
Northern Ireland Assembly

Tuesday 29 June 2010

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

Members observed two minutes' silence.

Executive Committee Business

Forestry Bill: Royal Assent

Budget (No.3) Bill: Royal Assent

Mr Speaker: Before we proceed to today's business, I have a number of announcements to make to the House. The Forestry Bill and the Budget (No.3) Bill have received Royal Assent. The Forestry Act (Northern Ireland) 2010 and the Budget (No.3) Act (Northern Ireland) 2010 became law on 28 June 2010.

Assembly Business

Committee Chairpersons

Mr Speaker: I received the resignation of Mrs Naomi Long as Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister. The resignation is effective from Monday 28 June 2010. The nominating officer of the Alliance Party, Mr David Ford, has nominated Dr Stephen Farry as Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister. Dr Farry has accepted the appointment.

I also received notification from the nominating officer of the Democratic Unionist Party, the Rt Hon Peter Robinson, that he has nominated Mr Jonathan Bell as Deputy Chairperson of the Committee for Employment and Learning. Mr Bell also has accepted the appointment.

I am satisfied that all correspondence meets the requirements of Standing Orders, and I therefore confirm Dr Stephen Farry as Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister and Mr Jonathan Bell as Deputy Chairperson of the Committee for Employment and Learning, both with effect from Monday 28 June 2010.

Ministerial Statement

DE: Capital Review

Mr Speaker: I have received notice from the Minister of Education that she wishes to make a statement.

The Minister of Education (Ms Ruane): Go raibh maith agat, a Cheann Comhairle. Ar dtús báire, tá brón mór orm nach raibh mé sa Tionól Dé Máirt seo caite.

First, I thank the Speaker for permitting me this time. I have already done so in writing, but I would like to apologise formally for arriving a few minutes late last Tuesday. I therefore extend my apologies and assure Members that no discourtesy whatsoever was intended. I know that the Speaker knows that.

Is eol do Chomhaltaí gur fhógair mé athbhreithniú ar gach tionscadal caipitil scoile a bhí fágtha i bplean soláthair infheistíochta an Choiste Feidhmiúcháin i mí Dheireadh Fómhair sa bhliain 2009. Tá an t-athbhreithniú seo críochnaithe anois, agus ba mhaith liom an t-eolas is deireanaí a thabhairt do Chomhaltaí ar thorthaí an athbhreithnithe seo inniu.

Members will be aware that, in October 2009, I announced a review of all school capital projects remaining on the Executive's investment delivery plan. That review is now complete, and I would like to update Members on its findings. At the same time, I would like to take the opportunity to inform Members about the constraints facing me in the light of the cuts that have been made to the education budget generally and, specifically, to its capital build aspect.

The objective of the capital review was to validate that each project in the investment delivery plan is consistent with the policy framework and will hence be viable and sustainable in the long term. It was commissioned to ensure that we maximise the impact of the scarce resources that we have available in the best interests of children and young people. A detailed analysis of the proposal for each project to validate them against criteria has been completed.

I am pleased to say that the majority of schools on the investment delivery plan are considered sustainable and viable in the long term and would serve the interests of children and young people well. There are a number of other schools where there are issues that need

further clarification. I did not want to exclude any school where I believe the issues can be quickly resolved and where, with a little work, the projects should be ready to move forward. Finally, I have concluded that a number of school projects cannot be taken forward as currently proposed. More work on those needs to be done by the school managing authorities, particularly in reflecting a more strategic approach to planning provision.

I want to work with the schools and school managing authorities to address the issues that have emerged from the review and to bring forward projects that are consistent with the policy for sustainable schools and with an area-based approach to planning. My Department will write to the school managing authorities and the schools that are in the investment delivery plan to inform them of the outcome of the review, and, where appropriate, it will seek to resolve issues or concerns that may have arisen in the review.

Cé go n-aithním go raibh frustrachas ar roinnt daoine mar gheall ar an athbhreithniú, tá sé de dhualgas orm a chinntiú go ndéanann muid an t-infheistiú ceart agus go dtógann muid scoileanna atá oiriúnach don todhchaí. Tá mé sásta anois go bhfuil na tionscadail sin a thabharfar ar aghaidh chuig céim na tógála oiriúnaithe don todhchaí.

Although I recognise that the review has caused frustration in some quarters, it is my duty to ensure that we make the right investment and build schools that are fit for the future. I am now content that we have future-proofed the projects that will be taken forward to construction. Of the projects that are consistent or are likely to be deemed consistent after some clarification, 13 are either at tender or pre-tender stage. I had hoped to be in a position where some or all those projects had been given the go-ahead at this point. However, with a reduced capital budget allocation available to me, we are already overcommitted on capital spend, and those projects will be delayed.

In addition, I would have liked to see another 10 or so newbuilds proceed on site before the end of the financial year. That is still possible if I receive the moneys for which I bid in the June monitoring rounds. If those additional funds are not allocated to the Department of Education for capital build projects, I fear that a delay in commencing those schools for some months

is inevitable. We simply cannot build schools without the money. Many teachers, parents, pupils and governors will be disappointed at the delay. I share that disappointment. To state the obvious, the rate at which the Department can build new schools is totally dependent on available resources. However, my Department's budget has been reduced significantly, and I now face a very challenging position regarding investment in the schools estate. My Department has a net capital budget for 2010-11 of £169 million, which is over £84 million lower in real terms than the net capital budget of 2009-2010. That includes a cut of £22 million that was made to address the increased public expenditure pressures that face the Executive. It would take over £500 million at today's estimate to build all the projects in the investment delivery plan list that are deemed viable and sustainable. If we set that against the available budget, we will see that the future programme is very bleak.

Ní féidir linn dearmad a dhéanamh den chlár tógála atá ar siúl faoi láthair áfach – tógadh 39 scoil nua ó mhí Bealtaine 2007, agus tá 13 eile acu a dtógáil agus cuirfear i gcrích iad ar ball beag.

We must not lose sight of the building programme currently under way. Thirty-nine new schools have been built since May 2007, and 13 more are currently on site and will be completed in the near future. My Department has to implement those cuts despite fully utilising the capital funds available to it in the past two years, completing projects representing an investment of over £253 million in our schools estate since May 2007.

A delay in building new schools means that I will have increased maintenance costs for the existing schools estate. The financial position for maintenance and minor works is also very bleak. I have been able to allocate only £30 million to the minor works programme, which will help to alleviate some of the worst conditions in a number of schools.

