
NORTHERN IRELAND ASSEMBLY

Tuesday 2 June 2009

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

Members observed two minutes' silence.

EXECUTIVE COMMITTEE BUSINESS

Social Security (Incapacity Benefit) (Amendment) Regulations (Northern Ireland) 2009

The Minister for Social Development (Ms Ritchie):

I beg to move

That the Social Security (Incapacity Benefit) (Amendment) Regulations (Northern Ireland) 2009 be approved.

The regulations provide for financial assistance scheme payments to be taken into account for incapacity benefit purposes in the same way that pension protection fund payments and other pension payments are taken into account. The financial assistance scheme, which was set up under the Pensions Act 2004, operates Great Britain/Northern Ireland-wide and is the Secretary of State for Work and Pensions' responsibility. The scheme provides payments to people who have lost some of, or all, their occupational pension because their defined-benefit pension scheme was underfunded and began to wind up before the pension protection fund was introduced in April 2005.

After the pension protection fund and the financial assistance scheme were established, a consequential provisions Order was introduced to provide for the interaction of pension protection fund payments and financial assistance scheme payments with the benefits system. In general, it provided for them to be taken into account for benefit purposes in the same way as other pension payments are. In particular, the Order provided for payments made under the pension protection fund to be taken into account for the purposes of incapacity benefit. However, the Order cannot make similar provision for payments made under the financial assistance scheme, because they are payable only to people who are aged 65 years and over, by which time entitlement to incapacity benefit has ceased.

Since then, the scope of the financial assistance scheme has been greatly expanded. The scheme now makes payments at 90% of a qualifying member's expected pension, subject to a cap, and pays people from their normal retirement age, subject to a lower age limit of 60.

Furthermore, the scheme has been extended to allow early payment on grounds of ill health. That means that payments under the financial assistance scheme will now be made to people below state pension age who may be entitled to incapacity benefit. Therefore, it is necessary to bring the treatment of payments under the financial assistance scheme into line with payments under the pension protection fund and payments under a pension scheme.

The regulations amend the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 so that, as is the case for employment and support allowance, financial assistance scheme payments are treated as pension payments for the purposes of incapacity benefit. That means that, in line with other pension payments — for example, an occupational pension or a pension protection fund payment — half of any financial assistance scheme payment in excess of £85 a week is taken into account when calculating entitlement to incapacity benefit. However, that will not affect qualifying members who first became entitled to a payment under the financial assistance scheme before the regulations came into operation. The regulations ensure that claimants are treated equally, irrespective of whether they receive a payment from the financial assistance scheme, the pension protection fund or their pension scheme.

The Deputy Chairperson of the Committee for Social Development (Mr Hilditch): The Committee for Social Development considered the Social Security (Incapacity Benefit) (Amendment) Regulations (Northern Ireland) 2009 at its meetings on 5 March and 2 April.

We understand that the rule is designed to ensure that payments under the financial assistance scheme to people who have lost their occupational pension will be taken into account for incapacity benefit purposes. Committee members asked for clarification on the threshold of financial assistance scheme payments above which incapacity benefit will be reduced, and we noted the departmental response that the financial assistance scheme threshold is £85 a week.

In conclusion, the Committee recommends that the Assembly affirm the Social Security (Incapacity Benefit) (Amendment) Regulations (Northern Ireland) 2009.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. As Mr Hilditch said, the Committee has examined the regulations, which will rationalise, tidy up and clarify the perspective of a scheme that had a disjointed impact on claimants. They will bring the regulations into line

with occupational pensions or the financial assistance scheme. Go raibh maith agat.

Ms Lo: I support the motion to amend the regulations.

The Minister for Social Development: That was a very short debate. I thank Mr Hilditch, Mr Brady, Ms Lo and other Committee members for their positive attitude to the regulations.

Question put and agreed to.

Resolved:

That the Social Security (Incapacity Benefit) (Amendment) Regulations (Northern Ireland) 2009 be approved.

COMMITTEE BUSINESS

Motions to Amend Standing Orders on Assembly Questions

Mr Speaker: The next three motions are to amend Standing Orders. I propose to conduct the debate as follows: there shall be one debate on all three motions. When all Members who wish to speak have done so, I will put the Question on the first motion. Thereafter, I will ask the Chairperson to move formally each remaining motion in turn, and I will put the Question on each motion without further debate. If that is clear, we shall proceed. The first motion that will be moved is motion (c) in the Order Paper.

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

(c) Leave out Standing Orders 19 and 20 and insert –

“19. QUESTIONS

(1) A member may ask questions of —

(a) a Minister, on matters relating to the Minister’s official responsibilities;

(b) a member representing the Assembly Commission, on matters relating to the Commission’s official responsibilities.

(2) A question should not contain —

(a) statements of facts or names of persons, unless they are necessary to make the question intelligible and can be authenticated;

(b) arguments, inferences or imputations;

(c) adjectives, unless they are necessary to make the question intelligible;

(d) ironical expressions;

(e) hypothetical matter; or

(f) requests for expressions of opinion, legal or otherwise.

(3) A question may be —

(a) for oral answer (see Standing Order 20);

(b) for urgent oral answer (see Standing Order 20A); or

(c) for written answer (see Standing Order 20B).

(4) A question must —

(a) be in writing;

(b) indicate the type of answer sought, within the meaning of paragraph (3);

(c) be submitted to the Business Office by the member, or by the person authorised in writing by the member;

(d) be submitted by hand, by post, by email or by fax.

(5) A question must be answered as clearly and as fully as possible.

20. QUESTIONS FOR ORAL ANSWER

(1) Questions for oral answer for Ministers shall be taken between —

(a) 2.30 pm and 3.30 pm on those Mondays; and

(b) 3.00 pm and 3.30 pm on those Tuesdays;

on which the Assembly is sitting. Where questions for members representing the Assembly Commission are to be taken, they shall be taken after questions for Ministers.

(2) If for any reason the Assembly does not sit on a day when questions for oral answer would normally be taken, the Speaker may allocate additional time for questions on the nearest day when the Assembly does sit.

(3) The Speaker shall from time to time consult the Business Committee on the need to provide additional time for questions.

(4) A rota, agreed by the Business Committee, shall determine who should answer questions on a particular day.

(5) A member who wishes to ask a question of a Minister at a particular sitting shall submit his or her name in advance to the Speaker who shall select 15 members by ballot.

(6) Each member selected shall submit his or her question to the Business Office, and the Business Office shall publish the questions on the penultimate Friday before the day they are due to be taken.

(7) The Speaker shall determine, by means of a random selection, the order in which questions are taken. However, the first question may not be from a member of the same party as the Minister to whom it is addressed, unless all the questions are from members of that party.

(8) Answers may not be debated, but the member asking the question may ask a supplementary question. Further supplementary questions may be asked at the discretion of the Speaker.

(9) Where —

(a) the member who submitted the question is not present to ask it; or

(b) the question is not reached in the time allocated for questions;

the Minister or member representing the Assembly Commission to whom the question is addressed shall give a written answer. This question and answer shall be published in the Official Report (Hansard).

(10) No question shall be taken outside the time allocated for questions except a question which has not been answered in consequence of the absence, in exceptional circumstances, of the Minister or member representing the Assembly Commission to whom it is addressed.

(11) Where a question or supplementary question is asked of the First Minister and deputy First Minister which relates to a matter in respect of which the junior Ministers in the Office of the First Minister and deputy First Minister have been assigned a specific responsibility by the First Minister and deputy First Minister, the First Minister or deputy First Minister, as appropriate, may call upon a junior Minister in OFMDFM to answer the question. The First Minister or deputy First Minister shall be present in the Chamber during the time for questions for oral answer.

20A. QUESTIONS FOR URGENT ORAL ANSWER

(1) A question for urgent oral answer may be taken if, in the opinion of the Speaker, it is of an urgent nature and relates to a matter of public importance.

(2) A member may ask a question on the day it is submitted if —

(a) it is submitted before 10.30 am; and

(b) the Minister or member representing the Assembly Commission to whom it is addressed is given a minimum of four hours' notice.

(3) Subject to paragraph (2)(b), the time for taking questions shall be at the discretion of the Speaker.

(4) Paragraphs (8) and (11) of Standing Order 20 shall apply to questions for urgent oral answer as they apply to questions for oral answer.

20B. QUESTIONS FOR WRITTEN ANSWER

(1) A member may submit up to five questions for written answer each working day, one of which may be for priority answer.

(2) Priority questions shall indicate whether an answer is sought within two, three, four or five working days.

(3) The Business Office shall publish all written questions.

(4) The Minister or member representing the Assembly Commission to whom a question is addressed shall answer it —

(a) by the end of ten clear working days after it is published; or

(b) in the case of a question for priority answer, by the end of two, three, four or five clear working days (as the case may be) after it is published.

(5) A question for priority answer should not request a large amount of historical or statistical information.

(6) The Minister or member representing the Assembly Commission to whom a written question is addressed shall cause the question and answer to be printed in the Official Report (Hansard)."

The following motions stood in the Order Paper:

(a) In Standing Order 10(2), leave out sub-paragraph (a) and insert —

“(a) there shall be a period for questions as set out in Standing Orders 20 and 20A;”

(b) In Standing Order 10(2), leave out sub-paragraph (c).

On behalf of the Committee, I propose that the Assembly approve the draft Standing Orders on Assembly questions.

The Committee on Procedures started an inquiry in September 2008, with its aim to investigate how to make Assembly questions more interesting, more lively and more topical. If the inquiry makes any progress at all on that, it should be welcomed, because, to be frank, the situation is not very good at present.

On Monday 30 March 2009, the Assembly debated and approved the Committee's report of its inquiry into Assembly questions. Given that the House approved the report, I do not intend to go over that debate again. My focus instead will be on the draft Standing Orders presented today.

Since the Assembly approved the report, the Committee has been working on drafting the Standing Orders to give effect to its recommendations. As well as amending Standing Orders, Members will wish to note that most of the report's recommendations will involve changes to working practices. Members and parties should prepare for those changes, and consult with the Business Office if they have any queries.

Members will also wish to note that two recommendations from the report are not contained in the

draft Standing Orders, because it was not appropriate that they should be. The recommendation that Departments develop a system of calculating the cost of answering questions is not covered. Neither is the recommendation that the Committee on Procedures occasionally review departmental performance.

Mr Neeson: On a point of order, Mr Speaker. Is it in order that no Order Papers are available in the Rotunda?

Mr Speaker: I thank the Member for raising that point of order. I can only apologise to the Member, and I will attempt to resolve the issue as soon as possible.

The Chairperson of the Committee on Procedures: Members will be pleased that I do not intend to go over the draft Standing Orders in detail. The Assembly debated and approved that detail on 30 March, and I have nothing new to add. Instead, I will cover the new structure and the features of the draft Standing Orders.

What Members will notice first about the motions is that the Committee recommends a change to the structure of Assembly questions. Current Standing Order 19, which governs questions, is very unclear and difficult to read. It is structured to cover all types of question, written and oral, but makes no distinction between the two. The provision for both is mixed and mingled throughout. In fact, Standing Order 19, as it stands, is confused, disorganised, unclear in meaning and difficult to understand, not only for staff but for members of the public and MLAs. It not only lacks clarity and transparency but contains provisions that are incorrect.

In order to provide clarity and transparency, the Committee recommends a totally revised structure. The first element of that is a gateway provision in draft Standing Order 19 that provides for two types of question, oral and written. Draft Standing Order 19 then sets out the common factors in the two types of question, such as admissibility criteria, of whom questions can be asked, and how questions are printed in the Official Report.

The new structure then provides a new Standing Order to deal with questions for oral answer only, which is draft Standing Order 20. Draft Standing Order 20A is the next part of the new structure, and provides questions for urgent oral answer. That will replace the current Standing Order on private notice questions — PNQs — and has been renamed “Questions for urgent oral answer”. The title summarises, in plain English, what the Standing Order is about. The provisions of the current Standing Order have not been changed. However, the Committee hopes that the new wording is clearer and makes the procedure on questions for urgent oral answer more easily understandable.

The next part of the new structure is Standing Order 20B, which deals with questions for written answer. Members will note that the new Standing Orders cover

only essential provisions. It was never the Committee’s intention that the detail of how everything will work be included in Standing Orders. That detail will, of course, be available in the Business Office and in the guidance notes that Members can find on the Assembly intranet.

10.45 am

Motion (a) and motion (b) are consequential. Motion (a) is self-explanatory. It removes the time bands for oral questions from Standing Order 10, because they will now be in Standing Order 20. Motion (b) removes the restriction on urgent questions being taken immediately before the Adjournment debate. Sometimes it suits the Minister and Members to have an urgent question taken sooner than that. Therefore, we have removed that restriction.

I reiterate one important point that I made on behalf of the Committee during the debate on its report. Nothing is written in stone, nor is anything ever final in this place. If, in time, Members find that they do not like the new provisions, they should make that known to the Committee on Procedures through their party representatives. The Committee will, if necessary, reopen and explore each and every issue.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I reiterate what Lord Morrow said. The key words are plain English and common sense. The motions clarify something that is complex and sometimes difficult even for MLAs to understand. The Committee was in agreement on that. We wanted to make Question Time a focal point for the Assembly, which, unfortunately, did not seem to be the case. Go raibh maith agat.

Mr K Robinson: I welcome the proposals that Lord Morrow made on behalf of the Committee on Procedures. A great deal of hard work has gone into the matter. I draw Members’ attention to the Committee’s recommendations, particularly in the light of yesterday’s Question Time, when the Minister of Finance and Personnel reached question 20. That was a first for the House. Question 14 was in my name, so I did not expect to be called, and I had to fly by the seat of my pants in asking a supplementary question to keep the business going. However, that was the exception rather than the rule.

As Mickey Brady said, we have attempted to move procedures forward in a way that is helpful not only to Members, but to those who watch us on television. They should be able to see what we are trying to achieve. We are trying to bring the Chamber to life, and we are trying to give the public the opportunity to see that a tremendous amount of work goes on in Committees before we come here for Question Time.

I welcome the 10 recommendations. The First Minister and deputy First Minister should appear here more often, because they are representatives of the

Assembly, and we want to see them here in that role. The public deserve to see them in that role.

The recommendation on the use of questions for written answer is important, particularly with regard to priority questions. There is a feeling among Committee members, and, indeed, in the Chamber, that priority questions are, to a degree, sometimes abused. Their subject matter is not always a priority, and they tend to clutter things up. It is hoped that the recommendation to have one priority question while still allowing members to submit up to five questions for written answer a day reflects that situation.

The staggering of questions for oral answer to Ministers — two Ministers on Monday and one on Tuesday — is also helpful. I would hate to think that we were responding to the media's request for an extra slot on Tuesdays, and I would like to think that they will take the opportunity to realise what the Committee on Procedures has been trying to do. I hope that the media will give the Tuesday slot greater priority so that the public can receive more positive messages and can see what is going on in the Chamber.

