

# Northern Ireland Assembly

Tuesday 13 April 2010

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Campbell:** On a point of order, Mr Speaker. Yesterday, during Oral Answers to Questions to the Office of the First Minister and deputy First Minister, the deputy First Minister, in reply to question 2, used a series of phrases such as that he and the First Minister were “received in the United States”, that,

*“I was delighted to meet the state comptroller”,*

and that,

*“I also met the newly installed city comptroller”,*

and wished to meet others “throughout the United States”. — *[Official Report, Vol 50, No 3, p158, col 1].*

He repeatedly referred to his and the First Minister's recent visit to the US. During that visit, the deputy First Minister was quoted widely in Northern Ireland concerning whether Cardinal Brady should consider his position over an alleged lack of transparency surrounding his role in the Brendan Smyth child abuse scandal. During the deputy First Minister's trip to America, which he talked about in his answer, his comments caused widespread anger in Northern Ireland given his reluctance to talk about the activities in which he was engaged at the same time. In my supplementary question, I asked:

*“Does the deputy First Minister agree that, when he is in the United States trying to get business for Northern Ireland, it is not a very good idea to make references to a senior Roman Catholic prelate back here regarding him having to consider his position about what he was doing back in the 1970s... when the deputy First Minister was remaining silent...about what he had done in the 1970s.” — [Official Report, Vol 50, No 3, p159, col 1].*

The Hansard report also records the Deputy Speaker, Sinn Féin's Francie Molloy, as endeavouring to prevent me from asking that question with the words “We move on”.

Mr Speaker, will you examine the Hansard report? We in this party are determined that, inside the Assembly, people should not be allowed to forget their past and, outside it, they should not be allowed to drag us back to the past.

**Mr Speaker:** As the Member has raised the matter this morning on a point of order, I shall look at yesterday's Hansard report, and I shall come back to the House or to the Member directly.

## Ministerial Statement

### Workforce Skills

**Mr Speaker:** I have received notice from the Minister for Employment and Learning that he wishes to make a statement.

**The Minister for Employment and Learning (Sir Reg Empey):** With your permission, I wish to make a statement on the joint work being undertaken by my officials and those in Invest Northern Ireland to take forward one of the recommendations from the independent review of economic policy (IREP).

As Members will be aware, the Executive have placed the economy at the centre of the Programme for Government. In doing so, the Executive recognise that, if the people of Northern Ireland are to enjoy a higher standard of living, it is necessary for our economy to prosper. Only through the creation of high-value, highly paid jobs can we achieve our targets on productivity and wealth generation. It is misleading for government to claim that it will directly create employment: companies create employment. It has been said to me that sometimes the best thing that government can do is to get out of the way.

Nevertheless, government can provide effective support to people who are willing and able to grow their business, creating employment as they go. The skills agenda, for which I am responsible, is consistently referred to as the central plank of economic growth. In order to achieve the outcomes that they desire, our employers need skilled employees, our people need the right skills and qualifications to get the jobs and earn the salaries that they desire, and the Assembly wants the Northern Ireland education and training system to deliver the types, numbers and quality of skills that it desires. One need not go far to see the hard benefits of higher skills. Recent research by my Department concludes that better qualifications are significantly and strongly associated with higher probabilities of labour market success in every region of the UK, as measured through employment and employment status.

The Minister of Enterprise, Trade and Investment made a statement to the Chamber on the independent review of economic policy and its implication for the economic development agenda. The development of a coherent and

co-ordinated economic strategy that includes a strong focus on skills is vital if we are to deliver on our Programme for Government.

The IREP report refers to the “responsive education system” in the state of North Carolina. My Department has a long-standing relationship with officials in North Carolina and particularly with the joint workforce development programme run by the community college sector and the Department of Commerce there. The model of new and expanding industry investment in North Carolina is framed around a simple premise: if an employer creates 12 or more new jobs, the model will support the costs of training the new workforce. That simple premise has served the state well for many years, during which it has been added to and refined.

As recently as 2006, the new and expanding industry training scheme delivered projects on behalf of 197 companies, including 92 new investors in North Carolina. The details of each project are different and can be subject to intense negotiation with each client company, but the basic offer is easily understood and relatively simple to deliver. The integration of the workforce training system with the inward investment body is key to the success of such a model. By having people from the skills delivery side present at the first meeting with the company that is creating the jobs — regardless of whether that company is already located in the state — the model allows a high degree of assurance to be given on the practicalities of delivering on the promise of skills support.

My Department has great pride in the ability of our further and higher education sectors to rise to such a challenge. In turn, I recognise the need for my officials to play their role in such a process. Work has begun on a pilot to test some of the characteristics of the North Carolina model in a Northern Ireland context for existing firms wishing to expand and for potential new inward investors. Officials from my Department are working closely with colleagues in Invest NI to devise and deliver bespoke projects for a number of Invest NI client companies. Those projects are known collectively as the assured skills pilot. That title encapsulates the essence of how my Department can contribute to the inward investment process.

When a company is interested in creating jobs here, we want to be able to assure it that we

can provide the necessary support to deliver the skilled workforce that it requires. That could mean that we deliver bespoke training programmes, as we have done successfully in a wide range of upskilling projects this year, including programmes on business improvement techniques. It could also mean the creation of a graduate conversion course like the successful software professional course. Furthermore, it could mean that we work with our colleges and universities to adapt the mainstream curriculum to deliver a large-scale solution whereby every person who is qualified in a particular discipline would also have a specific skills set that is directly relevant to the employer in question. Whatever it means, we want to be able to demonstrate through action, as opposed to mere words, that we are open for business and are ready and able to help.

One of the individual projects that is being delivered through the pilot focuses on providing assistance to Citi, the multinational financial services company. My officials have, for a number of years, supported work by Belfast Metropolitan College to deliver industry-relevant professional qualifications that were not previously available in Northern Ireland to almost 200 staff in Citi. We are now working with the University of Ulster to take that to the next level and broker the provision of technical training on global securities operations to enhance further the skills profile of the company's staff.

Members will understand that I am unable to go into the details today of the other projects that are under consideration, given the significant sensitivities that are involved in the inward investment process. However, I hope that my description earlier of some of the pilots gives a flavour of the type of project that will be covered by the assured skills pilot. I am confident that I will have Members' support in taking that forward.

I assure Members that nothing in the project undermines my strong commitment to helping companies to upskill their existing workforce, regardless of expansion opportunities. After all, 70% of the 2020 workforce are already in work and will require further training. Helping those people to raise their skills levels is a crucial part of our future economic success. Even though I am able to assert confidently our ability to deliver on that vital agenda, I am well aware of the challenges that we face. For example,

the independent review of economic policy has set out the clear need to judge the performance of Invest NI on a portfolio basis. It will be necessary to include my Department's efforts in support of Invest NI in that same model of analysis.

We must also operate under the rules on state aid that were set down by the European Commission. I know that that is an issue for my Department and the Department of Enterprise, Trade and Investment. That said, we know already that we can deliver the basic components of the assured skills system. We have done so time and again over the years. The task now is to join up the various elements and make a genuinely game-changing contribution to deliver new jobs and growth to Northern Ireland.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** I

thank the Minister for his statement. It is an exciting pilot and one to which we all look forward. I certainly wish those involved in the pilot projects well.

Are there sufficient resources in the Minister's Department to see the projects through to completion? Are there plans to mainstream that work? Given the opportunities that exist on an all-island basis, some people will wonder why the Minister went to North Carolina. There are opportunities across the island for people to avail themselves of funding under INTERREG IVa. What applications has the Department submitted under INTERREG IVa on an all-island basis for the integration of the colleges? What applications has the Department submitted under that funding stream to take advantage of the opportunities that exist on an east-west basis with the coast of Scotland?

**10.45 am**

**The Minister for Employment and Learning:** I congratulate the Member on her appointment as Chairperson of the Committee for Employment and Learning. I will also take this opportunity to thank the outgoing Chairperson, Sue Ramsey, for her diligence over the past three years.

I welcome the fact that Mrs Kelly wishes the pilot well. She asked whether there are sufficient resources: I believe that there are. We have set aside about £2 million from the skills and industry budget for anticipated work in the current financial year. However, since we are

at the pilot stage, it is very hard to anticipate, because it is a demand-led scheme; therefore, we can only guess at what response we might get. Ultimately, the plan will be to mainstream the pilot, but the purpose of a pilot is to prepare and test a model and perhaps adapt it. We will work closely with Invest NI on the matter, but there is no doubt that the objective is to mainstream it.

The Member will be aware that, the year before last, the then Minister for Enterprise, Trade and Employment in the Republic, Mary Coughlan, and I hosted the first all-Ireland, all-island skills conference in Londonderry and in County Donegal. As the Member will know, a great deal of work is going on between the University of Ulster and the Letterkenny Institute, and that is progressing extremely well. I will have to inquire about the INTERREG issue that the Member raised, and I will write to her on that; however, I am confident that we will be able to perfect the scheme and mainstream it. That is the objective.

**The Deputy Chairperson of the Committee for Employment and Learning (Mr Weir):** I thank the Minister for his statement. In looking at the best possible schemes for Northern Ireland, it is good to see that we are not artificially limiting ourselves geographically but are looking at the best experiences across the world. What are the timescales for the pilots and what means of evaluation does the Minister intend to put in place to test them out? Obviously, we need to ensure that what is put in place operates on the best possible basis.

**The Minister for Employment and Learning:** I thank the Member for that question. It is correct that we looked at the model because of connections that we had built up over the years. Indeed, I have visited North Carolina on a number of occasions, and the Committee went there last year. We believe that that model is one of the most effective, because North Carolina achieved very high growth rates throughout the 2000s. Therefore, we must cast everywhere around the world; we should not be restricted to any particular geographical location. If people with similar economies have found a way of doing things that works and which can be applied to us, that is fine. Of course, we provided suggestions to them on things that we do that they do not. That is the point of exchanging ideas around the world, and I see no reason why we should not do that.

The timescales for the pilots are that we have provided a budget for the current financial year. We are working jointly with Invest NI on the issue; therefore, we will assess the outcomes jointly. I assure the Member that we wish to share our findings with the Committee, because the Committee has been aware of the model for some time and is generally supportive of it; therefore, the answer to the Member's question is that we will run it throughout this year. If it works, we will have to make an assessment, because we will have to make up our mind when the budgets for subsequent years are being addressed in the new comprehensive spending review. At that stage, we will have to make decisions on whether we will provide for it or not. Therefore, we have no difficulty in sharing our experience with the Committee. There are no secrets; it is open. It is a question of what works and what delivers.

Through the model, we are trying to take the thrust of the Barnett report and, working with Invest NI, put it into practice. The essence of the model lies in the fact that it is cross-cutting, rather than operating in separate silos. I am sure that the Member supports that general principle. I think that I can give him the assurances that he seeks, particularly on evaluation.

**Mr Butler:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement on the initiative. I know that a number of Committee members had looked to the North Carolina model, but there are initiatives closer to home.

The Minister is well aware that some people fall into the NEET category — not in education, employment or training. He knows also that I have asked him about the Future Jobs Fund, which, it seems, applies in Britain but not here. Why is the Minister not trying to tackle that category of young people who are aged between 16 and 24? There are more than 50,000 of them in the North of Ireland. An initiative such as the Future Jobs Fund would give people the opportunity of training and, from that, employment. Gordon Brown announced yesterday, I think, that people aged 18 or over would be —

**Mr Speaker:** Will the Member come to his question?

**Mr Butler:** I will. It is all well and good to go to North Carolina to look at initiatives, but there



are other models closer to home in these islands. I do not think that the Minister has availed himself of or has been pushing those types of models here to try to get a lot for our young people. Will he be looking at those types of initiative to try to get a lot of our young people into employment and training?

**The Minister for Employment and Learning:**

There is no inconsistency in putting forward the proposal that I spoke about today and dealing with young people who are struggling to find work. It is a fundamental part of the Department's work. We are not a one-dimensional Department. We have a range of issues to take care of, and, although the initiative is not aimed specifically and directly at the target group that the Member referred to, other departmental initiatives are. Since I came into this job, one of the most concerning issues that we have faced is the absence of essential skills provision for so many young people who do not have basic reading, writing and ICT skills. That is one of the scandals that exist in this country, and it is even more disturbing that so many young people continue to come out of school in a pipeline into that category. The initiative is aimed at a particular part of our departmental remit. It is not excluding groups, because we have initiatives that are focused on young people. In fact, the Department is carrying out a major piece of work on those young people and trying to assess how we can improve our performance in that regard.

The Member mentioned the Future Jobs Fund, and he has written to me in that regard. Northern Ireland has its own initiatives. Over the past couple of years, I have heard that announcements were made in London about great initiatives. In many of those cases, they were reannouncing schemes that they had scrapped a couple of years ago and which we had retained or versions of schemes that we had. Very few of the schemes that have been announced in the past few years by the Department for Business, Innovation and Skills, which was formerly the Department for Innovation, Universities and Skills (DIUS), which was formerly something else, have been new, and very few of them have brought new money. One will see that those Departments are in retreat with regard to further and higher education and are cutting substantial sums of money from higher and further education, for instance, which we have been able to resist so far.

We are strongly focused on doing something for that group of young people, but the initiative being discussed is aimed at improving job prospects by making it easier and more inviting for indigenous companies to expand or for foreign direct investment companies to settle here. Although that is the aim of that particular initiative, I emphasise that it will not be done to the exclusion of actions that we have taken and will continue to take for young people who are not in education, training or employment.

**Rev Dr Robert Coulter:** I thank the Minister for his statement, and I commend him on the energy that he and his Department have put into the new initiative. He mentioned cross-cutting working between Departments. Can he outline what co-operation there will be between his Department, DETI and Invest NI to build on the North Carolina model?

**The Minister for Employment and Learning:**

The relationship between DETI, Invest NI and my Department has been improving steadily over the past couple of years. I have had discussions with the Minister of Enterprise, Trade and Investment. We have had regular meetings with the chief executive of Invest NI. Basically, we looked at the Barnett report and concluded that the best way forward is a much more integrated approach to providing help and encouragement for potential investors, whether they are indigenous or external.

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

Invest NI's client companies have access to the company development programme (CDP) fund that the agency runs. Of course, DETI has responsibility for the development of economic policy in general, while DEL has responsibility for delivery of the skills agenda. If we were to look ahead to 2013, for example, we would see that the European Commission would prevent Invest NI and, indeed, any other similar organisation in the European Union giving grants, whether they are capital or employment grants, beyond a marginal amount. We would also see that the provision of a skilled workforce is Northern Ireland's only asset to encourage people to invest and expand. That will be our main investment tool as we move forward in the next few years. Therefore, the pilot is designed to ensure that we maximise the opportunities that are provided here.

We chose the North Carolina model simply because that state's economy has many

parallels with ours, albeit on a larger scale. It has a big agriculture economy, as well as a tobacco industry, a textiles industry and a big furniture business. Much of the state's economic profile and many businesses that it has lost are similar to ours. The state reacted to the decline of its traditional businesses by concentrating on skills. It told companies that, if they wanted to invest or expand in the state, in certain circumstances it would train up their workforce.

In its model, the state's DETI counterpart, the Department of Commerce, and its DEL counterpart, the community college sector, work together from the very start of the process. If I am permitted, I shall prolong my answer to explain what they do. When the Department of Commerce gets an indication that a company is interested in expansion or investing in the state, it immediately informs the community college sector, which is DEL's equivalent. They put a team together from day one that includes someone who has responsibility for skills and training. That person becomes an integral member of the team that deals with the company in question.

In Northern Ireland's case, Invest NI's client executives would work together with DEL's skills and industry division on one team as soon as initial contact had been made. My Department's representative will look for a specification of the skills and qualifications that a particular investor seeks. The team will then find out whether those skills are available, and, if not, whether they can be provided through a bespoke training process or a buy-in. That will progress on a continuum from further to higher education and will include both.

We are, hopefully, going to do away with some of the current Invest NI schemes, where employers can get money for training but they have to procure the training and claim the cost back from Invest NI. We will replace those schemes with a simple system where we get the specification, and if we need to provide particular training, that training will be provided. There will be no claims, paperwork or bureaucracy; it will be simple. That is the essence of the model, and a prolonged way of answering the Member's question.

### 11.00 am

However, we want to test this out. A pilot scheme is under way, and we are looking at others. In answer to Mr Weir's question, as with

all these things, the proof of the pudding will be in the eating and in the evaluations in due course. DETI, Invest NI and DEL all agree that we have to pursue this if we are to take the general spirit of the Barnett report and turn it into practice.

**Ms Lo:** I welcome the Minister's statement. As a member of the Committee for Employment and Learning, I went with the Minister to North Carolina, and I was impressed by the common-sense approach to bridging the skills gap between industry and the colleges.

It is well evidenced that small and medium-sized enterprises (SMEs) lack managerial skills; the review of economic policy mentioned that. However, we still do not have a PGCE course on business administration in our universities, and that is something that we need to look at. I have been lobbied on the matter on several occasions. A lot of people are returning from industry and want to do a postgraduate certificate with a view to teaching, and that is a common-sense approach to upskilling our managers.

### **The Minister for Employment and Learning:**

The lack of managerial skills is a huge issue for our economy. Last year, Oxford Economics did some work for the then Economic Development Forum, which showed that a relatively modest investment in management and leadership and upskilling at that level would have a significant impact on our GDP, and there is no doubt about that. In the coming months, we will be working with Invest NI to ensure that provision by Invest NI and DEL is consistent and complementary. That will reflect the feedback from recent research, which shows that there is a need for greater clarity for customers on what is available and how it can be accessed with the minimum amount of bureaucracy.

We have spent much time and effort on providing management and leadership courses in the past year. In the current financial year, I have continued to ensure that the courses will be delivered with a 100% grant to companies that avail themselves of the opportunity. So far, hundreds of people have, and we are seized with the strong opinion that it is absolutely critical to our economic success.

I am happy to look at the Member's point about business administration courses in the universities, and I will write to her when I have consulted with the universities to clarify her point. Nevertheless, I assure the Member that we are seized with the

necessity of doing something significant on management leadership. We held five or six roadshows recently where we spoke to local authorities, local businesspeople and other stakeholders around the Province, and this issue was brought to their attention at all of those roadshows. We have had a positive response, with a high take-up rate, and we have agreed to continue to fund those schemes at 100% for the current financial year. Obviously, we will have to look at things thereafter with regard to where the budget takes us.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. This far down the pecking order, I find that most of the questions have either been asked or answered. As other Members have done, I thank the Minister for his kind words. The statement has to be welcomed. It is a step in the right direction, and I also welcome the work that is being done on the pilot project because we are all aware that, for years, local people have not been trained or have not been skilled up to access jobs that have come here. That has particularly been the case in my constituency, where jobs have come in but local people have not been able to access them. I would appreciate getting more details on the pilot project, because that is something that we should be enthusiastic about.