I desperately want to build new schools. In addition to the schools on the investment delivery plan, there are a further 100 potential projects at various stages of feasibility study and economic appraisal. All those schools have been identified as having serious accommodation issues, and all those projects need to be delivered.

Is féidir liom a dhearbhu leis an Tionól go leanfaidh mé den bhrú le cistí breise caipitil a fháil sa

bhliain airgeadais seo, agus tá súil agam go bhfaighidh mé tacaíocht ó gach páirtí agus ó gach Comhalta sna babhtaí le linn na bliana.

I assure the Assembly that I will continue to press for additional capital funds in this financial year. I look forward to receiving support from all parties and Members during in-year monitoring rounds. Further, as 2010-11 is the last year of a three-year comprehensive spending review period, I do not have a clear budget in place for future financial years. A new comprehensive spending review will be initiated shortly, which will cover the period until 2013-14.

I appeal to the Assembly: if we are serious about renewing the fabric of our schools estate and allowing our young people to access their education in modern, fit-for-purpose accommodation, we must ensure that capital funding for the schools estate is a priority even in this extremely challenging financial environment. I also believe that such capital investment has the potential to assist the economic recovery, particularly for those working in construction.

Ar deireadh, ba mhaith liom a chur in iúl go bhfuil mé tiomanta don chaighdeán is fearr cóiríochta a chur ar fáil do dhaoine óga. Is ceist í seo a bhaineann le gach toghcheantar agus le gach páirtí polaitíochta a bhfuil ionadaíocht aige sa Tionól.

I am committed to providing the best standard of accommodation for our young people. This is an issue for every constituency and every political party represented in the House. It is a question of priority. It is pointless for representatives to stand up and grandstand on issues such as the capital build programme if they do not follow that through by impressing on their colleagues who sit on the Executive the priority that these projects should, in my view, enjoy, even in these difficult economic times.

10.45 am

The Chairperson of the Committee for Education (Mr Storey):

We welcome the Minister to the House today, one week late. Many will question the sincerity of the reasons given as to why the Minister was not present last week to make an important statement.

The Committee for Education asked the Minister's officials, on several occasions, for the terms of reference for her review on how individual

capital projects would be assessed and prioritised. Indeed, that request was made directly to the Minister at a meeting of the Education Committee on 3 February 2010. At that time, the Minister said:

“the Department will be producing very clear criteria for capital projects, and, at the appropriate time, I will provide those criteria to the Committee.”

One hundred and ten days later, on 21 May, the Minister, through her officials, sent to the Committee a departmental paper on the agreed terms of reference, which included the already publicised sustainable schools policy criteria but not the specific criteria requested by the Committee. When will the Minister provide the Education Committee and Members with the specific criteria on how capital projects have been assessed and prioritised? When will she make available to Members the outcome of this nine-month review in the form of a prioritised list of capital projects that will be given the go-ahead? On 1 June, I wrote to the Minister to again ask how capital projects would be prioritised. To date: no reply, no response. When will she give that information to the House? When will the Minister write to the managing authorities of the 13 schools mentioned in her report?

I make my concluding remarks as a private Member. The Minister said that she wants the support of Members of the House. Until we on this side of the House are convinced of the bona fides of the criteria being used, the reality is, Minister, that we do not trust you to deal with such an important issue and nor do the schools or the managing authorities.

The Minister of Education: Well, the Member is entitled to his opinion.

The Chairperson of the Committee for Education: So is the ‘Belfast Telegraph’.

Mr Speaker: Order.

The Minister of Education: The capital review will inform a more strategic approach to capital investment decisions and the management of the schools estate. In light of that, it is important that we validate that the capital projects in which we invest are viable and sustainable in the long term.

It is important that the House understands that, since I came into office, we have built an enormous number of schools. We have spent

99.9% of our budget. In the two years preceding my coming into office, direct rule Ministers handed back £62 million in one year and £94 million of capital build money the year after. That £94 million could have built many of the schools on the list. A lot of those schools should not be on this list, because money was approved that was never spent. I have spent 99.9% of my budget, and I aim to continue to spend any money given to me for capital build. My big message is “Give me money and I will build schools” — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: — as I and my Department have done in the past two years.

Secondly, it was essential that we carried out a capital review. The reason for that is that on top of direct rule Ministers not spending their capital funding, they built schools that became empty a couple of years later because they did not plan the schools estate. We are planning the schools estate. We are not going to waste public money building schools that will be empty in two or three years’ time. That is why it is essential that our newbuilds are fully compliant with our policies, including area-based planning, Every School a Good School, the revised curriculum, the sustainable schools policy, the Irish-medium review and the entitlement framework. I hope that that approach is supported by the Chairperson of the Education Committee and by everyone else, because I am sure that nobody in the House would say that we should not be building schools on an area-based planning basis.

I did provide information to the Committee. The Committee has information. I ask the Chairperson of the Committee to depart from his normal way of operating and work with me on this important issue. I ask that, for once, instead of grandstanding, political point scoring and delivering personal insults, he change his focus on this key issue, which affects every person in the House and children in every constituency. I ask people not to play politics with this. Let us do everything that we can to prioritise school building. I have had £22 million cut from my budget. I need funding so that I can build schools. We can do it. We have done it, and we will continue to do it.

Mr O’Dowd: Go raibh maith agat, a Cheann Comhairle. As a member of the Education Committee, I find it disappointing that, every

time we discuss an education matter in the House, our Chairperson acts like a badly behaved schoolboy in a classroom. That reflects badly not only on him but on the Committee. I assure the House that if the Chairperson of a Committee from my party were to behave like that, they would no longer be a Chairperson —

The Chairperson of the Committee for Education: What about the Minister?

Mr Speaker: Order. The Member should continue.

Mr O'Dowd: We expect a certain amount of decorum — *[Interruption.]*

Mr Speaker: Order.

Mr O'Dowd: We expect a certain amount of decorum and professionalism from our Members, and perhaps you should learn from that. *[Interruption.]*

Mr Speaker: Order.

Mr O'Dowd: The Member is still acting like a badly behaved schoolboy.

To the matter in hand: I welcome the Minister's comment that over 98% — it may have been 99% — of her budget has been spent on school builds. It has not been handed back to the centre; it has been spent. How can the Chairperson of the Committee for Education, speaking as an individual, say that he does not trust the Minister? Surely the figures speak for themselves. Give the Minister the money, and schools will be built.

How does a school get itself on to the building programme? What actions should a school that is not on the list take?

