommon to procure through sole-source negotiations. One example of that is the procurement process for the aquatics centre for the London 2012 Olympics. We will carefully consider and assess our position when the intention of both bidders becomes clear.

**Mr P J Bradley:** I thank the Minister for his statement. He referred to the figure of £1.5 million that was allocated to the DOE for flood relief in August. No reference was made to a request from the Department of Agriculture and Rural Development (DARD) regarding flood relief for farmers, who have perhaps suffered more than some householders. Was any request made from that Department?

My colleague Declan O'Loan mentioned the DARD-owned property at Crossnacreevy. Will the Minister confirm whether consideration of the value of that property disrupted his entire thinking on the monitoring round? Will the reduction in value by an estimated £195 million result in an ongoing loss?

**The Minister of Finance and Personnel:** The receipts for the sale of the property at Crossnacreevy will not be realised in the current financial year and do not fall within this year's in-year monitoring process. However, it is important to take the matter into account when considering the strategic stocktake. I am sure that the Department of Agriculture will be raising the issue as part of its strategic stocktake, and it would be entirely sensible for it to do so. That is matter for that Department because it came forward with that proposal.

I am delighted that, at the time of the flooding, the Executive were in a position to move quickly to ensure that a payment was made. It was not the purpose of the scheme for that payment to be compensation, but, in August 2008, an immediate payment was made where there was evidence of suffering of severe inconvenience. That payment to councils is an inescapable bid.

I met the Minister of Agriculture and Rural Development in relation to the monitoring round, and she pressed me on the priority of the allocation to animal health. To date, I have received no business case relating

to flood relief for farmers, and, therefore, I am not in a position to consider a bid sensibly and properly.

Like other Members, I have much sympathy for, and understanding of, the concerns of farmers. However, farmers cannot be compensated by the Executive; just as we cannot compensate householders. I can only respond to the view that a payment should be made if it is pressed on me as a priority ahead of other priorities and if I have a business case on which to make a decision. As yet, no business case has been forthcoming.

**Mr Ford:** I thank the Minister for his statement. The sum of £1.5 million that has been allocated to enhance the collection of rates arrears compares with a bid from Land and Property Services for £2 million in the June monitoring round. Will that be entirely adequate to meet the backlog in rate collection, which is part of the Minister's potential income?

I also notice that the Minister called for Committees to robustly challenge the expenditure performance of Departments. Will he remind his fellow Ministers of the importance of ensuring that Committees get adequate time to carry out that process, given that that has not been the case for several Committees so far?

Finally, on a technical point, will the Minister ask his staff to examine the figures in table 2 of his statement? It seems that several figures have misplaced decimal points, which suggests that Departments are doing better than they actually are.

**The Minister of Finance and Personnel:** Mr Ford's concern about the decimal points has been duly noted. If the figures are wrong, they will be corrected.

The importance of reducing the level of rates arrears as quickly and by as much as possible has been raised in Committee and elsewhere. A certain amount of rates arrears will be accrued every year, because some people, by nature, will not pay as quickly as others. Steps have recently been taken to reduce substantially rates arrears. The extra money allocated will reduce rates arrears even further. It is important that we do that. The money will also fund the reform agenda of Departments.

Like Mr Ford, I am also concerned that Committees do not have sufficient time to challenge Departments' expenditure performance. We must work to ensure that Committees have sufficient time to examine those issues. I know that the Committee for Finance and Personnel has done some work on that. I have pledged the full co-operation of my officials with the Committee on that piece of work.

**Mr Gallagher:** I thank the Minister for his statement. Mr Ford's point about rates arrears collection is a reminder about the importance of rates relief for small businesses. From reports, I understand

that rates relief is available to small businesses in England, Scotland and Wales. Will he comment on, or give an assessment of, the possibility of rates relief for small business in the future?

Finally, the statement makes no mention of roads maintenance, despite the serious deterioration of roads, particularly minor and rural roads, and how that is linked to road safety. What are the Minister's views on that?

**The Minister of Finance and Personnel:** I thank the Member for his question. I was sympathetic to many of the suggested bids. From my statement, the Member will be aware — as Ministers are well aware — that the Departments collectively proposed £137 million worth of bids. All Ministers presented strong arguments for their particular bids. Some arguments were more valid than others, but, nevertheless, they were strongly felt.

However, there came a point when I had to say that if I were to allocate funds to a particular bid, for which there was no surplus money, I would have to remove it from somewhere else. Departments have the flexibility to reallocate money. If a Minister decides that something is of pressing concern and requires higher priority spending, he or she is at liberty to examine reallocations internally within his or her Department.

Forgive me, but I forget what the Member's first question was.

**Mr Gallagher:** It was about small businesses.

**The Minister of Finance and Personnel:** I thank the Member for the reminder. The Member will be aware that that matter is under consideration, along with several other rates relief issues. After consultation with, and consideration by, the Committee, my Department recently announced several decisions on rates relief.

A number of other issues are still to be decided, one of which is rates relief for small businesses. A report has been carried out, and it has raised issues about how effective rates relief would be in helping small businesses, as opposed to just putting money into the hands of landlords. Therefore, the issue needs to be considered. There are other schemes, as the Member said, and we will be considering them carefully.

We must be mindful that every time we do things like this — and there may well be good arguments for doing so — it means less revenue for the Executive and the Assembly to distribute than would otherwise be the case. On the one hand, the Member is calling for more money to be spent on roads maintenance; on the other, he wants us to not raise as much money as we otherwise could through other ways. It is always important to bear in mind that the money that we allocate has to come from somewhere; it does not grow on trees, and we cannot raise the amounts that we need by ourselves. We have a finite, block amount of money, and when we allocate money to one area, that

inevitably has an impact on another area in the public expenditure round.

**Mr Poots:** Given that the monitoring round deals with unforeseen pressures in spending, has the Minister received any advice from my Ulster Unionist colleague in Lagan Valley? I hope that he does not take too much of that advice if he receives it.

Will the Minister indicate whether the Minister of Agriculture has raised with him the possible £28.5 million disallowance that the Department of Agriculture and Rural Development may face following an EU audit into single farm payments? We are all shocked to hear that no bid has been submitted for flood relief when the Committee was informed that that was going to be the case. With respect to extended schools funding, will the Minister tell us where the Department of Education may find the £5 million in its own resources as indicated in his statement?

**The Minister of Finance and Personnel:** The Department of Agriculture did submit a bid for flood relief. However, when I met the Minister of Agriculture, highest priority among the bids submitted was given to payments to the animal-health sector. There is presently no business case forthcoming; therefore, we are not in a position to make a sensible decision on the matter in this in-quarter monitoring round.

The Member raised another important point — the emerging issue of the potential common agricultural policy disallowance of the single farm payment. My Department will work with the Department of Agriculture to assess the current and future implications of that disallowance. We will advise the Department on the need for a provision, or a contingent liability, for the amount involved. We will assess the financial implications and consult with the Treasury and the Department for Environment, Food and Rural Affairs on the UK position and what assistance they may provide. Now that that issue has emerged, we will offer assistance.

Everyone agrees that the extended schools programme has been extremely useful. I met primary school teachers and head teachers in my constituency recently to discuss that and other issues. I made a point about the Department of Education's budget, which is relevant to other issues floating about regarding the extended schools programme and issues affecting the boards. My reason for saying that the money may have been available is that the Department's resource underspend in 2007-08 was £50 million, some 2.8% of the final allocation, and its resource underspend in 2006-07 was even greater at 4.3%, some £70 million. Past performance indicates that there would be more than sufficient scope for the Department to meet those costs and others as well as emerging pressures.



1.00 pm

## COMMITTEE BUSINESS

### Presumption of Death Bill

#### Extension of Committee Stage

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 16 January 2009, in relation to the Committee Stage of the Presumption of Death Bill (NIA Bill 23/07).

Go raibh maith agat, a LeasCheann Comhairle. The Presumption of Death Bill completed its Second Stage on Monday 15 September 2008 and was referred to the Committee for Finance and Personnel for its Committee Stage. The Bill has 20 clauses and three schedules, and its purpose is to provide a legal framework through which the needs of the families of the disappeared, as well as the families of other missing persons, can be addressed.

My Committee has engaged closely with the Department of Finance and Personnel on the Bill's development and has received oral and written briefings from departmental officials on its provisions. Committee members raised several issues during those briefings, and the Department provided further clarification on those matters.

However, the Committee is aware of some important issues that have not been addressed fully. For example, the Department is working on a new clause that confers on the High Court the power to order someone who is not a party to the proceedings to disclose relevant information to the court. During the Committee's public consultation on the Bill, other issues were raised by the Human Rights Commission and the WAVE Trauma Centre, which acts on behalf of the families of the disappeared. The Committee has sought a formal response from the Department on those issues, and, as a follow-up to the submission from the WAVE Trauma Centre, it has agreed to take oral evidence from family representatives.

The Committee reviewed its heavy work programme for the current session and agreed to give priority to its consideration of the Presumption of Death Bill. Other work pressures on the Committee include: another Bill that is at its Committee Stage; two new, pending Bills; an ongoing inquiry; the Budget stocktake; and the in-depth scrutiny of several policy areas in the Department of Finance and Personnel.

The Committee requires additional time to liaise further with the Department on the issues that have

arisen from the evidence that it received on the Bill, including the proposed new clause on the disclosure of information. Therefore, I seek an extension to the deadline for the Committee Stage to 16 January 2009 so that the Committee has sufficient time to reach a considered position and report on the Bill to the Assembly. That revised timetable has been agreed with the Department. The Committee aims to conclude its deliberations and report to the Assembly as soon as possible in advance of that deadline. I ask Members to support the motion. Go raibh maith agat.

*Question put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 16 January 2009, in relation to the Committee Stage of the Presumption of Death Bill (NIA Bill 23/07).

## Civil Registration Bill

### Extension of Committee Stage

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 20 March 2009, in relation to the Committee Stage of the Civil Registration Bill (NIA Bill 20/07).

The Civil Registration Bill is the other Bill that has reached Committee Stage and that the Committee for Finance and Personnel is considering. The Bill comprises 31 clauses and two schedules, and it will provide a more flexible legislative framework for the civil registration of vital events, including births, deaths, marriages and civil partnerships. It aims to provide improved service delivery, better access to services and information, as well as introducing new and more responsive services.

The Committee engaged closely with the Department on the Bill's provisions and received written evidence from stakeholders, including the Council of Irish Genealogical Organisations, the Association of Professional Genealogists in Ireland, and the Foreign and Commonwealth Office.

The Committee will wish to follow up with the Department issues that arise from that written evidence. It may also require oral evidence. Moreover, the Committee has already indicated its intention to examine various measures and safeguards that will be required as a result of provisions in the Bill in order to protect the public from the risks of data disclosure and fraud.

I have already explained that, given the Committee's considerable work pressures at present, it has had to prioritise its business. Following consultation with the Department, it was agreed that the Presumption of Death Bill would be given priority over the Civil Registration Bill. Therefore, I seek an extension of the deadline for the Committee Stage to 20 March 2009, to allow the Committee sufficient time to reach a considered position and to report on the Bill to the Assembly. That revised timetable has also been agreed with the Department. The Committee will endeavour to conclude its work on the Bill in advance of that deadline. That will depend on the progress that can be made on other business that is before the Committee and on any unforeseen pressures on its work programme. I ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 20 March 2009, in relation to the Committee Stage of the Civil Registration Bill (NIA Bill 20/07).

## Health and Social Care (Reform) Bill

### Extension of Committee Stage

**The Chairperson of the Committee for Health, Social Services and Public Safety (Mrs I Robinson):** I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 5 December 2008, in relation to the Committee Stage of the Health and Social Care (Reform) Bill (NIA Bill 21/07).

The Health and Social Care (Reform) Bill passed its Second Stage on 1 July 2008 and was referred to the Committee for Health, Social Services and Public Safety on 2 July 2008. The Bill is a major piece of legislation that contains 35 clauses and seven schedules. It deals with the reorganisation and restructuring of the health and social care reform system. The Bill's stated purpose is to provide the legislative framework in which the proposed new health and social care structures will operate.

Prior to the Bill's introduction, the Committee heard evidence from several key organisations that are likely to be affected by its provisions. Following its introduction, 30 organisations responded to the Committee's requests for written evidence during the summer recess. The Committee has taken further evidence from key organisations and is now undertaking its formal clause-by-clause scrutiny of the Bill. It is conscious that the Department aims to have proposed changes in place by 1 April 2009. It recognises that that will be a tight timescale. The Committee is also mindful that proposals to restructure the health and social care system have been under discussion for some time; previously, by direct rule Ministers, and, at present, by the Health Minister.

I know that the lengthy period of uncertainty has caused great anxiety and concern for many of those who will be affected by the proposed changes. Therefore, the Committee aims to complete the Committee Stage as quickly as possible, while, at the same time, giving due consideration to the detail of the proposals. That process is nearing completion. I therefore seek a short extension of the deadline to 5 December 2008 in order to allow sufficient time for the Committee to complete its consideration of the views that have been expressed and to compile its report on the Bill. I ask Members for their support.

*Question put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 5 December 2008, in relation to the Committee Stage of the Health and Social Care (Reform) Bill (NIA Bill 21/07).

## **Report of the Committee on Procedures on its Inquiry into Private Legislation**

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

### **The Chairperson of the Committee on Procedures (Lord Morrow):** I beg to move

That this Assembly approves the Report of the Committee on Procedures on its inquiry into Private Legislation.

The Committee on Procedure's second report of the current mandate examines how the Assembly should deal with private Bills. On behalf of the Committee, I ask the Assembly to approve the report on private legislation.

Private legislation should not be confused with a private Member's Bill. A private Bill's purpose is to obtain particular powers for an individual, corporate body or association of persons. It seeks exemptions or benefits in excess of, or in conflict with, general law, and it can relate to the estate, property, status, style or otherwise of the promoter's personal affairs.

In the main, private Bills are likely to concern: the legislative arrangements for charities, colleges and churches; powers sought by local authorities; and general company law. Private Bills often seek exemptions from, or additional powers to, public law: in 2007, for example, the National Trust introduced to Westminster a private Bill related to its governance structures in Northern Ireland. Had the Assembly been restored at that stage, the Bill would have come before it.

Although private Bills are not routine in other legislatures, they are not uncommon, and a private Bill will probably be introduced to the Northern Ireland Assembly sooner rather than later. However, research suggests that it is unlikely that any more than four, or at the most five, private Bills per mandate — if even that many — will be introduced to the Assembly. With that in mind, the Committee on Procedures recently conducted an inquiry into private Bills and today seeks the Assembly's approval of the resulting report. If approved, the aim is to produce Standing Orders to govern the progress of such Bills through the Assembly.

I will not attempt to cover all of the report's 26 recommendations in detail. Other legislatures informed the Committee that elected Members may first become aware of a private Bill only when it is introduced. Therefore, the Committee on Procedures recommends that, before a private Bill is introduced to the Assembly, it should undergo a preliminary scrutiny to ensure that it is appropriate. In other words, the person or body that

promotes the Bill must prove that it is required, that no alternative means of meeting that requirement exists, and that it concerns a matter on which it is appropriate for the Assembly to legislate. The promoter of the Bill must also prove that appropriate consultation has taken place with those affected by the Bill and that all relevant documentation has been provided to the Assembly.

When the promoter has provided such proof, the Speaker will introduce the Bill by announcing that it has been received and will be published, and that a private Bill Committee will be established. The Committee on Procedures recommends a period of 60 days between the introduction of the Bill and the debate at Second Stage. That may seem excessive, but considerable work must be done between those stages. Those who would be adversely affected by the Bill have the right to lodge an objection and have 42 days in which to do so. The private Bill Committee will assess the objections and agree on whether they are valid.

Unlike public Bills from the Executive, private Members or Committees, the provisions of a private Bill will probably be completely new to all MLAs. Therefore, the private Bill Committee will be asked to produce a report on its principles to assist the Assembly during the debate at Second Stage. The Assembly will vote on the principles of the Bill at Second Stage, and it will either pass or fall. If the Assembly approves the principles, the Bill will be referred to the private Bill Committee for its Committee Stage.

The Committee on Procedures recommends that a private Bill Committee comprising five members is created each time a private Bill is introduced. That template is similar to a private Bill Committee in the Scottish Parliament and the UK Parliament. In keeping with tried and tested procedures and processes in those jurisdictions, the Committee recommends the introduction of a specialist role for private Bill Committees in the Assembly.

*1.15 pm*

A private Bill is different from a public Bill, which covers policy and addresses issues that affect a large number of people. A private Bill affects a small number of people on a personal and direct level, and that is at the heart of why a private Bill Committee will behave differently to a public Bill Committee.

Based on examples from other legislatures, objectors to private Bills are, normally, ordinary individuals rather than the lobby groups or interest groups that give evidence to Statutory Committees during the Committee Stage of a public Bill. Those individuals object to the Bill because it directly and adversely affects them. The Bill may affect their property or cause the loss of an amenity or an increase in noise levels.

The objectors can present their case to the private Bill Committee. Furthermore, they can bring witnesses

to support their case and hire legal counsel to present the evidence. The promoters of the Bill will have the same privileges, and, after both presentations, the objector can cross-examine the promoter, and vice versa. Thereafter, the Bill Committee will decide which side to support.

Another major difference is that the private Bill Committee can make amendments to a Bill rather than going to the Assembly for approval. The reasons for that policy are outlined on page 16 of the report. If a Statutory Committee wants to make an amendment to a Bill, the Minister and Committee members debate it in the Chamber. The Committee argues for the amendment, and the Minister has ample opportunity to defend his or her position. Based on that debate, Members vote for or against the amendment. That process is not available to the promoter of or objector to a private Bill. Those persons must outline the argument to the private Bill Committee, and only members of that Committee will have the opportunity to hear both sides directly. Therefore, the private Bill Committee is best placed to make a decision on amendments.