The review recommended a possible merger of Departments. I would appreciate hearing the Minister's views on that and on the other recommendations in the review. Today's statement outlined movement on only one of the recommendations.

**The Minister for Employment and Learning:** A merger was one possibility. My response was similar to that of the Minister of Enterprise, Trade and Investment. We must consider the issue closely because the temptation is to believe that cutting Departments will result in the cutting of costs. It does not always work like that. As the Member probably knows, changing the name over the door of an office block will not save much if 750 people are still working there.

The issue is whether duplication could be avoided by merging Departments or whether cutting the number of Departments would broaden their remit and cause them to lose focus. A balance is to be struck, and people misunderstand the issue by thinking that money can be saved by cutting Departments when that is not necessarily the case. Any savings might

only be minimal. It is the people who work in the Departments who cost the money, and if, after Departments are cut, those people are still there, wearing some other hat, the cost would be the same. Work has to be done, and the idea has potential and is something that must be looked into from time to time.

Once Departments are messed around with, it takes around three years to settle them down, because of all the people who would have to apply for their jobs. The process would go on and on. Over the years, I have had some experience in that area, and I know that it takes a long time. I am happy to consider the idea. The circumstances in the world economy are changing all the time, and, therefore, we have to look carefully at whether we have the right model that is fit for purpose in our economic circumstances.

My only feeling on how it might work is that the total remit of DEL and DETI might be too wide. In other words, a merged Department would take on everything from DETI's current responsibilities of consumer affairs, tourism, and so on to my Department's areas that include further and higher education, training and employment and job centres. We would have to ensure that a merged Department would not be too diverse. A model for a merged Department might involve trimming some responsibilities off the edges to keep a strong economic focus. We are happy to consider all those issues, and I will have no hesitation in doing so.

The pilot project is demand led. Invest NI will be the first to know whether a company is thinking of expanding its client base. The idea behind the project is that as soon as Invest NI receives an indication from a company that it wishes to come here or that an existing company wishes to expand, a team will be put together. That team would consist of representatives from DEL's skills and industry division and representatives from Invest NI, and it would carry through the negotiations to a conclusion.

In September 2009, I attended the Clinton Global Initiative in New York, where Declan Kelly organised at short notice a gathering of businesspeople. I made the point that we may well end up training a number of people at risk. If a company were to give us a specification, we would find out whether we had the people and whether we needed to train them up. We

would undertake to do that, but something could happen that would result in the investment not taking place. However, the accredited qualifications that we would have provided would ensure that the skills developed would remain in the workforce and that the time and effort invested would not be lost. That workforce could then form a pool of labour for other companies, and the resource would not, therefore, have been wasted.

Given that that is a pilot project, we must learn from it as it evolves. As I said to the Deputy Chairperson earlier, we will share our thoughts and experiences with the Committee, and we will, I hope, be able to take a joint view on the way forward. We must then prepare our budgets for the next CSR period and decide whether to invest in that project. I hope that the project works and that we invest in it.

**Mr Beggs:** I thank the Minister for his statement. He referred to the successful economic method that is used in North Carolina and that state's responsive education system. I understand that that successful economic model is recognised internationally. Will the Minister outline how the FE sector locally and the North Carolina model will contribute to improving the skills profile of the Northern Ireland economy? Does the Minister agree that improving workforce skills would secure and improve the prospect of creating more jobs? Does he also agree that international investment, should it come to Northern Ireland, would be much less likely to uproot and move if we invested in people rather than in capital assets that can be moved elsewhere?

**The Minister for Employment and Learning:**

The Member goes to the very heart of what our future economic development policy should be. In the past, the pattern has been to give capital grants for factories and machinery thereby, effectively, buying in a company. Some people would say that we were bribing companies to come here, but I suspect that that is going too far. We also gave employment grants to companies that provided a certain level of employment. However, as I said, given that we are changing to European Union rules, those days will soon be over.

How many examples have we seen, even in recent months, of companies that received capital grants but had no base, roots or ties in Northern Ireland, so that, when push came

to shove, they either left here to go to the Far East or eastern Europe or they repatriated the business to its original location? All that we ended up doing was shipping the machinery back, and, by that stage, we had gone past the point of being able to get clawback. That machinery was bought and paid for by taxpayers in Northern Ireland, but it is now benefiting a company and workforce somewhere else in the world. We must revisit that issue.

Northern Ireland is not overly blessed with natural resources, but the one resource that we do have is our people. Evidence shows that a company that builds up a meaningful research and development capability in the Province is less likely to move. Most companies tell us that, irrespective of office costs and energy costs, both of which are important, the two things that cost companies most are a high churn rate of staff and an inability to get the right skills for the job and the right management and leadership. If we address those issues, we will retain companies, because that will allow them to make money. Companies are out to make money, so it is our task to provide them, in the long term, with what matters most to them: their workforce. That is how companies make their money, because machinery will come and go. The list of companies here that received grant aid over the years and then left is as long as one's arm. We are trying to pursue a people-based model that gives companies the confidence to know that they will get the workforce that they need.

**11.15 am**

The Member asked specifically how the local FE sector will contribute. As he knows, over the past couple of years, we have been steadily refocusing the further education sector to make it a major tool of economic development. The sector provides a growing proportion of training for people of all ages. Investment in the further education sector, which we have maintained, has practically rebuilt the entire estate. We still have some way to go, but the end is in sight, and in a few years' time, there will be a state-of-the-art further education estate across the Province. In those circumstances, and with the refocusing of the further education sector as a major tool of economic development, the sector will have a major role to play. Indeed, the sector is our principal tool for ensuring successful economic development locally.



The formation of workforce development forums around each of the regional colleges will bring in local stakeholders and businesses and work with local authorities. That means that the process will become demand led. In other words, employers will tell colleges what they need, and the colleges will try to deliver. Previously, it was a supply-driven system, in that the colleges decided what courses to put on regardless of whether people wanted them. Those days are gone, and we are now focused on delivery at a level that ensures that the FE sector responds locally and specifically to the needs of business.

**Mr P Ramsey:** I welcome the Minister's statement and look forward to the rolling out and assessment of the pilot project. However, I want to talk about the provision of a skilled workforce. Tomorrow, the Committee for Employment and Learning will be briefed by the Department on the workforce future skills needs analysis. A key theme to emerge from that briefing is:

*"The sub-regional reports indicate that this is an issue which will impact on ... Northern Ireland. Indeed, not all sub-regions shared equally in the 'golden era'."*

That "golden era" refers to the past decade. The Minister referred to the workforce development forums, and the departmental briefing continues:

*"The North West WDF report, which includes the Derry, Limavady and Strabane Council areas, points out that employment growth in the region lagged behind other areas of Northern Ireland over the last decade."*

Given the Minister's concerns when he met a number of civic leaders in Derry, and following his meeting with the deputy First Minister and the Minister of Enterprise, Trade and Investment, will he outline the Executive's regeneration proposals? Will he also ensure that an economic emphasis is placed on the regeneration of the north-west?

**The Minister for Employment and Learning:** I never fail to be impressed by how the Member manages to get his local point across during such debates. However, I know how sincerely he, and his colleagues who represent the area, feel. I have never denied that the situation in the north-west is proportionately worse than in other regions. I have stated that openly and made it absolutely clear to Members. It is no

secret and I have stated what is obvious. Any attempt to hide that or to sweep it under the carpet would serve no purpose. The Member will also know that I have been to the city several times and, some months ago, I had a successful meeting in the Guildhall. A number of major projects are under way, including what I hope will be a successful project involving the University of Ulster and the Letterkenny Institute of Technology. I am confident that that project will come to fruition in the not too distant future.

There is a certain degree of inevitability about the regional variations that exist. However, our task involves dealing with a number of issues. In common with others, the Member is focused on higher education provision in the area. From working with the local authorities in the region, I am satisfied with the emphasis that we have placed on trying to respond to significant job losses in the area. That has been a challenge, and we have faced huge problems, including the huge blow of the closure of Seagate in Limavady. As you will be aware, Mr Deputy Speaker, there have been similar issues in Coleraine, and, indeed, there has been a general difficulty in the Maiden City itself, where some of the major employers have been, and continue to be, under stress. We had call centre issues last August, which are still there; the names have changed, but the problems remain.

I am under no illusion that there are major and specific issues in that region. Through the FE sector, the higher education sector and our employment service, the Department has to respond to all those issues. Unfortunately, we have had to put a lot of time and effort into dealing with that, and staff in the job centres of the area, as well as the local and district managers, have been doing a lot of work to deal with the situation as it arises, including setting up redundancy clinics and taking other measures.

There is something in the proposal for the Member, because if any indigenous or external investor is identified for the region that he represents, we will put a team together along with Invest NI and work to provide a skilled workforce for that investor. We will do that without bureaucracy and without cost to the employer. That is the essence of the model.

Invest NI has a specific role with some of the major employers, which we understand. However, where assistance is required with either upskilling

or training, we are happy to develop a bespoke programme for any company in that region. We are happy to sit down and talk to a company about that and to be as flexible as we can. Under no circumstances do I deny the fundamental point that that region requires special attention, as demonstrated by the statistics. I do not seek to hide that for one minute.

**Mrs Long:** I thank the Minister for his statement this morning and welcome the initiative that he has shown. I want to ask about the threshold of job creation that was referred to in the North Carolina model; I think that it was 12 jobs. I can see that that is a reasonable threshold to set for foreign direct investment (FDI) and for larger indigenous employers. However, if we are growing local entrepreneurship, there must be an emphasis on small and medium-sized enterprises in Northern Ireland, which may have very limited training budgets.

Therefore, is the 12-job threshold the one that the Minister will be using in the pilot projects? Will there be any similar opportunities for businesses that may want to grow on a smaller scale, particularly small businesses, which often need to expand after 18 months? Although the number of jobs created by those businesses might be slightly smaller, will there be similar training support for them?

**The Minister for Employment and Learning:** I am glad that the Member asked that question, because it raised an issue that I did not touch on in previous answers. People may ask why the job threshold is 12, and to some extent, it is an arbitrary figure. The initiative is a pilot, so all the issues will have to be reviewed in light of experience.

To clarify, although an existing company might state that it is expanding by 12, it might have paid off 20 staff. Therefore, we are proposing to take a three-year average of the number of people employed by a company. We would work from the highest point in those three years, and the training of an additional 12 staff would be paid for from that point. In other words, people could not split their companies in two, call them different names and get training for 12 additional staff paid for in each one, nor could they pay off, for example, 20 staff and take on 12 different people. We have to look at that aspect.

The Member is asking whether some companies would be able to expand at a lesser scale if they could not meet the threshold. We will evaluate

the scheme as it operates. I have no ideological hang-up on any particular number; 12 was an arbitrary number. As over 90% of our businesses are very small, it is incumbent on us to look at anything that will help. If that requires a revision of the job threshold number, either up or down, we should have no difficulty in looking at that in the evaluation process.

## Ministerial Statement

### **Marine Bill: Public Consultation on Policy Proposals**

**Mr Deputy Speaker:** The Speaker has received notice from the Minister of the Environment that he wishes to make a statement.

**The Minister of the Environment (Mr Poots):** With your permission, Mr Deputy Speaker, I will make a statement about public consultation on policy proposals in relation to Northern Ireland's marine environment.

I launch that consultation process today, and it will bring us an important step closer to the introduction of a Northern Ireland marine Bill to the Assembly in 2011. That Bill will provide the legislative framework for a brand new marine planning system for Northern Ireland's seas and will create greater provision for marine nature conservation. Moreover, it will bring us a step closer to finalising and putting in place a robust marine framework that will ensure sustainable use of our seas for generations to come.

Today, I intend to set out in more detail what I want to achieve for Northern Ireland's marine environment, why I consider there to be a pressing need for change and how I intend to bring about such change. I will describe a marine programme that will transform how we manage our marine environment.

However, this is not the start of the process — far from it. Much work has already been done towards achieving our goal. In 2008, the Executive gave their approval to the development of a legislative framework that will result in a more sustainable approach being taken to the marine environment. The proposals that I launch today and the work that has been completed to date will do just that. Those changes will help us to manage our seas in a more sustainable way and will ensure that Northern Ireland maximises the environmental, economic and social benefits of its seas now and in the future.

Work on that transformation is well under way and is based on three interlocking pieces of legislation, the first of which is the Marine and Coastal Access Act 2009, which extends, in part, to Northern Ireland. The Act provides for the adoption of a UK-wide marine policy statement that will enable us to advance the

proposed marine planning system in unison with the rest of the UK. The Act establishes my Department as the marine plan authority for the offshore region. The latest marine policy proposals mirror that position by proposing that my Department should also be the marine plan authority for the inshore region.

The second part of the legislative jigsaw will signal the transposition of the marine strategy framework directive on a UK-wide basis this summer. That European directive will require us to achieve, or to maintain, good environmental status in our marine environment by 2020. The marine policy statement and the marine plans will play a key role in helping the UK to deliver its obligations under that directive, its other international commitments and its domestic priorities.

The Northern Ireland marine Bill is the third part of the jigsaw. The first step is consultation on the policy proposals, and I formally launch that process today. The Bill will complete the picture and will be introduced to the Assembly in 2011. That remains in line with the timetable that was announced to the Assembly in March 2009. All the considerable work that has been done has put us in a strong position. Northern Ireland can expect to have an integrated and coherent marine plan in place by 2014. That is our goal, and we will achieve it within exactly the same timescales as other parts of the UK.

As Minister of the Environment, one of my key goals has been to ensure that Northern Ireland has a streamlined, efficient and effective planning system. The extensive reforms that I recently outlined to the Assembly will ensure that we have a planning system that serves the needs of the people. That system will support the Executive in promoting economic growth.

The time has come for marine planning to have similar prominence to that of land use planning in Northern Ireland. Therefore, the significance of the marine policy proposals should not be underestimated. They will pave the way for a completely new and strategic system of planning for our seas. There is no doubt about the scale of the task; it is ambitious. I will heed the lessons learned from land use planning reform and, where possible, apply them to the marine environment. I expect the outcome to be the same: a proactive, co-ordinated and responsive planning system that enables us to achieve sustainable development.

Members will share my view that our seas are a precious resource; they are a way of life for many people. They provide important shipping lanes, unprecedented opportunities for the development of renewable energy and can accommodate the growth of leisure and recreational activities. All those elements can help to bolster our economy.

Importantly, they also provide a vital livelihood for fishing communities and are, at the same time, home to rare and important marine life.

### **11.30 am**

Anyone who still holds the view that our seas are a limitless resource is out of touch with the reality of the situation. Competition for our seas' space is growing fast. There is increasing potential for conflict among activities such as navigation, fisheries, habitat and species conservation, heritage and pollution control. All those activities can have an effect on the marine environment. For that reason, we must look after our seas. We must manage them, and we must act now. The marine planning process will help us to do that.

Marine planning will help us to be proactive about the way in which we use and protect our marine resources. It will identify the interactions between activities that affect those resources and help us to bring together and clarify our marine policies. Marine planning will ensure that those policies are implemented through the decisions that affect what happens in the marine environment. It will create a framework for consistent and evidence-based decision-making. The marine planning process will ultimately provide the basis for future sustainable management and decision-making in the marine environment. Through extensive public engagement, marine planning will give everyone with an interest in our seas the chance to shape how the marine environment is managed.

Marine planning should address not only the current situation but emerging and future uses and technologies, such as carbon capture and storage, renewable energy sources and new marine protected areas. Marine planning will also anticipate changing economic and social trends and the impacts of climate change. It will include the resources in an area, changing ecosystems, seasonal patterns and migration routes.

Let me be clear: I want to support those who make a living from our seas and to ensure that they are not placed at an economic disadvantage to their competitors elsewhere. At the same time, I will ensure that no unnecessary obstacles are placed in the way of investors. Marine activities will be regulated proportionately and on the basis of the risks posed. The UK-wide marine policy statement has a critical role to play in advancing the marine programme, as it will set out the key policy priorities and objectives for all the UK's waters. In effect, it will complement the regional development strategy on land. A pre-consultation exercise on the draft UK-wide marine policy statement began on 12 March 2010. I encourage everyone with an interest in the marine environment to read it and provide my Department with comments.

Northern Ireland's contribution to the marine policy statement will be subject to Executive agreement. The marine policy statement must also be laid before the Assembly before it is adopted. The close involvement of Northern Ireland Departments will, therefore, be central to the whole process's success. I also want to ensure that the marine environment is properly protected and safeguarded. I intend to establish in Northern Ireland's waters marine conservation zones, which will provide a flexible designation regime based on social, economic and environmental considerations. The levels of protection that will be afforded could range from very minimal through to highly protected zones, where no human activity would be permitted.

I expect that the designation of marine conservation zones in the development of the marine plan will assist developers and give them certainty so that they will know where they can and cannot develop. Marine conservation zones should identify the location of important areas for marine biodiversity and will indicate from the outset where licensing restrictions or conditions may be applied. Such zones and the areas around them can also stimulate increased stocks of certain fish species. Marine tourism can also benefit through greater opportunities for viewing marine wildlife on boat trips or by scuba diving and snorkelling.

A close working relationship with the other UK Administrations has been and will continue to be essential in implementing this programme of work. All reasonable steps will be taken to achieve compatibility between marine plans that are adjacent to each other. Indeed, it will be a



requirement that each of the UK Administrations should notify one another of their intention to plan near the borders of their marine region. Similarly, Northern Ireland's marine waters about those of the Republic of Ireland. It will be important that regional co-operation be effective there.

Consistency in approach will be adopted where appropriate. To facilitate this, there is a separate five Administrations working group on marine planning, which is attended by my officials, those of the Department of the Environment, Heritage and Local Government in the Republic of Ireland and officials from GB. The working group provides a further forum for discussion between jurisdictions and is just one of a number of ongoing initiatives that have provided my officials with useful opportunities for learning and exchange.

Another example has been the pilot projects that have been undertaken elsewhere in the UK, and we can study the evidence and learn from the experiences that emerge. We can further use that learning and apply it to suit the needs of Northern Ireland. That will be in addition to the wealth of information already available such as that gathered by the Irish Sea Conservation Zones project. More information will be available shortly: for example, a UK-wide report — 'Charting Progress 2' — will provide an updated and improved assessment of the state of the UK's seas.

My Department, in collaboration with other agencies, will also publish a state of the seas report for Northern Ireland. This will be an important evidence-gathering exercise, and it will give us vital information about our seas and help to inform and underpin the decisions that we will need to take on marine planning.

My Department has responsibility for the majority of marine functions: marine planning, marine nature conservation and the bulk of marine licensing all rest with DOE. However, it is essential that the other Departments with marine responsibilities — the Department of Enterprise, Trade and Investment (DETI), the Department of Culture, Arts and Leisure (DCAL), the Department of Agriculture and Rural Development (DARD) and the Department for Regional Development (DRD) — continue to remain closely involved with my Department as the proposals move forward.