We want to bring the Chamber to life. In the past, Ministers have spent considerable time reading prepared answers. Mr Speaker, you will recall that you reprimanded me when I wore the wrong spectacles and could not see what was going on. I was tempted to lift the paper to read it, but you spotted me. I hope that in future you will spot the Ministers so that they will not be tempted to read large sections from scripture, or from whatever it is that some of them read on occasions.

Mr Neeson: With joined-up writing.

Mr K Robinson: Yes, with joined-up writing.

I hope that the Committee's recommendations will help to streamline the proceedings of the House. On behalf of my party, I support the recommendations.

Mr O'Loan: There is certainly a significant problem with Question Time. Fundamentally, Question Time is about holding Ministers and the Assembly Commission to account. There is a wide perception that it is not effectively doing so, and that ties in with the lack of spontaneity and interest in our Question Time, as evidenced by the frequent low attendance of Members and the perceptions of the public about it. If it were effectively holding Ministers and the Assembly Commission to account, the interest would be there.

We see changes to Standing Orders as a useful move in the right direction. Therefore, we support the motions. However, we do not feel that that is the full answer to making Question Time really effective. We have some concerns, but we will see how it works in practice.

The process whereby Members' names are selected in advance, and only then can they submit questions, which are then subject to a further ballot, may work,

but that random process could produce freakish results, which might be deleterious to the interests of certain parties at certain times. We are vigilant about that, and will see how that works in practice. For the moment, we are interested in its going ahead to see how it operates in practice. We do not think, even if it works as best it can, that it will provide the full answer.

At Westminster and other places, there is a considerably wider variety of mechanisms for questions, and there is real opportunity for Members to hold Ministers to account. During Prime Minister's Questions, there is a nominal diary question followed by the opportunity for Members to put any question on any issue.

The concept of topical questions has recently been introduced. One of the problems is that our questions are submitted so far in advance. Although the motion to amend Standing Orders makes the timing of a question somewhat closer to the day on which it is taken, it is still separated by a considerable number of days. In other places, Members have the opportunity to ask a series of questions if they are not satisfied with the answer that they get. In future, such practices may well need to be brought in.

Mr McCarthy: I recall to Members yesterday's performance in the Chamber during Question Time when the Minister of Finance and Personnel was answering a question that I asked. As has been pointed out, a long response was given. I wanted to come back immediately, very briefly, on one point. I raised my voice, but unfortunately — and it was not the present Speaker — the man in the Chair cut me down and said "Order", so I could not respond to the Minister. That was grossly unfair. The Speaker and Deputy Speakers, in my opinion, do and should have some latitude to allow a Member to briefly respond to what a Minister said. Does the Member agree?

Mr O'Loan: There is no opportunity for a line of questioning to develop at any stage, which does not appear to be satisfactory.

We have concerns about the role of the junior Ministers, to whom the First Minister and deputy First Minister may surrender certain questions. The key point of Question Time is to hold the First Minister and deputy First Minister to account on their responsibilities.

There is an issue about the use of the words "specific responsibility" of the junior Ministers in the motion to amend the Standing Orders. We had that clearly analysed, and there is nothing in legislation or regulation that absolutely defines the specific responsibility of the junior Ministers. Theoretically, the First Minister and deputy First Minister could decide that morning that, for that day, a certain question would be the specific responsibility of a junior Minister. We would regard a situation such as that to be an abuse. We will be watching that very closely to ensure that there is no

attempt at an evasion of responsibilities by the First Minister and deputy First Minister.

Finally, I want to comment, as other Members have, on the style of answers from Ministers, because it is every bit as big an issue as the nature of the questioning. Many Members are deeply unhappy with the style of answers provided by Ministers. Often, Ministers do not answer the question; they talk a lot, but very often they use that talk to evade, rather than answer, the question.

There seems to be no exercise of rule and regulation on that, whereas there is strict regulation around what Members do. Ministers repeatedly read out long scripts, even for supplementary questions, whereas Members must ask their supplementary questions without a script. If Ministers are competent to do their jobs, they should be capable of answering supplementary questions by drawing on their knowledge of their Departments. If that issue is not to be dealt with by the Speaker from the Chair, it ought to be dealt with behind the scenes. Ministers should be educated and lectured on their responsibilities to Members, which include giving concise responses that actually answer the questions that they are asked.

Mr Neeson: I am delighted to say that I now have two copies of the Order Paper.

I thank the Committee Clerk, the Committee staff, the Chairman and the Deputy Chairman for the way that they dealt with this very important issue. The draft Standing Orders are an attempt to make Question Time more interesting. If we are being honest, Question Time can sometimes be quite boring, and, bearing in mind that Question Time is one of the main things that the media focus on, it is important for us to make it more interesting and more topical.

The Committee report recommends a reduction in the number of questions to a Minister. Ministers regularly answer only five or six questions, so it makes sense to reduce to 15 the number of Members who can ask a Minister a question. Also, the new system of putting Members' names forward, rather than their questions, will help to make questions more topical by reducing their timescale.

The Committee received a lot of written evidence from various sources and heard oral evidence. We listened to what the press said. Holding Question Time on a Monday and a Tuesday will help to make the Assembly more relevant to the community at large. As Members know, the Commission is trying to improve the Assembly's outreach to the public and give them greater ownership of the Assembly, and these changes will help to do that.

A big regret that I have about the report is that it does not address the length of time that Ministers have to answer questions and the length of time that Assembly Members have to ask questions. That issue was discussed

in the Committee. For example, at Question Time yesterday, the deputy First Minister spent 12 minutes answering the first question, which, to me, was out of order. Members of the Commission visited the Canadian Parliament last year, where Members have 30 seconds to ask a question and Ministers have 30 seconds to answer. That is too little time, but the Committee should look at that again. The Speaker and the Deputy Speakers also have a responsibility to limit the amount of time that Members take to ask questions and the amount of time that Ministers take to answer them.

11.00 am

The Committee also addressed the issue of urgent and priority questions for written answer. That system has been abused totally. Members ask questions that I believe are of little importance, and the number of questions, even questions for written answer, that some submit puts enormous pressure on Departments. I ask Members to consider the amount of time that their questions take up, whether they are really relevant, and whether they are important to them.

There will always be people — Jim Allister, for example — who will include in their election manifestos the number of times that they appeared in the European Parliament and the number of questions that they asked. I only hope that Members are not asking questions simply to include that information in their election manifestoes.

As the Chairperson of the Committee said, the proposals are for consideration, and they are not written in tablets of stone. It is important that the Committee on Procedures considers how the new system will operate. Hopefully, it will be successful. In common with other Members, I support all the motions.

Mr Attwood: The Member who spoke previously said that the proposals will make Question Time more relevant, more interesting, and more topical. That Member, and others, will be sorely disappointed if they think that moving furniture will address the structural issues of Question Time. It might become marginally more topical, interesting and relevant, but it will not be relevant, topical and interesting in the way that it should be.

The one legacy of what has happened at Westminster over the past two or three weeks will be that there will be higher and deeper levels of accountability for politicians and political affairs. There will be new standards and higher accountability requirements from Ministers, individual Members, and political communities in general. The consequence of that legacy for any parliamentary body in these islands is that we will have to respond by demonstrating higher levels of accountability and by probing more deeply what our Ministers, our Executive, and what we ourselves do or do not do.

That should be the touchstone and the standard against which we judge this report and how we go forward. If we think that the proposals will rewrite and reconfigure our Question Time in a way that lives up to the new standards that will be required of us, we will be sorely disappointed.

For all those reasons, I concur with Declan O'Loan. Indeed, I will go somewhat further. In my view, Question Time needs radical structural surgery and radical changes in how it is managed from the Speaker's Chair. If we do not go down the parallel paths of radical structural surgery and radical re-management of Question Time, we will come up short.

I endorse Mr O'Loan's comments about the structural changes to Question Time that I think need to be considered. There should be two Question Times each week: one on Mondays and one on Tuesdays.

Only two Ministers should answer questions on Mondays and Tuesdays, and questions to each Minister should last for 45 minutes. The Assembly's experience over the past two years shows the folly of the notion that one Minister can be properly probed in 30 minutes and that three Ministers can be properly probed in 90 minutes. However, making changes would only open the opportunity for accountability.

Assembly Question Time will not be made relevant, interesting and topical unless, as Declan O'Loan outlined, topical questions can be submitted at very late notice. It will not be made relevant, interesting and topical unless, as with the Westminster model, all questions are diary questions about which Ministers, especially the First Minister and deputy First Minister, have not been given notice. Question Time will not have the necessary spontaneity and contemporaneity unless it takes place more often, on different days and each session is longer and comprises topical and diary questions.

I urge Members to watch BBC Parliament — we are all anoraks in one way or another — to see how Question Time is conducted in the Scottish Parliament. Question Time here and Question Time in the Scottish Parliament are like chalk and cheese. Question Time in the Scottish Parliament has energy, relevance, exchange and emotion. Depending on the character and quality of Ministers and Members of the Scottish Parliament, it can even be captivating.

We need structural changes that provide opportunities to test the mettle of Ministers and Members. Ministers need to know what it is like to be subject to hard accountability, and Members need to know what it is like to exercise hard accountability. Let us be honest: our Question Time is all about soft accountability. Rather than there being proper exchanges, Question Time is stacked in favour of Ministers who can control how, and for how long, points are made. Structural

changes will not alter the culture and nature of our Question Time unless there is a revision of how Question Time is managed from the Speaker's Chair.

The Speaker, whoever that may be at any time, must allow supplementary probing of a Minister. If a Minister is reading from a prepared script and is clearly not answering a question that has been asked on an issue of heightened public interest or topical merit, the Speaker should allow a further supplementary question to be asked to put that Minister under the spotlight.

If the Minister measures up, and the Member does not measure up, that is fine and good. However, that process would at least put us all in a better position and make Ministers and Members more accountable to the public in their performance at Question Time. To change the culture and to create a sense of accountability, questions to each Minister should last for 45 minutes.

I want to endorse some of the comments that were made today and reiterate some of the points that I have made on the Floor in the past. On one occasion, a Minister gave an answer that went on for three minutes and 20 seconds. Yesterday, without prejudice to the importance of the issue, one discussion during Question Time lasted for 12 minutes. At no stage whatsoever were Ministers told to bring their remarks to a close, to answer the question or to stop repeating the answer.

Some weeks ago, a Minister stood up and answered a question and then proceeded to give the same answer, verbatim, in response to a supplementary question. Not once was that Minister called to account for repeating herself, for duplication or for not adding anything to the question.

There must be more control from the Speaker's Chair and more pushing of Members and Ministers. I do not mind being called to account by the Speaker when I stray beyond the limits of a certain question, which I do with regularity, but if Ministers give the same answers time after time, why are they not told to move on or to add to what they have just said? That is what they do, and that is the culture and character of our Question Time.

If politicians are to measure up to the new standards of public expectation, which will be a theme for years to come, we must radically reshape our Question Time in a way that sets new standards for other Assemblies and Parliaments on these islands. The Speaker and the Deputy Speakers must protect the authority and integrity of the House by not allowing Ministers to talk endlessly, add nothing to debates and repeat themselves without ever being told to move on.

The Chairperson of the Committee on Procedures: I am not sure what to make of some of today's speeches, but I will go through what some folk have said. Some speeches have been interesting and some

have been, at times, downright hypocritical, but I suppose that is the nature of the set-up here.

Ken Robinson raised a query in relation to questions for priority written answer, and I think that he is absolutely right. There is no doubt that questions for priority written answer are abused to such an extent that they have become meaningless, and that practice must stop. However, I do not see the Committee on Procedures having a role in stopping that abuse; that is a role for others.

Ken Robinson also referred to the Tuesday slot. He emphasised that we are not responding to the media, and that is correct. We have included the Tuesday slot because we believe that it is the right thing to do and that there is a lot of common sense in it. Therefore, after many long deliberations, the Committee decided that it should be given a try. We are doing it simply because we feel that it is the right thing to do.

Declan O'Loan's speech was a different kettle of fish, because he sees a lot of bogeymen in here. He sees everyone who is not in the SDLP as suspicious, devious and downright dangerous. He thinks that the Office of the First Minister and deputy First Minister (OFMDFM) is out to get him. It may be out to get him, and it may have some justification for doing so, but he would be far better off not wasting everyone's time, including his own, with silly, trivial, political nonsense.

Mr O'Loan: Will the Member give way?

The Chairperson of the Committee on Procedures: Yes, I will give way when I am finished.

Mr O'Loan: On a point of order, Mr Speaker. Lord Morrow is speaking as Chairperson of the Committee on Procedures. He is presenting opinion that I do not recall being agreed by the Committee, and it seems to be personal in its nature. Will the Speaker advise whether it is appropriate for the Chairperson to do that?

Mr Speaker: I thank the Member for his point of order, but there must be some honesty in the House. Every Member who is a member of the Committee on Procedures has gone slightly outside the remit of the Committee this morning. It is only right and proper that Lord Morrow, as Chairperson of the Committee, be allowed to respond to the debate, to make a winding-up speech and to conclude on it.

The Chairperson of the Committee on Procedures: I will take that as a licence to get on with it.

Mr O'Loan is bitterly disappointed that the junior Ministers have not been given a greater role. Had the junior Ministers been given a greater role, it would have given him an opportunity to dance round these desks and say that this is horrendous.

However, the Committee again insisted that OFMDFM could nominate a junior Minister to answer

questions related to their area of responsibility, provided that the First Minister and deputy First Minister attend. Mr O'Loan was hoping for a different outcome that would allow him to shoot a whole lot of foxes. His foxes were shot long ago. Therefore, he should just sit down.

11.15 am

Mr McCarthy said he was bitterly disappointed at the way he was treated by the Speaker. That has nothing to do with procedures. I have noticed that there has been a lot of criticism today of the Speaker and his role. Any Member with such criticisms should bring them directly to the Speaker rather than standing here and trotting out all this nonsense, which, frankly, amounts to nothing more than political point-scoring and is of no substance.

Mr Neeson tried to bring some sanity to the debate. He raised an interesting point about the length of time taken in asking and answering questions. I agree with him on that. There is something dreadfully wrong when a Minister has 30 or 40 foolscap pages of notes with which to subject the House to an answer. Perhaps, Ministers should sometimes be told that Members have heard enough and still not got an answer, so we assume that the question is not going to be answered and the Minister should just sit down. However, that is also a matter for the Speaker rather than the Procedures Committee. All criticism directed at the Speaker and his staff should be taken directly to him.

Mr McCarthy: Will the Member give way?

The Chairperson of the Committee on Procedures: Of course, why would I not?

Mr McCarthy: I thank the Member for giving way. This issue has been brought up regularly at the Business Committee, of which he and I are members. The Speaker has clearly, openly and repeatedly told us that he does not have any control over how Ministers perform in the Chamber. Where do we go from here? Who controls how Ministers respond and the length of time that they take? There is an obvious problem of who is in charge of Ministers when they answer questions.