The Minister of Education: I thank the Member for outlining to the House the fact that we have spent money and for his support for my bids to get more money. We have spent the money, amounting not to 99% — it is even better than that — but to 99.9%. That level of spending has never been achieved before.

How will a school get on to the school building programme? In his report, George Bain recommended a more strategic approach to planning. I intend to bring forward area-based planning at the earliest opportunity. My Department will now write to all schools and work with all managing authorities, informing them of any issues. It will not be a one-size-fits-

all approach, because different schools have different issues. For example, in a particular area, two schools that are near to each other might be encroaching on each other's enrolment figures, so it may be a case of CCMS or the relevant board sitting down with the schools, pointing out that the situation cannot continue and working out how they can work together. Alternatively, a school in the post-primary sector may be deemed not to be participating fully in the area-based planning approach and the entitlement framework approach. We cannot — *[Interruption.]* I see that the Chairperson is interrupting again.

We cannot have the situation that exists in some towns, in which four or five A-level classes for the same subject are run with a couple of young people in each. Surely, the proper way to deal with that situation is to have one A-level class in the area, rather than wasting scarce resources — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: We have a situation in which primary school classes have 28 or 30 children in them. We have to take a mature, more thought-out and strategic approach to how we manage our schools estate. In order to take a more strategic approach, my Department will work very closely with the boards, CCMS, the various managing authorities, Comhairle na Gaelscolaíochta and all the organisations that work with schools. However, that would be much easier to do if we had the ESA on board, as it should have been from January. The Chairperson of the Committee for Education is laughing. I ask him to reflect on that, because, by attempting to block the ESA, he is trying to delay many of the key issues in education.

Mr B McCrea: I listened to the Minister talking about her 99.9% success, but, of course, many spending decisions are to do with how planning decisions come through from the authorities. What impact has the £84 million reduction in real terms had on her setting of targets? The Minister said that the implementation of all projects on the IDP list would cost over £500 million. She also talked about being able to allocate only £30 million to the minor works programme, which needs £100 million, and about maintenance problems. I understand that the amounts available are £100 million for essential maintenance and £300 million for other types of maintenance. It seems, therefore,

that we have a problem. Will the Minister outline how she whittles down those projects that passed her review —

Mr Speaker: The Member should come to his question.

Mr B McCrea: She must whittle down the projects. What criteria will she use? When will she tell the House which school projects will proceed and which will not?

The Minister of Education: The response to the Member's point about the £84 million is that the difference is 0.6%. In 2008, my Department spent 99.3% of its budget. Given that very good track record, I hope that the Executive Ministers from the Member's party will support my bids in the June monitoring round.

I have already answered the question on criteria.

Mrs M Bradley: Given that the Minister did not answer the Committee Chairperson's questions, I ask again what criteria she used to make her decisions. Her poor statement will give no comfort to anyone in the school community. What about the schools that have been waiting for 17 or 18 years for a school building? When exactly will the schools be told what is happening?

The Minister of Education: I have answered the question on criteria.

Mrs M Bradley: You have not.

Mr Speaker: Order.

The Minister of Education: I agree with the Member that, historically, the schools estate has been neglected. It was dreadful that direct rule Ministers handed back so much money. That should not have happened, it is not happening on my watch —

The Chairperson of the Committee for Education: *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: — and I do not intend it to happen on my watch —

The Chairperson of the Committee for Education: *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: I intend to spend every penny that is given to me.

Ms Lo: The statement is disappointing for all the schools concerned. Will the Minister name the 13 schools that are at tender or pre-tender stage and the additional 10 schools? Will she also outline to the House the priority order of those schools? When money becomes available, which school project will start first and which will be last?

The Minister of Education: My Department will contact all schools on the programme. I do not intend to name schools in the House today. Now that the review is complete, the Department has work to do with each school. We will write to the schools today.

Mr Hilditch: We have concentrated on the capital fund today, but will the Minister tell us what sort of thinking outside the box is going on? What initiatives involving the private sector and other agencies and bodies could provide modular-type buildings that have a lifespan of between 20 and 30 years and could get us out of the current predicament? One such initiative in my constituency involves the YMCA in Carrickfergus. Agencies can put together a cocktail of funding to provide multiuse educational buildings. What initiatives that involve the private sector and other agencies are taking place?

The Minister of Education: That is a good question, and the Department is exploring various build options. We are also trying to ensure that public money is used in the most effective way and that schools are open to and used by the public. With cross-departmental support, we are considering, for example, sports provision. I had a meeting with Minister McCausland about how to co-ordinate the resources of his Department and mine. There is no point in building pitches, sports grounds and buildings unless they have been planned in a cohesive and strategic way. However, my officials and I would be happy to hear the Member's ideas. In the current environment, we must explore every option.

11.00 am

Mr Leonard: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. Does she think that any school building projects will go forward this financial year?

The Minister of Education: Currently, 13 schools are on site, and Whitehouse Primary School will be going on site very soon. I would

love to get more schools on site, but that will depend on the results of my bid in the June monitoring round and other in-year monitoring rounds. However, this monitoring round is very important, because we need resources. Members will understand that resources are needed for planning. Therefore, it is essential that all parties in the House support our bids in the June monitoring rounds.

If Members were to look at the 39 schools that have been built and the 14 that are on site or just about to go on site, they would see that they are in every constituency, in every county and from all sectors. I ask Members to reflect on that.

Miss McIlveen: Will the Minister clarify her position on PPP projects and how she accounts for them as opposed to traditional procurement? Given the tight financial budget that we face, does she agree that prioritising investment in minor works and refurbishment would make a significant difference for the greatest number of schools in the shortest time frame?

The Minister of Education: My position on PPP projects is very clear. I do not believe that they are the best way to go forward. I do not believe that they provide best value — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: I do not believe that PPP projects provide best value for money. I inherited some PPP projects, which have gone ahead as a result, but I have not initiated any new PPP projects. I believe that there is a better way of doing it, and I believe that the way that we are doing it at present is better.

Of course we have to look at maintenance and continue with our maintenance budgets. However, it is very short-sighted to focus on maintenance and not on newbuilds, because that would mean that the schools estate would just be maintained and a situation would be created where there is constant maintenance but no newbuilds.