All of Northern Ireland's various interests must be reflected in the final marine plan. It will be through pursuing a close, collaborative approach that the necessary integration will be achieved. We must continue to move forward and work together to make the right decisions by managing and planning for our seas and safeguarding them for the future. We will continue our stakeholder engagement throughout the process with Departments and others who have an interest in the marine environment.

Consultation on the policy proposals marks the latest stage in our commitment to ongoing engagement. I am pleased to announce the launch of those policy proposals for a draft Northern Ireland marine Bill today. The consultation runs until 9 July 2010 and can be viewed on and downloaded from the DOE website. I want as many people as possible to play a role in shaping the process of a new marine planning system, because it is those who use the seas who have the greatest understanding of it and have the most to gain from the proposals.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. Fáiltím roimh ráiteas an Aire. I welcome the Minister's statement. The Committee has been well briefed on the Minister's policy proposals for a draft marine Bill and largely commends his aspirations for improving the marine environment through the introduction of marine planning, better marine nature conservation and a further streamlining of marine licensing. However, the Committee is extremely disappointed by the absence of any indication that the Minister will use this opportunity to look at how those marine functions might be delivered more efficiently.

The Minister clearly recognised in his statement that it is imperative for other Departments with marine responsibilities to work together to deliver the proposals, but the Committee has been provided with evidence that the current fragmented nature of marine function delivery will lead to greater costs and an inability to improve efficiencies and will perpetuate the burdensome bureaucracy faced by industry when trying to develop marine projects. Will the Minister explain why he has rejected the opportunity to look at more efficient and cheaper ways of delivering marine functions across the North?

**The Minister of the Environment:** The Member appears to suggest that more responsibility for the delivery of services for marine areas should be taken by one Department. If the Member and the Committee are serious about that, I suggest that they put forward proposals, because I have indicated that four Departments are involved. We will seek to work with all Departments to bring them together and to do so in a cohesive and efficient manner. I have no doubt that that could be done more efficiently if it were all under one Department. If that is the Member's suggestion, he should develop the proposals in the Committee and bring them forward. We will be happy to look at them.

**Mr Weir:** I thank the Minister for his statement. I note that there is a joint forum between the five jurisdictions. Will the Minister indicate how often that forum meets? There has been much talk about joined-up government on this issue. Is it the intention to provide a one-stop shop for marine planning that becomes the main body to deal with marine planning issues?

**The Minister of the Environment:** I will ascertain how often that group meets. We want to move towards having a one-stop shop. There are huge opportunities for development on our seas. There are a lot of resources out there that can be harnessed and used in an environmentally sensitive way. We want a situation in which the people who are engaged in development on the seas are given clear guidance on what can and cannot be done. We will seek to identify what needs specific protection in our seas. Some areas will require a high level of protection. In other areas, there are significant opportunities to harness the existing natural resources and use them for the benefit of us all. One of the key purposes of the Bill is to identify how that can be done and to have a clear and consistent approach to marine planning thereafter.

**Mr Kinahan:** I thank the Minister for his statement and welcome very many of the proposals. In the statement, the Minister said that there will be an integrated and coherent marine plan. He was clear about the importance of the precious resource for jobs and that it is a limitless resource. Early last year, I attended a lecture by Professor Jackson at Queen's University, Belfast. I wonder —

**Mr Deputy Speaker:** Question, Mr Kinahan.

**Mr Kinahan:** It is coming.

I wonder how the Minister intends to pull together scientists' often opposing views. The fishing industry often has scientists who have completely different views from others who are trying to protect the same resource. Will Lough Neagh be included in the plan?

**The Minister of the Environment:** There has been divergence in the opinions of scientists and fishermen for many years. The biggest mistake as regards our fishermen was Britain giving up many of its fishing rights when it entered the EEC, now the European Union. As a consequence of that, there has been huge overfishing by other European countries in waters that were once used solely by fishermen from British ports. Much of the overfishing that has caused damage was not carried out by fishermen from Northern Ireland or the UK but by fishermen from other countries.

As regards marrying the two sets of opinions, science probably needs to give more cognisance to what fishermen identify and see themselves. Those fishermen are out on the sea day in, day out, week in, week out. Probably no one else knows the seas as well as the people who fish on a regular basis. Their views should not be dismissed glibly by people from a scientific background.

This marine policy deals with the sea as opposed to inland waters and, therefore, will not deal with Lough Neagh. It will deal with the seas in all our coastal regions.

**Mrs D Kelly:** I welcome the Minister's statement and lend my support to the request for a proposal for a single marine organisation, a matter on which the Committee received representation from a number of bodies. Surely it is the Minister's job to negotiate with his Executive colleagues to make that happen, rather than a job for the Committee.

The Minister outlined how he wishes to have a proactive and co-ordinated system approach. When might we see the river basin management plans?

**11.45 pm**

**The Minister of the Environment:** I wish the Member well as she moves to pastures green and helps to create a better educated and more skilled workforce in Northern Ireland. That is an important task.

I believe that my Department is doing the right thing in producing this marine policy, working closely with the UK Government in the delivery of their marine strategy, introducing a Bill as set out in the timescales and having the work completed for 2014. It will provide considerably greater clarity, and it will better inform individuals who need to talk to government about which Department they should approach.

I believe that we are doing the right thing; however, the Committee thinks that the Department should go further. That being the case, I suggested that the Committee identify how we should go about it. If the Committee thinks we are not doing things correctly, it should set out alternative proposals. That challenge stands.

**Mr B Wilson:** I thank the Minister for his report and for the Bill.

Most aspects of the Bill are very welcome. However, there are a number of issues. First, the UK Bill proposes the reform of fisheries, something that is not included in the Northern Ireland Bill. Secondly, the UK Bill proposes the establishment of a marine management organisation, an independent body to administer, manage and enforce environmental protection laws. Why were those aspects not included in our Bill?

**The Minister of the Environment:** Northern Ireland is a part of the United Kingdom, but it has its own peculiarities and specialisms. We need a Bill that recognises that. For example, fishing has been important to Northern Ireland. It has provided many thousands of jobs in Northern Ireland and still does. I will not go down a route that will hugely endanger the economies of Portavogie, Kilkeel and Ardglass, where people have used marine resources wisely for hundreds of years. I am not going to hammer fishermen. It is possible to marry environmental and economic needs in Northern Ireland. I do not want the Executive to take action that does huge damage and is of great detriment to the fishing industry.

**Mr Ross:** I thank the Minister for his statement. He is aware that renewable and new technologies are a key part of Northern Ireland's future, and those include wind power and wave power. Will the Minister outline for the House how those renewable technologies fit in with the marine Bill?

**The Minister of the Environment:** The marine Bill will be hugely beneficial in identifying what

can be done to harness the energy of the seas. There are huge opportunities for Northern Ireland to produce significant amounts of renewable energy that can be used locally or potentially exported. We need to be in a position to harness that energy. For example, if tidal power in Rathlin Sound and off the north coast were harnessed, we could potentially do away with two power stations in Northern Ireland or produce power equivalent to their output. That could be controversial, and it may have an impact on the landscape and on the natural environment. However, that is the significance of the renewable energy available. We have carried out some work on tidal power in the straits at Strangford. The apparatus produces enough power to run the village of Strangford, and there is potential to do much more both in Strangford and in the northern part of Northern Ireland.

The marine policy Bill will, however, enable us to identify what we can and cannot do in an environmentally sensitive way. What we have done in Strangford, for example, is being used worldwide, because that is such an environmentally sensitive area. We have already achieved a considerable amount of renewable energy with that system, with minimal impact on the marine environment in spite of its sensitive location. Therefore, much more can be achieved, and the Bill will allow us to take major steps to meet our target of deriving 40% of Northern Ireland's energy from renewable sources by 2020 and, hopefully, to exceed that target.

**Mrs Long:** I welcome the Minister's statement, particularly the intention to introduce marine conservation zones with the potential to protect and enhance marine biodiversity. However, given the fragmentation of responsibility, particularly at the interface between the marine environment and the littoral environment, is the Minister concerned that the ability to protect those areas is weakened by the lack of independent oversight, for example, by an independent environmental protection agency that could look at issues such as the quality of water discharged into the marine environment by other Departments and their agencies?

**The Minister of the Environment:** There is no fragmentation between Departments. The marine planning processes will, inescapably, drive integration and formalise arrangements between Departments. Preparation of the marine Bill and further reform of licensing will be done in conjunction with Departments that have

marine functions. Therefore, we will take a close collaborative approach, and coherence will be achieved by the interdepartmental marine co-ordination group. Everything will be drawn together for the common good and will require the approval of the Executive.

Stringent systems are in place to measure deposits going into the sea, and such systems already operate for beaches. The marine planning process will complement existing directives, which have contributed to improvements in, for example, beaches and bathing water. The process will, for the first time, take a holistic view of the marine area and will manage and regulate marine activity so that it is within environmental limits, thereby minimising the impact of human activity. That should have a beneficial effect on our waters for bathers and for marine diversity.

**Mr Beggs:** I thank the Minister for his statement. During my conversations with Portland Gas representatives, they expressed surprise at the number of government bodies and agencies with which they had to deal to get planning approval in the marine environment for natural gas storage under Larne Lough. That adds administrative cost to the Civil Service and extends company development times and costs. Other companies are looking at the marine environment for renewable energy development, particularly B9 Energy at Torr Head. The Minister indicated that, under current proposals, there will be a maritime policy statement and maritime plan by 2014. Will he tell us how long developments in the marine environment will have to suffer the present bureaucratic system, with its additional costs and lead times, so that the Committee can determine whether it is worth the effort to act to have those times shortened? Do his Department or the Executive have any proposals on that?

**The Minister of the Environment:** The Northern Ireland Executive have not brought about the problem with oil and gas; that remains the responsibility of the Department of Energy and Climate Change. All oil and gas exploration is dealt with through the UK Administration, as opposed to the Northern Ireland Administration. Therefore, I have no responsibility for that matter, which has not been devolved to Northern Ireland and was certainly not part of things yesterday.

The Member raised the issue of applicants having to deal with more than one Northern Ireland Department in order to get planning approval. The different permissions that may be required

are generally sector-specific. No single regime satisfies all the European and international obligations and commitments. For example, many sectoral regimes do not include sufficient environmental provisions because those are incidental to their main purpose. Moreover, they are open-minded about the possibility of disapplication through the use of exemptions or special arrangements and aim to reduce the burden on business through the further streamlining of licensing, where possible. We will seek as far as possible to ensure that there is joined-up government for people who are approaching Departments for permission for specific activities associated with marine life. In certain instances, that will not be achievable through one Department, so applicants will have to operate across a number of Departments.

**Dr Farry:** I thank the Minister for his statement. I want to ask him about the Bill's indicative timetable. He said that the consultation will close in July and that a Bill will be introduced in 2011. Can the Minister clarify when he sees the Bill being passed by the Assembly, particularly bearing in mind that his Department has a large legislative programme coming up? Given our lack of a clear regulatory framework for marine matters, if there is a delay, does the Minister foresee any potential dangers in attracting investment in renewables, especially if we fall behind other UK regions?

**The Minister of the Environment:** In saying that we will be ready to go for legislation in 2011, I suspect that we will not introduce the Bill in the early part of 2011, because it would be impossible to have a Bill driven through before the Assembly election. I suspect that the process will kick in during the later part of 2011 — it could be in June, but it is more likely to be in the autumn of 2011 — to be completed around one year after that, which is the length of time that it normally takes from a Bill's introduction to its getting Royal Assent. We can achieve all the targets that we have set out and have all the work completed and in place for 2014, in line with the other United Kingdom regions. We are not falling behind. We are in a strong position to sell ourselves and the marine resources that Northern Ireland has to offer and to do that in a way that is sustainable and will produce a much more sustainable environmental economy by properly utilising the resources in our seas.



## Executive Committee Business

### Waste and Contaminated Land (Amendment) Bill: Second Stage

**The Minister of the Environment (Mr Poots):** I beg to move

*That the Second Stage of the Waste and Contaminated Land (Amendment) Bill [NIA 10/09] be agreed.*

I want to give Members a brief overview of the Bill, to summarise its purpose and to comment on some of its key features. Before doing so, I will say something about the context of the Bill.

I view the Waste and Contaminated Land (Amendment) Bill as a crucial component in our efforts to manage waste. Northern Ireland's environment is one of its greatest assets, and we need to do everything in our power to protect, enhance and conserve it. That means ensuring that waste is properly managed.

I will start with an overview of the legislation. The Bill, which I introduced to the Assembly on 22 March, contains three main elements. First, it amends the existing statutory framework for the management of waste on land. Secondly, it makes some changes to the legislative framework for land that is being contaminated by pollution. Finally, it makes a minor amendment to the existing producer responsibility legislation — essentially to clarify existing statutory provision.

I will now outline briefly the purpose of the Bill. I introduced the Bill last month for two main reasons. First, the implementation of a number of the commitments made in the 2006-2020 Northern Ireland waste management strategy requires primary legislation to be passed. The Bill provides a vehicle for doing that.

#### **12.00 noon**

Secondly, ongoing engagement with key stakeholders has identified a number of areas in which legislation needs to be changed. The changes are designed to enhance the existing statutory framework for waste management and contaminated land and to make it easier to enforce the legislation.

I turn now to the Bill's key features. Members will no doubt be relieved to hear that I do not propose to go through the provisions clause by

clause. However, I shall mention three specific issues. First, members will have noted that the Bill proposes new powers for councils to deal with illegal waste activity, ranging from minor fly-tipping offences to much more serious criminal activity. In the main, these proposals were prompted by discussions with local government. A number of councils requested a more proactive role in dealing with breaches of waste management legislation. I see considerable merit in that suggestion. Therefore, the Bill seeks to legislate for an effective partnership between the Department and local government in tackling illegal waste disposal. The proposed new powers for councils will allow them to investigate illegal waste activity and to prosecute suspected offenders. In addition, clean-up powers, which are currently the preserve of councils, will be extended to the Department.

However, I recognise that legislative change alone cannot resolve the problems that are associated with illegal waste. That brings me to the second issue that I want to cover. My officials are already working with local government representatives to develop a fly-tipping protocol. That protocol should clearly establish the respective roles and responsibilities of the Department and councils when dealing with fly-tipped waste. In other words, it will help to determine who does what. I anticipate that the new legislation will not commence until the new protocol is in place.

Finally, I shall mention briefly the contaminated land provisions in the Bill. The Bill will amend the legislative framework in Part III of the Waste and Contaminated Land (Northern Ireland) Order 1997, which, in effect, establishes procedures to identify and restore contaminated land and to ensure that those who cause contamination pay for its treatment. I acknowledge that Part III of the Order has yet to be brought into operation. However, the proposed amendments in the Bill reflect the lessons that have been learned through experience of operating the legislation in England and Wales. The changes should help to ensure that, whenever the legislation commences, Northern Ireland has a more effective contaminated land regime.

In conclusion, I hope that I have given Members a broad perspective of the Waste and Contaminated Land (Amendment) Bill and of some of its key features. Of course, at the end of the debate, I will be happy to answer Members' questions on any aspect of the legislation.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. I thank the former Chairperson of the Committee for the Environment for her contribution to the Committee, and I wish her well in her new post.

Cuirim fáilte roimh an Bhille. I welcome the Bill, which will assist us in meeting our EU landfill diversion targets. It will enable councils to contribute to the delivery of the Department's waste management strategy commitments, and it will enhance the Department's and councils' waste management controls by amending the existing legislative framework for the management of waste and contaminated land.

The Committee is acutely aware of the need for waste management legislation. Last October, when the Committee visited Brussels, members were briefed by a senior official, who made it blatantly clear that the European Commission places immense importance on waste issues. The 1999 EU landfill directive set targets for 2010, 2013 and 2020 for member states to reduce the amount of biodegradable municipal waste that is sent to landfill. In the North, by 2010, the amount of waste that is sent to landfill must be reduced to 75% of the 1995 figure, and it must fall to 50% by 2013 and 35% by 2020. Those targets are very challenging, but they must be met in order to avoid costly EU infraction proceedings. It is hoped that the Bill will go some way to enabling those targets to be achieved.

However, we must not forget that the Bill is not just about complying with Europe. It is about providing and producing a safer, healthier and more environmentally friendly place for all of us in the North to live in.

Departmental officials briefed the Committee at its meeting on 15 October 2009 on the synopsis of responses to the consultation on the draft Bill. The Committee heard that the majority of respondents supported the proposals, but members picked up on a few areas of concern, one of which was in relation to the Water Order 1999. The removal of that Order might greatly weaken the Bill, as, in effect, an offence would become much more difficult to prove. That would run the risk of further illegal dumping of a variety of materials without any suitable redress.

Departmental officials advised that, having considered the comments, the Minister believed

that other provisions already in place to deal with illegal waste were sufficient and that he had decided not to introduce that provision at this stage. That is an issue that the Committee will, no doubt, revisit at the Bill's Committee Stage.

Members also made it clear at that meeting that people must be aware of the cost implications of decisions. Costs should not simply be shared among everyone. Accountability must be built into charging decisions so that people recognise their responsibility for waste and are charged for its management in a way that encourages good practice. That is something that Members will look at closely during the Bill's Committee Stage.

The Committee welcomes specific proposals in the Bill to give local councils the power to issue fixed penalty notices for fly-tipping. We are all aware of instances of fly-tipping and the cost and resources that are involved in cleaning it up. Fly-tipping blights our society, and any enhanced powers for councils to lead on combating it are to be welcomed.

The Committee recently received an update from the Department stating that the Minister had decided not to pursue enabling legislation for a single waste authority at this time. It is fair to say that the issue of a single waste authority has split opinion. The Committee has sought to obtain more information on concerns raised by local authorities, councillors, political parties and the waste groups. For some, the single waste authority flies in the face of decentralisation and contradicts the move to give more power to local authorities by reducing the influence of locally elected councillors. Others feel that it is important to manage waste in the most economical way possible and that the rationalisation of three waste-management groups into one waste authority could maximise efficiency. However, that is no longer an issue for this Bill: it is a matter that Members will have a chance to debate again in the future.

In conclusion, as soon as the House passes the Bill's Second Stage, the Committee will call for written submissions from interested organisations and individuals and its members will be extremely interested in hearing all views. I look forward to a good ongoing working relationship with departmental officials to ensure that the Committee is able to scrutinise legislation properly. On behalf of the Committee, I support the principles of the Bill and look

forward to scrutinising it at Committee Stage. Go raibh maith agat.

**Mr Weir:** I join the Committee Chairperson in thanking the outgoing Chairperson of the Environment Committee, Mrs Kelly. Whether by good or bad luck, she has been appointed Chairperson of the Committee for Employment and Learning, of which I have been made Deputy Chairperson. In that regard, we cannot escape each other.