However, MLAs will have an opportunity to table amendments to the Bill during the Consideration Stage. The Committee on Procedures recommends that there be a minimum of five working days between the Committee Stage and Consideration Stage. During that time, any Member can table an amendment under the normal rules for tabling amendments to public Bills. The debate on the private Bill at Consideration Stage will follow existing procedures on public Bills. However, if there are a substantial number of amendments, or they are of a technical or substantive nature, the Bill can be referred back to the private Bill Committee. Again, that provision arises because of the personal nature of private Bills and because they affect a small number of individuals personally and directly.

The promoter and objector must be allowed an opportunity to declare that an amendment tabled by a Member may disadvantage them. Moreover, an amendment tabled by a Member may affect a new group of objectors who, therefore, must be allowed to present their case. The Committee on Procedures recommends that the Further Consideration Stage follow existing procedures except that technical or corrective amendments only are allowed. Final Stage, Consideration Stage and Royal Assent for private Bills will follow current procedures.

The report recommends that private Bills are not subject to Standing Orders on accelerated passage. All other legislatures charge a fee for private Bills, and the Committee on Procedures believes that it is reasonable for the Assembly Commission to do so. The Committee has consulted the Assembly Commission and agreed that the fee for promoters — which can be reduced by 75% for charitable-type bodies — will be £5,000.

The fee that is recommended for lodging an objection is £20. That is not enough to cover administrative costs, but it should —

**Mr Deputy Speaker:** Will the Member draw his remarks to a close?

**Lord Morrow:** However, setting the fee at £20 should deter frivolous objections. The Committee on Procedures recognises that a fee of £20 may represent a substantial amount for retired people or those on benefits, so it has agreed that objectors can band to submit a single objection.

I recognise that my time has elapsed; however, other points still need to be made. Perhaps I will get a chance to make them when Members ask questions.

**Mr Deputy Speaker:** I call Mr Mickey Brady.

**Mr Brady:** It is Mr Brolly who is speaking in this debate.

**Mr Deputy Speaker:** I call Mr Francie Brolly.

**Mr Brolly:** Mickey cannot read.

Go raibh míle maith agat. The passage of private legislation is unlikely to cause Members to spend long days and late nights in the House. Rather, it will occur rarely, if at all. Nevertheless, it is important that procedures are in place to deal with it. I commend the work of the Committee on Procedures and its staff to produce a framework within which private legislation may be processed and advanced. I ask the House to approve the report.

Private legislation will have limited impact on the general legislative estate. However, the issues that promoters of private Bills submit to the House will be important and, in some cases, vital to those promoters. Therefore, it is important and commendable that the Committee on Procedures has been meticulous in the preparation and presentation of its report. The preliminary scrutiny, under the leadership of an Assembly official, to be known as the examiner of private Bills, is a useful safeguard against the waste of Member and staff time on proposals that are insufficiently significant, frivolous or have no prospect of approval. The promoters' fee of £5,000 may also act as a deterrent in some such cases.

I ask the House to approve the report.

**Mr Neeson:** I thank the Clerk to the Committee on Procedures and her staff for the huge amount of work that they put into the report. I also thank the Chairman, who has precisely outlined the fairly complicated issue of private Bills.

The Committee researched and compared practice in other UK legislatures and in the Dáil. The Assembly's opinion was sought on the recommendations, particularly on the subject of fees. I am pleased that the Committee took into account the Assembly Commission's view, especially on a reduction in the fee for charitable



organisations. Committee members were keen to facilitate objectors, and, in recommendation 21, the fee for objection has been set at only £20.

This type of legislation is not frequently enacted. As the Chairman of the Committee on Procedures said, in 2007, the National Trust introduced at Westminster a private Bill that related to its governance structures in Northern Ireland.

The legislative stages for private Bills are set out clearly. In keeping with the experience of other legislatures, a raft of private Bills is not anticipated. The report merely recommends provision of procedures that exist in other elected institutions. We have taken advice from a wide range of relevant sources. The Committee is strongly of the view that preliminary scrutiny is vital before introduction of a Bill to the Assembly; and it believes that the promoter of the Bill should meet the necessary criteria. Any private legislation should meet all the normal standards that Executive legislation must meet. Private legislation should go through all the procedures that apply to all other legislation.

The Committee has also drawn up criteria for objections to Bills. I support the report that is before the Assembly.

**Lord Browne:** As a member of the Committee on Procedures, I also thank all of the Committee staff for their commitment and patience during the inquiry, which commenced in May 2007. As part of its research, the Committee arranged visits to the Scottish Parliament, Westminster and the Dáil. I was privileged to visit those legislatures along with the other Committee members.

From the evidence received, I concur with the Committee's recommendation that the Stages of a private Bill should reflect those that are in place for public Bills in this Assembly. Those include preliminary scrutiny; followed by introduction, which is the First Stage; then the Second Stage; Committee Stage; Consideration Stage; Further Consideration Stage; and the Final Stage. Pre-introductory scrutiny is normal for public Bills, and it would be wise to have a similar stage for private Bills. To do otherwise could mean that Members might only become aware of a private Bill when it was introduced. As stated in the report, evidence from the Scottish Parliament suggests that preliminary scrutiny can smooth the passage of Bills.

I do not intend to through each proposed Stage that the report details, but it is worth highlighting some of the recommendations. One of those recommendations was that, at Committee Stage — in line with Westminster and the Scottish Parliament — the promoters and objectors should be allowed to call witnesses and cross-examine each other under the direction of the Committee. They should also be allowed legal representation when presenting their cases to the Committee.

The Committee gave detailed thought to the issues of cross-examination and legal representation, particularly concerning the management of the private Bill Committee and the matter of equality of arms for objectors who may not be able to afford legal representation. That is an issue that may require further consideration.

However, it is also worth noting that the Committee did not make any recommendation about the involvement of the Assembly's Legal Services in the cross-examination process. The Committee left it to the discretion of the private Bill Committee to decide whether — based on the specifics of the private Bill — the promoters and objectors can undertake the cross-examination under the direction of the Chairperson, or whether that is better done with the assistance of Legal Services.

Another recommendation is that a private Bill should be introduced via an announcement from the Speaker that a private Bill has been received and will be published. A further recommendation was that there should be a minimum of 60 working days between a Bill's First and Second Stage. My noble friend Lord Morrow has already said that the National Trust introduced a private Bill in Westminster in 2007 that was related to its governance structures in Northern Ireland. I am sure that all Members of this House wish that all such private Bills could be dealt with by this Assembly in future.

The report puts a robust process in place, with an effective and efficient set of procedures that will enable private legislation to come before this House. I therefore support the motion.

**Mr Storey:** At the outset, I concur with the other Members of the House who have congratulated the staff of the Procedures Committee in appreciation of work that they carried out.

The procedures for private Bills are not the most stimulating or interesting of topics. However, people outside this Chamber will appreciate the discussion of any legislation, let alone legislation that comes from the normal legislative process.

*1.30 pm*

Nevertheless, the Assembly is a legislature, and it should have proper procedures in place to enable private Bills to be introduced. That is the aim of the Committee's report, which provides a working policy for private Bills, and which, if agreed by the Assembly, will enable the Committee to begin drafting the appropriate Standing Orders.

When undertaking its inquiry, the Committee on Procedures visited the House of Commons, the Scottish Parliament and the Irish Parliament, as Lord Browne mentioned. We spoke to Members and officials from those legislatures about the operation of private Bills,



which was a great help to all members of the Committee. Private Bills and the procedures relating to them are not easy to get a grip of but, on behalf of the Committee, I thank those who gave their time and advice to assist us with the inquiry — it certainly made the Committee's task much easier.

In developing the procedures that the Committee is recommending to the Assembly, we tried as much as possible to follow those that are currently in place for public Bills. However, because of the special nature of private Bills, that was not always possible. That is particularly evident in respect of the procedures recommended for private Bill Committees, which are very different from the Standing Committee procedures in the Assembly, but there are good reasons for that. A few examples of private Bills from other legislatures may help to illustrate that point.

In the Scottish Parliament, for example, several Bills have been promoted by the private-transport companies for light-rail links. One such Bill involved a small number of local people who objected, either because part of their garden was being vested or because they were going to be subject to additional noise in their homes or business from the operation of the transport scheme. The private Bill Committee had to listen to parties on both sides and decide which argument was the most reasonable.

During the clause-by-clause examination of the Bill, the Committee was then able to decide whether amendments were necessary. The amendments were technical because the Bill was, by its nature, very technical. The Bill was factual and detailed provisions such as the number of square feet that would be taken from Mr and Mrs Smith's garden. The amendment, therefore, had to be just as factual. The private Bill Committee's decision that the rail line would be moved 3 ft away from Mr and Mrs Smith's land subsequently affected someone else. That Bill, and other similar Bills in Scotland, took up to two years to be passed. Members will be glad to know that such Bills are unlikely here in Northern Ireland.

An example from Westminster concerned four local councils that were seeking additional powers to control peddlers and street traders. An example from the Irish Parliament involved Trinity College seeking to change its governance arrangements. Trinity College was founded by a charter, which had to be changed using a private Bill. There was a substantial number of objections to that private Bill, which gave the Government more management control, and the Bill took almost 18 months to complete its passage. Everyone employed by Trinity was entitled to object and a substantial number of people did so. The private Bill Committee had to listen to all the objections and make a decision that came down on one side.

Such examples provide some indication of the wide range of subjects covered by private Bills. The procedures recommended in the report mirror those used by the House of Commons, the Lords, the Scottish Parliament and the Irish Parliament, and are designed to meet the usual needs of private Bills. The procedures have not simply been plucked out of the air but are based on good practice elsewhere, as well as the unique character of private Bills. By their very nature, private Bill Committees have a quasi-judicial nature, because they adjudicate between competing private and/or personal needs. A private Bill Committee will, therefore, behave very differently from any other Committee that considers a Bill.

That said, a large number of private Bills receive no objections and can complete their passage in a matter of months. Our Committee report includes recommendations about how private Bill Committees would operate when no objections have been received.

Furthermore, the circumstances in which Members should be allowed to serve on a private Bill Committee are important, because Members must protect themselves from possible accusations of looking after their own interests at the expense of other people's interests. The procedures recommended by the Committee are based on the model outlined in rule 9A.5 of the Scottish Parliament's Standing Orders.

Private Bills deal with Members' personal concerns, and therefore, Members who serve on a private Bill Committee must be impartial and neutral, which is different from their normal political advocate's role. The example of land vesting by transport companies in Scotland, which I quoted earlier, illustrates that fact.

Mr Brolly and Mr Neeson referred to fees, and the Committee on Procedures discussed that matter for a considerable time. The Committee concluded that it is appropriate to charge fees. Unlike public legislation, private Bills affect a relatively small number of people. In fact, such Bills afford extra powers, or exemptions from existing laws, to individuals, companies and organisations. Therefore, it is inappropriate to fund such legislation from the public purse.

The promoters of private Bills will be expected to pay drafting costs and a fee towards the Assembly's administration costs. The report recommends a fee of £5,000 plus associated costs, such as the printing of a Bill. Having discussed the issue with other legislators, the Committee discovered that it is unlikely that that fee would cover the Assembly's administrative costs. However, drafting a Bill — for which a promoter would have to pay — can cost more than £40,000, so the Committee considered it inappropriate to ask for more money, particularly, as Mr Neeson said, because such costs might prevent charities and smaller organisations from introducing private Bills. For charitable organisations

that might find it difficult to pay even a £5,000 fee, the Committee recommends that the fee be reduced by 75% to £1,250.

The recommended fee payable by objectors to a private Bill is £20. That caused considerable discussion in the Committee, because members do not wish to disadvantage anyone or make it difficult to object. Nevertheless, frivolous objectors must be deterred. Other legislatures' experience demonstrates that some people object simply for the sake of objecting and not because they are in any way disadvantaged. Objections should be received only from those who have a clear and direct interest in a Bill. In order to address concerns that people might be unfairly disadvantaged by the fee, the Committee recommends that a single fee should be allowed to cover several objectors.

The Committee on Procedures recommends that the stages for introducing private Bills follow those in place for public Bills. We do not expect many private Bills to be introduced; however, familiarity with the stages that existing Bills undergo will assist us in smoothing the passage of what we hope will be rarely used procedures.

Nevertheless, some procedural differences are required to make the process work. For example, preliminary scrutiny is necessary. It would be unusual to introduce a public Bill without prior warning; however, that is not the case for private Bills. In other legislatures, private Bills are often introduced with no warning, and, therefore, preliminary scrutiny ensures that several prerequisites are in place: the Bill must be appropriate; all documentation must be completed; the fee must be paid; the Bill must meet the requirements stipulated in Standing Orders; and, most importantly, proper and full consultation must have been undertaken. The Committee recommends that private Bills should not be introduced until promoters have proven that the aforementioned points have been satisfied. After introduction, given the likelihood that most Members will know little —

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

**Mr Storey:** I recommend the report to the Assembly, and I trust that the House will support it.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the Report of the Committee on Procedures on its inquiry into Private Legislation.

## PRIVATE MEMBERS' BUSINESS

### The Disappeared

**Mr Speaker:** I remind Members that they have a duty to behave responsibly so as to ensure that nothing that they say will prejudice any future proceedings that may be taken in relation to these matters. Considering the nature of the motion, it is important that, as far as possible, Members do not stray outside the motion or the business of the House.

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

**Mr D Bradley:** I beg to move

That this Assembly recognises the suffering of families of the disappeared; believes that there has not been full disclosure on this issue; and calls on any individual or organisation with information which may lead to the remains of the disappeared being returned to their loved ones for dignified burial, to bring forward that information without any further delay.

Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom an rún seo a mholadh. Thank you, Mr Speaker, for affording the House the time to debate this important issue.

There are many things that I could say, and which I would like to say, during the debate, but, in deference to the wishes of the families of the disappeared — some of whom are here today — it might be better that they remain unsaid. I have spoken to the families, and I will be guided in what I say by their wishes and desires for the debate. As you did, Mr Speaker, I ask other Members to also be so guided. The wishes and desires of the families are that this motion and debate will focus attention on their plight and help open the hearts and minds which are still closed to their pain to divulge important information that has not been forthcoming. Such information will aid the process of the recovery of the remains of their loved ones.

Throughout the history of what we call the Troubles, many individuals have been killed, and many families and communities have struggled with the aftermath. The overwhelming majority of families have had the consolation of waking and burying their dead in accordance with the rights of the faith within which they were raised. Although those ceremonies may not have wiped away every tear, they provided the possibility of closure on the grief, sorrow and pain of the traumatic death of a loved one. The families of the disappeared who have not yet had the remains of their loved ones returned to them have not had even that possibility opened to them. They have been left — in many cases for decades — pondering the whys and wherefores of their loved ones' disappearance, wondering about their

fate, arriving at their own conclusions and awaiting the recovery of their remains.

The words of Seán O'Casey's famous poem 'A Rare Time for Death in Ireland', which was written over 80 years ago, are strangely prophetic of the disappeared:

"You will be unknown for ever  
You died without a word of praise  
You will be buried without even a shadowy ceremony  
No bugle will call your name  
No gunshot will let loose brave echoes over your grave  
You will not be numbered among the accepted slain."

Those of us who have experienced deep sorrow at the death of a loved one can never imagine the anguish that the families of the disappeared have had to endure over the years. In our sad situations we have been enwrapped in the support and concern of our communities. In some areas, however, the community from which people have disappeared has been silenced by the *omertà*: whatever you say, say nothing.

In the end, it has been left to the families to speak for their loved ones, and I hope that what Members have to say today will add to their voices in the same dignified way in which they have spoken.

1.45 pm

We can but stand back and admire the families' endurance, patience and great dignity in the face of prolonged anguish. They are not, as they are entitled, asking for even justice or retribution; they are asking only to be able to bury their loved ones with dignity. Surely that is not too much to ask in a civilised, Christian country.

Those who, quite rightly, demand justice, equality, human rights and the truth about the past must ensure that they, too, afford the same rights to others who yearn for them. Now is the time for those who have said nothing, or who have not said enough, to speak and come forward with vital information. The families of the disappeared ask all of us in public life — including Members of the House — to assist them in several ways. Where they can, they should publicise the mechanisms by which information can be given to the Independent Commission for the Location of Victims' Remains. Mr Speaker, the commission's confidential telephone number, which I hope that you will permit me to read into the record, is 00800 55585500, and its address is ICLVR, PO Box 10827, Dublin 2.

The families have told me that we can also help by reinforcing in all publicity on the disappeared that any information given to the Independent Commission for the Location of Victims' Remains is privileged and can be used only for the recovery of the bodies of the disappeared, and cannot be passed on to any other agency or authority.

The commission has a team of forensic experts working on its behalf, and that new methodology, which it is hoped

will prove effective, can work only with information. Any information, no matter how small or insignificant it may seem, could be the key to the recovery of remains. The commissioners and the forensic team are halfway through their timetable of work. If, at the end of their tenure, bodies have still not been recovered, there is an onus on the British and Irish Governments to continue to support the Independent Commission for the Location of Victims' Remains. The families ask all of us in public life to support the continuation of the commission.

I use, as I am entitled to, the platform that this debate allows in order to appeal to anyone, including Members of the House, who has any influence over those who were involved in the actions that led to the disappearances to redouble their efforts, to return to their sources, and to help to ensure that no effort is spared to bring closure to the families. Likewise, I ask anyone who may have information, to use the mechanisms already outlined, or any other channel with which they feel comfortable, in order to convey that information to the commission. The families have waited long enough; they deserve closure. Let us do all in our power in order to help them.

The remains of Seamus Wright, Kevin McKee, Columba McVeigh, Brendan Megraw and Danny McIlhone have not been returned to their families. Charles Armstrong and Gerard Evans, both from Crossmaglen, disappeared in County Armagh. No one has admitted responsibility for their disappearance, and their remains have not been returned to their families. The remains of Seamus Ruddy, who was killed by the INLA, have not been returned to his family.