Mr Dallat: I thank the Minister for her statement. As someone who spent 30 years in a classroom, I assure her that I have no intention of grandstanding on such a serious issue. The Minister told us that, apart from the shortage of capital funds, she has only £30 million for minor works. Does that mean that our children in many areas will have to cope with more

dilapidated huts, more leaky roofs, more chills and colds, more asthma attacks and more days off school? When will our children have the human right to be taught in buildings that are fit for purpose? Will the Minister assure us that we are not going back to hedge schools?

The Minister of Education: Our children have those human rights now. Those rights are universal. However, the Executive need to meet the rights of those children and provide funding to my Department to ensure that those young people are not in draughty classrooms and that they are not in schools that are in the state that I have seen some of them in. I am not going to stand here and justify the state of our schools. Some of our schools are in dreadful disrepair. There has been historical neglect in our education estate, and it is simply not good enough. Therefore, there is a responsibility on the Executive to provide me with the necessary budget so that I can build schools. I have shown that we can do it, and I have shown that we can spend budgets.

Of course we are not going back to hedge schools. Hedge schools did not have buildings, although they did have a little bit of shelter. Nevertheless, I do not denigrate the learning that was done in hedge schools. They were involved in tremendous learning during very difficult times in Ireland. However, I take the Member's point. Of course we are not going back to the infrastructure of hedge schools, but our curriculum could learn a lot from theirs.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. My question, which other Members partly asked, concerns consideration of schools that have major works that are at the early planning stage. How will those be included in the Department's investment delivery plan? With your indulgence, a Cheann Comhairle, the last question that I will ask is about the list. Will the list of the schools that are to be built be published after the Minister has made her statement today?

The Minister of Education: The list of schools will not be published after my statement today. However, my Department will write to all the schools and their managing authorities and will discuss with them what needs to happen. The Member will be aware that each school has different issues, and those issues must be discussed. Some can be resolved fairly speedily, but others will take a little more time.

With respect to the first part of the Member's question, the Department will use area-based planning to build the schools estate. The needs in each area will be examined, as will the demographic trends and the number of children entering preschool, primary and post-primary education. The Department will not build schools on every corner, but it will build a schools estate that is fit for purpose and meets the needs of young people. There must also be greater collaboration between schools, because we cannot continue with the situation that we had in the past in which each school operated in a silo. Schools must be part of their area learning communities and deliver the entitlement framework with other schools in their area. They must work together for the children.

Mr Ross: Some schools in my constituency could face closure on health and safety grounds, as is the case with schools in other Members' constituencies. Therefore, the Minister's statement this morning is very disappointing. It contained no details about when we will hear which schools are involved. Therefore, there is little point in asking about that. However, will the Minister give a guarantee to the House that schools will be on the list because of need rather than the area of Northern Ireland in which they are located or the community background of the children?

The Minister of Education: The schools that have been built since I came into office were in every sector and every constituency. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: I hope that the Member is not suggesting that there has been inequality in the school building programme. If he is suggesting that, perhaps he can tell us where that inequality exists. It is very easy to make false and wrong accusations — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: It would be better for the Member to think about how his Executive colleagues can support me during the June monitoring process. He must be very careful before he makes wrong accusations, because the approved schools are in every single constituency and every sector. I ask that Members do not play politics with the issue.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. I note that some £30 million is being spent on maintenance. Will the Minister clarify how her Department will tackle the backlog in that area?

The Minister of Education: The education and library boards are responsible for maintenance across the schools estate. They are working to address the backlog and have procedures in place to prioritise carefully the areas of greatest need, including health and safety issues. The nature of that task includes any urgent work that is required to address health and safety issues and to avoid any serious deterioration of the fabric or the services of the building. Items must also be deemed to be in a very poor condition. I will continue to press the Executive for further funding for maintenance. It is good to hear that maintenance is a concern among Members, and I look forward to the support of all parties in addressing that concern.

There is a maintenance backlog of £88,273 in the Belfast Education and Library Board area — sorry, that should be £88,273,000; £46,410,758 in the Western Education and Library Board area; £60,071,703 in the Southern Education and Library Board area; £36,642,750 in the South Eastern Education and Library Board area; and £55,504,000 in the North Eastern Education and Library Board area. Therefore, there is a serious problem with the maintenance backlog. The schools estate is facing serious difficulties and is in need of urgent support from the Executive.

Mr Weir: I note that the Minister is not giving any indication today of where individual schools stand on the list. However, can she confirm that the four schools in Holywood, which were the subject of a debate here some time ago and are part of an overall schools project for capital build, and Bangor Grammar School in my constituency will be written to as part of the series of letters concerning capital build? Will those schools receive any definitive indication in those letters as to when new capital build is due to take place?

The Minister of Education: We will write to all schools today in relation to the completion of capital build. Obviously, I am not going to go into individual schools in Members' individual constituencies — the House is not the place for that — but my Department will write to all schools.

Mrs D Kelly: The Minister's statement was very poor, and it was very disappointing for the schools in my constituency. The Minister referred to the fact that 39 new schools have been built since 2007 and 13 more are on site. I take it that those decisions were made under direct rule. It is estimated that 40% of school places are empty. What impact do those empty school places have on the newbuild programme? The Minister has yet to answer the questions. What criteria were used? When will we, as Members, know definitively which school newbuilds will proceed?

Some Members: Hear, hear.

Mr Speaker: Order.

The Minister of Education: Actually, the Assembly made decisions in relation to the investment programme. Maybe the Member has forgotten about the Programme for Government and the investment delivery plan. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: Her party voted for that and supported it. It was not direct rule Ministers who took those decisions; it was me in the first instance and then the Executive and the Assembly. The Member needs to get her facts right.

Mr Givan: It is interesting that the Minister wants to claim credit for all the school builds that the education and library boards have delivered but, Pontius Pilate-like, washes her hands of the boards' decisions to cut special needs programmes. I am sure that the Minister will agree with me that it is her failure that has allowed a maintenance backlog of almost £300 million to build up. The Minister's decision has led to a situation in which our schools are crumbling. Inaction is putting our children's education in jeopardy, and the Minister is failing to take her responsibility seriously.

Mr Speaker: I ask the Member to come to his question.

Mr Givan: Rather than appealing to the Assembly, the Minister needs to take her duties seriously and get on with the job.

The Minister of Education: I understand that the Member is new. He is very welcome to the House, and it is good to see our new Members coming forward. However, I respectfully suggest that the Member go back and look at the

amount of money that was spent before I came into post. In case he does not have time to do that, I can tell him that £62 million was handed back two years before I came into post and £94 million the year before I came into post. That is where the inaction was. I do not know what part of 99.9% of a capital budget the Member does not understand. If he does not understand it, he needs to go and do his sums.

