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# NORTHERN IRELAND ASSEMBLY

Monday 29 June 2009

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

*Members observed two minutes' silence.*

## ASSEMBLY BUSINESS

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

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

**Mr Speaker:** I will take a point of order from Mr McNarry, and, following that, I will take a point of order from Mr O'Loan.

**Mr McNarry:** On a point of order, Mr Speaker. When can the House expect the Minister of Finance and Personnel to make a statement on the June monitoring round?

**Mr Speaker:** I thank the Member for his point of order. I have received no notification on the issue, but I spoke to the Minister this morning. As Members know, statements from the Finance Minister have to be agreed by the Executive, because they are made on behalf of the Executive. I understand that such a statement has not yet been agreed. The Executive will meet on Thursday, and it is possible that agreement will be reached on the statement at that meeting.

Having met the Minister this morning, I understand that he has no intention of not giving the Assembly its place on such an important issue. I have no doubt that after Thursday's Executive meeting, we will hear a statement on the June monitoring round from the Minister.

**Mr McNarry:** Further to that point of order, I am grateful to you for your explanation and for what the Finance Minister has relayed to you. Should the Assembly, therefore, expect to be called for a plenary session to hear the Minister's statement before recess or to be recalled during recess?

**Mr Speaker:** It will be for the Finance Minister and the Executive to work out the procedures after the Executive make their decision, but that issue has not been contemplated.

**Mr McNarry:** Further to that point of order, do you agree, if it is your place to do so, that it would be

inappropriate for such a statement not to be made to the House before the summer recess or even at a recall of the Assembly during recess and that Members should not have to wait until September for the statement?

**Mr Speaker:** It is the intention of the appropriate Minister, if there is agreement at the Executive meeting on Thursday, to furnish Members with a written statement and to return to the House in September with an oral statement. That means that Members will have two opportunities to examine the issue. Perhaps that is the best way forward. However, let me make it absolutely clear that the Minister has no intention of bypassing the Assembly on this very important issue. I have no doubt that when the Executive make their decision on Thursday, proper procedures will be followed by the Minister, and by the Executive.

**Mr O'Loan:** Further to that point of order, Mr Speaker. Before I make my own point of order, I want to express my own strong support for what Mr McNarry has said. It would be outrageous if no statement was made to the Assembly on the June monitoring round before the summer recess. It would also be outrageous if such a statement was postponed until September.

**Mr Speaker:** Order. I ask the Member to take his seat.

Let us be absolutely clear: the Minister cannot make a statement until the June monitoring round has been agreed by the Executive, and there was no agreement at the most recent Executive meeting. That is why there is no statement from the Minister to the House this morning or tomorrow. The statement must first be agreed by the Executive, so that the Minister can deliver the statement on behalf of the Executive. Such a statement is not delivered on behalf of the Finance Minister, but on behalf of the Executive. Let us have clarity on that issue and stop playing politics with it.

**Mr O'Loan:** On a point of order, Mr Speaker. I want to make two points of order in relation to the debate in the House on 23 June on the report of the Committee on Standards and Privileges on the Northern Ireland Assembly code of conduct. The first relates to the accuracy of comments, and the second relates to the use of unparliamentary language.

In relation to the point of accuracy, page 31 of the 'Northern Ireland Assembly Companion' states:

"A good precedent has been established by other Members that, when a Member discovers that something that was said was incorrect, it was withdrawn on the Floor of the House. That is a good and proper way to behave."

It is clear that the issue of accuracy is pertinent to the order of the House

In that debate, Mr Ian Paisley Jnr made certain comments. He referred to complaints that had been made in relation to him and said:

“Most of those complaints were repetitive and they all collapsed”. — *[Official Report, Bound Volume 42, p191, col 1]*.

However, in relation to complaints that were made by me against Mr Paisley Jnr, two were upheld by the interim Commissioner for Complaints, and one was substantiated by the Committee. A further complaint led to the Committee on Standards and Privileges reporting that it was:

“essential for the integrity of the Assembly that the rules governing the use of Office Cost Allowance are reviewed urgently”.

The Committee wrote in those terms to the Assembly Commission. Therefore, to say that the complaints had “collapsed” was both inaccurate and seriously misleading to the Assembly. That is an important matter that requires the attention of the Speaker.

With respect to the use of unparliamentary language, in the same debate, Mr Paisley Jnr, clearly referring to me, as he had named me earlier in the debate, said:

“We have had people’s reputations dragged through the mud for one reason only: to make the cheapest, lowest, dirtiest, meanest, nastiest complaints possible against Members and their character”. — *[Official Report, Bound Volume 42, p191, col 1]*.

Furthermore, he later used the words:

“the lowest, nastiest, cheapest activity”. — *[Official Report, Bound Volume 42, p191, col 1]*.

I made complaints that I believed to be entirely in the public interest, and that is what motivated me. I do not think that my motives should be impugned, and certainly not in language that I believe is unparliamentary. I ask you to rule on both of those matters.

**Mr Speaker:** I thank the Member for his point of order. The Member visited me this morning to discuss a number of issues, and that was one of the issues raised. I ask him to allow me to examine the Hansard report of that debate, and I will return either to him directly or to the entire House.

**Dr Farry:** On a point of order, Mr Speaker. Returning to the issue of the June monitoring round, can you rule whether, in the letter and spirit of Standing Order 18(2), it is in order for the outcome of that monitoring round to be released through a written statement? It is quite evident that the June monitoring round is a “matter of public importance,” and the Minister is required to be mindful of that when taking any decision to release information through a written statement.

Further to that, is it technically possible for a written statement to be issued during the summer recess, given that no Official Report will be published to which the written statement can be annexed?

**Mr Speaker:** The Member has raised a number of issues. I have spoken to the Minister this morning, and I think that his intention is to issue a written statement

in advance of an oral statement being made in the House in September. We are all up against the fact that summer recess is soon to begin. However, I should have thought that that is the best way to handle the matter. The written statement will clearly indicate that an oral statement will be made in the House in September.

I will keep repeating what I said earlier. I know from speaking to the Finance Minister this morning that he is quite anxious to make a statement to the House on the June monitoring round on behalf of the Executive. However, because we are up against the summer recess and because the Executive did not agree the matter last Thursday, the best procedure is to issue a written statement that clearly indicates that an oral statement will be made in September.

**Dr Farry:** Further to that point of order, Mr Speaker. I certainly appreciate the Speaker’s guidance and recognise the practicalities of the situation that we are in. However, I would like clarification that any written statement that is issued will not be a written statement as per Standing Order 18; it will be a written statement from a Minister, not a written statement to the House.

**Mr Speaker:** That is correct. It will be advance notice to the House of an oral statement in September. It is for the Executive to decide what else that written statement might say, but that is what I would expect from it. *[Interruption.]*

Order. Members should not shout from a sedentary position. I am absolutely clear on the issue and on the conventions and procedures.

**The Minister of Finance and Personnel (Mr Dodds):** Further to that point of order, Mr Speaker. Let me say, for the sake of clarification, that I would have been absolutely delighted to make a statement on the June monitoring round in the Chamber this morning. It was not that the matter was not agreed; rather, it was deferred at the request of two Executive Ministers who wanted more time. Let us be in no doubt as to why no statement has been made in the Chamber today. It was not members of my party who made that request. Can I also say — *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Finance and Personnel:** I am making a point of order.

I am sure that other Executive Ministers and I will be happy to make a statement to the House whenever the House wishes one to be made. It is for the House to decide when it wishes to meet and in what form it wishes the statement to be made. I, and any successor of mine — indeed, any Minister — will comply with whatever the House wishes. At the end of the day, it is not for us to dictate to the House; we must work with

the House. I can certainly undertake that, if the House makes a determination on how it wishes to proceed on the matter, it will be followed through on.

**Mr Speaker:** OK, Members, let us move on, please.

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

**Mr Speaker:** Order. Is it the same point of order on which I have already deliberated for quite a while, or is it a totally different point of order?

**Mr McNarry:** It is a further point of order —

**Mr Speaker:** No. Order —

**Mr McNarry:** Excuse me; it is a further point of order that is different to the issue.

**Mr Speaker:** Well, let us hear it.

**Mr McNarry:** Thank you. Is it the case that the Minister can be permitted by you, Mr Speaker, to —

**Mr Speaker:** Order. I ask the Member to take his seat. He is coming very close to making the same point of order.

**Mr McNarry:** But if —

**Mr Speaker:** Order. I ask the Member to take his seat. I have spent quite some time trying to explain the position and how the Assembly might agree on this. Both the Finance Minister and I have spoken in an attempt to resolve the issue, and the convention for resolving the issue for the benefit of the entire House is absolutely clear.

**Sir Reg Empey:** Can I make a point of order?

**Mr Speaker:** Yes, certainly.

12.15 pm

**Sir Reg Empey:** When I was sitting upstairs a few moments ago, I heard the Minister of Finance and Personnel refer to the absence of a statement today. I ask the Minister to reconsider what he said. I did not ask for the matter to be deferred. The papers were late and were delivered only an hour or so before the meeting. I said that I was not taking any view on them: I did not ask for them to be deferred. However, why should they be served up to me and the rest of the Executive at such stupid notice?

**Mr Speaker:** I want to make it clear that the House should not get involved in how the Executive do their business. Let us move on.

## ASSEMBLY BUSINESS

### Committee Chair Changes: SDLP

**Mr Speaker:** I wish to advise Members that I have received notification of the resignation of Mr Mark Durkan as Chairperson of the Committee for Enterprise, Trade and Investment with effect from Tuesday 30 June 2009. I have also received notification of the resignations of Mr Patsy McGlone as Chairperson of the Committee for the Environment and Mrs Carmel Hanna as Chairperson of the Committee on Standards and Privileges with effect from Friday 3 July 2009.

The nominating officer of the SDLP, Mr Mark Durkan, has nominated Mr Alban Maginness as Chairperson of the Committee for Enterprise, Trade and Investment with effect from Tuesday 30 June 2009, and Mrs Dolores Kelly as Chairperson of the Committee for the Environment and Mr Declan O'Loan as Chairperson of the Committee on Standards and Privileges with effect from Friday 3 July 2009. Mr Maginness, Mrs Kelly and Mr O'Loan have accepted the appointments.

I am satisfied that the correspondence meets the requirements of Standing Orders, and, therefore, confirm that Mr Alban Maginness will be Chairperson of the Committee for Enterprise, Trade and Investment with effect from Tuesday 30 June 2009; Mrs Dolores Kelly will be Chairperson of the Committee for the Environment with effect from Friday 3 July 2009; and Mr Declan O'Loan will be Chairperson of the Committee on Standards and Privileges with effect from Friday 3 July 2009.

### Suspension of Standing Orders

**Lord Morrow:** I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 29 June 2009.

**Mr Speaker:** Before I put the Question, I remind Members that this motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

That Standing Orders 10(2) to 10(4) be suspended for 29 June 2009.

**Mr Speaker:** As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

## Appointment to the Assembly Commission

**Mr Speaker:** I would like to inform Members that I have been notified that Mr Alban Maginness has resigned as a member of the Assembly Commission with effect from Friday 26 June 2009. In accordance with Standing Order 79(4), the vacancy must be filled within 28 days.

As with other similar motions, this will be treated as a business motion. There will, therefore, be no debate.

*Resolved:*

That, in accordance with Standing Order 79(4), Mrs Carmel Hanna be appointed to fill a vacancy on the Assembly Commission.  
— [Mr P Ramsey.]

## EXECUTIVE COMMITTEE BUSINESS

### Forestry Bill

#### First Stage

**Mr Elliott:** On a point of order, Mr Speaker. Is it reasonable that Members should have only a couple of hours' notice of such an important Bill, even though it is only at First Stage? The relevant Committee did not have prior notice of the matter.

**Mr Speaker:** It often happens in this House and elsewhere that the First Stage of a Bill appears neither on the Order Paper nor elsewhere.

**The Minister of Agriculture and Rural Development (Ms Gildernew):** I beg to introduce the Forestry Bill [NIA 11/08], which is a Bill to make provision in relation to forestry and connected matters.

*Bill passed First Stage and ordered to be printed.*

**Mr Speaker:** The Bill will be put on the list of future business until a date for its Second Stage is determined.

### Budget (No. 2) Bill

#### Further Consideration Stage

**Mr Speaker:** I remind Members that, under Standing Order 37(2), the Further Consideration Stage of a Bill is restricted to debating any further amendments that have been tabled to the Bill. As no amendments have been tabled, there is no opportunity to discuss the Budget (No. 2) Bill today. Members will, of course, be able to have a full debate during the Bill's Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.



## COMMITTEE BUSINESS

### Statutory Committee Membership

**Mr Speaker:** As is the case with similar motions, this will be treated as a business motion. Therefore, there will be no debate.

*Resolved:*

That Mr Alex Attwood replace Mrs Dolores Kelly as a member of the Committee for the Office of the First Minister and deputy First Minister; that Mrs Mary Bradley replace Mr Alban Maginness as a member of the Committee for Social Development; that Mr P J Bradley replace Mr Pat Ramsey as a member of the Committee for Culture, Arts and Leisure; that Mr John Dallat replace Mr Tommy Gallagher as a member of the Committee for the Environment; that Mr Tommy Gallagher replace Mr John Dallat as a member of the Committee for Regional Development; that Mrs Dolores Kelly replace Mr Tommy Gallagher as a member of the Committee for Health, Social Services and Public Safety; that Mr Patsy McGlone replace Mr P J Bradley as a member of the Committee for Agriculture and Rural Development; and that Mr Pat Ramsey replace Mr Alex Attwood as a member of the Committee for Employment and Learning.

### Standing Committee Membership

**Mr Speaker:** As with similar motions, this will be treated as a business motion. There will, therefore, be no debate.

*Resolved:*

That Mr Tommy Gallagher replace Mr Pat Ramsey as a member of the Audit Committee; and that Mr Patsy McGlone replace Mr Thomas Burns as a member of the Public Accounts Committee.

### Motions to Amend Standing Orders

**Mr Speaker:** As the next 27 motions relate to amendments to Standing Orders, I propose to conduct the debate as follows: I propose to group the motions as shown on the separate sheet that has been provided for Members and to conduct three debates. I shall ask the Chairperson of the Committee on Procedures to move the first motion in each group. Debate will then take place on all motions in the relevant group. When all Members who wish to speak have done so, I will put the Question on the first motion. I shall then ask the Chairperson to move formally each of the remaining motions in the group in turn, and I will then put the Question on each motion without further debate. If that is clear, we shall proceed.

The first group consists only of motion (a), as indicated on the Order Paper.

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

(a) In Standing Order 10 leave out paragraph (7) and insert –

“(7) Where an oral Ministerial statement made under Standing Order 18A impinges upon the time bands specified in this order, the Speaker shall act in accordance with Standing Order 18A(6).”

This is simply a tidying-up amendment arising from the amendments to Standing Order 18 on ministerial statements, and it brings the paragraph into line with the amendments that have been made previously. As it stands, Standing Order 10(7) refers to Standing Order 18 in line 2 and Standing Order 18(5) in line 4. Those should read “Standing Order 18A” and “Standing Order 18A(6)” respectively. It makes no substantial changes and is simply a consequential amendment, bringing Standing Order 10(7) into line with amendments that the Assembly made previously. I commend the motion to the Assembly.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. As Lord Morrow said, this is a tidying-up amendment that does not make any substantial changes.

**Mr O’Loan:** I support the motion.

**Mr Neeson:** I also support this and all the motions.

**Lord Browne:** I reserve my right to speak in the debate on the third group of amendments.

**The Chairperson of the Committee on Procedures:** This is a pleasant and easy task, as no one seems to be contrary this afternoon. I do not wish to add anything to what I have said already.

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

*Question put and agreed to.*

*Resolved (with cross-community support):*

(a) In Standing Order 10 leave out paragraph (7) and insert –

“(7) Where an oral Ministerial statement made under Standing Order 18A impinges upon the time bands specified in this order, the Speaker shall act in accordance with Standing Order 18A(6).”

**Mr Speaker:** We move on to debate the second group, which consists of motions (b) through to (t), as indicated in the Order Paper.

**The Chairperson of the Committee on Procedures:** I beg to move

(b) Leave out Standing Order 81 and insert –

“**81. INTERPRETATION**

In these Standing Orders –

‘day’ means calendar day;

‘nominating officer’, in relation to a party, means –

(a) the person registered under Part 2 of the Political Parties, Elections and Referendums Act 2002 as the party’s nominating officer; or

(b) a member of the Assembly nominated by him;

‘public holiday’ includes Christmas Day, Good Friday, any bank holiday and any other day appointed as such;

‘sitting day’ means a day on which the Assembly sits in plenary;

‘working day’ means any day which is neither a Saturday, Sunday, public holiday nor day when the Assembly is in Recess.”

*The following motions stood in the Order Paper:*

(c) In Standing Order 3(10) line 3 leave out “seven calendar days” and insert —

“seven days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(d) In Standing Order 15(1) line 4 leave out “two clear Working Days” and insert —

“two working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(e) In Standing Order 15(2) line 7 leave out “two clear Working Days” and insert —

“two working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(f) In Standing Order 15(3) line 7 leave out “two clear Working Days” and insert —

“two working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(g) In Standing Order 20(2) line 5 leave out “day when the Assembly does sit” and

insert —

“sitting day”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(h) In Standing Order 20A(1) at end insert —

“The question may only be asked on a sitting day.” — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(i) In Standing Order 20A(2) line 1 leave out “on the day it is submitted”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(j) In Standing Order 20B(4)(a) leave out “clear working days” and insert —

“working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(k) In Standing Order 20B(4)(b) line 3 leave out “clear working days” and insert —

“working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(l) In Standing Order 33(2) line 4 leave out “(excluding any periods when the Assembly is adjourned for more than three working days)”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(m) In Standing Order 35(5) line 10 leave out “thirty working days” and insert —

“30 working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(n) In Standing Order 35(7) line 8 leave out “thirty working days” and insert —

“30 working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(o) In Standing Order 46 leave out paragraph (3) and insert —

“(3) Committees may sit on any day.” — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(p) In Standing Order 61 line 1 leave out “one week” and insert — “seven days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(q) In Standing Order 65(2) line 13 leave out “five sitting days” and insert —

“five working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(r) In Standing Order 65(3) line 10 leave out “five sitting days” and insert —

“five working days”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(s) In Standing Order 70(3) line 14 leave out “next day on which the Assembly shall meet” and insert —

“next sitting day”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(t) In Standing Order 79(4) line 5 leave out “sitting”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

On behalf of the Committee on Procedures, I propose that the Assembly approve the amendments to Standing Order 81 and the substantial number of consequential amendments.

At its meeting on 13 June 2007, the Committee on Procedures identified a list of key Standing Orders that needed to be reviewed during the current mandate. After a considerable and sustained effort, I am pleased to say that the Committee has now addressed the majority of the Standing Orders on that list. Today’s amendments to Standing Order 81 bring us closer to completion.

Standing Order 81 makes a key contribution to the interpretation and application of Standing Orders. That is borne out by the fact that if the Assembly were to approve the amendments to Standing Order 81, 18 consequential amendments would need to be considered. Consequently, it is of the utmost importance that Standing Order 81 is clear, easily understood and straightforward in its application. The Committee on Procedures has tabled a number of recommendations that it believes will achieve that.

For the benefit of all Members, I shall now highlight the principal changes to the Standing Order. The amendment makes no change to the definition of the word “day” and no change to the definition of the term “nominating officer”. The focus of the amendment is on making it very clear that there is now a difference between “working day” and “sitting day”. The current definition does not make that clear. The lack of clarity between “working day” and “sitting day” is the principal reason why the Committee tabled the amendment.

The amendment changes the definition of the term “working day”. It is hoped that the new definition is clearer, as it now simply means any day that is not a Saturday, Sunday, public holiday or a day when the

Assembly is in recess. To assist the interpretation, the Committee considered that it would be helpful to include a definition for the term “public holiday”. The definition of public holiday will be:

“Christmas Day, Good Friday, any bank holiday and any other day appointed as such”.

That is based on the definition of public holidays in the Interpretation Act (Northern Ireland) 1954. The Assembly takes extra days, such as Easter Tuesday, that are not officially designated as public holidays. Those days, however, fall in recess periods and are covered by the definitions already.

“Sitting day” will now have a simple definition, which is:

“a day on which the Assembly sits in plenary”.

That aligns closely with the Interpretation Act (Northern Ireland) 1954 and with common everyday usage.

As I said, subject to the acceptance of those definitions, the Committee has tabled 18 consequential amendments, and Members will be pleased to learn that I do not intend to address each one. However, Members should note that the terms “working day” and “sitting day” are used in Standing Orders to count specified periods; for example, the period in which amendments may be tabled.

It is sufficient to say that the Committee decided that the changes to the definitions will not result in changes to any counting period, except in Standing Order 33, which deals with the Committee Stage of public Bills. Paragraph 2 of that Standing Order specifies the period in which a Committee may consider, take evidence and report on a Bill that is referred to it. Currently, that period is 30 working days from the date of referral, excluding any periods when the Assembly is adjourned for more than three working days. That makes it difficult for Committee members and staff to work out when the 30-day period finishes. Any day on which the Assembly does not sit, for example, a bank holiday that falls on a Monday, has the effect of extending the period for considering a Bill from the previous Wednesday to the next Tuesday.

Having heard that description, Members will understand the difficulties in getting that right. In order to simplify the process, the Committee on Procedures has recommended that the period in which a Committee may consider, take evidence and report on a Bill be a straightforward 30 working days. That amendment, when considered with the proposed changes to Standing Order 81, should make the process much more consistent and fair.

12.30 pm

I will demonstrate the type of change that those amendments will mean through another example. Standing Order 46(3) states:

“All committees of the Assembly shall have leave to sit during a sitting of the Assembly and notwithstanding any adjournment of the Assembly.”

At present, Members must read that carefully, several times, in conjunction with Standing Order 81, and may still not be certain about when a Committee may sit. If the Assembly accepts the proposed consequential amendment, Standing Order 46(3) will become:

“Committees may sit on any day.”

In the Committee’s opinion, that is much clearer.

I recommend the motions to the Assembly.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. Lord Morrow has explained succinctly the reasons for the amendments to Standing Orders. I certainly do not want to go into as much detail. The amendments to Standing Order 81, and the consequential changes, clarify definitions and, therefore, make procedures much easier to understand.

**Mr O’Loan:** I also support the motions. As the Committee Chairman has explained, they relate to technical matters, such as definitions of public holidays, sitting days and working days, and where those are used in various Standing Orders. Although the Assembly does not usually have to look at such matters, it is important that they are attended to correctly. If not, there could be major difficulties on certain occasions. The amendments should have the Assembly’s full support.

**Mr Neeson:** I support the motions.

**Lord Morrow:** I thank Members for their comments. I need not say much except to point out the fact that Members are agreed. The Committee has been diligent on this matter, and its work will help the Assembly to conduct its future business.

**Mr Speaker:** Before we proceed to the Question, I remind Members that all the motions require cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

(b) Leave out Standing Order 81 and insert —

“**81. INTERPRETATION**

In these Standing Orders —

‘**day**’ means calendar day;

‘**nominating officer**’, in relation to a party, means —

(a) the person registered under Part 2 of the Political Parties, Elections and Referendums Act 2002 as the party’s nominating officer; or

(b) a member of the Assembly nominated by him;

‘**public holiday**’ includes Christmas Day, Good Friday, any bank holiday and any other day appointed as such;

‘**sitting day**’ means a day on which the Assembly sits in plenary;

‘working day’ means any day which is neither a Saturday, Sunday, public holiday nor day when the Assembly is in Recess.”

*Resolved (with cross-community support):*

(c) In Standing Order 3(10) line 3 leave out “seven calendar days” and insert —

“seven days”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(d) In Standing Order 15(1) line 4 leave out “two clear Working Days” and insert —

“two working days”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(e) In Standing Order 15(2) line 7 leave out “two clear Working Days” and insert —

“two working days”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(f) In Standing Order 15(3) line 7 leave out “two clear Working Days” and insert —

“two working days”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(g) In Standing Order 20(2) line 5 leave out “day when the Assembly does sit” and

insert —

“sitting day”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(h) In Standing Order 20A(1) at end insert —

“The question may only be asked on a sitting day.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(i) In Standing Order 20A(2) line 1 leave out “on the day it is submitted”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(j) In Standing Order 20B(4)(a) leave out “clear working days” and insert —

“working days”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(k) In Standing Order 20B(4)(b) line 3 leave out “clear working days” and insert —

“working days”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(l) In Standing Order 33(2) line 4 leave out “(excluding any periods when the Assembly is adjourned for more than three working days)”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(m) In Standing Order 35(5) line 10 leave out “thirty working days” and insert —

“30 working days”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

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(n) In Standing Order 35(7) line 8 leave out “thirty working days” and insert —

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*Resolved (with cross-community support):*

(s) In Standing Order 70(3) line 14 leave out “next day on which the Assembly shall meet” and insert —

“next sitting day”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

*Resolved (with cross-community support):*

(t) In Standing Order 79(4) line 5 leave out “sitting”. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

**Mr Speaker:** We now come to the debate on the third group, which consists of motions (u) to (aa), as indicated on the Order Paper.

**The Chairperson of the Committee on Procedures:** I beg to move

(u) After Standing Order 81 insert —

**“82. PRELIMINARY MATTERS AND INTERPRETATION**

(1) The provisions of these Standing Orders apply to Private Bills.

(2) In these Standing Orders —

‘**explanatory and financial memorandum**’, in relation to a Private Bill, means a memorandum detailing —

(a) the issue the Bill is intended to address;

(b) the consultative process undertaken;

(c) the main options considered;



- (d) the option selected and why; and
- (e) the cost implications of the proposal;

‘**Objector**’ means a person objecting to a Private Bill;

‘**Private Bill**’ means a Bill introduced for the purpose of obtaining for the Promoter particular powers or benefits in excess of or in conflict with the general law, and includes a Bill relating to the estate, property, status or style, or otherwise relating to the personal affairs, of the Promoter; and

‘**Promoter**’ means the individual, body corporate or unincorporated association of persons promoting a Private Bill.

### 83. STAGES IN CONSIDERATION OF PRIVATE BILLS

- (1) The stages in the consideration of a Private Bill are —
  - (a) Preliminary Scrutiny Stage: consideration as to whether the Bill satisfies the pre-requisites;
  - (b) Introduction and First Stage: introduction of the Bill to the Assembly;
  - (c) Investigation Stage: initial investigation by a Private Bill committee into the principles of the Bill and report to the Assembly;
  - (d) Second Stage: general debate on the Bill with an opportunity for members to vote on its general principles;
  - (e) Committee Stage: detailed investigation and opportunity to amend by the committee followed by report to the Assembly;
  - (f) Consideration Stage: consideration of and an opportunity for the Assembly to vote on the details of the Bill, including amendments proposed to the Bill;
  - (g) Further Consideration Stage: opportunity for members to consider and vote on amendments proposed to the Bill;
  - (h) Final Stage: passing or rejection of the Bill without further amendment.
- (2) In the circumstances set out in Standing Order 90, Committee Stage may be re-opened.

### 84. PRELIMINARY SCRUTINY STAGE

- (1) A Private Bill shall not be introduced in the Assembly unless the Promoter has satisfied the Speaker that —
  - (a) there is proof of need for the Bill;
  - (b) there is no suitable alternative other than the matter proceeding by way of a Private Bill;
  - (c) there has been sufficient consultation with those who may be affected by the Bill;
  - (d) the Bill would be within the legislative competence of the Assembly;
  - (e) the Promoter has been authorised to promote the Bill in accordance with its constitution or such higher standard as the Speaker may require; and
  - (f) the Bill would not have the effect of authorising any sum to be paid out of the Consolidated Fund.
- (2) In addition to the requirements of paragraph (1) the Bill must be —
  - (a) signed by the Promoter;
  - (b) in such form as the Speaker may require; and
  - (c) accompanied by —
    - (i) an explanatory and financial memorandum;
    - (ii) a statement in writing signed by the Promoter, to the effect that, in the Promoter’s view, the Bill would be within the legislative competence of the Assembly;

- (iii) such other documents as the Speaker may require; and
- (iv) such fee as the Assembly Commission may determine.

(3) The fee referred to in paragraph (2)(c)(iv) shall be reduced by 75% where the Promoter —

- (a) is a charity; or
- (b) is a body —
  - (i) which is not established or conducted for profit; and
  - (ii) whose main objects are charitable or are concerned with science, literature or the fine arts.

(4) The Speaker may reduce the fee referred to in paragraph (2)(c)(iv) to nil if satisfied that the Bill —

- (a) is largely the same as a Bill recently withdrawn; and
- (b) has the same Promoter as the withdrawn Bill.

### 85. INTRODUCTION AND FIRST STAGE

- (1) A Private Bill shall be introduced in the Assembly by the Speaker. The Speaker shall announce that the Bill has been received, has passed Preliminary Scrutiny Stage and will now be published. This shall constitute the Bill’s First Stage.
- (2) The following shall accompany the Bill on introduction —
  - (a) the statement of legislative competence referred to in Standing Order 84(2)(c)(ii);
  - (b) the explanatory and financial memorandum; and
  - (c) such other documents as the Speaker may require.
- (3) After introduction, the Bill shall stand referred to a Private Bill committee for its Investigation Stage.
- (4) The Speaker shall, as soon as is reasonably practicable after the introduction of the Bill, send a copy of it to the Northern Ireland Human Rights Commission.

### 86. INVESTIGATION STAGE

- (1) Investigation Stage shall commence when the Private Bill is referred to the Private Bill committee and shall last at least 60 working days.
- (2) The committee shall carry out an initial investigation into the general principles of the Bill and report its opinion to the Assembly.
- (3) On the report being made to the Assembly, the Bill shall be set down in the list of pending future business until a date for its Second Stage is determined.

### 87. SECOND STAGE

- (1) The debate on the motion ‘That the Second Stage of the ..... Bill be agreed’ shall be confined to the general principles of the Bill.
- (2) Amendments may be proposed to this motion, to leave out the words after ‘That’ and insert words which state a reason for the Assembly not to agree to the Second Stage of the Bill.
- (3) If an amendment proposed in accordance with paragraph (2) is negatived the Speaker shall immediately put the question that the Second Stage of the Bill be agreed.

### 88. COMMITTEE STAGE

- (1) On the Second Stage of a Private Bill being agreed, the Bill shall stand referred to the Private Bill committee, unless the Assembly shall order otherwise.
- (2) Proceedings at Committee Stage shall be conducted in accordance with the directions of the committee.

(3) The committee shall consider the Bill within the period of 30 working days from the date of referral.

(4) Before the conclusion of that period, a motion may be moved in the Assembly by the chairperson of the committee to extend the period until a date specified in the motion.

(5) The committee shall take such evidence and hear from such witnesses as it thinks fit.

(6) The parties may present their case to the committee, introduce evidence and call witnesses. A party may cross examine any other party, any witness called by that party and, at the discretion of the committee, any other witness.

(7) The parties must make full written disclosure in advance of the issues they intend to raise and the evidence they intend to introduce.

(8) The parties may act on their own behalf or by means of a representative.

(9) The committee may make such amendments as it thinks fit to the Bill and report its opinion on the Bill to the Assembly.

(10) On a report being made to the Assembly under paragraph (9), or on the conclusion of any period specified in this order or extended by the Assembly under this order, the Bill shall be set down on the list of pending future business until a date for its Consideration Stage is determined.

(11) In this order ‘**parties**’ means —

(a) the Promoter; and

(b) any Objector whose objection has been admitted under Standing Order 96.