Robert Nairac, a member of the SAS, also disappeared in County Armagh, and his remains have not been located. Legal proceedings are ongoing in that case.

The disappearance of Lisa Dorrian from Ballyhalbert in 2005 may have had loyalist links. Her family still await the return of her remains.

Mr Speaker, I am sure that you share my hope that today's debate will move and change hearts and minds so that the information necessary for the return of the remains of the families of the disappeared will be forthcoming.

Agus arís eile, a Cheann Comhairle, gabhaim buíochas leat as an deis a thabhairt domh inniu cás na dteaghlach a chur os comhair an Tí agus os comhair an tsaoil.

Mr Speaker, I thank you again for affording me the opportunity today to highlight the plight of the families of the disappeared. Go raibh míle maith agat.

**Mr McCausland:** I support the motion, and I urge those with any relevant information to bring it forward as swiftly as possible so that the bodies of those known as the disappeared can be returned to their families for burial. I agree with Dominic Bradley that it is important that we maintain the right tone in this debate.



The story of the disappeared started in west Belfast, on 2 October 1972, with the disappearance of Kevin McKee and Seamus Wright and their subsequent murders. They were both republicans from west Belfast, but they were accused by the IRA of being informers and were murdered by the IRA. The next murder happened in December of that year, and that time the victim was Jean McConville, a widow and the mother of 10 children. She was taken from Divis Flats by the IRA and shot dead.

Up until 1972, the IRA had a policy of shooting suspected informers and leaving their bodies by the roadside as a public warning to others who might be tempted down the same path. However, in 1972, that policy changed, and there is one man in this Assembly who knows only too well how that came about — the Member for West Belfast Gerry Adams.

Adams had joined the IRA in 1966, and he went with the Provisionals in 1970. The following year he was the IRA commander in Ballymurphy, and he became second in command in the Belfast brigade staff. Then, in 1972, he became the Belfast commander. As such, he was in command of the IRA when McKee, Wright and Jean McConville were murdered. In the wake of the Four Square Laundry affair, Adams set up two secret IRA units, each comprising four members; one was based in west Belfast and the other in north Belfast. Their role was to carry out special tasks, such as the murder of suspected informers and the disposal of their bodies. The fact is that, apart from Captain Robert Nairac and Lisa Dorrian, all of the disappeared were members of the nationalist and republican community, and with one exception, they were murdered by the IRA.

At a recent conference in Carlingford to mark the fortieth anniversary of the civil rights movement, the former Stormont MP Austin Currie spoke of an elderly mother who went to her grave mourning her son, who was one of the disappeared. Austin Currie described the murders and the disposal of the bodies as the worst violation of human rights during the Troubles. That is why some of us find Sinn Féin's support for human rights somewhat hypocritical — republicans have been guilty of some of the most appalling human rights abuses in the history of this country.

A daughter of Jean McConville said of Gerry Adams:

“It was common knowledge in our area he was an IRA leader at the time. When he came to my house, he went to the bathroom for about 15 minutes the moment he arrived and when he came out he insisted that he had nothing to do with my mother's disappearance. But he couldn't look me in the eye and I just didn't believe him.”

She did not believe him, and neither do I. Of course, Gerry Adams has always sought to distance himself from the whole gruesome episode, but the fact is that we do not believe him.

More than 3,600 people died during the Troubles, and almost half died at the hands of the IRA. The violence is over, and for that we are glad, but is it not time for Adams to show some remorse for those crimes? Is it not time that he showed some remorse for the evil that was inflicted on so many families by the organisation that he commanded?

On 25 September, Gerry Adams called for the setting up of an independent international truth commission on the Troubles. He said that he wanted the truth, so perhaps he will tell us today what he knows about the disappeared. Perhaps he will tell us what he knows about the perpetrators of those crimes. Those people know where the bodies are buried, and only their information can lead to the bodies of the disappeared being brought home for a proper burial.

I hope that the motion will not be passed simply as a formality. Rather, I hope that it will yield some results and that some people, particularly the Member for West Belfast, will do what they can and tell us what they know so that movement can be made in that direction.

**Mr O'Dowd:** On a point of order, Mr Speaker. I had hoped that you would intervene —

**Mr McCausland:** I have finished my speech.

**Mr O'Dowd:** Given your ruling at the start of the debate, I had hoped that you would intervene on the Member's speech. Some of the Member's comments are unhelpful and not in keeping with the tone in which the debate was set.

**Mr Speaker:** I said at the beginning of the debate — and I am mindful of this fact — that this is a very sensitive matter, and it is important that Members from all sides of the House act responsibly. Mr Adams is the next Member to speak, and I am sure that he will answer any allegations that need to be answered.

**Mr Adams:** Go raibh maith agat, a Cheann Comhairle. Bhí mé ag éisteacht leis an méid a dúirt an fear amaideach sin. Ba mhaith liom a rá an-soiléir go raibh sé mícheart sna rudaí a dúirt sé. Tá mé ag caint i bhfabhar an rúin seo, agus aontaím gur rud millteanach brónach é clann gan uaigh acu le cuairt a thabhairt uirthi ná le paidir a rá ag a taobh.

Before speaking in support of the motion, I deny and refute the assertions that were made by the Member for North Belfast. I commend and support all the families who have suffered a grievous injustice and who have campaigned with dignity for many years to locate the remains of their loved ones. I welcome those people to the Public Gallery. Once again, I acknowledge the grave injustice inflicted upon those families, and I express my deep regret about that. I thank everyone who has worked to help the families, including the Independent Commission for the Location of Victims' Remains, An Garda Síochána, and all the experts and

staff who provided assistance. Those people deserve our full support.

For its part, the IRA has apologised for the grief that it has caused; it has acknowledged that its intention in working closely with the special forensic investigating team has been to rectify that injustice; and it has accepted full responsibility for its actions. I know that that is of little consolation to the families who are involved. Those families want and deserve a Christian burial for their loved ones. I also believe that the IRA has provided a full disclosure of all the information that is available to it and that republicans continue to work diligently on this important and heartbreaking issue. That fact was recognised some time ago by Geoff Knupfer, the forensic science investigative consultant who works for the independent commission. He said:

“in a spirit of cooperation and reconciliation they are trying to help in every way they can. I am absolutely convinced that they are doing everything they can to assist. The support we have had from them has been absolutely 100% from day one.”

I make it clear, a Cheann Comhairle, that none of that minimises the IRA's responsibility for the suffering endured by those families. Mr Knupfer also acknowledged the incredible difficulties and challenges facing the search teams. He stated:

“I think that probably in some cases... the people directly involved have died. If you're reviewing events that took place 30 years ago, then memories do fade and locations change and that's one of the things we have identified pretty rapidly — that sites have changed dramatically.”

Despite that, a Cheann Comhairle, let me make it very clear that it is imperative that efforts to find those remains continue. Such efforts must also continue in cases in which the IRA has said that it is not involved. The disappearances of Seamus Ruddy, Charlie Armstrong and Gerard Evans are a source of as much trauma and grief for their families as that endured by other families.

The suffering of those families has gone on for too long. They have a fundamental right to bury their loved ones, and there is an onus on those responsible to help bring that about.

2.00 pm

It was stated earlier in the debate that the remains of four people have been found. However, the bodies of Seamus Wright, Kevin McKee, Columba McVeigh, Brendan McGraw and Danny McIlhone remain missing. Contrary to suggestions that have been made by some Members, there must be no doubt that republicans continue to work to ensure that the families of those men can give them Christian burials as soon as possible. I assure those families that, even as I speak, republicans continue to work towards that. They do so by visiting sites, meeting regularly with the experts involved in the searches, and doing everything possible in order to bring closure to the families involved. I also offer an

opinion that is based on work already done — the locations identified by republicans contain the burial sites.

Finally, I repeat my call to anyone with any information to bring it forward. Sin é, a Cheann Comhairle. Go raibh maith agat.

**Mr Kennedy:** I welcome this very solemn debate. The Ulster Unionist Party supports the motion. The issue before Members is serious. The aftermath of any terrorist war involves a search for many victims of the conflict, not least for the families of those victims who have become known as the disappeared. That is an important part of the healing process after a conflict. It is not an issue that can be brushed under the carpet as inconvenient or uncomfortable for the current political set-up. On the grounds of human dignity and human decency, it must be addressed.

The depth of suffering for many families of the disappeared cannot and must not be airbrushed out of history. It is very real, and the hearts of Ulster Unionists go out to those families who have been deprived of even the most basic human right — being able to grieve properly for their loved ones. The callousness of those murders was bad enough, but to compound that with a failure to surrender their bodies for burial adds insult to injury.

It is important for Members to issue a clear and unequivocal call, as representatives of a democratic process embedded in human rights and freedom, for every individual and every organisation who can contribute to resolving the issue of the disappeared to bring forward the necessary information without any further delay. Structures to enable that to happen have been in place since August 2006, when the British and Irish Governments agreed to a series of key measures to ease, and to make more accessible, the process of providing information.

Those measures included the retention of experts and the establishment of a project team to work as part of the Independent Commission for the Location of Victims' Remains in order to develop the commission's recommendations. Confidential telephone lines were created and widely advertised in order to enable people to share information on the whereabouts of the bodies of the disappeared with the commission. Where beneficial, other experts and resources have been added to the measures available to the commission, including the collection of DNA samples from the closest biological relatives of those whose bodies have yet to be recovered. Medical and dental records are also available.

The Independent Commission for the Location of Victims' Remains was established in 1999 by treaty between the United Kingdom Government and the Government of Ireland. Such measures are welcome, but, frankly, they have proven to be insufficient.



Frank Murray is an independent commissioner, as is Sir Kenneth Bloomfield, who said:

“Everything that can be done is being done to locate the bodies of the Disappeared.

Every possible lead and fresh piece of information is being investigated and areas, often of bogland or other difficult terrain, surveyed by a dedicated team who are committed to doing all that they can to bring closure to the families and find the remains of their loved ones.”

Therefore, efforts are being made, but they must be supported. The energy and commitment of former terrorists and their political representatives have been questioned by the relatives of some of the disappeared. Therefore, I call on Sinn Féin to respond specifically to that matter. Recently, Sinn Féin representatives have made many comments on the importance of other parties in the Executive adopting a proper attitude towards them, but if Sinn Féin were to address the issue —

**Mr Speaker:** Will the Member draw his remarks to a close?

**Mr Kennedy:** If Sinn Féin representatives were to address the issue of the disappeared in a more effective and committed way, it would help in some small way to improve how those parties perceive them.

**Dr Farry:** I thank the proposers of the motion for bringing the matter to the Assembly. The situation with respect to the disappeared is one of the most frightening and troubling aspects of Northern Ireland's history during the past four decades. As other Members have stated, people must reflect on, and never forget, the degree of suffering that has been experienced by the families because of the brutality of the murders and the failure to bring closure.

It is extremely troubling for people when they cannot bury someone whom they know in their hearts they have lost. Indeed, the mother of Columba McVeigh went to her grave last year without getting closure. I spoke to her several years ago, and, to her dying day, she retained the hope that her son's remains would be returned to her. She was unable to move on with her life during the 30-year gap between his disappearance and her death, and that is extremely sad.

When we talk about dealing with the past — and I hope that this is something that the Eames/Bradley Consultative Group on the Past will consider — we must bear in the mind that the disappeared must be very much to the forefront of efforts to bring closure to the Troubles in Northern Ireland.

The Assembly can deal with the matter of death certificates, and it is important to note that the individuals whose remains have not yet been recovered have not been formally declared dead because of the absence of those remains. Hopefully, the Presumption of Death Bill will address that situation. However, that is only one aspect of bringing closure on this important issue.

The most crucial aspect is the recovery of the remains so that the victims can be given a proper burial.

I note with interest and encouragement the IRA apology and the words that have been said by Mr Adams from Sinn Féin, but I would like those words to be extended to try to deal with that for which the IRA was responsible in our society. However, a start has been made in that respect.

It has been nine years since the Independent Commission for the Location of Victims' Remains was established, and, aside from two sets of remains that were found in 1999 — one set of which were handed over in a coffin — progress has been sparing. One must ask why there has been a delay during those nine years.

If the co-operation is there and is as fulsome as has been described, I would like to think that we will see much more progress than we have seen to date.

We must reflect extremely seriously on the situation with Jean McConville — the travesty of the searches finding no remains and the body being recovered several years later.

I wish to take this opportunity to reflect also on the situation that relates to one of my former constituents, Lisa Dorrian from Conlig, who has been missing for more than three years. That case reminds us again that the problems of the disappeared are not merely a legacy of the 1970s and early 1980s; they are very much alive in recent memory. There are people who know what happened to Lisa Dorrian. Hopefully, their consciences will eventually be pricked, and they will come forward with the information to give members of her family the closure that they seek. I praise the work that is being done by Lisa Dorrian's family and others to keep her case very much alive. However, there is always a danger, as time goes on, that such cases fade from memory. The message going out from today's debate is that we should keep the memory of all the disappeared very much alive and to the forefront of people's minds.

I note with some concern that the remit of the Independent Commission for the Location of Victims' Remains extends only until 1998 and, therefore, does not include the case of Lisa Dorrian. Perhaps that matter should be considered by the two Governments in the coming months.

**Lord Morrow:** I, too, congratulate the Member for bringing this matter to the House. I certainly do not wish to change the tone or tenor of the debate, because I recognise that we are debating an important and solemn issue this afternoon.

This is an era in which we hear much about human rights. It is interesting to note that those who shout the loudest about such issues are strangely muted — to put it mildly — when it comes to the issues regarding the

disappeared. If ever there was a violation of human rights, that is surely one of the greatest.

I listened intently to what Mr McCausland said, and I waited for Mr Adams's reply. Alas, although Mr Adams said that he refuted what Mr McCausland had said, he did not elaborate on why he refuted it. As we travel through life, our pasts can sometimes come to haunt us, our consciences can often prick us, and we can often find ourselves in difficult positions. Mr Adams's party claims to want human rights; this would be a good place to start. This would be the time to show that it not only wants human rights for its own group and organisation, but that it wants them to be extended to all and sundry.

I wonder whether Sinn Féin regards the disappearance of individuals as a crime. I cannot help but refer to an instance when one of its members was asked whether he classified the murder of Jean McConville as a crime. His answer was, "I do not". Therefore, a mother of 10 is taken from her home and she has never been seen or heard of since, and that is not a crime. Frankly, if that is not a crime, I am at a loss to understand what a crime really is. How could anyone take a mother from 10 young children who needed her most, when her alleged crime was that she stopped to give assistance to a soldier, or someone who was in trouble or who had been shot? That was Jean McConville's crime. God help society if we have not moved on from that. I thought that this society was supposed to be moving on. However, it seems that some things will not change.

I, too, met the family that was referred to earlier. I listened to the pain and anguish of the mother, who was more than 80 years of age, as she yearned for her son whom she would never see again. She reminded me that her husband died of a broken heart because their son had been taken away and had never been seen again. She said that she hoped and prayed, before her time came, that her son would be returned. She said that she did not want vengeance; she just wanted to be able to bury her son and visit the graveyard on a Sunday afternoon to place a bunch of flowers in memory of one whom she loved dear.

2.15 pm

There is a responsibility on Sinn Féin. It knows something. Society is crying out, and the families of the disappeared are turning to Sinn Féin directly for help. Nothing that Nelson McCausland said changed the tone of the debate, but we are saying to Sinn Féin directly that it must give more. It knows more than it is telling those families, and it must give them assistance, and tell them exactly where their loved ones are. That is not too much to ask. Sinn Féin would demand it if the situation was the other way round.

The families of the disappeared are not asking for vengeance. They are not asking for very much.

Nevertheless, Sinn Féin has a responsibility to assist those families in every way that it possibly can in order to ensure that their loved ones get a funeral. That is all that they are asking for — a place that they can visit.

I appeal to Sinn Féin to give whatever information it can today.

**Mr Elliott:** As colleagues have done, I offer my sincere sympathy to the families of the disappeared. The situation has been a heartbreaking one for those families over the past years. I appeal to many Members to put themselves in the families' position for a short time, and to think of the anguish and pain that they have gone through, not just in recent months and years, but over decades. Think of a situation in which you, as a member of society and as a family member, have a loved one taken away from you for no reason at all, and then have to listen to the speculation and rumours that abound, sometimes from within your community, the media, or from some of those people who are supposed to be "in the know". However, the heartbreak still goes on for the family members. I appeal to anyone who has any knowledge of these matters, inside or outside the Assembly, to come forward with it.

I welcome Dominic Bradley's motion, but that in itself is not enough. The families of the disappeared have suffered over the years. Sometimes they have been offered a chink of light, and, thankfully, in some cases, that has been successful. However, others have been given high hopes and thought that they were going to receive positive news, but, all of a sudden, their hopes were brought back down again. That is one of the worst situations that a person could be in. Having lived with despair for years, all of a sudden there is some hope that the body of a loved one can be brought home for a Christian burial, only to have that hope taken away.

Please let us not get into that situation again, if at all possible. We want to give those families real hope, and that is what I am asking for today. Let us give those families some satisfaction that they can bring their loved ones home.

Watching the despair of some of those families witnessing searches, it is not helpful for them, morally or psychologically, to have to do that, and then to be brought back down with no positive result.

The circumstances of the disappearances must also be considered, and colleagues on this side of the Chamber raised some of those issues. Please do not let us return to a situation in which people are taken from their loved ones and, we assume, murdered for no reason. Thankfully, the Province has moved on somewhat from that, but we want to keep it moving on. Do not let us fall back into the despair that we had for several decades. We cannot allow society to do that. If one thing can be taken from this affair, it is the positive nature of what has

happened over the past few years, and the fact that we are trying to move on. However, almost as a mirror image of some of those things that have happened to the families of the disappeared, we have been brought back down again by people pushing the Assembly into stalemate.

If we are to move on, let us move on not only the political situation, but with for those families that have experienced years of despair, discouragement and anxiety. Let us give them some hope, as well as the rest of society.