There is no inaction on my part, and there is no inaction on my officials' part. They are absolutely clear on the priority that needed to be given to capital build projects. Often, officials do not get credit. We are always ready to criticise, and rightly so. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: However, our Department deserves credit and support rather than criticism here. We have done the business and we have the track record. We are now saying: give us more money and we will continue to do the business.

This is not a debate about the special needs programme, but I will answer the point that was raised. I do not believe that the boards should have cut special needs summer schemes. I am absolutely clear on that. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: The boards have substantial budgets, and I do not believe that they should have done that. It was a wrong decision.

Despite the fact that my resource budget has been cut, we have increased money for special needs provision. We have increased the numbers of children who receive free school meals and we have given an extra £90 to each primary-school child. The boards should not have started with special needs children. The Member needs to talk to the boards about that. *[Interruption.]*

11.15 am

Mr Speaker: Order.

The Minister of Education: The real issue is that we should have ESA on board. I do not believe that the boards are fit for purpose any longer. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: They may have been in the past but they are not now, and that is not a criticism of any individuals on the boards. Everyone in the House knows that we need to establish the Education and Skills Authority. That is what is going to make the change, and the Members opposite, including the Chairperson of the Committee, who is interrupting again, need to understand their role in bringing about the establishment of the Education and Skills Authority and stopping the squandering and wasting of money that results from the duplication of administration. I want to get money into the front line and into the school build programme. I want better planning in the school build programme, and the way to do that is by having one organisation.

Dr Farry: How are schools supposed to plan for the future if they are not going to be told whether they are towards the top or towards the bottom of a long list? Is the talk of the June monitoring round somewhat of a cop-out? As the Minister well knows, this year's monitoring rounds will be used to deal with the £128 million in cuts that the Treasury has asked for. Would the Minister not be better off showing leadership by taking and advocating tough decisions over raising revenue through things like water charges so that we have money to invest in schools and hospitals?

The Minister of Education: Our Department will liaise with all the schools, discuss the issues that relate to them and work with them at each phase of the process.

In relation to the monitoring rounds, the Member must have been a fly on the wall at the Executive. I am not going into any of the detail on what was discussed, but his information is incorrect. I want money from the monitoring round. I am delighted to see the level of concern in the House, and I expect support from each and every Minister from all parties if we are serious about getting schools built. *[Interruption.]*

Mr Speaker: Order. Allow the Minister to continue.

The Minister of Education: We are ready to spend the money, and I am ready to build new schools. Give me the money, and we will do it.

Mr P J Bradley: I thank the Minister for her statement. She stated that the review is complete and that she wanted to update Members on the review of all school capital

build programmes. I came here expecting to see a list of schools that had been approved and information on what was going to happen and what was not. To me, this is not really an update. I note from her statement that a number of school projects cannot be taken forward as proposed. Why has the Assembly not been advised even of that list? It is important that we be provided with that.

I assume that the Minister is fully versed in the policy on sustainable schools, to which her statement referred. I wish to ask a question about a school in my constituency, which I am mandated to do. The Minister has made many visits to Carrick Primary School outside Warrenpoint.

Mr Speaker: I invite the Member to come to his question.

Mr P J Bradley: Can the Minister confirm or deny that Carrick Primary School meets the criteria of the policy for sustainable schools?

The Minister of Education: I do not know why the Member thought that a list would be provided. He has obviously not been listening to any of my media interviews. I have been very clear that a list was never going to be presented, because that is not the way that we do business. The way that we do business is that we engage with each school and with the managing authorities, such as the boards and CCMS. I do not know why the Member expected a list. I will not comment on individual schools; I have said that already. My Department will liaise with each school.

Mr McCallister: Is it not true, Minister, that this is not an update but more of a cop-out? You keep talking about "we" and the criteria. As you have not told us what the criteria are, perhaps you could define "we". It certainly is not this House or the Education Committee.

The Minister of Education: I am not sure that I understand the question. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: The question was very obscure. We approved the investment delivery plan, and I hope that we all understand the importance of school builds. If John McCallister does not understand it, I will be a bit worried.

Mr Speaker: Order. That ends questions on the ministerial statement.

Mr Leonard: On a point of order, Mr Speaker. Is it in order that, during a ministerial statement, behaviour that is tantamount to serial ignorance floats from one person. I estimate that you had to call one person to order at least a dozen times. It truly and utterly shows the place to be a disgrace and indicates that more latitude is, perhaps, given to one person than to any other, which could bring the Assembly into further disgrace. *[Interruption.]*

Mr Speaker: Order. Let me say to the whole House — *[Interruption.]* Order. Let me say to the whole House that I expect every Member to respect the procedures of this House. Let me make it absolutely clear that Ministers, irrespective of who they are, should not be interrupted when delivering a speech.

Every Member in the House has had an opportunity this morning to ask a question to the Education Minister. However, let me make it clear that Members should not try to speak from a sedentary position. That is totally out of order. It is my job as Speaker to protect the integrity of this House and the business in it. I intend to do that now and in the future. I do not care which Minister comes to the House with a statement or other business; I will protect that Minister and any Member of this House who rises to speak. I want to make that absolutely clear.

Mrs D Kelly: On a point of order, Mr Speaker. I welcome your commitment to protecting the integrity of every Member in the Chamber. Would the integrity of this House not be better protected if the Minister asked the question when answered? *[Laughter.]*

Mr Speaker: Order. The Member is slightly mixed up. I will try to respond on the basis of what I think the Member tried to say. I have often said in this House that, as Speaker, it is not my duty, irrespective of who the Minister is, to sit in judgement of how a Minister answers a question. I do not intend to do that.

Mr B McCrea: On a point of order, Mr Speaker.

Lord Morrow: On a point of order, Mr Speaker.

Mr Speaker: I will call Lord Morrow then I will cut this. I have to say that.

Lord Morrow: You are quite right that it is not your duty to tell the Minister how to answer. However, it would be appropriate if, occasionally, an answer is given. Bearing in mind that the Minister did not consider it worth her while

to come to this House last week to make the statement, and she gave an alleged reason — *[Interruption.]*

Mr Speaker: Order.

Lord Morrow: We hear the crowd warbling on the wall over here. Maybe the individual who was lecturing will take notice of the individuals beside him and have a chat with them. He comes in here as a paragon of virtue and tries to lecture everybody else as to what they should or should not be doing.