The Chairperson of the Committee on Procedures: Maybe the Speaker feels that he has no control over what happens at Question Time and whether Ministers take one minute or 101 minutes to answer a question. There is at least the consolation that they cannot go over 30 minutes at present.

Mr Neeson is right: Question Time has become horrendously boring, hence the poor turnout of Members. The motion is an honest attempt to put that right. I know that the prophets in the SDLP tell us that it will fail. That is fair enough; we have heard it all before from them — it will not go anywhere, it will fail again, they know.

However, I recall a Question Time in the House that did not involve the present incumbents of OFMDFM; there were two other ministers from two other parties. I can tell Members that they were equally boring. The House may not want to accept that it was a tragedy to listen to them as well. If Members believe that nothing is any better, I can console them with the fact that nothing is any worse than what we have had.

That fount of all knowledge Mr Attwood, who brings as much clarity to a subject as an elephant would bring to a china shop, said that he was sceptical. Well, there is nothing new there. That is why he is in the Assembly. He then said that the new Standing Orders would make no significant difference. Frankly, I do not know how the SDLP operates. Maybe that party has got the wrong person on the Procedures Committee, but that is its decision, not ours. It is a pity that these people in the SDLP who have all this knowledge of how things should be done did not implement it when they were in a position to do so. That is why they are not in the position today that they once were— they were caught on.

You come here and lecture us on how altogether differently things must be done, but that should be heard in the Committee. I look forward to your joining the Committee, bringing all these suggestions and leading from the front. It is easy to come to the Chamber and rip everything apart, which you have endeavoured to do today, and tell us that nothing will change.

You also talked about the culture of Question Time here. What you said may be true, but I am doubtful. You are not often right, and I think that you are wrong again. You said that you were bored stiff by our Question Time, but its culture is what it is.

In addition, I noticed that you were quite critical of OFMDFM. If the First Minister and deputy First Minister were to come here with gold bars, you would probably think that something must be wrong because they came from OFMDFM. You are convinced that whatever comes out of that office cannot be right.

Question Time is too long. It is not right that a Minister can read foolscap after foolscap in response to a question without anybody saying anything about it. I am not talking about OFMDFM — you have a Minister also. I suspect that, as far as you are concerned, she is the only perfect one and gets everything right all the time. However, we cannot all be perfect. Therefore —

Mr Attwood: Will the Member give way?

The Chairperson of the Committee on Procedures: Yes.

Mr Speaker: Order. Before Mr Attwood speaks, I remind all Members that they must address their remarks through the Chair.

Mr Attwood: I was very careful not to mention any Minister by name or by office in my entire speech. On

one occasion, I went as far as referring to “she” or “her”, but that could apply to a number of Ministers. I was very careful because my comments, to a greater or lesser extent, apply across the ministerial teams. I hope that the Member will accept that.

There is a contradiction in what Lord Morrow said because, according to him, Question Time was “horrendously boring”. That went a lot further than anything that I said about Question Time. I made criticisms and comments, but I did not describe it as horrendously boring. Those are Lord Morrow’s words.

He went on to say that Question Time is no better or worse than it was before. That does not answer the question of how it could be better in the future. In his replies, the Member should examine some of the proposals that Declan O’Loan and I broadly outlined and evaluate whether they will work. I suggest that Lord Morrow should look at those and assess whether we can build on what was proposed today to make Question Time bigger, better and more interesting and relevant to the public.

Mr Speaker: That was a very long intervention. I have reminded Members in the past that interventions should be short, sharp and to the point. They should be courteous to this House and to the Member who gave way. I have continually said that in this House.

The Chairperson of the Committee on Procedures: Not only was the Member’s intervention very long, it was also very boring.

Concerns have also been raised about the submitted questions. I read some questions that are submitted, and there is no doubt that the answers could easily be attained by lifting the telephone and ringing, for instance, a section engineer in Roads Service. Sean Neeson touched on the issue of Members submitting questions and then stating, on their next piece of election material, that they had asked 2,000 or 22,000 questions in the Assembly. That may be the aim and objective of some MLAs, but the aim and objective of any MLA should not be to submit a number of questions. Rather, it should be to get an answer about an important issue that affects their constituents. Sometimes, the quicker way to get an answer is simply to lift the telephone rather than submit a question.

Despite the scepticism that we have heard today, the Committee’s proposals are an honest attempt to improve the way forward. I hope that all Members will give them a fair wind, and I think that most of them will. There are those who have set their faces against anything that is progressive in here. Instead, they want to be as negative and destructive as possible. However, that is their way of doing things, and we will have to live with that.

Furthermore, I want to place on record my appreciation of the work of the Committee Clerk,

Committee staff and, indeed, Committee members, who give up a great deal of their time to deal with each matter in turn to bring the proposals to the House. I commend the motion to the House.

Mr Speaker: Having listened to the debate, I must inform Members that I regularly receive letters, including some from Members, concerning many of the issues that were raised about the House's business and Question Time. Unfortunately, when I ask to meet Members to discuss those issues, such meetings do not happen. I am happy to meet any Member who raised an issue in the debate. I operate an open-door policy. In fact, Members do not even require an appointment to meet me, so I reiterate my offer to Members from all sides of the House to come to talk to me.

I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

(c) Leave out Standing Orders 19 and 20 and insert –
“19. QUESTIONS

(1) A member may ask questions of—

(a) a Minister, on matters relating to the Minister's official responsibilities;

(b) a member representing the Assembly Commission, on matters relating to the Commission's official responsibilities.

(2) A question should not contain—

(a) statements of facts or names of persons, unless they are necessary to make the question intelligible and can be authenticated;

(b) arguments, inferences or imputations;

(c) adjectives, unless they are necessary to make the question intelligible;

(d) ironical expressions;

(e) hypothetical matter; or

(f) requests for expressions of opinion, legal or otherwise.

(3) A question may be—

(a) for oral answer (see Standing Order 20);

(b) for urgent oral answer (see Standing Order 20A); or

(c) for written answer (see Standing Order 20B).

(4) A question must—

(a) be in writing;

(b) indicate the type of answer sought, within the meaning of paragraph (3);

(c) be submitted to the Business Office by the member, or by the person authorised in writing by the member;

(d) be submitted by hand, by post, by email or by fax.

(5) A question must be answered as clearly and as fully as possible.

20. QUESTIONS FOR ORAL ANSWER

(1) Questions for oral answer for Ministers shall be taken between—

(a) 2.30 pm and 3.30 pm on those Mondays; and

(b) 3.00 pm and 3.30 pm on those Tuesdays;

on which the Assembly is sitting. Where questions for members representing the Assembly Commission are to be taken, they shall be taken after questions for Ministers.

(2) If for any reason the Assembly does not sit on a day when questions for oral answer would normally be taken, the Speaker may allocate additional time for questions on the nearest day when the Assembly does sit.

(3) The Speaker shall from time to time consult the Business Committee on the need to provide additional time for questions.

(4) A rota, agreed by the Business Committee, shall determine who should answer questions on a particular day.

(5) A member who wishes to ask a question of a Minister at a particular sitting shall submit his or her name in advance to the Speaker who shall select 15 members by ballot.

(6) Each member selected shall submit his or her question to the Business Office, and the Business Office shall publish the questions on the penultimate Friday before the day they are due to be taken.

(7) The Speaker shall determine, by means of a random selection, the order in which questions are taken. However, the first question may not be from a member of the same party as the Minister to whom it is addressed, unless all the questions are from members of that party.

(8) Answers may not be debated, but the member asking the question may ask a supplementary question. Further supplementary questions may be asked at the discretion of the Speaker.

(9) Where—

(a) the member who submitted the question is not present to ask it; or

(b) the question is not reached in the time allocated for questions;

the Minister or member representing the Assembly Commission to whom the question is addressed shall give a written answer. This question and answer shall be published in the Official Report (Hansard).

(10) No question shall be taken outside the time allocated for questions except a question which has not been answered in consequence of the absence, in exceptional circumstances, of the Minister or member representing the Assembly Commission to whom it is addressed.

(11) Where a question or supplementary question is asked of the First Minister and deputy First Minister which relates to a matter in respect of which the junior Ministers in the Office of the First Minister and deputy First Minister have been assigned a specific responsibility by the First Minister and deputy First Minister, the First Minister or deputy First Minister, as appropriate, may call upon a junior Minister in OFMDFM to answer the question. The First Minister or deputy First Minister shall be present in the Chamber during the time for questions for oral answer.

20A. QUESTIONS FOR URGENT ORAL ANSWER

(1) A question for urgent oral answer may be taken if, in the opinion of the Speaker, it is of an urgent nature and relates to a matter of public importance.

(2) A member may ask a question on the day it is submitted if—

(a) it is submitted before 10.30 am; and

(b) the Minister or member representing the Assembly Commission to whom it is addressed is given a minimum of four hours' notice.

(3) Subject to paragraph (2)(b), the time for taking questions shall be at the discretion of the Speaker.

(4) Paragraphs (8) and (11) of Standing Order 20 shall apply to questions for urgent oral answer as they apply to questions for oral answer.

20B. QUESTIONS FOR WRITTEN ANSWER

(1) A member may submit up to five questions for written answer each working day, one of which may be for priority answer.

(2) Priority questions shall indicate whether an answer is sought within two, three, four or five working days.

(3) The Business Office shall publish all written questions.

(4) The Minister or member representing the Assembly Commission to whom a question is addressed shall answer it —

(a) by the end of ten clear working days after it is published; or

(b) in the case of a question for priority answer, by the end of two, three, four or five clear working days (as the case may be) after it is published.

(5) A question for priority answer should not request a large amount of historical or statistical information.

(6) The Minister or member representing the Assembly Commission to whom a written question is addressed shall cause the question and answer to be printed in the Official Report (Hansard)."

Resolved (with cross-community support):

(a) In Standing Order 10(2), leave out sub-paragraph (a) and insert —

"(a) there shall be a period for questions as set out in Standing Orders 20 and 20A;" — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

Resolved (with cross-community support):

(b) In Standing Order 10(2), leave out sub-paragraph (c). — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

PRIVATE MEMBERS' BUSINESS

Royal Mail

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

Lord Browne: I beg to move

That this Assembly notes the proposals by the Secretary of State for Business, Enterprise and Regulatory Reform who plans a "joint venture" between a foreign private operator and Royal Mail; objects to this proposal as it would not guarantee the necessary investment into the UK postal industry; and supports the Communication Workers Union campaign to 'Keep the Post Public'.

I support the motion, which asserts the Assembly's objection to the Secretary of State for Business, Enterprise and Regulatory Reform's proposal for a joint venture between a foreign, private operator and Royal Mail. Moreover, I support the Communication Workers Union's (CWU) 'Keep the Post Public' campaign.

In Westminster, the Postal Services Bill [HL] is being debated, and although postal services are a reserved matter, I believe firmly that it is only right and proper that the Assembly make its view on the subject known, because the Bill could seriously impinge on the level of service that Royal Mail provides in Northern Ireland.

There is no doubt that Royal Mail is facing a critical situation, which, as we know, is due partly to the electronic age and partly to greater competition. For 2008-09, Royal Mail estimates an 8% drop in the volume of mail that it will physically handle. I am sure that we all agree that it is essential for Royal Mail to be modernised, because the company must secure its long-term future.

For that to be achieved, it is essential that Royal Mail works closely alongside the Communication Workers Union to negotiate the change and to develop new products and services for customers. It is vital that Royal Mail remains 100% publicly owned, with a new board and management team committed to delivering a successful, modern, public enterprise.

11.30 am

Contrary to some reports, Royal Mail has made great progress recently. All sections of the organisation are now in profit, and, in the last eight months of last year, it made £225 million. It hopes to double that profit in the coming financial year. I do not believe that the 30% equity share that is proposed will work. If one accepts 30% part privatisation, I am sure that it will lead to full privatisation eventually.

The UK postal industry is unique. It delivers to every address in the United Kingdom, regardless of location, six days a week and with the same postal charges from Northern Ireland to a mainland address as between two addresses that are close to each other. I am concerned that if a foreign, private operator takes up the 30% equity, the level of service and pricing in Northern Ireland will suffer. Indeed, the private operator may deem not to take on delivery here because of our geographical location. For example, in its own country, TNT Post delivers only two days a week, and its charge for delivering a 50 g letter is twice the price that Royal Mail charges. At present, our prices are among the lowest in the world and our quality of service the best in any like-for-like postal service. If TNT or any foreign provider were to come in, one could not guarantee that the pricing would be on an equal basis; it could cost a lot more to post a letter from Northern Ireland to Southampton, for example.

It seems strange to talk about privatisation in the current economic climate when we are nationalising our banks. It is interesting to note that the French have put on hold their plans for privatising their postal services and that Denmark is taking back the section that it privatised a number of years ago. Those countries are doing the opposite of what is proposed for Royal Mail.

People rely on sending and receiving a wide range of correspondence through the post, including hospital appointments, legal documents, dare I say it, electoral material, and all manner of financial statements. It is important to remember that, though we live in the age of electronics and the Internet, not everyone has access to the Internet, especially the more vulnerable people in society. Those people particularly rely on an efficient and cost-effective postal service.

So far, I have concentrated on the issue of the fear of Royal Mail being privatised. It has been hard to escape the unhelpful media coverage that has emerged. However, I was content with the comments made by the Secretary of State for Business, Enterprise and Regulatory Reform, Lord Mandelson, during the Second Reading of the Postal Services Bill [HL] approximately two months ago, when he said that he could not agree more with the Communication Workers Union's campaign to "Keep the Post Public".

It is important that the interests of stakeholders and, more importantly, service users are not only raised, but become part of the consultation process that Ofcom should go through when carrying out its assessment. It is essential that Royal Mail's performance, or that of any future provider, can be scrutinised effectively by a statutory watchdog for the postal sector, namely, Consumer Focus.

Consumer Focus came into being late last year, and it is important that it plays a strong role in the regulation of our postal service. Furthermore, Royal Mail should provide a postal watchdog that makes available a range of information that shows how well it is delivering universal post and other services, and details how successfully it is meeting its service targets. It is important that Royal Mail be aware that a fair, open and independent method of adjudication is available to it should something go wrong.

I agree with CWU's view that there is a positive future for Royal Mail if it delivers greater investment, exploits new technologies, adapts to market changes and provides better products and services for its customers. I also agree that it should remain 100% publicly owned. The vast majority of the public does not want the Government to privatise part of Royal Mail, and I trust that the Assembly will send out a clear message that it wishes to keep the postal service in public hands. It is also important that we support the CWU in its efforts to achieve a fully modernised public service. It is vital that we maintain that service in Northern Ireland so that we can post letters at the same prices available to people in the rest of the United Kingdom.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom labhairt ar son an rúin seo inniu.

I support the motion, and I declare an interest as someone who is on a career break from the postal service. I would like to think that there will be an opportunity for me to go back to the postal service in a couple of years' time, if I am not selected to stand or if I am not successful in the next Assembly election.