#### **89. CONSIDERATION STAGE**

(1) Consideration Stage shall not commence until at least five working days after the Private Bill committee makes its report to the Assembly under Standing Order 88.

(2) Any amendments proposed to be made to a Bill at Consideration Stage shall be deposited with the clerk in time for inclusion on a Notice Paper circulated on a day before the day appointed for Consideration Stage. Amendments shall be arranged in the order in which the Bill is to be considered. Amendments may be moved, at the discretion of the Speaker, in very exceptional circumstances without such notice.

(3) On consideration of a Bill, the clauses and schedules shall be considered in the order in which they stand in the Bill unless the Assembly, on a motion moved after notice by the chairperson of the committee, decides otherwise. The question shall be put in respect of each clause and schedule, that the clause or schedule (or, as the case may be, the clause or schedule as amended) stand part of the Bill.

(4) Consideration of the preamble and the long title shall be postponed until after the consideration of the clauses and of any schedules.

(5) Members may speak more than once in debate during Consideration Stage.

(6) At the completion of Consideration Stage the Bill shall stand referred to the Speaker.

#### **90. ADJOURNMENT OF CONSIDERATION STAGE AND RE-OPENED COMMITTEE STAGE**

(1) The Assembly may, in view of the number or complexity of amendments proposed to be moved at Consideration Stage and on foot of a motion moved by the chairperson of the Private Bill committee, adjourn Consideration Stage and refer the Bill, together with such amendments as are thought fit, to the committee for a re-opened Committee Stage.

(2) Notice of the motion must be given to the Speaker not later than 9.30 am on the day appointed for Consideration Stage.

(3) Re-opened Committee Stage shall be conducted in accordance with Standing Order 88 save that —

(a) debate and vote shall be confined to those amendments referred to the committee; and

(b) the duration of the re-opened Committee Stage shall be determined in accordance with the motion adjourning Consideration Stage.

(4) Consideration Stage may only be adjourned once under this order.

#### **91. FURTHER CONSIDERATION STAGE**

(1) Further Consideration Stage shall not commence until at least five working days after Consideration Stage ends.

(2) Any amendments proposed to be made to a Bill at Further Consideration Stage shall be deposited with the clerk in time for inclusion on a Notice Paper circulated on a day before the day appointed for Further Consideration Stage. Amendments shall be arranged in the order in which the Bill is to be considered. Amendments may be moved, at the discretion of the Speaker, in very exceptional circumstances without such notice.

(3) During proceedings at Further Consideration Stage, debate and vote shall be confined to those amendments which have been selected. The amendments shall be considered in the order in which the relevant clauses or schedules stand in the Bill.

(4) Any amendments selected which relate to the long title shall be considered after those relating to the clauses and schedules of the Bill.

(5) Members may speak more than once in debate during Further Consideration Stage.

(6) At the conclusion of the debate on Further Consideration Stage the Bill shall stand referred to the Speaker.

#### **92. FINAL STAGE**

(1) After completion of Further Consideration Stage of a Bill, it shall be set down on the list of pending future business until a date for its Final Stage is determined.

(2) Final Stage shall not commence until at least five working days after Further Consideration Stage ends.

(3) No date may be determined for Final Stage of a Bill until —

(a) the Speaker has considered the Bill in accordance with section 10 of the Northern Ireland Act 1998 and signified to the chairperson of the Private Bill committee that in his or her opinion it may properly proceed to its Final Stage; or

(b) if the Bill is referred to the Secretary of State by the Speaker under section 10(2)(b) of that Act, the Secretary of State has signified his or her consent, or informed the Assembly of his or her opinion, under section 10(2)(c) of that Act.

(4) Debate at Final Stage shall be on the motion ‘That the Bill do now pass’ and shall be confined to the content of the Bill. No amendments may be made to the Bill at Final Stage.

#### **93. RECONSIDERATION**

(1) Notwithstanding that a Bill has been passed under Standing Order 92 or approved under paragraph (3) of this order, it shall be set down in the list of pending future business as awaiting reconsideration if (but only if) —

(a) the Judicial Committee decides that any provision of the Bill is not within the legislative competence of the Assembly;

(b) a reference to the Judicial Committee made by the Attorney General for Northern Ireland in relation to a provision of the Bill under section 11 of the Northern Ireland Act 1998 has been withdrawn following a request for withdrawal under section 12 of that Act;

(c) a decision is made by the Secretary of State under section 14(4) or (5) of that Act not to submit the Bill for Royal Assent; or

(d) a motion under section 15(1) of that Act that the Bill shall not be submitted for Royal Assent has been passed by either House of Parliament.

(2) During proceedings on reconsideration of a Bill, the Assembly shall consider only amendments proposed to be made to the Bill; and the provisions of Standing Order 89(2) shall apply to such amendments.

(3) Where a Bill has been amended during proceedings on reconsideration, the question, that the Bill, as amended, be approved shall be put immediately and decided without amendment or debate.

#### 94. CONTINUATION OF BILLS INTO NEW SESSION

(1) Where a Bill has not completed its passage by the end of a session of the Assembly, its passage shall be continued into the next session.

(2) A Bill shall not be continued if the Assembly is dissolved.

#### 95. AMENDMENTS

Amendments proposed to a Private Bill shall be relevant to the provisions of the Bill and shall not be in conflict with the principles of the Bill as agreed to at Second Stage.

#### 96. OBJECTIONS

(1) Subject to paragraph (2), any objections to a Private Bill must be lodged within 42 working days of the commencement of Investigation Stage.

(2) The committee may accept objections lodged outside that period if it is satisfied that —

- (a) there are exceptional circumstances; and
- (b) the objection is lodged as quickly as possible,

provided that the objection must be lodged at the latest before the first sitting of the committee at Committee Stage.

(3) The committee shall consider all objections lodged in accordance with this order and admit them if —

- (a) the Objector has shown that his or her property or interests are directly and specially affected by the Bill;
- (b) the objection is in such form and accompanied by such information as may be required; and
- (c) the objection is accompanied by such fee as the Assembly Commission may determine.

(4) An Objector may take no further part in proceedings unless the objection is admitted.

(5) An Objector cannot raise an issue subsequently unless it was contained in the original objection.

#### 97. HUMAN RIGHTS ISSUES

(1) For the purpose of obtaining advice as to whether a Private Bill is compatible with human rights (including rights under the European Convention on Human Rights) the Assembly may proceed on a motion made in pursuance of paragraph (2).

(2) Notice may be given by any member of a motion ‘That the Northern Ireland Human Rights Commission be asked to advise whether the ..... Bill is compatible with human rights’.

(3) Notice of such a motion may be given at any time after the Bill’s introduction.

(4) On a motion being moved under paragraph (2) a brief explanatory statement may be made by the member who proposes the motion and by a member who opposes it, and the Speaker shall then put the question without further debate.

(5) Any advice tendered to the Assembly by the Northern Ireland Human Rights Commission in response to a request made in pursuance of paragraph (2) shall be circulated to all members and published in a manner determined by the Speaker.

#### 98. FEES AND COSTS

(1) The Promoter must pay the costs associated with a Private Bill incurred by the Assembly Commission (in addition to the fee which must be paid before a Bill is introduced).

(2) All fees and costs (including Objectors’ fees) payable under the provisions of these Standing Orders shall be paid to the Assembly Commission.

#### 99. PRIVATE BILL COMMITTEES

(1) The Assembly shall establish a Private Bill committee to exercise the functions set out in the provisions of these Standing Orders, in respect of each Private Bill introduced in the Assembly.

(2) Each committee shall —

- (a) consist of five members; and
- (b) have a chairperson and deputy chairperson who shall be elected by the committee.

(3) The quorum of the committee shall be three. Members linked by a video-conferencing facility shall not count towards the quorum.

(4) All questions at the committee shall be decided by a simple majority. Voting shall be by a show of hands unless otherwise requested. In the event of a tied vote, the chairperson shall have a casting vote.

(5) Members of the committee shall normally attend all meetings of the committee and may be absent from a meeting in exceptional circumstances only.

(6) A member with a personal or constituency interest in the Bill shall not be eligible to sit on the committee.

(7) Each committee may exercise the power in section 44(1) of the Northern Ireland Act 1998.”

#### *The following motions stood in the Order Paper:*

(v) In Standing Order 12(1) line 2 leave out “Bills” and insert — “Public Bills”. — *[The Chairperson of the Committee on Procedures (Lord Morrow).]*

(w) In Standing Order 13 leave out paragraph (1) and insert —

“(1) The stages and procedures for Private Bills shall be as set out in the provisions of Standing Orders dealing with Private Bills.” — *[The Chairperson of the Committee on Procedures (Lord Morrow).]*

(x) In Standing Order 22(1) line 2 leave out “, not being a petition for a private Bill or relating to any Private Bill before the Assembly,”. — *[The Chairperson of the Committee on Procedures (Lord Morrow).]*

(y) In Standing Order 50(1) line 2 leave out “two” and insert — “three”. — *[The Chairperson of the Committee on Procedures (Lord Morrow).]*

(z) In Standing Order 50(1) line 4 after “standing committees” insert —

“, Private Bill committees”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

(aa) In Standing Order 50 after paragraph (3) insert —

“(4) Private Bill committees shall be established in accordance with the provisions of Standing Orders dealing with Private Bills.” — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

The Committee on Procedures brought the ‘Report on the Inquiry into Private Legislation’ to the Assembly on 3 November 2008. That report was approved and I now table the amendments to the Standing Orders that give effect to the policies and procedures recommended in the report.

The draft Standing Orders before the Assembly today provide procedures for dealing with Private Bills. Despite the similarity in titles, private Bills should not be confused with private Members’ Bills. Private Members’ Bills are public legislation and are dealt with under the public legislation Standing Orders. A private Bill’s purpose is to obtain particular powers for an individual, corporate body or association of persons. It seeks exemptions or benefits in excess of, or in conflict with, general law, and it can relate to the estate, property, status, style or otherwise of the promoter’s personal affairs. In the main, private Bills are likely to concern the legislative arrangements for charities, colleges and churches, powers sought by local authorities, and general company law. Private Bills often seek exemptions from, or additional powers to, public law.

I have no intention today of going back over the technical issues that are associated with private Bills, as those were debated as part of the report’s approval in November 2008. I will instead give an overview of what the Standing Orders for private Bills will do.

Given that private Bills are likely to be uncommon and given the length of the Standing Orders, the Committee on Procedures is recommending that the Standing Orders for private Bills are given their own chapter at the end of the current Standing Orders. The new chapter will be called “Private Legislation” and will have 17 new Standing Orders numbered from 82 to 99.

Standing Order 82 will provide the definitions that apply to all private Bills. For example, it will provide definitions of “objector”, “promoter” and “private Bill”.

Standing Order 83 will set out the stages that private Bills will go through and will provide a brief explanation of each stage.

Standing Orders 84 to 93 will provide the detail of each Stage. Each Stage will have its own Standing Order that will provide the detail of the procedures. Those stages are based, as far as possible, on the same procedures that are used for public Bills. There will be, however, some differences. One difference will be the Preliminary Scrutiny Stage, when the promoter has to

prove that there is a need for the Bill. Another difference will be at Investigation Stage — under Standing Order 86 — when the private Bill Committee will report on the principles of the private Bill to the Assembly. By their very nature, private Bills tend to be largely unknown to Members. The report on the principles is to assist Members in understanding the Bill, and thus to help them to make an informed decision on whether they can agree on those principles.

Standing Order 88 will deal with the procedures for the Committee Stage of the Bill. It will allow for the Bill to be amended in Committee, for the promoter and objector to cross-examine each other, and will enable them to have someone else representing them.

Standing Order 89 will allow for a Consideration Stage similar to that which is in place for public Bills, with one major difference: if Members table substantial or technically complex amendments at that Stage, it can be adjourned to allow the private Bill Committee to consider the amendments. Standing Order 90 will outline that procedure.

Standing Orders 91, 92 and 93 will allow, respectively, for the Further Consideration Stage, Final Stage and Reconsideration Stage of private Bills and will reflect the provisions that are in place for public Bills.

Standing Order 94 will deal with Bills that are being carried forth into a new session.

Standing Order 95 will deal with amendments and reflect the provisions that are in place for public Bills at Standing Order 38.

Standing Order 96 will deal with objections to private Bills, including the timescale for lodging an objection, how to make a late objection and the format of an objection. The provisions for objections to private Bills are different from those for public Bills and allow a member of the public to make a formal objection to a private Bill.

Standing Order 97 will deal with human rights and will reflect the provisions that are in place for public Bills, as per Standing Order 34.

Standing Order 98 will deal with fees and costs. The actual level of the fees is not set in the Standing Orders; rather, the Assembly Commission has set the fees at £5,000 for the promoter, with a 50% reduction for charities, and objectors will pay £20.

Standing Order 99 will deal with private Bill Committees and will allow for them to be set up as per the report. For example, each Committee shall consist of five members; the quorum of the Committee shall be three; and each Committee Chairperson shall have the casting vote.



12.45 pm

There is one difference between the content of the report and that of the Standing Orders. Paragraph 61 of the Committee report allowed for a procedure called “additional provisions”. The Committee on Procedures spent considerable time on drafting a Standing Order to enable that procedure, which was based on what happens in Westminster. However, it became clear to us that there was an easier and clearer way to make that happen, which was to allow the promoter of a Bill to withdraw and reintroduce it. That procedure is more in keeping with the procedures of the Assembly as well as being simple and easy. Therefore, the Committee has gone down that route and not the one indicated in the report.

Allowing a promoter to withdraw and resubmit a Bill does not need separate Standing Orders, except for the provision on fees, which is in Standing Order 84(4). Under Standing Order 84(4), a promoter who withdraws and then reintroduces a Bill does not have to pay a second fee.

Before I address the consequential amendments that accompany the new Standing Orders, I thank the members of the Committee on Procedures. The drafting of those Standing Orders was a difficult and complex task, and it required Committee members to investigate and examine the technical detail of each Standing Order. It was by no means an easy or particularly enjoyable task, so I express my appreciation to the Committee for its time and effort. I include the Committee Clerks in that.

There are six consequential amendments, which are lettered (v) to (aa) in the Order Paper. Motion (v) deals with Standing Order 12 on public business and makes it clear that the Stages of Bills being referred to are public Bills, not private Bills.

Motion (w) deals with Standing Order 13 on private business. Standing Order 13(1) deals with private Bills and needed to be amended to reflect the new procedures.

Motion (x) deals with Standing Order 22 and public petitions; it discusses petitions for private Bills. In Westminster, private Bills are introduced by way of petition, but that will not be the case for private Bills in the Assembly. Therefore, Standing Order 22 requires amendment.

Motions (y), (z) and (aa) deal with Standing Order 50 and non-statutory Committees. Those three amendments make it clear that the Assembly has three types of non-statutory Committee: Standing, Ad Hoc and private Bill Committees.

I hope that I have provided an adequate explanation of the new Standing Orders and the consequential amendments. I recommend their approval to the House.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. I support the motions. As Lord Morrow said, private Bills are rare and usually deal with specific organisations. The amendments clarify the procedures for private Bills and make the process easier.

**Mr K Robinson:** I, too, support the motions. In presenting the motions to the Assembly, Lord Morrow has made clear that they deal with an area where we have yet to test the waters. The steps and stages that the Committee have addressed will help with that. I pay tribute to the Committee Clerks for their help, advice and support throughout the process.

**Mr O’Loan:** I also support the motions. The Chairperson has done a very good job in explaining what is involved. These are necessary Standing Orders that we hope will rarely, if ever, be employed. I also thank the Chairperson, the Committee Clerk and all the Committee staff who were involved in what all Members can see was a substantial piece of work.

**Mr Neeson:** Although private Bills are few and far between, it is important that we legislate for them. As the Chairman of the Committee stated, the Assembly Commission has looked favourably on charities and tried to assist them in bringing forward private Bills. Like other Members, I thank the Chairman and the Committee Clerks for their contribution to this important work.

**Lord Browne:** I join other Members in expressing gratitude for the dedication of the Committee staff, who worked on a complicated and detailed piece of procedure for dealing with private Bills.

In the past, private Bills were dealt with in Westminster and were promoted by organisations outside the House of Commons, such as companies and local authorities, to obtain powers for themselves that were in excess of, or in conflict with, the general law. To date, no such Bills have been presented to the Assembly, but it is essential that the necessary legislation and procedure is in place to enable this House to scrutinise, and decide on, the proper course of action to be followed to reach the right decision in that eventuality.

I am confident that, after many hours of deliberation by the Committee, all the new procedures encompass the necessary steps for the Assembly to undertake competently the investigation of any private Bill that may be presented to it.

Private Bills change the law only as it applies to specific organisations or individuals rather than the general public. I welcome the fact that the new procedures will allow groups or individuals who are potentially affected by such changes to petition against any proposed Bill and to present their objections to the relevant Committees. A recent example of such a Bill was that which was presented by Westminster City Council

to prohibit the distribution of free throwaway shopping bags by retailers in London. That Bill gives powers to local authorities to enforce that prohibition, with some exemptions. Perhaps we should think about that.

I will not go through the various stages of the process. It was complicated, but I am confident that, with the passage of these changes, the Assembly will be able to deal with private Bills. Perhaps, in time, the Assembly will consider legislation similar to that in the United States of America, where private Bills were common between 1817 and 1971. Federal agencies can now deal with most of the issues that were previously dealt with by private Bills because they have been granted sufficient discretion by the United States Congress to deal with exceptions to the general legislative scheme of various laws.

I thank Lord Morrow for his expertise in guiding the Committee through this complicated but important piece of legislation. The progress of private Bills can often be slow and cumbersome, but I am confident that the procedure is now in place to deal efficiently and effectively with them.

**Mr Storey:** On behalf of the Committee, I thank the Members who supported the motion. We also thank Lord Morrow and the Committee Clerk and her staff for the way in which they guided the Committee through often technical and detailed deliberations on private Bills.

Some Members might wonder why there has been a delay in getting to this point. We debated the issues in November 2008, but the Committee is only now presenting the new Standing Orders to the House. There are two reasons for that delay: first, these are complex and technical matters, and developing and drafting the Standing Orders took a considerable time; secondly, as Members can see from the Order Paper, the Standing Orders for private Bills are rather long. That has contributed to the amount of paper that Members have in front of them.

To save money and time, the Committee decided to bring the Standing Orders as one of the last items of business in this session and to have them printed as part of the annual summer reprint of Standing Orders. Members will note that private Bills are not routine in other legislatures, but they are not uncommon. The likelihood is that a private Bill will be introduced to the Northern Ireland Assembly sooner rather than later.

However, the Committee's research indicates that the Assembly is unlikely to have more than four to five private Bills to deal with in each mandate, if that. Given that so few private Bills are expected, the Committee has, as far as possible, tried to replicate the procedures and legislative Stages that are used for other types of Bill. It is hoped that that familiarity will stand Members in good stead if ever they have to sit on

a private Bill Committee. I wish them well if that is their lot in life, and if that hand is placed on their shoulder.

There are some differences, however, such as the Preliminary Scrutiny Stage that a private Bill must undergo. That places an obligation on the promoter of the Bill to prove its necessity, to consult fully with those affected and to present the Bill in the correct format. That move is to be welcomed. The Committee ensured that that was included in Standing Orders.

The fees and expenses that the promoter and objector must pay are another major difference. It is not right that a promoter who seeks to introduce a private Bill for private gain be allowed to do so at the public purse's expense. The Committee Stage for a private Bill is a significant departure from the norm for the Assembly, but it reflects the nature of and differences in private Bills. During that Stage, the Committee will take a quasi-judicial role, and adjudicate among competing opinions.

I thank Members who have given their support to the motion, and I recommend it to the House.

**Mr Speaker:** Before we proceed to the Question, I remind Members that all the motions require cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

(u) After Standing Order 81 insert —

**“82. PRELIMINARY MATTERS AND INTERPRETATION**

(1) The provisions of these Standing Orders apply to Private Bills.

(2) In these Standing Orders —

‘**explanatory and financial memorandum**’, in relation to a Private Bill, means a memorandum detailing —

- (a) the issue the Bill is intended to address;
- (b) the consultative process undertaken;
- (c) the main options considered;
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- (a) there is proof of need for the Bill;
- (b) there is no suitable alternative other than the matter proceeding by way of a Private Bill;
- (c) there has been sufficient consultation with those who may be affected by the Bill;
- (d) the Bill would be within the legislative competence of the Assembly;
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- (f) the Bill would not have the effect of authorising any sum to be paid out of the Consolidated Fund.
- (2) In addition to the requirements of paragraph (1) the Bill must be —
- (a) signed by the Promoter;
- (b) in such form as the Speaker may require; and
- (c) accompanied by —
- (i) an explanatory and financial memorandum;
- (ii) a statement in writing signed by the Promoter, to the effect that, in the Promoter's view, the Bill would be within the legislative competence of the Assembly;
- (iii) such other documents as the Speaker may require; and
- (iv) such fee as the Assembly Commission may determine.
- (3) The fee referred to in paragraph (2)(c)(iv) shall be reduced by 75% where the Promoter —
- (a) is a charity; or
- (b) is a body —
- (i) which is not established or conducted for profit; and
- (ii) whose main objects are charitable or are concerned with science, literature or the fine arts.
- (4) The Speaker may reduce the fee referred to in paragraph (2)(c)(iv) to nil if satisfied that the Bill —
- (a) is largely the same as a Bill recently withdrawn; and
- (b) has the same Promoter as the withdrawn Bill.

#### 85. INTRODUCTION AND FIRST STAGE

- (1) A Private Bill shall be introduced in the Assembly by the Speaker. The Speaker shall announce that the Bill has been received, has passed Preliminary Scrutiny Stage and will now be published. This shall constitute the Bill's First Stage.
- (2) The following shall accompany the Bill on introduction —
- (a) the statement of legislative competence referred to in Standing Order 84(2)(c)(ii);
- (b) the explanatory and financial memorandum; and
- (c) such other documents as the Speaker may require.
- (3) After introduction, the Bill shall stand referred to a Private Bill committee for its Investigation Stage.
- (4) The Speaker shall, as soon as is reasonably practicable after the introduction of the Bill, send a copy of it to the Northern Ireland Human Rights Commission.

#### 86. INVESTIGATION STAGE

- (1) Investigation Stage shall commence when the Private Bill is referred to the Private Bill committee and shall last at least 60 working days.
- (2) The committee shall carry out an initial investigation into the general principles of the Bill and report its opinion to the Assembly.
- (3) On the report being made to the Assembly, the Bill shall be set down in the list of pending future business until a date for its Second Stage is determined.

#### 87. SECOND STAGE

- (1) The debate on the motion 'That the Second Stage of the ..... Bill be agreed' shall be confined to the general principles of the Bill.
- (2) Amendments may be proposed to this motion, to leave out the words after 'That' and insert words which state a reason for the Assembly not to agree to the Second Stage of the Bill.
- (3) If an amendment proposed in accordance with paragraph (2) is negatived the Speaker shall immediately put the question that the Second Stage of the Bill be agreed.

#### 88. COMMITTEE STAGE

- (1) On the Second Stage of a Private Bill being agreed, the Bill shall stand referred to the Private Bill committee, unless the Assembly shall order otherwise.
- (2) Proceedings at Committee Stage shall be conducted in accordance with the directions of the committee.
- (3) The committee shall consider the Bill within the period of 30 working days from the date of referral.
- (4) Before the conclusion of that period, a motion may be moved in the Assembly by the chairperson of the committee to extend the period until a date specified in the motion.
- (5) The committee shall take such evidence and hear from such witnesses as it thinks fit.
- (6) The parties may present their case to the committee, introduce evidence and call witnesses. A party may cross examine any other party, any witness called by that party and, at the discretion of the committee, any other witness.
- (7) The parties must make full written disclosure in advance of the issues they intend to raise and the evidence they intend to introduce.
- (8) The parties may act on their own behalf or by means of a representative.

(9) The committee may make such amendments as it thinks fit to the Bill and report its opinion on the Bill to the Assembly.

(10) On a report being made to the Assembly under paragraph (9), or on the conclusion of any period specified in this order or extended by the Assembly under this order, the Bill shall be set down on the list of pending future business until a date for its Consideration Stage is determined.

(11) In this order ‘parties’ means —

- (a) the Promoter; and
- (b) any Objector whose objection has been admitted under Standing Order 96.

### 89. CONSIDERATION STAGE

(1) Consideration Stage shall not commence until at least five working days after the Private Bill committee makes its report to the Assembly under Standing Order 88.

(2) Any amendments proposed to be made to a Bill at Consideration Stage shall be deposited with the clerk in time for inclusion on a Notice Paper circulated on a day before the day appointed for Consideration Stage. Amendments shall be arranged in the order in which the Bill is to be considered. Amendments may be moved, at the discretion of the Speaker, in very exceptional circumstances without such notice.

(3) On consideration of a Bill, the clauses and schedules shall be considered in the order in which they stand in the Bill unless the Assembly, on a motion moved after notice by the chairperson of the committee, decides otherwise. The question shall be put in respect of each clause and schedule, that the clause or schedule (or, as the case may be, the clause or schedule as amended) stand part of the Bill.

(4) Consideration of the preamble and the long title shall be postponed until after the consideration of the clauses and of any schedules.

(5) Members may speak more than once in debate during Consideration Stage.

(6) At the completion of Consideration Stage the Bill shall stand referred to the Speaker.

### 90. ADJOURNMENT OF CONSIDERATION STAGE AND RE-OPENED COMMITTEE STAGE

(1) The Assembly may, in view of the number or complexity of amendments proposed to be moved at Consideration Stage and on foot of a motion moved by the chairperson of the Private Bill committee, adjourn Consideration Stage and refer the Bill, together with such amendments as are thought fit, to the committee for a re-opened Committee Stage.

(2) Notice of the motion must be given to the Speaker not later than 9.30 am on the day appointed for Consideration Stage.

(3) Re-opened Committee Stage shall be conducted in accordance with Standing Order 88 save that —

- (a) debate and vote shall be confined to those amendments referred to the committee; and
- (b) the duration of the re-opened Committee Stage shall be determined in accordance with the motion adjourning Consideration Stage.

(4) Consideration Stage may only be adjourned once under this order.

### 91. FURTHER CONSIDERATION STAGE

(1) Further Consideration Stage shall not commence until at least five working days after Consideration Stage ends.

(2) Any amendments proposed to be made to a Bill at Further Consideration Stage shall be deposited with the clerk in time for inclusion on a Notice Paper circulated on a day before the day appointed for Further Consideration Stage. Amendments shall be arranged in the order in which the Bill is to be considered. Amendments may be moved, at the discretion of the Speaker, in very exceptional circumstances without such notice.

(3) During proceedings at Further Consideration Stage, debate and vote shall be confined to those amendments which have been selected. The amendments shall be considered in the order in which the relevant clauses or schedules stand in the Bill.

(4) Any amendments selected which relate to the long title shall be considered after those relating to the clauses and schedules of the Bill.

(5) Members may speak more than once in debate during Further Consideration Stage.

(6) At the conclusion of the debate on Further Consideration Stage the Bill shall stand referred to the Speaker.

### 92. FINAL STAGE

(1) After completion of Further Consideration Stage of a Bill, it shall be set down on the list of pending future business until a date for its Final Stage is determined.

(2) Final Stage shall not commence until at least five working days after Further Consideration Stage ends.

(3) No date may be determined for Final Stage of a Bill until —

(a) the Speaker has considered the Bill in accordance with section 10 of the Northern Ireland Act 1998 and signified to the chairperson of the Private Bill committee that in his or her opinion it may properly proceed to its Final Stage; or

(b) if the Bill is referred to the Secretary of State by the Speaker under section 10(2)(b) of that Act, the Secretary of State has signified his or her consent, or informed the Assembly of his or her opinion, under section 10(2)(c) of that Act.

(4) Debate at Final Stage shall be on the motion ‘That the Bill do now pass’ and shall be confined to the content of the Bill. No amendments may be made to the Bill at Final Stage.

### 93. RECONSIDERATION

(1) Notwithstanding that a Bill has been passed under Standing Order 92 or approved under paragraph (3) of this order, it shall be set down in the list of pending future business as awaiting reconsideration if (but only if) —

(a) the Judicial Committee decides that any provision of the Bill is not within the legislative competence of the Assembly;

(b) a reference to the Judicial Committee made by the Attorney General for Northern Ireland in relation to a provision of the Bill under section 11 of the Northern Ireland Act 1998 has been withdrawn following a request for withdrawal under section 12 of that Act;

(c) a decision is made by the Secretary of State under section 14(4) or (5) of that Act not to submit the Bill for Royal Assent; or

(d) a motion under section 15(1) of that Act that the Bill shall not be submitted for Royal Assent has been passed by either House of Parliament.

(2) During proceedings on reconsideration of a Bill, the Assembly shall consider only amendments proposed to be made to the Bill; and the provisions of Standing Order 89(2) shall apply to such amendments.

(3) Where a Bill has been amended during proceedings on reconsideration, the question, that the Bill, as amended, be approved shall be put immediately and decided without amendment or debate.



**94. CONTINUATION OF BILLS INTO NEW SESSION**

(1) Where a Bill has not completed its passage by the end of a session of the Assembly, its passage shall be continued into the next session.

(2) A Bill shall not be continued if the Assembly is dissolved.

**95. AMENDMENTS**

Amendments proposed to a Private Bill shall be relevant to the provisions of the Bill and shall not be in conflict with the principles of the Bill as agreed to at Second Stage.

**96. OBJECTIONS**

(1) Subject to paragraph (2), any objections to a Private Bill must be lodged within 42 working days of the commencement of Investigation Stage.

(2) The committee may accept objections lodged outside that period if it is satisfied that —

- (a) there are exceptional circumstances; and
- (b) the objection is lodged as quickly as possible,

provided that the objection must be lodged at the latest before the first sitting of the committee at Committee Stage.

(3) The committee shall consider all objections lodged in accordance with this order and admit them if —

- (a) the Objector has shown that his or her property or interests are directly and specially affected by the Bill;
- (b) the objection is in such form and accompanied by such information as may be required; and
- (c) the objection is accompanied by such fee as the Assembly Commission may determine.

(4) An Objector may take no further part in proceedings unless the objection is admitted.

(5) An Objector cannot raise an issue subsequently unless it was contained in the original objection.

**97. HUMAN RIGHTS ISSUES**

(1) For the purpose of obtaining advice as to whether a Private Bill is compatible with human rights (including rights under the European Convention on Human Rights) the Assembly may proceed on a motion made in pursuance of paragraph (2).

(2) Notice may be given by any member of a motion ‘That the Northern Ireland Human Rights Commission be asked to advise whether the ..... Bill is compatible with human rights’.

(3) Notice of such a motion may be given at any time after the Bill’s introduction.

(4) On a motion being moved under paragraph (2) a brief explanatory statement may be made by the member who proposes the motion and by a member who opposes it, and the Speaker shall then put the question without further debate.

(5) Any advice tendered to the Assembly by the Northern Ireland Human Rights Commission in response to a request made in pursuance of paragraph (2) shall be circulated to all members and published in a manner determined by the Speaker.

**98. FEES AND COSTS**

(1) The Promoter must pay the costs associated with a Private Bill incurred by the Assembly Commission (in addition to the fee which must be paid before a Bill is introduced).

(2) All fees and costs (including Objectors’ fees) payable under the provisions of these Standing Orders shall be paid to the Assembly Commission.

**99. PRIVATE BILL COMMITTEES**

(1) The Assembly shall establish a Private Bill committee to exercise the functions set out in the provisions of these Standing Orders, in respect of each Private Bill introduced in the Assembly.