The Bill highlights something that has, rightly, been broadly welcomed. For a long time, a common complaint, particularly against direct rule Government, was that waste management was a Cinderella service and that waste issues were often put on the long finger. There was a feeling that direct rule Ministers failed to give waste management the priority that it deserved. It is important that the proper focus of recent years be maintained. There has been a degree of catch-up under devolution to try to ensure that Northern Ireland meets its waste targets. That process must be facilitated, and the Bill will benefit that greatly.

Although it is not the subject of this Bill, there has been, as the Chairperson of the Committee indicated, a lot of controversy over the establishment of a single waste authority. I understand some of the concerns, but I would eventually like to see such an authority. In dealing with waste, whatever structures we employ must ensure maximum efficiency to meet our waste targets.

Meeting our waste targets is very much a win-win situation because the Province will not be faced with fines and additional undue burdens from the European Union. Also, as was highlighted by the Minister, removing waste and dealing with contaminated land is in everyone's interest because it will ultimately help our natural environment. One of the greatest assets that we have in Northern Ireland is the beauty of our landscape. Unfortunately, some people irresponsibly dump their waste.

I declare an interest as vice president of the Northern Ireland Local Government Association. The local government family has been looking for these proposals for some time. I welcome the proposals that have been put forward by the Minister. This issue very much shows co-operation between central and local government to deliver a solution to a very practical problem. Embracing the changes in this legislation will

be of benefit to local communities and Northern Ireland as a whole. Consequently, I give my wholehearted support to this legislation. Like other Members, I look forward to scrutinising the details in Committee as we move forward.

**Mr Kinahan:** I declare an interest as a south Antrim councillor and as a member of Arc21, albeit a substitute. I wish our ex-Chairperson all the best in her new post.

I particularly welcome the chance to speak today because I have always been very keen on anything to do with litter and waste. I know that all of us will have seen a simple example of a litter lout. That can carry all the way through to appalling misuse of waste. Yesterday, when I was driving into Belfast, somebody in a 4x4 in front of me threw out packets and things. That is the sort of person who, if he were taken into industry, would throw out a bag or two of rubbish. If he were taken further, he would dump his rubbish over somebody's wall.

This legislation is very much part of keeping Northern Ireland beautiful. I welcome many aspects of the Bill, particularly the fact that it learns from England and Wales. I welcome especially the choice of being able to use a fixed penalty, although I have slight concerns. In council, when we wanted to prosecute somebody for throwing litter, we issued an £80 fine, but it cost us just under £1,000 to take them to court. We need to make sure that those costs are taken into account.

I also welcome the powers of seizure, which are quite excellent and are a good way of punishing anyone. I welcome especially the fact that district councils are being given the power to deal with waste, but I will move on as there are various "however's" that come in. I am concerned that the Department will hold the enforcement regulations but the councils will take the risks. We will need a very good line of communication between the Department and the councils, but I take it on board that the fly-tipping protocol is an example of that sort of communication.

On a more minor but important point, if we take into account what happened in Mallusk, where a mass of industrial waste was dumped into the waterways that are underneath the industrial companies, we need to clarify the word "saturation". Pollution of that type is not just saturation. It went all the way through the Six Mile Water, the other rivers and into Lough

Neagh and killed all the fish. The meaning of "saturation" should be clarified because there will be different degrees, right through to a minor piece of pollution at the tail end of a river.

I am also concerned that we will not be able to deal with contamination of controlled waste. If someone were to dump illegal waste on top of controlled waste, we must have a way of dealing with that. However, my greatest concern relates to councils. In my council, we are often averse to taking risks, but if we are to set an example and punish people who have dumped waste illegally, we need to be willing to take a much higher degree of risk. Within that, we need legal expertise in the Department that we can rely on.

Finally, cost recovery is linked to that. I can see it being enormously expensive for councils to take people to court and punish them. We need total support from the Department, particularly when councils have to decide whether to take someone to court. We also need to ensure that fines compensate councils for all their work.

I support much of the Bill. It is a very good Bill. I look forward to seeing it coming through the Committee, and I congratulate the staff for their work so far.

### 12.15 pm

**Mrs D Kelly:** I thank the Minister and other members of the Committee for the Environment for their good wishes to me in my new role as Chairperson of the Committee for Employment and Learning. I wish them well. The Committee and its staff are very hard-working, and the Minister still intends to bring the legislative programme before the Committee in the coming weeks and months.

The Minister said that the legislation will give councils more powers of clean-up; therefore, I declare an interest as a member of Craigavon Borough Council. I wish to ask the Minister for some clarity around the cost of clean-up. In Craigavon, in the past couple of weeks, laundered fuel was dumped and, unfortunately, the ratepayer will have to pick up the clean-up bill, which will be thousands of pounds. As many Members will know, one of the difficulties, unfortunately, is that the polluter pays principle is not yet in vogue in the North and, when people are brought before the courts, the fines are so small that they do not act as a deterrent. Therefore, I ask the Minister to take up that issue with the new Minister of Justice sooner

rather than later. Fines need to be more of a deterrent for people.

Furthermore, will the Minister outline whether ratepayers and councils will get the power of clean-up? For example, if money is taken back under the Proceeds of Crime Act 2002, some of it could be distributed among councils that have had to deal with waste and clean-up of contaminated land, or an incentive could be provided, such as tax credits for landfill operators, which are a great way for communities to benefit from some of the taxes that are levied on waste. Does the Minister have any proposals or thoughts about that?

I welcome greater clarity over who does what, because people often feel that they get the runaround when they phone their local council or the Environment Agency, and people do not know who is responsible for what. That information, and clarity around that, is to be welcomed.

The Bill is a good piece of legislation, which I am sure the Committee will seek to improve where possible. I wish it well, and I am pleased to see it before the House this afternoon.

**Mrs Long:** I support the Second Stage of the Bill, and I too declare an interest as a member of Belfast City Council. Waste disposal and treatment must be tightly controlled if we are to be able to protect our environment for future generations. A real danger is posed by the illegal disposal of waste, and it is much more fundamental than simply being an eyesore in many cases. The damage that can be caused by the dispersal of polluting material via waterborne and airborne transport, and by other means, can present a real risk to health, wildlife and our natural environment.

Therefore, if we are to protect our landscape, health and biodiversity, the appropriate management of waste and contaminated land is an environmental imperative. It is also an economic imperative. Many sites that have been contaminated can, if remediated, be opportunity sites. The attractiveness of our natural environment, for example, is a major asset in marketing Northern Ireland as a tourist destination. Furthermore, the risk of infraction proceedings from Europe, which a number of Members mentioned, would be a significant blow to our public finances. Therefore, it is hugely important to have proper regulation and legislation in place.



We recognise that further amendments may be suggested at Committee Stage, but I welcome, in general terms, a number of aspects of the Bill. I welcome the continued emphasis on partnership working between the Department of the Environment and local government and the fact that it is being supported by appropriate legislation. The willingness to explore the lessons that have been learned in England and Wales is also important, but we need to ensure that there are real solutions to Northern Ireland's local problems, particularly those that concern cross-border issues. Those local problems need to be addressed coherently between the two jurisdictions.

Clause 1 provides councils with discretionary powers to levy fixed penalties and to use those funds for clean-up, rather than pursuing prosecutions for some of the less serious offences. That has the potential benefit of offsetting some of the costs of enforcement, which other Members said are a bit of a problem. However, we also recognise and welcome that that power is discretionary. There is, therefore, still the opportunity to prosecute, and there may be instances when it will be required or desirable. In that regard, I concur with Mrs Kelly's comments about the punishment fitting the crime.

I welcome clause 4, which provides the Department, as well as councils, with the power to serve notices on suspected dumpers to clean up. That applies not only to occupiers and owners of land. Most of us will know circumstances in which those who dump illegally do so without the consent or collaboration of the landowner or the land occupier. Therefore, clause 4 may be a more effective deterrent, because it concerns those who are dumping the material. The seizure powers tackle that issue as well. Therefore, those powers are to be welcomed.

Clause 7 has the positive extension of the term "contaminated land" to include "underground strata" and, particularly, waters that are contaminated in the saturated zone. The transfer of material through groundwater transport is difficult to define, because it can be transferred downwards through gravity and upwards through capillary action. I ask the Minister to clarify in his closing remarks whether that definition has been provided to ensure that the Rivers Agency and other sections of the Department of the Environment are clear as to who has responsibility for dealing with particular issues. I

would like clarity on the reasons for the exclusion of water in non-saturated zones, for example, and how that will be monitored and controlled.

In general terms, I welcome the Second Stage of the Bill.

**Mr Bell:** I welcome the Second Stage of the Bill. I also welcome the new Environment Committee Chairperson to the role. I add my words to the words of tribute that have been paid to the former Chairperson, Mrs Kelly, who had a successful time in the role. We go back to 1997, and we have a unique relationship that dates right back to our days together in Craigavon Borough Council. Although we will cross swords politically, as we are expected to do, I think that she is a formidable political operator, and I pay tribute to the work that she did. We all have only the best interests in seeing employment and learning go forward, and I wish her well in her new role.

For a number of reasons, I thank the Minister of the Environment for tabling the motion today. The success of devolution will always be based on what we can deliver here. If our work here and the legislation that we bring forward means that the men, women and children outside have a better standard of living, we can regard our time as being well spent. The Minister is a party colleague of mine, so one might not be surprised to hear me say that he has applied himself with industry and energy. If we can progress the legislation through to Committee Stage, it will be a success not only for the Minister but for the House and for devolution in Northern Ireland.

The events of Sunday evening and yesterday, when the House stood united against those who want to hold society back and take it away from democracy, show that the success of what the Assembly does in the Chamber is the best riposte to those who seek to take us on more malign paths.

The Bill has two critical aspects; the matter of addressing waste, which the Assembly must do — failure is not an option — and the issue of what to do when land has become contaminated. I strongly welcome the Minister's approach of partnership with local government. I declare my interest as a member of Ards Borough Council, the Committee of the Regions and the Northern Ireland Local Government Association.

Many Members who have already spoken in the debate know that at local government level, councillors get a lot of immediate responses from people on the ground. Knowing that this was coming up today, I took the opportunity to check with my office, and the environment is one of the key issues that comes up when complaints are categorised, whether it be fly-tipping and littering in Killyleagh or the effect that pollution has on birdlife in Comber.

I do not see any other Members for Strangford in the House. If one walks around Strangford Lough from the floodgates in Newtownards, it is clear that we have the privilege of having the most beautiful constituency in Northern Ireland. It is unbelievable. When one looks at that environment and appreciates what we have in nature, which can be followed the whole length of the Ards Peninsula, one can see why we want, at least, to maintain that and, during our time here, to enhance it.

We have to deal with waste. The younger generation is ahead of us on this. I have visited schools throughout Newtownards, such as Londonderry, Abbey and Castle Gardens primary schools, and seen the children's projects and the schools' waste-disposal bins. Children at nursery and primary 1 level come and sort out their waste. That makes me think about people such as those whom the honourable Member for South Antrim Mr Kinahan described earlier, who throw their waste out of the windows of their 4x4 vehicles. That is disgraceful. The younger generation could teach the older generation how to deal with waste properly.

In the course of a conversation, a gentleman asked me why bins in the Ards Borough Council area have to be emptied fortnightly and recycled waste must be separated. He asked why we were doing that to him. He disagreed with it and wanted his bin to be emptied every week: if it was good enough during the old days, it is good enough now. I explained the infraction costs that have come from Europe. It is right; Europe is absolutely right to impose costs on those who damage land wilfully. Penalties should, rightly, be paid.

I remember my old Sunday school teacher at Park Avenue Free Methodist Church, which is not far from here, who taught us that it is our Christian responsibility to be good stewards of the land. Not many people think in those terms.

In many ways, the Bill will go a considerable way towards showing good stewardship of the land.

I want to turn to the issue of what happens when land has been contaminated. It is important that we do not reinvent the wheel. I welcome the Minister's wisdom in looking at best practice elsewhere to see how the Assembly can use it to introduce effective protocols in Northern Ireland and to raise our game to that which exists elsewhere. He has taken an evidence-based approach and has applied that knowledge to improve Northern Ireland's legislation and to bring it up to the standard of best practice. That is to be welcomed warmly.

We cannot deal any further with landfill. The Committee Chairperson pointed out the target, which is to reduce landfill from 50% to 35% of 1995 levels. Failure is not an option on that target. As the Chairperson pointed out, it is not simply a matter of telling people what it will cost us to reach that target, but what the cost will be for them individually and the responsibilities of every person and household. Children in nursery school and primary school are doing it; there is no excuse for laziness on our part and for households not to meet those commitments. We can meet them. The only reason for not meeting them would be lethargy on our part and an inability to discipline ourselves to manage waste in the way that every other country in the European Union is doing already, in many cases at least as well as, if not better than, we are.

### 12.30 pm

We have to hit the targets. My father used to tell me that it was better to aim at something and miss it than to aim at nothing and hit it. We must meet the targets for the right reasons. To paraphrase John F Kennedy: it is not what this House can do for waste and for you; it is what you can do for waste at council level and in your house. The Assembly will set the lead and put the legislation in place. We want prevention as opposed to a cure. However, there will be a cure in the form of the tariffs that will be applied for breaches of discipline. They must be effective and applied immediately. The Member for East Belfast said that the punishment had to fit the crime, and that is absolutely correct. Notice must be served that discipline for illegal fly-tipping will be applied with the most immediate effect possible.

The Minister is bringing forward a protocol that will clearly state who does what and when they

do it, and there will be lines of responsibility. Local government will strongly welcome the partnership approach that the Minister has adopted. We have a listening Minister who understands the needs of local government because of his background, and I commend the co-operation with local government. It will be a joint effort. If the outcome of that joint effort is a better protocol for dealing with contaminated land and better procedures to tackle fly-tipping, the House will send a collective message to those who damage the environment that their time is up and that we will proceed against them through a legislative framework. We urge prevention, but we will insist on a cure if people continue to damage the land and hand the environment over to our children in a poorer shape than they found it. Such behaviour is unacceptable. The House will declare that that behaviour is unacceptable, and we will pass legislation to prove that it is unacceptable.

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

*The sitting was suspended at 12.32 pm.*

*On resuming (Mr Speaker in the Chair) —*

2.00 pm

**Mr Speaker:** I call the Minister of the Environment. Sorry; Mr Beggs will be first to speak.

**Mr Beggs:** Thank you for that elevation, Mr Speaker. If only that were in your gift.

I declare an interest as a member of Carrickfergus Borough Council. I welcome the Bill's proposals to confer additional powers on local councils to enable them to be more equal partners in the fight against fly-tippers and others who dispose of waste illegally.

Local councils have local officers on the ground, and local councillors can provide additional eyes and ears to help to protect the environment against fly-tippers and illegal waste. I welcome that development. I have come across fly-tipping during my constituency work. There has been fly-tipping at the dams at Lough Mourne, which is a reservoir serving Northern Ireland Water, and at Woodburn. That poses a danger to public health, and anything that will give additional powers to councils and the Department to act against it must be welcomed.

The Minister said that protocols would be developed to make individual bodies' responsibilities clearer, which must also be welcomed. My experience is that questions have been asked on whether the Environment Agency, the councils, Northern Ireland Water or the Forest Service, which owns the land, are responsible for progressing an issue. The legislation places responsibility on a range of bodies, including the landlord and the tenant. That must be welcomed, because where litter gathers as a result of fly-tipping, it has a tendency to collect more and to make matters worse. The Bill will allow prompter action to deal with issues and, I hope, to bring about improvement.

I understand that aspects of the Bill emanate from the 2006 Northern Ireland waste management strategy and earlier consultation on the draft Bill. It was good that we could benefit from the experience of legislation in England and Wales. I support the general principles of the Bill.

The idea of fixed penalty notices must also be welcomed. That allows speedier action to address the issue at an earlier stage. It allows the potential for action to be taken that would avoid significant legal cost, which is sometimes an impairment to bringing about improvement.

The Department and, on occasions, the councils can be reticent about taking legal action because of the thousands of pounds that are often involved. If the introduction of fixed penalty notices can provide a speedy method to deal with lower-level aspects of waste and litter, it must be welcomed.

The Bill includes provision for the Department's officers to be able to seize property where it can be shown that its operation is associated with the illegal dumping of waste. Particularly in border areas, organised crime has become involved in dumping waste products because of the significant profits that can be made from it. Indeed, there is a difficulty with fuel laundering in that materials are left behind that can contaminate the countryside.

The ability to seize vehicles will result in a significant financial penalty for those who are involved in illegal activity, and, perhaps even more importantly, it will disrupt their operations. I, therefore, support the general principle of that power.

The Bill proposes to create a mechanism whereby heavy equipment, with appropriate approval, can enter land to investigate any suspicions of illegal dumping. If there is any evidence of such activity in a residential property, those premises can be entered if necessary, provided that there is due reason to investigate. If that enables the authorities to gather information that helps to stop the illegal dumping of waste, it must also be welcomed. An appropriate balance must be struck, and to ensure that innocent householders are protected, reasonable suspicion must exist before the authorities enter property.

The Bill also deals with the issue of underground water strata. That is an important area, given that it is not just surface rivers that must be protected. Pollution that enters water flows in the lower strata and is likely to surface again at some point, so it is important that we protect all aspects of our natural environment. Who knows where the water in the underground strata comes out again? Does it enter reservoirs? Does it affect fish life? Are members of the public catching fish and subsequently being endangered by that polluted water? It is, therefore, important that all aspects of water protection be in place.

The Bill mentions the Producer Responsibility Obligations (Northern Ireland) Order 1998. It is important that producers who are involved in

manufacturing or processing give appropriate recognition to the need for minimising waste production and that they take appropriate care in doing so. It may be right and proper for the authorities to seek further information and assurances on whether appropriate protection is being given in such processes.

It is appropriate that the Department has the ability to investigate. However, it is also important that it does not come down on local manufacturers and producers with a heavy sledge, especially in initial contacts. Instead, the Department should talk to them and, as a result, all right-minded, responsible employers will, hopefully, bring about any required improvements. However, if the Department is not getting the appropriate response, it should be able to take much more stringent and severe action. It is important that we take the public and companies along with us and that we do not create a barrier to improving the environment. Initially, a co-operative route should be taken so that processors move forward constructively, rather than simply impede improvements. If significant legal action occurs at a very early stage, jobs will be put at risk. However, the Department should come down with significant force if that is necessary.

Other Members mentioned the important issue of finance. I note that the Bill talks about giving discretionary powers to councils. I welcome the fact that councils will have the ability to retain receipts of penalty notices, thereby enabling them to recoup some of the costs that will undoubtedly occur. Any legal action that councils take can frequently cost tens of thousands of pounds. Therefore, when scrutinising the Bill, we will have to investigate what happens elsewhere to see whether councils have the significant scale and mass to enable them to take significant court action in the current 26-council format or whether other mechanisms will have to be put in place to enable them to take such action when appropriate.