**Mr Shannon:** I fully support the motion, and congratulate the proposer for bringing it to the Chamber. The wording of the motion says everything that should be said on the matter. It is a shame and disgrace that the motion even needs to be brought to the Assembly to be addressed. I add my sympathies and support to all those who have lost loved ones, and who are unable properly to grieve and achieve closure.

It has been said that there is only one certainty in life, and that is death. A day is appointed for each of us to pass from this life and on to the next, and the best for which one can hope is to be remembered, perhaps with a fond memory and a smile, by those who are left behind. However, as with many things in life, things do not always go the way that we plan or had hoped. We have families and children devastated by the loss of a parent. It is a horrible fact that people die every day in the Province, but what is more horrible is that the bodies of those who have been murdered, and who are now the disappeared, lie in the cold earth, their whereabouts unknown to their families.

I am told that there are five stages of coming to terms with grief — denial, anger, bargaining, depression and, perhaps, acceptance. It takes varying times in order for a person to go through those stages. Grief cannot always be measured or compared, as everyone takes it differently. However, what is even worse is that the grief of the families of the disappeared is as real today as it was on the day that their loved ones disappeared.

Most people gain some closure at a wake and funeral, as they say goodbye to their loved ones. Although that is not the end of the grief, it is a major part of the expression of that grief. I support the motion because too many families in the Province have not been allowed properly to grieve the loss of their loved ones. There are those whose fathers, sons, brothers, mothers, daughters or sisters were murdered, and who have not had the chance to gain closure at a funeral because there has been no body to bury.

I dislike the term “the disappeared”. It lends itself to an image of a sort of abduction, but that is not the case. It is not something from ‘The X-files’ or anything like that. People on Earth can answer to this matter, and they can solve the problem. Those people were taken and murdered by people connected to this Province,

and someone in this Province knows the location of each of those who have been disappeared.

They have not vanished into thin air; their remains are somewhere, and there are those who know where they are. Having remains would in no way bring the loved one back, but it would bring the mourners some comfort in being able to carry out a Christian burial, and to have somewhere to go to lay flowers and shed tears. The matter is really about common decency, and the right to have respect in life and death. It is clear that those who carried out those murders have no respect for life, but they should at least allow for the sanctity of someone resting in peace, which gives relatives a sense of peace.

Who holds the information? For the sake of decency, I plead with those who have the knowledge and the information to allow families to gain closure, and to bury their loved ones’ remains in an acceptable fashion.

There are those who have information and others who are able to exert influence on those who have the information. I urge those people and all Members to do the right thing to allow families to have a proper resting place that can then become a point for their grief.

Mr Farry mentioned Lisa Dorrian, and I know that case from my constituency of Strangford. I have met the Dorrian family, and I am aware of the grief from which they suffer each and every day. I urge those who have information on that case to come forward.

There is much talk in Northern Ireland about moving forward, and that is right and proper, but I have always maintained that that should be done while remembering and respecting the past. Whether Catholic or Protestant, male or female, and no matter what creed or colour, people should be allowed to grieve and come to a place of acceptance. That cannot be done while wondering where one’s husband’s remains are.

For the sake of the Province and of families that are torn apart, let us have no more talk of the disappeared. Let us have honesty from every section of the community and allow people their human right to grieve. Whoever you are and whatever you have done, you have the chance to eventually do the right thing. Take it, and let those people have their time to mourn properly. I support the motion.

**Mr Speaker:** As Question Time commences at 2.30 pm, I suggest that the House takes it ease until then. The debate will continue after Question Time, when the next Member to speak will be Mr Alex Attwood.

*The debate stood suspended.*



2.30 pm

## Oral Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Conflict Transformation Centre

1. **Mr McClarty** asked the Office of the First Minister and deputy First Minister what action it is taking to ensure that the conflict transformation centre at the Maze does not glorify terrorism. (AQO 855/09)

**The deputy First Minister (Mr M McGuinness):** With your permission, a Cheann Comhairle, before I answer the question, I take this opportunity to express, on behalf of my family, our deepest appreciation and thanks to you and to all Members of the House for the many expressions of support and condolences that I received after the recent death of my mother.

The master plan for the regeneration of the Maze/Long Kesh site includes the proposed international centre for conflict transformation. It is envisaged that the centre will have international, local and community-level conferencing facilities, and that it will offer research, study and academic activities. For example, it is envisaged that it will host summer schools and study visits, offer research fellowships, facilitate archiving and provide a shared space for visitor access, events and exhibitions. The objective of the proposed centre is to promote and encourage peace building so that other nations and regions across the world suffering from conflict will benefit from the experience gained here.

**Mr McClarty:** In light of the very real concerns about the conflict transformation centre becoming a shrine and a centre of controversy, will the two First Ministers consider delisting and removing the existing buildings so that everyone has the opportunity to move forward?

**The deputy First Minister:** At present, an extensive programme to demolish buildings and structures is under way. That will be completed in this calendar year. The first phase of substantial remediation work to remove contamination at part of the site is also near completion.

Recently, we approved a £3.5 million second-stage remediation programme that is essential to prepare the site for future use. As the funding suggests, second-stage remediation is extensive and will entail, for example,

the removal of diesel oil spillages and contaminates from other parts of the site.

Given the recent downturn in the global economy, those essential public works will not only provide employment in the building sector but will help to promote confidence in the economy here.

The delisting of buildings on the site, however, is a much more controversial aspect. If we are to resolve the issue over what to do with the Maze/Long Kesh site, as I hope that we can, we must examine the holistic aspect of the site and the enormous advantages that it offers to the Assembly and the Executive.

**Mr McCausland:** I thank the deputy First Minister for his answer. Is he aware that members of the Sinn Féin club at Queen's University, in describing a visit to the H-blocks at the Maze on their website, paid homage to the bravery of the hunger strikers and the prisoners, and said that the resistance and the resilience of the prisoners were a constant source of inspiration? Does the deputy First Minister agree that, in using words such as "homage" and "inspiration", it is clear that members of his party already regard the H-blocks as a republican shrine?

**The deputy First Minister:** I strongly believe that this part of the world has much to offer the international experience. Many Members, from all sides of the House, have been invited to various parts of the world to offer their contributions and experiences, which have allowed people to consider whether those experiences hold any lessons for them.

From my involvement with people, including unionist members of the House, it appears that there is a demand for our contributions and experience, which will exist for the next 10 or 20 years. A strong argument exists for the establishment in the North of a conflict transformation centre that has international appeal.

Efforts to attract support for a centre would be undermined if the Long Kesh site were turned into a shrine to whomever. The European Union has already expressed its support for a centre. Its task force has indicated that it would be suitable to site a centre here.

I do not want anybody to do or say anything premature. I am unaware of the comments that were recorded by students after a visit to the H-blocks; no doubt people will record their own experiences when they visit the site. The important thing for me is that we do not have a shrine at the Long Kesh site. We want a meaningful centre for conflict transformation where people from other parts of the globe can learn from our experiences, and, in doing so, bring enormous benefits to us in the North. Such a centre would be a massive focus for international attention and bring many more visitors to this part of our island.

**Mr Ford:** I welcome the deputy First Minister's statement implicitly criticising those who wish to turn part of the Maze site into a shrine. Earlier, in his substantive answer to Mr McClarty, the Minister referred to little other than remediation of the site. Last year, Ministers told us that they would confound the sceptics by the progress that they intended to make; I am not yet confounded — although I would like to be — on the inability of the Executive to deliver anything substantial on the Maze site. Will the Minister tell us what will be done substantively rather than by remediation?

**The deputy First Minister:** I have been critical in interviews of the fact that we have not moved more speedily to develop the Maze/Long Kesh site in the interest of our people. I hope that over the course of the coming period, we can see progress on that issue.

The Member referred to those who wish to see a shrine at Long Kesh; I do not know anybody who has argued for a shrine at Long Kesh. I have heard people from the unionist persuasion articulate a view that that is what republicans want. Let me state here and now: that is not what republicans want. Republicans want, alongside our unionist colleagues who have contributed to the many visits and trips that we have been on — I have been to Sri Lanka, the Basque country and Iraq, and many other people in this House have made similar trips — a viable, meaningful centre that will contribute to world peace, not a shrine to anybody. If anything, what will happen at the site will be a shrine to peace building, not just here in the north of Ireland, but in the world.

## Investment Strategy for Northern Ireland

2. **Mr Brolly** asked the Office of the First Minister and the deputy First Minister to detail how the rollout of the investment strategy for Northern Ireland will provide opportunities for the local construction industry in the short term. (AQO 893/09)

**The deputy First Minister:** The Executive's investment strategy will result in up to £20 billion being invested by 2018 to tackle the legacy of decades of underinvestment. Our investment strategy has special relevance to the construction industry. The First Minister and I recognise the seriousness of the situation facing the construction industry and are particularly concerned about recent reports regarding future employment levels.

We recently had a valuable meeting with construction industry representatives, who put their concerns and ideas to us directly. We are considering them carefully with the Strategic Investment Board (SIB) and will respond shortly. We believe that we have established a good basis for further engagement with the industry. Our Department is working with construction employers,

SIB and other Departments to ensure that we do our utmost to help the construction industry within the resources that are available to the Administration.

Our construction industry stands to benefit significantly from the 10-year investment strategy that has been agreed by the Executive. The procurement of projects under the investment strategy will be taken forward in full compliance with procurement rules, and there will be opportunities for our local construction industry, either as a lead contractor or as part of the supply chain.

The Executive are determined to deliver the investment strategy to the fullest extent possible. We must recognise that we are constrained by the funding available to us; however, it should be remembered that just over five years ago, infrastructure investment was less than £1 billion per annum. Last year, it amounted to almost £1.4 billion, and it is planned to reach £2 billion per annum by the end of this Budget period. That is a measure of the progress that we have made, and a signal of the Executive's ambition to go further.

**Mr Brolly:** Go raibh maith agat, a Cheann Comhairle. Will the Minister detail the arrangements that are in place to monitor the delivery of projects by Departments?

**The deputy First Minister:** New arrangements are being implemented to monitor the timely delivery of projects and programmes by Departments and agencies. A detailed delivery-tracking system for the investment strategy is being rolled out across Departments. Working closely with DFP and other Departments, the Strategic Investment Board is leading the development and management of the system.

When fully operational, the delivery-tracking system will enable the Executive to have a detailed performance-monitoring framework that shows progress against the 23 sub-pillars in the strategy. In addition, the construction industry will be able to access directly information about future work that is in the pipeline to help with that sector's business planning.

The Central Procurement Directorate will advise on the most appropriate procurement strategies and work with the Strategic Investment Board and Departments to implement suitable delivery arrangements and enhance the delivery capacity of Departments and agencies.

**Mr Burnside:** Does the deputy First Minister agree that although it is all very well having an investment strategy for Northern Ireland, the credit crisis has destroyed investment opportunities for firms and there is no cash available in the financial system? Will he provide evidence that he has made representations to Her Majesty's Government, the Treasury and the National Economic Council, which was established after the nationalisation of much of the British banking system, to help companies to invest and to help small businesses to get favourable credit facilities to allow them to escape the recession?



**The deputy First Minister:** The Department of Finance and Personnel and the Office of the First Minister and deputy First Minister (OFMDFM) are involved in ongoing discussions with the British Government. When we have the opportunity, we discuss the economic situation in detail with the British Prime Minister. These are difficult times, not just for our small economy but for many democracies throughout the world that are suffering. I am sure that all Members, like myself, are keen to see the outcome of the pending US presidential election, which could have massive financial implications for the planet.

It is important to recognise that there are huge challenges before us. We have a limited ability to remedy the difficulties that exist. There will be some £6 billion available to us over the next three years and up to £20 billion available over the next 10 years — we must ensure that that money is used to benefit our construction industry. This is not a time to be defeatist or a time to throw the arms up — this is a time to knuckle down and recognise that there is much that we can do, in spite of the great challenges that exist.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. The Construction Employers Federation recently suggested that some public-sector projects should be brought forward. In light of the instability that has been created by the lack of Executive meetings, will the deputy First Minister outline what has been done by the Office of the First Minister and deputy First Minister to effect that proposal? Does he agree that doing nothing is not an option and that the stalemate between the DUP and Sinn Féin is an embarrassment?

**The deputy First Minister:** The Office of the First Minister and deputy First Minister and the Strategic Investment Board are working closely with DFP to ensure that the available capital resources are deployed as effectively as possible. We met all the different interest groups in society that are experiencing pressure, so we are aware of the need to ensure that the Executive take decisions that will benefit those people.

We are not powerless, and it is wrong to say that nothing is being done. I agree that there is a difficulty, which must be overcome, and I hope that that happens in the not too distant future. As we proceed, we must recognise that although there are huge challenges before us, we have resources available that we can use to benefit the construction industry.

2.45 pm

It is unacceptable to all Members that people, particularly construction workers and employers, go through such difficulties at present. Therefore, it is our duty and responsibility to explore every prospect, idea and suggestion that we receive — several of which have been received in recent weeks. We will advance that work through discussions with the Strategic Investment

Board and different interest groups in a manner that will, I hope, allow us to meet the challenges that clearly lie before us.

### Cohesion, Sharing and Integration

3. **Mrs Long** asked the Office of the First Minister and deputy First Minister what assessment it has given of the role of central Government in delivering cohesion, sharing and integration. (AQO 872/09)

**The deputy First Minister:** At the outset, I apologise to members of the Committee for the Office of the First Minister and deputy First Minister, and to other Members, that the First Minister and I have been unable to honour our commitment to provide the draft programme for cohesion, sharing and integration to the Committee before the Halloween recess.

Having said that, I must make several points. First, the delay should not be taken as an indication that we do not regard building a shared and better future for all our people to be a top priority. Indeed, it is because we consider it so important that we want to take a little longer to tighten and clarify our proposals.

Secondly, I remind Members that we do not work in a good-relations vacuum while the refreshed policy proposals are finalised. The work to challenge sectarianism, racism and all forms of intolerance continues to great effect — with the active support of my colleagues, I must add. Last year, we spent £6 million to support good-relations work throughout all 26 council areas. This year, we will have spent £8 million, which includes £1 million that was specifically directed to support minority-ethnic groups, as well as many vital initiatives to tackle sectarianism and racism.

Although many issues must be dealt with, my Department's recently published good-relations indicators confirm many positive trends that reflect tangible improvements in the nature of society. OFMDFM's role in the cross-cutting good-relations policy is central, pivotal and directional. We will ensure that the programme for cohesion, sharing and integration contributes to our overarching policy to achieve a peaceful, fair and prosperous society, in which there is respect for the rule of law, thereby ensuring a shared and better future for all our people.

Our work demonstrates our commitment to build cohesive, inclusive communities. The fact that we have already begun to deliver the additional funding that was secured in the Executive's Budget means that vital work on the ground and with new communities is better resourced than in recent years. Obviously, 2008's peaceful summer is attributable to the dedication of youth workers and interface workers. Our role is to ensure that their efforts are recognised, resourced and supported.

Finally, some Member will surely ask when the policy will be provided to the Committee and the Assembly. We have made the matter a top priority. We will clarify timescales with the Committee as soon as possible.

**Mrs Long:** When I tabled the question, I hoped, rather than expected, that the Committee would have the document by now. I understand what the deputy First Minister said, but how perfect does the consultation document need to be at this stage? Given that feedback will be received from different groups during lengthy consultation, must the document be gilded before it is issued? Is it not wiser to present the Committee with the document in its current state so that the consultation process can proceed? That appears to belie a complete lack of urgency on the matter.

**The deputy First Minister:** I want to dispel the notion that there is a lack of urgency on the issue. We recognise the importance of introducing the plan for cohesion, sharing and integration. A little more time is required. I am sure that, when it is eventually handed over, Members will recognise that it was worth the wait.

**Mr Kennedy:** I share other Members' frustration about the strategy's delay. Can the deputy First Minister confirm whether the delay is in any way connected to his party's blockade of Executive meetings? Irrespective of that, when will he and his party catch themselves on and start to work for the people of Northern Ireland?

**Some Members:** Hear, hear.

**The deputy First Minister:** The Members on this side of the House work extremely hard for all the people of the North of Ireland. The criticism that was levelled at the delay in publishing the report is justified, but that has nothing to do with the present situation between Sinn Féin and its partners in Government. We must expedite the publication of the report, and we firmly intend that it will be published sooner rather than later.

**Mr P Ramsey:** Does the deputy First Minister agree that sectarianism remains the biggest problem in, and divider of, communities in Northern Ireland? Will he identify to the Assembly the Government's role in promoting reconciliation and tackling sectarianism?

**The deputy First Minister:** Sectarianism and racism are terrible evils in our society. Members' experience over the past few years of coming together in the Assembly and embarking on a new course — albeit one of uncharted waters for many — clearly suggests to the vast majority of people that times have changed. However, the Assembly cannot eradicate sectarianism or racism overnight; it will be a process that requires people to lead by example. Members' role is to provide political leadership through the Assembly. Community leaders also have a huge responsibility to set an example, and that is happening. The extremely

hard work by many people in the youth and community sectors continues to complement Members' efforts.

As we move forward, it is important to recognise that there is a process involved. Sectarian bigots and racists exist, and the Assembly's job is to cut the space available to them through leading by example. We must take the necessary decisions to ensure support and funding for those who work at the coalface to defeat those twin evils.

### Strategy for Children and Young People

4. **Ms S Ramsey** asked the Office of the First Minister and deputy First Minister how it will ensure Departments deliver against targets set out in the strategy for children and young people. (AQO 901/09)

**The deputy First Minister:** The junior Ministers are responsible for the co-ordination of policy that impacts on the lives of children and young people, and they are driving forward the 10-year strategy. OFMDFM is developing a three-year cross-departmental action plan in order to contribute to the delivery of that strategy. The action plan is for a specific period of three years and reflects the priorities in the Programme for Government and associated public service agreements. It will include input from all Departments, the NIO and the Court Service.