I do not want to be overindulgent or mention people's names, but I pay tribute to the staff of the postal service and to people in rural communities who rely heavily on that service. During my time in the postal service, I had the pleasure of working in the likes of Ballymoyer, Whitecross, Kingsmill, Keady and Derrynoose. I also pay tribute to my fellow workers in the office in Armagh city, who will be out today in their shorts and T-shirts. Many's the day I went out in a raincoat, but, thankfully, the weather is good for them today. The outworkings of the Postal Services Bill [HL] will affect those people who are providing a front line service.

The Postal Services Bill [HL] has three main aims: to privatise Royal Mail through a strategic partner; to remove the pensions deficit; and to reform the regulation of postal services. There is agreement on the part of, among others, the CWU, on two of those aims. The huge pensions deficit is a result of a holiday in pensions contributions between 1990 and 2003. Postal workers continued to make their contributions throughout that period, but their employer, supported by successive Governments, was allowed a free run.

The pensions deficit has built up and is a huge burden on the company. Each year for the next 14 years, the company has to pay an extra £280 million to cover the deficit. All parties who contribute to the debate should and will recognise that that burden must be removed. The Government have to take seriously their responsibility to postal workers. We must reject any attempts to use the pensions deficit as a bargaining tool for privatisation. No private company would take on the postal service with such a deficit, so we must avoid a situation in which the public would be taking on the debt while the profit is privatised.

Once the deficit is removed, finances will be transformed. The mail service will have an additional £280 million capital a year for modernisation, new services and improvements of conditions for postal workers. Equally, the reform of the regulator is uncontroversial. There is a debate about how Ofcom can best take over the role of Postcomm, but no one is opposing that move on principle.

The main problem that I have with the Postal Services Bill [HL] is its stance on privatisation. When Departments are told to achieve efficiencies, it leads to a reduction in front line services and, ultimately, job losses. That will happen under privatisation, and we will not support that.

The Government commissioned the Hooper Report on the future of Royal Mail. Hooper supported privatisation, and, without any hesitation or public debate on the report, the Government endorsed that position. As time passes, the analysis of the Hooper Report has not fared well.

Hooper insisted that Royal Mail was less profitable and less efficient than other European postal services, hence the need for privatisation. However, results for the financial year 2008-09 show that Royal Mail doubled its profits in that period. TNT, the Government's favourite bidder, saw its profits decline by 58%. Deutsche Post and other services that are supposedly superior to Royal Mail went into the red to the tune of €2 billion.

The quality of service targets for Royal Mail are quite rigorous, yet, on 29 May, Royal Mail announced that it had met all its first-class, second-class and business bulk-mail targets for the year. The same was true for standard parcels and European international mail. Of course the postal service needs to be modernised. For decades, it has suffered from underinvestment, and, as a consequence, does not have the same levels of mechanisation as the other companies that I mentioned. That can be put right while still keeping Royal Mail in the public sector.

The Bill also proposes separating Post Office counter services from Royal Mail, which would be a damaging move. The local Post Office branch is the

access point for the universal service for many customers, especially those in rural communities. If Royal Mail's relationship with counter services is broken, the future of Post Office branches will be less secure. The position whereby management policy for Royal Mail is decided solely by management in London is not responsive to the needs of customers here.

Mr Speaker: The Member's time is up.

Mr Boylan: I support the motion. Go raibh mile maith agat.

Mr Elliott: I thank the Members who tabled the motion.

Royal Mail and Post Office services throughout Northern Ireland are an integral part of our society. Those services are one of the community focuses that still remain in our society. I want a balance to be struck between a good delivery service and a service that people can access and use. Striking that balance is difficult. A huge problem, especially in rural areas, is that some post offices do not offer the services that the citizens in their area require. If post offices do not offer the appropriate services, people will not use them, and we must focus our attention on that problem.

It is right to have a frank and pragmatic debate on the changes to Royal Mail that may be necessary in the future. We must look for a positive outcome; there is no point in having change for the sake of it. I have heard much about Royal Mail's losing out on significant potential profits through not using Internet technology, and that issue must be addressed. However, we must also acknowledge that many people who rely on Royal Mail and Post Office services, particularly elderly people, cannot use the Internet. Therefore, we need and deserve a universal service that can be accessed and be used by all. That is crucial.

We also must ensure that the postal delivery services are not diminished. People in rural communities are concerned that they could be left with a postal service that delivers to their house only once a week, while the rest of the week they would be expected to collect their mail from the local post office. I do not want that to happen; that outcome must be resisted at all costs.

We must maintain the service for customers, particularly the elderly. Usage of the card account should be increased, because that is where business can be directed within Royal Mail and Post Office services. We must balance the need to create an economically viable and sustainable service with the need to maintain a service that remains at heart a public service.

I am sure that every Member is aware of the financial difficulties that face the UK Government and the Northern Ireland Executive.

11.45 am

The catastrophic mistakes made by the Labour Government have led to their, and our, options being reduced substantially. The Royal Mail is in the strain of public resources. It has been underfunded for decades, and that is now reaching critical levels. The pension deficit alone, which has been mentioned, is costing the Government somewhere in the region of £280 million a year. Far too much of the Royal Mail is not automated. It is inefficient and it needs to be modernised.

I am open to any suggestions as to how we change the Royal Mail while maintaining its universality and its ethos. The Ulster Unionist Party is not dogmatic about how it achieves a positive outcome. At the moment, the Royal Mail is in public hands, but it is struggling. The Labour Government have gone on the rampage and closed in excess of 4,000 local post offices throughout the UK, and that is not good for post offices or for the community that we live in.

There is no magic solution. A pragmatic approach is required. I share some of the concerns that Members have outlined. The Labour Government are proposing to sell off a 30% stake in Royal Mail. However, it is becoming clear that they will not reach the £3 billion that they had hoped for. Additionally, the number of potential investors appears to have diminished, bringing into question whether the investment will be what is really needed. There is a concern that private investors will not maintain the ethos and principles of the Royal Mail. If privatisation of any kind goes ahead, the taxpayer and the public coffers must not lose out, and the ethos of Royal Mail must be maintained.

Mr Attwood: I thank Lord Browne for proposing the motion, not least because it is one of those issues that not only must be won, but is now winnable. Those elements of the draft legislation that offend against all the principles that other Members have outlined can be defeated.

The first reason why it is winnable is because there is such a Labour revolt in Westminster over the issue; secondly, Gordon Brown is in a position of weakness, which may be compounded by the end of this week; and, thirdly, the political and wider community understand that this is a representative moment. If we do not defeat those who wish to partly or fully privatise public services — especially in the current economic situation, where the British Government are in huge debt, which people will have to pay off for decades — other public services will be vulnerable, especially if there is a Tory Government. Those are the reasons why it is winnable and why it is important that it must be won.

The British Government have at least three — although there are many more — fundamental fault

lines in their draft legislation. The first is the principle in the legislation that in order to modernise a publicly owned organisation, one has to sell off one third of it. That is a perverted principle in the management of public assets. As Mr Boylan said, it is contradicted by the fact that, in a time of recession when other private mail firms are recording reduced profits or even losses, the Royal Mail has announced in the past two weeks that significant profits are being made, and that all sectors of its organisation are in the black. One commentator said:

“Part-privatisation of Royal Mail makes no political or organisational sense, we now know it makes no financial sense.”

The second fault line, which has also been mentioned, is the principle of a service for all at all times. We know in our guts, and we know from past privatisations of public assets, that privatisation interferes with the level of service provided. The principle of a six-day service for all, which has informed the Royal Mail for decades, will be vulnerable in the event of part privatisation. From experience in Europe, we know that when that happens, we could end up with the worst situation: a service for all for just two days a week in any part of one territory.

The third fundamental principle that I find offensive and particularly threatening is that in order to rationalise and improve the service of a public asset, one must bring in outside managerial experience. As one Member observed, if we apply that model to its logical conclusion, we will have the situation in which other publicly owned assets, such as the National Health Service, would have to be part-privatised in order to bring in outside expert management. That is the sinister and worrying principle behind part of this legislation. It assumes that a public service cannot re-create itself and buy in expertise. Lord Mandelson believes that a public service can only reconfigure itself if part of it is sold to the private sector. That is a serious principle, which we must guard against. We must defeat that part of the legislation in the House of Commons.

I wish to comment on the role of Postcomm, which has essentially given these proposals a fair wind and very substantial backing. I draw my conclusions about Postcomm from what it did when post offices were being closed in the North only a short while ago; it served the business aims of the Government rather than those of the public and marginalised communities. I will not rely on its judgement in this matter.

Mr Ford: I thank Lord Browne and his colleagues for bringing the matter before the House. However, I suspect that we will not be taken much notice of; given the way this legislation stands in Westminster.

It is absolutely clear, and I do not need to rehash the statistics supplied by others, that Royal Mail Group

and the closely associated Post Office Ltd have been in significant financial difficulties for some years. We welcome the appearance of a return to profit but we have no guarantee that that will continue in the long term. Therefore, it is understandable that consideration has been given to different ways of managing the service and getting the necessary capital investment into it.

We can all be extremely grateful that some of the proposals made a while ago, which would have seen total privatisation, have been defeated. However, Royal Mail's major problem at the moment is the way that large sections of the core business have been drained away. That has allowed private operators to take the easy part of the business, at an excessive proportion of the price of the stamp, and leave it to Royal Mail to carry out the expensive part: the door-to-door delivery of mail.

I regard myself as a fan of Royal Mail, and I try to throw it some business every year. However, yesterday, in South Antrim, I saw election material for a political party involved in the European election bearing the stamp of one of the private operators. Therefore, it was clearly being delivered in a way that was detrimental to the long-term interests of Royal Mail. That was unfortunate. I will not embarrass the party that did it, except to say that members of the DUP, SDLP and Sinn Féin do not need to worry — and it was not my party either.

In an ideal world, the Treasury would produce the necessary capital for the sort of investment that we have seen at Mallusk in recent years to enable proper efficiency in the sorting and delivery of mail. The Treasury has provided such capital in the past. That sort of investment needs to be made in other parts of the UK to bring them up to the standards here. There is no doubt that delivery records in Northern Ireland are better than those in other regions. Unfortunately, there is great doubt as to where the capital will come from. Press reports yesterday suggest that it may not come easily from the private sector.

At the beginning of my speech, I said that I doubt that we can change things through this Assembly debate. The key thing that we cannot change is the Treasury's accounting rules, which is where the real issue resides. Until steps are taken there, we will be stuck, and we will face difficult issues. Across the range of Royal Mail and Post Office services, we have seen the positive aspect of genuine public-private partnership.

Local sub-post offices have been successful because they combine the public service ethos of Royal Mail and the Post Office Ltd with the entrepreneurial ability of local shopkeepers and businessmen. The fact that a large group of people, including me, was able to play a small part in saving Parkhall post office in Antrim last

year is an indication of the high regard in which privately managed sub-post offices are held. Therefore, the issue about whether something is public or private is not entirely simplistic.

Evidence has clearly shown that public-private partnerships work well; however, no evidence exists to suggest that they are any worse. Indeed, evidence on the ground has shown that the sort of public-private partnerships used in sub-post offices work in a genuine way, unlike the sort that was used for hospital privatisations, which are in no sense partnerships and which are now going wrong.

It is interesting that many Members today dwelt on the issue of the universal service obligation. That must be the key factor for us. A private company might want to set up a distribution network in a city the size of Belfast. However, for the vast majority of people living in smaller towns and rural areas in Northern Ireland, it is absolutely clear that the threat to the universal service obligation is a threat to each and every one of us. The Assembly has a real role to play in addressing that issue. We must keep the focus on the universal service obligation to ensure that the public service ethos is what matters in Royal Mail, regardless of the precise management style that will be imposed by the new legislation that is going through Westminster.

Mr Shannon: I support the motion, and hearing other Members express their support has been heartening. The Bill that the Secretary of State for Business, Enterprise and Regulatory Reform, Peter Mandelson, proposed has started a legislative timetable that envisages the sale of up to 30% of Royal Mail by the summer.

The shoart tim' scale is in hitsel' indicative o' the fact at thair wus mair ahin thon than maits the ee. Knawin hoo lang hit taks maist things tae pass through the haas o' Westminster, onithing at bes tried this quaak caas fer note an' mebbe consairn. Hits aye the caase es bes cleir noo at privatisation bes bad eneuch bit quhan added tae foreign investment hit leuks laike the enn o' the Royal Mail

The short timescale, in itself, was indicative of the fact that there was more to the Bill than meets the eye. I know how long it takes for most legislation to pass through the halls of Westminster. Anything that is attempted so quickly is certainly worth noting and, as is certain in this case, is a possible cause for concern. It is clear that the part-privatisation of Royal Mail is bad enough; however, teaming that with foreign investment seems to signal the end for Royal Mail.

We have seen that privatisation is not always a good thing. In fact, we have learnt that it is not usually good in the long term. In most cases, there is little or no accountability or long-term benefit, and as such, any

request for privatisation must be seriously considered, with the onus on the privateers, as I believe some of them to be, to prove that the service will be better in the long run.

The consensus is that the public are not in favour of privatisation. Indeed, constituents of all ages have told me that they are outraged at the suggestion and that they want me to express that outrage in whatever way I can as their elected representative. That is why my name is beside this motion in the Order Paper and why the motion is being debated in the Assembly today.

A political blogger for 'The Guardian' online discussed the results of a PoliticsHome survey in which 65% of voters — a timely reminder for us all — opposed Mr Mandelson's Royal Mail privatisation plan. The blogger said:

"PoliticsHome has released a poll suggesting 65% of voters are opposed to Mandelson's plans, with only 24% are in favour.

This is a proper poll, not just one of the PoliticsHome surveys of Westminster opinion. Tory voters are marginally more in favour than Labour or Lib Dem ones, but even they are against partial privatisation by a margin of two to one."

The Communication Workers Union's recent campaign and poll also showed that the vast majority of the public do not want the Government to part-privatise Royal Mail. In a phone poll of people across the UK, which is also applicable to the current situation, 75% of those questioned disagreed with privatisation and 33% strongly disagreed. However, when the issue of foreign ownership was mentioned, which is clearly the thrust of the motion, the percentage that disagreed rose to 89%, and the percentage that strongly disagreed rose to 58%. Only 6% of those polled said that they were in favour of privatisation, and that percentage halved to 3% when sale to a foreign company was mentioned. That is a dramatic statement and speaks volumes about public opinion.

I have been in close contact with postal workers who have said that Royal Mail should remain a wholly public utility and that they are unconvinced that any form of privatisation, part or otherwise, would not adversely affect the universal service obligation that every post code is guaranteed a postal delivery six days a week. Every Member has hit on that point.

That is of particular significance to the people of Northern Ireland. We are unique here, because the distribution of mail in rural areas is so important.

12.00 noon

I have fought for the retention of post offices, as have all Members in the Chamber. The suggested changes will not be beneficial, and they will not pass me by without note.