Mention was made by other Members of the landfill tax. Perhaps that should be pursued to see whether some form of proportionate funding may be available to enable appropriate legal action to be taken so that offenders are dealt with when necessary.

In general, I support the principles of the Bill and think that it is an improvement on what we have. It should enable us to better protect



our environment, to keep our countryside in pristine condition and to value the countryside. Tourism is becoming increasingly important and, therefore, it is important that we, as an Assembly, do all that we can to protect the environment so that it can be enjoyed by us, our children, our children's children, and visitors who come to Northern Ireland.

**The Minister of the Environment:** I thank Members for the points that they raised in what was an interesting and instructive debate. I will deal with some of those issues, beginning with the progress on the single waste authority. I remain committed to the future creation of a single waste authority. I have asked officials to prepare a business case to quantify the likely benefits of a single waste authority and hence confirm whether it would be beneficial to Northern Ireland. I am hopeful that that work will be completed within the next few months. As I did not want to delay the progress of the Bill, I decided to seek to have provision for that placed in other legislation at a later point. However, there are opportunities, around scale, procurement, the sale of recyclates, and so forth, to make real savings that can be passed on to the general public. I am still of the opinion that a single waste authority can deliver the administration of waste management in a way that is more cost effective for the general public.

At present, we are not in a position to determine whether additional resources are required for councils to deal with these issues, because there is virtually no data on the scale and geographic spread of fly-tipping in Northern Ireland. Therefore, the Department is seeking to establish quality data collection so that we can quantify what the costs may be. If the data inform us that a considerable cost burden will be applied to councils, we will be in a position to bid for money to deal with that. However, at this time, such data are not available and, therefore, we are not in a position to make that bid.

Local government involvement in the development of fly-tipping proposals was raised. Over recent years, there has been considerable discussion and consultation between my Department and local government. When the Waste (Amendment) (Northern Ireland) Order 2007 was brought through, local government pressed for further legislation. We will work, as we have been, with all 26 councils, the three waste management groups and NILGA. We intend to engage further

with local authorities, particularly on the development of a fly-tipping protocol.

Officials from my Department and representatives from local government have been involved in discussions on the development of a fly-tipping protocol to set out their respective responsibilities in relation to illegally deposited waste. Discussions are centred on data collection. Accurate statistics are required on the quantity and geographic spread of fly-tipping in Northern Ireland to assess the scale of the problem, to establish a baseline on the number and volume of incidents and to allow for the assessment of the financial implications of tackling illegal waste disposal. Additionally, when the protocol is in place, an appropriate monitoring system will allow for an assessment of the effectiveness of changes in the legislation.

The Northern Ireland Statistics and Research Agency is assisting us in determining the statistical information that is required for the development of such a protocol. We anticipate that work on the fly-tipping protocol will be taken forward in parallel with the legislative process and that it will be put in place prior to the commencement of legislative changes.

We were asked again about cross-border waste issues. We are working with the Republic of Ireland Government to repatriate waste from the Republic of Ireland that was dumped in Northern Ireland. That work is ongoing, and I have provided the Assembly with detail of it.

## 2.15 pm

Waste management starts with waste prevention. We recently launched a new website, [www.rethinkwasteni.org](http://www.rethinkwasteni.org). It is imperative that we all take our waste responsibilities seriously. I have been out on clean-up campaigns, and the amount of waste thrown away by people is unbelievable. Recently, I highlighted the cost of that to each and every one of us. It costs approximately £100,000 a day to clean up after everybody who throws down their waste. A lot of people do not throw down waste, so that huge cost arises as a result of the poor practices of a small number of individuals.

We need to change the culture in Northern Ireland dramatically so that it is similar to the culture that exists in northern Europe where people put their waste in the nearest available receptacle instead of throwing it on the ground.

If there is no receptacle available, people take their waste home with them and deposit it in the appropriate recycling or waste facility, but they do not throw it on the ground.

We have also developed the website [www.lovefoodhatewaste.com](http://www.lovefoodhatewaste.com), which will help us to explain to members of the public how they can better use food to avoid waste, which is expensive at both an individual and an environmental level, because a lot of methane and leachate is produced by food waste that ends up in landfill sites.

We have a 50% household recycling target and a 70% recycling target for construction and demolition waste. We have made considerable progress in meeting those targets; the rate of household recycling is 34%, and the rate for the recycling of construction, demolition and excavation waste is estimated to be 33%. I have said before that I am not sure that 50% is the right target for household waste. I will be working with the current waste management bodies to see whether we can raise that target further, because it could be cost-effective to recycle a greater amount of material than 50%. That is particularly important given that Northern Ireland is scheduled to spend around £600 million on energy recovery from waste. Is it an absolute necessity to spend that amount of money on capital infrastructure if we can increase the recycling targets?

I am also very interested in a lot of the new developments in the potential for recovering energy and other things from waste. For example, I recently learned of a process called acid hydrolysis, which can be particularly effective in drawing cellulose from materials. That can produce chemicals of high value at the end of the cycle. Therefore, instead of putting waste into anaerobic digestion or incineration, there is the potential to achieve something from waste that is of high value. Those are the sorts of technologies that we need to look at, address and grasp, and I will press for them.

In order to boost recycling activity, the Department is working with the Waste and Resources Action Programme (WRAP). We have enabled WRAP to work closely and successfully with district councils. We have also invested funding in pioneering technology to recycle and compost 60,000 tons of biowaste, such as garden clippings and food waste, per annum. Such moves can contribute greatly to reducing the

amount of waste that ends up in landfill sites, which are the last resort for waste.

**Mr F McCann:** I agree with the Minister that there needs to be a complete change in our attitude to waste disposal and to the illegal dumping of waste in cities and in the countryside. Does he agree that the packaging that accompanies most items that we buy is one of the main problems?

**The Minister of the Environment:** I have taken that matter up with the British Retail Consortium, which represents large shops, particularly the multinationals. Furthermore, I raised the issue with local companies such as the Musgrave Group. There has been much talk about a plastic bag levy, which was introduced in the Republic of Ireland. Plastic bags account for about 0.3% of waste. A plastic bag levy could be high profile and beneficial. However, we have reduced the number of plastic bags that are used in Northern Ireland by close to 50%.

As the Member said, far greater benefit can be derived from reducing packaging. Cadbury recently packaged Easter eggs in foil only. I remember that, on the odd occasion on which I received an Easter egg as a child, it came in a huge box. When the packaging was stripped away, the egg itself was not that big. *[Laughter.]* We need to remove that type of packaging, particularly from children's toys, which contain glam wrapping, such as cardboard and hard plastic that one can hardly cut off. That is done to present the product as much better than it really is. Therefore, packaging is certainly a target area.

We must also target the thugs who launder fuel and leave the deposits beside rivers or roads. Newry and Mourne District Council has told me about the extent of the problem that it faces and the cost to ratepayers in the area. In the past three or four years, it has cost around £250,000 to clean up after the criminals who have engaged in such activity and after the people who fly-tip even though it is not necessary to do so.

**Mr Molloy:** Will the Minister give way?

**The Minister of the Environment:** I will give way in a minute.

For example, given that most councils offer a service to take settees away free of charge, why do people deposit them at the sides of roads? It

is not logical, and it causes huge damage to our environment.

**Mr Molloy:** I thank the Minister for giving way.

At our council meeting last night, we discussed whether to ban cat litter or, at least, to place a categorisation on it to ensure that its sale is regulated and records kept of where it is sold. That material is often dumped on farmers' land, and it is unfair that the responsibility falls on them, or on local councils, to dispose of it at ratepayers' expense. Therefore, is there a means of regulating cat litter and other materials that are used in fuel laundering to try to control that situation?

**The Minister of the Environment:** I have spoken to Her Majesty's Revenue and Customs about that issue, and it indicated that it is difficult to take such an approach. There must be some form of regulation of that material. Although cat litter is not the only material that is used to launder fuel, it is used regularly for that purpose. There are some steps that we could take to tackle that.

Dolores Kelly said that fines must be a real deterrent. I agree, and I am happy to discuss how to approach that issue with the new Justice Minister, Mr Ford, in due course.

Mr Kinahan raised the problem of people throwing items from their vehicles. He said that he had followed a 4x4 that deposited materials. I hope that he took the registration number of that vehicle and reported it to the police. We should all report individuals who throw waste out of their vehicles. If we do so, it will happen less frequently. If Mr Kinahan were to pass that information on to the responsible local authority, I have no doubt that, having such a fine and upright witness to go to court with, it would pursue the matter.

It is right that discretionary powers are available. Fixed-penalty notices can be applied, but when a fixed penalty is not tough enough, individuals can be taken to court, where the issue can be pressed somewhat harder.

Mr Bell spoke at length about Strangford. Mr Shannon will be glad to know that Strangford was not missed. Mr Bell said that so much more could be done by the Assembly and by local authorities to make Northern Ireland a better and cleaner place. I am aware that people who come to Northern Ireland express

surprise that it is not as clean as it should be. Tourism provides us with a huge opportunity to benefit our economy. If we are serious about bringing more tourists to Northern Ireland, we must keep it in pristine condition. However, allowing local authorities to spend £35 million a year of the public's money is not the best way to do that. It would be better if people were to change their culture to one of keeping Northern Ireland tidy and in a condition that we would be proud to show to other people. Who would invite someone to their home if it was in a state — to use a good Ulster-Scots word — of through-otherness? We are talking about bringing tourists to Northern Ireland. There is an opportunity to do something about that.

I am going to be proactive in this Assembly about doing that, and I believe that I have the support of the House and of local authorities. We need to change people's mindsets. Together, we can all move forward. I trust that Members will support the Bill.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Waste and Contaminated Land (Amendment) Bill [NIA 10/09] be agreed.*

## **Horse Racing (Charges on Bookmakers) Order (Northern Ireland) 2010**

**The Minister of Agriculture and Rural Development (Ms Gildernew):** I beg to move

*That the Horse Racing (Charges on Bookmakers) Order (Northern Ireland) 2010 be affirmed.*

I wish to outline to Members the background to the Horse Racing (Charges on Bookmakers) Order (NI) 2010 and the reasons for introducing it to the Assembly. The horse racing fund, which is administered by my Department, provides financial support for our two racecourses at Downpatrick and Down Royal, as laid down in the Horse Racing (NI) Order 1990. That Order requires a person who intends to apply for a bookmaker's licence or a bookmaking office licence to make an annual contribution to the fund as determined by my Department.

There are currently 339 off-course and 131 on-course bookmakers in the North of Ireland. The off-course bookmakers are licensed offices, while the on-course bookies are licensed to operate on the racecourses. The racecourses' representatives entered into direct negotiations with the bookmakers to consider an appropriate increase in their contributions to the horse racing fund. The result of those negotiations is an agreement between the racecourses and the bookmakers to increase the horse racing fund levy from £1,123 to £2,000 per annum for a five-year period. The negotiations were also prompted, in part, by the impact of the credit crunch, resulting in dwindling private sector sponsorship and reduced prize money funding from other sources at both racecourses.

In August 2009, I agreed to a consultation exercise on the proposed increase. That consultation has been completed and although the response was limited, the majority of stakeholders were in favour of the increase. The small number of responses, and the fact that only two respondents were against the proposal, suggests that the industry is generally content.

Both racecourses in the North of Ireland have submitted budgets that confirm how the additional funding should be spent.

Down Royal intends to increase race day support in the form of security and technical funding that will comprise CCTV, ambulances, veterinary services, and so forth. Downpatrick intends to achieve capital investment of £585,000 for

items such as ancillary accommodation and refurbishment of the entrance area.

### **2.30 pm**

The arrangement is to last for a five-year period only, after which the levy will revert to £1,123 a year. The on-course bookmakers' levy will remain at £99 a year, but will be subject to consideration after the five-year period. No human rights or equality issues arise from the Order, and other than the increase in levy, there are no further financial implications. Primary legislation is in place, and this secondary legislation, subject to affirmative resolution, is required to implement any increase in the horse racing fund. I commend the Horse Racing (Charges on Bookmakers) Order (NI) 2010 to the Assembly. Go raibh milé maith agat.

### **The Deputy Chairperson of the Committee for Agriculture and Rural Development (Mr Elliott):**

I welcome the opportunity to contribute to the debate. The motion seeks to affirm the Horse Racing (Charges on Bookmakers) Order (Northern Ireland) 2010. The statutory rule will revoke the Horse Racing (Charges on Bookmakers) Order (Northern Ireland) 2007. The Order will significantly increase the off-course bookmakers' levy paid to the horse racing fund in Northern Ireland. That levy consists of charges paid to the Department of Agriculture and Rural Development by persons who intend to apply for bookmakers' and bookmaking office licences.

The agreement to increase the levy followed negotiations between racecourses and bookmakers and raises the levy from £1,123 per annum to £2,000 per annum for a five-year period. On 16 February 2010, the Committee for Agriculture and Rural Development considered the proposal as an SL1 and indicated that it was content with the policy merits of the proposal. The Committee further considered the statutory rule on 16 March 2010 and resolved that it be affirmed.

As a Member, I am keen that the additional finance should be used in the proper mechanisms and ways that are laid out in the Order. Otherwise it could be diverted to other areas that may not be appropriate. It will be interesting to see whether the levy reverts to the original cost after the five-year period, although many of us may not be here for that. However, that is for the future, and the five-year period is built into the legislation.



My key focus is that the Order has been agreed by the stakeholders concerned. It is not often that a piece of legislation to increase charges comes before us having been so easily agreed by stakeholders.

**Mr McCarthy:** I am not a member of the Committee for Agriculture and Rural Development or an avid bookmakers' customer, so I have little to say about the motion. However, in common with my colleague Mr Elliott, I am surprised that there has not been more opposition and that only two people objected to the Minister's advocating a rise in the levy from £1,123 to £2,000.

We should congratulate Tony McCoy on his excellent Grand National win in the past week. It was not long ago that the Committee for Culture, Arts and Leisure held a reception for Tony to celebrate his earlier successes. Once again, well done to him, and I am sure that everyone will agree with that.

**Mr P Ramsey:** I am aware of the bookmaking levy to which Tom Elliott referred. In Britain, for example, that money is distributed in capital and revenue terms to horse racing and greyhound racing. However, in Northern Ireland, there is a difficulty whereby that money is not being distributed in capital or revenue at, for example, Ballyskeagh or the Brandywell track in Derry. Will the Minister explain that disparity in the redistribution of the bookmakers' levy?

**Mr McCarthy:** I thank the Member. I know nothing about horse racing and even less about greyhound racing, but I am sure that the Minister will respond to that question.

There is nothing further to say other than —

**Mr Elliott:** I will clarify for the Member: horses take part in horse racing, and dogs take part in greyhound racing.

**Mr McCarthy:** Thanks very much, although I did know that.

Given what the Minister said and the lack of opposition to her proposals, I have nothing further to say on the matter.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I welcome the legislation and appreciate the opportunity to say a few words. The policy will improve access to, and facilities at, both our racecourses in the North, namely Down Royal and Downpatrick. It is essential

to the racecourses' viability. As the Minister probably said — I missed her contribution — proceeds go towards the general running of the sport, such as the cost of prize money and ensuring the safety of spectators and the proper conduct of racing. As the Member who spoke previously said, the increase was agreed after consultation. Both parties have reached agreement on how to move forward.

The racing industry supports many sectors, such as trainers, vets and transport, and it provides jobs throughout the island of Ireland and generates tax revenue. Horse racing is stitched into the fabric of the Irish rural economy, and it employs people in every county. All jobs need to be supported in the current economic climate, especially when they are spread across the country and located in rural areas. The Irish horse racing industry supports thousands of jobs. The stability of those jobs and the associated economic activity depends on the long-term security of funding for the industry.

From my experience in South Down, I am aware of the potential for the promotion of tourism at Downpatrick racecourse, which I probably visit most.

**Mr Molloy:** Do you get many winners?

**Mr W Clarke:** I do not get too many winners, but I visit anyway.

**Mr Shannon:** Did you win on Saturday?

**Mr W Clarke:** Yes; I won a sweepstake. I declare an interest in that regard.

I have worked with the racecourse to develop the district's potential as regards businesses' income, and so on. The racing industry brings many spin-offs to local businesses, including bed and breakfasts, public houses, restaurants and taxi firms. The benefits are across the board. We need to invest in our racecourses, particularly in the current economic climate. Racecourses are a gateway to districts, as tourists will come back repeatedly to sample the delights that are on offer throughout the island of Ireland.

I do not want to go into the history of Downpatrick racecourse too much, but it has been in existence for more than 300 years. Therefore, the communities of Downpatrick and South Down generally have a sense of it belonging to them. Anything that can build on that has to be

welcomed, and the extra resources will have the viability of the racecourse at heart.

I will not prolong the debate other than to say that I support the motion.

**Mr McDevitt:** I apologise to you, Mr Speaker, to my colleagues in the House and to the Minister for being late; I was delayed. I thank the Minister for getting the proposals to the House eventually. She will know that, in a previous life, I spent several years advocating the change. I suppose that I should make a partial declaration in that regard.

For many of us, the horse racing industry in the North and across the island is a sport that we enjoy and that can make us laugh and make us cry. However, it is also a business and a very important part of the agriculture sector and industry. That business does not happen without stimulus, support and a considerable amount of government intervention.

The lesson of the past 20 years in the Republic is that a combination of fiscal stimulus and direct government investment has transformed the thoroughbred and horse racing industry from a great sport into a very significant business and contributor to the rural economies of the Twenty-six Counties.

We have never really maximised the horse racing industry's potential in the North, and that has been largely because, down through the years, old Stormont Governments and direct rule Ministers never sought to prioritise it or to give it the incentive and stimulus that it needed in order to succeed.

I appreciate the efforts that the Minister has made. I know that she has a deep personal commitment to try to change the industry here, and I welcome that. This legislation is an important step along the way. However, we need to do much more. We need to look at opportunities in thoroughbred breeding, development of the equine industry and the celebration of success through having world-class racecourses and the sort of infrastructure that is needed to attract the best horses to race in the region. That is kind of present in Down Royal racecourse. The investment made there over the past 15 or 20 years has allowed an infrastructure to be put in place that means that the racecourse hosts not one but two grade 1 races every year. Those are the Formula One races of the National Hunt calendar: the sort of place where one will

see a Cheltenham Gold Cup or Grand National winner. We need such racecourses if we ever hope to be on the world stage of horse racing. Those racecourses — those windows to the industry — allow the industry to grow and to be celebrated. It is the industry that gives rise to the Ballyhollands of this world — the horses that get to the very last fence of the Grand National only to find that they have run out of steam.