OFMDFM will send to ministerial colleagues the conclusions of the United Nations Convention on the Rights of the Child, and the Department will ask them to consider any further specific recommendations for inclusion in the action plan. The junior Ministers established and chair the strategy planning and review group (SPRG), whose role is to advise on, and monitor the implementation of, the strategy's action plans. Recently, the group received draft copies of the three-year action plan. Ministers will consult with SPRG and give due regard to its views.

Key Departments are represented on SPRG, and it will submit review reports to the ministerial subcommittee on children and young people, which is also chaired by the junior Ministers. That provides a platform for highlighting progress at ministerial level. OFMDFM intends to publish biannual progress reports that will identify any targets that individual Departments are unlikely to meet. In addition, each Department has nominated a champion for children and young people in order to promote their interests and to ensure that their views on policy and strategy are sought.

**Ms S Ramsey:** Go raibh maith agat. I thank the deputy First Minister for his answer. I appreciate that individual Ministers and the junior Ministers are working hard in order to ensure the implementation of the 10-year strategy for children and young people. I am interested in the three-year action plan, and if the deputy First Minister would highlight some of its

specifics to give Members a feel for the current state of play, I would appreciate that.

**The deputy First Minister:** The action plan seeks to highlight the key pieces of work that will make the largest contribution to the delivery of improved outcomes. It recognises new and targeted actions, as well as the ongoing work that continues to have a positive impact on the lives of children and young people.

It has been developed to include three main elements in each outcome area. Key pieces of ongoing work have been successful and continue to benefit children and young people. Furthermore, key pieces of work have been amended to extend current provision, build on achievements or address areas in which the desired impact was not being achieved. During the three-year period, new actions have been implemented to improve outcomes for all children and young people. The draft action plan is being discussed by the strategy planning and review groups, the views of which will be used to develop a revised draft.

**Mr Shannon:** Although I appreciate the deputy First Minister's response, elected representatives and the Committee for the Office of the First Minister and deputy First Minister are frustrated by the lacklustre approach to delivering the Committee's 47 recommendations.

Does the Minister agree that it is imperative that all Departments — such as the Department of Culture, Arts and Leisure, the Department of Health, Social Services and Public Safety, the Department of Finance and Personnel, the Department for Employment and Learning and, in particular, the Department of Education — deliver a strategy urgently in order to address child poverty directly and not tinker around the edges?

**The deputy First Minister:** I am disappointed that the Member considers our approach lacklustre. I disagree with that analysis; much good work has been done, and the process has now reached the action stage, whereby cross-departmental work is under way to ensure delivery for young people. It is critical that the process advance speedily, and I am satisfied that the junior Ministers, who have been charged with that responsibility, are acutely aware of the need to progress that matter as quickly as possible.

**Mr McNarry:** The deputy First Minister mentioned action plans. However, in my constituency of Strangford, 6,300 children live in poverty. In light of the economic downturn, will the deputy First Minister outline whether Executive targets for eradicating child poverty are realisable?

**The deputy First Minister:** All Members recognise that such figures are unacceptable, and other Members could cite similar figures from their constituencies. Those figures highlight the extent of the problem and the Assembly's responsibility to reduce child poverty dramatically. The Programme for Government outlines our targets. The worldwide economic situation affects

all Governments, not least the Assembly. However, Members should be confident that we can reduce those unacceptably high figures, not only in Mr McNarry's constituency but in others.

## Integrated Development Fund

5. **Ms Ní Chuilín** asked the Office of the First Minister and the deputy First Minister how it intends to build on the work of the Integrated Development Fund to redress poverty and inequality. (AQO 892/09)

8. **Ms Anderson** asked the Office of the First Minister and the deputy First Minister to provide an update on the projects currently under way, or agreed, that will be funded by the integrated development fund in Derry/Londonderry and in north and west Belfast. (AQO 907/09)

**The deputy First Minister:** With your permission, a Cheann Comhairle, I will answer questions 5 and 8 together. The integrated development fund (IDF) was established in 2003 as a pilot scheme to promote greater local partnership in a range of sectors, including selected areas of Departments. To date, eight north-west IDF projects and 15 projects from west Belfast/Greater Shankill have been formally approved. The total cost of those projects is almost £92 million, and IDF support totalling almost £29 million has been made available to bring them to a conclusion.

In addition, seven projects from the north-west and three from west Belfast/Greater Shankill have, in principle, received approval but have yet to be submitted for full approval. The estimated cost of those projects is almost £46 million, with an IDF element totalling more than £19 million. The Department is happy to provide details of individual projects on request, and it is considering correspondence from the Minister of Enterprise, Trade and Investment on the future of the west Belfast and Greater Shankill task force initiative.

3.00 pm

We remain committed to addressing poverty and inequality for all our people. The Executive will shortly consider proposals for the adoption of Lifetime Opportunities, which is an overall strategy for tackling poverty, social exclusion and patterns of deprivation based on objective need. Those proposals include the establishment of an Executive subcommittee to identify priorities and develop a cross-departmental action plan to address poverty and social exclusion. The work of that subcommittee is expected to include consideration of how existing and developing cross-cutting strategies can contribute to better equality of opportunity and realisation of the poverty targets contained in the Programme for Government.



## ENVIRONMENT

### Local Government Boundaries Commissioner

1. **Mr Kennedy** asked the Minister of the Environment what is his assessment of the recommendations made by the Local Government Boundaries Commissioner in his Provisional Recommendations Report.

(AQO 835/09)

13. **Mr K Robinson** asked the Minister of the Environment for his assessment of the consideration given by the Local Government Boundaries Commissioner to the identity of local communities in his Review of Northern Ireland Government Boundaries Provisional Recommendations Report.

(AQO 844/09)

**The Minister of the Environment (Mr S Wilson):** With your permission, Mr Speaker, I will answer questions 1 and 13 together.

The Local Government Boundaries Commissioner has been tasked with providing recommendations for the names and boundaries of the 11 new local government districts referred to in the Local Government (Boundaries) (Northern Ireland) Act 2008 and for the number, names and boundaries of the wards that will compose them.

The Commissioner's provisional recommendations form an important part of the process of consultation on the new boundaries. That will include public hearings, which the commissioner has arranged in each of the 11 proposed local council districts and which will provide an opportunity for oral representation. The hearings are scheduled to take place between 20 and 28 November. If individuals, communities or their representatives wish to comment on the provisional recommendations, in relation to local identities or any other matter, they have an opportunity to make representations to the Commissioner, either at the public hearings or in writing.

The commissioner is independent of central Government, so it is not for me or my Department to make an assessment of the provisional recommendations or any aspect of those recommendations. I will read the final report with great interest, but it would be inappropriate for me to comment at this stage.

**Mr Kennedy:** I am grateful to the Minister for his reply. Does he not accept that, since they rejected amendments to the legislation that would have given the Local Government Boundaries Commissioner greater flexibility to expand natural boundaries, DUP Ministers have effectively increased the likelihood of Belfast turning green, which might prevent future civic events such as yesterday's wonderful occasion when we welcomed home our troops?

**The Minister of the Environment:** I am at a loss to understand where the Member comes from on this issue.

The commissioner has the ability to absorb large areas into new district council areas. There is, therefore, ample room for moving boundaries. If the Member doubts his party's ability to make effective representations to the Commissioner, he should not point the finger at me or my Department or my predecessor, but should consider instead the inadequacy of his party's resources. If he wants to make representations to the Commissioner along that lines that Belfast should remain a balanced council, there is ample opportunity for him to do so, and for the Commissioner to act on those representations — within the existing legislation and the regulations laid down by my predecessor.

**Mr Boylan:** Go raibh maith agat, a Cheann Comhairle. Will the Minister give any indication as to the remit of the District Electoral Area Commissioner? What are the minimum and maximum numbers of wards to be contained in each district electoral area to ensure transparency and equality?

**The Minister of the Environment:** The Local Government Boundaries Commissioner has been tasked with making representations on the boundaries of the 11 new local government districts. In doing so, he can consider how many wards will be in each. The legislation provides that 60 wards may be included in Belfast and 40 in each of the other districts, but the commissioner may allow a degree of variation, that is, up to five wards either way.

It is for parties to make representations to the commissioner to ensure that boundaries are fair and that they allow local councils to reflect the make-up of those areas. As I said to the Member for Newry and Armagh, the effectiveness of those representations will depend on the ability of parties to get their act together and make known their views.

There will be an opportunity for that after the Commissioner submits his report. I will study his report initially, but it must be endorsed by the Assembly. Therefore, if people feel that the Commissioner has not done his job adequately — or they feel that there are serious flaws in his recommendations — there will be opportunities in the Assembly to make changes.

**Mr Weir:** I thank the Minister for his responses thus far. Although some Members seem to have thrown in the towel as regards Belfast, it is clear that there are others who will continue to focus on that issue.

I ask the Minister — *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor.

**Mr Weir:** Is the Minister confident that the timescales he set will be met by the Commissioner who has been appointed?

**The Minister of the Environment:** I expected the fireworks to come later in this period of Question Time, but it appears that the Members to my right are excited



about this issue: perhaps it is because they feel that they are not able to represent the people who voted for them.

**Some Members:** Hear, hear.

**The Minister of the Environment:** I assure the Member who asked the question that the Commissioner has the tools to ensure that the populations within the boundaries are fairly represented and reflected and to allow parties to make effective representations.

The Commissioner is on target to complete the review on time. Consultation on the provisional recommendations has finished; the deadline for written representations is 12 November 2008, and oral hearings will take place from 20 to 28 November. The assistant commissioners will be in place before the end of the week. I have made it quite clear to the Commissioner that I expect his final report by 30 June 2009.

### International Banking Crisis

2. **Mr Simpson** asked the Minister of the Environment for his assessment of the financial losses accrued by local councils as a result of the international banking crisis. (AQO 863/09)

**The Minister of the Environment:** None of the 26 district councils has incurred a financial loss as a result of the international banking crisis.

**Mr Simpson:** I thank the Minister for his answer. Local councils face twin financial issues — they must deal with the implications of the review of local government and the move to 11 councils, and they must cope with the current financial downturn.

Will the Minister detail the criteria for investment funds?

**The Minister of the Environment:** The criteria are set out in the Trustee Act (Northern Ireland) 2001. Councils are required to carry out numerous tasks. From time to time, trustees must review the investments of the trusts and — while having regard to the standard investment criteria — should consider whether those should be varied.

The standard investment criteria relate to the suitability of trust investments of the same kind. They also relate to the need to ensure that investments are diversified, so that councils do not have all of their eggs in one basket. If that were the case, and a financial crisis occurred — such as the one that affected organisations with funds in Icelandic banks — councils would be exposed to risks.

The criteria require councils to review their investments and make sure that they do not have all of their eggs in one basket. Councils are also required to ensure that their spread of investments meet the standards that are required of investment trusts.

**Mr Beggs:** I am pleased that local councils have not suffered financial losses, but the Minister will be aware that local councils currently have significant debts. How will he ensure that the ratepayers in Larne and Carrickfergus, for instance, will not have to pick up the £34 million of debt that exists in Ballymena Borough Council after it built lavish new council offices?

**The Minister of the Environment:** The debt that has been incurred by district councils prior to the reorganisation of councils will be absorbed within the new council boundaries. There will be a larger rate base within those boundaries.

Some of the new councils may incur debts; however, they should also have assets from which ratepayers will benefit. Where there is a transfer of some areas from one council to another under the review of public administration, it will be up to the transition committees to ensure that the transfer of assets is reflected clearly in the transfer of debt. That is how inequalities will be dealt with.

**Dr McDonnell:** Do any of the Department of the Environment's agencies hold funds in any of the Icelandic banks that have got into difficulties?

**The Minister of the Environment:** The only groups that were likely to hold such funds are the councils and, as I made clear in an earlier answer, none of the councils holds funds in Icelandic banks. Nor do councils hold assets with banks that are not covered by the guarantees that have been given by the UK Government or by the Government in the Republic.

### Bryson House

3. **Mr Ross** asked the Minister of the Environment for his assessment of the contribution of Bryson House to the waste management strategy. (AQO 842/09)

**The Minister of the Environment:** I acknowledge fully the valuable contribution made by Bryson House to achieving the objectives of the Northern Ireland waste management strategy. Recently, I visited the Bryson House facility and saw the excellent work that is being done there. Recycling and recovery are an important part of the progressive transition towards better resource management. I have no doubt that Bryson's kerbside box-collection scheme — which started in my council area in 1999 — has contributed to the material-recycling facility and to the increase in recycling from 4.9% in 1999 to 27.7% in 2006-07.

The success of the strategy largely depends upon changing attitudes and behaviour. Therefore, I welcome initiatives such as the innovative Bryson House schools-education programme Sort It Out, which has raised awareness and encourages best practice and behavioural change. Programmes such as that will help us to achieve

our main aim — a cultural shift towards better resource management and improved environmental quality. That programme is a good example of how to deliver key messages concerning waste to our young people.

**Mr Ross:** I thank the Minister for his answer. The Minister will know that waste management is an important issue — indeed, there was a conference in the Long Gallery earlier today about it. Does the Minister intend to continue funding Bryson House after 31 March 2009?

**The Minister of the Environment:** My officials are considering the future of the community waste innovation fund, through which Bryson House is funded. That is part of the implementation of the waste management strategy. However, there are no firm plans to extend the fund beyond March 2009, simply because the Department has not yet received the evaluation of it. The fund involves a considerable amount of money, so it would be wrong to proceed without a proper evaluation.

We must examine the evaluation before I can consider whether there should be a successor to the community waste innovation fund. However, as I said in the Long Gallery today, we want to improve the communications strategy by putting resources into it; given the kind of work that Bryson House is undertaking, I have no doubt that it will be in a position to bid for some of that work.

**Ms J McCann:** What discussion has the Minister's Department had with the Department of Enterprise, Trade and Investment to develop opportunities for other social-economy enterprises to contribute to the waste management strategy?

**The Minister of the Environment:** Bryson House is the major social enterprise that is implementing the waste management strategy.

I want to encourage social enterprise, and that is an area in which it can do a good job. Bryson House has used some of its profits from recycling to reinvest in socially worthwhile programmes throughout Northern Ireland, including schemes to make areas safer. That is the way forward.

Although I have not had any discussions with the Minister of Enterprise, Trade and Investment, when I visited Bryson House a couple of weeks ago, I spoke to its representatives about the importance of social enterprise and how it can result in money being ploughed back into local areas. That is a good model, which I hope we can develop.

3.15 pm

**Mr Cree:** My question is similar to the previous one. What action has the Minister taken to encourage local job creation by growing recycling businesses?

In addition, concerning the link between the Department of the Environment and the Department of Enterprise, Trade and Investment, rather than having just one social-economy business, Bryson House, does the Minister envisage any potential for further developing the social economy?

**The Minister of the Environment:** There are opportunities for organisations that seek niche markets. However, although recycling rates must increase, there is a limit to how effective it can be. I am sure that Bryson House and other recyclers will have suffered owing to the vagaries of the market. Over the past week many recyclable materials — such as glass, paper, woodchip — have had a nil value. Consequently, we must be careful not to put all our eggs into one basket, and we must not overemphasise the potential of such enterprises. Nevertheless, given the fact that niche schemes have an impact on local communities, social enterprises should undertake such schemes because they are the only enterprises that are likely to plough profits back into those communities.

### Irish Hare: Protection

4. **Mr Wells** asked the Minister of the Environment for his assessment of the level of protection given to the Irish hare in Northern Ireland, in comparison to that afforded to the species in the Republic of Ireland. (AQO 817/09)

**The Minister of the Environment:** In Northern Ireland, the Irish hare is a quarry species, the hunting of which is regulated under extant game laws, and they are protected in the close season. In addition, from 2004, the Irish hare has been protected by annual special protection orders, which prevent the taking, sale and killing of the species. Such protection is in contrast to that provided in the Irish Republic by the Green Party's Minister for the Environment, Heritage and Local Government, who has refused to protect the Irish hare. By introducing a special protection order this year, I have protected the Irish hare, and I understand that several hares have already sought asylum on this side of the border. *[Laughter.]*

There has been some opposition to that from obvious sources, and the Equality Commission is reviewing my actions to ensure that I am not convening any race or colour legislation by protecting the English brown hare. However, I assure the Member that, despite my reputation, I am greener on this matter than the Minister in the Irish Republic.

**Mr Wells:** I welcome the Minister's assurance that the Irish hare will continue to be protected, and it is ironic that the Green Party's Minister in the Irish Republic has failed to do the same. Will the Minister embarrass

the Irish Minister even further by announcing permanent protection for the Irish hare in Northern Ireland?

**The Minister of the Environment:** Let me make it clear to the Member: the special protection order is being renewed year on year, and the objective is to increase the density of hares in Northern Ireland to one hare per square kilometre by 2010.

Such Orders are renewed annually in order to ascertain their effect. If we find that they help us to achieve our target, there is an opportunity to make permanent legislation on the matter.

Between now and 2010, it is important that we look carefully at the impact of the Order year to year to see whether we are achieving our goals.

**Mrs M Bradley:** What co-operation has there been between the North and the South on the protection of the Irish hare? The Minister can let the hare out of the bag. *[Laughter.]*

**The Minister of the Environment:** Having done my bit during Question Time for cross-border relations and for relations with the Green Party's Minister for the Environment, Heritage and Local Government in the Republic, I can say that co-operation between Northern Ireland and the Irish Republic exists on the issue. However, I accept that they are slightly behind us, and we have to drag them along a little. An all-Ireland species-action plan was published jointly by the former Environment and Heritage Service and the National Parks and Wildlife Service in November 2005. That plan identified several actions that were aimed at promoting increases in the respective populations.