Mr Leonard: — *[Interruption.]*

Lord Morrow: No, Mr Leonard, you have a lot to learn in a whole lot of ways.

Mr Speaker: Order. This is turning into a debate. As far as possible, let me make it clear to the entire House that, if a Minister totally refuses to answer a question, it is a different issue. *[Interruption.]* Order. In that event, I have a responsibility as Speaker. However, it is entirely up to Ministers how they answer a question. Once again, I say to the whole House that I will not sit in judgment of how a Minister delivers an answer in this House.

Mr B McCrea: On a point of order, Mr Speaker.

Mr Speaker: I will take one further point of order from Mr McCrea, after which I will move on.

Mr B McCrea: I am grateful, and I will not press your patience. However, with respect, it is disappointing that, when I asked a direct question, the Minister said that she felt that she had already answered it. Later in the debate, a similar question was asked and was given a fulsome response. I ask for your support, Mr Speaker. All I am trying to do is ask a question. We need some guidance on how we can have a proper debate about these important issues.

Mr Speaker: Members who are not satisfied with the answers that they have received from the Minister should take it up with the Minister directly. I will now move on. *[Interruption.]* Order.

Executive Committee Business

Welfare of Animals Bill: Second Stage

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a Cheann Comhairle. I beg to move

That the Second Stage of the Welfare of Animals Bill [NIA 28/09] be agreed.

The Bill is the result of four years' work by my Department, beginning with the public consultation in late 2006. When I came to office in 2007, I wanted to hear at first hand stakeholders' views and opinions on animal welfare. Over the past two years, my officials and I have engaged in 13 meetings with stakeholders, such as the Northern Ireland Companion Animal Welfare Committee, the Captive Animals' Protection Society, the Born Free Foundation and the League Against Cruel Sports. Those meetings culminated in a major animal welfare stakeholder workshop in September 2009, which was attended by 38 representatives from 21 animal welfare and stakeholder organisations. I listened carefully to the concerns and views expressed during those meetings and took them into account when developing my policy proposals and drafting the Bill.

The proposed new legislation has been welcomed by all stakeholders, who have expressed strong support for many of its provisions. Before I set out the key features of the Bill, I thank everyone who responded to the consultation exercise that my Department carried out. I thank those who attended meetings with me or my officials and those who attended the stakeholder workshop last year. I appreciate the input of all the stakeholders, which has contributed significantly to the Bill. I also thank the Chairperson and members of the Committee for Agriculture and Rural Development for facilitating presentations from my officials on four occasions and for their comments. They have also helped to shape the Bill.

Before turning to some of the main provisions in the Bill, let me outline its background and the need for new legislation. The Bill is intended to replace the Welfare of Animals Act (NI) 1972, which is almost 40 years old and is no longer sufficient to deal with animal welfare issues. It updates and strengthens the powers in the 1972

Act. The new powers in the Bill will address the gap between the high level of protection afforded to farmed animals compared with the limited protection given to non-farmed animals, including domestic pets.

The 1972 Act is the only welfare legislation in place that seeks to combat cruelty to non-farmed animals such as horses, cats and dogs. However, welfare legislation relating specifically to farmed animals has progressed at a much faster rate, keeping abreast of advances in scientific knowledge, thus the emphasis on farmed animal welfare is not simply on preventing cruelty but on securing an acceptable standard of welfare for animals. It means that farmers must provide for the needs of their animals and not merely avoid causing them unnecessary suffering. However, that has not been the case for non-farmed animals. The Welfare of Animals Bill bridges that gap by extending the requirement to provide for the needs of an animal to anyone responsible for any kind of animal, including a domestic pet.

The key benefits of the new Welfare of Animals Bill are that a duty of care will be provided to all protected animals, including domestic pets and horses; it will be possible to take action to prevent animals from suffering, as opposed to the current position where action can only be taken after suffering has occurred; the current powers will be strengthened in respect of animal fighting, including dog fighting; powers will be provided to regulate, through subordinate legislation, a wide range of activities involving animals, such as dog-breeding establishments, the use of animals in travelling circuses and the keeping of non-dangerous exotic pets; and the Bill will increase the penalties for serious animal welfare offences.

If the Assembly agrees today, the Committee for Agriculture and Rural Development will scrutinise the Bill on a clause-by-clause basis. Therefore, I do not intend to go through each clause and schedule individually today, but I will take a few minutes and set out the key elements.

The Bill is set out in six parts, with a total of 60 clauses and five schedules. The first 18 clauses and schedule 1 set out the substantive policy behind the Bill, while the remaining clauses and schedules outline the procedural aspects of how the Bill can be implemented.

11.30 am

Part 1 outlines the scope of the Bill, which covers all vertebrate animals. There is also power to extend in the future the definition of “animal” to include invertebrates if scientific evidence becomes available that those animals are capable of feeling pain. Although all vertebrate animals will have protection from cruelty and unnecessary suffering, protected animals will be afforded a higher level of protection. Protected animals are defined as animals that are commonly domesticated in the North of Ireland. Other animals are also protected if they are under the control of man or not living in a wild state. The Bill defines who is responsible for an animal. Although the owner is always regarded as responsible for an animal, a person who is in charge of an animal on a temporary or permanent basis is also responsible for that animal while it is under his or her care.

Part 2 of the Bill sets out powers for the protection of animals through the prevention of harm and the promotion of welfare. That part of the Bill carries forward from the 1972 Act a number of provisions to prevent animals from harm. Those are the cruelty offence of causing unnecessary suffering; prohibited procedures that are referred to in the 1972 Act as cruel operations; administration of poisons; and animal-fighting offences. In carrying those forward, I have retained the substance of the provisions but have simplified and updated them.

It would be beneficial to outline the stronger powers in respect of animal fighting. Those will, of course, cover all animal fighting, including dogfighting and cockfighting. Substantial powers already exist under the 1972 Act in respect of animal fighting. It is currently an offence to cause unnecessary suffering to an animal by causing, procuring or assisting at an animal fight; promoting, causing or permitting any performance; taking part in an animal fight; keeping, using, managing, permitting or assisting in the keeping of any premises for animal fighting; receiving, causing or procuring money for admission to an animal fight; and being a spectator at an animal fight.