The Communication Workers Union, of which Royal Mail workers are members, supports the recommendation

in a recent report that Government should, and must, take responsibility for the pension deficit that was created by an extended 13-year-plus holiday from paying contributions. The CWU has written to the Prime Minister to express its views and concerns on that issue, and it has sought the support of all local councils. Indeed, I declare an interest as a member of Ards Borough Council, where a motion of support was recently tabled and supported. Such support is important.

The CWU has also noted that Royal Mail lost millions of pounds in business when Whitehall began to use private courier services. If Government were to return to Royal Mail, which I suggest they should, Royal Mail would not lose that money. There may be a lesson in that for Government.

In conclusion, I fully support the Communication Workers Union and ask the Assembly to do the same. We must send out the message that services, and the needs of our constituents, come first.

We do not need foreign investors. Instead, we need a Government that are prepared to back Royal Mail, return the work that they took from it and right the wrongs that they have recently committed. That is what the people want, and that is what is best for the people. I support the motion.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I also support the motion. I commend the Communication Workers Union and the many others who have supported the 'Keep the Post Public' campaign. Furthermore, as my colleague Cathal Boylan did, I pay tribute to all the Royal Mail workers, who provide an excellent service. Moreover, I thank those Members who tabled the motion.

As Members will be aware, there has been considerable opposition to the British Government's attempts to sell off 30% of Royal Mail to the private sector. Even from within the British Government's own ranks, opposition is growing, with more than 140 Labour MPs not convinced that the privatisation plan is acceptable. I think that all Members agree that reform and modernisation of Royal Mail is essential, and I am confident that most, if not all, Members agree that that can be achieved more effectively by the public sector.

The Communications Workers Union, which represents more than 180,000 postal workers, has offered to work with the Government to ensure that alternative methods of modernisation are investigated. The CWU, like everyone else, agrees that modernisation is required if Royal Mail is to survive in an increasingly competitive and changing market.

The British Government have portrayed Royal Mail as a failed business that will cease to exist if it does not part-privatise. However, to date, they have failed to explain with any clarity how their proposals will

address that. The truth is that Royal Mail recently announced profits of £320 million and, for the first time in 20 years, all four arms of the business have turned a profit.

It is difficult to understand the logic of privatisation, given the current circumstances. We have witnessed the instability of the private sector in recent months, and it does not inspire confidence. We have also seen huge financial bail-outs of banks and private companies, which have been questionable to say the least, yet the British Government refuse to consider the idea of investing in Royal Mail.

Royal Mail requires Government investment, as it has done for some time, to help it to adapt to a changing market. Although it is true that the Internet and mobile phones have changed the way in which people communicate, and that fewer people use the postal service to communicate, it is also true that more and more people are shopping online and that those products must be delivered. Royal Mail needs the resources to compete for the delivery of those products.

Over the past few weeks, we have seen clear evidence of the value of the public-sector postal service, with more than 27 million leaflets being delivered to advise the public about swine flu. Would any private company have been able to complete that task? If so, what would the cost have been?

Some ask what all the fuss is about, with Royal Mail's selling off only 30% of the company to raise much-needed funds for the loss-making post office sector and to guarantee its £25 billion pension fund. That may be the case, but I warn the House that new legislation will be introduced in the House of Commons in the next mandate, because the Tories are biting at the bit to privatise Royal Mail, and we must guard against that prospect. The Conservatives to my left have lambasted Labour — with some merit, I must say — but, given the opportunity, what would the Tories do to front line postal services?

Mr Elliott: Which policy does the Member advocate? He does not appear to follow the Labour Party's policy or the Conservative Party's policy. What is his policy? I have not heard it.

Mr W Clarke: I am a member of Sinn Féin; I am not a member of the Labour Party or the Conservative Party.

The crux of the argument for privatisation is grounded in the premise that only the private sector has the expertise to modernise the Royal Mail. TNT and Deutsche Post are two of the companies that have been mentioned as potential buyers. In the last quarter of 2008, TNT's profits fell by 30%, and Deutsche Post recorded a loss of €3 billion. In the same quarter, Royal Mail's profits increased.

Some scorn Royal Mail as being less efficient than other providers, and other Members mentioned that argument. That, of course, depends on how one measures efficiencies. TNT delivers a first-class, 100 g letter at nearly three times the price that Royal Mail charges. Deutsche Post delivers a first-class letter at more than three times the price that Royal Mail charges. If 30% of Royal Mail is sold off, consumers should beware. Keeping Royal Mail in the public sector makes sense.

Sinn Féin believes that Government mismanagement has led to the current financial difficulties in Royal Mail and that the Government have a responsibility to address the problems that they helped to create. Those difficulties cannot be overcome by part-privatisation, and the case for part-privatisation has not been established. Sinn Féin is opposed in principle to privatisation, and we see the part-privatisation of Royal Mail as the beginning of the process towards full privatisation. I warn again —

Mr Speaker: The Member must draw his remarks to a close.

Mr W Clarke: I warn again, that if the Tories get the opportunity, they will fully privatise Royal Mail.

Mr Speaker: I apologise; in fact, the Member has an extra minute.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle.

Be aware that, when the Tories get their opportunity — and their chances are looking pretty good, unless the Liberal Democrats can do something about it — they will introduce new legislation to the House of Commons to privatise Royal Mail.

Go raibh maith agat, a Cheann Comhairle.

Mr G Robinson: I fully support the motion. Every constituency in Northern Ireland would be negatively impacted upon if the Secretary of State for Business, Enterprise and Regulatory Reform's proposals were to be accepted. The proposals are totally unacceptable, and they deserve opposition.

In recent months, Northern Ireland has suffered the loss of rural and community post offices. The proposals could result in many more post offices closing on the basis of a decision made by people who have no knowledge or understanding of the requirements of the Northern Ireland people, who will suffer as a result of those decisions. A recent ICM poll showed that, of those polled, 60% of people accepted the need for reform but believed that the Post Office must remain in the public sector, and 75% opposed a sell-off to a foreign investor.

Such a sell-off would amount to semi-privatisation, and that is exactly what the proposals from the Secretary

of State for Business, Enterprise and Regulatory Reform amount to. That is not the way to guarantee the investment that is required to modernise the Royal Mail and to keep it competitive. Indeed, many believe that it is the user who will end up paying for any reform, with increases in the price of postage and so on. When any form of privatisation occurs, there is a tendency to make the customer pay to ensure that dividends are at an adequate level to satisfy investors.

For the first time in many years, all parts of Royal Mail have made a profit. Indeed, its profits doubled last year. If that progress can be made in the public sector, I see no need to sell off a 30% share in the business to the private sector. The current management team appears well able to facilitate reform. As the saying goes: if it ain't broke, don't fix it. My concern is that the proposed joint venture would be only the beginning of a cherry-picking exercise that would result in the very profitable divisions of Royal Mail being sold off.

Mr Shannon: Does the Member agree that the House is sending a clear message that privatisation, in any shape or form, is not acceptable?

Mr Speaker: The Member will have an extra minute

Mr G Robinson: I agree fully with my colleague.

How will the proposals benefit the people in every house and on every street who have mail delivered by Royal Mail? They will not. Indeed, the vulnerable will suffer most. I believe firmly that disabled people, the elderly and those who choose a rural life will find that more of their local post offices are closed and that a vital lifeline is lost for ever, all in the name of so-called reform.

I urge Members to support the motion; to protect Royal Mail as a profitable business in its entirety; to recognise successful reform that has been made already; and to send a loud, clear message to the Westminster Government that the Assembly does not and will not support their proposals, which will do nothing to enhance Northern Ireland's Royal Mail service. I fully support the motion.

Mrs M Bradley: By its very nature, the postal service is a universal franchise that operates throughout the world as a public service. During the most difficult times, in war and peace, the postal service has served people well, whether in the largest cities or the most socially disadvantaged areas. Indeed, letters and parcels are delivered in sparsely populated rural areas.

In the private sector, mail-distribution companies have come and gone; they have been involved in mergers, takeovers, liquidation and bankruptcies. The universal postal service is important to everyone and has been debated in the Assembly on previous occasions. When a postal service is fractured through

political realignments and a host of other upheavals, Members know what the outcome will be for its services. For that reason, the Assembly must protect those services, which operate globally. The best way to do that is to resist the hijacking of any part of Royal Mail's service through dodgy deals; many of which may give temporary financial respite in the short term, but which, in the long term, will leave a dysfunctional and fractured postal service in a changing world of electronic communication.

It may appear that Royal Mail is not as important as it used to be: nothing could be further from the truth. In areas such as Foyle, where I live, everybody knows and appreciates their local postmen and postwomen; people wait on their call every day. Those postmen and postwomen worked through thick and thin; during the Troubles, they put up with hijacking and other abuses, and the Assembly is right to support them today. Older people in particular, in rural and urban areas, depend on the postal service for letters about hospital appointments, benefits, and so on. The Royal Mail is part of a critical communication infrastructure that is local, national and international.

It does not matter to me what the service's name is: the "Royal" bit does not worry me too much, although I know that it worries some. It could be called An Post, or anything else, but it must remain global. It does not matter who runs it as long as it is not influenced by the private sector, which has destroyed banks and other institutions. I support the motion.

Mr McQuillan: I declare an interest as a Royal Mail employee who is on a career break.

I thank Members who took part in the debate. One has only to look at the cull of rural post offices that took place in 2008. If the Government push ahead with the privatisation of Royal Mail, it would have a huge effect on rural deliveries. It would not be viable for a private company's vehicle to drive up a lane that is at least a mile long just to deliver one letter a day; that simply would not happen. Privatisation would seriously affect services that rural dwellers receive, perhaps even more than it would affect urban dwellers. However, it would affect everyone.

I realise that the matter is not devolved. However, the Assembly must put down its marker and support the Communication Workers Union's campaign to 'Keep the Post Public'. It must support all the postmen and postwomen who deliver mail daily in rain, hail and snow, with little gratitude from senior management.

In proposing the motion, Lord Browne said that he supports the CWU's campaign and that it is important that the Assembly make known its opinion on the matter. He went on to say that it is essential that the Royal Mail modernise and work with the CWU. He said

that great progress had already been made in Royal Mail: during the past eight months, it made a profit.

He said that Royal Mail is unique because it delivers to every address in the UK and Northern Ireland at the same cost. TNT delivers only two days each week at double the cost of Royal Mail. Lord Browne also said that the French Government are putting on hold their plans to privatise their postal service and that Denmark is taking back a section of its postal service that had been privatised. He also said that privatisation of the postal service would affect vulnerable people most.

Moreover, he said that Lord Mandelson said in the House of Commons during the Second Reading of the Postal Services Bill [HL] that he could not agree more with the CWU's desire to keep the post public. He said that the postal watchdog needs to show how it is meeting the targets, and he agreed that Royal Mail should remain 100% in public ownership.

12.15 pm

Cathal Boylan, who is also on a career break, supported the motion and paid tribute to the people who deliver mail, especially in Armagh. He said that the Bill had three main aims and said that the pension diversity is a huge burden on Royal Mail. He rejected the privatisation of Royal Mail, which he said would lead to job losses, which, in turn, would affect front line services.

Mr Boylan: I worked in the postal service, and the perception is that privatisation will destroy front line services, such as over-the-counter services and door-to-door deliveries, and that people will lose jobs. Does the Member agree?

Mr McQuillan: I could not agree more. Privatisation would certainly damage front line services, and deliveries would be reduced from six days a week to one or two days a week, especially in rural areas. It was said that Royal Mail had doubled its profits in the past financial year and that the postal service needed modernisation because of the lack of investment over the years. I could not agree more.

Tom Elliott said that the Communication Workers Union wanted to achieve a balance and that public services could be used by a larger number of people. He said that elderly people use Royal Mail most and cannot use the Internet. Moreover, he said that the rural community would receive a service only once or twice a week and would have to collect their mail at the post office. He also said that Royal Mail was underfunded, but said he was open to change. He warned that there were no magic solutions and that the ethos of Royal Mail must be maintained. I agree with that.

Alex Attwood reckons that Gordon Brown is on his way out. He said that the British Government are in huge debt and that the postal service needs investment.

The flaw in the legislation is that one third of Royal Mail has to be sold in order to fund the privatisation of the rest of it. Mr Attwood said that that would jeopardise deliveries being made six days a week. He remarked that Postcomm needed to intervene and said that, although he will give Postcomm a fair wind, he would not rely on an outcome, given what happened to postal services last year. That is true.

David Ford said that the Royal Mail Group has experienced financial difficulties in the past few years and said that election material has been delivered bearing a competitor's stamp.

Mr Elliott: I thank the Member for giving way during his winding-up speech. He mentioned Mr Ford's remark that election literature had been delivered with a competitor's stamp on it. Does the Member accept that Royal Mail delivered the leaflets and the stamp was from a company that was used to sort the mail in order to save Royal Mail costs?

Mr McQuillan: I cannot comment on the process, but if another company used it first, they must have creamed off all the profits before Royal Mail received the leaflets. That is my view, but I cannot comment on the matter whatsoever.

Mr Ford said that the Post Office's universal service is the key factor and that it must keep its focus on public ethos.

Jim Shannon said that Peter Mandelson's idea to sell 30% of Royal Mail was a concern and that the timescale was not in the public's favour. He said that 65% of voters oppose plans to sell Royal Mail and that it should be a lesson to us all. That figure rose to 89% when a foreign investor was mentioned. Furthermore, he said that a notice of motion to support the CWU's plan to keep the post public received support from all members of Ards Borough Council.

Willie Clarke supported the motion and paid tribute to the workers in Royal Mail. He said that the CWU represented 100,000 postal workers, outlined that the CWU had offered to work with the Government and mentioned the £320 million profit that was recently announced by Royal Mail. He said that the Tory Party will privatise Royal Mail and, therefore, there is little difference between it and the Labour Party.

George Robinson said that the privatisation would have a negative impact on Northern Ireland, especially because of the geographical area. He also said that a poll showed that 75% of the public was against the sell-off to a foreign investor, and that the result would inevitably be that the user paid more as the cost of any investment would come from the user's pocket. He was totally against that, and went on to say that, if it is not broke, do not fix it.

Jim Shannon made an intervention to say that the clear message coming from the Assembly was that we are against privatisation in any shape, form or fashion. That message must be clearly expressed in the Chamber today.

Mrs Bradley said that the postal service was very important; that it delivered through all kinds of troubles, wars, etc, and that its universal service must be protected and should not be hijacked by any dodgy deals. She also said that some people were unhappy with the word “Royal” in the title. However, thankfully, that was not expressed today, and everyone supported Royal Mail, no matter what its name.

The clear message from the Chamber must be that we are against the sell-off of Royal Mail, and that we support the CWU in its call to ‘Keep the Post Public’.

Question put and agreed to.