**Mr Ford:** I have no doubt that the Minister enjoyed the opportunity to blow his trumpet — or, in fact, the trumpet of the Assembly in its first guise — for the protection that is afforded to the Irish hare in Northern Ireland. Furthermore, I acknowledge that his party colleagues — with the exception of Mr Shannon — voted in favour of my amendment to the legislation at that time, which enhanced that protection. However, the legislation lacks protection for hares that are being imported illegally across the border. In view of the Minister's concern for cross-border relations, I thought that he would take action on those illegal importations.

In response to a question for written answer, the Minister informed me that it costs £30,000 every year to implement the temporary Special Protection Order. Why will he not do the decent thing on environmental, welfare and financial grounds and introduce permanent protection?

**The Minister of the Environment:** The Member ought to read more carefully the answers that I give him. Had he done so, he would have seen that the £30,000 costs are not for the implementation of the temporary Special Protection Order; that money is

spent on monitoring whether the protection is leading to an increase in the hare population in Northern Ireland. Even if a permanent Special Protection Order were in place, the £30,000 would be spent on monitoring its effectiveness. To suggest that putting a permanent Special Protection Order in place would save £30,000 shows either that the Member has difficulty in understanding my answers to him or that he is trying to use my answer in a way that was not intended.

## Climate Change Bill

5. **Mr Dallat** asked the Minister of the Environment to outline his Department's position in relation to the Climate Change Bill. (AQO 888/09)

**The Minister of the Environment:** I would have been disappointed had I not been asked a question on climate change. I think that some Member has managed to ask such a question in every Question Time so far — albeit the Members are becoming less inventive. It appears that the system has ensured that those questions are near the top of the list, and I am happy for that to be the case.

The Department continues to provide relevant input to the passage of the Climate Change Bill at Westminster. It agrees arrangements with Department for Environment, Food and Rural Affairs (DEFRA) on funding arrangements for the Committee on Climate Change, and it provides an input to the implementation of the Bill. Members will be pleased to hear that in the two most recent communications that I had with the DEFRA Minister Hilary Benn on the implementation of the legislation on climate change, I made it clear to him that the proposed measures on carbon trading and carbon reduction — which would lead to a 45% increase in electricity bills — were unacceptable. I believe that my comments reflect the views of all Members on that matter.

Additionally, the Department is taking forward discussions on governance arrangements in respect of the Climate Change Bill.

**Mr Dallat:** I have listened carefully to the Minister. I am pleased that he has dispelled the rumours that he has been awarded an honorary degree from the Bart Simpson school of environmental science. *[Laughter.]*

Last week, the Minister took part in a debate at Westminster, where he acted with the Noes. Does he believe that Northern Ireland has any reasonable chance of representation in respect of the Climate Change Bill, bearing in mind the scandalous way in which he behaved?

**The Minister of the Environment:** It is appropriate during questions to the Environment Minister that the



Member should recycle some of his jokes. They do not get any better. *[Laughter.]*

The Climate Change Bill has passed through the House of Commons, and will go to the House of Lords. If it passes through the House of Lords unchanged, there will be targets for 80% reductions in CO<sub>2</sub> emissions by 2050, by which time, of course, none of us will be around to take account of whether that target was achieved.

As I look around the Chamber, I am surrounded by Members who have taken the same view on this subject as I have — namely that an 80% target, resulting in a reduction of CO<sub>2</sub> emissions to 1990 levels by 2050, is not possible.

Every measure that the Government suggested we need to take to achieve those levels has been rejected by all parties in the Assembly. One of the principal measures was to increase the price of fuel, including petrol, and all parties in the Assembly have rejected that suggestion. Another major measure was to reduce carbon emissions from power stations, which — according to the Government's admission in letters to me — would increase the price of electricity by 45%. All Members have rejected that suggestion on the grounds of fuel poverty. Another measure was to increase the tax on cars with high carbon emissions, which Members have also rejected because many people in Northern Ireland own cars that are more than seven years old.

The only measure to receive widespread endorsement by Members is the insulation of homes, which, according to the Budget paper, will have a minimal impact on carbon emissions. All Members have doubts about the Climate Change Bill.

**Mr Butler:** Go raibh maith agat, a Cheann Comhairle. Does the Minister agree with setting annual targets for emission reductions, as provided for in the Scottish Climate Change Bill?

**The Minister of the Environment:** No, I do not. One must look at the influences on carbon emissions. For example, a bout of very bad winter weather that would cause people to use more home heating oil and electricity — which are both major sources of emissions — would mean that the target could be missed completely. The output of carbon depends, among other matters, on the weather and economic activity, and the current downturn may well lead to a reduction in carbon emissions this year. However, the economy may grow next year, and that could lead to another increase. It is nonsensical to set year-on-year targets because they are fairly pointless, bearing in mind that so many factors can influence them.

**Mr McClarty:** Last week, in another place, the Minister spoke against the Climate Change Bill, and he was one of only five out of 645 MPs to vote against an amendment that will require improvements in energy

efficiency. Given that five of his colleagues voted in favour of the Bill, is he now not only at odds with his Department, but with his own divided party?

**The Minister of the Environment:** The Members on the Benches to my right know all about divided parties — *[Interruption.]*

3.30 pm

**Some Members:** Answer the question.

**The Minister of the Environment:** That party has more divisions than there have been in the House of Commons over the Climate Change Bill. *[Laughter.]*

The Member has described the Climate Change Bill as a Bill that promotes energy efficiency. The Bill, as passed through the House of Commons, requires draconian cuts in carbon emissions. According to the Government's Budget 2007, those cuts can be achieved only by increasing fuel and energy prices, cutting farm outputs and introducing a range of other measures, including a 20% target for biofuels. *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of the Environment:** Many people have said that such a target is unrealistic. All I say to the Member is that if he can produce for the Assembly ideas and recommendations on how to achieve that target without hurting constituents, and hurting them badly, I will support his recommendations. If he cannot, I will not.

## FINANCE AND PERSONNEL

### Green Rebate

1. **Mr McGlone** asked the Minister of Finance and Personnel if he will give a commitment in principle to provide a "green rebate" on rates to encourage greater use of renewable technologies. (AQO 926/09)

**The Minister of Finance and Personnel (Mr Dodds):** The Executive decided to proceed with two proposals on the matter. One offered rates rebates to owner-occupiers to bring their houses up to modern insulation standards, and the other offered initial rates exemption to the first residents of new homes that are assessed as being zero-carbon-rated. The consultation on the details of those policies ended on 26 September, and departmental officials briefed the Committee for Finance and Personnel on the outcome of the process on 8 October. I am considering the consultation outcome and the Committee's views, and I will then take a decision on a way forward. I will announce the scheme's final shape shortly. The details will also be published as part of the consultation report on all remaining rating policies.



I can now say that the rates rebate is for insulation work to houses. That measure is likely to make the biggest value-for-money difference to the energy efficiency of our housing stock. If the scheme proves to be successful, it may be worthwhile extending it to include renewable technologies.

**Mr McGlone:** Given that grants for renewables were withdrawn earlier this year, can the Minister expand on other measures that can be offered to encourage the use of renewable energy in domestic properties?

**The Minister of Finance and Personnel:** The Member refers to a previous decision on a scheme under direct rule that was time-limited, and that came to a natural end. The impact of that scheme is being reviewed. I want to make that clear.

Extending the proposed energy-efficiency rates-rebate scheme to include other measures would take more time than may be available to us. However, I will consider those issues, and I will not rule out a second phase of the scheme. The key is to ensure that the measures that would have the most immediate benefit — for example, insulation — be introduced first. That is an issue with which we will press ahead at the earliest opportunity.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. Has the Minister authorised a review of cost benefits to the regional economy of renewable energy, in the light of the rising cost of fossil fuels?

**The Minister of Finance and Personnel:** That matter falls within the remit of the Department of Enterprise, Trade and Investment; if the Member wishes to pursue it, he should do so with that Department, either through tabling a motion for debate or through tabling questions.

It is an important issue. There is no doubt that decisions taken on such issues will have far-reaching consequences, not only for energy provision but for expenditure. Let us say, for example, that we decide to go down the road of increased electricity generation from wind power, which would provide the most readily accessible form of renewable energy. In that case, infrastructure work would have to be carried out to the grid, and that would require substantial investment.

Time and again at this lectern, I have been at pains to emphasise that investment decisions — on issues such as renewable energy — must be informed by an assessment of where the money will not be spent as a result of the investment. Those are big decisions on key issues, and they must be discussed thoroughly by the Assembly, the relevant Committees and the Executive.

**Mr Ford:** Has the Minister given any consideration to reducing or removing the fees for building control applications? Such a measure may encourage the use of small-scale renewables.

**The Minister of Finance and Personnel:** I acknowledge the Member's comments. The nature of the business is that there are costs incurred that have to be recovered. The Member's proposal to cut the costs incurred by people making building control applications may be desirable. However, once again, I emphasise that that expenditure would have to be recovered from somewhere else. All the issues cost the Executive and the Assembly money. Therefore, all matters must be considered in the round as to where the money will come from. I assure the Member that his suggestion will be given consideration.

### Lone Pensioner Allowance Scheme

2. **Mr Shannon** asked the Minister of Finance and Personnel when payments will be made under the lone pensioner allowance scheme. (AQO 834/09)

**The Minister of Finance and Personnel:** Land and Property Services began to issue refunds following awards of lone pensioner allowances in July 2008. To date, some 16,078 refunds have been made to ratepayers. The Northern Ireland Housing Executive, which manages lone pensioner allowance applications from ratepayers who rent property, also began to make awards in July 2008. The Housing Executive has made 2,103 credit adjustments to tenants' housing accounts. Land and Property Services is working to process the remaining 1,082 applications.

**Mr Shannon:** I thank the Minister for his response. Applicants for lone pensioner allowances become annoyed because of delays in payments being sent out. I am aware that looking after pensioners is a matter that is very close to the Minister's heart. Other than the lone pensioner allowance scheme, what initiatives is the Minister considering in order to help pensioners?

**The Minister of Finance and Personnel:** I thank the Member for his question. I share his frustration about people having to wait unreasonable lengths of time to receive payments. As I said, 1,082 applications still have to be processed, and I hope that those will be processed very soon. Almost £2.5 million has been awarded under the lone pensioner allowance scheme; a substantial amount of money has gone back into the pockets of pensioners who live alone.

We have implemented a number of measures to help pensioners, such as the increase from £16,000 to £50,000 in the savings limit that is applicable to pensioners under the low-income rates-relief scheme. Consultation on a rates deferment scheme for pensioners who are homeowners is nearing completion, and I propose to make an announcement on that shortly. Furthermore, the decision to freeze regional rates benefits all households in Northern Ireland, including pensioners.

We have announced proposals on data sharing, which would facilitate an increased uptake of benefits and rates relief for pensioners. Much emphasis is placed on cases of money going to the wrong people. However, many people — particularly pensioners — do not claim the benefits to which they are entitled. The data-sharing measure that we announced last week will go a long way to improving pensioners' uptake of relief schemes. I am sure that that will be welcomed throughout the community. We are also working on a fuel poverty action plan that would benefit pensioners.

**Mr Kennedy:** I am grateful to the Minister for his response, and I will focus on the latter part of his reply. What steps have been taken to use Government databases to reach people who are not claiming lone pensioner allowances to which they are entitled and thus increase the uptake of that important benefit?

**The Minister of Finance and Personnel:** As I have said, proposals were recently announced to increase co-operation and the sharing of information and data between agencies that hold that information. There is a long way to go before any Department or agency will achieve automatic allocation of reliefs; however, progress is being made. The proposals that I outlined will go a long way to improving the position, particularly for pensioners.

I have met people in my constituency — as I am sure Mr Kennedy has in his — who come to discuss one issue only for it to emerge that they may be eligible for several reliefs and benefits. It is important that Government do more to ensure that people receive their full entitlements.

**Mrs M Bradley:** The Minister has allayed some of my concerns. However, will he assure me that there will be an assessment to guarantee that the application form for the lone pensioner allowance is user-friendly and that it is continuously improved to ensure that it is easily accessible to pensioners?

**The Minister of Finance and Personnel:** I assure the honourable Member that everything will be done to keep the form as simple and as accessible as possible. I understand from constituents and others who have been involved in the matter that the form is relatively straightforward, which is among the reasons why the allowance has become so popular — it is straightforward, it is clear and it is not means-tested.

Therefore, in that sense, it is straightforward and lessons may be drawn from it for other initiatives and projects in which the Department is engaged. I hope that any lone pensioners who have not availed themselves of the scheme will hear about it and do so quickly.

**Mr Speaker:** Question 3 has been withdrawn.

## Prospective Homebuyers

4. **Mr Burns** asked the Minister of Finance and Personnel what discussions he has had with banks and building societies on their ability to lend money to prospective homebuyers. (AQO 870/09)

**The Minister of Finance and Personnel:** The regulation of banks and building societies is a reserved matter for the Treasury and the Financial Services Authority. Members must note that the package of financial assistance announced by the Prime Minister on 13 October was specifically aimed at releasing liquidity in the banking sector and at stimulating activity to prospective homebuyers and to borrowers. I have not had direct representations from the local banking sector; however, my officials closely monitor the effect of the financial situation on the local banking sector.

Over recent weeks, I have had several meetings with key stakeholders such as the Institute of Directors and various chambers of commerce. I reassured them that the actions of the Executive will alleviate some difficulties; in particular, the Budget commitment to spend £5.5 billion on capital projects over the next three years will provide a considerable stimulus to the local economy.

**Mr Burns:** Is the Minister aware that certain banks require a 25% deposit before they offer a mortgage? Has the Minister made any attempt to have those banks reduce that figure?

**The Minister of Finance and Personnel:** As I said, the regulation of banks is a reserved matter; it is not a matter for the Executive or the Assembly. Therefore, it is not appropriate for me to engage with banks on such issues.

Ultimately, banks are commercial operations and many offer more generous rates than that, and banks that insist on a 25% deposit will probably do much less business. Many in the construction industry, in the house-building sector and people who want to get on the property ladder have stressed the importance of banks and financial institutions recognising that they must act responsibly in the current climate. The financial situation is essentially a matter of confidence; it is about banks being prepared to lend to one another, and to businesses and individuals, at a sensible rate.

Everyone hopes that confidence will be restored. Some of the measures that have been taken, which are designed to restore liquidity in the banking sector, will work. I believe that progress is being made on that front.

3.45 pm

**Mr Spratt:** What is the Minister's view on the impact that the continuing fall in the property market is having? What support is available for people who are experiencing financial hardship?

**The Minister of Finance and Personnel:** I am aware of the major downturn in the property market, and it is one of the reasons why I announced, at the end of last week, the suspension of the Workplace 2010 procurement exercise. I am aware of the downturn not only in the public sector, but in the private sector. That downturn is having an effect on many households. The Chancellor announced recently a range of incentives to assist people across the United Kingdom who are experiencing hardship. Those incentives include the extended mortgage-relief scheme and enhanced cold weather payments, both of which will apply in Northern Ireland.

The Executive have established a ministerial subgroup, involving the Minister for Social Development, the Minister of Enterprise, Trade and Investment and the Minister of Health, Social Services and Public Safety, to consider what can be done for people who are affected by fuel poverty. Issues such as the viability of a fuel-credit scheme and a targeted mortgage-rescue scheme will also form part of those deliberations.

**Rev Dr Robert Coulter:** I congratulate the Minister on the excellence of his answer. Will he take steps to assess the total acreage that is available in Northern Ireland for housing development on and off flood plains? By setting that within figures for the level of demand for homes, will he establish a reasonable base price by area for the site element of housing? In that way, some confidence can be built that the house-price level has bottomed out or is close to bottoming out, given that that is the key factor in inter-bank lending and in home-loan provision.

**The Minister of Finance and Personnel:** The Member raised a pertinent point about our current financial situation and about inter-bank lending, which is very important. I will pay careful consideration to his suggestion. I will discuss the issue with officials and come back to him in writing as soon as possible.

## Green Rebate

5. **Ms J McCann** asked the Minister of Finance and Personnel to detail the reasons why tenants, who are renting Housing Executive properties, and who meet the criteria to apply for a green rebate on their rates are excluded from doing so. (AQO 890/09)

**The Minister of Finance and Personnel:** As Members are aware, the consultation on the detail of the intended policy ended on 26 September. Officials briefed the Committee for Finance and Personnel on the outcome of the process on 8 October, and they are considering the responses to the consultation and the Committee's views, which include members' comments on the issue, before deciding on the way forward. I will announce the final shape of the scheme shortly. The details will also be set out and published as part of the consultation report on all the remaining policy

issues that emerged from the Executive's rating review last year.

I understand the Member's concerns, and I, too, would be concerned if the policy were to disadvantage anyone, either intentionally or unintentionally.

**Ms J McCann:** I thank the Minister for his answer. Given the recent huge rises in fuel prices, will the Minister consider offering a green-loan scheme to people in low-income households who cannot afford to pay upfront for energy-efficiency measures?

**The Minister of Finance and Personnel:** I hear what the Member is saying, and that issue arose during the Committee's deliberations. Ultimately, fuel-poverty issues are matters for the Department for Social Development, but the ministerial subgroup will also examine them.

With regard to rates relief, we are trying to encourage improvements to the energy efficiency of housing stock, but I will take on board what the Member said. The purpose of the consultation is to try to complement the Northern Ireland Electricity (NIE) cashback scheme and to supplement and complement the DSD warm homes scheme. For instance, if someone on a low income comes forward, the Energy Saving Trust will advise them on the appropriate way to proceed with insulation and energy-efficiency measures. The trust will steer people in the right direction. It may be appropriate for them to apply to the warm homes scheme, which is aimed at people who are on lower incomes. However, if they are not eligible for that scheme, they will be advised to go in the direction of the NIE cashback scheme or the rates-rebate scheme.

Therefore, it may be more appropriate for people on low incomes to apply for the warm homes scheme. Only if they are ineligible for that scheme, which is aimed at those on low incomes, will they be advised to seek assistance through the NIE cashback scheme or the rates-rebate scheme.