(2) Each committee shall —

- (a) consist of five members; and
- (b) have a chairperson and deputy chairperson who shall be elected by the committee.

(3) The quorum of the committee shall be three. Members linked by a video-conferencing facility shall not count towards the quorum.

(4) All questions at the committee shall be decided by a simple majority. Voting shall be by a show of hands unless otherwise requested. In the event of a tied vote, the chairperson shall have a casting vote.

(5) Members of the committee shall normally attend all meetings of the committee and may be absent from a meeting in exceptional circumstances only.

(6) A member with a personal or constituency interest in the Bill shall not be eligible to sit on the committee.

(7) Each committee may exercise the power in section 44(1) of the Northern Ireland Act 1998.”

*Resolved (with cross-community support):*

(v) In Standing Order 12(1) line 2 leave out “Bills” and insert — “Public Bills”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

*Resolved (with cross-community support):*

(w) In Standing Order 13 leave out paragraph (1) and insert — “(1) The stages and procedures for Private Bills shall be as set out in the provisions of Standing Orders dealing with Private Bills.” — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

*Resolved (with cross-community support):*

(x) In Standing Order 22(1) line 2 leave out “, not being a petition for a private Bill or relating to any Private Bill before the Assembly,”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

*Resolved (with cross-community support):*

(y) In Standing Order 50(1) line 2 leave out “two” and insert — “three”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

*Resolved (with cross-community support):*

(z) In Standing Order 50(1) line 4 after “standing committees” insert —

“, Private Bill committees”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

*Resolved (with cross-community support):*

(aa) In Standing Order 50 after paragraph (3) insert —

“(4) Private Bill committees shall be established in accordance with the provisions of Standing Orders dealing with Private Bills.” — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

**Mr Speaker:** That concludes the motions to amend Standing Orders.

## COMMITTEE BUSINESS

### Report of the Ad Hoc Committee on the Private Security Industry Order

**Mr Speaker:** The Business Committee has allocated up to one hour and 30 minutes for the debate. In accordance with the Business Committee's agreement to allocate additional time to Committee Chairpersons when moving and making a winding-up speech on a motion on a Committee report, the proposer of the motion will have up to 15 minutes in which to propose and 15 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes in which to do so.

**The Chairperson of the Ad Hoc Committee on the Private Security Industry Order (Mr T Clarke):** I beg to move

That this Assembly approves the Report of the Ad Hoc Committee (39/08/09R) set up to consider the draft Private Security Industry Act 2001 (Amendment) (Northern Ireland) Order 2009 and agrees that it should be submitted to the Secretary of State for Northern Ireland as a report of the Northern Ireland Assembly.

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

The Secretary of State for Northern Ireland referred the draft Order to the Assembly for its consideration under section 85 of the Northern Ireland Act 1998. If the Assembly adopts the Committee's report, that will, along with the Official Report of the debate, constitute the Assembly's response to the Secretary of State on the draft Order. My fellow Committee members and I hope that the Assembly's views will be given the consideration that the Assembly is entitled to expect as the main representative political body that has an interest in this area.

The Committee worked assiduously on the legislation within a challenging time frame. That task was made no easier by the fact that the legislation was brought to the Assembly without due account being taken of plenary dates here, resulting in no insubstantial foreshortening of the scrutiny period that was available to the Ad Hoc Committee. The Committee takes the view that the Northern Ireland Office should have factored that in when deciding a date for laying the draft Order. Sixty Westminster sitting days is a short enough timescale, and it took an exceptional body of men and women to do the job in record time. I believe that that work has been completed faster than that of any Ad Hoc Committee yet.

*1.00 pm*

The Committee wants to make the general point that it is in everyone's interest that, where at all possible, there is consultation with the Assembly on legislative proposals at the earliest stage and perhaps well in advance of laying a draft Order. The Committee was,

of course, conscious of the challenging timetable that it faced. We agreed with the need for regulation in this area, but we would have wished for more time to consider fully the options or variations thereof. Figures on costs that various witnesses provided could not be reconciled readily, and there were also differences of opinion among witnesses about what was the best option, with the Northern Ireland Office on one side and many others on the other.

Before proceeding, I hasten to pay tribute to the Committee members, who showed great commitment and dedication to the task in hand and who were second to none. I also pay tribute to the professionalism of the Committee Clerk and staff, without whose efforts we could not have succeeded in this daunting task. On behalf of the Committee, I also thank warmly the officials and representatives of all organisations that provided information and evidence. The Committee also had the benefit of an Assembly researcher.

The Committee was made aware that the Northern Ireland Office had conducted in 2006 an extensive and detailed consultation exercise on the regulation of the private security industry in Northern Ireland. There were about 20 responses to that consultation, and the Committee had access to analysis of that material. That proved very useful, and it was initially reassuring in view of our limited resources. The Rt Hon Paul Goggins MP, Minister of State for Northern Ireland, briefed members on the draft Order on June 15 2009. We were very grateful for his personal contribution to the inquiry, and we thank him for that.

The proposed draft Order follows the introduction of an interim licensing regime in August 2007 under the Justice and Security (Northern Ireland) Act 2007. The Government reviewed the private security industry in Northern Ireland, exploring the various options for regulation and focusing on the greatest threats to public safety, specifically that proscribed organisations should be prevented from profiting from the private security industry. That was an important issue.

However, the scheme did not address best practice issues. For instance, there are no set criteria relating to vetting for convictions, professional standards or levels of training. That created the potential for the industry to be used as a vehicle for extortion, thereby compromising the health and safety of those making use of the private security service.

The Private Security Industry Act was passed in 2001, and under that legislation, the Security Industry Authority (SIA) was established to regulate permanently the industry in England and Wales, and, from November 2007, in Scotland.

This Order is about the regulation of the private security industry here, and it extends the remit of the Security Industry Authority to Northern Ireland. The

Order, according to its accompanying explanatory documentation, aims to make minor technical amendments required to ensure that the Private Security Industry Act 2001 will operate in Northern Ireland as it does in the rest of the United Kingdom. That is all very well, but the Committee did not exist to act as a rubber stamp; it had to consider all possible options when deciding what was best for Northern Ireland.

The effect of the draft Order will be to introduce permanent regulation of the private security industry here. It aims to increase public safety and confidence in the industry; promote best practice in the industry; remove those who seek to use their position to pursue criminal activities; raise security companies' standards of competence and professionalism; and specify minimum levels of training for security personnel.

Although the Minister advised that the system works well and will ensure consistency across the United Kingdom, the Committee felt that it was important to recognise fully the well-argued opinions and experiences of stakeholders who are close to local issues and concerns; we could do nothing else. If the 2001 Act is extended to Northern Ireland, the Security Industry Authority will still have to consider factors that apply only to Northern Ireland, such as the official Office of the First Minister and deputy First Minister (OFMDFM) guidance on judicial decisions. For example, protocol should be put in place for people with conflict-related convictions, because that is a situation that applies uniquely to Northern Ireland. Applicants should be told in advance if they are going to be turned down on security grounds.

The Committee welcomes the Minister's initiative to extend the deadline for applicants to obtain a door supervisor's licence from December 2009 to 1 April 2010. There is no good reason for haste, and the Committee feels that the deadline change is a move in the right direction. There is undoubted merit in the development of the regulated private security industry, but the Committee feels that the process should be slowed down considerably to allow for the very necessary further and fuller debate. In taking evidence, the Committee noted that one of the major concerns was the high cost of obtaining a licence for door staff, which is £245 compared with around £30 under the current local arrangements.

The arguments of the Northern Ireland Office against centralised local systems included the supposed high cost and the resultant licence charge of up to £600 a person. Belfast City Council computed the costs of its scheme to be £170 a person, subject to a variance of 10%. The Committee was unable to investigate the differences because of time constraints. However, differences exist, and we feel that it is unwise to make decisions on the basis of such disputed information. Indeed, the Northern Ireland Office's costings for local

systems came down considerably towards the end of the inquiry. We feel that that is another reason to delay the decisions, particularly if the original decision to import the United Kingdom arrangements was partly based on inaccurate sums.

In the timescale available, the Committee has not been able to make a judgement on whether the quality of the local schemes is comparable with the SIA-delivered arrangements. More importantly, we do not have reliable evidence about the comparable effectiveness and value for money of the main competing options and about which represents best value for the public purse. We strongly recommend that the NIO slows down its decision-making until fuller consideration has taken place. The issue of costs is extremely important for all stakeholders.

Witnesses and members were also concerned by the findings of the recent National Audit Office report on the performance of the SIA. We recommend that the Minister should satisfy himself about SIA's capacity to deal with the additional caseload that might arise as a result of the extension of the UK legislation to Northern Ireland. In particular, it would be a good idea and good practice to consider a final-option appraisal for Northern Ireland that is based on sound facts and figures. That is a standard now expected by the taxpayer, and it would make the decision-making processes much more persuasive.

We are also concerned about the bureaucracy and added cost that is involved with the supposed need to license and train company directors. That should be examined, perhaps with a view to giving responsibility to a nominated director. If the law needs to be changed, so be it. Although I am content to acknowledge the difficulties, I strongly urge the Minister to give serious consideration to the Committee's recommendations on the draft Order.

**Ms Ní Chuilín:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom mo thacaíocht a thabhairt do na moltaí seo.

I support the report and its recommendations. Like the Chairperson, I thank the Assembly staff who were involved with the Ad Hoc Committee on the Private Security Industry Order for their outstanding support. I also thank the witnesses who presented evidence on the relevant options to the Committee and the other Committee members for their due diligence throughout the evidence sessions.

As the Chairperson said, the timescale for deliberation was unrealistic. Contrary to the experience of previous, and expectation of future, Ad Hoc Committees, we were not afforded the normal 60-day consultation period to deal with the SIA. The Assembly must be mindful of that in future, as we had little or no time to debate the subject. In particular, the NIO must be



aware of the expected timescale when bringing future business to the House. If the NIO's expectation was that the Ad Hoc Committee would simply rubber-stamp the scheme, it is left in no doubt today that that is not the case.

That said, I welcome the extension of the door supervision scheme to enable people to obtain a licence from December 2009 to April 2010. Door supervision was the only matter that the Committee had the opportunity to explore in any detail. As the Chairperson outlined, and as I am sure other Members will mention, we still felt that we did not have enough time. As the Chairperson said, and as the report recommends, there is a need to slow down, take stock and allow for further debate. Mixed views were expressed on the success or otherwise of the SIA in Britain. Mixed feedback led the Committee to believe that difficulties exist with some of the scheme's outworkings.

The Committee's concern relates to the implementation of the scheme: who will enforce and police it? The underlying assumption is that councils will have a role to play. If so, who will pay for the involvement of the councils and the PSNI?

The Chairperson mentioned cost; it is worth repeating. At present, anyone applying for a licence pays approximately £30 to their local council, but the introduction of the SIA scheme would increase that to approximately £500: £250 for the application and £250 for training. It was not factored in that most of the people concerned have two jobs and usually work as door supervisors at night or at weekends. Those for whom it is their first job work for only a few nights each week, and the money earned is their only source of income. However, under the SIA scheme, they would be expected to pay for 30 hours of training. An average industrial wage for working 30 hours is over £300, and the loss of the income would be in addition to the cost of £500.

The Committee had been led to believe that a local option would be much more costly; however, it is fair to say that all Committee members remain to be convinced that that is the case. The Committee would prefer local arrangements, particularly for the door supervision scheme. All Committee members want regulation and the implementation of the best option.

OFMDFM's guidelines and the judicial rulings on the employment of people with conflict-related convictions must be factored into the SIA. A better understanding of the issues is required when processing applications. Conflict-related convictions have not been an issue for either of the councils operating a scheme in conjunction with the PSNI. In processing individual applications, the PSNI has provided a great deal of scrutiny and displayed sensitivity in doing so. A person whose

application is refused is not entitled to a refund of £250, and the report recommends that that issue be tackled.

In view of the report and its recommendations, the NIO should revisit its plans. Nevertheless, I support the report and its recommendations without prejudice.

**Mr McNarry:** The Ulster Unionists broadly welcome the principle of regulation for the private security industry. It is only the private security industry that comes close to impinging on the state monopoly of force; therefore, it is sensible to put in place adequate regulation.

Our concern, however, is the excessive cost to small businesses. The Security Industry Authority, the body that performs the regulatory function, would raise the cost of registration and training from approximately £30 for Northern Ireland's voluntary arrangements to about £500.

A fuller and compulsory regulatory regime will cost significantly more than the previous arrangements, but an increase of such magnitude seems excessive. A balance must be struck between public safety and the viability of small business in the sector; it seems clear that a balance has not been achieved thus far. I am, however, hopeful that progress can be made, a view shared by the Committee.

There are also questions about the cost to the applicant and upfront charging, even if a licence is to be refused. I trust that the Secretary of State will address those concerns.

*1.15 pm*

Like many other matters, this issue has a Northern Ireland-specific aspect in that it touches heavily on how we move our society forward from the days of paramilitaries. How we deal with former terrorists is key because the sector is somewhat disproportionately populated with such people. Therefore, the question remains whether it is proper to ignore such convictions when one considers that terrorist-related convictions tend to be for the most violent of crimes, such as murder, attempted murder, assault, possession of illegal weapons or membership of a banned organisation. It takes a certain kind of person to commit such crimes, and no matter what they are like individually or what they have done since, the fact remains that a murderer is a murderer. Is it safe, therefore, never mind desirable, to put such a person on the door of licensed premises?

The report also raises concerns about the length of time that was allocated for the consultation by the NIO, and its lack of consideration for our sitting weeks. As a result, there needs to be a re-examination of how this place interacts with central Government in future.

I add my gratitude and thanks to the Committee Chairperson for the manner in which he took us through the process under very strict time restraints. I also thank



the members of the Committee and the staff who put together the report with which, as I said, we find favour.

**Mr Burns:** As a member of the Ad Hoc Committee, I support the motion and give my approval to the report.

The regulation of the private security industry is a serious matter. The Committee studied the issues as well as we could in the time that we had. We took evidence from many witnesses, including Belfast City Council, publicans, the NIO and the Minister of State, Paul Goggins. We have detailed our recommendations in the report.

Members may not be familiar with the purpose of the proposed legislation unless they have read the report or have a personal interest in the matter, although Mr Trevor Clarke, the Committee Chairperson, provided a good summary when he spoke earlier.

It is my understanding that the main idea behind this exercise was to consider extending to Northern Ireland the legislation that is already in place in Britain. The purpose of the legislation is to raise public confidence in the private security industry, to increase standards of professionalism and to make sure that there are minimum levels of training for all security personnel. When we talk about the security industry, we mean doormen, security guards, transporters of cash and valuables, CCTV operators and those who engage in other related activities.

The Committee's main recommendation is that the whole process should be slowed down. We need additional time for more in-depth discussion and to explore various issues. The Committee did not have enough time to do that because of the forthcoming recess. There is no real need to rush through the legislation, so we would like to return to it at a later date.

I agree in principle that we need more regulation, but we need more time to look at the cost of the scheme. Depending on the job, applicants may have to pay hundreds of pounds to obtain a security licence and to undergo further training. Under that system, doormen may have to pay around £250 to obtain a licence, whereas they currently have to pay only around £30. There is no evidence that doormen in Britain, who operate under a more expensive system, are any better than the doormen here. Companies that employ licensed security personnel would also be hit very hard financially. We need to investigate how to get the costs down for employers as well as employees, particularly regarding the licensing of managers and supervisors who are not involved in front line security work.

Another issue that must be explored is local to Northern Ireland. Under the proposed system, doormen with minor Troubles-related convictions may have to pay big fees up front, only to be turned down on security grounds at the end of the application process.

I recommend that all parties in the Assembly back the motion and study the report. Any changes that we make to the system must be fair, and I hope that we resume our work on the issue in the near future.

**Dr Farry:** I also support the Committee report and pay tribute to the Committee Chairperson, and to Denis Arnold and all his staff, who so ably assisted us in our deliberations.

First, I will address the issue of timescales. Committee members were all extremely frustrated by the short time that we had to consider the draft Order. That contrasted with other Ad Hoc Committees that proceeded less quickly yet had more time for deliberations. Lessons can be learned in that respect. However, if the devolution of policing and justice powers happens in the autumn, much of what is in the report will be superseded by that. What will happen there remains to be seen.

Any delay must serve a purpose. I am not sure of the logistics and legalities of the Ad Hoc Committee's reconvening, so I do not know whether it will be possible. Really, the ball now falls to the Northern Ireland Office to decide what it wants to do — press ahead or slow down to take on board and do further work on some issues that the Committee highlighted. I am not sure that fresh consultation is necessary or will happen, given that detailed consultation took place in 2006.

We must also be conscious that this is a very broad piece of legislation for the security industry. Mr Burns set out the range of different aspects to it. The Committee's focus fell more or less exclusively on the issue of door supervisors. It is important to point out that that is only one part of the legislation. We should not lose sight of the wider benefits in what the Northern Ireland Office proposes.

The security industry in Northern Ireland must be regulated. It is perceived to have, at times, been infiltrated by paramilitary organisations or organised-crime networks and to be in danger of being subject to extortion. That is at one end of a spectrum of public concerns. Another concern is the question of how wheel clampers go about their business. Therefore, regulation in itself is important.

I also see advantages in having a UK-wide framework, not least because it would allow local companies and individuals, having gone through the system, to work across the board rather than be restricted to an area in which a regulation system applies. That might also help to avoid costs.

Overall, it is important to bear in mind that there are particular circumstances in Northern Ireland. Whatever system is in place must be robust and flexible enough to take those circumstances into account. That is not to deny that particular circumstances apply elsewhere in

the United Kingdom to which the regulator will also have to respond.

Giving consideration to convictions is one way in which to address the issue of paramilitary involvement in a security company. However, the presence of convictions alone may not be the sole determinant of whether paramilitarism is involved. Out of necessity, there must be a certain reliance on intelligence, because there may be no record of convictions. Some degree of care and attention must be applied when using that intelligence, and because mistakes can be made, a right of appeal must exist. We must be conscious that although intelligence has a role to play, the process cannot be guided by intelligence alone.

We must also be mindful of the counter-argument that people with convictions should not be excluded from playing a role in society, and, indeed, from having a job in the security industry. Like other sensitive areas, those matters must be risk-assessed. However, risk assessment should not amount to an absolute bar on anybody, and we are mindful of people's ability to move on from their past. Provided that safeguards are in place, I see no particular difficulty in that respect.

One area in which we may wish Northern Ireland legislation to depart from that in the UK, and to which the Northern Ireland Office should pay particular attention, is the exemption of door supervisors from the scheme.

Reference has been made to the positive work done by a number of councils, such as Belfast City Council and North Down Borough Council — as a councillor, I declare an interest — which run schemes based on local initiatives that have worked fairly well. Moving forward, there may be scope for such schemes. The licensed retail sector is perhaps one of the less risky areas in the security industry, so there may be scope for being a bit more flexible with that sector than would be the case under a UK-wide scheme.

**Mr Bresland:** The Ad Hoc Committee considered the draft Private Security Industry Act 2001 (Amendment) (Northern Ireland) Order 2009 and produced a report on it. When completing that report, the Committee read and heard evidence from a number of public bodies and other organisations and took on board their opinions on the proposed changes to legislation and regulations. The 2009 Order is about very narrow matters in that it relates only to extending the Private Security Industry Act 2001 to Northern Ireland.

By extending that legislation, it is hoped that the reputation of, and public confidence in, the private security sector will increase. In addition, the standardisation of regulations throughout the UK would mean that, once licensed, individuals could work anywhere in the UK without the need to apply

and train for another licence. That is why many of the consultees who gave evidence to the Committee were broadly in favour of extending the 2001 Act to Northern Ireland.

Nevertheless, a number of concerns were mentioned several times during the short consultation period, including the increased financial burden that will be placed on those who require a licence and how that may lead to many experienced and skilled doormen having to leave the industry. The report takes account of all those factors and makes a number of recommendations, such as telling applicants, in advance, whether their applications would fail on security grounds, so that they could avoid unnecessary expense.

The report concludes that there is a need to regulate the private security industry in Northern Ireland. However, a more up-to-date public consultation than that which was carried out in 2006 would have benefited the decision-making process. Nevertheless, I support the Ad Hoc Committee's report, and I agree that it should be submitted, on behalf of the Assembly, to the Secretary of State for Northern Ireland.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Tá mé sásta tacaíocht a thabhairt do na moltaí seo.

I support the report and its recommendations. At the outset, I thank Denis Arnold, his administrative team and the Assembly's Research and Library Service for the support that they provided to the Ad Hoc Committee. Their assistance was most welcome and proved invaluable when compiling the report. In addition, I commend members of the Committee, particularly the Chairperson and the Deputy Chairperson, for their time and the contributions that they made.

During the consultation process, a number of issues were highlighted, mostly with respect to door staff. It is important to recognise that although consultees raised some issues, given more time — I emphasise the fact that we were not given enough time to properly assess the subject — other industry-wide matters might have been brought to our attention.

**Dr Farry:** Does the Member acknowledge that a full consultation was carried out in 2006, during which all such matters could have been brought to light by all aspects of the security industry, and that the Committee issued notices in newspapers in order to seek evidence from various sectors but that only the licensed retail sector came forward?

**Mr Boylan:** I partly agree with the Member. However, there have been many consultations in which people have failed to take part or make submissions.

There should have been a proper opportunity for people to do that, because there may be issues that have not come to the Committee's attention.

1.30 pm

One of the main issues was the anticipated costs for those who wish to register and train in the civilian security industry. Previously, the cost of obtaining a licence was only £30; the proposals could see that soaring by 1,900% to £600. That is obviously a concern to those in the industry; especially when one considers that such a relatively large amount of money may be invested only for an applicant to be refused through a criminal check, which, to all intents and purposes, would see that money lost.

The North has a unique dimension. We are all aware that we are a society coming out of conflict. Many of the people who work in the civilian security industry have been involved in political activities. They have returned to society hoping to achieve a normal standing within their communities, and should be allowed to do so. It is unfortunate that those men and women from both traditions have a stigma attached to them, which could impact on their employment opportunities and affect their families directly. I believe that a lot of people out there are trying to return to normality, and I hope that the report goes some way towards addressing those matters as regards job opportunities.

More time should be allowed to consult and the Chamber given an opportunity for a fuller debate, as suggested by the Committee Chairperson and other Members. I support the Committee's report, and I hope that the Minister takes cognisance of it.

**Mr Moutray:** I am pleased to have been afforded the opportunity to sit on the Ad Hoc Committee that considered the draft Private Security Industry Act 2001 (Amendment) (Northern Ireland) Order 2009, as referred by the Secretary of State for Northern Ireland. I found the Committee to be most informative, and I pass on my sincere thanks to all those who submitted evidence and to Mr Denis Arnold and the staff who worked to such a tight timescale.

The implementation of the Order in Northern Ireland will have a positive and affirmative outcome. It will increase public safety and confidence in the security industry. It will promote best practice within the industry and remove those who may seek to use their position to pursue criminal activities. It will also raise standards of competence and professionalism for security companies. It will help to improve the reputation of the industry and make it an attractive career.

The extension of the Security Industry Authority's remit to Northern Ireland will be of benefit, and I welcome the fact that the change was supported by the PSNI and the British Security Industry Association during the consultation period for the document entitled

'Regulating the Private Security Industry in Northern Ireland' in 2006.

The Committee noted that the overall aim of the Order is for activities that are at present designated under the Private Security Industry Act 2001 in England, Wales and Scotland to be designated to Northern Ireland from December 2009 and in April 2010. That will bring about a positive change. For example, the Order will mean that the Security Industry Authority, which is operational in the rest of the UK already, will be required to issue a licence, as in England, Scotland and Wales, for activities such as cash and valuables in transit, security guarding, key holding and door supervision. Those services are all important and bring with them great responsibility.

The legislation is needed. It will help to prevent those with criminal convictions from acquiring positions, unlike the current unregulated system in Northern Ireland. It is important that we align ourselves with the rest of the UK and this legislation will bring about positive change. However, I am aware that the SIA must operate within unique guidelines in Northern Ireland.

I have concerns about the cost of £245 for obtaining a licence, which I feel is excessive. There should be a review of the charges and the possibility of their being waived should a person fail to obtain a licence; a reasonable ask, given today's economic climate.

I am also concerned that all the directors of any company that wishes to operate a licence will have to be trained and licensed. Surely that is a case of bureaucracy gone mad. It would be more practical for one nominated director to take responsibility. The obligation on all company directors to be trained and licensed will prove to be another burden on small businesses.

I support the motion. However, in future, the Northern Ireland Office should put further thought into timing. It is regrettable that, owing to the summer recess, the report had to be rushed.

In conclusion, I believe that the people who are working in the industry are fit and proper persons who have received adequate vocational training for the role that they perform.

**Mr McFarland:** I thank the Ad Hoc Committee Chairperson, Deputy Chairperson and members for their work, and, in particular, I thank the Ad Hoc Committee staff for their efforts in support of the Committee.

The Private Security Industry Act 2001 (Amendment) (Northern Ireland) Order 2009 is parity legislation. Similar legislation has existed in England and Wales for some time, and we want to replicate that here.

I pay particular tribute to North Down Borough Council and to Belfast City Council. Some time back, officials from those councils saw the need to protect



door staff. Members will know that those councils have had a system for doing so in place for some time. They are pathfinders, and they are to be commended for their early spotting of a problem here. However, we need to have a Northern Ireland-wide system that will cover all the council areas so that everyone operates on a level playing field.

Parliament gave the Assembly the full eight weeks for consultation to which it is entitled. Parliament gave us until 21 July, the date on which Westminster rises for summer recess, to complete the report. Members will have spotted that the Assembly rises on 3 July for its summer recess, and I am amazed that Parliament did not spot that. The time that was available for the completion of the report was, therefore, cut in half. It is silly that the two bodies cannot be better co-ordinated.

There is an issue with the obligation on all directors of a company to be cleared for security work. Imagine a small, family-owned, rural pub, of which four of the family members are the pub's directors. It seems silly that all four of them have to go through the expensive process of being trained, having to attend various courses, and having to pay a lot of money to become qualified as security assessors. Why can we not have a situation in which one of those family members is in charge of security? That should be looked at.

I have concerns, which I raised at Committee meetings, about the Security Industry Authority's ability to oversee the system. Last year, a National Audit Office report into the SIA's ability to monitor and police the system in England was critical of that body. We raised that with the Secretary of State, and he has assured us that the SIA is now up to speed. However, I still have doubts as to whether the SIA is capable of taking on the extra burden of Northern Ireland, especially since it was called to book last year in GB. We need to look at the SIA's capabilities again.

There has been a lot of confusion about conflict-related convictions. In a famous speech, my party's former leader David Trimble said that just because someone has a past does not mean that they cannot have a future. That is a good guideline. However, the Government were encouraging businesses to ignore conflict-related convictions. For instance, Lord Justice Kerr made a legal judgement on PSA licences for taxis. However, that was overturned by the McConkey appeal in the House of Lords, which ruled that one had to pay attention to conflict-related convictions. Furthermore, we have had guidance from OFMDFM that says that conflict-related convictions can be ignored. That is confusing to everyone. The NIO and other relevant bodies must work out the rules of the game before the legislation is introduced in Northern Ireland.

I have identified several complex areas. There are a number of areas in which clarity is required. The NIO

needs to slow down the process so that Members have the opportunity to examine the matter more fully. However, as my colleague Dr Farry said, I am not sure how that can be done legally. In any case, the NIO needs to take on board the points that we have raised so that we get the system right and that when it is introduced in Northern Ireland, it will be a fair and equitable system that people support.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom a rá ar dtús go raibh díospóireacht mhaith againn inniu agus ba mhaith liom mo bhuíochas a thabhairt do achan duine a labhair ar maidin.

I speak today as the Deputy Chairperson of the Ad Hoc Committee. Today's debate has been good and worthwhile, and has dealt with a piece of legislation, which, if it does go forward, will form the law that will regulate the private security industry in the North.

I do not want to summarise the contributions of all the Members who spoke during the debate. However, up to 10 Members did speak, and the majority, if not all, of them outlined their concerns about the time limited nature and restraints that the Committee worked under in completing its report. When placing draft Orders before the Assembly in future, I hope that the NIO realises that, for the Assembly to carry out its work properly, an Ad Hoc Committee requires an appropriate amount of time. Notwithstanding the point made by Stephen Farry about previous consultation, and the fact that the Committee gave notice to people to give evidence, the point had been made, particularly by the last Member to speak, Alan McFarland, that the Committee did not have the appropriate amount of time to carry out its work, and that is important.

The value of the draft Order is that it will regulate the private security industry here along similar lines as in England, Scotland and Wales. I am aware that there are some reservations with that, which have been outlined this morning, but the consensus of the Committee, the industry and all those involved is that that industry should be regulated.

In its report, the Committee makes seven important recommendations on the application and implementation of the legislation, which deal with areas such as the resourcing implications of the Order's provision. The Committee strongly recommends that the British Secretary of State considers slowing down the implementation process to allow for further debate.

The report also highlights areas in which the Committee has concerns and where it felt that more debate would be of value. Such issues, which were also raised during today's debate, include option costs, the need for a locally based authority and the impact of what have been termed "conflict-related offences." Those are all areas the Committee considered that the NIO



should revisit in the interim and prior to any legislation being enacted.

The Committee expects that the NIO and its Secretary of State will take the fullest account of its report and recommendations, which carry the imprimatur of the public representatives of the Assembly.

In conclusion, I want to place on record the Committee's thanks to all those who gave evidence or made written submissions to the Committee. The Committee also wants to thank the Chairperson for steering it through its inquiry, and I echo the sentiments made earlier in the debate about the excellent work of the Committee Clerk and his staff under such trying time restraints.

The Chairperson of the Committee today described it as "the fastest Ad Hoc Committee ever," and perhaps we could look in the next edition of the 'Guinness Book of World Records' to see whether that is the case. However, in the meantime, the Committee is happy to commend the report to the House, and it asks Members to adopt it as the Assembly's official response to the draft Private Security Industry Act 2001 (Amendment) (NI) Order 2009.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the Report of the Ad Hoc Committee (39/08/09R) set up to consider the draft Private Security Industry Act 2001 (Amendment) (Northern Ireland) Order 2009 and agrees that it should be submitted to the Secretary of State for Northern Ireland as a report of the Northern Ireland Assembly.

## COMMITTEE BUSINESS

### Senior Civil Service Pay and Bonuses

**Mr Deputy Speaker:** The Business Committee has allowed 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 to make a winding-up speech. All other Members who wish to speak will have five minutes.

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

That this Assembly expresses concern at the current arrangements for awarding pay and bonuses to senior civil servants in the NICS, in the context of the Executive's focus on public sector performance and efficiency; welcomes the decision by the Minister of Finance and Personnel to commission a local and independent review of the pay arrangements for the senior civil servants in the NICS; and calls on the Minister of Finance and Personnel to ensure that the review is comprehensive, in that it includes the grades at pay band 1 (assistant secretary), pay band 2 (deputy secretary), pay band 3 (permanent secretary) and head of Civil Service, and that it assesses the effectiveness, efficiency and appropriateness of the pay arrangements, having regard to the local economic conditions, and recommends reforms as necessary.

Go raibh maith agat, a LeasCheann Comhairle. The Committee for Finance and Personnel agreed to table this motion for debate on the basis that it will give all Assembly Members an opportunity to inform and influence the forthcoming review of future arrangements for awarding pay and bonuses to senior civil servants in this region. I welcome the Minister's decision to accept the Committee's recommendation that there should be a local and independent review of that policy area.