We must look at the policy slightly more strategically. We must consider it at a regional level and understand that horse racing on this island is an all-island affair. It is administered as an all-island industry, and has ever been so; it is regulated on the same basis, and has ever been so. It should receive investment, with the support of this House and the Oireachtas, on an all-island basis. In these Northern six counties, we have the potential, the love and the energy — in our jockeys, in our trainers and in those studs that still survive despite the little support available to them — to make horse racing and the thoroughbred industry something of which we can all feel proud. That has been proven. I am happy to support this small step forward.

**Mr Shannon:** I support the motion. I confess that I know very little about horses; I know only that King Billy rode one at the Battle of the Boyne.

For the Committee for Agriculture and Rural Development, on which I sit, it is important that it has been involved in the horse racing industry. If only all legislation before the House were as simple as this, it would be great. Legislation would be passed in the House regularly.

I am a representative of Strangford. It would be terrible if I were not to mention that at least once a day in the Chamber. However, in the constituency that I represent, there is a clear interest in horses. The industry is important to a great many people, such as those in the Ulster Rural Riders' Association and those directly involved in horse racing, which is what the debate is all about. It is also important for the economy, as it puts money back into it. Willie Clarke, Conall and other Members mentioned that fees are ploughed back into the industry. Those fees help the horses, improve the industry and pay for the introduction of apprentices into it. That is good news.

I am sure you will be glad to hear that my speech will be short, Mr Speaker. This legislation has come about through negotiation with the stakeholders, and that is important. It could not

have happened without their agreement. I wish all legislation was as easily dealt with. There is much legislation, Minister, on which we will not agree, but let us hope that we can agree as easily on other matters in future.

**Mr Savage:** I support the motion. The Order increases the charges payable by persons applying for bookmaking office licences for off-course bookmakers to the horse racing fund administered by the Department of Agriculture and Rural Development.

That is an above-inflation increase of approximately £900 on the amount paid by all bookmakers into the horse racing fund. The rise will, however, ultimately result in increased investment in Northern Ireland's two racecourses — Downpatrick and Down Royal.

## 2.45 pm

The wider equine and tourist industries in Northern Ireland are expected to benefit indirectly from the increase in funding to racecourses. The Order provides guaranteed investment from the horse racing fund until 31 December 2014. We must ensure that the Department properly manages and administers that funding to ensure quality investment in racecourses for the future.

We saw what happened to the horse racing industry in Northern Ireland during the Easter recess and the money that the horse racing fraternity generated. One has only to look at the breeding facilities of the horse racing world in Northern Ireland. The benefits and potential of a winner for any stud farm are unbelievable. That is another side of farming in which many people have an expertise. That expertise has to be nurtured, just as in any other aspect of farming. I hope that we on the Committee for Agriculture and Rural Development can play our part to encourage and to bring home to the wider fraternity the benefits of the horse racing industry in Northern Ireland.

I am not a fan of racing, but I like to see good horse racing. I hope that the part that the Department of Agriculture and Rural Development has played in that will encourage farmers to expand their businesses here and create employment.

**The Minister of Agriculture and Rural Development:** Go raibh maith agat, a Cheann Comhairle. I am grateful to the Members who

spoke, and I am pleased to note broad support for the provisions in the Order. There was a great deal of consensus, so I will not go into all the issues or attribute comments to different Members.

However, I will, as Kieran McCarthy reminded me, send congratulations to A P McCoy — or Tony, as he is better known — for his success on Saturday. Unfortunately, I did not get time to get to the bookies to put a wee bet on, so I missed out. However, a few around here probably lost money on Saturday, and that is why there is no difficulty with raising the levy, because the bookies are good at taking money off all of us.

The Order has very much been the result of a partnership approach, and that is why there had been so little resistance to it. As Jim Shannon said, we sat down, worked with the industry, and got a consensus, and that is why there has been very little resistance.

Pat Ramsey spoke about capital investment. The levy is for the horse racing fund and, therefore, for horse racing courses. That was discussed between the bookies and the horse racing courses. It is not that there cannot be capital investment, because it is happening in Downpatrick, but it is a question of what racecourses need at present. The increase is for a limited five-year period, as Tom Elliott, the Deputy Chairperson of the Agriculture Committee, pointed out. The statutory rule increases the levy to £2,000 for five years, but reverts after that.

A number of Members spoke about economic opportunities, and I agree with a lot of what was said about that. Conall McDevitt and Willie Clarke, among others, talked about horse racing being an all-Ireland sport. My first lobby on the issue was, I suppose, by the country GP who delivered me, and who took the opportunity one day to bend my ear about horse racing, in which he has a keen interest. I was on the Committee for Social Development when Sunday racing was being discussed. Since then, I have had an interest to do what I can to support the industry. Horse racing is very much an all-Ireland sport, and there is great potential and opportunities for the North if we can tap into them. In a tribute to Fitz Gillespie, therefore, I am delighted to bring forward this Order and further resources to horse racing courses so that they can step up what they do.

Members are right to say that going to the races is a great day out. At the races, I have seen Cheltenham Gold Cup winners and other horses that are normally seen on TV. It does not cost much to go and to have a wee flutter. It is a great day out and is very enjoyable. The more that people participate in racing, the more spin-offs there will be for the broader economy — for bed and breakfasts and other businesses in and around the area. Members spoke about that aspect.

As George and other Members mentioned, there is also a spin-off for jobs potential. Our College of Agriculture, Food and Rural Enterprise runs a number of courses at its Enniskillen campus, including courses for farriers, blacksmiths, jockeys and trainers. Many students at Enniskillen cut their teeth at point-to-points and other races before moving on to the next level.

People visit Ireland for the horse racing. They do not come here for the weather, so we have to find something else for them to do. In horse racing, we have an advantage over some of our competitors, and we can attract people to our racecourses to participate in the sport. There are wider benefits, and it is important that we see those spin-offs and that we continue to work together for the best interests of our industry and for the economy as a whole.

**Mr McCarthy:** I appreciate the Minister's comments about the economy, and so forth. Does she acknowledge that horse racing is an expensive sport, particularly for young people? Will her Department offer any grant aid to get people into the sport in the first place?

**The Minister of Agriculture and Rural Development:** No; not at this stage. Having answered the Member's question in one word, I will not stand here and waffle for five minutes. We cannot offer any grant aid in the present economic climate, and we do not know when there will be the opportunity to do so. Undoubtedly, horse racing is an expensive sport to get into, but there are rewards. The horse racing industry is very vocational. If a mare is foaling, our students at Enniskillen will sit up with her all night, and they really go above and beyond. It is a labour of love, and many horsey people recognise that. At times, there are no financial benefits, but it is something that they love and are absolutely passionate about. If we can do anything to encourage them to stay in the sport, to give them opportunities and, as I

said earlier, to increase the prize money fund, that is a benefit.

I am delighted to have been able to bring this statutory rule to the Floor today, and I am delighted that it received consensus across the House. I look forward to seeing Members at the races some day.

*Question put and agreed to.*

*Resolved:*

*That the Horse Racing (Charges on Bookmakers) Order (Northern Ireland) 2010 be affirmed.*



## Committee Business

### Membership of Statutory Committees

**Mr Speaker:** As the motion is a business motion, there will be no opportunity for debate. Members should by now have received the document NIA 51/09/10R, which sets out the detail of the membership of the Statutory Committees and is referred to in the motion.

Resolved:

*That, in accordance with Standing Order 49(3), the membership of the Statutory Committees as detailed in NIA 51/09/10R be approved. — [Lord Morrow.]*

*The membership of the Statutory Committees as detailed in NIA 51/09/10R is as follows:*

#### **Committee for Agriculture and Rural**

**Development:** Mr Ian Paisley Junior (Chairperson); Mr Tom Elliott (Deputy Chairperson); Mr PJ Bradley; Mr Willie Clarke; Mr Pat Doherty; Mr William Irwin; Mr Kieran McCarthy; Dr William McCrea; Mr Francie Molloy; Mr George Savage; Mr Jim Shannon.

#### **Committee for Culture, Arts and Leisure:**

Mr Barry McElduff (Chairperson); Mr Declan O'Loan (Deputy Chairperson); Mr PJ Bradley; Lord Browne; Mr Trevor Clarke; Mr Billy Leonard; Mr Kieran McCarthy; Mr Raymond McCartney; Mr David McClarty; Miss Michelle McIlveen; Mr Ken Robinson.

**Committee for Education:** Mr Mervyn Storey (Chairperson); Mr David Hilditch (Deputy Chairperson); Mr Dominic Bradley; Mrs Mary Bradley; Mr Trevor Lunn; Mr John McCallister; Mr Basil McCrea; Miss Michelle McIlveen; Mr John O'Dowd; Mrs Michelle O'Neill; Mr Alastair Ross.

#### **Committee for Employment and Learning:**

Mrs Dolores Kelly (Chairperson); Mr Peter Weir (Deputy Chairperson); Mr Paul Butler; Mr Trevor Clarke; Rev Dr Robert Coulter; Mr William Irwin; Ms Anna Lo; Mr David McClarty; Mrs Claire McGill; Mr Pat Ramsey; Ms Sue Ramsey.

#### **Committee for Enterprise, Trade and**

**Investment:** Mr Alban Maginness (Chairperson); Mr Paul Butler (Deputy Chairperson); Mr Gregory Campbell; Mr Leslie Cree; Ms Jennifer McCann; Dr Alasdair McDonnell; Mr Gerry McHugh; Mr Daithi McKay; Mr Stephen Moutray; Mr Sean Neeson; Mr David Simpson.

**Committee for the Environment:** Mr Cathal Boylan (Chairperson); Mr Dominic Bradley (Deputy Chairperson); Mr Roy Beggs; Mr Jonathan Bell; Mr John Dallat; Mr Danny Kinahan; Mr Ian McCrea; Mr Daithi McKay; Mr Alastair Ross; Mr Peter Weir; Mr Brian Wilson.

**Committee for Finance and Personnel:** Ms Jennifer McCann (Chairperson); Mr David McNarry (Deputy Chairperson); Mr Jonathan Craig; Dr Stephen Farry; Mr Simon Hamilton; Mr Fra McCann; Mr Mitchel McLaughlin; Mr Adrian McQuillan; Mr Declan O'Loan; Mr Ian Paisley Junior; Ms Dawn Purvis.

**Committee for Health, Social Services and Public Safety:** Mr Jim Wells (Chairperson); Mrs Michelle O'Neill (Deputy Chairperson); Mr Tom Buchanan; Dr Kieran Deeney; Mr Alex Easton; Mr Sam Gardiner; Mrs Dolores Kelly; Mr John McCallister; Mr Conall McDevitt; Mrs Claire McGill; Ms Sue Ramsey.

**Committee for Justice:** Lord Morrow (Chairperson); Mr Raymond McCartney (Deputy Chairperson); Mr Jonathan Bell; Rt Hon Jeffrey Donaldson; Mr Tom Elliott; Mrs Dolores Kelly; Mr Alban Maginness; Mr David McNarry; Ms Carál Ní Chuilín; Mr John O'Dowd; Mr Alastair Ross.

**Committee for the Office of the First Minister and deputy First Minister:** Mr Danny Kennedy (Chairperson); Mrs Naomi Long (Deputy Chairperson); Ms Martina Anderson; Mr Alex Attwood; Mr Tom Elliott; Mr Barry McElduff; Mr Francie Molloy; Mr Stephen Moutray; Mr Jim Shannon; Mr Jimmy Spratt; Mr George Robinson.

**Committee for Regional Development:** Mr Fred Cobain (Chairperson); Miss Michelle McIlveen (Deputy Chairperson); Mr Cathal Boylan; Mr Allan Bresland; Mr Willie Clarke; Mr Tommy Gallagher; Mr Danny Kinahan; Mr Billy Leonard; Mr Trevor Lunn; Mr Ian McCrea; Mr George Robinson.

**Committee for Social Development:** Mr Simon Hamilton (Chairperson); Ms Carál Ní Chuilín (Deputy Chairperson); Mr Billy Armstrong; Mrs Mary Bradley; Mr Mickey Brady; Mr Thomas Burns; Mr Jonathan Craig; Mr Alex Easton; Mr David Hilditch; Ms Anna Lo; Mr Fra McCann.

**Mr Speaker:** I ask the House to take its ease until we move to Question Time at 3.00 pm.

3.00 pm

## Oral Answers to Questions

### Finance and Personnel

#### Economic Development

1. **Mr McNarry** asked the Minister of Finance and Personnel whether he will convene an all-party economic conference to garner ideas on economic development, in light of his comments at a recent investment conference in Dundalk that the Executive had not done enough to advance long-term economic growth and that there had not been any significant change to policy focus on economic growth over the last few years. **(AQO 1033/10)**

8. **Mr Cree** asked the Minister of Finance and Personnel, in light of his comments at the recent investment conference in Dundalk, what action he is planning, including any financial stimulus package, to generate enduring and tangible economic returns in areas such as research and development and innovation, mathematics and technology skills, physical infrastructure, and the lessening of regulatory burdens. **(AQO 1040/10)**

**The Minister of Finance and Personnel (Mr S Wilson):** With your permission, Mr Speaker, I will answer questions 1 and 8 together.

In my speech in Dundalk, I highlighted the need to promote capital investment in those sectors that offer the greatest potential for exploiting economic growth. Members will be well aware that, first, we in Northern Ireland have a high dependence upon the public sector; and, secondly, productivity levels in the private sector are much lower than those in other parts of the United Kingdom. Of course, that impacts on the kinds of jobs that we have and the level of remuneration available in those jobs, and on economic growth.

Some sectors that immediately come to mind are physical infrastructure, such as roads, telecommunications, transport hubs, energy, etc; investment in subjects such as science, technology, engineering and mathematics; and workforce training that would help to generate additional productivity. That agenda is entirely consistent with the recommendations in the

recent 'Independent Review of Economic Policy' report.

One other issue raised by Mr Cree in his question is what I am doing, as Finance Minister, to take forward the economic growth agenda in Northern Ireland. He will be well aware that I cannot act unilaterally. The action is a collective one by all Departments, but I have been seeking to at least promote with Executive colleagues the theme that, I hope, will be central to the discussion of the spending review for the Programme for Government and the Budget for the forthcoming year. We should emphasise that if we are genuine about making economic growth and productivity the number-one priority, the Executive will have some difficult decisions to make.

**Mr McNarry:** By making observations across the border rather than to the Assembly on what he says is the failure of our Executive to foster long-term economic growth, was the Minister evading his primary duty to report to this House on those matters? Will he also explain the apparent and glaring contradiction between his own failure to support the lowering of corporation tax and his rejection of the Economic Reform Group for advocating it, as set out in his letter to the Finance Committee on 23 March? Compare that with the First Minister's comments, widely reported on 9 April, that his party would strongly support a reduction in corporation tax.

**Mr Speaker:** Order. Question Time is about asking questions, not making statements. I ask the Member to come to his question.

**Mr McNarry:** I will not disagree with you, but I think that if you read the Hansard report, Mr Speaker, you will find that there was a question in there. However, I will, finally, come to what you have asked me to do. As the subject matter is economic growth, will the Minister give Members his assessment of how he intends to distribute the £33 million that will come from Mr Darling's last ever Budget?

**The Minister of Finance and Personnel:** First, the Member has this great tendency never to listen to what is being said in the House. If he does listen and hear, he sometimes fails to understand. I have said in this House on many occasions, and it was the theme to my speech in Dundalk — which was attended by just as many people from Northern Ireland as from the Irish Republic; an example of the type of

good economic co-operation that his party has supported in the past — that the emphasis is on the need for us to find ways to promote economic growth and to meet the objective set out as the first priority in the Programme for Government.

The Member raised the issue of corporation tax. As he seems to have taken a great interest in the speech that I made in Dundalk, he will have noted that I said that the Executive have been good at dealing with the demand side of the economy by reducing business rates, not imposing water charges and capping taxes on the manufacturing industry. However, anyone who understands the supply side knows that, if we are to achieve economic growth, we must change the very nature of the infrastructure and build up the skills of the workforce in Northern Ireland. That was the point that I emphasised.

There is room to alleviate costs by reducing tax levels or holding them at a certain level. However, if we are fundamentally to change the nature of the economy, we must examine the infrastructure, skills base, and so forth. Mr Farry has raised that issue with me on a number of occasions, and he and I see eye to eye on many such issues.

Mr McNarry never does his homework. Had he done so, he would know that there is not £33 million available to the Executive under the Barnett formula. Some £21 million or £23 million of that amount is annually managed expenditure (AME), which will be available only on demand as a result of benefit changes, and so forth. I think that £12 million is available to the Executive under the Barnett formula for the departmental expenditure limits, and that will be decided by discussion in the Executive.

**Mr McNarry:** What about corporation tax? Will you not go there?

**Mr Cree:** I thank the Minister for his response, and I share many of the sentiments that he expressed. Will he cite examples of where he has facilitated additional finance to the relevant Departments to achieve the objectives to which he referred at Dundalk?

**The Minister of Finance and Personnel:** The roads infrastructure and the Department for Employment and Learning will benefit from the Budget settlement for this year. Indeed, the requests for finance in those areas have been made available to the Department for

Employment and Learning and the Department for Regional Development. When budgets are allocated to Ministers, it is up to them to deal with exactly how they spend each of those budget lines.

**Mr Shannon:** I thank the Minister for his response. What will he do to take forward the financial stimulus? I hope that any action will be immediate. Perhaps he will outline to the Assembly exactly what he will do in that regard.

**The Minister of Finance and Personnel:** We have had a long debate on the Budget for this year, and it has now been allocated to the Departments. I hope that there will be no interruptions to those spending plans after the election, but we cannot guarantee that. In future months, the danger is that, rather than a financial stimulus, we may face a financial reduction because of budgetary decisions taken in England.

There has been some chirping about my not addressing Mr McNarry's earlier point about corporation tax, so I will indulge him for a moment. The Member gets exercised about black holes in the economy, and he knows full well that it has been made clear that a reduction in corporation tax would result in a notional sum — anything between £200 million and £400 million — being removed from Northern Ireland's block grant. In the absence of a general policy for the United Kingdom, perhaps he thinks that that level of reduction would make good sense, but he and his party need to explain where reductions in departmental spending would be made.

**Mr O'Loan:** I welcome the change of position that the Minister has demonstrated, as indicated in Mr McNarry's original question. He is moving to ground that has long been argued by the SDLP.

Will the Minister accept that it was well known to all parties, including his own, that there would be a loss to the Northern Ireland block when we all made the case for a reduction in corporation tax? Does he agree that the evidence from other jurisdictions that have made a reduction in corporation tax is that the net gain in fiscal terms outweighs the loss of revenue from the direct corporation tax? That was well understood at the time. What has changed in the meantime to make him alter that position?