Resolved:

That this Assembly notes the proposals by the Secretary of State for Business, Enterprise and Regulatory Reform who plans a “joint venture” between a foreign private operator and Royal Mail; objects to this proposal as it would not guarantee the necessary investment into the UK postal industry; and supports the Communication Workers Union campaign to ‘Keep the Post Public’.

Mr Speaker: The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The sitting was suspended at 12.21 pm.

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

2.00 pm

PRIVATE MEMBERS’ BUSINESS

Regulation and Quality Improvement Authority

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 a winding-up speech. All other Members who are called to speak will have five minutes.

Mr McKay: On a point of order, a LeasCheann Comhairle. Do we have a quorum?

Mr Deputy Speaker: The standard procedure is to allow debates to continue until someone points out that there is not a quorum. We must wait until we get one.

Notice taken that 10 Members were not present.

House counted, and there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Mr Deputy Speaker: We now have a quorum, so we can proceed.

Mr McKay: I beg to move

That this Assembly calls on the Minister of Health, Social Services and Public Safety to review the powers available to the Regulation and Quality Improvement Authority (RQIA); and asks if the RQIA is using these powers effectively.

Go raibh maith agat, a LeasCheann Comhairle. The Regulation and Quality Improvement Authority (RQIA) regulates children’s homes, nursing homes and residential homes, which accommodate more than 15,000 people. The RQIA has an important role, so it is crucial that it has the powers that it needs to regulate the sector and the ability to use those powers effectively.

Everybody has the right to be treated fairly and equally and with dignity and respect. Indeed, there is an onus on political representatives to uphold those rights. I have corresponded with the RQIA, and I welcome its incoming chief executive’s commitment to making the protection of the most vulnerable in our society a priority for the organisation. However, not enough is being done to protect elderly people and vulnerable adults who live in nursing homes. That is extremely alarming, given that many of those people cannot speak out themselves. We have a duty to protect not only those people but those in other care homes

that provide a quality service and are being tarnished unfairly by the bad practices of a small number of care homes that, to date, have got away with actions that are both criminal and inhumane.

Last year, it was revealed that warnings had been issued to many care homes that failed healthcare inspections. Poor care standards and the administration of medicines were among the problems that were identified. There were problems with record keeping and with notification of illness or death of residents. The RQIA exposed the poor state of some nursing homes.

Care guidelines, in themselves, are absolutely worthless if effective enforcement of these regulations is not carried out. Sanctions handed down by the RQIA need to reflect the magnitude of the regulation breaches. The question that I want to ask of the Health Minister, who has not bothered to turn up, is whether he is satisfied —

Mr Kennedy: He is not the only one.

Mr McKay: Calm down, Danny.

I want to ask the Health Minister whether he is satisfied that no prosecutions have taken place in relation to serious breaches and failures in care.

I have been dealing with one case where a daughter complained about the care that her mother was receiving in a nursing home. Her mother was not being washed regularly, was not receiving her prescribed medication and was not receiving the therapy that had been recommended by her medical team. The complaint was reviewed by the nursing home. Unsurprisingly, it found no fault in itself. That complaint was then forwarded to the RQIA, which investigated it by looking at the original report that was drawn up by the nursing home, among other things. Surely, that practice is flawed.

That took place over a two-year period. In the meantime, that lady's mother was still receiving totally inadequate care in the nursing home. Eventually, it got so bad that she moved her mother out of the home. For that family, there was no means of making a complaint and having either the RQIA or the PSNI make an emergency intervention, as is the case for children and even animals in our society.

My office and, I am sure, others have been inundated with cases of residents in homes receiving substandard care; it seems to be widespread. Families are concerned that their relatives are not getting assistance with feeding; are being given foods that they do not like; are being left soiled for long periods of time; are not being washed regularly; are not being dressed in their own clothes or are being dressed in mismatched clothes; and are not having fresh supplies of drinking water.

Mr Kennedy: Does the Member accept that there is a danger of overemphasising what are hopefully isolated cases and that the vast majority of homes —

residential and nursing — provide excellent care to a very high standard?

Mr McKay: I agree that the majority of homes provide an excellent service, but, if the RQIA does not come down hard on those who are abusing their role and neglecting the elderly, that practice will continue to become more widespread. That is why the motion has been tabled.

The list of complaints over care goes on, and it seems to be allowed to happen without reproach or fear of prosecution. The RQIA has issued warnings to residential homes that have been guilty of neglect, but that is far from good enough. We want to see the authority use its powers to prosecute in order to deter further crimes of neglect.

We need to see clear legislation — something that is missing, according to some solicitors — that protects the elderly and vulnerable adults, because at this moment in time animals have more rights in this regard than elderly people. When animals are neglected, it is an emergency, and agencies immediately intervene. When vulnerable people are neglected, there is no emergency intervention. In many cases, the abuse continues, and the RQIA gives the offending party a warning — a ticking-off. There is something seriously wrong with that state of affairs.

The RQIA is tasked with ensuring that the highest standards of care and well-being are provided to some of the most vulnerable people in our society, who reside in care and nursing homes. There does not appear to be any emergency protection for the elderly and vulnerable adults where neglect or abuse has been alleged. It is simply not acceptable that, in this day and age, the elderly can potentially be abused or neglected without adequate legislation, policies and procedures in place to protect them.

Although these failures have been detected by the RQIA and the homes involved told of their failings — that is to be welcomed — the sanctions handed down by the authority fail to reflect the magnitude of the failure of those homes to care for the vulnerable. That is also the opinion of the families of those affected.

No individual or home has been prosecuted in spite of a provision in legislation for such action to be taken. That is unacceptable. The Minister must liaise with the relevant bodies and Departments and legislate to ensure that those bodies can intervene in extreme cases of neglect immediately. People must be prosecuted for the neglect and therefore abuse of those who are in residential and nursing homes.

Mr Easton: I begin by paying due regard to the many health and social care workers in North Down constituency who daily provide health and social care of the highest quality. Many of them are working

beyond the call of duty, and their professionalism and dedication is worthy of note.

In calling for a review of the powers of the RQIA, we are seeking clarification on two issues. First, we want assurance that the powers that the RQIA requires in order to perform for all of us are adequate and effective. Secondly, if the powers are adequate, we want to know whether they are being utilised to their best effect. Ninety-five in every 100 of our constituents will be in contact with health and social care services, and they rightly expect the highest available standards from those critical services.

Regulation and quality improvement is the correct way to ensure that standards are upheld. However, we must have a regulation and quality improvement system that is fit for purpose. Announced and unannounced inspections are one part of the structure of ensuring that standards are upheld, but there are other examples of where national standards and good practice are identified, upheld and widely disseminated. In that regard, I acknowledge the invaluable work of the Social Care Institute for Excellence and the National Institute for Health and Clinical Excellence.

Health and social care requires independent inspection and assessment, and health and personal social services organisations must also be held to account for the services that they provide. The public rightly expect to see a regulated workforce that is committed to professional development and lifelong learning in a process of continuous development. That will reassure the people who rely on those services that they are receiving the best care available.

Effective governance procedures in the management of health and social care are necessary and need to be measured effectively and improved where necessary. There is a direct correlation between well-set, realistic standards and improvements in services and practices for patients and clients. The public are concerned about the cleanliness of our hospitals, and hospital-acquired infections trouble all of our minds. Care homes for older people must provide the standard of care that our elderly population deserve.

It is impossible to address all the areas that are critical to the motion, which range from microbiology to infection control. We recently witnessed the horrific case of Baby P, and the public rightly expect us to have proper and effective child protection procedures in place. Therefore, the RQIA is critical for two reasons: to inspect and regulate the specified services covered by health and personal social services and the independent sector and to inspect and review health and personal social services in Northern Ireland.

I do not have time to dwell on areas in which health and social care services have left patients and clients wanting: suffice it to say that uncomfortable realities

must be dealt with. The RQIA has issued warnings to 13 care homes, and inadequacies in 18 homes across Northern Ireland have been exposed. There has been poor care provision in three children's homes in Northern Ireland. Therefore, the case for effective regulation and quality improvement is unassailable. The questions that need to be asked are: is the RQIA effective, and does it have the powers to be effective?

The time is right to conduct a review, which can only assist in the process of improvement. Many are asking whether the subsequent measures are adequate to address the identified needs in cases where failures in service provision have been identified. That issue lies at the heart of the motion, and the Minister can ill afford to ignore it. He is rightly being tasked with checking the powers available to RQIA and assessing whether they are effective.

If the powers of the RQIA are critical to delivering its identified function, they must be monitored and evaluated. For the sake of the 95% of the population who will be in contact with health and social care services over the next 12 months, failure on the Minister's part to take up the motion is simply not an option. I support the motion.

2.15 pm

Mr McCallister: The Regulation and Quality Improvement Authority was set up to fulfil a Programme for Government commitment made by the first Executive. The authority is there to improve public services in Northern Ireland. It has powers to regulate in various fields, and it can take action against registered homes for offences under the Order.

When Sinn Féin placed the motion in the list of no-day-named motions, it produced a press release in which Mr McKay, the Member for North Antrim, said:

"I have serious concerns about how the RQIA uses the limited powers available to them."

He went on:

"There doesn't appear to be any emergency protection for the elderly and the vulnerable adults where neglect or abuse has been alleged".

In conclusion, he spoke of a:

"lack of emergency legislation to protect the most vulnerable in our society."

All that is well and good, and Mr McKay, to be fair to him, raises an important issue. The services that the RQIA regulates are highly sensitive and require a larger-than-usual degree of oversight.

Ms S Ramsey: I hope that the Member is commending my colleagues for tabling the motion. It is a very sensitive issue.

Mr Kennedy: You have not heard it all yet.

Ms S Ramsey: That is why I asked the Member to give way now. Does the Member agree that it would be important for the Health Minister to take part in the debate, because, for want of a better phrase, we should be getting from the horse's mouth exactly what the Minister is doing as chief executive of the Department of Health?

Mr Kennedy: Have you heard of swine flu?

Mr McCallister: I am sure that you heard the answer from my colleague; that has been the issue. It has been somewhat surprising that so many health motions have been debated when we have a major and serious problem with swine flu. However, returning to the point about whether I was commending your colleagues, I will let you draw your own conclusions shortly.

The Deputy Speaker: Order, please. Whatever about getting it from the horse's mouth, comments must come through the Chair.

Mr Elliott: Does the Member agree that there seems to be confusion about the suggestions in the motion? On the one hand, the Member moving the motion seems to say that the RQIA is not effective and does not have enough powers, and on the other hand he says that it is not using its powers effectively enough. Which does the Member believe is the real crux of the matter?

Mr McCallister: It is difficult to know from the proposer's opening remarks which he believes, and there seems to be a degree of confusion.

What is odd about this matter is the fact that any powers that the RQIA has were given by the Minister of Health in the first Executive, Ms de Brún. It would not be a huge shock to anyone that I think that Ms de Brún was not a good Health Minister. However, to find out that her colleagues now think that she was not a good Health Minister is a great shock. It is an even greater shock to consider that we are debating a Sinn Féin motion that implicitly criticises the former Sinn Féin Minister and to do so two days before that former Minister is asking for a vote. That seems rather strange. I do not know whether Mr McKay believes that she is doing as bad a job in Europe as she did at the Department of Health. Of course, at least he has a choice: he could join us and vote for change.

Dr Deeny: On a point of order, Mr Deputy Speaker. I thought that this debate was about the RQIA — is it about party-political point scoring two days before an election? We are talking about a very important authority; perhaps we should stick to the subject of the debate.

Mr Deputy Speaker: That is not a point of order, but it is good advice.

Mr McCallister: I am happier to take that advice from the Deputy Speaker than from someone who

would like to be the Deputy Speaker. However, I agree with Dr Deeny's point that it is a serious subject.

The RQIA does sterling work in monitoring the quality of service provision across Northern Ireland, independent of the Health Service and other service providers. The RQIA has a key regulatory function for children's homes, residential homes and nursing homes, which are three areas in which the state has a massive duty of care for the most vulnerable citizens. The Minister has given the RQIA responsibility for making unannounced inspections of acute and non-acute services across Northern Ireland as part of the battle against *clostridium difficile*. That is an example of using the body to good effect, and, indeed, the 2001 Executive intended the RQIA to have that responsibility.

The RQIA is evidence of devolution working. It was set up by the first Executive, and the Minister is making it work better than it did under direct rule. He has identified further ways in which it can improve healthcare, and the RQIA is working to make that happen. We were all impressed by the RQIA's work during the outbreak of *clostridium difficile* in the Northern Trust, when it reported back very quickly before the Minister moved to set up a public inquiry.

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

Mr McCallister: I accept that the RQIA does exceptional work.

Mr Deputy Speaker: I thank the Member for coming back to the subject. I am sure that other Members will follow his good example.

Mrs Hanna: I welcome the opportunity to contribute to the debate, but I am confused by the call for a review of the powers of the Regulation and Quality Improvement Authority. Perhaps Sinn Féin Members will let me know if they have evidence that the RQIA is not accountable, because it would be very serious if that were the case. Indeed, it would be helpful if the mover of the motion of the motion would specify what legislation is required, as the RQIA already has empowering legislation.

The RQIA deals with various high-profile matters. It is responsible for monitoring and inspecting health and social care services, such as residential homes, nursing homes and children's homes. Members will also recall its independent review of the outbreak of *clostridium difficile*. The RQIA has a challenging and important role. As Mr McKay pointed out, it is up to us as elected representatives to ensure that the RQIA is aware of our concerns and that it responds to them. I am interested to hear how the RQIA responded to the complaints, and it would be helpful if that emerged in later contributions.

The RQIA exists to ensure that patients have access to health and social services. It attempts to ensure that

there are good managements and that the relevant legislation's health and safety standards are met. People demand and expect openness, accountability and safety and expect patient and resident welfare standards to be met at all times. The RQIA is the independent watchdog, and it has been tasked with a duty of care to ensure that welfare standards are met under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003. That Order places a statutory duty of quality on health and social care organisations and requires the Department of Health, Social Services and Public Safety to develop standards against which the quality of services can be measured.

The RQIA has wide-ranging powers; it regulates and inspects a huge number of health and social care services, including 55 children's homes, 251 nursing homes and 241 residential homes. Its powers are similar to those of the equivalent body in the UK, but they appear to be more extensive in Northern Ireland. The remit of the RQIA is expanding in the context of changes to health and social care services. In April 2009, the functions of the Mental Health Commission were transferred to the RQIA, and I have been led to believe that a great deal of focus will be put on child and adolescent mental health services. There will also be a broader look at the issue of children being inappropriately placed in adult wards. The RQIA works under legislation that helps to support and drive improvement rather than enforcement. However, enforcement happens if there is a high risk, and emergency closures have happened in extreme cases.

To ensure public confidence in those services, it is fitting that inspections are carried out. They have a continuum of enforcement, starting with recommendations, then requirements with time frames, failure to comply notices, fines or conditions of registration, cancellation of registration and closure of the institution if appropriate. Indeed, that has happened. Closing down an institution is not always the right course of action. When standards fall, it is sometimes more productive to make recommendations on care standards, management or the living environment and to provide a time frame for the mistake or downfall in the system to be corrected.