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

As I said on Monday 7 June 2010, when the Assembly debated the Dogs (Amendment) Bill, those current offences will be enhanced in this new Bill. In other words, they will become

offences regardless of whether unnecessary suffering is caused. In addition, new powers will be added to make it an offence to keep or to train an animal for use in connection with an animal fight. Therefore, if evidence is present, such as training equipment etc, the power will be there to seize a dog even before it ever fights. The Bill will also make it an offence to cause an animal fight to take place or to attempt to do so; to supply, publish or show a video recording of an animal fight; to possess a video recording of an animal fight with the intention to supply it; and to place or to accept a bet on an animal fight.

In addition, the penalties for animal fighting will be increased from a maximum of three months' imprisonment and/or a £5,000 fine to a maximum of two years' imprisonment and/or an unlimited fine. Other new powers allow for the destruction of animals involved in fighting offences, forfeiture of equipment and reimbursement of expenses incurred by the PSNI in connection with keeping animals involved in those offences.

Powers are also included to allow a court to disqualify a person who is convicted of animal-fighting offences for any one or more of the following: owning animals; keeping animals; participating in the keeping of animals; controlling or influencing the way that animals are kept; dealing in animals; transporting animals; and arranging for the transport of animals. A court can also cancel any current welfare licence or disqualify a person from holding the licence following a conviction in respect of animal fighting.

I believe that those new powers will strengthen existing powers significantly and send a strong message out to those individuals who are involved in that type of abhorrent activity that animal fighting is not acceptable in civilised society.

The Bill's key aims are not only to stop cruelty and unnecessary suffering but to promote and to enhance the welfare of all protected animals. In a bid to prevent pups from suffering unnecessarily, the Bill imposes a specific statutory ban on the docking of dogs' tails unless it is undertaken by a veterinary surgeon for a dog's medical treatment or to save its life. The Bill also makes it an offence to take a dog to another jurisdiction to have its tail docked.

The promotion of welfare is at the heart of the legislation, and the provisions in part 2 of the

Bill bring the protection afforded to non-farmed animals into line with that given to farmed animals. Under the 1972 Act, a person can be prosecuted for causing unnecessary suffering to any animal, including a domestic pet. However, there are cases where, although animals are not yet suffering, their welfare needs are not being met. Under current legislation, enforcement action can be taken against owners of farm livestock, but owners of domestic animals and horses can only be encouraged to improve the conditions in which their animals are kept.

The Bill addresses that anomaly by placing a general duty on a person to ensure that the needs of any vertebrate animal for which they are responsible are met to the extent required by good practice. That is often defined as the five freedoms: the need for a suitable environment; the need for a suitable diet; the need to exhibit normal behaviour; the need to be housed with or apart from other animals, as appropriate; and the need to be protected from pain, suffering, injury and disease. To comply with that duty, owners and keepers will need to understand their responsibilities and take all reasonable steps to provide for the needs of their animals.

While there are many sources of information to help owners and keepers understand how to look after their domestic animals, my Department will try to help further by producing codes of practice, under clause 16, similar to those widely used for farm animals. All such codes will be subject to consultation with stakeholders. To help promote animal welfare, the Bill creates a more flexible statutory framework than that available under the 1972 Act. It sets out the key principles, but leaves detailed matters to subordinate legislation. I believe that that flexibility is critical if our legislation is to keep pace with advances in animal welfare.

The Bill therefore provides primary powers to make regulations to secure the welfare of animals, to license or register activities involving animals and to prohibit the keeping of certain animals. For almost 40 years, we have had regulatory powers under the 1972 Act to secure the welfare of farmed animals, and those have generally worked well. They have enabled us to keep up to date with the latest advice and scientific evidence without needing to come to the Assembly to change primary legislation. In

the Bill, those new powers will be extended to non-farmed animals, including domestic pets.

The 1972 Act provided limited powers to license pet shops and animal boarding, riding and zoological establishments. The powers in the new Bill will allow us to extend the licensing or registration requirement to cover other types of establishments, such as animal sanctuaries, open farms and breeding establishments. Using subordinate legislation to introduce the detailed requirements in those areas will ensure that the relevant stakeholders are consulted on the issues that directly affect them and will help us get the balance right in protecting the animals and avoiding unnecessary burdens on businesses.

Earlier this month, when the Assembly discussed the Dogs (Amendment) Bill, the issue of dog-breeding establishments was raised. I will use the powers in the Welfare of Animals Bill to regulate and license dog-breeding establishments, to improve the standards for those establishments and to assist legitimate local breeders in marketing their dogs. Substandard breeders will have to raise their games, or they will not be licensed.

Following consideration of the available scientific evidence, the powers in the Bill will also allow me to regulate or prohibit the keeping of wild animals in travelling circuses and, if necessary, the keeping of exotic animals as pets. In seeking the power to make regulations, I will provide two assurances to the Assembly. First, the welfare of animals will not have to wait until the subordinate legislation is made. Animals will benefit immediately from the introduction of the welfare offence and the duty of care. Secondly, all new subordinate legislation under the powers in the Bill will be subject to consultation with stakeholders and scrutiny by the Agriculture and Rural Development Committee. Many will be subject to the affirmative resolution procedure.

In promoting animal welfare, a principle of the Bill is that responsibility for animals must rest with adults. For that reason, the Bill makes it clear that parents or guardians are responsible in law for the welfare of their children's animals. The Bill sets the minimum age at which children can buy animals at 16 years. Clause 15 makes it an offence to give an animal as a prize to anyone under 16, unless the child is accompanied by an adult who is responsible for the care and control of the child.

I stress that those provisions will not prevent a child from keeping or looking after pets or from actively learning about the husbandry needs of animals. I fully accept that that can be a very important aspect of a child's education. However, the Bill will ensure that a responsible adult makes the decision about the keeping of a pet.

Part 3 of the Bill deals with animals in distress and sets out the steps that an inspector or constable can take to immediately alleviate an animal's suffering or to prevent an animal from suffering if its circumstances do not change. The clauses in part 3 also outline the powers of entry and provide powers to apply to the Magistrate's Court in advance of any criminal hearing for disposal of the animals taken into the possession of the enforcement body. Part 3 of the Bill also provides safeguards for the owner of the animals. Following the court's determination, nothing can be done with the animals until either the period given for notice of appeal has expired or, if an appeal has been lodged, it has been determined or withdrawn. Entry to a private dwelling will, in the main, be by warrant. Schedule 3 to the Bill sets out a range of safeguards for powers of entry, inspection and search under warrant. Those include the use of a code of practice similar to that agreed for the Diseases of Animals Act 2010.