**The Minister of Finance and Personnel:** The case that was always argued was that any

consequence of a reduction in corporation tax would not be imposed immediately on the Northern Ireland economy, and the consequences would only feed through when there was an impact on additional investment. However, it is clear from the Treasury that that is not the case. I have based my decision on the fact that there would be immediate consequences for spending in Northern Ireland and only potential long-term benefits as a result of the reduction in corporation tax. However, I belong to a party that supports low taxation, and I still believe that there is a strong case for looking at a reduction in corporation tax right across the United Kingdom. That would not have an impact on the block grant here in Northern Ireland.

### **Business Consultancy Service**

2. **Mr T Clarke** asked the Minister of Finance and Personnel for his assessment of the work of the business consultancy service and the standard of its reporting. **(AQO 1034/10)**

**The Minister of Finance and Personnel:** The business consultancy service (BCS) is an internal departmental service, and it exists to serve all 11 Departments and their agencies, helping them to improve and modernise their services. It has a strong client satisfaction record, with clients rating 100% of its services as either excellent or good. The increasing use of the business consultancy service is in line with my wish — and the recommendations of the Public Accounts Committee — that the preferred option should be to use in-house resources rather than external management consultants for that kind of work. However, the code of practice for BCS precludes me, as Minister of Finance and Personnel, and my departmental officials from having any direct access to the work and findings of the BCS. It is the client Department's responsibility to set the terms of reference, to consider the findings and to decide on any actions that would come from such a report.

**Mr T Clarke:** In the light of the Minister's answer, does he endorse the business consultancy service's report on funding for prep schools?

**The Minister of Finance and Personnel:** I suspect that the Member's question arose from a comment that the Minister of Education made

during the debate on prep school funding. She pointed out that:

*"The last time that I looked, the Minister of Finance and Personnel was from the party opposite." — [Official Report, Vol 49, No5, p370, col 1].*

She also said that my Department provided the report, and the explicit result of that was that she attributed the findings of the report to me. I know that the Education Minister was in great difficulty and she had taken a decision that in my view is petty and vindictive and is another way of getting at grammar schools. She is angry because they defied her wishes on the selection procedure. I know that if I called her a liar, you would immediately rule me out of order; therefore, I will not do that.

I will use the words of Winston Churchill, and I believe that they are parliamentary. I believe that the Education Minister was guilty of a terminological inexactitude in the House, because it is clear that the report was requested by her. She set the terms of reference. The report was inconclusive; it said that further work had to be done, and it recommended what that additional work should be. The report belongs to the commissioning Department. It is totally independent, and, as far as I am concerned, my Department and I have given no endorsement to the report. It belongs to the Department of Education.

### **3.15 pm**

**Mr A Maginness:** I thank the Minister for his reply. I understand that the business consultancy service acts independently, although it comes under the Finance Department. However, is there an opportunity there to expand its role in order to avoid undue and very high consultancy fees being paid to bodies outside government? Is that a way of creating efficiency in government?

**The Minister of Finance and Personnel:** The Member has hit on an important point. I am seeking to encourage Departments to use the BCS. Reports that are done by the BCS are totally independent; the outcome belongs to the Department, and there is no interference by me or my officials. Departments can be sure that they are getting an independent report. They can also be sure that they are getting value for money, because, first, the business consultancy service is staffed by people who are selected for their speciality. Secondly, because those people are working closely with Departments, they will



understand the culture of the public sector, and that is important. Thirdly, they benchmark all of their reports and their work against the service delivery of other consultancy organisations. There is good value for money on all of those counts. Therefore, Departments' use of the BCS, rather than outside consultants, would probably lead to a considerable saving for the public purse and mean that reports would be more understanding of the public sector.

**Mr Speaker:** Before I call Allan Bresland, I encourage Members to come to their questions more quickly. Members are making statements, and then coming to their question. I might even encourage the Minister to come to his answer sooner.

### Dormant Bank Accounts

3. **Mr Bresland** asked the Minister of Finance and Personnel what progress has been made in relation to the dormant bank accounts scheme.

(AQO 1035/10)

**The Minister of Finance and Personnel:** In his pre-Budget report on 9 December, the Chancellor reported that good progress was being made on the dormant accounts scheme. The co-operative financial services are working to submit their application to the Financial Services Authority, which will establish a reclaim fund, and, if the work continues as planned, the fund should be established later this year. The timing and the flow of the money to the Big Lottery Fund will, therefore, depend afterwards on the operations of the reclaim fund.

**Mr Bresland:** I thank the Minister for his answer. Does he intend to give priority to those who, for ethical reasons, are unable to accept money from the National Lottery?

**The Minister of Finance and Personnel:** Part of the consultation tried to highlight the issue of faith-based groups, many of which were doing work that usually was covered by the grants available from the Big Lottery Fund, which, for ethical reasons, they decided not to apply for. We have to be careful that we do not ring-fence money in a way that discriminates against other groups, but when setting the criteria we must ensure that although the Big Lottery Fund is administering the fund, it does not carry the Big Lottery Fund brand. Therefore it should be more open to faith-based groups, and I hope that many of them who do excellent work, and who

should be funded for the work that they do, will be encouraged to make applications when the money becomes available.

**Mr McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for the update on this question. In a sense, my supplementary question is related to Mr Bresland's point. Has the Minister considered drawing up guidelines and applying the funds to social economy projects, for instance, which would ensure the circulation and re-circulation of such funds within the local economy?

**The Minister of Finance and Personnel:** The guidelines are being drawn up, and it is hoped that they will be presented to the Executive for their approval in the near future. Of course, they will also be subject to scrutiny by the Committee for Finance and Personnel, of which Mr McLaughlin is a member. I imagine that the Assembly may even debate the issue too. All of the issues that the Member has raised will be contained in the particular guidelines. It is important that the money is not used for statutory functions, but for those functions that go beyond statutory duties and allow groups to make innovative use of it.

**Ms Purvis:** What priority has been given to the children and young persons' sector? Many responses that were received during the consultation requested that funds be used for that sector. What consideration do the guidelines give to prioritising funding for schemes that add value to that particular sector?

**The Minister of Finance and Personnel:** The guidelines cannot and should not ring-fence money for particular groups or activities. However, they will be broad enough to allow applications from the sector that the Member mentioned. It must be remembered that the fund is available for areas of social disadvantage, environmental work, and so forth. The Member will find that the guidelines will allow for applications from the kind of groups to which she referred.

**Mr McCarthy:** The Minister will be aware of the good work that is being carried out by children's organisations, such as Home-Start, Life Start, Sure Start. Is the Minister in any way minded to support those groups and give extra consideration to their needs if and when the opportunity arises?

**The Minister of Finance and Personnel:** The fund is not to be used as a substitute for mainstream Government spending. At this stage, I must clarify that some of the groups to which the Member referred receive mainstream Government spending. The consultation responses made it clear that respondents did not want the fund to substitute current Government spending, but to be directed to areas for which Government finance is unavailable. Therefore, that would probably rule out some of the groups that the Member mentioned.

### Assembly Committees

4. **Mr McKay** asked the Minister of Finance and Personnel to outline any discussions he has had with other Ministers regarding the lack of information supplied by Departments to Assembly scrutiny committees, as outlined in the recent report on the review of 2010-11 departmental spending plans. **(AQO 1036/10)**

**The Minister of Finance and Personnel:** I have been disappointed by Ministers' responses in providing information that is required for scrutiny of the 2010-11 Budget. I will outline the number of times and the ways in which I have contacted Ministers. On 7 January 2010, I wrote to Executive colleagues to request that they publish their plans to deliver additional savings for 2010. On 12 January, I made a statement indicating that I expected Committees to have that information so that they could scrutinise the plans properly. On 29 January, I wrote again to highlight the importance of transparency in the consultation process, which, again, meant that Departments should provide information. During the take-note debate on 9 February, Members again raised the issue that their Committees had not received that information. I, therefore, raised the matter with Ministers again. It was also a key theme for the Committee for Finance and Personnel. The Committee found it difficult to produce its report because Ministers had not supplied that information.

That issue crossed a number of Departments. The Health Committee and the Regional Development Committee were not in a position to comment on their Departments' proposals at all. The Education Committee and the Social Development Committee received only limited and headline information. The Agriculture Committee and the Committee for the Office of the First Minister and deputy First Minister said that the papers were received late.

The Committee for Culture, Arts and Leisure expressed concern about its Department's delay in publishing proposals on its website.

**Mr McKay:** I thank the Minister for his answer. Members will be aware that those difficulties arose in the run-up to the recent agreement at Hillsborough. Does the Minister believe that any progress has been made since the agreement at Hillsborough? His initial answer was not entirely positive. What further steps will he take to ensure that the situation improves?

**The Minister of Finance and Personnel:** I have not had any reports from Committees since that time on whether information has been received. In some cases, Departments have still refused to give information to Committees, and that is regrettable. I can only implore Ministers to comply. If the Assembly and its Committees are to work properly, the Committees need to have the information that is available so that they can scrutinise it.

I am pleased that the Finance and Personnel Committee accepted that my officials attended meetings on two occasions. Indeed, I also attended a meeting of that Committee. The Committee also received papers, and it commended DFP for its level of engagement. Of course, the Member would expect me to say that about my Department. However, it is important for Ministers to engage with Committees. Given the nature of the Assembly, the real scrutiny should take place at Committee level, and the information must be available to allow that.

**Mr Bell:** On the subject of the lack of information on budgets, will the Minister comment on the Departments that are failing in that area? Is he aware that the Education Minister has still not given the boards their budgets for the next year? That means that children's education is being damaged, no proper planning can take place and children with special educational needs in prep schools are crying themselves to sleep because they do not know whether they have a placement for 1 September this year.

**The Minister of Finance and Personnel:** As I said earlier, when I was given the information, which was only a couple of days ago, the Department of Health, Social Services and Public Safety and the Department for Regional Development had not provided any information at all. The Department of Education and the

Department for Social Development have given only headline information.

The Member made a good point. This is not just some paper exercise; it is a matter that impacts on the ability of people throughout the public service to plan ahead. Ministers ought to bear that in mind when dealing with their budgets and with how they pass on information about their budgets.

**Dr Farry:** Does the Minister agree that this is not just a theoretical exercise that looks at how things could have been done better? With the Conservative Party and others talking about taking possibly as much as £12 billion out of public expenditure after the election, we may have to face this pressing issue over the next year. Therefore, the Executive must give a clear message to all Departments to ensure that the exercise is done properly in the event that we have to go through it again.

**The Minister of Finance and Personnel:**

Absolutely, and as I said earlier, the nature of the Assembly means that we do not have an Opposition and a Government in the Assembly. Given that, the only way to deal with the detailed scrutiny of Departments is through Committees. Ministers should welcome that. It will be unpleasant and uncomfortable at times, and people such as Mr McNarry, Mr Farry and others will give Ministers a hard time, but that is the role of Members. However, Members can do that and Departments can avoid making mistakes only when that level of scrutiny exists.

Given that we could be entering an even more difficult time with budgets, I will be imploring Ministers to make information available to Committees. As the Minister of Finance, I will also want to know what the impact will be on Departments' budgets.

## Bond Financing

5. **Mr Craig** asked the Minister of Finance and Personnel for his assessment of the role that bond financing could play in assisting the Northern Ireland economy. **(AQO 1037/10)**

**The Minister of Finance and Personnel:** In theory, bond financing, particularly if it is targeted at infrastructure projects, should assist in the development of the local economy. However, the issue is raised frequently, and it is presented as something that the Northern Ireland Executive

could proactively take forward. It is a bit like the discussion that we had on corporation tax today.

Unfortunately, the practicalities of the public expenditure system mean that it is not as easy as that: any money that is raised through bonds adds to public sector borrowing. The Treasury will then reduce our departmental expenditure limits so that the long-term targets for borrowing and public expenditure are met. Therefore, although bonds may appear to be attractive on the surface, they do not lead to any additional money in the long term. Indeed, by the time we had paid the interest, we might be worse off.

### 3.30 pm

**Mr Speaker:** That ends questions to the Minister of Finance and Personnel.

**Ms Ní Chuilín:** On a point of order, Mr Speaker. I see from the Minister's face that he is anticipating that I will raise the issue of some of his comments about my colleague the Minister of Education. Among other things, he referred to her as "petty and vindictive". Will the Ceann Comhairle look at the Hansard report? I believe the Minister's language to be unparliamentary and certainly not in keeping with the spirit of this place.

**Mr Speaker:** I was listening very carefully, and the Minister checked himself. I do not believe that the Minister crossed the line, because, as I say, he checked himself. Let me check the Hansard report, and I will come back to the Member directly or to the House.

**Mr McLaughlin:** *[Interruption.]*

**Mr Speaker:** Earlier today and yesterday, Members checked themselves because they knew that they were about to cross the line on parliamentary language. On this occasion, the Minister realised what he should not say and rephrased it. However, I will look at the Hansard report.

**Mr O'Loan:** On a point of order, Mr Speaker. I draw your attention to other words that the Minister used in the same exchange. Referring to the Minister of Education, he said, "if I called her a liar". Is he not essentially doing that very thing? I ask you to look at the Hansard report and to consider whether that is appropriate language.

**Mr Speaker:** I have already said that I will look at the Hansard report. I have also told the House on a number of occasions that, when I

look at Hansard, I look at the contents around the debate. Having done that, I will come back to the Member. I ask the House to take its ease as we move to the next item of business.

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

*Motion made:*

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

## Adjournment

### Saville Inquiry Report

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes, and all other Members who are called to speak will have approximately five minutes.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Ar dtús, ba mhaith liom mo bhuíochas a ghabháil leis an Choiste Gnó as cead a thabhairt dúinn an t-ábhar tábhachtach seo a phlé an tráthnóna seo. Ba mhaith liom freisin a chur in iúl do theaghlaigh na ndaoine a maraíodh agus a gortaíodh ar Dhomhnach na Fola an meas atá agam orthu as an dóigh ar throid siad agus as a bhfeachtas teacht ar an fhírinne faoi cad é a tharla ar Dhomhach na Fola.

I preface my remarks by declaring that I am a member of the Bloody Sunday Trust and that I gave evidence to the Saville Inquiry. I also thank the Business Committee for providing time for the Adjournment debate on this important subject. It is an issue that relates to the constituency of Foyle but has wider implications throughout the community.

I want to use the debate to outline the concerns of the families and those who were wounded on Bloody Sunday and thus to help understand the justifiable reasons for their disappointment, frustration and anger. Even as we speak, the long and torturous wait for the publication of the report on the Saville Inquiry continues. I share those sentiments, as do many others. The Saville report is complete, but it cannot be published until after the British general election and a new British Government are in place. That could and should have been avoided, and the families, in their calm, focused and dignified manner, have indicated in precise terms how that could have been done. The families have said that they predicted the scenario that has unfolded and is now unfolding and that they outlined the steps required to avoid it in correspondence with Lord Saville and in



meetings and correspondence with the British Government since last summer.

Although one appreciates and understands the need for the independence of the judicial process, the families asked Lord Saville to work to a schedule that meant that he could have completed the report by 1 March 2010. However, the report's completion was allowed to drift past that date, and it was not finally handed over until 24 March. Had the report been completed by 1 March, all of this confusion would have been avoided. I think that Lord Saville displayed a degree of indifference to the families' needs and desires to have the report published before the British election was announced. The families did not ask for too much. Lord Saville had five years between the conclusion of the inquiry and now.

The British Government spurned the opportunity to do the right thing for what can only be described as partisan and sectional considerations. Once more, the British Government should have listened to the case as presented by the families and supported by legal opinion. Their case was simple: they put it forward that Lord Saville could have been permitted to stand over and pay due regard to any article 2 considerations relating to the right to life, which he had already done throughout the long inquiry without fault and, indeed, without any challenge. Any suggestion that Lord Saville would not have given due regard to so-called British national interest concerns is both disingenuous and bogus. However, the time spent on the so-called article 2 read ensured that the publication date was pushed past the impending election date. It also gave a distinct advantage to the British state and its agencies and, therefore, to those ultimately responsible for the murders on Bloody Sunday.

To compound all of that — this is very important — the article 2 read has not seen a single word changed or removed from the original text as presented by Lord Saville. There has been neither a single challenge nor even a suggestion of a breach of article 2 considerations. It is within that context that the families express their anger, frustration and disappointment, all of which are totally justified, and I hope that others agree with that. Their contempt for the article 2 read is obvious and well founded.

It must also be stated clearly that the families and their legal representatives suggested an alternative way to progress the report in

a manner in which no one would have been disadvantaged. The families did not seek an advantage over anyone else nor did they wish that any other person's legal rights be infringed or denied. I think that that highlights the integrity that the families have brought to the debate and shines poorly on those who did not respond to the legitimate demands that they made. I commend the families for that integrity and for securing the agreement that the report remains under the control of Lord Saville. That is an important victory for the families. In some way, it protects the integrity of the report, although the families have concerns, which are shared by many, that the agencies of the state have already read the report and have the ability, opportunity and, indeed, motive to leak it selectively when it suits them.

The families have not been deflected in their pursuit of the truth. I echo and support their call that the incoming British Government should make the publication of the report on the Saville Inquiry their first item of parliamentary business. Sinn Féin pledges its continuing support to ensure that that happens, and we urge others to support the families in that legitimate demand.

**Mr Durkan:** I commend Raymond McCartney for securing this Adjournment debate on an important issue, which, as he said, affects people not just in Foyle but more widely. The issue is particularly important to the families of those who were murdered on Bloody Sunday and to all the injured, who have been vexed by the delays in the publication of the Saville report and by the confusion, uncertainty and downright suspicion that inevitably surrounds the conditions of its publication. Having been told that the report would be ready for publication last year and then that it would be ready before the end of 2009, the families received the news that it would be ready by the week of 22 March 2010. Of course, that coincided with the countdown to the general election and with all the difficulties and uncertainties that that creates.

Like Raymond McCartney, I acknowledge the dignified determination of the families in contending with all the difficulties that have been in their way. They have focused in a very firm, fair, balanced and reasonable way on their clear needs and on the demand for a properly transparent publication process. They sought to ensure that publication would be immediate, without any room for interference

or manipulation on behalf of the Government or any agents of the Government. Unfortunately, at the Secretary of State's insistence that he has certain legal responsibilities to discharge, that did not happen. Nonetheless, the families were, at least, able to prevail on him to recognise that the responsibilities that he had stated needed to be discharged did not have to be discharged with the report in his custody but could be discharged with the report under the secure custody of Lord Saville. That is what the Secretary of State has had to accede to.

Unfortunately, in the circumstances, the families are left in a situation in which they know that all the lawyers appointed by the Secretary of State have seen the report. Although they can at least take comfort that those lawyers have not seen fit to persuade the Secretary of State to seek redactions in the report, they are left with the knowledge that those lawyers, some of whom are from the MOD, are obviously in possession of the information. The Secretary of State for Northern Ireland, Shaun Woodward, is asking those families to trust that MOD lawyers, who work in relation to national intelligence, will not betray any of that information to anybody else. Frankly, it is a bit too much to ask the families of the Bloody Sunday victims to take that assurance lightly.