The issue must be considered in the round. However, the real purpose of the rates relief in question is to improve the condition of the housing stock. Fuel poverty is a matter for the Department for Social Development, but it is a very important issue that we should address.

**Mr Speaker:** I call Mr Gardiner to ask a supplementary question.

**Mr Gardiner:** I do not wish to ask a supplementary question on that topic, Mr Speaker. Thank you.

## Higher Energy Costs

6. **Mrs Long** asked the Minister of Finance and Personnel for an update on the budgetary pressures arising from higher energy costs. (AQO 883/09)

**The Minister of Finance and Personnel:** On 29 January, the Assembly approved the programme of



expenditure proposals for 2008-09 to 2010-2011, as set out in the Budget document that was laid before the Assembly on 22 January. Those spending plans reflected the position at that time, including expected cost pressures, and will be subject to ongoing review as more up-to-date information becomes available and further pressures, if any, emerge.

In particular, as part of the in-year monitoring process, Departments will be able to put forward proposals to manage emerging pressures from within their existing resources. They will also have the opportunity to submit bids to my Department for additional resources if they are unable to manage the pressure within their overall allocation.

During the September monitoring round, two Departments submitted spending bids that were directly related to rising energy costs. However, it is expected that the falling cost of crude oil will shortly be reflected in utility costs, with the result that those pressures should be reduced.

**Mrs Long:** The Minister mentioned that two Departments had included higher energy costs in their September monitoring round responses. Will he tell the House which Departments did that, and whether the bids were met? I seek assurance about that because, for example, in the health or education sectors, where energy costs may have a direct impact on the level of service that can be provided, services might be cut if such costs are not met through the in-year monitoring rounds.

**The Minister of Finance and Personnel:** I can inform the Member that, as part of the September monitoring round, the Department of Education submitted a bid, as it had in June. The Department for Regional Development submitted a bid for some £2.3 million with respect to increasing the public-lighting energy tariff. There were no other bids from other Departments in respect of energy costs.

I understand what the Member said about the impact of those costs. However, when the Budget was agreed in January, crude oil cost about \$95 a barrel. The current price is about \$60 a barrel. That is a significant drop of almost 40%. Therefore, although there is a lag between the price of crude oil and the price that is passed on to the customer — and we wish to ensure that lower crude oil prices translate into lower utility bills for businesses, Departments, Government and individuals — there is no doubt that that reduction in the price should relieve the burden considerably in future.

**Mr Hamilton:** Does the Minister agree that, bearing in mind that the question was about energy and that there have been many references to fuel poverty, including from Members opposite, it stresses that it is imperative that the Executive should meet to take decisions on tackling fuel poverty?

**The Minister of Finance and Personnel:** The Member raises an extremely important point. He and other Members will recognise the measures that have already been taken by the Executive in relation to fuel poverty issues, not least the freeze in regional rates over the next three years, the deferral of water charges, the cap on manufacturing and business rates, and the fact that householders in Northern Ireland will be £1,000 better off over the comprehensive spending review period than they would have had direct rule continued.

However, more must be done. The Minister for Social Development and others have highlighted, rightly, the need to push the energy companies, as well as simply looking to Government. However, the Executive must meet to take decisions on such matters.

It is absolutely intolerable and unacceptable that, given those issues and wider economic issues, one party is not prepared to come to the Executive and give priority to those issues. The First Minister's offer of an Executive meeting tomorrow with an open agenda means that this issue, along with many others, could be discussed straight away. There is no excuse for holding back on this or any other issue.

**Mr O'Dowd:** Go raibh maith agat, a Cheann Comhairle. In recent times, there has been much media talk of the need for the Executive to meet, particularly on the subject of fuel poverty, and proposals have been made by the Department for Social Development. Have those proposals been fully costed, and is the Department of Finance and Personnel in a position to provide the finance for them?

**The Minister of Finance and Personnel:** Several suggestions and proposals have been made. One of the reasons for the decision to set up a ministerial subgroup was to ensure that all the issues were examined in detail and to determine the best and most effective response by the Executive to the issue of higher energy prices. Not the least of those issues was the fact that we need to talk to the energy companies in order to discover how to target those who need help, possibly through some form of fuel credit. There are other issues to discuss as well. However, we are not yet in a position to allocate resources to a fuel credit scheme, because any such credit could not be paid before March 2009 in any case. Work must be done on identifying those who might be eligible and on the processes by which such payments could be made. In the discussions that took place with the energy suppliers, it became clear that such payments could not be made any earlier than the March 2009 utility bills.

Work still has to be done, and progress has to be made. The ministerial subgroup is working on those issues, but there will come a point when they will have to be presented to the Executive for a decision. At that stage, all Ministers will have to decide, given the need



to provide resources to such a plan, the areas on which less money will be spent by their respective Departments. I reiterate that money to be spent on new proposals must be found from allocations that have already been made. That will require an Executive meeting and an Executive decision. I cannot take that decision; nor can any other individual Minister.

### HR Connect

7. **Miss McIlveen** asked the Minister of Finance and Personnel what progress has been made on HR Connect. (AQO 819/09)

**The Minister of Finance and Personnel:** HR Connect will modernise the personnel function throughout the Northern Ireland Civil Service and the Northern Ireland Office. It will replace outdated IT systems, modernise personnel processes through greater use of self-service facilities by staff, and provide centralised support services from a shared-service centre.

The shared-service centre has been set up, and is fully staffed and operational. The first HR Connect external recruitment exercise was launched in October 2007, and was followed by the phased release of employee relations in HR services between mid-November 2007 and the end of January 2008. Work on the remaining HR Connect services is progressing well.

**Ms McIlveen:** I thank the Minister for his response. To what extent have staff been prepared for HR Connect? Can the Minister allay any concerns that staff may have about the security of sensitive data?

**The Minister of Finance and Personnel:** I thank the Member for her question. Both issues are of concern to staff. There has been full communication with the trade union side as part of the implementation of such a major programme. Training in communication has also been undertaken in order to prepare staff in the new services.

Data security is a very important issue, which I and my officials take very seriously. The Civil Service accreditation panel, which is the body that scrutinises new IT systems and determines whether they meet Government standards, reviews and approves the physical and technical security measures that are in place for HR Connect. Those measures have been subjected to rigorous testing.

### Competition Analysis Board

9. **Mr Attwood** asked the Minister of Finance and Personnel if he will set up a competition analysis board, with an obligation to issue annual reports, on the model of the National Competitiveness Council in the Republic

of Ireland, as recommended by Sir David Varney. (AQO 924/09)

**The Minister of Finance and Personnel:** I can see that the Member is probably as surprised as I am that we have reached this stage. *[Laughter]*. I think that question 8 has been transferred to another Department, given that it concerns a matter that is the responsibility of OFMDFM.

Sir David Varney recommended that a competition analysis board be established in the Office of the First Minister and deputy First Minister. Although I appreciate the reasons for that recommendation, it should be noted that much of the work that has been published by the National Competitiveness Council in the Republic has already been produced in the Executive. However, I will look at how that information is made available and presented to the public.

4.00 pm

## PRIVATE MEMBERS' BUSINESS

### The Disappeared

#### *Debate resumed on motion:*

That this Assembly recognises the suffering of families of the disappeared; believes that there has not been full disclosure on this issue; and calls on any individual or organisation with information which may lead to the remains of the disappeared being returned to their loved ones for dignified burial, to bring forward that information without any further delay — [Mr D Bradley.]

**Mr Speaker:** Order. Before we resume the debate, I wish to make Members aware that I have some concerns about comments that were made earlier in the debate. I will consider the Official Report, and I may return to the matter in due course.

**Mr Attwood:** I acknowledge the motion and the remarks that Dominic Bradley made when moving it. His comments were characterised by compassion and dignity. That is inevitable, given that the families of the disappeared have displayed those qualities over the many years since the deaths of their loved ones.

It must be remembered that the recovery of the bodies of the disappeared is an essential part of any truth process. Indeed, in some parts of the world, it constitutes the essence of a truth process. If one considers what is happening in Chile and in other Latin American countries, or what has been happening in Spain over the past two or three weeks as a consequence of the civil war there, the issue of the recovery of the bodies of those killed — or the disappeared — can never be laid to rest. It must always be part of the truth process of any society that is emerging from conflict.

Therefore, as we await the Eames/Bradley group's report, which may be published before Christmas, it is important that that group understands that, in respect of the recovery of the bodies of the disappeared — or of any other matter concerning the interests and needs of victims and survivors — there cannot be any arbitrary deadline after which no further work can be done. The Eames/Bradley group must recommend that, in respect of those matters, no such deadline is appropriate. The group must, therefore, recommend that time must be allowed for all such matters to be resolved, if at all possible.

The value of the motion is that the issue of the bodies of the disappeared is part of the wider narrative of what illegal terror organisations visited upon the people of Northern Ireland. In this case, that is the nationalist community of Northern Ireland, given that all those who were killed came from the Catholic tradition.

Given that the Eames/Bradley group is about to publish its report, I trust that that will record the narrative of what so-called republican organisations visited upon the nationalist community, including the issue of the disappeared. In its statement before the summer, the Eames/Bradley group was silent about what illegal terror organisations from the nationalist tradition visited upon the nationalist community, not least in respect of the bodies of the disappeared.

As I said, that was part of the terror that was visited upon the nationalist community by the IRA and others over the years of conflict. As we know, and as Dominic Bradley and others stated, 14 people were killed — 10 claimed by the IRA and one by the INLA.

As we speak, the disappearance of three of the bodies has not been attributed to any illegal organisation. Therefore, I listened closely to Gerry Adams as he outlined how he believed that the IRA had co-operated with the commission in respect of the bodies of the disappeared.

Although the disappearance of three of the bodies has not been attributed to any organisation, it is the belief and conviction of those three families that those individuals were taken away and murdered by the IRA. Therefore, the IRA has a responsibility to revisit and reassess the issue to determine whether that was done unilaterally or independently and whether those deaths were authorised or unauthorised. Was the IRA responsible for the deaths of those three people who are missing and whose disappearance has not yet been attributed to any one person or organisation?

The motion touches upon a broader issue; disclosure must be the cornerstone of any healing and any truth in respect of the past. Debates have taken place in the Chamber on the Police Ombudsman's report into the investigation into the death of Raymond McCord Jnr and on the secret investigation into MI5 intelligence on the Omagh bombing. Those issues, the MOD's obstruction of the Historical Enquiries Team's investigation of British Army killings, and the McCartney murder show that, without disclosure, we will not be able to deal with the past and we will not be able to move forward on a wholesale basis.

**Mr Poots:** I welcome the opportunity to debate this important matter. During the Troubles, families who lost innocent loved ones had a great wrong done to them; but those whose loved ones disappeared suffered a double loss. They came home one evening and their loved one was not there, and they were not there the following evening, or the following week or month, resulting in the slow realisation that their loved one was not coming home. Those families had to accept the fact that the one whom they loved and cared for would no longer be part of their family.

There was no doctor's certificate or coroner's report; there was no body, funeral service or graveyard committal. Those families had nothing; they were left with emptiness. In that respect, the loss that those families suffered superseded the loss that other people suffered during the Troubles. In many cases, people were able to identify what had happened and how it had happened, and they learned to cope with what had happened to their loved ones. The families of the disappeared did not have that to hold on to.

Therefore, we have a duty to ensure that those people and their families get justice. I have met people whose relatives were among the disappeared. I welcome the fact that the Assembly is discussing the matter today and that we can lay out our support for the families of the disappeared. I expect that the motion will receive unanimous support in the Chamber.

Some people can do a bit more than simply say that the families of the disappeared should receive the remains of their loved ones, and no stone should remain unturned in doing that. I do not know whether everything that can be done has been done, but I doubt it. The IRA was one of the main perpetrators of the wrongs that took place against the disappeared. Given the political process in which we are engaged, it is incumbent upon Sinn Féin, which is so closely linked with the IRA, to ensure that all is done to get those remains returned to their loved ones.

The families have acted with great dignity throughout the adversity that they have faced. They have not targeted Sinn Féin in a political way. Rather, they have simply sought what is rightfully theirs — the return of the remains of their loved ones.

I implore Members of Sinn Féin in particular to do everything within their power to ensure that that great wrong is put right, and that the families of the disappeared receive the remains of their loved ones as soon as physically possible.

**Mr A Maginness:** I thank all those Members who spoke during the debate. It has been a solemn debate, as Mr Kennedy said, but a worthwhile one, because it highlighted a particularly painful issue, and one that should be a matter of great public concern to everyone.

Dominic Bradley should be congratulated for tabling the motion. His speech reflected the concern of many, although perhaps not all, Members that the matter is dealt with in a compassionate way. The motion promotes the ultimate goal of the families of the disappeared, which is to have the remains of their loved ones returned. That is the important aspect of the motion. It is not about scoring political points, but about promoting the objective of bringing home the remains of loved ones who were victims of paramilitary and terrorist violence.

Mr Bradley should be commended for asking for restraint in the debate, and for the concerns and feelings

of the families to be taken into consideration. It is important to remember that the families want closure. They do not want to be part and parcel of a political debate, no matter how tempting that may seem to some Members. The families want closure; that is their objective, and that is why they would, in general terms, be supportive of the motion. They have waited and suffered for a long time. It is clear from most contributions to the debate that most Members share that view, and want to see an end to the families' suffering.

Allegations were made and refuted in the House. However, it is not my place to comment on those, other than to say that they were raised, and were refuted, and we move on.

The Independent Commission for the Location of Victims' Remains has a responsible and important role. It has been given the technological resources and expertise in order to locate the remains of people. It is important that that process continues. I share Mr Bradley's anxiety when he says that the commission is halfway through its mandate, and if it does not succeed during the latter part, that mandate should be renewed until there is a clear end to the suffering of the relatives. It is important that we show solidarity with the families, and, in a collective way, as many Members on all sides of the House have done, plead with people who have information to bring it to the authorities and, in particular, to the commission.

There are many ways to bring that information forward. The best way is to go directly to the lawful authorities and the commission and to apprise them of the information. As some Members said, that information may seem trivial or unimportant, but it may well be of great importance when properly analysed by those who have the expertise to make that analysis.

4.15 pm

The commission continues its work, and has a dedicated team. It is very important that those families are not forgotten, and that the resources are available for them and for their friends and relatives. I agree with Dr Stephen Farry that, with regard to the Richter scale of violence and evil perpetrated in our society, this is very near to the top, if not at the top, because of the evil nature of the deeds. For Jean McConville, for example, to be taken from her children and murdered was a foul deed, and one that cries to the very heavens for justice. How any organisation could justify that defies logic and ordinary justice.

As Tom Elliott said, it is important that we continue to support those families in their search. It is heartening for them that there has been so much support coming from all sides of the House. I hope that that support will continue over and beyond this debate, because we sometimes come to the House and make grand statements and then forget about them and move on. We should

not forget those families. We should not move on. We must continue to apply public pressure where necessary and where it can be effective, and to encourage people to bring forward information.

As Alex Attwood said, it is important that disclosure must be the cornerstone of any process of truth-finding. It is incumbent on all parties involved in our society and in the conflict that took place that they commit themselves to the process of disclosure. Everyone contributed to the debate in a spirit which, I hope, was meant to facilitate the families. That spirit must be retained. It is important that we move on and try to bring some closure to those families who have suffered so much for too long.

*Question put and agreed to.*

*Resolved:*

That this Assembly recognises the suffering of families of the disappeared; believes that there has not been full disclosure on this issue; and calls on any individual or organisation with information which may lead to the remains of the disappeared being returned to their loved ones for dignified burial, to bring forward that information without any further delay.

*Motion made:*

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

## ADJOURNMENT

### **Maintenance of Waterways by the Department of Agriculture and Rural Development in the Upper Bann Constituency**

**Mr Speaker:** I remind Members that the proposer of the topic for debate will have 15 minutes in which to speak. All other Members will have approximately 10 minutes.

**Mrs D Kelly:** From the earliest times, rivers have been a focal point for human activity. Man settled close to rivers and became dependent on them for survival. Rivers formed a working part of both the rural and urban industrial landscapes. Although there are many benefits to living adjacent to rivers, there can be many disadvantages, particularly the risk of flooding. The effects of flooding can be devastating: roads closed; homes and farms severely damaged; and public services, industry and commerce disrupted. Communities suffer from fear, anxiety and hardships during periods of flooding.

I witnessed such events in August, in Lurgan, Craigavon and Banbridge where there was extensive flooding, and many homes were damaged.

The Department of Agriculture and Rural Development is the statutory drainage and flood-protection authority for Northern Ireland. Under the terms of the Drainage (Northern Ireland) Order 1973, the Department has discretionary powers to maintain watercourses and sea defences, which have been designated by the Drainage Council for Northern Ireland; construct and maintain drainage and flood-defence structures; and administer advisory and enforcement procedures to protect the drainage function of all watercourses.

All executive functions that arise from the Department's statutory remit under the Drainage (Northern Ireland) Order 1973 are undertaken by the Rivers Agency, which also exercises the Department's responsibilities for the regulation of the water levels in Lough Neagh. In exercising its functions, the agency is required to adhere to the Department's countryside management strategy.

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

The Drainage Council for Northern Ireland is a non-departmental public body constituted under the Drainage (Northern Ireland) Order 1973. The council has a general scrutiny role in relation to the Department's



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drainage functions and has a statutory duty to ensure uniformity in the treatment of drainage throughout Northern Ireland.

I have outlined DARD's responsibilities with regard to the maintenance of watercourses and to drainage because of the colossal failure in the management of watercourses in Upper Bann. Although the Department of Agriculture and Rural Development is a statutory consultee on planning issues, many homes at Knockramer Meadows in Craigavon were destroyed when a river burst its banks in the August floods. People are still coping with the consequences of that, and one wonders what DARD's response was to the planning application for those homes. We have not yet heard how DARD will remedy with the developer the ongoing problem and allay the fears of residents in that area. No wall was built to protect those homes from the river.