The public need to be assured that the care provided for everyone in hospital care homes, residential homes or children's homes is of a very high standard and that the homes are constantly monitored and held to account by the RQIA. It is up to us, among others, to ensure that the RQIA is made aware of our concerns and that it acts upon them.

Dr Deeny: Unlike some Members, I will stick to the point. This is a very important debate. We want to ensure that we have good practice and high standards in our Health Service, and the Regulation and Quality

Improvement Authority must be an important cog in the Health Service's future. It is essential that it be a powerful authority. That is why the debate is worth having. The Health Committee met members of the RQIA, and I know some of its members, and they are doing their best. I am sure that they are professional in their attitudes and in their work, but we must ensure that the RQIA is given the power that it requires.

Although the Regulation and Quality Improvement Authority was formed in 2003, few have heard of it; therefore, it is about time that it is discussed. The authority keeps a check on the standards in our Health Service, and the public should be aware of that. That is another reason why I welcome the debate.

The RQIA promises to ensure that there is openness and clarity, which is another reason why we should have this debate. Some of the RQIA's statements are worth considering, for instance:

"The Regulation and Quality Improvement Authority (RQIA) is the independent body responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland, and encouraging improvements in the quality of those services."

The word "encouraging" is not very encouraging; it is not powerful enough. It also describes itself as an independent body, but how independent is it? We know that it can hold private institutions, such as nursing homes, to account, but can it hold the trusts and the Department to account? If it wants to be open and fair, everyone in the Health Service must be accountable, and that goes right to the top. The RQIA also states:

"Our role is to ensure".

— the word "ensure" is better than "encourage" —

"that health and social care services are accessible, well managed and meet the required standards".

The word "accessible" is good. I was elected on an issue that related to patients' access to health care. We should be able to approach the RQIA about the accessibility of health services, which is interesting and worth noting. With whom does the RQIA discuss accessibility? It is not with the patients — the most important people in the Health Service — and certainly not in County Tyrone, that is for sure.

Therefore, accessibility of services is another issue. Why not encourage the public to approach the RQIA with their concerns about accessibility of services?

2.30 pm

The RQIA also states:

"We will work to ensure that there is openness, clarity and accountability in the management and delivery of all these services."

That is good for me, as a clinician, to hear, when all of us involved in healthcare are, rightly, held to account and scrutinised. We now hear of a body to which we can take our problems with management. It is about time.

Who does the RQIA talk to when it comes to gauging good practice and good management in the Health Service? Does it consult the staff, sisters or nurses? If so, I am not aware of it. There is a great deal of work that the RQIA could and should do. We have devolved government, so if we are to have a Health Service to be proud of, we must have high standards. We must have a body to which not just management but the public and health professionals can take their concerns. Many of those concerns may be about matters that jeopardise patients' health and, indeed, their lives.

I will say one thing about management. In the RQIA's words, it is responsible for good practice and high standards in Health Service management. An example of a situation in my constituency that I — indeed, everybody in Omagh — should raise with the RQIA is that, for the past 13 weeks, nurses have been taken by bus to different hospitals from Omagh. Management originally promised that that would happen for four to six weeks. For three days a week, those nurses are gone from home from 6.00 am until 9.00 pm; they do not see their families. That is a management problem, and management cannot guarantee that the issue will have been sorted out after 22 weeks.

Another cause for concern is that senior nursing staff are terrified to go to the press or to their public representatives for fear of being identified. Staff being frightened to reveal their identities is unacceptable in the Health Service.

Mr Deputy Speaker: I ask the Member to draw his remarks to a close.

Dr Deeny: That is why we need a good, powerful RQIA that is accountable to the public and to its elected representatives.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I thank everybody who spoke during the debate, but I put on record again that I am disappointed that the Minister could not attend and respond to it. I am aware that he is dealing with the very serious issue of swine flu, but if he found time to make his way to the Balmoral Show, he can attend a 90-minute debate.

Mr McCallister: The Minister's attendance at the Balmoral Show was to launch the Military and Civilian Health Partnerships Awards and to promote the hand-washing campaign, two very serious issues.

Mrs O'Neill: The Minister is very lucky to have the Member as a cheerleader.

Members referred to the RQIA's role. The RQIA is a relatively new body in health and social care structures. As Members said, it was established in 2005, with an annual budget of £7.4 million and 122 staff to carry out inspections in nursing homes, residential homes and children's care homes. Members rightly pointed

out that the RQIA has a key role to play in measuring performance in those institutions against quality standards for health and social care. The Department sets those standards, which are based on what people should expect from health and personal social services. The quality standards are also set out in legislation, so people should be in no doubt about what to expect from services that they access.

In reality, there is an unacceptable variation in the quality of services provided. Members spoke about the good work that some of the social services do, and I would not take away from that for one minute. There is also no doubt that, since the RQIA was established, improvements have been witnessed. However, more must be done.

The RQIA has a general duty to encourage improvements in the quality of services that health and personal social services, and others, commission and provide. The RQIA's role is to promote the culture of continuous improvement and best practice through inspection and through reviewing clinical and social-care governance arrangements. The RQIA has a key role to play in securing public confidence in services that are provided, often to the most vulnerable in our society: the elderly; those in care homes; children; and the sick. If members of the public do not feel confident in the role that the watchdog plays, they will be less likely to contact it to highlight issues of concern.

Questions have been asked recently about the RQIA's independence, because, although it is a public body, the Department funds it. Some people feel that that means that the Department investigates itself through the RQIA. I have no doubt that the RQIA believes in its independence. However, more information is needed before we can feel confident that that is the case.

Mr McCarthy: I thank the Member for giving way. Can she enlighten the Assembly as to any proof that she has that the RQIA has ignored or walked away from any breaches that it has been informed of, rather than sorting them out?

Mrs O'Neill: I thank the Member for that. There are obviously issues that we need to discuss, and I will get into those further during my contribution. There is a public perception that not enough action is being taken, and that it is not being taken quickly enough. It seems to be a long, drawn-out process.

The RQIA does not regulate or impose sanctions on statutory bodies such as the trusts. It can carry out reviews for the purposes of monitoring and improving the quality of health and personal social services, and it can investigate the management, provision or quality of the care. It can inspect both statutory bodies and providers of services for which the Department has responsibility in respect of the management and

provision of quality or access to, or even the availability of, particular types of services.

In addition, the RQIA can make a number of recommendations to the Department about what it sees as unacceptably poor services or quality of care. All of that sounds great in theory, but we need to establish where the process goes from there. Consider the incidence of hospital-acquired infections and the clostridium difficile inquiry: the RQIA undertook a very comprehensive inquiry, and there is no doubt that it made excellent recommendations that will be taken forward by the Minister and the trusts. However, that is an issue that was of high public interest. People in this Chamber monitored that situation very carefully, but what happens in a case in which, for example, a home is investigated and a number of recommendations are made to a trust? Who monitors that process and oversees how those recommendations are implemented? The role of the RQIA stops at the investigation. It produces a report, but where does the process go from there? That is something that we need to consider.

Proposing the motion, Daithí McKay talked about enforcement being key. There is no point in having standards and care guidelines if the regulations are not effectively enforced. Daithí also referred to the fact that the sanctions that seem to be handed down by RQIA do not reflect the magnitude of the regulation breaches. Despite some very serious failures being identified, not one case has been taken to court. There are probably varying reasons for that, but we need to get to the bottom of why that is so.

I noticed in the information pack that was provided for today's debate a question that was tabled by my colleague John O'Dowd about the number of failure-to-comply notices that were handed out by RQIA. It issued 93 failure-to-comply notices to 21 establishments over a particular period, which means that it has had to issue those notices on a frequent basis. They are obviously not being followed up the first time that they are issued. That needs to be looked at, because some of those organisations completely ignore those failure-to-comply notices. RQIA needs to send out a clear message that it will not accept that type of behaviour from those organisations and that it is serious about protecting people who need to use the services.

I now turn to some of the comments that were made by Members. Alex Easton talked about the good work of the health and social care workers across the board, with which I fully agree. He said that powers need to be adequate and used effectively, and that the services need to be fit for purpose. He also said that it is time to conduct a review.

John McCallister, who has left the Chamber, talked about how the services —

Mr McCallister: I am here.

Mrs O'Neill: He has changed parties.

Mr S Wilson: He has come to the right side.

[Laughter.]

Mrs O'Neill: He talked about how the services that the RQIA regulates are highly sensitive. He then went off on a rant and referred to Bairbre de Brún's time in office. She was an excellent Health Minister. She took forward a very radical policy in Investing for Health, which is still being rolled out to this day.

Carmel Hanna questioned the need to change the legislation, and I hope that it is now a wee bit clearer why Sinn Féin is saying that it must be looked at. The Department and the RQIA have an agreement to review, every four years the powers that are available to the RQIA. However, Sinn Féin is suggesting that those powers should be continually monitored. That request is not a criticism of the RQIA; rather, having the Department review the RQIA's remit to see whether anything else can be done to assist it.

Mrs Hanna mentioned that the RQIA has taken on new roles following the transfer of responsibility for the Mental Health Commission, and I welcome that fact. However, she also spoke about the lack of public confidence in the RQIA, which is what we are trying to get to the bottom of today.

Kieran Deeny welcomed the debate, and he pointed out that the RQIA is a powerful authority that must be more accessible. There is a general lack of knowledge about what it is and does, and I raised that point with it only last week. People do not know what the RQIA is, what it does, or even how to get in touch with it.

Sinn Féin wants the public to be confident about the services that they will need to avail themselves of at some stage in their lives. If vulnerable adults and children are to receive the highest standards of care at their time of need, that care and those services must be monitored and measured. We urge the Minister to keep this matter under review and to meet the RQIA to take it forward. I ask Members to support the motion.

Question put and agreed to.

Resolved:

That this Assembly calls on the Minister of Health, Social Services and Public Safety to review the powers available to the Regulation and Quality Improvement Authority (RQIA); and asks if the RQIA is using these powers effectively.

2.45 pm

Motion made:

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

ADJOURNMENT

Gold-Mining at Cavanacaw, Omagh

Mr Deputy Speaker: The proposer of the topic will have 15 minutes in which to speak. All other Members who are called to speak will have approximately 8 minutes.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom a rá go bhfuil mé buíoch den Aire as a bheith i láthair don díospóireacht seo..

I am grateful to the Minister of the Environment, Sammy Wilson, for his attendance. My most recent visit —

The Minister of the Environment (Mr S Wilson): I hope the Member appreciates, first, that I have deserted canvassers in East Antrim, and secondly, that I have had to come out of the sunshine in order to listen to him talk about gold-mining in his constituency. Nevertheless, I am looking forward to hearing his comments, although I hope that his speech proves to be interesting enough to justify drawing me away from the country lanes of East Antrim into the Assembly Chamber.

Mr McElduff: As far back as last week, when this topic first appeared on the Order Paper, I could sense resentment from the Minister. Therefore, I am grateful to him for sacrificing other distractions.

My most recent visit to Cavanacaw, outside Omagh, was last Friday afternoon. The southern Sperrins region is a beautiful part of the world, but, on arriving at the townlands in and around Cavanacaw, I was struck by the huge stockpiles of rock that scar the landscape and are visible for miles. It looked more like a quarrying business than a gold mine. Anybody passing through the area would think that that they were looking at a succession of quarrying businesses rather than a gold mine.

In 1995, planning permission was granted to Omagh Minerals Limited for the extraction of gold and silver. However, the mine did not go into production until 2007. Although planning approval was secured, numerous conditions were attached to it in order to protect local residents, community amenities and the environment. I am interested to hear the Minister's comments about how well, or poorly, those planning conditions have been monitored and enforced. Are any enforcement cases open and live?

Omagh Minerals Ltd holds a prospecting licence for 189 square kilometres in the southern Sperrins from Gillygooly to Lack, which is an area of outstanding natural beauty. Many sites have been identified for excavation well into the future and many of them are known locally by local surnames; one such is the Kerr vein site. People are fearful about the future of the landscape and tourism in the area and about the environment.

I invite the Minister to visit Cavanacaw to see the situation at first hand. Minister Sammy Wilson has met Omagh Minerals Ltd and local residents, and I am grateful for his interest in the matter. However, that interest would be enhanced greatly by a visit to the site.

As I said in my opening remarks, planning permission was secured in 1995, but it was only actualised in 2007 after one of the longest-running public inquiries ever. Local residents succeeded in securing numerous conditions to the planning permission, but they feel strongly that they have been abandoned by the Department of the Environment and its agencies, not least the Planning Service.

In a BBC news interview, Moe Lavigne, vice-president of the Glantas Gold Corporation, which owns Omagh Minerals Ltd, said:

“Galantas will not just be flogging its gold to the world market. The leftover rock can be sold on to building and construction firms as aggregate, and there's even silver and lead in the rock.”

It appears to local people that stealth quarrying has taken place and that this is more about quarrying than gold-mining. The confirmation that it contains silver and lead is yet more evidence that the rock, which should not have been moved off site, is contaminated; a fact that the Minister needs to address.

Omagh Minerals Ltd is seeking revised planning permission to allow 40 trucks in and out of the mine per day compared with one per day at present; it also asks for changes to the closure plan. If granted, that would allow the long-term stockpiling of millions of tons of aggregate, which is required for backfilling and restoration, for probable removal off site.

Many residents have come together to engage on a new course of action to ensure that any further planning applications by Omagh Minerals Ltd are refused. The grounds for refusal are based on many factors, the most important being the enforcement case, which is still open and which now covers 12 conditions in breach, with many additional conditions under scrutiny.

Other agencies are investigating the mine. There are various issues for the Health and Safety Executive regarding stockpiles and the security of the site and its entrance; Revenue and Customs is seeking the collection of the aggregate levy; the Crown Estate is reviewing the bond and restoration fund to reflect today's costs

but has refused to disclose the value of the bond to local residents; and the Environment Agency is investigating pollution and the contamination of rock removed from the gold mine.

Given the involvement of all those agencies, it is clear that much work has to be done to bring the gold mine back into line with Government policy, planning legislation, environmental standards, and the 1995 permission approval conditions. People in the area say that the situation has got out of control, and the lion's share of responsibility for ensuring that it is brought back under control rests with the Department of the Environment.

People are emphasising that the mining operations at Cavanacaw are the shape of things to come, and they are worried about the extent of the damage that prospecting licences are doing in the southern Sperrins from Gillygooly to Lack and what they will do in the future. People have described the operations as stealth quarrying rather than gold-mining, and they are worried about it.

As I said already, Minister Sammy Wilson had a meeting with representatives from Omagh Minerals Ltd in early May. The Minister was advised that the company will rely on new planning permissions and revisions to existing planning permissions to safeguard and develop operations. Multiple planning breaches concerning the current mining of Kearney vein are under investigation, but local residents have learned, to their horror, that Omagh Minerals Ltd plans to excavate a second vein for which it does not have planning permission. Once again, Omagh Minerals Ltd is showing contempt for planning regulations, and the Planning Service has questions to answer.