Over this period of tension and suspicion as the families await the publication of the report, which can only take place after a new Parliament has been formed and the Secretary of State, whoever that may be, makes a statement, it is incumbent on us to show sensitivity. It is important that we show the families enough grace and consideration not to say anything insensitive about the background, conditions or cost of the inquiry. There will be time for people to again make those points as they have made them before. However, this is a time for sensitivity rather than speculation or contentious argument about these matters.

The families will want to know that the Saville report will be published unedited and with no interference. However, they will also want to know that its findings will be respected and reflected on by the body politic, not just here in the North of Ireland but in the Parliament at Westminster, by the British Government and by the wider British establishment, including the British media, which added to the hurt and the grievance. We know how the British establishment treated the events of Bloody

Sunday and how it honoured the people who were involved in murder that day. We know how the British media have treated the events of Bloody Sunday and the Saville Inquiry.

It is important to remember that there will be issues ahead: not just the verdict of the Saville Inquiry but the verdict on the Saville Inquiry. For the sake of the families, who are victims and have heard the innocence of their loved ones traduced, I hope that all parties in the House will, for the next few weeks, show some sensitivity and try to match the dignity of those families.

### 3.45 pm

**Ms Anderson:** Go raibh míle maith agat, a LeasCheann Comhairle. I thank my party colleague Raymond McCartney for securing this debate on such a hugely important issue.

I begin by commending the dignity, resilience and determination of the Bloody Sunday families, who had their loved ones murdered or wounded on that terrible day in our city. It is hard to believe that it is 12 years since the then British Prime Minister, Tony Blair, announced a new inquiry under Lord Saville. The families have displayed incredible dignity and patience throughout all the delays, throughout all the obstacles, throughout all the attempts to frustrate and block the truth, throughout the destruction of evidence and throughout all the media attacks and all the false dawns. As Raymond McCartney has already pointed out, the families did not have a level playing field throughout the process; they met new obstacles at every turn. However, they remained constant, determined and dignified, and their struggle for truth and justice has been an inspiration to us all and to people involved in many other struggles across the world.

I was only a young girl at the time of Bloody Sunday, but I vividly remember the atmosphere that hung in the air — the anger, the despair and the helplessness. I clearly remember the sight of coffins lined up at St Mary's Chapel. That is an image that has remained ingrained in my mind to this day. That is what Bloody Sunday is to the people of Derry; it is something that has been ingrained in our consciousness. Whether we were at the march or not and whether we were even born or not, it is part of who we are.

The people of Derry know exactly what happened on that day. We never needed an inquiry to

tell us that the British state committed mass murder on the streets of Derry. We already knew that, because those who died and those who were wounded were our friends, family and neighbours. We already knew, because the thousands who witnessed the slaughter were our friends, family and neighbours. The truth of what happened that day has been passed down from father to son and from mother to daughter. The people of Derry are in no doubt about what happened on the streets of their town. However, the British Government attempted to suppress the truth. They did so, first, through the Widgery whitewash and, then, through decades of obstruction and intransigence. The families refused to allow them to succeed; they were not prepared to let the truth be buried with their loved ones. That is why they needed an inquiry to nail the lies and to set the truth free. However, they have had to wait for far too long.

When the Saville Inquiry was announced, hopes were understandably raised, and people believed that the long campaign for justice was coming to a close. We are all mindful of the huge volume of evidence that Lord Saville has had to consider, but few would have imagined that the process would take so long or face so much resistance. It is long past the time to set the truth free. I share the anger and frustration at the latest delay, which has been caused by the Westminster election.

I reiterate the call for the new British Government, of whatever hue, to publish the Saville report and, as Mark Durkan said, to do so unedited and without delay.

**Mrs M Bradley:** I call on all parties represented here today to show solidarity in this case. The families of the victims of Bloody Sunday have shown great dignity at all times, and the wait for the report is still, unfairly, going on. I hope that they will have no other obstacles to overcome before they receive the report in full. After all, all they want is the truth. They deserve the truth. I hope that, as soon as the election is over, the new Government make the matter a priority and issue the full report to the families. That is what they need and deserve. They do not need to read the report to know that innocent people died. However, they still want to hear the truth — and nothing else — from the Government.

**Mr P Ramsey:** I thank Raymond McCartney for bringing the debate to the Floor of the Assembly today. It is an important and timely discussion,

and it is an emotive subject for all Members, particularly those who live in Derry. There has been a great wound in the city for 40 years that has never been allowed to heal. We hope that the Saville report will, in some way, help that reconciliation. The families want the Assembly to support them to ensure that the tribunal report is published in a timely manner and in accordance with guarantees that were given to them by the Secretary of State. Regardless of the make-up of the next Government, that issue is extremely important to them. That is not an unreasonable expectation, and the House and all parties in it should support that.

The families of the people who were killed or injured on Bloody Sunday have been working and fighting for justice for nearly 40 years. As all Members have said, it has been a long and difficult road for them, and we commend their tolerance and patience throughout. During that time, the families have been subjected to hurtful remarks, innuendo and accusations, often from politicians who have suggested that the victims of Bloody Sunday were in some way guilty of a crime. They certainly were not. There have been frequent innuendos about the cost of the inquiry, the subtext being that the families received the money. Again, that is wrong. The cost could have been reduced significantly if the Ministry of Defence had co-operated with the inquiry properly.

Although I do not want to pre-empt the inquiry's findings, it will provide an opportunity for Members — Members from all parties are in the House for the debate — to outline the same specific concerns to unify the House today. The inquiry team has finalised the report, and officials have studied it to ensure that nothing in it jeopardises anyone's right to life. The families have had meetings with the Secretary of State and have received guarantees from him. They want any future Secretary of State to stand over those guarantees. One key guarantee is that the report will remain confidential, in the possession of the inquiry tribunal and unread by the Secretary of State until the night before it is presented to Parliament, at which time the Secretary of State will be able to pre-read it. The families want assurances that they will be allowed to pre-read the report simultaneously. Those arrangements will ensure equality of knowledge. That is a sign of respect for the families and will ensure that no information is leaked to the press or any other inappropriate organisation.

Fulfilment of the guarantees is important in creating trust and confidence. The families want to ensure that the report is published without delay and as a matter of priority. The way that the inquiry report is delivered and the subsequent actions based on its findings are important to people who have a fundamental interest in justice. Those aspects are important to the families and victims of Bloody Sunday and to the citizens of Derry and will mark the beginning of closure on a very painful part of the history of the conflict. For the families and the injured in particular, the report will not bring an end to the grief and loss but will be an important element in the grieving process and will help them to come to terms with their loss.

The Assembly has an opportunity today to show solidarity — I appeal again for solidarity — with the families and with those who were injured on Bloody Sunday and to commend them for their commitment to truth and justice. We must insist that the next British Government honour and adhere to the Secretary of State's guarantees, and we must insist that the publication of the report be an immediate priority for the new Government. It is incumbent on the Government to honour that agreement. I appeal to Members from other parties in the Chamber today and suggest that, if they participate in the debate, they should show respect and should honour the patience of those families.

**Mr Campbell:** The incidents that we are referring to today are the incidents of 30 January 1972. In any situation in which there is loss of life, it is obvious that the sympathies of wider society and those of us who represent the community should go to the families concerned, irrespective of the circumstances in which their relatives died. I have said that on a number of occasions.

Notwithstanding that — however painful it may be — no matter how many times revisionism has to rear its ugly head, it has to be confronted head-on, defied and defeated, and it will be again today. There are those who try to indicate that the events on that day in Londonderry were the seedbed for the Troubles, which destroyed much of life in Northern Ireland. I have heard it stated repeatedly, particularly by republicans, that had Bloody Sunday not happened, the history of Northern Ireland could have been different. That negates and disposes of all the violence and murder that preceded the events of 30 January 1972. It discounts the murders of the two policemen on the route of the march

three days before the events of 30 January. Those who try to rewrite history by saying that what happened on that day was such an enormous crime that it began the Troubles in Northern Ireland are engaged in revisionism of the basest sort.

The Saville Inquiry has cost almost £200 million. The scale of its cost is such that it is 20 times more expensive than the previously most expensive public inquiry in United Kingdom history. We are discussing the subject today as MLAs, but part of the reason why the Saville Inquiry has cost £200 million is because of other “MLAs” — the millionaire lawyers' association. Those people are still claiming tens of thousands of pounds, if not hundreds of thousands, five years after the last witness left the box. That is the scale of the inquiry, the outcome of which we await until whatever Government come back into power next month.

Unfortunately, soldiers were pressurised and demands made of them while they were on the Saville Inquiry stand that they should reveal all that they know. However, a man who stands in the Chamber — a one-time terrorist and latter-day democrat — was also in the witness box. Did he answer any questions? No. He could not answer, because a code of honour forbade him from doing so. That code of honour did not seem to apply to anyone else. He, the Member who secured the Adjournment debate and other Members who contributed to it demand of others something that they do not apply to themselves. They will not necessarily say that they will tell the truth about what they were doing. Martin McGuinness is the example of that.

Unfortunately, the Saville Inquiry has come to the point at which it needs to be brought into the public domain. It needs to be proceeded with and brought to a close. There are those who say that there is a distinction to be made between all the killings of the Provisional IRA and the killings of soldiers who were acting for the state. Whatever about the difference, there is no doubt that the Government of the Irish Republic resourced and financed the Provisional IRA. They did that in the late 1960s. There has never been an inquiry costing £2, never mind £200 million, into why that Government financed the brutal, murdering terrorists who finally saw the light after 30 years and are now demanding outcomes to which they were not prepared to subject themselves.



**4.00 pm**

**Dr Farry:** I congratulate Mr McCartney for securing the Adjournment debate. I welcome the opportunity to comment as a non-MLA for the Foyle constituency. The issue is a major one in Derry, but its implications affect the wider Northern Ireland area. It also remains an issue beyond our shores.

In some respects, the debate is a narrow one about the handling of the final stages of the Saville report. However, some of the broader issues have been touched on. The Alliance Party recognises that Bloody Sunday was one of the worst incidents that occurred during the Troubles, and that is not meant to diminish the hurt caused to families who lost loved ones in other major and individual incidents or the hurt caused to those who were injured in such events and are still with us.

For the families who suffered on Bloody Sunday, there are issues of truth and justice. There are also issues relating to the state and the approach that was taken to the rule of law in our society. From my party's perspective, there was a clear abuse of force by those who were acting on the part of the state: those who were killed were innocent, and that must be acknowledged. People have referred to the deeply flawed Widgery tribunal, but even within that tribunal, it was acknowledged that there had been a reckless use of force. I appreciate that its report compounded the wounds in Derry through the allegations that were made and that there is a demand to see the slate wiped clean through these conclusions.

There are major concerns in society about how the Saville Inquiry has been handled and the approach that has been taken to the process by a number of parties. There are also concerns around how that has contributed to the costs and the long period of time that the inquiry has taken. There are lessons to be learned from the process, and there will be different perspectives on what appropriate lessons are to be drawn. However, that will be a debate for another time.

Today, the challenges are how we can bring the inquiry to a conclusion; how the integrity of the process can be respected; how the impartiality of the conclusions and recommendations that may be made by Saville are respected and kept intact, and how the interests of all parties to the inquiry can be respected. The inquiry has been a hugely complex and multifaceted process as

the costs and length of time taken demonstrate. That throws up competing human rights issues that need to be taken into consideration. Nothing is ever straightforward, and this process is a particularly difficult one.

I appreciate that the timing of the conclusion of the report is most unfortunate, given the timescale of the British general election. Although we wish it were otherwise, we must deal with the situation in which we find ourselves today. As others have said, great patience has been shown by the families in holding back and having to put up with a frustrating end to a frustrating process.

There is a perception of risk if the report stays in the hands of the Government for a long period between conclusion and eventual publication. I appreciate that a more pragmatic approach has been taken by the outgoing Secretary of State, but it is a far from ideal approach on what is not an ideal situation. It carries risks, but, hopefully, those risks can be minimised.

I am happy to add my voice, and that of my party, to call on the incoming British Government, irrespective of their political colour, to ensure that the report is published quickly in the new Parliament. Major discussions will follow at Westminster, in this Chamber, and elsewhere regarding the outcome of that process.

**Mr Attwood:** I am grateful for the opportunity to contribute to the debate. Although I will make some broader comments that I think are relevant, the spotlight should rightly remain on the events of Bloody Sunday and the circumstances around the Saville report.

When Raymond McCartney rightly introduced the Adjournment debate, he talked about the anger, frustration and disappointment of the families in Derry. Mark Durkan talked about the dignified determination of those families despite all their difficulties. No one would dispute that those characteristics apply equally to dozens and, tragically, hundreds and thousands of families who have suffered the trauma of the death of a loved one, either at the hands of the state or an illegal organisation, over the past 40 years.

However, besides the families in Derry themselves, the community that is most relevant to what happened in Derry is the families of the 11 people who were killed in the Ballymurphy massacre fewer than six months before the Bloody Sunday killings. This debate is relevant

to, and should shine a spotlight on, their experience because the 11 people who were killed in Ballymurphy on the days of 9, 10 and 11 August 1971 were also killed by the Parachute Regiment.

Serious and substantial questions arise not just about the events of the Ballymurphy massacre but about the consequences of that as regards the massacre in Derry. That is because the Parachute Regiment that was responsible for the deaths in Ballymurphy was also responsible for the deaths in Derry fewer than six months later. Questions should be answered about the deployment of the Parachute Regiment in Belfast on those days and the subsequent deployment of the same regiment to the streets of Derry that gave rise to the deaths in January 1972.

The names of the people who were killed in the Ballymurphy massacre are not so well known because of the nature of our history and experience. Attention has not been directed on what happened in Ballymurphy over those three days in the way that it has in respect of other tragedies and traumas. However, the 11 people who died on those three days were: Frank Quinn; Hugh Mullan, a Catholic priest; Joan Connolly, a mother of eight; Daniel Teggart; Noel Phillips; Joseph Murphy; Edward Doherty; John Laverty; Joseph Corr; John McKerr; and Paddy McCarthy, who, although not shot, was traumatised by the British Army's actions and suffered a heart attack.

**Mr Deputy Speaker:** I ask the Member to return to the subject of the Adjournment debate.

**Mr Attwood:** I will do so immediately.

The parallels between the Ballymurphy massacre and the events of Bloody Sunday go deeper than the involvement of the Parachute Regiment. The parallels are that the Ballymurphy families have had no investigation, inquiry or accountability whatsoever. There has been a complete lack of truth, apology, acknowledgement and accountability. Many other people were killed during those three days and in the days afterwards. Over the three days of internment, 22 people were killed in the North: three members of the British Army and 19 civilians, both Protestant and Catholic, mostly in Belfast.

**Mr Deputy Speaker:** Order.

**Mr Attwood:** Truth and accountability applies to all of them.

**Mr Deputy Speaker:** Order. Will the Member resume his seat? I must ask that the Member return to the subject of the Adjournment debate, the Saville Inquiry.

**Mr Attwood:** To conclude, the arguments that have been made by virtually all Members who have spoken in the debate in respect of the Saville Inquiry, the circumstances of Bloody Sunday and the associated truth and accountability apply to many other circumstances in the North. However, they apply first and foremost to the Ballymurphy massacre, because what happened in Ballymurphy happened subsequently in Derry. The truth of what happened in Derry, which we trust Saville will get to, may help to enlighten people about what happened in Belfast fewer than six months beforehand.

**Mr Bell:** As a Christian, I want to make it absolutely clear that we all regret the events of Bloody Sunday. We are sorry that people lost their lives in Northern Ireland. As a father, I am conscious that many families who have lost loved ones may be listening to the debate. We say genuinely that there is deep sorrow at the terrorism and activities in Northern Ireland in which people lost their lives. It is awful for any family. None of us can really experience it until it happens to us.

However, the debate raises some very interesting questions that must be dealt with using not only sensitivity but honesty. Looking at the costs of the Saville Inquiry, we realise that, precious as those loved ones were, they were among over 3,000 people killed in Northern Ireland. Over 3,000 families lost loved ones. We must be careful that when we call for truth for Bloody Sunday, we call equally for truth for Bloody Monday, Bloody Tuesday, Bloody Wednesday, Bloody Thursday, Bloody Friday and Bloody Saturday. I would like Members to apply themselves.

There is much talk of state forces. The honourable Member for West Belfast Mr Attwood raised the point, correctly, that all those 3,000 families are entitled to the integrity, honesty and truth of what happened to their loved ones. We cannot, and I say this advisedly, take a George Orwell approach whereby:

*"All animals are equal but some animals are more equal than others."*

Will the Members who raised this subject reflect that, for many in my community — the unionist community — the loss on Bloody Sunday is no different from the loss of the policeman or the UDR man in their respective families? The pain that they experienced in loss is the same. They deserve the truth as to what happened. The people who perpetrated Bloody Friday deserve the truth, and the families of the victims of Bloody Friday deserve to know who was responsible as much as those of the victims of Bloody Sunday. We can never allow this House to create a hierarchy of victims.

It is difficult. Because I sit in the Assembly, people come to my constituency office or approach me in Orange Lodges, and they ask me, for example, how it is that £x million is poured into one inquiry and yet, though my father is dead, no one has been brought to justice, no money is spent on his case, his name does not appear in the paper, his case does not have the attention of international jurists, and so on. There is a real sense of grievance in the unionist community. We need to check why it is not getting honesty and truth at a level that is applied elsewhere.

We need to be careful that we do not isolate one particular incident; we must look at all the families. We point the finger at the state and call for the truth as to what happened. However, I was always cautioned that when one points the finger, three fingers point back. There is a responsibility on those in the terrorist organisations to tell the truth about their activities and their responsibility for the pain caused on that particular day.

I was first elected, after a ceasefire, to Craigavon Borough Council at 27 years of age. A number of weeks later, Constables Johnston and Graham lay dead on the streets of Lurgan, each shot in the back of the head. To the best of my knowledge, no one has ever been brought to justice. How am I to answer those people who ask me why £x million is spent on the Saville Inquiry —

**Mr Deputy Speaker:** Will the Member please resume his seat? I ask him, as I have asked Members previously, to return to the subject of today's Adjournment debate, which is the Saville Inquiry.

**Mr Bell:** I respect that ruling and bring that to a conclusion.

I am asking for the justice and the finance that have been spent on the Saville Inquiry to be applied evenly. We must be careful not to create a major grievance when that is not done. Those who call for justice, truth and integrity in respect of the Saville Inquiry are equally bound to give any information that they have about the loss of loved ones. That is the principle that lies at the heart of this debate.

**Mr Deputy Speaker:** Bring your remarks to a close.

**Mr Bell:** We should not allow a situation to develop where one victim is treated differently from another.

*Adjourned at 4.15 pm.*