I accept that DARD does not hold all the responsibility, but that is part of the problem. In addition to DARD, the Department of the Environment and the Department for Regional Development have responsibility. As we saw in the summer floods, that is very confusing for people.

I have just seen the Minister in the Chamber — I congratulate her on the birth of her child and thank her for taking the time to come to the debate.

One problem that constituents find is that there is no one-stop shop, and people do not know who to contact if there is a problem. Local authorities have a statutory responsibility for emergency planning — thankfully, that is fairly new and has not been exercised. As the Minister knows, there were several problems in the recent floods. Therefore, in addition to the three Departments, local councils have responsibility.

While I was doing some research for the debate, I discovered that responsibility for a blocked watercourse is dependent on whether the water is flowing. If the water is flowing, the local council's environmental health services should be contacted, and if it is blocked, the Northern Ireland Environment Agency is responsible. In any other cases, the Rivers Agency is responsible. If a concerned member of the public shows some civic responsibility and makes a phone call about a block in a watercourse, he or she should only have to ring one number. I hope that the Minister will reflect on that and consult with her ministerial colleagues on it.

As the Minister knows, the River Bann and the River Lagan run through the Upper Bann constituency. The southern shores of Lough Neagh also form part of my constituency. Those are areas of special scientific interest.

There are also wetlands close to where I live. Part of the problem is that there does not appear to be any routine, regular maintenance or checking of culverts in the area. In June, one of those culverts collapsed. As a result, part of a road caved in. In such a rural area, where there are no public sewerage works, watercourses are the

drainage outlets for septic tanks. That created a backlog that drained into the fields and wetlands. Therefore, not only did the area experience excessive rainfall during that time, but a foul odour persisted as a result.

Members of the public who wanted to report that collapsed culvert did not know which agency to ring. They rang Roads Service, but were passed from one Department to another. That is a huge problem. Regular, routine maintenance and checking of culverts is needed. I accept that a lot of drains are many years old. In the north Lurgan area, foul-water drains and storm drains run into the same sewage-treatment system. Whether or not that is the Department for Regional Development's responsibility, it has an impact on the watercourse, for which DARD has oversight. I want my constituency's natural heritage, particularly the wetlands and areas of special scientific interest, to be protected, not only for the well-being of people who live in the area, but to preserve the countryside's flora and fauna.

There is always great debate about the role of farmers in watercourse maintenance. Often, farmers are blamed for pollution; sometimes, rightly so. In recent years, there has been discussion about the level of phosphates being spread on fields. Although there is great compliance with the nitrates directive, there is a problem with the use of phosphates. It is actually less expensive for farmers to use more natural methods and to reduce the level of fertiliser that they spread on their fields. I am not sure whether the Minister has taken action on that issue, although I believe that a pilot project was to be undertaken.

Work must also be done on the European water framework directive. The Minister's Department is carrying out flood mapping of all the counties in the North. I understand that in the Republic of Ireland, a much more extensive flood-mapping project is being carried out. That ties in with DARD's role as a consultee in planning matters. Can the Minister explain how people who want to buy houses will be protected and how developers who wish to buy land and apply for planning permission will be able to gain access to those flood maps? Will they be charged for that access?

The difficulties that arise from the cross-cutting nature of watercourse management across several agencies are not only experienced by the public; I am sure that the Minister's colleagues also encounter them when trying to research who has responsibility for certain matters. In the past few months, when extensive flooding occurred in my constituency, part of the problem lay with Rivers Agency. People in one part of my constituency had to report to the Lisburn office, and people in the other part to the office in Armagh. That creates difficulties, even for the local council's emergency planning. During the flooding, some sandbags had to come from Lisburn, and some from elsewhere. Advice on what to

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do in the event of an emergency must be provided from a central location.

I remember that when I was a little girl, the “Ministry men” took care of watercourse management. They used to come out regularly and clean the drains and bogs. Every year, I would have seen them working. That is not the case any longer. Can the Minister indicate whether the budget for that work has been maintained and how the situation will be remedied? There has been a great deficit in investment in infrastructure and maintenance of waterways throughout Northern Ireland, particularly in my constituency.

4.30 pm

The amount of pollution caused by the non-compliance of sewage treatment works in Upper Bann, particularly in the Closet River around Craigavon, is a matter of great concern. The Minister is aware that Lough Neagh is the main reservoir of drinking water for Belfast and greater Belfast. However, the poor management of watercourses and the poor quality of rivers and streams cause Lough Neagh’s water quality to fall well below the standards required by European directives. What action is the Minister taking, or prepared to take, over the next two to five years to improve the environment and the quality of the water for those who drink it?

**Mr O’Dowd:** I congratulate the Minister on the birth of her daughter, Aoise Geraldine. I am sure that she and her husband are very proud. I met the Minister’s mother the other day, and she is an extremely proud grandmother. I thank the Minister for attending today to respond to questions raised in the debate.

I thank Mrs Kelly for securing today’s debate. It is timely because, as recently as 21 October 2008, the Assembly discussed promoting Lough Neagh as a tourist attraction. However, any problems with the waterways that flow into Lough Neagh will prevent it developing to its full potential. Other Members raised several issues, and I have no doubt that those wishing to speak will raise further matters.

On 16 August 2008, the Halfpenny River caused severe flooding in the Knockramer Meadows area of Lurgan, and that must be investigated. I thank the Rivers Agency for its prompt action and for twice meeting local residents in the aftermath of the flood. The agency carefully explained to residents the processes involved in a long-term flood defence for that river, and it committed to regular patrolling of the river to ensure that large objects are not blocking culverts, because that seems to have been one of the causes of the severe flooding.

Mrs Kelly is correct that questions must be asked: why were flood defences not built in the first place to protect the developments along the Halfpenny River, and why did the Planning Service allow those

developments to proceed? I welcome the fact that the Rivers Agency is now closely examining that matter.

The Closet River was mentioned during the Assembly’s debate on Lough Neagh. It also concerns not only environmentalists but local farmers whose land surrounds it. Although the Department of Agriculture and Rural Development does not have direct responsibility for the river, the sewage that is being pumped into the river overflows onto farmers’ land and has caused severe pollution in the past. In future developments at the waterworks, I hope that the Environment Agency in particular will keep its promise that discharges will not contain the raw sewage that was previously discharged on farmers’ land. I hope that that process will stop, but only time will tell.

Those who live in the Craigavon area of Upper Bann are in a strange position because the River Bann divides it. When the Rivers Agency responded to the recent flooding, some people had to report to Lisburn and others to Portadown, yet they come from areas that are close together. After the flooding at Knockramer, it would have been far easier for residents to go to Portadown than to Lisburn, although I understand that the Portadown depot provided sandbags for the area and assisted in dealing with the flooding.

I also thank the “Ministry men”, as Mrs Kelly called them, who turned up in Knockramer late in the evening and started to clear culverts, and so forth. After a long and miserable day, they came to carry out work, and their arrival was welcome. The watercourses in Upper Bann require attention, as do those across the North. However, those in that area require particular attention because they flow into Lough Neagh. The lough is a major water supplier and a sizeable nature reserve, and, as was discussed in the House two weeks ago, it has much tourist potential that must be fulfilled.

I mentioned the River Halfpenny and River Closet. We must learn from past experiences of planning developments close to rivers. In August 2008, the River Halfpenny, which is, usually, merely a stream, became a raging torrent within hours.

**Mr Gardiner:** I congratulate the Minister on the birth of her baby daughter.

I declare an interest as a member of Craigavon Borough Council, which has interest in the surrounding areas of Lough Neagh.

I want to raise several issues about the management of the Upper Bann, and the Lough Neagh basin into which the River Bann flows. The Upper Bann waterway system and the entire Lough Neagh basin is one of the great underdeveloped tourist and recreation resources in the Province, and the lack of a single co-ordinating authority contributes to the problem. On several occasions, I have put on record my support for the creation of a Lough Neagh authority, which would expand the area’s

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tourist potential and assume responsibility for the management of all the waters in the region.

The fragmentation, which currently exists, does not provide a good basis for progress. We require an executive body that is directly accountable to the Assembly through one of the Departments, rather than one that merely facilitates co-ordination. For some time I have been concerned that the apportionment of responsibilities to existing Departments is incorrect. For example, it is strange that the Department of Agriculture and Rural Development has responsibility for flooding: it would be more logical for the Department of the Environment to handle that matter. Also, responses to flooding would be better if managed by one Department. In addition, the region's tourism falls under the remit of the Department of Enterprise, Trade and Investment.

Regardless of the way in which one approaches the matter, there are several ministries involved in the management of different aspects of the Upper Bann and the Lough Neagh basin. That is why the introduction of an overarching body to manage the region makes sense and will keep local — as opposed to ministerial — executive responsibility in one place. Furthermore, it might enable the injection of energy, which is, inevitably, lacking when there are several Northern Ireland Departments managing one particular issue. Too much time is consumed by co-ordination and not enough time is spent on the directional energy needed to improve the region.

There is a pattern of increasing recreation and tourism in the region based around honeypot sites such as Kinnego Marina. In addition, the Upper Bann has important fishing grounds. However, there is no statutory navigation authority for Lough Neagh, the River Blackwater and the Upper Bann. A number of local councils enforce rules and regulations in the vicinity of the marinas and facilities around Lough Neagh.

The bed and soil of Lough Neagh are owned by the Shaftesbury Estate. Therefore, many infrastructural developments on the lough — such as piers, jetties and navigational markers — cannot commence without the owner's agreement. The Rivers Agency and the Department of Agriculture and Rural Development exercise a statutory rule to regulate Lough Neagh's water levels, taking account of weather conditions and the needs of a wide range of users including boating, farming, fisheries and conservation groups. We need rationalisation of the confusion of authority, rights and operational methods.

**Mr Savage:** I declare an interest as a member of Craigavon Borough Council, and I commend my fellow Member from Upper Bann Mrs Kelly for securing the Adjournment debate.

Furthermore, I congratulate the Minister on the birth of her daughter. It is nice to see her back, and we look

forward to seeing her in the Committee for Agriculture and Rural Development.

Upper Bann has some of the most scenic waterways in the Province. Although colleagues from South Antrim may have something to say about it, the tourism potential of Lough Neagh is massive and untapped. Only last Tuesday, the House debated that issue. Upper Bann's waterways could prove valuable to the local economy. We need assurances from the Department of Agriculture and Rural Development that the waterways will be maintained to a high standard so that we can realise their tourist potential.

The Department of Agriculture and Rural Development, however, is not solely responsible for all that is wrong with Upper Bann's waterways; there are major issues with the quality of water pumped into our rivers and into Lough Neagh. The pollution in and around the Ballynacor treatment works is an absolute disgrace: I have raised that matter with the Minister for Regional Development. Mrs Kelly mentioned the lack of joined-up Government in this respect. I will not repeat what she and others have said, but Northern Ireland Water continues to investigate serious issues in connection with the Closet River. Lough Neagh is the largest freshwater lake in the British Isles, but at this rate of pollution the water will not remain fresh for much longer. Drastic action must be taken.

Mr O'Dowd referred to another local issue that is the responsibility of the Department of Agriculture and Rural Development. On Saturday 16 August, Northern Ireland was subjected to a massive deluge — a once-in-a-100-year storm, the weather experts tell us. On that day, the Rivers Bann and Lagan and all the main rivers in the area overflowed, damaging potato crops and cereals. An answer to a question that I received today from the Minister states that the estimated damage to farms in the Upper Bann constituency alone, based on input costs, is £97,000 in respect of potatoes and £66,000 in respect of cereals. No one can do much about the storm; that is something over which we have no control. However, I call upon the Department of Agriculture and Rural Development to clarify urgently whether compensation will be paid to the farmers affected.

I urge that consideration be given to the creation of a single body to administer, maintain and promote the waterways of the Upper Bann constituency, and I call on the Executive to give that matter urgent consideration. The tourist and economic potential of Lough Neagh needs vision and imagination if it is to develop. If we are serious about caring for future generations, we must use all the potential at our disposal.

I stress to the Minister, however, that before anything else is done, we must eliminate the flow of undesirable stuff into Lough Neagh — and I express myself as mildly as possible. I ask the Minister to address those



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issues; knowing her and her Department, they will be taken seriously.

**Mr Deputy Speaker:** I, too, add my congratulations to the Minister and wish her family every blessing for the future.

**The Minister of Agriculture and Rural Development (Ms Gildernew):** Go raibh maith agat. I am grateful to everyone for their kind words and comments. I thank Dolores for giving the Assembly an opportunity to discuss waterway maintenance in the Upper Bann constituency. I have not quite returned to work, so you will not see me in Committee for a while yet, George. I returned to the House for this debate because I believe that it is important; but I will be off work for a wee while and for that, I ask Members to bear with me. I thank other Members for their kind words and their contributions to the debate: John O'Dowd, Sam Gardiner and George Savage.

I recognise the strategic importance of Lough Neagh, and its importance for tourism. Even though the weather was not great, my family spent a few lovely days this year enjoying the amenities at Kinnegoe Embankment. We had a great time.

4.45 pm

I recognise that the wetlands of Lough Neagh are environmentally important, and I recognise that the lough is important to the local area. I am also a very keen advocate of the restoration of the Ulster Canal, which links Lough Neagh to the River Blackwater, the Shannon-Erne waterway and Lough Erne. I have been working on that from a constituency basis, and I recognise that it would open up Lough Neagh's potential. It is also important that the infrastructure be right.

I recognise that the farming community and the public have very real concerns about watercourse maintenance, in view of the serious flooding events of 16 and 17 August. I am conscious that the Upper Bann constituency unfortunately experienced severe flooding at that time. I emphasise that the events in August were exceptional and exceeded the design standards of drainage infrastructure at many locations. However, having seen the effects of the flooding, I very strongly sympathise with those who were affected. It is very traumatic to have one's home, business or farm flooded.

Government provided funds for district councils to make emergency payments to householders who suffered losses, and I am aware that farmers in Upper Bann suffered crop losses, as George Savage pointed out. The assessment of the losses to the farming industry in the North is now complete, and it is evident that potato growers suffered the greatest losses due to the very high crop-input costs and the susceptibility of the crop to flooding. My officials are discussing that issue with the Department of Finance and Personnel, and I will follow that up at ministerial level in the next few days. I hope to be able to clarify the position shortly.

My proposals will be similar to the de minimis payment scheme. Potato growers who suffered because of the flooding incident will receive payments of up to €7,500. Any payments will take losses incurred by individual growers into account. Hopefully, we will have a response on that in the near future.

In the meantime, the Rivers Agency continues to investigate flooding incidence and the scope for remedial action. It has already carried out immediate critical repairs to major flood defences, and I am conscious that questions were raised about maintenance issues. Throughout the North of Ireland, the Rivers Agency currently maintains approximately 6,800 km of designated watercourses and associated flood defences, which largely provide protection to built property.

The agency carries out a cyclical programme of inspection and maintenance of designated watercourses to ensure free flow. In response to severe weather warnings, the agency increases inspection and maintenance of grilles at vulnerable locations where obstructions are likely to impede flow and increase flood risk. That maintenance work has an essential flood-management focus.

I also commend the staff of the Rivers Agency, whom I have seen out working during events like the August floods to which I referred. Even at weekends, they go to work when they are needed and it is all hands on deck. They work very hard to prevent homes and businesses from being flooded, although that is not always possible.

To put it into context, the Rivers Agency does not have a legislative remit to carry out maintenance on watercourses purely for amenity or aesthetic purposes. The agency will only intervene where bank erosion threatens flood defences, roads or built property. That is all that the agency can do legally. Adjacent landowners have a responsibility to maintain undesignated watercourses. The Rivers Agency has an advisory and enforcement role in protecting the drainage function of all watercourses for flood-management purposes.

When Government recently responded to a review of flood-management policy, we took account of representations from the farming community about rural watercourse maintenance. The Rivers Agency continues to maintain designated watercourses in the interests of drainage and flood management. That work must be carried out in an environmentally sensitive manner in order to satisfy the principles of sustainability and EU obligations. There are many EU directives with which we must comply. The work must be done in an environmentally sensitive way — a point that was made by Mrs Dolores Kelly.

There is no evidence to suggest that a lack of maintenance of designated watercourses contributed significantly to the flooding in August.



Monday 3 November 2008

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I assure Members that Rivers Agency will investigate all watercourse-related flooding incidents, as well as the scope that exists for remedial action to be taken, including maintenance of those watercourses that have been mentioned in the debate, such as the Halfpenny River.

Proactive flood-risk management is proposed in the Government response to the flood-management policy review, and we will take full account of the needs of watercourse maintenance and the concerns expressed during the debate. I accept Mr Gardiner's frustration that some of the flood-management responsibilities are split among different Departments, and we must assess how those issues are managed. My Department will work closely with Department of the Environment and Department for Regional Development officials to try to bring a joined-up-government approach to bear.

Mrs Kelly asked about an incident line, and I can confirm that a number to be called in the event of flooding will be introduced before the end of the year. That number will be: 0300 2000 100. Press releases will be issued and other publicity undertaken when that number comes into operation. The advantage of that number is that the people who will take the calls will know to which agencies to direct the information, and that will ensure that problems are dealt with as quickly as possible.

My Department will tomorrow launch the strategic flood maps, which will be free and available online. The maps are very professional — I saw them in advance, and I am pleased with the Rivers Agency's work on them. The flood maps will be freely available in the next few days, and I am keen that statutory agencies and other people use them to try to avoid repeating past mistakes.

If I have not responded to any local maintenance issues that were raised, I am happy for the Rivers Agency to respond individually about those. I thank those Members who participated in the debate for creating an opportunity to discuss flood issues in Upper Bann. My Department wants to continue working with representatives of that constituency — as we do with all constituencies — to try to alleviate the misery of flooding and some of the associated problems. We accept that we cannot sort out every problem, but we will do everything within the legislative framework to try to avoid flood incidents. Go raibh maith agat.

*Adjourned at 4.52 pm.*





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