If Omagh Minerals Ltd intends to open new veins or to carry out gold-mining or quarrying activities in the Sperrins, they must be required to apply for the relevant planning permissions in advance of the operations, not retrospectively. In my constituency, I hear that some people who are attached to the company are boasting that they need submit only a retrospective planning application or explain away the mining as exploration work. Omagh Minerals Ltd is not worried about the planners; in fact, its workers think that, by the time that the planners dither about with enforcement cases, for instance, the company can empty any pit. That is the type of comment that is being made in Omagh and West Tyrone by people who are associated with Omagh Minerals Ltd. The residents' concerns deserve the highest possible hearing from the Department of the Environment.

There is a series of related issues, which I will not go into today. I am grateful for the attendance of MLAs from other constituencies who are interested in

the issue, and I look forward to the contributions of other Members.

Mr Elliott: I do not represent West Tyrone, but the environmental damage has the potential to move into Fermanagh. I was interested in Mr McElduff's comments. During his contribution, I do not think that he once mentioned Eskragh or the position that he played for his GAA team in Tyrone. The Adjournment debate has certainly provided a new angle.

I want the Minister of the Environment to inform the House of the protection that his Department will give to the area in which the mining operations are taking place: the landscape, the environment and the community. I do not know the exact details, but I wonder whether planning permission has been granted for all excavations. People have told me that the mining operation seems more like a quarrying operation than a gold-mining operation. I assume that there is planning permission to excavate stone material, but I do not think that that is the basis of what it is meant to be doing.

I am also curious to know what mechanisms are in place to police the determinations of the planning permission and the licences that are granted. I come from a rural farming background, and I am aware that some people in that community who commit minor discrepancies, such as dumping or tipping a few loads of soil, face the full force of the departmental authorities. Sometimes, however, the bigger operations get away unscathed and do not feel the same rigours of the law or the authorities. That is my main concern. I am concerned about the spread of the proposals and what is happening here.

I am also curious to know how many licences have been granted for such work to be carried out throughout the Sperrins.

There is deep unhappiness among the local community there, and, indeed, among the wider community. A huge concern is that such activities will spread and escalate. People believe that the authorities are not listening to them and that Omagh Minerals Ltd appears to be able to do exactly as it pleases.

Mr Gallagher: I thank the Member who secured the debate for doing so. Like Mr Elliott, I represent Fermanagh and South Tyrone. The area covered by the prospecting licence of Omagh Minerals Ltd extends to Lack in County Fermanagh. As has been said, that area is beautiful and scenic and is full of natural assets that provide local people with the potential to develop tourism initiatives. One concern is that that potential is being jeopardised by the activities that are being carried out.

Furthermore, as has been said, there are concerns about planning issues. As I understand it, even though all the conditions around the planning application had not been fully determined when Omagh Minerals Ltd began work, it has been carrying out its work undeterred.

That simply adds to the general concerns about despoiling the countryside. I also understand that the Planning Service's enforcement branch has not issued an enforcement notice to the company, despite the fact that work has commenced. That is quite a serious concern, and people are also asking the Northern Ireland Environment Agency what it is doing about it. We are all aware that there has been correspondence between the developers and the Planning Service and that they have had meetings, but people want those outstanding concerns to be addressed. We hope that the Minister can go some way towards doing so this afternoon.

There is a wider concern about inconsistency in the enforcement of planning decisions. For example, I know of industries providing employment that have been served with enforcement notices because of some of their activities. In one case, a business was extending its work premises. Another example is of a farmer who built a slurry tank under the terms of a Department of Agriculture and Rural Development scheme and received an enforcement notice from the Planning Service before the cement had dried. That does not sit well against the fact that there is a lack of enforcement notices for companies that are engaged in the activities under discussion this afternoon. I agree entirely that there is great concern about the issue, and I support the comments made today.

Dr Deeny: I, too, thank the Minister for taking the time to be here and for dragging himself away from canvassing, knocking on doors and shaking sweaty hands on this warm day. I also thank him for his commitment to our area. I concur with the remarks made by two of the three Members who spoke previously. There are serious concerns that the operations under discussion today are quarrying by stealth and not, in fact, gold-mining.

I will speak about the major health concerns involved. I assure the Minister that I will not be using medical terminology, which confuses most people.

3.00 pm

Water pollution is an obvious concern. It is our most natural resource, and clean water is a precious commodity. There is a danger that the Foyle River system and the surrounding groundwater will be polluted, resulting in a negative knock-on effect for local agriculture and fishing. There is also the possibility that the polluted water might enter the food chain. Furthermore, there is concern that there is no effective containment of contaminated water. Heavy metals are toxic, and there is a fear that they may be carcinogenic.

High levels of rainfall can cause an overflow and a release of toxins, and there is also a problem of acid rock drainage. There is the suspicion that overflows

from the tailings pond ended up in the Creevan Burn during high rainfall, and that was disguised by high flooding and water discoloration.

Metals other than gold are released when rock is crushed, including lead, cadmium, nickel and arsenic, which are all potentially toxic and dangerous. Heavy metals in such unnatural concentrations can pose enormous problems because they will not break down or disappear completely. The presence of toxic metals in effluence and tailings poses a health threat.

There is also a concern for the livestock, wildlife and fish because they will also suffer from metal poisoning if their food or water is contaminated. Human health is at risk through direct and indirect consumption of contaminated products.

All the heavy metals that are released are present in dust and sediment. An open-pit operation, such as that at Cavanacaw, produces a lot of dust, especially in such a windy location. That dust is transmitted easily and poses a danger for surface vegetation, crops, livestock and humans. Pregnant women, the elderly and vulnerable people, especially those who suffer from asthma, are particularly at risk from dust and sediment, and that fact should not be dismissed.

Excavation, rock moving and crushing generate a high level of noise, and that has major ramifications for the health of homeowners in the area, along with domestic livestock and wildlife. The workforce at Cavanacaw should be aware of the increased risks to their health, and those who work in close proximity to toxic chemicals, dust, and extreme noise on a daily basis may well see a deterioration in their health and have long-term health problems — never mind accidents and, in the worst-case scenario, early death. The health of local residents must not be ignored or dismissed, because they can suffer the same negative impacts. However, they face additional problems, such as stress, worry, anxiety, loss of amenities, the devaluation of properties and negative equity. Those problems can cause mental-health issues. Increased levels of traffic must also be taken into account.

I am reliably informed that condition 28 of the planning consent document stipulated that fixed water sprays be installed on the roads to limit dust transmission, but that provision was never implemented. Condition 28 also stipulated that stockpiles of rock should be sown with a range of plants to limit the transmission of dust outside the site boundary. That was not done. Condition 23 stated that ore stockpiles should be retained in a covered area for the same reason, and that has not been done either. Those three planning breaches were confirmed by the Planning Service. No one can have any idea how much toxic dust blew across the fields in that windy location, or how much of that has entered the food chain through crops or cattle and sheep grazing.

Environmental health officer David Gillis confirmed that little or no monitoring of the site had ever taken place.

I have been informed that, depending on the Minister's response, the Committee for the Environment may look into the issue.

The Minister of the Environment: I will try to address all the points that have been raised by various Members as best as I can in the time available. Having met people on both sides of the argument and having spoken to officials from the Department, I understand the anxieties on both sides.

This issue is an example of the conflict that can occur with all economic activity, especially in rural areas where the landscape is beautiful and where there are some sensitive environmental issues. There is a conflict between jobs and the environment and between people's amenity and their employment. Let us not forget that the mine creates employment in the area and that local people depend on it for their income and livelihoods. At the same time, people who are affected by an economic activity have the right to expect some protection from it.

I listened to what Members said about the Department's role. I think that some of those comments were unfair. Mr McElduff gave us some of the history behind the mining operation. However, to ensure that all the issues that may arise from the mining activity were aired fully, debated and considered before a decision was made, the Department held an extensive public inquiry. At that inquiry, all the issues were aired, and, as a result, 40 conditions were attached to the planning application.

Since then, the site has been monitored. As a result of departmental action, some of the issues that arose have now been dealt with, and those matters have involved more than on-site considerations. For example, the Northern Ireland Environment Agency (NIEA) has employed Queen's University to look at the off-site impact of activities at the gold mine. We do not just look at what happens on-site; we also look at the off-site impact.

I will address Dr Deeny's points in a moment. However, I will address Mr McElduff's comments first, and my remarks may be pertinent to some of the other comments that were made. A number of false assertions were made during the debate. First, activity on the site did not start in 2007. Permission to mine was given in 1995, and mining started in 1997. It is significant that for probably 10 years, there were no huge issues with the site. We must bear in mind that the issues arose first in 2007, which, I think, is the date to which Mr McElduff refers, when it was decided to remove some of the rock from the site. Prior to that, there was activity, but it did not give rise to the concerns that are being raised now.

Secondly, it has been argued that this mine is an excuse to quarry. A number of Members used the term "quarrying by stealth". However, I suppose the mine is like a quarry, given that it is an open-cast mine; that is the way in which the rock has been exposed. I spoke to the mine owners and asked them to explain the requirement for such a huge scar on the landscape, given that the vein of gold was so narrow. They referred to health and safety and to the importance of ensuring that the sides of the mine did not cave in. The mine has to be stepped and tiered, meaning that it has to be wide at the top so that the very narrow vein at the bottom can be reached.

The closure plan requires that a scar will not be left on the landscape. When the extraction is finished, the hole must be filled in. However, as we all know, when rock is extracted, broken up and replaced, there will be more rock than is needed to fill the hole. Mr McElduff said, quite rightly, that we do not want huge piles of rock scarring the landscape. That means that some of it will have to go off-site.

The issue is about how much rock is required for the closure and whether more rock was removed than was necessary. The company was wrong not to have a proper closure plan in place, because that would have indicated how much rock was required for landscaping and how much was surplus.

Some Members accused my Department of acting slowly. Within five months of the rock removal starting, my Department had stopped it. Some Members also asked why we did not serve the company with an enforcement notice. We did not do that because the company complied with the Department. It stopped its activity after being approached by enforcement officials from the divisional planning office. Therefore, an enforcement notice was not needed.

I made it quite clear to residents whom I met before the activity stopped, that if it continued, an enforcement notice would be served and acted upon. However, that was not necessary. Therefore, it is unfair for Members to say that my Department did not act, when it acted fairly quickly.

I suspect that some surplus rock will be removed from the site at some stage. That rock could be used for local road building. As Members know, I do not subscribe much to this. However, rather than increasing the carbon footprint of the construction industry by drawing rock from further afield to use in road schemes here, it makes much more sense to use the surplus rock from the local site.

I have dealt with many of the points that Mr Elliott raised on the issue of licences. The Department of Enterprise, Trade and Investment (DETI) issues the licences for further excavation or mining, not my Department. The granting of a licence does not

necessarily mean that a company will be given approval to mine. Two separate Departments are involved in that, and the kinds of factors that the Department of the Environment takes into consideration might differ from those that DETI takes into consideration when granting a licence to a company.

I have already dealt with the point that Mr Gallagher made about enforcement notices. He also asked what action NIEA is taking. As I explained, and this should answer one of Dr Deeny's points also, NIEA has a specific role. It ensures that nearby water supplies are not contaminated as a result of on-site activities. Settlement pools of water sit on the site, and it is NIEA's job to ensure that those do not leak into nearby watercourses or water sources by taking monthly samples. Twelve samples are taken every year to ensure that there is no leakage from the site.

NIEA has reported that there have been no instances of water pollution as a result of activity on the site to date. One reason for that — Dr Deeny talked about the issue of heavy metals, etc — is that although the company has permission to use a cyanide reactor to separate gold from ore, it has decided not to use that method. Therefore, the danger of that form of pollution has not arisen on site.

Dr Deeny also raised the issue of dust coming from the site. The initial public inquiry indicated that all screening, etc, had to be done in closed and wet conditions to reduce the levels of dust, and that is being done.

However, he is right in saying that no sprays have been installed in relation to materials carried on-site — and, of course, dust arises from such activity — and that stockpiles of stones were due to be planted out within two years of the operation beginning. Those conditions were not met, but I understand that sprays for the lorry loads of stone are now in place, that planting has started and that tests will take place over the growing season. I accept that those actions should have begun earlier, but as a result of enforcement action taken by the Department, those issues are being resolved.

3.15 pm

Dealing with noise emanating from the mine was part of the original planning agreement. I may be incorrect, and if so I apologise, but looking through the conditions that are still outstanding, acoustic mounding was to be provided in the form of a till bund. The Department is satisfied that the second phase of the project has yet to commence and is awaiting a survey from its construction services branch. I accept that that is another condition that should have been met at an earlier stage, but the Department is pursuing it in light of the complaints that it has received.

I listened to what Members have said today, and my Department is committed to ensuring that no one, regardless of size, scale, or type of operation, is seen to

be above the rules, regulations or planning conditions. By and large, most of the conditions laid down at the time of the original planning permission for the mine have been met. However, I am aware that some conditions of a more technical nature, and others that are more serious, have not been met. In relation to those conditions, I assure Members that no more rock will be taken from the site until a proper closure plan has been established and until the Department knows for certain what surplus rock exists. Furthermore, all the environmental issues that have been raised are being dealt with. Indeed, I understand that some of them have already been dealt with.

One other issue mentioned, which I wish to deal with, is that of the Kerr vein, and whether the mining company will begin work on that vein without planning permission. The original planning permission allowed the company to mine the vein but it decided not to do so at that time. I understand that in the interest of transparency, the company has announced on its website that it intends to mine that vein, and I wish to make clear that it is doing so on the basis of the original planning permission that was granted and not as a kind of snub-nose gesture towards local people.

Mr McElduff asked whether I will visit the site. I have sent my factor — my man who does — to look at the site and he has reported back to me. I have also studied extensive aerial photographs of the site and I have spoken to public representatives, the mining company and residents. I believe that I have a fairly good view of the site. However, should there be an occasion in the future — and of course the Assembly knows that my future is somewhat uncertain — *[Laughter.]* That being the case, the invitation may come too late, and I may not have the opportunity to go —

Mr Elliott: You had better do it quickly.

The Minister of the Environment: It may be too late if I do not do it before this weekend. If I felt that a visit to the site were necessary, I would be more than happy to go.

The Executive and my Department have an obligation to ensure that any complaints are looked at properly. We also have an obligation to judge and to balance the economic interests and the environmental and amenity interests of any planning application. I hope that my reply to the debate has demonstrated that we have sought to do that. We may not have done that to the satisfaction of some who have been severely impacted by the issue, but I hope that no one will run away with the idea that local people have been abandoned by the Planning Service, as has been suggested. That has certainly not been the case. When issues have been drawn to the attention of the Planning Service, it has sought to resolve them as quickly as possible.

Adjourned at 3.21 pm.