*1.45 pm*

The Committee started its initial investigation after it discovered that the total amount awarded in annual bonuses had more than doubled over the past five years, reaching more than £1.2 million in 2008. Individual bonuses ranging from £5,000 to £10,500 have been awarded to 75% of the senior officials at pay bands 1 and 2. In addition, the Committee found that separate arrangements exist for awarding pay and bonuses to permanent secretaries and the head of the Civil Service. In the case of those higher grades at pay bands 3 and 4, all the post holders received bonuses in 2008 ranging from £5,000 to £18,000.

The unions have commented on the issue and stated that the present pay system for the Senior Civil Service can be divisive, is failing to meet Government objectives and is no longer fit for purpose. Similarly, senior officials from the Department of Finance and Personnel have admitted to the Committee that they consider that bonuses do not motivate people; indeed, those who do not receive bonuses become demotivated.

The Committee has identified a number of concerns that arise from the oral and written evidence from Department of Finance and Personnel (DFP) officials, and those will need to be factored into the forthcoming review. They fall into three broad themes, the first of which is how effective the existing pay arrangements are in driving high performance. I preface my remarks by acknowledging that there are undoubtedly areas in which our Senior Civil Service excels and in which individual performance is exceptional. That said, the Committee has previously raised concerns about the performance of senior officials in certain key areas such as financial management, project management, sick absence management and the achievement of key business targets.

The Committee's concerns were underscored when it discovered that bonus awards had been made to senior management in business areas and agencies whose failure and underperformance had become all too evident. Only last week the Committee found glaring weaknesses in the standard of performance reporting in DFP on progress against the departmental public service agreements and business plans for 2008-09. Indeed, the Committee agreed to send the report back to be updated and amended. Members have queried whether the approach of distributing sizeable bonuses to approximately 75% of senior staff at pay bands 1 and 2 would, in fact, have the effect of rewarding mediocre and low-end performance. Members noted the weaknesses inherent in the system and the lack of a clear linkage between the achievement of both personal performance targets and business targets, and the award of bonuses. It was also noted that few if any senior public officials are sanctioned for underperformance when it occurs. We believe that that is related to a general shortcoming in managing poor performance at an individual level in the Civil Service.

The second broad theme deals with how the position of our senior civil servants compares with that of their private-sector equivalents and how efficient the current pay arrangements are. The Committee found evidence to indicate that the pay of senior civil servants in this region is over 22% more than that of their private-sector equivalents, whereas in Britain it is 8% below the private-sector level. It has also been noted that those in the lower grades in the Civil Service, whose pay is negotiated locally, are on a par with their private-sector equivalents. The Committee considers that the comparison between private-sector and public-sector pay levels has a particular relevance during the current economic downturn in ensuring that the pay arrangements for senior civil servants are efficient and do not stymie the growth of the private sector here, a point that was specifically made in Sir David Varney's review of the competitiveness of this region.

Members raised the issue of the apparent lower levels of risk facing senior civil servants here when compared with their private-sector equivalents, including in the area of job security. Discussions also took place on the attractiveness of public-sector pension arrangements as compared with those in the private sector.

The third area deals with the broad question of why we should mirror the Whitehall arrangements. The Committee was unable to find evidence that the Civil Service here is experiencing the same difficulties in recruiting and retaining staff at senior grades that are being faced in Whitehall and elsewhere. Given that fact, and the lower wage demands locally, members questioned the need to have pay scales, including starting salaries, that are on a par with Whitehall.

Members also queried the extent to which senior civil servants in this regional Administration are able to draw on the work of their Whitehall counterparts, and, as such, their posts here require less originality and creativity. The Committee also noted that the principle of parity of pay between here and Whitehall has already been broken at the middle and junior ranks in the Civil Service but that it has been steadfastly maintained for senior civil servants. It was also noted that the Senior Salaries Review Body takes no account of local economic conditions when determining the pay and bonus awards for Whitehall senior civil servants, which are then applied across the various jurisdictions.

The Committee's investigations raised doubts about the applicability to the Civil Service of the Normington Review recommendations for future Whitehall arrangements for pay band 1 and pay band 2. Members also raised concerns at the apparent lack of independence and transparency associated with the pay systems for the higher grades at pay band 3 and pay band 4, which include the posts of permanent secretary and the head of the Civil Service here.

The forthcoming review must take a comprehensive approach to assessing the present system for awarding pay and bonuses to the various grades of the Senior Civil Service. That should not be confined to certain pay bands or to simply finding the mechanism for taking local conditions into account when establishing pay awards. Indeed, the review should involve a root-and-branch appraisal of current arrangements, and it should, among other things, consider grading, performance management and pay structures as well as alternative models for incentivising and rewarding high performance and for sanctioning poor performance. We should aim to ensure that we have effective and efficient pay arrangements for our senior civil servants that are tailored to our local social and economic circumstances.

I will take off my Committee hat and speak briefly on behalf of Sinn Féin, which seeks better accountability and transparency. Sinn Féin is content to reward innovation and strong performance when that occurs, but it wishes to balance that with effective sanctions where underperformance or failure is demonstrated. Sinn Féin believes that the review provides an important opportunity for the Assembly to put down a clear statement of intent for other aspects of Government and Administration here, which includes quangos, arm's-length bodies — or hands-off bodies, as I call them — agencies, boards, consultants, and so forth.

There is a rich vein of exploration for the Assembly, and we can demonstrate that the Assembly can deliver value for money. I urge a short, sharp review of the senior cohort of the Civil Service here — some 250 personnel — and new standards; renewed and reinvigorated management of the public service; and better and more timely and effective delivery of business and personal performance targets. That is the goal.

**Mr McQuillan:** I welcome the opportunity to debate the motion on the review of pay and bonuses for senior civil servants in Northern Ireland. A transparent, independent review that addresses any differences is welcome, but, as we are well aware, we are experiencing difficult economic times and the constraints that that poses on the public purse. Current bonuses that are due to senior civil servants are overdue, and the Minister must decide how and when they will be paid. The review is ongoing, and it will not be a quick process. However, the Minister will make the correct informed decision on how and when the outstanding bonuses will be paid.

I remind the Assembly that this is not the only bonus outstanding, as we have still not managed to address the ongoing equal pay arrangements for the remaining civil servants in Northern Ireland. That review will also be costly, but it should bring forward the desired outcome of a fair monetary award and a transparent system, which are required for the future.

When the Minister considers the draft terms of reference, he will identify more specific areas for senior civil servants in Northern Ireland. The awards should, at least, equate to their counterparts in mainland UK and should have consideration to the ongoing Normington Review. That review should not necessarily have a final bearing on any decisions made by the Minister for the monetary awards of senior civil servants in Northern Ireland. However, any relevant findings may be considered following the conclusion of the independent review of pay that he commissioned.

He must also highlight the importance of encouraging the recruitment and promotion of suitable, qualified, professional people to fill the more senior roles in the Civil Service, and ensuring that the pay rewards reflect

fairly the achievements of any Departments and agencies during the relevant period.

There is a lot more that could be said about the matter, but I will await the outcome of the review and its recommendations. I support the motion.

**Mr McNarry:** In considering the motion it should also be said that in no way should either lower-grade civil servants or those wishing to take up a career in the Civil Service be restrained in their ambitions to make progress in climbing onto, or up, the career and promotional ladder. They are not in the dock.

The strange thing is that those facing scrutiny through the motion and the review are not under our charge. They do not work for the Northern Ireland Assembly but for Executive Departments. Non-ministerial MLAs — most of us — have an entirely separate regime of employees administering the Assembly for us. The only structured point of contact between us and the top players in the Civil Service is when we come together in Committees. It is there, when we scrutinise and probe the performance of the Ministers and their team of masterminds, that one can experience how wide the gap can be between the Executive set-up and the inner workings of the Assembly.

In top civil servants, we are talking about a select group of elite untouchables, many of whom in fact earn considerably more than the Ministers they serve. Those top civil servants, in true “Sir Humphrey” fashion, must be super civil servants, who are seldom sacked, demoted, given gardening leave or even heard apologising for a mistake.

People today rightly call for openness and transparency, and they are justified, as the expenses explosion has revealed, in being angry and discontented with Government here and at Westminster. So too should we, if we are doing our jobs professionally, be angry and discontented with Government. Are MLAs at fault for: the departmental negligence in relation to the Northern Ireland Events Company; the ham-fisted manner behind the collapse of Workplace 2010; the disgraceful bills for millions of pounds wasted on unnecessary consultation documents, which have become a virus; the debacle surrounding a national stadium at the Maze that will not be built; or the over-estimating of disposable land at Crossnacreevy, where £160 million suddenly became £6 million? Is it down to us that 6,500 high-salary jobs were predicted but will not materialise, and that no one seems to have a clue where we are with Land and Property Services?

Surely, as the Chairman mentioned, what happened at last week's meeting of the Finance Committee perfectly illustrates how the frustrations and anger of MLAs can be transmitted. The Committee told top civil servants to take back their report on DFP performance against 2008-09 public service agreement (PSA) and



departmental targets and to rewrite it. The amazing thing was that the flaws were not hard to find, yet we were told that the report had been carefully assessed for its accuracy by its presenters.

I have read the case for the defence. It comes from none other than the First Division Association — imagine that. The First Division Association tells us that bonus payments are only made to staff who achieve or exceed their work objectives, and adds that pay for senior civil servants is well below that of employees doing similar work in the private sector, suggesting that the first division staff are paid as little as half of what their comparators in the private sector earn. However, I note that there is no mention of the near certainty of job security, or the sizeable pension benefits for senior civil servants, which many in the private sector believe swing the overall package in favour of, somewhat aptly named, first division players.

I am not critical of the pay that those people receive, nor the pensions or the job security. Those have been set. However, if they are envious of comparatives in the private sector, then the obvious question is; why do they not see how it is out there? Why do they not see how they can hack it in a world where mistakes that prove costly are not rewarded? I cannot find favour with the suggestion that they are not content with their high salaries, job security and handsome pension because there is a culture of expectancy of a bonus payment, irrespective of their performance.

I believe that the public feel that such a culture is beyond the scope of justification. To that end, my party's view is that bonus payments should be scrapped. Last year, the taxpayer paid a staggering £1.2 million in bonuses across all Departments. Someone must stand up and tell me and the people how and why that was the case.

2.00 pm

**Mr O'Loan:** I welcome the motion, and I regret that an SDLP amendment was not accepted for debate. At the Committee for Finance and Personnel, I said that I broadly supported the wording of the motion, but my party colleagues and I sought to amend the motion to make it more explicit in respect of the cessation of bonuses in the Senior Civil Service and to extend the review to the whole of the senior public sector, which is an important point. Although the amendment was not accepted for debate, I shall make points arguing for those measures.

This matter must be resolved in a calm and collected fashion. The discussion must be evidence based, and it must not look anything like a vendetta against senior civil servants. There is a danger that some of the language might stray into that territory.

One of my main criticisms of a bonus system is that, in spirit, it is opposed to a proper public service ethos.

We must recognise that, by and large, civil servants approach their jobs in a conscientious manner and act in the public interest. Many of them give unstintingly of their time and efforts.

It has been mentioned that 200 senior civil servants received around £1.1 million in bonuses last year, and that 75% of senior civil servants get bonuses, while 25% do not. The architecture of that system raises many questions. Thirteen permanent secretaries received bonuses totalling £123,000, with one bonus, remarkably, being £18,000. The bonus pot has increased gradually over the years. It is now 8.6% of the total salary bill, and there are plans to increase it to 10%.

We are told that the point of the system is to give significant rewards to the best performers and, hence, to reward continuous improvement. That is, of course, a Thatcherite idea, and dates back to the time when it was regarded that the only way to improve public-sector performance was to make the public sector more like the private sector by paying by results. Everything was made measurable, a system of targets was created, and rewards were made on that basis. That led to a huge rise in the salary levels in the highest levels of the public sector and created a bonus culture. That is fundamentally at variance with a public service ethos.

The Department of Finance and Personnel's permanent secretary gave important evidence to the Committee on 25 March 2009. His remarkable words were:

"Many of us think that the way in which the present system operates, and has operated, here has had a substantial disincentivising effect on people rather than an incentivising effect. The quotas that are applied, and the way in which they operate, can mean that bonuses do not motivate people."

One could not argue the point better. That high-level evidence must be taken seriously.

The issues of recruitment and retention are critical. The Committee received clear evidence that there is no problem with retention; very few senior civil servants leave before retirement. The issue of recruitment is more mixed; we received evidence to show that to recruit, it can be necessary to place people on a salary that is higher than the base of a particular salary grade. That is one reason why the matter must be looked at in the round; higher-level salaries in the whole of the public sector will need to be examined, otherwise great damage may be done to recruitment into the Civil Service.

I endorse the points that the Chairperson of the Committee for Finance and Personnel made that public-sector salaries at the highest levels are significantly higher than those in the private sector, and about the astonishment that many of us have about bonuses when it is clear that the people who are receiving them are not delivering. Land and Property Services has been heavily criticised in the Assembly,



yet in 2008, seven significant bonuses were awarded, including one of £10,500.

I wish to introduce a note of caution to tie in with my earlier remarks about our comments not appearing to be part of a vendetta. The situation in the Senior Civil Service is nothing like that which exists in, for example, the BBC, where 47 directors earn more than £200,000 a year. We are told that the director general received a package for 2007-08 that is worth £816,000.

The median salaries in the top three grades in the Northern Ireland Civil Service, omitting the head of the Civil Service, are £61,000 at pay band 1, £90,000 at pay band 2, and £101,000 at pay band 3. Although those are high salaries, they do not venture into the area of abuse of public money. Therefore, let the review of the entire public sector proceed. Let the Senior Civil Service know that although it values its work, the Assembly wants to move to a fairer system that properly recognises relativities, abilities and achievements.

**Dr Farry:** I, too, support the Committee's motion. There has been much discussion on the subject. Throughout society, there is great concern. It is important that the Assembly stress that it is interested not in pitchfork populism and in taking cheap shots at individuals but in recognising that there are jobs for which people must be paid competitively and, indeed, high salaries, and that people who are properly qualified and who do important, high-risk jobs must be rewarded appropriately.

Much of the background to the debate is set out in Sir David Varney's second report, which is titled 'Review of the Competitiveness of Northern Ireland'. Indeed, he expressed great concern about public-sector salaries here. I believe that the average public-sector salary is 19% above that in the private sector, and for top grades, the figure is 22% higher. We are talking about a major distortion of the local labour market. At lower grades in the Civil Service, pay may be lower than it is for similar private-sector posts. It is important that the Committee send out the message that that is not an issue of concern to it.

At higher grades, however, there is a major pay differential with the private sector, and that in turn creates a potential crowding-out of the market. It is worth pointing out again that pay for lower Civil Service grades is often set locally. However, for higher grades, pay is set at a UK-wide level, which does take into account gross value added (GVA) differentials throughout the United Kingdom. In particular, in London and the south-east of England, private sector pay massively outstrips that of the public sector. There it is right that competitive salaries be paid, in order to attract certain people away from the private sector and into the upper reaches of the Civil Service.

It is important to recognise that people in the private sector run much higher risks in their jobs. In particular, in the context of the economic downturn, a person runs the risk of losing his or her job if a company gets into financial difficulties. By contrast, there tends to be much greater job security in the Civil Service. Indeed, in some cases, there is total job security. Few people lose their jobs through underperformance in the Civil Service as a whole, not least when it comes to management of financial matters. Its employees receive good pensions and, sometimes, gongs at the end of their tenure in recognition of their work on the public's behalf and of their having forgone the greater financial rewards that exist elsewhere.

In Northern Ireland, the opposite is true. Crowding-out is a danger should the best talent be attracted to the Civil Service, because its pay and conditions are better than those of the private sector. The situation is the wrong way around. In essence, that is the major distortion that exists in Northern Ireland's labour market: although it is a distinct labour market, Civil Service pay is organised on a UK-wide basis.

Great concern arose about bonuses. I must point out that bonuses are paid out based on the Department's relative performance internally, as opposed to its absolute, overall performance. To be rather flippant about it, one could make the point that the Civil Service bonus scheme is the only area of Government expenditure in which there is guaranteed not to be any underspend at the end of the year. The money is always paid out regardless and is divided up among qualifying civil servants according to internal formulas. That process is often clouded in mystery.

In a sense, civil servants can have a good, attractive job in Northern Ireland, and they get well rewarded without having to bear the same risks that apply in the private sector. It is important that the Assembly makes what efforts it can to rebalance and modernise the whole Northern Ireland economy. Addressing public-sector pay has to be a key element of that.

**Mr Weir:** I am pleased to support the motion. This is an issue around which the House can unite. Voices from across the Chamber may take different tones, but they support this motion. The Committee's view and the review announced by the Minister also face the same direction.

As Declan O'Loan put it, we should approach this matter in a calm and collective manner and put it in a proper context. I wonder whether his references to the expenses of BBC executives will make the highlights programme, 'Stormont Today', or will be edited out.

We must look at this matter as dispassionately and as fairly as possible and ensure that, in our remarks and our approach, we do not lapse into populism or indulge in the politics of envy. All 220 senior civil

servants earn more than the basic pay of an MLA. It may be that MLAs' pay is such that some senior civil servants would not get out of bed for it. By the same token, if we were to push for performance-related pay, some unkind souls, with whom I would strongly disagree, might look at some Members of the House and conclude that if they were paid on performance, they would be selling 'The Big Issue' by the end of the day.

We have to ensure that this matter is considered in a proper context. We must ensure that pay is fair and equitable. The current system has not been plucked out of the air but has followed the example of Whitehall. Undoubtedly, there will be problems with scrutiny of the system. Various statistics will be used to draw comparisons with wages in the private sector. Some of those comparisons will be fair and some will not.

In any review, it is important that we look at prevailing circumstances in Northern Ireland. If it is argued that our system objectively follows that of Whitehall, it may be countered that the present system is not fully tailored to the needs of Northern Ireland and that the circumstances of our private sector have not been fully taken into account. It is important that we balance appropriate levels of pay and conditions for senior civil servants so that we can still attract the best people into the Civil Service. I listened to what Mr McNarry said about the different areas of government. We must attract the best people into the Civil Service to ensure that mistakes are not made. We must also ensure that proper value for money is obtained. Therefore, there is a balance to be struck.

I agree that there is a culture of expectation at present. A permanent secretary said that in some respects, the current system disincentivises those who produce the best performances. The system rewards 75% of senior civil servants and cannot, therefore, be a proper bonus system. Bonuses may have a role to play, and I do not want to prejudge the outcome of any examination. However, if they are to be paid, it must be on the basis of rewarding added value, over and above that normally expected of a senior civil servant. That is the proper role of any form of bonus.

We must also put that issue into the context of the amount of money involved. The total Senior Civil Service pay bill comes to about £14 million. It was indicated that bonus payments totalled £1.2 million. From the point of view of equity, it is important that we do not raise public expectations that there are millions of pounds to be saved; clearly there are not.

2.15 pm

We need something that is fair and transparent and can produce the best within the Civil Service, rather than the expectation that a cheque will arrive at the end of the year. Consequently, I welcome the Minister's proposals, and I hope to see something that is

independently led so that there is a fresh examination of the position.

**Mr Deputy Speaker:** The Member should bring his remarks to a close.

**Mr Weir:** I, therefore, support the motion.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I, too, support the motion. As some Members have said, for obvious reasons, there has been a lot of interest recently in how public money is being spent. Many people are facing financial difficulties; it is, therefore, justifiable that the position of people employed in the public sector, in particular, should be scrutinised. The lack of accountability and transparency in the public sector is no longer acceptable.

The pay arrangements for senior civil servants in the North are based on a system that has operated for such staff in Britain since 2002 and includes a mandatory bonus scheme. A recent review of pay arrangements for civil servants in Britain resulted in a number of recommendations, including the proposal of a new pay model.

The Committee for Finance and Personnel recommended that an independent review of the bonuses handed out to civil servants in the North be carried out. The Minister has since proposed such a review. I welcome the fact that the Minister took on board the Committee's suggestion.

Senior Civil Service pay is performance-based. For the base pay award, members of the Senior Civil Service are assessed on their performance in relation to their peers and, as a result, are typically allocated to one of three pay tranches. In 2008, the increases in base pay that applied to each tranche were 2.75%, 2.5% and 1% respectively. The year 2009 marks the second year of a recommended three-year pay award, which is an indicative 7% growth in the pay bill for 2008-2011. The bonus system recommended by the Senior Civil Service Review Board was set at 8.6% of the pay bill for the 2008 award. The review board also recommended that that should increase to 10% by 2011.

I am conscious of the fact that those are very technical figures. The reason why I have quoted them is that the crux of this system is that senior civil servants are already paid large salaries, and yet they are eligible for added bonuses that are not available to those at lower grades in the Civil Service. I want to quote a few other figures to get the sense of this.

Last year, senior civil servants in the North of Ireland were each paid bonuses worth an average of more than £8,000. That amounts to almost double what was paid five years ago. Almost 75% of 200 senior civil servants received bonuses that amounted to more than £1 million. That figure is not justifiable when it is set against performance in key areas of financial management, in

particular Departments' habitual underspend, the high incidence of sick absence, and the achievement of departmental or public service agreement (PSA) targets, which are issues that we constantly debate in the Chamber and Committees.

In addition, the equal pay dispute, which affects a large number of people, has still not been resolved. People at the lower grades receive nowhere near as much in pay increases as senior civil servants do in bonuses. There is no justification whatsoever for paying those bonuses.

Some groups, in particular women, are under-represented and only reach a certain level in the Civil Service. Women are sometimes prevented from gaining promotion for other reasons, and so do not reach the higher levels of the Civil Service. That is an equality issue.

There must be a local and independent review of the pay arrangements for senior civil servants and an end to the bonus system. I hope that the review is transparent and that it is carried out quickly, because we are accountable to the public. People working in the public sector must also be accountable. I support the motion.

**The Minister of Finance and Personnel (Mr Dodds):** I welcome the debate, and I am grateful to the Committee for its examination of pay and rewards for senior civil servants, which is a complex issue. I am glad that the motion welcomes my decision to commission a local and independent review of the pay arrangements for senior civil servants in the Northern Ireland Civil Service. I also welcome the opportunity that the motion has given me to hear at first hand Members' views on the issue and to provide some of the context of the decision that I made a short time ago to commission the external review.

As Members pointed out, there are approximately 220 senior civil servants working across the 11 Northern Ireland Civil Service Departments and their executive agencies. Twenty-five per cent of those people are professional staff, such as medical doctors, lawyers, engineers and veterinary professionals. All the staff play a vital role in the governance of public services in Northern Ireland.

The current pay system for senior civil servants in the Northern Ireland Civil Service was introduced in 2002 and is a performance-based system. As Members know, individual pay awards are determined each year by an assessment of an official's performance and contribution relative to their peers. Under the current system, the pay system comprises two core elements: a base pay award; and a non-consolidated, or non-pensionable, bonus payment.

One Member referred to the mystery surrounding the criteria for the application of the bonus. Under the current system, specific criteria are applied to the

assessment of individuals to determine the level of base pay award and non-consolidated bonus that they should receive. Those criteria are published each year as part of the annual Senior Civil Service pay strategy, and the process by which decisions on individual awards are made is based on a performance-management system, which is also published. That must be put on the record in answer to the allegation that a shroud of mystery exists.

All that follows the recommendations of the Senior Salaries Review Body (SSRB) and Cabinet Office guidance on Senior Civil Service pay strategies. It should also be noted that the Senior Salaries Review Body has recommended increases in the proportion of the pay bill that should be available for non-consolidated bonuses and reductions over recent years in the level of consolidated base pay award.

As a number of Members said correctly, the essential and important role of senior civil servants in supporting Ministers in policy and delivery is broadly similar across the UK. Consequently, senior civil servants in all parts of the United Kingdom have a common grading structure, a common job-evaluation system, a common learning and development framework, and a broadly equivalent performance-management system. It is for that reason that the Northern Ireland Civil Service, with the agreement of successive Ministers of Finance and Personnel, has followed a policy of generally shadowing the broad framework of pay arrangements for senior civil servants in the Home Civil Service when developing its annual pay strategies.

Those arrangements are based on the recommendations in the annual reports of the SSRB, which operates totally independently from Government and makes recommendations on the remuneration of a range of senior public-sector employees. The Senior Salaries Review Body ensures a strong element of independence, objectivity and expert input to the determination of pay for the areas for which it is responsible, having taken evidence, and so on.

When the SSRB makes its recommendations, the Cabinet Office issues more detailed guidance to Departments on their application. It has been argued that those recommendations do not take into account any Northern Ireland-specific evidence. Officials in my Department have been working with the Office of Manpower Economics to explore the scope for a formalised relationship with the SSRB where Northern Ireland-specific evidence would be sought, and specific recommendations made, in respect of senior civil servants in the Northern Ireland Civil Service.

No pay system is without its strengths and weaknesses, and clearly there are elements of the Senior Civil Service pay system that need to be examined and updated. That



is one reason why I commissioned the independent review. In the development of the 2008 pay strategy, a small amount of the available bonus pot was used to make some effort to address one of the identified weaknesses of the system, namely poor pay progression at the lower end of pay band 1, which is the assistant secretary level. That had a small but positive impact on a recognised anomaly in the current pay structure.

In its annual reports, SSRB has highlighted the need to formally review the pay and rewards system to address emerging vulnerabilities. Reference has been made to the January 2009 report by Sir David Normington, the permanent secretary at the Home Office, on the review of the Senior Civil Service workforce and rewards strategy. My officials and I have spent some time analysing that report from a Northern Ireland perspective; that analysis has informed my decision to commission the review of the Senior Civil Service pay and bonus system in the Northern Ireland Civil Service. It is my intention that that should be an independent external review, with the Minister of Finance and Personnel as its main customer.

I am considering the draft terms of reference for that piece of work, which will be potentially complex. It is not possible to examine pay and bonus arrangements in isolation from consideration of roles, grading structure and performance management arrangements. The arrangements should, as the motion proposes, cover all grades in the Senior Civil Service, including that of permanent secretary. I believe that the review should be wide-ranging and should look at comparisons with pay and reward systems for similar jobs in the wider public and private sectors. It should also have regard to the changes to arrangements for Senior Civil Service pay now being considered in the rest of the UK as a consequence of Sir David Normington's review.

It should be noted that base pay increases in the wider public sector for 2008-09 were much greater than those in the Senior Civil Service. The base pay increase in the Housing Executive for the same period was 3.75% compared to 2.5% in the Senior Civil Service; 5.56% in the education and library boards; and 4.19% in the health and social care sector. It is clear that pay increases are an issue for the wider public sector as well as the Senior Civil Service. It is important that all those issues be examined.

I want the review to proceed as quickly as possible. It is likely to take some months to reach the reporting and subsequent implementation stages and for that reason, I am considering what arrangements should apply to the pay award for the Senior Civil Service that is now due in respect of the reporting period of April 2008 to March 2009. I intend to circulate the terms of reference for the review to ministerial colleagues and to the Committee for Finance and Personnel once I have considered them.

It would be wrong to pre-empt the outcome of the review. However, my expectation is that the decisions taken based on the outcome of the review, which has been widely welcomed, will provide for a Senior Civil Service pay and reward system that will be fair and transparent to the staff involved and to outside commentators. It will serve to address the anomalies that have been identified in the current pay and reward structure, and it will enable the Civil Service to recruit, retain and motivate suitably able and qualified people to exercise its various responsibilities at the most senior level.

**Mr Deputy Speaker:** As Question Time commences at 2.30 pm, I suggest that the House take its ease for a few moments. This debate will resume at 3.30 pm, when the next Member to be called to speak will be Mr Hamilton, who will make the winding-up speech.

*The debate stood suspended.*



2.30 pm

(Mr Speaker in the Chair)

## Oral Answers to Questions

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

#### Lisanelly, Omagh: Gifting of Lands

1. **Mr Buchanan** asked the First Minister and deputy First Minister for an update on the possible gifting of the Lisanelly lands, Omagh, to the Executive. (AQO 3053/09)

**The deputy First Minister (Mr M McGuinness):** Five Omagh schools are exploring the possibility of relocating to the former military site at Lisanelly, thereby creating a brand new, shared education campus for almost 3,000 children and young people. It would be the first of its kind and would feature state-of-the-art education facilities. The development of the project offers a unique opportunity to address some of the regional economic disparities and to help to transform a site of regional importance, with significant benefits for the rest of Omagh and the surrounding area.

We still await a decision from the British Government on the further gifting of former military sites, including the land at Lisanelly, Omagh. We will continue to press Shaun Woodward and Gordon Brown on the issue.

**Mr Buchanan:** As the Minister outlined, Lisanelly is key development land, and it will open up the potential for other such lands in and around Omagh to develop the area further. Each time questions are asked about Lisanelly, we are told that more work needs to be done in seeking to have the gifting of lands brought forward.

Will the Minister tell us when the lands will be gifted to the Executive so that they can make a decision on the development? That will give the people of Omagh confidence that not only will Lisanelly be opened up for development but that other potential sites will come on stream for development to further the expansion of Omagh town centre.

**The deputy First Minister:** We made our case very clearly and will continue to press Shaun Woodward and Gordon Brown because they have a responsibility to expedite the transfer of lands.

The Minister of Education recently established, and chaired the first meeting of, a local steering group that has been set up to deliver a shared education campus at

the former military site at Lisanelly. The group will oversee the next steps of the project, which will include the engagement of technical and architectural expertise to develop the detailed investigation and site work.

**Mr Kennedy:** In view of the lack of progress on the last gifted site of the Maze/Long Kesh, will the deputy First Minister provide an update, including a date by which we can expect to see real progress on the Maze/Long Kesh development, for the proposed relocation of the Royal Ulster Agricultural Society (RUAS), which has widespread support? Will there still be a proposal to include a conflict transformation centre, which has little or no support?

**The deputy First Minister:** In April, when the First Minister and I announced the establishment of a development corporation for the Maze/Long Kesh site, we made it clear that we see the site as being of regional significance and are committed to exploiting its potential in full. Although we are not progressing with the master plan in its original form, we are determined that the economic, historical and reconciliation potential of the site will be fully maximised. We will adopt the same approach with the other sites, and we intend to hold the British Government to their commitments on the issue.

I am aware of the RUAS's interest, and I met some of its members recently at a social event. The society is very determined and is seeking some 60 acres of the site for development. I understand the difficulties that people face, but we have taken a decisive approach, which is the establishment of a development corporation. The corporation will be responsible for ensuring that we maximise the economic, historical and reconciliation potential of this incredibly important site.

**Mr Doherty:** Go raibh maith agat, a Cheann Comhairle. In view of the development work, particularly on the exemplar design of the five, and possibly six, schools in Lisanelly, will the Minister, when he next meets the British Prime Minister again raise this issue and press him on not only gifting the site but when it will be gifted?

**The deputy First Minister:** The First Minister and I are to meet Gordon Brown tomorrow afternoon, and that will certainly be one of the items that we will raise with him.

#### Children's Action Plan

2. **Mr Brolly** asked the First Minister and the deputy First Minister what plans they have to bring forward a children's action plan that reflects each Department's response to the concluding observations of the United Nations Convention on the Rights of the Child. (AQO 3054/09)

**The deputy First Minister:** I will ask junior Minister Kelly to respond.

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly):** Go raibh maith agat, a Cheann Comhairle. The concluding observations of the United Nations Convention on the Rights of the Child cover a wide range of issues that affect children and young people. Junior Minister Donaldson and I met our ministerial counterparts from Scotland, England and Wales on June 15 and agreed to work together to produce a plan to address the common issues across the four Administrations.

The 10-year strategy for children and young people is rights-based, and the associated action plans will be the main vehicle for taking forward the concluding observations here. The second action plan, which will cover the period up to 2011, is with the Children's Commissioner for comment. We recently received the views of the Committee for the Office of the First Minister and deputy First Minister, which will be considered alongside those of the Children's Commissioner before seeking Executive approval.

The action plan, which addresses some of the concluding observations, will be a living document open to review and amendment. As part of the process, we will work with children and young people to seek their views about what more needs to be done in the context of the concluding observations. We will also work closely with Departments to consider what further actions are required and will soon write to Executive colleagues outlining our proposals for progressing the work.

**Mr Brolly:** Go raibh maith agat. I note the junior Minister's assurance that children and young people will be consulted. Can he give a commitment that that consultation will be on an ongoing basis?

**The junior Minister (Mr G Kelly):** Indeed I can. We are fully committed to engaging children and young people in that process and specifically want to seek their views on priority issues that they feel are not being addressed by the current action plan in the context of the concluding observations. We are, therefore, developing a young people's version of the action plan and concluding observations for use in focused workshops. The views put forward will then accumulate in a conference for young people in November.

It is intended that the conference will celebrate the twentieth anniversary of the United Nations Convention on the Rights of the Child and inform Departments of the key issues put forward by young people with a view to developing additional actions around them as required. We are working closely with key non-governmental organisations and the Participation Network and have sought the views of the Children's

Commissioner's youth panel in taking the process of engagement forward.

**Mr Shannon:** I thank the junior Minister for his very good response. At the same time, however, it is important that we gauge opinion from across the water in Scotland, Wales and England about how their policy works. The key factor for Northern Ireland is how each section of each Department will respond. Will each Minister play his or her part in ensuring that the children's strategy goes forward?

**The junior Minister (Mr G Kelly):** Absolutely. Junior Ministers have a co-ordinating role in this matter. Children and young people are affected by almost every Department, if not every Department. The ministerial subcommittee on children and young people was set up for precisely that purpose. Therefore, Departments will feed into the ministerial subcommittee. Since it is a ministerial subcommittee, it is attended by Ministers from the various Departments.

**Mrs M Bradley:** Will the junior Minister outline the timescale for the development of the action plan, and has it been discussed at the ministerial subcommittee on children and young people?

**The junior Minister (Mr G Kelly):** It has been discussed at the ministerial subcommittee. We hope to put it out for consultation before the end of the year, but I can write to the Member with more specific details, if that is ok.

**Mr Gardiner:** Child poverty is a big issue for Northern Ireland. Will the junior Minister say whether his Department's original targets to reduce child poverty by 50% by 2010 and to eradicate it by 2020 have been revised? If so, will he indicate what the new targets are?

**The junior Minister (Mr G Kelly):** The Executive are committed to tackling child poverty here, and that commitment is clearly outlined in the Programme for Government. I think that the Member refers to PSA 7, which includes commitments to work towards the elimination of child poverty in the North by 2020; reducing child poverty by 50% by 2010; and the elimination of severe child poverty by 2012.

In line with those commitments, the ministerial subcommittee on children and young people identified child poverty as one of its six key priorities. A cross-departmental subgroup, which is led by OFMDFM, was set up to take the priority forward. The group is initially focusing on the provision and delivery of accessible childcare here, given its link with child poverty. The subgroup has produced a paper that outlines a range of options. That paper was brought to the relevant Ministers for consideration at last week's single-agenda meeting of the ministerial subcommittee. At this time, I am not in a position to specify proposals

that may be taken forward, but I can assure the Member that work on the issue is ongoing and progressing.

An Executive subcommittee on poverty and social inclusion has also been established recently. Following its first two meetings, officials have been asked to undertake work with colleagues from other Departments to identify the key co-ordinating priority actions that are needed to benefit the groups who are in greatest objective need, including children. The work will be informed by the recommendations that arise from the Committee for the Office of the First Minister and deputy First Minister's report on child poverty and the promoting social inclusion working groups on lone parents and people with a disability.

Returning to the Member's initial question, we are looking at all the relevant issues. We set deliberately ambitious aims in the Programme for Government. It is better to aim to meet ambitious targets than to lower our sights.

### **Cohesion, Sharing and Integration Strategy**

3. **Mr I McCrea** asked the First Minister and deputy First Minister, in light of the recent racist and sectarian attacks, if they can assure the Assembly that they will prioritise the cohesion, sharing and integration strategy and agree it as soon as possible.

(AQO 3055/09)

**The deputy First Minister:** The First Minister and I are appalled by the deplorable racist attacks on Romanian families that took place in the south and east Belfast areas in the past two weeks and, indeed, other recent racist and sectarian attacks. Those attacks were unacceptable acts on men, women and young children who came here to build a new future for themselves. The incidents have done major damage to our reputation and to our efforts to build a shared and better future for everyone.

We have consistently stated that migrant workers are bringing very real benefits to our society and economy. We welcome and support those who have come to live and work here, and we utterly condemn hate crime and discrimination of any kind. It must be remembered that these are the actions of a few. Most people were appalled, and many acted to support the families who were targeted. In Belfast, local community representatives and a range of groups that we fund are working to prevent further attacks and to support the unfortunate victims.

We are fully committed to building a cohesive, shared and integrated society for all. We want to ensure that newcomers to our shores are welcomed into communities that are not divided, separate or unequal, and that we address the challenges that face new and host communities. We are on record as stating that we are

finalising proposals for a draft programme of cohesion, sharing and integration. That programme must, and will, tackle the challenges that face local communities. It will set a framework to tackle racism, sectarianism and other prejudices.

We hear the calls for us to conclude the preparation of our policy proposals, but a framework alone is not enough. All our efforts are required, and everyone in the House must stand to reject the behaviours and prejudices that underpin the recent attacks. We reassure communities, particularly the most vulnerable, that, while we liaise with the Assembly Committee, the work of challenging sectarianism, racism and all forms of intolerance continues with our active support.

**Mr I McCrea:** I find it somewhat hypocritical of Sinn Féin to make comments that oppose sectarianism, given that, for years, that party supported sectarian attacks on men and women in the border areas of Northern Ireland. Will the deputy First Minister provide the House with the reasons why he and his party have blocked and held up the tackling racism strategy for the past two years?

2.45 pm

**The deputy First Minister:** I believe that we all want the proposals to go well beyond being mere sound bites or well-intentioned platitudes.

OFMDFM has been preparing the ground to enable it to make significant recommendations for action in a number of key areas. For example, we are considering the findings of a short-term research project so that we can plan long-term youth work that will underpin the summer interventions that we continue to finance. Recently, we took receipt of an important report on peace walls in Belfast. We are examining how that fits with the ideas that we are considering on how to work with people in those divided communities so that relationships can be built, safety guaranteed, and shared spaces regenerated.

I intend to provide a draft strategy to the Committee before the summer recess. If that is not achievable, we will work through the summer to give the proposals to the Committee as soon as possible. That work may require a recall of the Committee. OFMDFM will continue its summer youth programmes and its work to tackle sectarianism and racism. We hope to announce shortly a major pilot programme to promote rights, dialogue and good relations in Derry.

I believe that attacks on ethnic minorities and sectarian attacks occur because the perpetrators believe that they are better than those whom they assault. Recognition that everyone is equal and entitled to be treated with equality is at the heart of dealing with the issue. If there has been a difficulty in agreeing the way forward on the cohesion, sharing and integration strategy, equality is at the heart of it. All Members in



the House — without exception — must agree that everyone must be treated with equality. However, some people find that difficult.

The recent terrible murder of Kevin McDaid in Coleraine happened specifically because some people in the town are sectarian bigots. They believe that they have the right to go into a street, murder someone and leave someone such as Damian Fleming within inches of losing his life. We must deal with the issue comprehensively by recognising the need for everyone to respect people on the basis of equality, which, as I said, goes to the heart of the matter.

**Mrs Long:** The line of questioning that has emerged from the attacks demonstrates how far we all have to travel, in the House and beyond, in our approach to such issues. I am happy to add my support to the deputy First Minister's condemnation of the racist attacks. Often, Members who asked related questions in the House were told that it is a matter of supporting local communities, and I concur with that. Will the deputy First Minister assure the House that the document will be ambitious and that it will tackle ingrained sectarianism and racism in the political system and in Departments? That would result in a proactive and productive, rather than responsive, approach to such issues.

**The deputy First Minister:** I agree that the document must be of the type that the Member described. She and I were among those who experienced the terrible after-effects of the attack on the Roma community. It was heartbreaking to see attacks on people who had honoured us by coming to our shores seeking to build new lives.

Similarly, over many centuries, many people who left the island of Ireland for the United States of America, Australia, Canada, New Zealand, and many other countries were treated despicably by the local communities. For us to repeat the mistakes of centuries ago is disgraceful.

As I held Fernanda, the baby who was born in Belfast, in my arms when she was five days old, I knew that her mother and father were about to take her away from her birthplace because of a despicable hate crime. I also met a young woman called Maria who came here a few months ago without a word of English. She is a lovely person who taught herself and her two children English. Maria was able to act as interpreter between us and the rest of the Roma community. That shows clearly how hard those people were trying to build new lives.

We need to face up to all the problems that are out there. All of us need to do more, and there is a particular responsibility on people to recognise that perhaps not enough was done by the system as a whole. It was very interesting to see that Assistant

Chief Constable Finlay effectively threw up his hands in relation to how he thought the police handled the situation. Effectively, they did not know what was happening in the Roma community. That accusation could also be levelled at us. We all have lessons to learn and, as we go forward, the type of document to which the Member referred needs to be very thorough and proactive in relation to facing down racism and sectarianism in our society.

Two weeks ago, the First Minister and I met the former President of India, who is recognised as being the most popular President of that country since the foundation of the Northern state. Over the weekend, I read his book 'Indomitable Spirit', in which he states:

"The basis of all systems, social or political, rests upon the goodness of men. No nation is great or good because parliament enacts this or that, but that its men are great and good."

He hits the nail on the head because we need to get the document right, and we need to pass laws and legislate, but we also need to recognise that although the vast majority of our people are very angry about sectarian attacks and sectarianism, and about racist attacks and racism, the fact is that there are an awful lot of racists and sectarian bigots in our society. What is required is for society as a whole, supported by the police and the political process, to bear down on those people and make it absolutely clear that that type of activity will not be tolerated.

**Mrs Hanna:** We all agree that the plan must be very strong and that it must be converted into action. I ask the deputy First Minister whether the flying of flags, which is another contentious issue, will be addressed in the long-awaited strategy.

**The deputy First Minister:** During the course of almost every meeting of the Executive, we are given a report by the Health Minister about the outbreak of swine flu. At a certain time of the year in the North, I think that we have flag flu. In many parts of the North, for weeks on end, leading up to the Twelfth of July, it is obvious that a massive effort is made to plaster flags everywhere. I think that the people who do that —  
[Interruption.]

**Mr Speaker:** Order.

**The deputy First Minister:** The people who do that show their insecurity. We need to recognise that everybody has a responsibility to contribute in a positive and constructive way towards the lessening of tension. That applies as much to everyone in the community from which I come as it does to everybody else. A lot of over-the-top stuff is going on, and people need to recognise that it would be a useful contribution to good community relations if they were to tone things down just a little bit.



## SIB/Invest NI: Staff Expertise

4. **Mr Savage** asked the First Minister and deputy First Minister the number and percentage of senior operational staff in the Strategic Investment Board and Invest NI who have a business background, as opposed to a public-sector background. (AQO 3056/09)

**The deputy First Minister:** Information relating to Invest NI is a matter for the Minister of Enterprise, Trade and Investment, so I will answer the question as it relates to the Strategic Investment Board (SIB).

Nineteen of SIB's 24 senior operational staff, which is 79% of the total, have a private-sector background. The remaining five have a public-sector background. The Strategic Investment Board plays an important strategic role in supporting Departments with the progression of the Executive's objectives for infrastructure investment. It employs staff with the wide range of skills and experience that are required to do that.

All positions are filled after rigorous open competitions, which ensure that appointments are made solely on merit. The Strategic Investment Board encourages applications from all qualified individuals, regardless of the sectors in which they have previously worked. Over the past year, the board has played a very important role in helping Departments to achieve a record level of capital investment, the results of which are becoming increasingly visible to the public. For example, the construction of the new further education campus for Belfast Metropolitan College in the Titanic Quarter is under way, and the construction of the new £270 million acute hospital outside Enniskillen has commenced.

In the past year, more than 40% of construction work here has been public-sector related, and more than 90% of Government procurement contracts have been secured locally, mainly by small and medium-sized enterprises. The Strategic Investment Board has played an important part in securing that outcome.

**Mr Savage:** Will the Minister explain why so many people with accountancy, quango and finance backgrounds are members of Invest NI and the SIB? Does he agree that we must have a culture change in, and a rationalisation of, those bodies, with a view to enlisting members who have a vision for the twenty-first century?

**The deputy First Minister:** The SIB provides support to Departments on projects across a wide range of sectors, including health education, roads, schools, further education colleges, regeneration and other major schemes.

In order to provide such support effectively, the SIB's staff must have the relevant skills. The SIB's policy is to recruit the skills that it needs on the basis of merit and, of course, fairness and openness. Many, but by no means all, of its members come from a

private-sector background. The starting salaries of new recruits to the SIB are decided individually and take account of earnings in the person's previous job.

**Ms J McCann:** Go raibh maith agat, a Cheann Comhairle. Does the Minister know whether it is intended to include the salaries of SIB personnel in the proposed review of senior civil servants' pay?

**The deputy First Minister:** The review of the current pay and reward arrangements for senior civil servants that was recently announced by the Minister of Finance and Personnel will focus only on the pay and bonuses of senior civil servants in the Civil Service, for which the Department of Finance and Personnel has management responsibility. It is not a review of wider public-sector pay, which would be a much more extensive and complex exercise that would have to be agreed and taken forward by the relevant Ministers and sponsoring Departments. Therefore, that review cannot be read across directly to the SIB.

Under previously agreed arrangements, the SIB receives the same annual cost-of-living increase that underlies the settlement for the Senior Civil Service. Therefore, the SIB's pay for 2009-2010 cannot be finalised until that cost-of-living increase is determined.

## Victims Funding

5. **Mr Storey** asked the First Minister and deputy First Minister to outline the funding allocated to victims in 2008/09. (AQO 3057/09)

**The deputy First Minister:** In 2008-09, a little more than £8.7 million was allocated for work in the victims and survivors sector. That was an increase of £3.2 million on the previous year. More than £5.1 million was allocated to groups and organisations through the core funding scheme, the development grant scheme and the interim capacity funding arrangements, which we introduced to enable a smooth transition between the Peace II and Peace III support packages.

Individual victims benefited from more than £2 million, which was delivered through various schemes operated by the Memorial Fund. Approximately £760,000 was allocated for the work of the Commission for Victims and Survivors, and about £340,000 was made available for the work of trauma advisory panels in each of the former health board areas, along with the Sperrin Lakeland victims programme.

The remaining funding of approximately £560,000 was made available for, among other things, a number of projects to deliver such things as training for counsellors and alternatives to violence for young men from disadvantaged communities that were directly affected by the conflict.

In addition, more than £750,000 was distributed directly to individual victims and their families during March 2009 to alleviate hardship and to provide help where and when it was most needed.

**Mr Storey:** Unfortunately, no amount of money will ever undo the damage done to innocent victims in Northern Ireland as a result of the terrorist campaign carried out by illegal organisations in the past.

The deputy First Minister will be aware of the recent court ruling in the civil case brought by the Omagh families. In his opinion, is it now time for him, as deputy First Minister, to encourage the families of Bloody Friday and La Mon, or indeed the families of Patsy Gillespie or Frank Hegarty, to pursue a similar course of action? That would ensure that the evil perpetrators of the dastardly terrorist deeds carried out on them are brought to justice before the courts, where they rightfully belong, and that we have no more of the sound bites that the deputy First Minister tried to palm us all off with earlier.

3.00 pm

**Mr Speaker:** We need to be careful. The Member is asking the deputy First Minister for an opinion, so it is up to him to decide whether he wishes to answer.

**The deputy First Minister:** The Omagh bombing was a terrible tragedy, and the court's judgement will be welcomed by the Omagh families and the wider community. The way in which the families now choose to pursue the case is a matter for them. It is interesting that, in contributions such as the one that we have just heard, no one ever mentions Bloody Sunday, Loughinisland etc.

## ENVIRONMENT

### Wind Turbines/Wind Farms

1. **Mr Doherty** asked the Minister of the Environment the average timescale for processing planning applications for wind turbines and wind farms. (AQO 3066/09)

**The Minister of the Environment (Mr S Wilson):** From 1 April 2008 to 31 March 2009, the average timescale for processing a planning application for a wind turbine was 77 days. The average time to process a planning application for a wind farm between those dates was 645 days. The longer timescale reflects the complexity of wind-farm proposals, which involve major applications that, most significantly, must be accompanied by environmental statements.

**Mr Doherty:** Go raibh maith agat, a Cheann Comhairle. Will the Minister outline what Government

assistance is available for carrying out such work, and how that assistance is advertised?

**The Minister of the Environment:** Government assistance for wind farms falls under the remit of the Department of Enterprise, Trade and Investment, and, therefore, it is not my Department's responsibility. With respect to the help that applicants receive with the work that is required for a planning application, we offer pre-application discussions. Especially in the case of wind farms, we encourage applicants to engage in those. Those discussions should outline for applicants the kinds of issues that are likely to arise with their application and the sort of information that they will be expected to provide when submitting it, and should make processing the application that bit easier. Therefore, the Planning Service does provide support to applicants to get applications in.

In addition, Northern Ireland Environment Agency (NIEA) officers assist with the environmental statement process, which sometimes drags on because of the extra information that is required. For example, impacts on bird life require some study and quite a lot of additional information to be supplied by the applicant.

**Mr Weir:** Is the Minister aware of any other issues that are adversely affecting the average timescale for processing planning applications?

**The Minister of the Environment:** I am fearful that the resources that will be available to the Planning Service will affect the time taken to process not only wind turbine and wind farm applications but planning applications generally. Of course, planning applications cannot be processed without planning officers. Therefore, I am disappointed that the Environment Committee, members of which, by the way, badger me all the time to ensure that planning applications are processed, has decided not to process the application to increase planning fees, which is necessary to provide enough resources for the Planning Service to process applications.

I notice that the Chairperson of the Committee is not in his place, which is not unusual. I do not think that it is very helpful when the Chairman of the Committee for the Environment brings along officials and, because they happen to be officials and female, thinks that he can bully them when they come to give submissions and evidence to his Committee. It would be much better if the Chairman of the Committee were more attentive to trying to get the issue dealt with rather than simply doing a bit of grandstanding in his final session before his party sacks him from his position.

**Mr Kinahan:** I am sure that the Minister agrees that there is an increasing urgency for more renewable energy production due to climate change and that we

should be encouraging wind energy in principle. Will the Planning Service identify areas suitable for wind farms and for marine turbines, and will those sites be chosen with great sensitivity?

**The Minister of the Environment:** There is a number of points in the Member's question. Yes; application sites will be chosen with great sensitivity. Indeed, I received a delegation from the Member's constituency that was concerned about wind farm applications and their impact on their lives and livelihoods and on the amenity of their homes. That is why planning policy statement (PPS) 18 requires that stringent rules be followed on where wind farms can be sited. However, the policy on renewable energy in Northern Ireland is generous and, indeed, as a result of current policies we have met our obligations to 2012 already.

Renewable energy, especially wind energy, is not a panacea for the energy requirements of Northern Ireland or the United Kingdom, and some of the targets will be costly. Figures given by the proponents of wind energy suggest that to generate one gigawatt of electricity from a wind turbine costs about £3.1 billion. That is about seven times more expensive than nuclear power and is, of course, paid for by individual consumers. Therefore, it is not a panacea. Nevertheless, we want to have a mix of energy provision in Northern Ireland so that we are not dependent totally on one kind of fuel.

**Dr Farry:** Can the Minister give us the comparable figures from other jurisdictions regarding the turnaround times for planning applications? Has he made any amendments to the supplementary guidance to PPS 18 to take into account the comments from the wind industry, in particular regarding subjective elements in the guidance in respect of impact on the landscape?

**The Minister of the Environment:** I do not have information from other jurisdictions, although I know that there are the same concerns in other parts of the United Kingdom. That is a reason why in the Planning Act 2008 the Government decided to take many wind farm applications out of the planning decisions made by councils and called in by the Secretary of State and restricted the opportunity for people to make objections, as the Government were concerned about the length of time that some applications were taking. I do not have any specific times on how long applications take.

There has been discussion with the wind-energy lobby about elements of PPS 18 and, in particular, the supplementary planning guidance that I think the Member is referring to. I still believe that the supplementary planning guidance gives some protection, along the lines that the Member for South Antrim Mr Kinahan suggested, in ensuring that sensitive sites are protected. Inevitably that will mean — I take the Member's point — a subjective decision sometimes on whether sites

are so sensitive that applications should not be allowed on them. I do not think that we can escape that. Some wind turbines are now as big as Blackpool Tower because that is what is needed to generate electricity efficiently. We cannot escape the effect that they have on the landscape and, of course, that will be a subjective matter. A windmill that is considered a thing of beauty by one man may be considered an ugly carbuncle on the landscape by another man.

## Review of Public Administration: New Councils

2. **Mr P J Bradley** asked the Minister of the Environment to outline the work that he expects the transition committees to complete prior to the formation of the new councils under the review of public administration. (AQO 3067/09)

**The Minister of the Environment:** Transition committees' primary role is to make the decisions that are necessary to ensure that 11 effective councils are in place by May 2011. The Department has issued guidance on the vital work that I expect transition committees to undertake. That work will include the development and management of convergence plans; the development of strategies for estates and accommodation; and the managing of the transfer of assets and liabilities.

Under existing legislation, transition committees have a voluntary status as joint committees, but provisions to establish statutory transition committees are included in the Local Government (Miscellaneous Provisions) Bill, which was introduced in the Assembly on 22 June 2009. On enactment of that legislation, statutory transition committees will undertake the appointment of the chief executive designate and senior staff; the preparation of the budget; and the establishment of the rate for the new council.

**Mr P J Bradley:** I thank the Minister for his answer. Does he recognise that there is widespread concern that councillors who will retire before 2011 will be appointed to transition committees?

**The Minister of the Environment:** Implicit in the Member's question is that the committees will be extremely important bodies, which will have important work to do. It is up to political parties to decide who is suitable to represent them on transition committees. I am not all that worried about the appointment to transition committees of councillors who may retire in 2011, because some of those people will have the most experience and the expertise to make the important decisions that will have to be made.

However, parties must ask themselves a few questions before they appoint individuals to a transition committee. First, they must consider whether the individuals bring to the job the skills that are required to carry out the



important task; secondly, they will have to make a judgement call on whether there is value in having continuity of membership from transition committees to the new councils; and, thirdly, if they decide to have continuity of membership, they will have to consider whether they are excluding others who may have more of a contribution to make and who have more of a stake in ensuring that the right decisions are made. However, that is not my responsibility, and it cannot be written into legislation; it is an issue on which parties must make a judgement.

**Mr Ross:** Can the Minister advise the House on the direction that his Department has given on how the membership of transition committees will be constituted when they become statutory bodies?

**The Minister of the Environment:** The legislation will include some information and guidance on how the committees should be constituted. We are saying that the d'Hondt system should be used, with the single transferable vote. Many committees are constituted in that way already, but it may be that those committees that have not used the method will have to, because it will be laid in statute.

In my time as Minister of the Environment, I have had meetings with members of every party in the Assembly. I want to make it clear to Members that transition committees will have important work to do. Furthermore, they must reflect the composition of parties that are in the councils that are going to converge, because there must be confidence in the important decisions that they will make. For that reason, I have opted to put in the Local Government (Miscellaneous Provisions) Bill the method by which the committees will be constituted. If they have not been constituted on those grounds, they will have to be reconstituted when the legislation is enacted.

**Mr McCallister:** Given the significant powers and responsibilities of the transition committees, can the Minister guarantee that MLAs will not be triple-jobbing in the role and that they will not be receiving money from the public purse for their third or, perhaps, fourth job?

3.15 pm

**The Minister of the Environment:** As I said earlier, the decision as to who is appointed to the transition committees is the responsibility of each of the parties. Indeed, I think that there are Members from Mr McCallister's party who are on those transition committees and who are receiving money for their second, third or fourth jobs. Therefore, rather than direct his question at me, perhaps he should talk to own party leadership so that his fear of triple- or quadruple-jobbing can be addressed. Ultimately, however, that is the responsibility of his party.

## Climate Change

3. **Ms S Ramsey** asked the Minister of the Environment what steps his Department has taken to combat climate change; and how this compares with steps taken by the Scottish government.

(AQO 3068/09)

**The Minister of the Environment:** Combating climate change is a collective responsibility of all the Ministers in the Northern Ireland Executive, and I can speak only about how my Department contributes to the Programme for Government targets on climate change. My Department has carried out work on the EU emissions trading scheme, the activities that flow from the Climate Change Act 2008, the carbon reduction commitment, and, as was mentioned earlier, the local Planning Policy Statement 18, which deals with renewables.

The Member's question refers to the Scottish Government's efforts to combat climate change. That is an issue for the Scottish Parliament and the people of Scotland. However, having read some of the latest decisions that the Scottish Government have made, I think that the implementation of some of those measures, including that to reduce transport emissions to nothing — which, in itself, is meaningless, given that they will be using electric cars, and electricity comes from sources that produce carbon — is going to be fairly costly.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. I appreciate the Minister's response. I agree that climate change is the collective responsibility of all Ministers in the Executive. However, I think that the Environment Minister should take the lead in the area.

My question indeed related to the issues arising from the Scottish Government's attempts to combat climate change, and I am glad to see that the Minister is now advising that Government on the matter. However, we have the potential to become one of the leaders in renewable energy. Does the Minister envisage that happening this week or next week, or does he envisage the new Environment Minister making inroads into that area?

**The Minister of the Environment:** The Member's question demonstrates the absolute naivety that exists on the issue of renewables. She asked whether I see us becoming leaders on renewable energy this week or next, so perhaps I should give her some facts. Even if the UK were to generate 25% of its electricity from renewable energy sources, that would require the building of six windmills the size of Blackpool Tower each day, because many of those windmills will have to be built at sea, and that could take place for only four months each year. That target has not been met anywhere in the world.



Is the Member asking whether I can solve the renewable energy obligations and requirements between now and when I leave my post sometime this week? Even if my successor in 2025 were able to do that, it would mean the industry working day and night and having to up its game by 700%, and we would still be left with a source of energy that is seven times more expensive than the current sources. Given that one of the Member's party colleagues from Foyle has been complaining recently about fuel poverty, I wonder how realistic it is to meet that obligation, to meet it in that particular timescale, and to meet it without putting 170,000 families into fuel poverty, as the Minister for Social Development said.

**Mr Shannon:** Minister, I thought that you were going to break into the song 'In the Year 2525', which was a 1960s hit that some of us will remember.

Can the Minister tell us why Northern Ireland has not implemented a carbon budget like the rest of the United Kingdom?

**The Minister of the Environment:** The Assembly made a decision, through a legislative consent motion, simply to tag on to the United Kingdom Climate Change Act 2008, which requires us to play our part in reducing emissions by, I think, 25% by the year 2020, or whatever. Therefore, that Act already places obligations on us. I must emphasise that even that target is extremely exacting and that meeting it will be costly. Carbon budgets would then require individual sectors of the economy to reduce their carbon output by certain percentages. The difficulty is that a declining sector might find it very easy to meet its carbon budget, while an expanding sector might find it very difficult. The phrase "Let us set carbon budgets" trips off the tongue very easily, but it does not reflect the reality of a dynamic economy in which some industries will need more fuel and others will need less.

Of course, household fuel consumption and, therefore, the resulting carbon produced will depend on the vagaries of the weather. For example, as this winter past was very cold, I have no doubt that carbon output went through the roof. However, in a mild winter, output might be less. Thus, setting carbon budgets introduces a degree of inflexibility into an economy that we want to be as dynamic as possible.

**Mr Beggs:** As a member of the Committee for the Environment, I recently visited several Westminster Departments and Committees as part of the Committee's inquiry into climate change. Is the Minister aware of Treasury plans to financially penalise Departments that fail to meet climate change reduction targets? Will he assure the Assembly that he, whether in his role as Minister of the Environment or the Minister of Finance and Personnel, will curtail his eccentric views on

climate change so that the Northern Ireland Assembly will not be financially hit in the future?

**The Minister of the Environment:** I hope that the Member walked to those Committee meetings in Westminster, otherwise he will have contributed to carbon output. Financial penalties may well be imposed as a result of his frequent trips to Westminster. Before he starts worrying about financial penalties that might be imposed by the Westminster Government, he should think of his own behaviour and ask whether it was necessary to fly to Westminster to visit those Committees. Would it not have been just as easy to read the minutes or the Hansard report of those meetings, thereby reducing his own carbon footprint? If you are going to reduce carbon, let it start at home. Sorry, I meant to say "If the Member is going to reduce carbon". Mr Speaker, I know that you are doing that job splendidly. If the Member is going to reduce carbon, let that practice start at home.

As far as financial penalties are concerned, the target set for Northern Ireland is exacting. Incidentally, that probably falls more heavily within the remit of other Departments than mine. As the Member will, of course, know, the industry in which he as a farmer engages is responsible for 20% of Northern Ireland's carbon emissions.

I am sure that the farmers of east Antrim will love to hear that the Member wants fewer sheep and cows reared and less milk produced as part of the programme. When it comes to financial penalties, Members should bear in mind the fact that various activities essential to our economy will produce carbon.

## Climate Change

4. **Ms Anderson** asked the Minister of the Environment for his assessment of the advice provided on climate change by his departmental officials. (AQO 3069/09)

**The Minister of the Environment:** I am content with the advice provided on climate change by my departmental officials.

**Ms Anderson:** I thank the Minister for that very brief remark; I would not call it an answer. Does the Minister accept that, in the court of public opinion, there is a conflict of interest between his being a Minister and also being in charge of the body of which he is a member? For instance, as a member of that body — a councillor — if he were to lobby the Minister — himself — on an issue, would he lobby himself? How does he, as a councillor, decide that he will lobby himself? There seems to be a wee bit of political schizophrenia. Can the Minister explain to the public how he does that?

**The Minister of the Environment:** When it comes to political schizophrenia, the party across the way is much better placed to comment on how a person can face two, three or four ways at once than I would ever be. Although the Member refers to conflicts of interest in my role as Minister, she could not cite one example. The best way for her to illustrate her point would have been to point out a situation where I had one role to play as Minister and another as a councillor.

Being a member of Belfast City Council does not, necessarily, put me in conflict with my Department. Indeed, many of the decisions of Belfast City Council reflect the objectives of my Department.

The Member is chattering from a sedentary position about the energy-from-waste plant. The question that Belfast City Council had to address on the energy-from-waste plant was totally in keeping with the views of my Department. My Department wanted an energy-from-waste facility, and when Belfast City Council debated the issue, I reflected that position. There was no conflict of interest. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Dallat:** Given that a wind of change is sweeping through the Chamber, will the Minister, as a parting shot, give us his assessment of the advice that he has been given by his departmental officials on climate change?

**The Minister of the Environment:** As the Member knows, officials advise and Ministers decide.

**Some Members:** Hear, hear.

**The Minister of the Environment:** I listen to the advice that I am given, and I weigh it up with all the other information that I have available; sometimes I come to the same conclusion as my officials, and sometimes I come to a different one. Of course, ultimately, as with all Ministers, the decision rests with me. I notice what Members said on climate change. Nevertheless, when I look at the advice that comes from the Department, I also look at all the other information available. Officials make a range of views known to me when they give me submissions, and it is my job to weigh up the information and reach a conclusion.

**Mr T Clarke:** I looked at the question and wondered what the Minister's response would be to it. In light of that response, I have had to change my question and ask the Minister what the original question had to do with climate change.

**The Minister of the Environment:** Probably the same as most supplementary questions: nothing to do with the original question.

That is the nature of what happens in the Assembly. I am quite happy to answer the questions that people ask as honestly as possible.

3.30 pm

## ASSEMBLY BUSINESS

**Mr Attwood:** On a point of order, Mr Speaker. On a number of occasions I have raised in the Chamber the issue of the way in which Ministers reply to debates and answer the questions that are put to them, and the length of time that they take to do so. Last week, the new Speaker of the House of Commons commented on the obligations of Ministers when replying. On 24 June, he said that:

“I hope that Ministers' replies will be kept to a reasonable length.”

Will you, Mr Speaker, reflect on the length of time that Ministers take when giving replies? Without prejudice to the importance of issues, Ministers today regularly took two, or two and a half, minutes, and, on one occasion, three and a half minutes, when replying to a question from a Member. In my view that is not a reasonable length. I urge you, in order to facilitate good conduct and good practice during Question Time, to follow the advice of the Speaker in Westminster.

**Mr Speaker:** I have heard what the Member has said. I have been very focused on that issue for some time, and hope to be in contact fairly soon with the First Minister and deputy First Minister and the Executive on the issue. As you know, a number of changes were made to Standing Orders, and the Committee on Procedures considered a number of these issues. I was waiting until those deliberations were over; now that they are over, I may have an opportunity to see what input I can have into Question Time. I have already made some changes to Question Time and intend to consider further changes.

However, the Member has raised a number of points of order on a number of occasions, and I have continually told him that I would rather that those points of order were raised outside the Chamber. The Member, or other Members, can come and speak to me about these issues outside the Chamber, but, as of yet, the Member has refused to take up my offer of doing so. *[Interruption.]*

Order. On all of the issues that you have raised, I have asked you continually to please come and talk to me outside the Chamber. I assure you that you will have a listening ear. I operate an open-door policy on such issues. Once again, I invite the Member to talk to me outside the Chamber, rather than raising these issues on the Floor of the Chamber.

**Mr Attwood:** Further to that point of order, Mr Speaker. It is entirely appropriate for a Member to choose the method by which they raise points of order. In fact, it is a convention —

**Mr Speaker:** Order. I am going to move on. When a Member raises an issue here on a number of occasions, I think that, if he really wants that issue settled, he should meet me outside the Chamber. Once again, I repeat my invitation to the Member to come and talk to me about that issue, or any other issue that the Member may have in mind.

**Mr Attwood:** Further to that point of order, Mr Speaker. I may reflect on your advice, but I should point out that, on each and every occasion when I have raised issues concerning how business is conducted in the Chamber, until last week, you declined to be on the same side of the argument as me. It appears that, in the last week, both on this issue and an issue that I raised previously, you are now on the right side of the argument.

**Mr Speaker:** Order. I say to the Member that I have given him some latitude on some of those issues. The Members in the House will find that I have enormous patience, but there comes a point when that patience runs out. At this moment in time, my patience with Mr Attwood has run out. On several occasions, the Member has come very close to challenging the authority of the Chair, and I have still given him some latitude. If the Member is deeply concerned about some of the issues that he raises in the Chamber, he should come and speak to me outside the Chamber rather than raising them in the House.

Once again, for perhaps the fourth or fifth occasion, I throw out that invitation to the Member. I shall leave it there and move on.

## COMMITTEE BUSINESS

### Senior Civil Service Pay and Bonuses

#### *Debate resumed on motion:*

That this Assembly expresses concern at the current arrangements for awarding pay and bonuses to senior civil servants in the NICS, in the context of the Executive's focus on public sector performance and efficiency; welcomes the decision by the Minister of Finance and Personnel to commission a local and independent review of the pay arrangements for the senior civil servants in the NICS; and calls on the Minister of Finance and Personnel to ensure that the review is comprehensive, in that it includes the grades at pay band 1 (assistant secretary), pay band 2 (deputy secretary), pay band 3 (permanent secretary) and head of Civil Service, and that it assesses the effectiveness, efficiency and appropriateness of the pay arrangements, having regard to the local economic conditions, and recommends reforms as necessary. — [*The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin).*]

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr Hamilton):** In what may be one of my last public acts as Deputy Chairperson of the Committee for Finance and Personnel, I thank the Members who spoke in the debate and the Minister of Finance and Personnel, who responded to the debate. It was a useful and focused debate, and some good contributions were made on an important area of public policy, which concerns not only the small number of senior civil servants who were the focus of the debate but has implications for wider public service delivery.

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

Rather than rehearsing all the contributions, I shall touch on, and draw out, the main themes that emerged during the debate. Many of the issues that were raised showed commonality among Members. Sometimes, the focus in such a debate can be on suspected bad performance, and one Member spoke about that. However, many Members acknowledged the good performance in the Senior Civil Service and across the Civil Service. I have been impressed by the great skill and capability of the Civil Service. From the outside, it is all too easy to blame everything on civil servants, but, from working closely with them, I have seen that there are many skilled people who are deeply committed to, and passionate about, their jobs.

Good performance takes place, sometimes in the most trying circumstances, and that must be acknowledged not only by a pat on the back but with a reward. Declan O'Loan and Peter Weir made some useful comments about the proportionality of such rewards. There is, rightly, a large measure of public concern about senior civil servants' pay and bonuses when the bald figure of the £1.2 million that was paid in bonuses is presented. The salaries of senior civil servants are high when compared with the national average, but, as Mr O'Loan said, they are not that high in comparison with the private sector and some elements of the public sector.



The figure of £1.2 million is high when one considers that a small number of people receive it, but it is not a massive amount in the overall context of the Northern Ireland Budget. Many Departments, agencies and Ministers would like to have an additional £1.2 million to spend, but it must be put into proportion. That proportionality allows us to resist the populism to which Mr Weir referred; one can sometimes take a knee-jerk reaction to the issue.

Good work and performances must be rewarded, and consideration must be given to whether the current structure of pay and bonuses for senior civil servants is appropriate. Members raised many reasons to show why there are serious question marks about the appropriateness of the current system. Several Members said that the system provides no motivation and that, at times, it demotivates. The Committee received evidence from union representatives about the divisiveness that the arrangement causes, and senior departmental officials said that the system demotivates people who do not receive a bonus.

Mention was made of the equal pay claim and junior civil servants feeling that they are not being paid equally for equal work. Senior civil servants receive sizeable bonuses every year, which has led to a culture of expectation. It is not only that they receive a bonus but that they expect to receive a bonus. When 75% of senior civil servants receive a bonus, it is not necessarily a bonus for a job well done but is something that they expect to receive.

Members raised the issue that many senior civil servants here are on what is effectively the Whitehall system, while low-level and mid-level civil servants are not on that system.

Low- and middle-ranking civil servants are paid according to a local arrangement. If they are subject to that arrangement, why should senior civil servants not be subject to the same arrangement in order to account for local flavour and needs at that high level? Is there protection for high-ranking civil servants and a more carefree attitude taken to lower-ranking staff?

Although several Members discussed the issue, Dr Farry dwelled for a considerable time on the public-sector pay premium and on the possibility that it distorts the labour market. That is an important issue. Varney suggests that in the Northern Ireland Civil Service as a whole, there is a 22% difference; whereas in the UK, public-sector pay is 8% below that of the private sector. If that crowding out is going on, we must acknowledge it as a problem. The Assembly is trying to grow Northern Ireland's private sector from a recognised low base. The Civil Service bonus scheme may not assist in the achievement of that noble aim.

Attention was also given to whether the system as it is currently structured is focused on the right performance.

Members talked about good performance, which, I am sure, we all consider to be the delivery of big projects on time or the achievement of a difficult departmental objective. During the past couple of years, the Committee has dwelt considerably on matters such as departmental underspend and overspend, although that rarely happens. It has focused on Departments' financial management, which does not seem to be measured under the current regime.

The Committee has also taken a keen and active interest in the high levels of staff sickness in the Northern Ireland Civil Service (NICS). As elected representatives, we take a great interest in that on the public's behalf; however, it does not seem to be managed in the system. At one level, it could be argued that if bonuses were measured against different performance criteria, the system may not be under the same scrutiny.

Mr O'Loan suggested extending the review to other public bodies. He has a point with regard to scrutiny of the pay and bonus system of non-departmental public bodies, quangos, arm's-length bodies, and so on, and although the point is a valid one, it is probably best taken forward by another review.

Mr McNarry criticised the system. He said that when bonuses are awarded, no consideration is given to important issues such as job security and pensions, and I hope that the review will focus on that. He mentioned the First Division Association. That title is so 1980s. Perhaps, it should be renamed the "Premier League Association" or, at the very least, the "Coca-Cola Championship Association". When it makes its arguments in favour of the current system, the Assembly and, hopefully, the review must concentrate on issues such as job security and pensions.

I welcome the review's creation; it is long overdue, and the Minister is to be praised for it. The subject is complex and involves a range of interrelated issues, requiring careful, objective and methodical assessment. That can be progressed effectively only through a completely independent review that comprises experts in the field. I welcome the Minister's work in that respect. I am sure that the review panel will work to establish an evidence-based approach that is open and transparent on which to base its recommendations. I trust that the debate will assist the Minister and the panel in meeting that objective.

The Committee will look forward to being consulted fully on the review's terms of reference and on working with and assisting it at appropriate stages throughout its work.

*Question put and agreed to.*

*Resolved:*

That this Assembly expresses concern at the current arrangements for awarding pay and bonuses to senior civil servants in the NICS, in the context of the Executive's focus on public sector performance



and efficiency; welcomes the decision by the Minister of Finance and Personnel to commission a local and independent review of the pay arrangements for the senior civil servants in the NICS; and calls on the Minister of Finance and Personnel to ensure that the review is comprehensive, in that it includes the grades at pay band 1 (assistant secretary), pay band 2 (deputy secretary), pay band 3 (permanent secretary) and head of Civil Service, and that it assesses the effectiveness, efficiency and appropriateness of the pay arrangements, having regard to the local economic conditions, and recommends reforms as necessary.

## PRIVATE MEMBERS' BUSINESS

### Racist and Sectarian Attacks

**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 to propose and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes in which to make a winding-up speech.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle.

I beg to move

That this Assembly condemns unreservedly all racist and sectarian attacks; calls for the rights and entitlements of ethnic minorities and other vulnerable communities to be protected; commends all those voluntary and statutory agencies which assisted in the recent upheaval inflicted upon members of the Roma community in Belfast; and calls on all Departments to respond appropriately and on all political leaders to display leadership and unity of purpose in tackling all manifestations of hate crime.

From the outset, I state that my party accepts unreservedly and embraces the Alliance Party amendment. It is a most appropriate amendment, and we, as the party that nominated the deputy First Minister to his role, are keen that the Executive bring forward a strategy on cohesion, sharing and integration. They are important concepts that must be translated into policies and strategies.

3.45 pm

Although my party accepts the amendment unreservedly, it is important to restate what a number of Members have said recently. It is critical that we devise such a strategy and implement it as soon as we can, and, in fact, a lot of work on that area is done in each Department. However, as adults and as political representatives of all the parties in the Chamber, we do not suggest in any way that a strategy is needed to ensure that civic leaders and political representatives should behave in any manner other than with courtesy and absolute respect for everyone. I do not suggest for one second that people need a strategy to learn how to behave. We can say the same about some agencies and Departments, but we need to map out such strategies for some wider elements of our society, because there is a bottom line in showing respect for others.

My party argues that such a strategy must be implemented and grounded in the principle of equality. If we do not have equality for all our citizens, there is no point in talking about respecting others. That would be an empty cliché. If, as we have been doing, we

enshrine equality in the Programme for Government and other areas of legislation, equality becomes the premise on which we treat everyone. That means that we have to carry out certain actions and implement particular policies to make sure that people are brought to a certain level of equality. Therefore, it is important that I say that at the outset. For us, equality is rooted in the equality of rights and entitlements, it is about respect for difference, and it welcomes and embraces diversity as the principle upon which society moves forward.

In the past number of weeks, there is no doubt that our society has once again been disgraced and scandalised, and it is unfortunate that that is with good reason. There is no question or doubt in our minds that the images of families having to gather their belongings, be bussed into church halls, spread mattresses and makeshift mattresses in community halls in order to get a roof over their heads and some type of protection are nothing short of an absolute disgrace.

We should not forget either that just a few weeks ago Kevin McDaid was beaten to death in Coleraine in a brutal sectarian assault. In fact, a number of other people were injured on that occasion, and similar incidents have occurred. I appreciate that people are in court as a result of the events of that day in Coleraine, so I do not want to labour the point. However, I must say that in recent months, when people were sentenced for the sectarian murder of Michael McIlveen in Ballymena, many said that that was perhaps a wake-up call and hoped that there would be no more brutal and barbarous killings. Unfortunately, we had the death of Kevin McDaid.

In the aftermath of the killing of Kevin McDaid, people who comment on such matters, including those in the media, speculated on who might have been involved, the purpose of the killing and why it happened. Some of the remarks, commentaries and observations made in the media and through public discourse were shameful and sought, in my view, to either justify or minimise and explain away what happened on the day on which Mr McDaid was brutally killed. That is in contrast to how they responded to the treatment of the Roma families and suggests that an awful lot of people in this society find it much easier and are more comfortable to deal with the issue of racism than the issue of sectarianism. Sectarianism is the elephant in the room. I am struck by the fact that many people in our communities are able to tackle the issue of racism much easier and more comfortably than the issue of sectarianism.

The motion commends the people, as well as the agencies and Departments, who came together to show solidarity with, and give comfort and support to, the Roma families. It is important that the immediate needs of those families were addressed and that

solidarity was shown with them and others who felt equally vulnerable because they had been targeted in the past. It is important that we, as a community, stand up and show our support for and solidarity with victims of racism and sectarianism.

The motion, first, condemns unreservedly all racist and sectarian attacks in the broader community, and, secondly, calls for all rights and entitlements to be given to the victims of such attacks. Later in the debate, some of my colleagues will itemise measures that may need to be adopted. We fully commend all those people in the community, voluntary or otherwise, who rose to the occasion, as they often do.

The primary purpose of the motion is to ensure that we put a spotlight on the need for political representatives and other civic leaders to stand shoulder to shoulder with victims of hate crimes and to do our level best to root that out and face it down in communities, if necessary, because some people are hell-bent on displaying racist tendencies. That is why we are adopting the Alliance Party amendment. Strategies, sanctions and a broad range of educational and awareness programmes need to be implemented to tackle those problems. It is vital that we, as public representatives, display our influence in a positive way to help victims in their time of need.

**Mr McCarthy:** I thank the Member for giving way. Does the Member agree that Members and party leaders, in whatever representative role they may play during the life of the Assembly, should be continually trying to educate the public about the need to help others in the community, not just in times of crisis, such as that which occurred a fortnight ago?

**Mr A Maskey:** I thank the Member for his intervention, and I wholeheartedly agree with him. Part of my commentary is precisely in that vein. I am always torn when such crises happen, because like others, I want to highlight the tremendously good work that goes on in our communities. Members who are familiar with south Belfast know that tremendous projects are under way in the Village area, Donegall Pass, the Markets area, and the lower Ormeau Road, and that many people in those hard-pressed communities are doing their level best to help people. Whether it be providing language classes for the Polish community, providing crèche facilities for children or welcoming the Muslim community into the lower Ormeau Road area, there are so many examples of people in that community and, indeed, further afield, working day in and day out to provide those services.

However, there are people in positions of influence in those communities who are not giving them the political, moral or practical support that they need. I am sure that every Member could identify a number of

projects that are happening quietly and under the radar, and we need to highlight such activities.

I said that I am torn because although I want to make sure that we support the fantastic work that goes on every day in many areas, which occurs outside crisis scenarios, when we draw attention to that we tend to veer away from the naked sectarianism and racism —

**Mr Deputy Speaker:** The Member should bring his remarks to a close.

**Mr A Maskey:** I thought that I would get an extra minute.

**Mr Deputy Speaker:** The proposer of a motion does not get an extra minute for taking an intervention.

**Mr A Maskey:** I will seek greater clarification from the PSNI, because a week after it defended its response to the attacks on the Roma families, as it did after the killing of Kevin McDaid, it has had to acknowledge publicly that its response was not up to scratch.

**Mr Deputy Speaker:** The Member has gone well over his time.

**Mrs Long:** I beg to move the following amendment:  
at end insert

‘; and calls on the Executive to publish immediately the draft Cohesion, Sharing and Integration Strategy.’

I thank the Members who tabled the motion for bringing it to the House for debate and for accepting our amendment. Given that the motion refers to what has happened over the past number of days and weeks in south Belfast, I will begin by talking about that. I give my support to the people in the statutory and voluntary sectors who showed great compassion in a very difficult situation. I also add my thanks to those who worked in the various churches as well as the individuals who offered assistance; they showed great generosity and speed in their response to a deepening crisis.

In addition to visiting misery on the families involved, the individuals who conducted the attacks brought massive shame on our city and on Northern Ireland as a whole. There is nothing that we can do or say about the generosity of our people that will ever diminish the damage that that episode has done to the public and international perception of Northern Ireland. However, the episode does raise massive challenges for us with regard to how we want to be seen and, more importantly, how we want to be as a society.

I recognise that the individuals who were involved in the attacks do not represent the people of Northern Ireland, do not represent the people of Belfast and do not represent the people who lived next door to, and in the streets around, the Roma families. That is clear, because it was those people who offered their support

and assistance to the families who were worst affected. However, the perpetrators have raised major challenges for political leaders in the community, and society as a whole, in how we are going to move forward and deal with difference in a more positive and constructive way. It is clear that we have problems in our society and that, although this episode may represent the sharp edge of the problem, it is not the full extent of it. We need to reflect that in everything that we say.

Nothing that I have said about the perpetrators of the attack not reflecting the community in any way diminishes the impact of their actions or the damage that they have done to our reputation. We must rise to the challenge and deal with the issues that have emerged from the episode.

Our society faces a number of issues, because we do not deal with division or difference well. On top of that, we are now trying to integrate people from a host of different backgrounds into a deeply divided society. The challenges presented by that are massive, and we need to recognise that without a vision on what the future should look like and the role of people in that future, the journey ahead is incredibly difficult to plot out. We have to look at how people in local communities can have the confidence to embrace and welcome difference, not just our traditional difference, but all of the other differences that arise in modern society. We also need to look at how we can build capacity and support for that into communities that are already doing so much work.

Much work is happening in local communities, evidence of which I have seen in my roles as a councillor and an Assembly Member. I am hugely impressed by the work put in by people who are trying to build relationships from the bottom up. However, that work must be more widely covered and more strategically supported. The difficulty for many communities is that when they seek support — not necessarily funding — from Government for their aims and objectives, that support is not there.

4.00 pm

One example of that is the situation in Suffolk and Lenadoon in Belfast. People in those communities have done much hard work together to try to build some sense of shared space and shared future. That work has been difficult, but it has been driven by the local community. However, Suffolk Primary School will close this week; in fact, I believe that it closed last Friday. The result of that is that a community living in the city feels marginalised and excluded. That will add to the impetus for that community no longer to feel that services and provisions are there for it to remain part of the wider community. The school closed not because of residents' lack of activity and effort but because there was no Government support for the will

to transform the local primary school into an integrated primary school, which would have given people a sense of shared space and shared future.

The problem is that the only framework that the Minister of Education has to go on is one that considers the school. However, schools are about sustainable communities, and unless the shared future framework and the cohesion, sharing and integration framework are in place to allow us to examine the issue more strategically, we will continue to make decisions that entrench division rather than challenge it. A massive amount of work needs to be done.

Two competing surveys were published last week: one found that Belfast is one of the friendliest cities, while the other found that we are one of the most prejudiced groups of people in Europe. We must consider what those surveys say about us, because it is probably true that more people in Belfast, and in Northern Ireland generally, consider their neighbours to be their friends.

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

**Mrs Long:** No, because I will not get extra time in which to speak.

We view our neighbours to be our friends, because our neighbours are those who are most like us. Nevertheless, we do not necessarily extend the same welcome to those in our communities who are different from us. The key challenge is to build on the positive, warm, friendly and welcoming relationships that exist in communities. We must extend those welcomes beyond the immediate community to those who are new, who are different and who come to reside beside us.

The development of the cohesion, sharing and integration strategy has raised some issues. The biggest challenge for the strategy is to achieve cohesion around a vision for the future of the kind of society in which we want to live. At times, we swing between despair and complacency on those issues. We must adopt a strategic approach that will underpin the good work that is already being done while driving it forward with momentum to put a vision in place. That work must be more coherent. I listened carefully when the deputy First Minister said earlier that legislation in itself will not make people good. We all accept that, but what legislation can do is set the standard for what society feels is acceptable. It can create a vision that people can buy into and work towards. It can underpin and reinforce positive actions that come from the community, and it can deal with exclusion in communities, which can lead to violence and frustration.

We need the cohesion, sharing and integration strategy to be in place for all those reasons, not as a response to an incident but as an ongoing, dedicated piece of work that tries to move our society forward. When it comes to prejudice, sectarianism and racism

are not only close relatives but interplay to create a dangerous cocktail in some of our most vulnerable communities.

No one will say that 'A Shared Future' was perfect. We all accepted that it needed to be changed and revised, and that local parties should have ownership of it in order to sell it as a vision to local communities. That is absolutely key. However, we need not reinvent the wheel on every occasion but simply refine the strategy. Two years in which to do so seems excessive. We really need to move quickly from strategy to action plan, because it is in action plans rather than strategies that we will witness things driven forward strategically.

During today's debate, there has been a reflection of the perceived tensions among human rights, equality and good relations. I do not see tension there. Those three are like the legs of a stool: when any one is not working, the stool is no use. Those are the three elements that support our society. We have to have respect for equality; we have to have human rights; and we also have to have good relations, because there will be occasions where people of equal status, with equal human rights, will have differences. It is the way in which we deal with those differences and disagreements that will, ultimately, make for a stable or an unstable society.

The motion makes reference to rights and entitlements. One of the most moving aspects of dealing with the families involved in those attacks was how few rights and entitlements they have. We must carry out a massive job of communication with those who write to us to complain that migrant people are taking their jobs and using up social-housing resources to make them understand that those families had no rights and entitlements to anything from the state. They were carving out a living at the margins.

Although it is important that we unreservedly condemn the actions of those involved in the attacks, we must find ways of moving beyond condemnation to deal with the underlying causes of that kind of violence. Although it may spring into violence in particular locations —

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

**Mrs Long:** We have to accept that a social response is required to deal with the challenges that face us.

**Mr Shannon:** I support the amendment. It is an opportune time for us to speak on the issue. I was shocked and disappointed to see the events that unfolded around attacks on migrant workers in Belfast recently. There are many migrant workers in most parts of the Province. In Ards, in my constituency, many migrants from different countries live and work peaceably and make a vast contribution to the community.

One community organisation hosted a multicultural day, during which members of different ethnic



backgrounds cooked food, made crafts and exchanged cultural ideas about their traditions. That was a raging success. Willowbrook Foods in Newtownards recently opened a new factory, which employs a large number of migrant workers who have successfully integrated into community life while retaining their sense of identity. Most people are more than happy to have those people working, paying taxes and contributing to the community.

Let us be honest, there have been religious and sectarian attacks on members of the Protestant community that I represent right across the Province over some 30 years. Indeed, my cousin Kenneth Smyth, a sergeant in the UDR, was murdered along with his Roman Catholic colleague at the border on 10 December 1971. The Protestant community there had to move out because of the attacks that they were under. Where there was once a strong Protestant community around Urney, Clady and Strabane, it has now been decimated and is no longer there.

Attacks on Orange parades are another indication of hatred coming from one side of the community. The attacks that occurred on Saturday were an indication of that. All over the Province, we have the same thing, whether at Drumcree, Dunloy or Castlewellan. All sectarian attacks are equally abhorrent. Attacks against migrants are becoming more violent and threatening, and decidedly un-Northern Ireland like.

We er weel kent as tha wee kintrie wi' a' big hairt, an oor guid naem o' waremth an feelin is bein ruinet bi' thugs hoo irnie representative o' tha lerge majority in tha Proavince. We hae haud sum kinserns in oor kumunity an sum metters sic as yin in Kummer laust yeer, but that wus a yin-afff an haesnae bin repeetet. Whut hooiniver is cleer ther er fowk whau er fed up wi' tha woarl in general an takk it oot oan fowk in pertikuler; unfoartunately, it seems tae be that it's aieser tae pikk oan tha yins that hae nae supoart netwoarks.

We are well known as the wee country with a big heart, and that reputation of warmth is being destroyed by thugs who are not representative of the huge majority in the Province. There have been some concerns and issues in our community, such as that in Comber last year, but that was an isolated incident, and has not been repeated. It is clear that some people get frustrated by the world in general and take it out on people in particular; unfortunately, it seems to be easier to pick on those who do not have support networks.

I do not know all the ins and outs of the situation in Belfast — other Members would be able to give more detail — but some people experience frustrations with their foreign neighbours. One thing that we have learnt over the years is that there can be no place in the Province for violence and thuggery such as that seen in Belfast, which resulted in a place of worship being

attacked: a place of worship that gave sanctuary and hope to people at that time yet became the target for attacks for a short period.

I read an interesting article that said that in the past decade, funding for anti-racist initiatives has been increased, new laws brought in and representatives from across the political spectrum have denounced racist attacks. It was once claimed that racism is the new sectarianism, but that has not turned out to be the case. Race crime is not widespread, but neither has Belfast proved to be a safe haven for immigrants.

Events such as those of recent weeks are not isolated; many racist incidents are not publicised or reported to the police. Unsurprisingly, the number of migrants arriving in Northern Ireland was low during the Troubles. However, as more arrived, the number of racist incidents grew, with almost 300 in 2004 as ethnic minority numbers rose to some 30,000.

Such attacks were not limited to ethnic communities: any form of prejudice is unacceptable. The Equality Commission found that Ireland's Traveller community faces more prejudice than even foreign migrant workers. Although views have hardened against Travellers, the gay community and foreign immigrants, sectarian attitudes might be softening. There is hope. The commission said that just 6% of those surveyed would mind living beside someone of a different religion. Are things getting better? We hope that they are.

That shows that there is change and the hope that we can end this thuggery and accept people for who they are and not where they are from. There was also hope in the response that was shown in the provision of shelter, blankets and food, and the outcry against those acts of violence against women and children, which can never be accepted.

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

**Mr Shannon:** We cannot and will not accept any kind of hate crime in any guise in the Province. Those who perpetrate such crime might be young and foolish, but we who are older and, hopefully, wiser, must ensure that that remains the extraordinary and never the ordinary.

**Mr Kennedy:** No right-thinking person could fail to be appalled by the racist attacks in Belfast in recent weeks, and like all other parties, the Ulster Unionist Party roundly condemns them. On behalf of my party, I express to the Roma people our profound sympathy and horror at what took place.

Those attacks need to be condemned not simply because of the damage that they do to Northern Ireland's reputation across the world but because of the suffering that they inflicted on the families and children involved. Anyone who is legitimately resident and working in

Northern Ireland has the right to live and work here in peace. As a broader society, we must welcome people from different cultures and countries and recognise the diversity and great benefit that they bring to Northern Ireland.

I do not, however, believe that it is helpful in this case to use those incidents to level unfair criticism at the police. The Romanian Ambassador to the United Kingdom was specific in praising the response of the authorities here to the attacks. In measured response time, the police response varied from one minute to 10 minutes. The Chief Constable also made the very valid point that the situation was more complicated than press headlines might suggest. Some of the incidents, I understand, involved serious disputes between Romanian families and were not specific to racist attacks. In a free society the police can offer protection, but they cannot prevent people from moving of their own free will.

**Ms Lo:** I think that what the Member said about a serious dispute between families is misinformation. There were four nights of ongoing attacks on those families, and there was one incident of Romanian families having a party on one night but at which there was no serious violence of any sort. However, the main issue is that local people were attacking Romanian families.

**Mr Kennedy:** I am grateful to the honourable lady for clarifying that. However, there is an issue that relationships within Romanian families have sometimes given rise to tension.

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

**Mr Kennedy:** I am sorry, but I have already given way.

4.15 pm

There can be no question that delays in the publication of the draft cohesion, sharing and integration strategy, for which OFMDFM is responsible, have undermined the education effort to promote cohesion and better attitudes towards race relations. As the amendment suggests, if we learn anything from these very regrettable incidents, it should be that there needs to be more leadership and incisive decision-making, particularly from OFMDFM. It is easy for all of us to beat our breasts after the event, to say how terrible this thing is and to use endless adjectives to condemn the attacks. However, all of us need to promote better race relations and understanding so that the stigma of bad race relations does not stick to the Province's reputation.

In the context of the damage that the recent events have done to race relations, it is important to understand, in a mature way, why some people in our communities develop such unacceptable views towards immigrants and those who are perceived to be different. Northern Ireland is a much more tolerant place than it once was,

but many outstanding issues of concern need to be addressed. The economic downturn unquestionably plays a part, but it is important to listen to the concerns of all sides, including those of communities who, rightly or wrongly, feel threatened by immigration.

I do not say that to condone what has happened in any sense, but to try to understand it. While setting our faces resolutely against the evils of racism, we must also be willing to undertake the education of individuals and communities that feel threatened by difference and immigration. That is why the continued postponement of the cohesion, sharing and integration strategy is so important. There is a major work of education to be undertaken, and we must get on with it quickly.

I support the motion and the amendment.

**Mrs Hanna:** I support the motion and the amendment, and I thank the Members for tabling the original motion.

It has been a depressing time, particularly for people who live in south Belfast. I want to start with the attack on Roma families in Belgravia Avenue and Wellesley Avenue; their decampment to the City Church, to the Ozone Leisure Complex and to Queen's Elms; and the decision of the great bulk of those unfortunate people to return to Romania in the past few days. The situation has generated worldwide negative publicity for Northern Ireland and shamed us before the world. In some ways, the bullies have been allowed to win and to get their way. The subsequent malicious and malevolent attack on the City Church has just added to the hurt. That is the latest intimidation, and I hope that it is the last.

We must all take a good look at ourselves; at our collective inability to learn from the past; at how we keep repeating the mistakes of the past; at our incapacity to accept difference; and at our suspicion of outsiders. Racism is just the other side of the coin of sectarianism. Regrettably, sectarianism is an infectious disease that is endemic throughout our community, and none of us is immune from it.

Some 20 years, or even a decade, ago, I would have had no difficulty in identifying myself, in political terms, as a democratic Irish nationalist first and foremost. I want to see the people of Ireland united in harmony. I want this island to be controlled by all the people of Ireland: nationalist, unionist and others. However, if nationalism means despising people because of their national, ethnic or racial origins or looking down on them because of an accident of birth, I am not a nationalist. Too often, the mindset that being British or Irish is best just sounds like a cock crowing.

I fully acknowledge the right of parents to choose the type of education that they wish their children to receive. However, surely a state-sponsored system can deliver education to children with a Catholic, or any other, ethos; surely all children can be educated together,

rather than separately. We must proactively address the segregation of housing and education.

In the European election four years ago, three MEPs who are more or less opposed to the European ideal were returned. Although I do not quibble with the democratic outcome, as someone who embraces the European ideal, I am aware that much of the outside world views us as dour, suspicious, inward looking and self-absorbed.

**Mr McCarthy:** Will the Member join me in condemning the utterly contemptible speech made by a television celebrity during 'Question Time' on 18 June 2009? She tarred all Northern Ireland people with the same brush. I will not repeat what she called us, but it was out of order, and everyone in Northern Ireland deserves to receive an apology from that individual.

**Mrs Hanna:** That lady should spend some time here and learn more about us. It is unfortunate when everyone is tarred with the same brush; that has happened to me and to everyone here in many different circumstances. It is dangerous and hurtful.

OFMDFM must get its finger out and produce a practical work plan for the implementation of the cohesion, sharing and integration strategy. The two Ministers have messed around with the Assembly. Although I am pleased that both Ministers are present, if the DUP and Sinn Féin cannot reach agreement on a shared future, they should be honest about it and tell the Assembly what is happening. We urgently require a vision and a practical plan for how we can learn to live together, respect one another and, perhaps, gradually grow to appreciate one another.

We watched the charade of the appointment of the four victims' commissioners.

**Mr A Maskey:** Does the Member acknowledge that at least one Minister, the Minister of Education, despite advice to the contrary from the Department and many other commentators, including some MLAs, ensured that provision was made for Romany children to receive free school meals? They were not entitled to that under the legislation and the state's immigration provisions.

I suggest that other Ministers do likewise and examine how they can act without waiting for the OFMDFM strategy. Although, as I said earlier, the strategy is important, Ministers can do a great deal of work without it. I invite the Member to acknowledge that Caitríona Ruane took direct action against the advice of many, and that few other Ministers have done the same.

**Mrs Hanna:** I appreciate the action of any colleagues and Ministers in the Assembly. My colleague Alasdair McDonnell was also heavily involved in supporting that initiative. I support and welcome any move to look after people.

Earlier, during questions to OFMDFM, I said that action on flags is required. The motion rightly:

"calls for the rights and entitlements of ethnic minorities and other vulnerable communities to be protected".

Yesterday, I drove along Finaghy Road South in south Belfast.

**Mr Deputy Speaker:** Please draw your remarks to a close.

**Mrs Hanna:** As the Union Jack and the Irish tricolour are so often used for coat-trailing, a protocol on flags is required.

**Mr Deputy Speaker:** Your time is up.

**Mrs Hanna:** Communities desperately need diversity, new thinking and new ideas to enable them to open up to the rest of the world.

**Mr Spratt:** I support the motion and the amendment before the House. I am sure that we, as a body of elected representatives for the people of Northern Ireland, can unite in condemnation of the attacks witnessed off the Lisburn Road only two weeks ago. Such intimidation has no place in society and must be eradicated. The pictures and coverage that were beamed across the rest of the UK and beyond do not portray the desired image of Northern Ireland.

The media, the PSNI and others must also play their part. I note that Mr Kennedy has left the Chamber. Many of the problems have arisen in the communities in the Village area. Everyone, whether they be elected representatives, the media, the police or other folk involved in dealing with attacks and racism, must be extremely careful about how they are portrayed, because all too often matters can be blown out of proportion.

I want to ask the PSNI questions about some of the statements that were made by Assistant Chief Constable Alistair Finlay.

**Mrs Long:** I thank the Member for giving way and for condemning the attacks. Based on what Mr Kennedy said in his contribution, it is important to put on record that the people who were the nearest neighbours to the families in those cases were among the first to come forward to assist. That is evidence that those people were innocent victims of racist abuse rather than being people who had brought it on themselves in any way.

It is also important to clarify that when the police referred to the complex issues that surround the case, it was not to the complexities of the motivations behind the attacks, it was to the difficulties in engaging with the Roma community, which is suspicious of authority because of the history of abuse that it has suffered across Europe.

**Mr Deputy Speaker:** I ask Members to keep their interventions brief.



**Mr Spratt:** I accept what the Member says. There have been many incidents in the area. All of us need to be careful about how we deal with them because the problem is that the area that I represent has been labelled racist for no justifiable reason. Entire communities are being portrayed as unwelcoming: nothing could be further from the truth. As the honourable lady knows, many things are happening in schools in those communities to welcome and help people from all backgrounds. In fact, some of the schools, such as the primary school in Fane Street, are attended by children of many nationalities. That needs to be recognised.

Members have portrayed the attack on the Belfast City Church as racist, but the police have backed away from that stance. Three young men were arrested, and a report on two of them is going to the Public Prosecution Service. Two or three days after that attack, the police were keen to point out that they do not consider it to have been sectarian or racist. Once again, media across the world portrayed Northern Ireland as racist. Criminal damage takes place night after night in that area; it is a regular occurrence, and police resources are stretched to the very limit to deal with it. That is why we all need to be very careful about how the issue is portrayed: we need to be careful that we do not inflame the situation. We Members must get our facts right because within minutes of an attack, before a proper police investigation has taken place, people are keen to portray it as something that it turns out not to be. I urge all Members to be extremely careful in that respect.

I welcome the motion. All of us on this side of the House utterly condemn any attack in south Belfast. People from different ethnic backgrounds in south Belfast live in harmony with all their neighbours day and daily. I continue to appeal for calm in the area. I thank those who helped the victims of the attacks, especially those in the Belfast City Church who immediately provided help for the Roma community. Those of us who work in the area know that they have acted similarly on many occasions.

I support the motion and the amendment.

**Ms Anderson:** Go raibh maith agat, a LeasCheann Comhairle. Éirím le tacaíocht a thabhairt don rún agus don leasú.

I support the motion and the amendment. All right-minded people will have been sickened by the attacks that forced so many Romanian people to flee their homes. The image of the five-day-old baby being held by our deputy First Minister is embedded in everybody's mind, particularly given the context: she was born here, but she has had to move to another country with her parents.

4.30 pm

Those attacks were the outworkings of a warped mindset that has never tolerated anything but itself. It

is a mindset that for years has been ignored and even encouraged by some in the Establishment. Some of the most so-called Christian of places have been underpinned by a culture of intolerance. We have all heard the Pope being described from the pulpit as the Antichrist. Whether the targets are Romanian or Roman Catholic, the bigotry that they face is the same.

The recent Equality Commission report that was referred to by Naomi Long showed rising levels of intolerance here, and clearly stated that not enough was being done to confront and challenge that bigotry. If we are to tackle racism, sectarianism and other prejudice, if we are to truly build good relations, it must be on the basis of equality and respect.

Equality is the foundation on which good relations can be built. Good relations can never be built on inequality. Therefore, I hope that the CSI strategy paper to which the amendment refers does what Naomi Long said at Question Time earlier today, and that it is proactive and ambitious. I would add that it must display what the Programme for Government commitments call for: new and innovative ways of doing business.

Today, I met an organisation called SEEDS (Solidarity Equality Education Diversity Support) and the race relations unit of OFMDFM. SEEDS is a Derry organisation headed by Eddie Kerr that provides help and support for ethnic minority groups. He recently remarked that the only minority group that we have in this society is the one to which racists and sectarian bigots belong, something with which many of us would agree.

The motion calls for political leadership and unity of purpose in tackling all manifestations of hate crime. The sad fact is that it must be said that unionist Members have been found wanting in that regard. Time and time again, we have failed, and they have failed to confront hate crime, particularly sectarianism that emanates from within their community.

Before anyone gets the wrong impression, I am not suggesting for one second that all intolerance emanates from within the unionist community. I will repeat that: I am not suggesting for one second that all intolerance emanates from the unionist community. However, the difference is that my party has always confronted those issues head on in our own community.

We have gone toe to toe with those responsible and we have let them know in no uncertain terms that no such behaviour will be tolerated or accepted. We have had a vigil in the Bogside area of Derry after attacks in the Fountain; we have been involved in forums with residents trying to address that. We have challenged and confronted, head on, attacks that have emanated from within our community, but we do not see the same level of confrontation within the unionist community.



**Mr Shannon:** Will the Member acknowledge that a great many of us in the Chamber, if not all, are also trying very hard to address to address those issues head on and toe to toe, as she said? Does she accept that her statement throws a question mark over some Members? Purely on behalf of my party, we have never been afraid to confront the issue straight on, head on and toe to toe.

**Ms Anderson:** I must say that people in our society would like to see more evidence of that. I refer Members to a case in Derry earlier this year of a loyalist attack on a young Derry man who was left in a coma and remains so as we speak, still fighting for his life. It was not Sinn Féin but the 'Derry Journal' that said:

"The silence from Unionist politicians and people since the attempted murder of Paul McCauley and his friends by the UDA especially in close knit Unionist communities like the Fountain has been deafening."

That is not Sinn Féin saying that; it is the views of the people in our city who witnessed that attack and who wanted and were eager to hear people in the unionist community come out and condemn it.

That "deafening silence" has been repeated right across the North. It has been repeated in places such as south Belfast, where Romanians were forced to flee their homes, and in Coleraine, where Kevin McDaid was so brutally murdered by a sectarian mob. Mr Shannon talks about how his party has gone toe to toe with people, but the MP for that area did not have the political integrity to give personal support to the McDaid and Fleming families: shame on him.

Unless unionists step up to the plate and show the kind of political leadership that is required, I am afraid that the void will continue to be filled by those who have hatred in their hearts. We must move beyond rhetoric and restating our positions —

**Mr Deputy Speaker:** The Member should draw her remarks to a close.

**Ms Anderson:** We must challenge those who engage in that behaviour, and, by our policies and practices, we must promote equality, respect and inclusion. I hope that the CSI strategy attempts to do that and much more. Go raibh míle maith agat.

**Mr Newton:** I support the amendment. The recent attacks on the Roma community should be, and, I believe, have been, widely condemned by every Member of the House and by all responsible sections of our society. There is a deep recognition that racism has no part to play in our society and nor has sectarianism.

An indication of the problem is that, in 2008-09, the PSNI recorded approximately 1,500 sectarian incidents; 900-odd incidents of racism; 179 homophobic incidents; 46 faith/religious incidents; and, most unfortunately of all, 44 disability-related incidents.

I do not believe that Northern Ireland is a racist state. However, a small element is trying to destroy our image in order to portray Northern Ireland as a cold house for immigrants. I use the expression "cold house" because many unionists understand it and, in one way or another, have experience of it. Visitors to Northern Ireland often testify to the contrary. Only this weekend, I had contact with visitors who were full of praise for the friendliness of local people and for their reception as they travelled for nearly two weeks in the Province.

Down through the generations, we have built a well-deserved reputation for generous hospitality. In many ways, the recent attacks prove that that is true, because all sections of the local community responded generously to those who were attacked, and that reflects the generosity of the wider community. Indeed, Belfast was recently found to be the friendliest city in the UK.

I emphasise again that the attacks were carried out by a small minority. There is a need to educate our young people about racism and sectarianism to stop the problem arising while they are young. However, that requires investment across the board in education, youth provision and community development.

I take issue with the previous Member's remarks that unionist Members have been found wanting. When one considers Sinn Féin's history, how dare it lecture unionists about sectarianism and their unwillingness to go toe to toe. It was, and is, always wrong to attack people because of their nationality, culture or religion. It is wrong to attack people because they are Protestants; it is wrong to attack parades in which Orangemen and women are celebrating their British culture; and it is wrong to set up residents' groups to oppose those parades, which has been Sinn Féin's deliberate and long-term strategy. Moreover, it is wrong to attack places of worship because they are Presbyterian, Church of Ireland or Methodist churches. It is, was and always will be wrong, and nobody will take a lecture from Sinn Féin on that subject.

It is wrong for anyone to accept, with the minimum of comment, the ethnic cleansing of Protestants along the border areas or the swathes of Protestants from the west bank of Londonderry or Belfast who have had to move because of an orchestrated campaign by a terrorist organisation against them on the grounds of their religion and culture. It is wrong to murder men and women because they were building police stations or Army bases; going out each day to earn their living. Let me ask the Member opposite whether she is prepared to stand toe to toe and condemn those incidents of murder over the years that were part of her party's strategy.

The work of challenging sectarianism, racism and all forms of intolerance —

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

**Mr Newton:** That work should continue, and it needs the support of the Chamber.

**Mr Elliott:** A lot of the argument has surrounded two aspects of life here: respect and responsibility. Many people in the Province and, indeed, those who come to live here need to show respect and responsibility. When people from other countries come to live and work and to settle in Northern Ireland, they have a right to do so without fear of intimidation, without harassment and bullying, and without being driven out of their homes. That is absolutely right. However, those people who come to live and work in Northern Ireland also have a responsibility to remember the culture that they are coming into and to respect the rule of law here.

The difficulty is that a small minority of every section of the community here makes bad blood for the entire community. We do not have to go too far to see some examples of that: south Belfast just a couple of weeks ago.

**Dr Farry:** Will the Member give way?

**Mr Elliott:** I will give way in a minute.

South Belfast just a couple of weeks ago was a perfect example. Another example is Moygashel in my constituency, where some people attacked homes of foreign nationals. However, there are other examples of groups of foreign nationals attacking local people in cases where they do not adhere to the law and order in this country as they should.

**Dr Farry:** I am grateful to the Member for giving way. Does he have any evidence that the levels of offending among new residents in our society are any higher or different from those of the existing population? We need to be careful about sending out a message that people who come to live with us are committing offences against the local population and that that is different from locals committing offences. That is a dangerous message to send out.

**Mr Elliott:** I thank the Member for his intervention. I am quite prepared to say that there are occasions when people from the local community have attacked foreign nationals. We are all aware of that. I am also very aware of occasions when people from foreign countries who have come to live here have attacked local people. Yes; there is evidence of that, and I can forward it to the Member if he wants. We need to move on with the issue.

I agree with what Mr Newton said about respect working both ways. We must respect the culture of people who come here. I put on record my support and appreciation for the work that a lot of the services and local agencies did for the people in south Belfast over the past few weeks in particular. That was extremely welcome and appreciated by all; not only by those who

were in difficulty but by local people. I know that from my constituency.

I turn to the wider issue of sectarianism, which we have also heard about. The Protestant community knows exactly what it is like to be intimidated, bullied, burned out, bombed and shot at. Mr Newton and others have referred to that. I heard the unionist outreach officer from Sinn Féin, who has now left the Chamber, a few moments ago. Some unionist outreach officer, I have to say. She should look at her own community, where only a very small minority of Protestants now live on the west bank of Londonderry. Why is that? When asked, most of those who have left say that they have been driven out.

They were driven out by republicanism. I know that only too well from my constituency of Fermanagh and South Tyrone. Protestants in the border areas of my constituency have been shot, bombed and killed for no reason other than their religion, as Members will know.

4.45 pm

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

**Mr Elliott:** I will give way in a minute. The last remaining Protestant business owner in Rosslea in County Fermanagh was murdered by the Provisional IRA. I challenge Sinn Féin Members on the Benches opposite to condemn that murder, the Claudy bombing, the Enniskillen bombing and all the murders that have taken place in the border areas of Fermanagh, Armagh and Tyrone and those in the cities of Belfast, which we heard about, and Londonderry.

**Mrs Long:** The Member made the helpful suggestion that it would be good for all of us to reflect on what our communities do to other people and not just point the finger at them for what they do to us. Unfortunately, the debate has been about Members doing the opposite. Has the Member anything to say about sectarianism coming from his community that might be reciprocated by Members who speak later in the debate?

**Mr Elliott:** I thank the Member for her intervention. If she looks at my record she will see that, as a leading member of the Orange Institution in the county, I debated sectarianism in places for going to which I was often condemned by my own community. On behalf of the Orange Order, I have spoken in such places as Bundoran and Sligo, areas in which one does not often find representatives of the Orange Institution. I have been prepared to do that to listen to the other side's perspective, and I am willing to continue to do so. However, I want to see respect and tolerance shown to the Protestant community by the other community. That has been lacking.

**The First Minister (Mr P Robinson):** I am grateful for the opportunity to respond to the debate, and I thank the Members who tabled the motion for bringing

it to the attention of the House. On my own behalf and on that of the deputy First Minister, I join with others in unreservedly condemning all racist and sectarian attacks. I urge support for the motion as amended.

I welcome all Members' contributions, particularly in the earlier part of the debate. I regret that the Member for Foyle Ms Anderson engaged in the blame game; we learned that when one points the finger, three point back at one. The responses thereafter showed that.

The attacks of recent weeks and months bring shame on Northern Ireland. The evils that have been targeted at some of the most exposed and vulnerable people in our community are unacceptable and cannot be tolerated. A small number of antisocial, blinkered and intolerant individuals have damaged our reputation around the world.

As other Members said, such individuals are not representative of the overwhelming majority of people in Northern Ireland; that has been demonstrated clearly through the highly positive and supportive response of so many good people over the past days and weeks. Such a positive response is the norm across Northern Ireland wherever and whenever there have been racist or sectarian attacks. It is the attitude of those good, right-thinking people that will prevail and which will lead our society into a shared and better future where everyone is treated as an equal, every community and its culture are treated with respect and people from all backgrounds live together in harmony, prosperity and peace.

The attacks have brought shame on Northern Ireland, but they have also allowed us to demonstrate that most of us are supportive of new communities and are appalled by such attacks.

The Romanian ambassador, whom we met, was encouraged by the positive and swift condemnation, from every section of the community, of the recent attacks on the Romanian immigrants and by the reaction of public authorities and voluntary groups.

However, it is important to remember that the attacks are not just news stories or media events; they are highly personal and tragic events for individuals and families. Indeed, several Ministers visited the Ozone leisure centre complex where the group was given temporary refuge. They met the mother of the five-day old baby whose life was threatened, and they saw the young children who were forced from their homes.

I offer my sincere thanks for all the work that Departments, voluntary agencies and individuals have carried out in recent days to help and support the Romanian families who were threatened and attacked. In particular, I single out the South Belfast Roundtable on Racism, the Belfast City Church, and Embrace Northern Ireland for their work. Belfast City Council and the Lord Mayor should also be commended, and I

thank the many other people who have shown their support and goodwill. The actions of those groups and individuals have shown the real generosity and decency that exists in our community, which can be built on in the long term.

Sadly, in this particular case, the majority of the group has chosen to return to Romania. However, as the decent people of Belfast have shown, that cannot be counted as a victory for those who carried out the attack. Rather, the recent response from across the community and the prompt action of the statutory organisations should be seen as a sign that we will do everything in our power to protect people and take action to ensure that their human rights are safeguarded.

In recent weeks, we have talked about the attacks on the Roma, and we await the results of the PSNI investigations into those incidents and those that followed. In the past, we have spoken of the Polish people, Lithuanians, Latvians, Travellers, Catholics, Protestants, unionists and nationalists. However, we must remember that whatever the label, we are talking first and foremost about human beings who are being attacked: fathers; mothers; sisters; brothers; sons; daughters; and neighbours.

The PSNI has been able to make arrests already and bring charges for the events, and the perpetrators of such attacks should be in no doubt that they will be brought before our courts and brought to justice. We are committed to working closely with the police and criminal justice agencies to ensure that sectarian and racist attacks are tackled and prevented.

The recent attacks have received a lot of media coverage and have generated a great deal of public debate. Once again, we have seen the people of Northern Ireland described by some as being full of hatred. Of course, that is cheap, inane and ill-informed nonsense spoken by those who are more interested in headline-grabbing than in problem-solving. There are, of course, a tiny number of people here, as there are in many countries, with completely bigoted and narrow-minded views. There are also others, and we have all come across them, who are simply ignorant and misinformed. We, as elected, public representatives, have a responsibility to counter the myths.

Our economy needs many of the migrants who come here to work, and they are very welcome for the economic benefits, skills, new ideas and fresh perspectives that they bring. Many of them fill skills shortages or do jobs that indigenous people will not do. Indeed, our Health Service, for example, would probably grind to a halt overnight were it not for the many internationally recruited nurses. In a wider sense, and in a very real way, racist and sectarian attacks, attacks on tourist buses and that brand of antisocial behaviour cause real damage to all of us in our community. In challenging



economic times, we are trying to grow our economy, attract inward investment, and increase tourism. Those types of attacks hinder that and damage everyone's prospects here.

Our primary focus in recent months has been on the economy. However, we cannot hope to progress economically, or more generally as a society, if racism, sectarianism and intolerance continue to exist. There can be no room for complacency about those matters.

We stated in the Programme for Government our determination to:

“address the divisions within our society”.

In that document, we recognised the corrosive effect that sectarianism, racism and intolerance have on our society and economy.

As a society in transition and moving out of conflict, we have made a lot of progress, but the only way in which we can really move forward is by building a future that is based on tolerance, mutual understanding and respect for cultural diversity wherever it exists. We do not pretend that those problems will be resolved quickly. We do not have to look very far for evidence that there is still a great deal to be done. It will take consistent hard work and effort for us to win that battle. We can and must prevail, but we should look at, and learn from, experiences elsewhere. We face an ongoing struggle against sectarianism and racism, and we are determined to do all that we can to stamp them out.

While policy is developed, the daily work of combating discrimination and fostering good relations continues. Over the period from 2008-2011, we have allocated additional funding of almost £7.5 million to the budgets for good relations and good race relations. That means that a total investment of £29 million has been put towards meeting the PSA target of a shared and better future for all. Earlier this year, we were again able to increase the funding available to a range of minority ethnic organisations under our minority ethnic development fund. Those groups do a lot of great work on the ground to promote community cohesion, prevent attacks and support unfortunate victims. Indeed, several of the funded groups have played a key role in responding to the events of the past days.

The Assembly endorsed the racial equality strategy on 3 July 2007. We remain committed to the six shared aims that are set out in the strategy, and we consider them to be robust and comprehensive.

I am impatient and deeply disappointed that, to date, we have not yet finalised proposals for a programme of cohesion, sharing and integration. That programme will tackle the twin evils of sectarianism and racism, which are inextricably linked, and it needs to tackle hate crime in all its guises. I recognise that the programme is eagerly awaited, and I hope that the House will agree

that it is important to get those proposals published without delay and ensure that they address problems in a substantive and holistic way. Such a programme will provide the framework for us to move forward into a new society that is based on tolerance and respect for cultural diversity. It will build on the achievements of previous initiatives as well as previous programmes. It will tackle the kind of racism that we have seen in our Province.

In moving forward, we need to establish a stable society in which people live and work together peacefully, regardless of culture, community background or beliefs. It is that mutual acceptance and appreciation that must and will be the foundation for our future prosperity. I am pleased that today we have been able to show to the world our condemnation of racist and sectarian attacks and our commitment to building a society in which all cultures and people are welcomed.

**Ms Lo:** I am very heartened by the response from all Members and parties today. I particularly welcome the First Minister's strong words and his sincerity and commitment to deal with the problem of sectarianism and racism. However, I am also saddened by some of the comments, which seemed to me to be defensive and to stereotype our ethnic minority communities. There are good and bad apples in all communities, and we have to take that into account. Where there are large numbers of new populations, there will, of course, be some people who will misbehave, but that is no cause for racist attacks.

We must address racism and hate crimes of all types in our society. I have lived here for 35 years, and I do not believe that Northern Ireland is a racist society, but a small minority can bring us all down in the eyes of the world. We must be very careful about that.

I believe that racism is on the increase. Last year, there were nearly 1,000 incidents, but I have no doubt that the figure for this year will rocket. In the past few months, more than 80 Polish people have been intimidated, and more than 40 of them have moved out of their homes as a result of that intimidation.

Following that, Hungarian women were forced out of their homes. Next, 115 Romanian families were forced to leave their homes. Only three of those families have stayed in Northern Ireland; the remainder left last week.

5.00 pm

The Indian community was targeted last week. Over the weekend and today, a large number of people from ethnic minorities, including myself, received serious threats to our safety. I have never seen the ethnic minorities in Northern Ireland so fearful.

I urge the Minister to publish the draft cohesion, sharing and integration strategy as soon as possible to assure the entire community that the Assembly is serious



about addressing sectarianism and racism. The Minister referred to a number of very good organisations. However, those organisations must be resourced to enable them to bring those new and established communities together so that they can work together to promote mutual understanding and break down barriers and fears on all sides.

We need leadership from the Government, but we also need Government action. Many public services are not geared to meet the needs of ethnic minority communities. Over the past two weeks, the Government's response to meeting the needs of the Romanian community has been inadequate. Children were moving from place to place clutching their teddy bears, their pillows and blankets, and we could not do a thing. We had to put them in a church for one night and shift them somewhere else the next night. What on earth are we doing? We are a large, wealthy population. Why can we not deal with such a situation?

The draft cohesion, sharing and integration strategy must be published immediately and must include strategies to deal with those situations. It is shameful that we cannot look after such a small minority. Those 115 families were attacked night after night and they were absolutely petrified. The deputy First Minister, Martin McGuinness, saw how frightened the women and children were; we all saw that they were fearful for their lives. It is not good for our image, it is bad for investment and it is bad for people who want to come here to live, study or work.

This is a lovely country and we need to defend our name, but how can we? We need action on the ground and action from all Departments. The voluntary sector and the grass-roots sector must work together. It is important to show that we can treat ethnic minorities well and, in doing so, we can show people that we have equality, human rights and good community relations.

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

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to take part in today's debate. I acknowledge the contributions from all Members who spoke, and I particularly acknowledge the attendance of the two Ministers. I also welcome the First Minister's support for the motion and the amendment.

As Members said, we are debating the twin evils of sectarianism and racism. The recent sectarian murder of Kevin McDaid, the attempted murder of Damian Fleming and the sight of the Roma families being forced from their homes indicate that we need to do more to tackle sectarianism and racist bigots. It is important to remember that peace does not translate into the absence of violence. In some ways, peace building can be an extremely difficult task, but it is a

task in which we must all take part. We must respect the rights and entitlements of everyone.

During Question Time, the deputy First Minister talked about bringing forward a framework to tackle racism, sectarianism and any other forms of prejudice, and it is important that we all work together to do that.

My colleague Alex Maskey opened the debate by voicing the need for a strategy based on equality, and called on political leaders to show direction and to set an example to others by respecting differences and welcoming and embracing diversity.

The images of families gathering their belongings and having to seek sanctuary in a local church were disgraceful, and other Members spoke about that. The sectarian killing of Kevin McDaid and its aftermath were also shameful. Alex said that some people may feel more comfortable when dealing with the evil of racism, but the evil of sectarianism exists as well, and people must also deal with it. He said that it is vital that all Members send out a positive and united message that those twin evils will not be tolerated.

Naomi Long made the point that those carrying out racist attacks do not represent the majority of people in our communities. I agree; they are a small number, but they can do untold damage and they inflicted suffering on the family of Kevin McDaid and on the Roma families who were forced to flee their homes. She said that we do not deal with division and differences well, and it is a massive challenge that must be faced.

She also mentioned the good work of groups and individuals. In my constituency of West Belfast, and in north Belfast, there are groups that work at interfaces every year to calm the feelings that run high on the issue of parades. Much good community-relations work is being done all over the North, and my colleagues, including Alex Maskey and Martina Anderson, have dealt with groups that are dealing with challenging issues.

Jim Shannon spoke about migrant workers and their contribution to society. He spoke about attacks on parades, but I was disappointed that he and some other Members did not mention by name Kevin McDaid, who was murdered several weeks ago as a result of sectarianism. I am not saying that he did not condemn that, but I feel that most of the focus today was on racist attacks and not enough on sectarianism.

Few Members mentioned the Irish Travellers, which is probably one of the communities that is most discriminated against in the North of Ireland. Jim Shannon mentioned the Travelling community and gay people, but many Members forgot to mention the Irish Travelling community.

Danny Kennedy said that attacks should be condemned not only because of the bad message that

they send out but because of the suffering that they inflict on families. He also spoke about the PSNI. However, even the PSNI acknowledged that it got it wrong on both incidences in Coleraine and south Belfast. I will not enter into an attack on the PSNI, but there are lessons to be learned.

Carmel Hanna reiterated comments that others made about the shame felt by people here when watching the scenes on television. We visited the Roma families and the McDaid family. She said that we keep repeating the mistakes of the past and that racism is the other side of sectarianism. Several Members made that point very strongly; it is a point that should be made very strongly, because racism is the other face of sectarianism. It is still about, and people need to focus on that during debates such as this. She also said that segregated housing and education must be addressed, as must the issue of flags. One can see from the news this morning that the issue of flags is raising its head again, as it does at this time every year.

Jimmy Spratt spoke about the things that happened to the Roma families and about the media perception and elected representatives. He said that elected representatives, the media and the PSNI also have a role to play, particularly in how events were portrayed. He said that the attack on the church may not have been a racist attack after all but added that we all have our parts to play in condemning such attacks.

My colleague Martina Anderson said that attacks on the Roma community are part of a mindset of intolerance and that not enough is being done to tackle bigotry. She called for political leadership, and she said that some unionist Members had failed to be as proactive as they should have been in challenging sectarianism and racism. Comments were made to and fro, but I do not wish to enter into such a debate. An onus is on all of us to show a united front, and Sinn Féin has always been at the forefront of condemning sectarianism and racism, no matter from where it comes.

Robin Newton said that recent attacks sent out a negative message, that a small number of people carried out the attacks and that strategies are needed to educate young people. He said that the setting-up of residents' groups by people who do not agree with parades through their areas is wrong. I disagree: people have the right to peaceful protest if they do not agree that a parade should go through their area.

Tom Elliott talked about respect and responsibility. He said that some groups from ethnic minority backgrounds had attacked people from the local community. I am not sure what point he was trying to make. I do not know whether he meant that that was a racist attack, in that people from ethnic minority backgrounds attacked people because they were white and Irish, or whether his point was about antisocial activity.

I acknowledge the First Minister's remarks. He unreservedly condemned all racist and sectarian attacks, and he supported the motion and the amendment. He said that such attacks are unacceptable and cannot be tolerated. He said that the individuals who carried out the attacks are not representative of the rest of society, and we all agree with him on that. He and the deputy First Minister met the Romanian ambassador, who said that he was encouraged by the level of condemnation of the attacks and by the way in which people from the local community reacted. The people in the local communities who helped the family of Kevin McDaid in Coleraine and the Roma families must be commended, along with people from the voluntary and statutory sectors.

We need a society that is based on tolerance and understanding and that embraces cultural diversity. Anna Lo made the important point that hate crime of all types must be tackled. We must understand that not only must racism and sectarianism be tackled but all forms of hate crime. People pick on other people because they are different. Those same people cannot accept that difference, and that must be tackled.

Anna Lo also said that people from ethnic minorities are very fearful and that they need leadership and action from Government to get over that fear.

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

**Ms J McCann:** I support the motion and the amendment, and I hope that the Chamber can send out a united message.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

That this Assembly condemns unreservedly all racist and sectarian attacks; calls for the rights and entitlements of ethnic minorities and other vulnerable communities to be protected; commends all those voluntary and statutory agencies which assisted in the recent upheaval inflicted upon members of the Roma community in Belfast; and calls on all Departments to respond appropriately and on all political leaders to display leadership and unity of purpose in tackling all manifestations of hate crime; and calls on the Executive to publish immediately the draft Cohesion, Sharing and Integration Strategy.

## ASSEMBLY BUSINESS

**Mr McGlone:** On a point of order, Mr Deputy Speaker. Unfortunately, I was not in the Chamber when the present Minister of the Environment made some remarks about me that I consider to be unparliamentary. I deeply resent those remarks and the fact that they were made in the manner that they were in this House. I ask that any remarks of an unparliamentary nature and when language has been used that questions the honesty or integrity of another Member, should be referred to the Speaker's Office for further investigation. The Hansard report will show the detail of those remarks.

5.15 pm

**Mr Deputy Speaker:** I will ask the Speaker to read those remarks in the Hansard report and to report back to the Assembly.

*Motion made:*

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

## ADJOURNMENT

### **Impact of the Falling Maintenance Budget on Rural Roads in Fermanagh and South Tyrone**

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes. All other Members who wish to speak will have approximately 10 minutes.

**Mr Gallagher:** The Adjournment topic is the declining budget for roads maintenance in Fermanagh and South Tyrone, which, as Members know, is the most westerly constituency. I notice that the Minister for Regional Development has joined Members for the debate. I am sure that he will listen and may well respond later.

In previous Assembly debates in which Fermanagh and South Tyrone has been discussed, two issues are always highest on the list of priorities: employment and roads. It is no surprise that roads are a priority in an area that has no railways and is poorly served by public transport. Due to heavy reliance on cars, therefore, especially in Fermanagh, the state of the roads is a major issue for local communities. The great majority of the working population travel daily to towns such as Enniskillen and Omagh. People must make round trips of 40 miles or more.

Over the past 10 years, the condition of the roads has deteriorated badly. From time to time, I visit local offices to talk to staff about problems with the maintenance of the road network. I refer to the Department for Regional Development's (DRD) figures for recent years, which show that spending on structural maintenance in County Fermanagh in the financial year 2003-04 was £3.48 million. In 2005, it was down to £2.4 million. In 2006, it was down to £2.05 million. In 2007, it was £2.16 million. In 2008, it was £2.14 million. Although there had been a steady decline in spending throughout those years, there was a marked drop in the most recent financial year, which ended in March 2009, and was down to £1.49 million.

For rural communities, the issue, of course, is not simply about access to employment, it is about access to health services, hospital services, education facilities and, nowadays, banks and post offices. Access to those services is a big challenge. There is growing anger and frustration among local people about the decline in the state of the road network. They are angry that the issue, which is so important to many people, does not get the attention that it deserves from the Department

for Regional Development. I have given the figures for the past six years to underpin the anger that is relayed to me and to other elected representatives.

Unrepaired potholes are a common cause of serious damage to new and old vehicles, regardless of their age. On almost a weekly basis, I receive a complaint in my office about a car that has hit a pothole or a rut in a road. Often, the complaint is accompanied by photographic evidence of damage and, indeed, of cavern-like potholes along some of the roads.

In 2008, the impact of potholes on cars was highlighted after a UK-wide survey was conducted by Warranty Direct. Its report found that potholes caused one in every three cases of mechanical failure in cars. The average cost of repairing the damage to the car was £285. As I said, that was a UK-wide report and the figure is a UK average. However, I have no doubt that the average for Fermanagh and South Tyrone for that kind of problem is considerably higher, due to the poor state of its roads.

The Department's failure to maintain rural roads is an example of a policy that is penny wise and pound foolish. The cost of repairing roads that have fallen into disrepair will be a much greater strain on the public purse. What is of more importance is that the roads are dangerous and the rate of accidents and deaths, as has been clearly stated in several reports, is higher than the average in border areas.

There is one further issue: equality. Road users in Fermanagh and South Tyrone contribute to the regional rate and they pay their motor taxes; we are therefore entitled to have roads that are well maintained and safe for all who use them.

**Lord Morrow:** I welcome this important debate on the roads infrastructure and conditions in Fermanagh and South Tyrone, and Mr Gallagher is to be congratulated for securing it.

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

As a Member for the constituency, I am acutely aware of the impact of poor road maintenance and inadequate roads infrastructure. I have often voiced my concerns in the House at the attitudes shown to issues in the west of the Province. Those of us who come from the west are accused by our colleagues of being whingers, but, at times, our whinging is justified. There is a perception abroad that the west does not get its fair share in the allocation of funding and, therefore, the whinge will continue until we are content that we are getting our fair share.

For too long, we have been treated as poor relations in comparison to our counterparts in the rest of the Province and, in particular, to those in the east. That also applies to roads infrastructure. I would be remiss

in my duty as an MLA if I did not highlight that; I feel that that is the way.

Roads are vital arteries to all areas and communities. Whether major routes or country by-ways, they must be fit for purpose and able to sustain the relevant traffic volume. We look to roads not just for general to-and-fro traffic as citizens but for the provision of goods, emergency responses and access to other services. With so much influential traffic affecting every single person in some way, roads must be maintained to the highest specifications and standards. Second-best or patch repairs are simply not good enough. Fermanagh and South Tyrone demands its right: sound, high-grade infrastructure, locally and on a wider spectrum.

That said, I am delighted to say that it is not all doom and gloom. We can get into the rut of feeling that absolutely nothing is happening or will happen, but it is right to acknowledge some of the things that have been happening. I refer to the much-needed and long-overdue dualling of the A4 from Moygashel to the Ballygawley roundabout; it is good to see it making progress, and I hope that it will be completed on time and on schedule. There has been work on the A32, the Cherrymount Link Road. That is another scheme that has been in the offing for a long time; nevertheless, we recognise that it is moving on. There is also realignment of the A4 at Annaghilla, which, I understand, will probably be operational by the autumn of this year if everything goes according to plan. It is a scheme that must be welcomed and one that will be extremely beneficial to the west. It will certainly open up a good road and take out of existence a very bad stretch of road through the Clogher Valley. The A4 Henry Street in Enniskillen has been successfully widened and is in use. Again, I place on record my acknowledgment of that.

Another scheme has been long in the offing. In another life, I negotiated land settlements, including for land near the Carland Bridge Road, with which I am sure Members are familiar. Although that road is not strictly in South Tyrone, it is close enough that it makes no difference; in fact, at one time, it was considered part of that area.

The Carland Bridge scheme has been on the books since the mid-70s. I recall Roads Service saying that that scheme was imminent when I was negotiating on behalf of clients for the acquisition of land. More than 30 years later, I do not think that that work has even been started. However, at long last, I understand that the plans are at a fairly advanced stage, and I hope that we will see movement there soon.

I appreciate the Minister's attendance, and I look forward to hearing his comments in response to the debate. Will he provide an update on the provision of a



distributor road for Dungannon town? Provision was made for that in the Dungannon town plan and then, all of a sudden, it simply disappeared. At the time, the local council and others were looking for a distributor road to reduce congestion in Dungannon town, but, alas, it has disappeared. It was known as the eastern distributor road. Some of us were not particular about whether the road was going either east or west. However, we were particular about the fact it should distribute traffic in Dungannon. I will be happy if the Minister corrects me by telling me that I have got that wrong and that that is at an advanced stage.

The Enniskillen southern bypass is also under review. County Fermanagh can arguably boast a major tourism initiative. However, that important aspect of its roads system is still only at the review stage. Will the Minister furnish us with an update on that project and where exactly it rests?

Similarly, Fivemiletown, which is an important town that is nestled on the edge of Tyrone and is the gateway to Fermanagh, is only now being considered for a bypass. Again, we look forward to the Minister telling us exactly what stage the plans are at and when the work will commence. That is another vital part of the road network in the west.

Although those major schemes are under review, with the hope of proceeding, it must be accepted that a number of minor roads are in a very poor condition. Mr Gallagher spoke about the incidences of cars slumping into potholes, and I have had heard of similar experiences. Motorists who seek compensation from Roads Service are often told that they cannot have it because an inspection that was carried out on such and such a date allegedly gives Roads Service a way out. It, therefore, feels that it does not have to bear the responsibility for compensating such motorists.

Mr Gallagher is right to say that we can all cite examples of constituents who have shown us photographs, including the date and time that they were taken, of damage caused to their cars on the roads. Recently, in the Killyman area, a pothole caused hundreds of pounds worth of damage to a man's car. However, Roads Service felt that it is was not its responsibility to compensate that motorist. Although I disagreed, its line of thought prevailed.

In January, I asked the Minister to provide figures for the number of compensation claims that Roads Service paid out for vehicle damage on County Fermanagh roads in each of the past financial years from 2003 to 2008. The answers were quite alarming. Although I accept that the DRD portfolio was not with the current Minister over that period, the claims were disproportionately high. The average number of claims processed from 2003 to 2008 works out at 75. The lowest number of

claims was 68 in 2005-06, and the peak was 88 in 2007-08.

If that is compared with the cost of repairing the damage, one will be able to estimate the severity of the damage caused to vehicles by roads in County Fermanagh. I stress that those figures are just for County Fermanagh. In the five-year period between 2003 and 2008, the total amount claimed was more than £31,000, and the highest payout — £7,752 — was in 2003-04, followed closely by 2007-08. The balance is almost £2,000 more than the cost of one year's routine maintenance works on roads across Northern Ireland.

5.30 pm

Investment in roads in Fermanagh and South Tyrone is a matter of necessity, and I trust that the Minister will accept that. Among other things, urgent investment in roads is needed in order to avoid such high compensation claims. As a result of this debate, I trust that we will see a different approach to the road infrastructure in Fermanagh and South Tyrone. I look forward to hearing the Minister's response.

**Ms Gildernew:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in the debate. I have raised the issue of rural roads in Fermanagh and South Tyrone consistently with the Minister, and I am pleased that he has accepted an invitation to visit that constituency to see some of the roads that we are talking about and the problems associated with them. That visit will give us a chance to discuss issues pertaining to the roads infrastructure. I welcome the Minister's acceptance that there are challenges in my constituency that need to be addressed.

Members and, indeed, the Minister are aware that there are areas in Fermanagh and South Tyrone, such as Brookeborough, Belcoo and Derrygonnelly, which suffered for decades under direct rule from ongoing neglect and a lack of investment in roads infrastructure and maintenance. One of the starkest images I saw of that was during a presentation from InterTradeIreland that we received in the second mandate. We were shown maps of Ireland, the roads infrastructure and where investment had gone; it was clear that jobs followed roads. Taking that trend to its logical conclusion, it was going to be very difficult to attract investment to Fermanagh and South Tyrone, because of the lack of infrastructure in the constituency. At that time, we were concerned by the lack of infrastructure investment in Fermanagh and South Tyrone.

Fortunately, the present Minister, Conor Murphy, has recognised the challenges and needs of rural constituencies and has attempted to put right some of the wrongs that were inflicted on my constituency. I ask the Minister whether he accepts that the knock-on effects of not maintaining roads are serious maintenance issues that can lead to much more money needing to be spent on

roads that have been neglected. Will he give us a position on rural roads in general and the ongoing maintenance work?

In Fermanagh and South Tyrone, quite a bit of work has been done over the past two years and money has been secured that will, I hope, make a difference. The Minister recently announced an investment of £7 million in the Fermanagh District Council area to mitigate some of the difficulties that we have experienced. The Minister has been at the forefront in raising the issue, at ministerial level, of roads infrastructure and maintenance not only in Fermanagh and South Tyrone but across the Six Counties; we welcome that. Other Members mentioned some examples of good work, and Maurice Morrow gave a significant list, which I will not repeat. As I drive through the constituency, particularly on the A4, I can see the scale of the ongoing work.

The road from Ballygawley that leads into Carrickmore, which the Minister has visited and seen at first hand, is in a particularly bad condition. I hit the biggest pothole that I have hit in a long time on that road; there are some bad roads in Fermanagh but they are equally as bad in Tyrone.

I know that the reclassification of that road is an issue, and I want to ask the Minister whether there are any plans to resurface or upgrade it. It is used by traffic coming from mid-Ulster and going to Aughnacloy and the border, and quite a bit of construction work is ongoing.

Rural roads are often narrow and winding; they may need more maintenance, and, as a result, can be dangerous to walk on. We cannot expect the Minister to have resolved all the problems in Fermanagh and South Tyrone in the short period in which he has been in office, but we have to look at the needs of rural communities. That is something that I have raised in the past, with specific reference to the need to ensure that rural roads get a fair and equitable share of funding.

Those Members who have travelled on the back roads, particularly around Lough Erne, will know that the ground there is boggy and wet, and that those roads were obviously never piled. I have used the back roads from Lisnaskea to Derrylin to avoid the worst of the traffic. Having done so while pregnant, I advise Members that they should not go much faster than 40 mph, because they would not come out of it very well.

The fact is that the roads infrastructure in the past was inadequate, so that now we are trying to fix roads that were built on bog and are always going to be difficult to maintain to any kind of standard. Notwithstanding that, maintenance still has to be done, and it must be done throughout Fermanagh and South Tyrone for the benefit of rural road users who are travelling through the constituency or who live in it.

The Minister has other projects in the pipeline, which I welcome. It would be remiss of me not to use this

opportunity for a plug; if the Minister has a few pounds going spare at the end of the year, we would like some spent on the Cornamucklagh Road in Augher. There are roads outside the big projects that, if they were improved, would make a huge difference to the people who live in the communities that those roads serve. We would appreciate as much effort as possible being put into roads in our constituency.

We have suffered in the past because roads were built and maintained in the east while we were forgotten about west of the Bann and in Fermanagh and South Tyrone. I hope that the Minister will continue to do the good work that he has already undertaken, and that he will carry out the big infrastructure projects that he is planning, such as the southern bypass. I know that he has appointed consultants to commence route selection for that. We want to encourage people not just to continue to live in Fermanagh and South Tyrone, but to visit and to stay there to set up their businesses. Fermanagh and South Tyrone relies heavily on the indigenous SME sector, and although it will never be overly attractive to foreign direct investment — indeed, that might bring more problems than it is worth these days — we need a decent roads infrastructure in the constituency so that we can maintain the level of jobs that we have and build on those.

I welcome the debate that we have had this evening. I commend the Minister for his interest in doing what he can to improve the roads infrastructure in the constituency, and I look forward to hearing what he has to say about that. Go raibh míle maith agat, a LeasCheann Comhairle.

**Mr Elliott:** I thank Mr Gallagher for securing this debate. Ms Gildernew highlighted two roads in particular, one between Ballygawley and Carrickmore and another in Augher. I will not start to name individual roads, or we will be here all evening. There are so many roads in Fermanagh and South Tyrone that are badly in need of repair that if we started to name them we would not get through the debate.

I note that in the past year, and in the past few months in particular, hardly any requests have been made for speed ramps or traffic-calming measures in the constituency.

I assume that that is because we have in-built traffic-calming measures on nearly all our roads: they are called potholes. Nearly every road has huge potholes that slow drivers down automatically without the need for speed-ramps. Some areas are in such a serious state that roads are falling away. I understand that over the past two winters, Roads Service has been on the verge of having to close some roads because they were in such a poor condition.

Mr Gallagher highlighted some spending figures; I am not sure whether they relate to Fermanagh and South Tyrone or just Fermanagh.

**Mr Gallagher:** They are for Fermanagh.

**Mr Elliott:** They give me serious concern. Mr Gallagher said that in 2004, £3.48 million was spent on Fermanagh's roads; in the year up to 2009, that spend fell to £1.4 million, a drop of 57%. The figures for spend on Northern Ireland's roads that I obtained from the Minister in March indicate that in the year ending 2004, £82.8 million was spent and in the year ending 2009 £59 million was spent; that is a drop of 29%. Fermanagh's drop has been one of 57%, whereas the overall drop in Northern Ireland spend has been only 29%. There is a huge and serious imbalance in the drop in spend in Fermanagh compared with other areas. I ask the Minister to look very carefully at that.

According to the Northern Ireland road structural figures for year-end 2008, £77.3 million was spent, and there was a drop of 24% to £59 million this year. That is a drop of 24%, but in Fermanagh, that represents a drop of 30%. That is a huge difference, and I ask the Minister to look directly at it.

5.45 pm

Ms Gildernew said that we suffered from many years of lack of investment under direct rule. I agree, but let us not forget that 2003-04 had the highest spend in the past few years. We were not under devolution at that stage; we were under direct rule. Last year, up to 2009, those figures dropped throughout Northern Ireland to £59 million, and in Fermanagh, as Mr Gallagher said, they dropped to £1.49 million. That happened under devolution. I do not want people to think that just because we came out of direct rule badly we are doing much better under devolution. It appears, from these figures, that the opposite is the case.

I would like to highlight the A32, the Omagh to Enniskillen road. Lord Morrow dealt with other issues, which I will not go over again. However, due to the building of the new acute hospital in Fermanagh, it is vital that that road be upgraded as soon as possible. A couple of schemes are under way, but they are not enough.

One part of the A32, between Mossfield and Trory roundabout, has developed cracks that are so bad that the Roads Service has had to pour concrete directly into them. That is not acceptable on an A road; that is not reasonable maintenance by Roads Service. I ask the Minister to look directly at that.

The Bain Report on the decentralisation of jobs did not recommend the decentralising of jobs to Enniskillen because of its poor infrastructure. Roads are a key factor in that. I would not like to think that we in the west will be discriminated against because of poor road infrastructure. I ask the Minister to look at that urgently.

There is also a lack of a reasonable public transport system in Fermanagh and South Tyrone. We rely totally on the roads; even the bus service needs the roads. We do not have a train service, unlike many other parts of the Province. There is a crying need for additional road spend.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I, too, thank Tommy Gallagher for securing the debate, the subject of which is one of the biggest issues for our county. Mr Gallagher mentioned anger, and there is certainly considerable anger among local people about the roads. Indeed, there is no greater issue at present for people from that area than the roads. Given that many tourists come to the area from the South on shopping trips, it would be a poor thing if we became known as the county with the bad roads.

Although the Minister will probably tell us how much is spent on road maintenance in the region, anyone who drives to Fermanagh from Ballymena or anywhere else will tell you that they hit more potholes in Fermanagh and parts of south Tyrone than in any other part of the North. That is a fact. One wonders just how long it will take for us to catch up bringing our road surfaces to what they were five, six or 10 years ago. All roads, including minor roads, are in a poor condition.

Michelle Gildernew mentioned some of the bog roads. One in particular that I believe that she was talking about was the Annaghallow Road. I assure you that you would need to be heading towards the A&E and not towards Derrylin if you were doing 40 mph on that road; it is an absolute pit. However, it is still a much-used artery, and it is just one example a road that is in such a condition. I could mention an awful lot of those roads, such as those in Wattlebridge or even in parts of Derrygonnelly. However, that would take all night.

The issue is the roads budget and whether it is reducing each year on year. Is that what we are faced with? Are we expected to lower our expectations of the type or quality of road surface on which people are driving? People have very expensive cars nowadays, and they are not driving the old bangers that they did 20 years ago. Therefore, they expect better. Everyone's cars have alloy wheels, so people are having to replace two at a time as a result of driving into some potholes. In the winter when the roads are wet, it is not possible for people to see the potholes until they are over them and the damage has been done.

Adding to our difficulties is the fact that we have a poor structure underneath the roads, which is not the case in the better areas or counties. Therefore, the break-up of the roads will be a total break-up that could occur over a couple of years. What happens then? Will the measly amount that we are allocated for



surface dressing ever be able to handle that sort of total disintegration?

There is a good stretch of road outside Fivemiletown/Brookeborough, but I believe that that is due for an overhaul similar to that which was done on the road at Tamlaght, near Enniskillen, which was a tremendous job. Some local councillors criticised it, but it was a very good job and the work was done quickly. That was the case with the entire A4 dualling, which was carried out efficiently and with little disruption. Those who carried out that work with such efficiency must be commended. It was a similar case with Henry Street in Enniskillen. That scheme confounded many who believed that it would not solve the traffic problems, when, in fact, it seems to have solved them completely, at least in that part of the town. Therefore, some tremendous things are happening.

I also thank the Minister for bringing the southern bypass to at least its early stages. The southern bypass should be part of the Sligo/Enniskillen/Augher connection. The Dundalk route is the most economical and sensible North/South route to develop, given that the Cavan/Aghalane route would be vastly more expensive. I do not know whether that route is being pushed, but it would be better than some of those that have been suggested. Perhaps the Minister would examine that suggestion, or even comment on it.

Fermanagh is the gateway county for quite a number of areas that receive cross-border traffic, some of which can be very heavy. Heavy goods vehicles, some of which are bound for Larne, travel from Galway, Sligo and Dublin.

Therefore, the new road will become a connecting artery for Larne traffic. It is difficult for a lot of those people to make deliveries on time. Business is dependent on good roads, and, as has been mentioned, jobs follow good roads.

Fermanagh makes quite an input to tourism, and the quality of journeys into the county will be greatly improved by the new dual carriageway. However, it is important that people also have a decent trip when they are in the county. Over the next few years, we cannot continue with the roads as they are. We cannot continue to fight to get potholes in our local areas fixed in small dribs and drabs. I do not know how the situation can be improved unless the budget is raised to new levels. There were negotiations in which extra money for roads was mentioned, but that has not been forthcoming.

Some good work has been done, such as the Safer Routes to Schools programme, and there is a lot more that can be done in relation to schools. Many children routinely stay at school until 6.00 pm a couple of days a week. It is often totally dark at 6.00 pm, and drivers need to be better informed that children may be leaving school at that time. Furthermore, I do not know how

anyone could cycle on the roads in their current state. There is a long way to go, but I recognise the good work that has been done in recent years.

**The Minister for Regional Development (Mr Murphy):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to discuss the maintenance budget for rural roads in Fermanagh and South Tyrone. Inevitably, a number of issues have been mentioned during the debate. I can respond to some of those from my own knowledge. For those issues that relate to smaller local roads and local matters, I will ask my officials to study the Hansard report and make my response in due course. Some of the budget figures that were quoted do not match the figures that I have. I will endeavour to have those figures tested and respond to people if my figures, or theirs, are proved inaccurate.

Maintaining the surfaces and underlying structures of the roads and footways is essential for the social and economic well-being of the North, and it is a high priority for Roads Service. All of the Department for Regional Development's programmes are under-resourced, and there is no painless solution. The good news is that, from the capital side of the Budget, the roads network will benefit from some £612 million of investment over the three years to 2010-11. That will result in a significant increase in the size of the motorway and dual-carriageway network, which will help to reduce journey times and improve access to urban centres and rural regions.

The ISNI proposals for roads are for investment in excess of £3.1 billion over the 10-year period, including a £400 million contribution from the South for the upgrading of the A5 Derry to Aughnacloy road. That represents a significant increase above the levels that are envisaged in the regional transportation strategy and in the scale of capital investment that is being delivered by Roads Service. The majority of the ISNI investment is earmarked for strategic road improvements on key transport corridors.

Roads Service has consistently given structural maintenance the highest priority and kept other maintenance to a sensible minimum. The Budget that was announced on 22 January 2008 provided structural-maintenance funding of some £56.3 million, £71.8 million and £70.4 million a year during the three-year Budget period, which totals almost £200 million. However, it is accepted that that is around £125 million less than the levels that are recommended by the structural maintenance funding plan across the Budget period of 2008-2011. The out-turn for structural maintenance in 2008-09 was £63 million. Comparative initial allocation figures for the period 2005-06 to 2007-08 were £60.5 million, £45.8 million and £59.7 million respectively. However, successful in-year bidding resulted in out-turns for those years of £70.5 million, £65.6 million and



£77.3 million, with a significant portion allocated late in each financial year.

As Members will be aware, Roads Service prepares annual work programmes that cover the development and maintenance of the network and reflect the availability of finances. The work programmes for 2009-2010 have been finalised and, in most cases, presented to the respective district council at the spring meetings attended by Roads Service managers.

I should explain that, in distributing the resources available for road maintenance, allocations are made to the four divisions of Roads Service on the basis of need, using a range of weighted indicators that are tailored to each maintenance activity. Divisions use the indicators when apportioning money across council areas to ensure, as far as possible, an equitable distribution of funds throughout the North. I can, therefore, assure the Member who secured the debate and others who have spoken that his constituency received its fair share of the budget for road maintenance.

The two Roads Service sections whose boundaries closely match those of Fermanagh District Council and Dungannon and South Tyrone Borough Council received a budget of £8.122 million for this financial year. That represents 11.5% of the total structural maintenance budget that is available to Roads Service in 2009-2010. As only 6.3% of the population resides in the combined district council areas, the spend per head is approximately 75% above the average in the North. However, that is understandable, because the combined road network in the two areas represents 13.5% of Roads Service's total.

As I previously explained to Members, resurfacing is generally undertaken on the basis of priorities that reflect a road's structural condition and traffic volume. Safety is always the top priority and, therefore, a system of regular inspection by Roads Service is in place to ensure that essential response maintenance is identified and completed as necessary. The key public-safety issue is the repair of defects, and Roads Service has a good track record of meeting the defect response and repair targets that are recognised by the courts in public-liability cases.

Over the past few years, Roads Service has made a considerable effort to resurface and strengthen the main traffic routes across the North, particularly the strategic road network that links the more heavily populated urban areas. It is always the case that, if more funding were available, more resurfacing work could be carried out. In the past three years, the funding for structural maintenance has been more than £50 million short of the level recommended in the regional transportation strategy. However, it is important to consider the situation in the context of correctly managing the overall budget for the North,

and that involves assessing competing priorities and making decisions.

In the past three years, a total of £974.1 million was spent on developing and maintaining the road network in the North. Some £531 million was invested in revenue activities, including maintenance, and a further £442.9 million was spent on capital projects.

The investment strategy envisages that, subject to the availability of resources in future Budget rounds, economic appraisals and statutory approvals, some £3.1 billion will be invested in road improvements by 2018. In the three years to the end of March 2011, just over £200 million will have been invested in the structural maintenance of roads. I assure Members that Roads Service will continue, as part of the in-year monitoring process, to make strong bids for additional funding for structural maintenance.

One downside of being a devolved Administration and having full-time Ministers is that the spend of each Department has improved significantly this year. As a result, the amount of money returned to the system at the latter end of the financial year, from which Roads Service traditionally benefited, has been lower than in previous years. The effect of improved spending is that Roads Service does not benefit from the lack of spending by other Departments.

Roads Service has commissioned an important report on the structural maintenance of roads and the required level of funding. That report will help to inform financial planning and is due to be complete by the end of September 2009.

The entire House will agree that maintaining the surfaces and underlying structures of the roads and footways is essential to the social and economic well-being of the North. When the time comes, I hope that Members will support bids my Department's bids for additional funds for structural maintenance.

I have no problem with debating the issue, and I agree that additional funding is required for structural maintenance. However, the Member who secured the debate belongs to the party that proposed that the Budget be redrafted, but the only two areas that it wanted to receive additional funding were social housing, and training and upskilling. The only way that could have been done was by taking money from other Departments, which, in effect, could have meant less money for the structural maintenance of roads.

When Members argue for more money and resources to be allocated to one particular area, they must ensure that their arguments are consistent. They should not put forward alternative proposals that would result in other Departments receiving less money.

The figures illustrate that the issue of equality has been addressed. In the course of the debate, Maurice

Morrow raised several issues connected to the general sense in the west of feeling under-resourced.

When I took up office, I very clearly stated that one of the tasks ahead of me was to rebalance our infrastructure spend between east and west. I certainly intend to pursue that, and I recognise that there has been an imbalance in infrastructure over the years. Some of the biggest road-building projects that we now undertake are in the west.

6.00 pm

The Member mentioned the roadworks on the Cherrymount Link and A4 Annaghilla Road. The work at Henry Street in Enniskillen was also mentioned by Gerry McHugh. As far as Carland bridge is concerned, I cannot account for the past 30 years. However, although there was some further delay in relation to legal issues around the contract for that scheme, I am reliably told that the project is very imminent. I have recently driven through the area and I have seen that some preparatory work has started for the scheme. I recognise that it is a very bad bend on the road between Dungannon and Cookstown, and the work is long overdue.

From my memory, I do not think that the Dungannon distributor road is on the cards, but I will ask officials to provide an update on the matter. Maurice Morrow also mentioned the Enniskillen and Fivemiletown bypasses, and Gerry McHugh acknowledged that they are now on the preparatory list. Consultants have already looked at some route options for the Enniskillen bypass, so work in relation to those two schemes is identified in the forward plans for the Department. Consultants have already begun the necessary forward planning for those projects. In relation to some of the other issues that he raised, I will certainly examine the Hansard report and come back to him.

Michelle Gildernew raised the issue of the ongoing effects of underinvestment in structural maintenance. Unless we secure the finances that are required, there is no doubt that that will continue to be an issue. That is why Roads Service has commissioned a report to support the case for securing the necessary finances. The consequence is that the cost would increase in the long term and the quality of the roads would deteriorate further. Increased patching would be required, but that is not a good-practice solution, because patching costs around three times as much as resurfacing. In more serious cases, road foundations can fail and reconstruction can be required at a cost of around five times that of a simple resurfacing scheme. The arguments are all accepted and advanced by Roads Service in relation to trying to secure greater budgets for structural maintenance.

Some rural roads that, effectively, were built for horses and carts are now taking very large agricultural machinery and HGVs. The roads were never built to cope with that, and the sheer volume of traffic has also

increased. Roads are trying to cope with conditions for which they were not built, and they are clearly struggling. Unless we secure sufficient money for the maintenance budget, those roads will continue to deteriorate.

Ms Gildernew also mentioned the Ballygawley to Carrickmore road. I have visited that road and seen its condition for myself. I understand that some work was planned for that road, but I do not have all of the detail. However, I will get a response to her in relation to that.

Thankfully, Tom Elliott did not name all of the bad roads in Fermanagh. Kieran McCarthy and Jim Shannon quite often outdo each other by naming all of the bad roads on the Ards Peninsula. He raised issues about the spend figures, which I will certainly have examined. If there is some inaccuracy, or, indeed, if they are correct, we will certainly come back to him.

He also raised the issue of the Omagh to Enniskillen road, for which works are planned. I appreciate that he thinks that more work should be planned for that road. However, substantial works are planned because it is recognised that the new Erne acute hospital will have a significant impact. That is one road that merits future attention, because the issue of Omagh versus Enniskillen is always a very touchy one. I will not have to remind the people who represent that particular part of the world of that fact. However, the better the connections between the two towns, the easier it will be to manage the services between them.

The Member also mentioned the lack of a train service. Again, I agree with him. Obviously, that decision was taken way back in the 1950s by a party that is closer to his own heart than mine, but, nonetheless, it is the system with which we have ended up. It leaves Fermanagh, in particular, very reliant on the roads.

Gerry McHugh raised an issue that many people in here raise. If he attends enough debates, he will hear Members from all over saying that they have the worst roads in the country. I have been on an awful lot of country roads right across the North, and Fermanagh is no better or no worse than other places. I have been on bad roads in County Antrim around Ballymena as well as very bad roads in Fermanagh. South Armagh, the area in which I live and that I represent, also has its share of bad roads.

The councils delivered a presentation to us in Fermanagh about the Sligo to Belfast route. I have raised it with my opposite number, the Minister for Transport in the South, in discussions at North/South Ministerial Council meetings in transport sectoral format. The matter was raised at an engagement that I was at in the Dáil last week, when members of the IBEC-CBI Joint Business Council identified the route as very important to future development. Therefore, the Sligo to Belfast route is on the agenda, it is being talked about and the need for an upgrade is recognised.

Of course, there is a question about when resources will enable that to happen. However, the route is acknowledged as one of the key links across the country.

Mr Elliott also mentioned issues related to safer routes to schools, and I am glad that we continue to make improvements where we can.

In summary, the figures speak for themselves. We do not have enough money in the structural maintenance budget. If we had more, we could do more. I look forward to support from Members when these debates, particularly the Budget debates, come up again. At that stage, all the support and advice that I get throughout the year about what we should be spending can be translated into action if Members vote for greater allocations to the Roads Service budget.

*Adjourned at 6.06 pm.*