Part 4 of the Bill deals with enforcement and sets out the powers of entry for all offences in the Bill and general powers of inspection. To act as a deterrent, an increased penalty will be introduced for very serious welfare offences, such as animal fighting and cruelty offences. The current penalty of a maximum of three months' imprisonment and/or a £5,000 fine will be increased to a maximum of two years' imprisonment and/or an unlimited fine.

Enforcement of the powers in the Bill will be the key to its success. Under the new powers in the Bill, many of the existing arrangements will remain in place. For example, similar to the arrangements already in place, my Department will appoint inspectors to implement and enforce powers in respect of farmed animals on agricultural land. The powers that are currently afforded to the PSNI will remain, and the PSNI will, as necessary, continue to provide support for the appointed inspectors. The PSNI will also lead on welfare issues involving organised animal fighting or where other criminal activities are involved. The Bill will provide powers to

councils to appoint inspectors. It is proposed that councils will implement and enforce provisions in respect of non-farmed animals.

This legislation, if enacted, will keep us at the forefront of the protection of farmed and non-farmed animals. I commend the Bill to the Assembly.

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

On behalf of the Committee I thank the Minister for bringing the Bill so far. I welcome the opportunity to speak on the Bill today. I will keep my comments short, as the Committee has already had a number of discussions with the Department on the matter, and, undoubtedly, will do so again in the months ahead.

The Bill is important because it aligns the welfare of domesticated and non-farmed animals with that of farmed animals. The Bill supersedes the Welfare of Animals Act (Northern Ireland) 1972, which is almost 40 years old. It is also important because it creates new offences to protect animals from abandonment, from suffering and from being used by criminals in fights and baiting.

It is unfortunate, therefore, that the Bill is almost void of any detail. Despite the fact that it contains 60 clauses and there are five schedules, it is empty. The Department describes it as an enabling Bill, stating that the detail will follow in the form of subordinate legislation. The Department says that that will provide it with the flexibility to quickly update the legislation, to provide the depth that is required and to respond to technological developments. We are expected to hand the Department the power to make regulations to secure the welfare of animals and to delegate regulations for the introduction of licensing and registration regimes for any activity involving animals. We are also expected to enable the Department to secure animal welfare by prohibiting the keeping of certain types of animals at domestic or other premises. To do that without seeing the detail is neither reasonable nor feasible.

The Committee does not share the Department's view, and it is, again, unfortunate that the Department has not learned any lessons from previous Committee Stages. The Department will argue that the Committee will have the opportunity to examine the detail during the policy stages of the subordinate legislation processes.

However, the Committee has always argued that, if it is relevant, if there is a genuine need to legislate, and if the evidence presents itself, it should be included in primary legislation. We do not believe in giving the Department powers without knowing their detail, and we will not start now.

11.45 am

The Department wants the Bill to progress through the House during the current mandate, and the Committee for Agriculture and Rural Development shares that objective. However, we do not intend to rush it through Committee Stage so that we can tick a box. As I stated, it is an important Bill that deals with important issues.

The Bill is empty not only because of the absence of detail that I mentioned, but because it avoids tackling issues that are relevant to the welfare of animals. It is almost as though the Minister and the Department, in their quest to earn brownie points by passing another Bill, want to avoid controversial issues, with the exception of tail docking. It contains nothing on securing the welfare of progeny, the use of wild animals in circuses or the keeping of primates as pets. All those issues were raised during stakeholders' presentations to the Committee.

The Bill includes nothing on the regulation of breeding establishments, despite that industry's pleas to the Minister and the Department. The industry wanted regulation and controls to stamp out those practices that contribute to the appalling number of dogs, for example, that have to be put down each year in Northern Ireland. While all others in the agrifood sector call for fewer regulations, here is a sector that wants more controls in place. Yet, for some inexplicable reason, the Department said no. Perhaps that is another example of the detail that has yet to come.

It appears that the Department tried to steer clear of controversy. Unfortunately, through the creation of an offence that relates to tail docking, it failed. That issue was at the centre of some heated debates at Committee and during the Department's public consultations. Clauses 5 and 6 will continue to attract much attention today and at Committee Stage.

Legislation in other places bans the practice of tail docking outright or restricts it to certain breeds. Departmental officials claimed that, in

the case of the Animal Welfare Act 2006, which applies in England and Wales, the decision to restrict tail docking to certain breeds was taken for political reasons and was not based on scientific evidence. The Department should bear in mind that this place, as well as being a legislative Assembly, is a political institution. If we legislate based on political reasons now or in the future, the Department should not be surprised.

To help us to inform our decision, I ask the Department to provide the evidence that it has so far failed to produce. The Department should explain why a lamb's tail or pig's tail can be docked, yet it seeks to prohibit the docking of a working dog's tail. How is the pain associated with the castration of an animal any different to or less severe than the docking of a dog's tail?

The Department should not be totally reliant on the study that was published today, 'Risk Factors for Tail Injuries in Dogs in Great Britain'. That study is inconclusive, and it suggests that, although the risk of tail injury is rare, working dogs appear to be at greater risk than other dogs. To allow further evaluation of the risk factors in specific groups, the study calls for additional studies to focus on the high-risk groups, including working dogs.

The Minister will be pleased to note that I consider some aspects of the Bill to be positive. It will introduce a number of offences relating to the repulsive practice of animal fighting. All Members will agree that such practices need to be stamped out. The Committee will, as normal, scrutinise the punitive clauses. We will ensure that they are stringent enough to guarantee the appropriate punishment of criminals and to act as a suitable deterrent to those who participate in that heinous crime.

I started by saying that the Bill is important, and I hope that my contribution has reinforced my point. The Committee for Agriculture and Rural Development looks forward to receiving the Bill and taking it through Committee Stage.

Mr Irwin: I welcome the opportunity to comment on this important legislation. As Members are aware, the Bill is intended to update what is essentially a 40-year-old piece of legislation. I said in a previous speech to the House that it is good for Northern Ireland that we have devolved institutions through which we can have a say in how legislation is shaped to ensure that it addresses the precise needs of the Northern

Ireland public. It is also good that we no longer have to suffer the one-size-fits-all approach that was taken during direct rule.

The Committee received a presentation from DARD officials on the main points of the Bill. That raised a number of important questions about a host of issues, such as tail docking, dogfighting and dog breeding. I wish to deal with the effect of clause 8, particularly where dogs are concerned. I am pleased that the Dogs (Amendment) Bill and the Welfare of Animals Bill, which the Committee has not yet fully scrutinised, are proposing to improve the law on the illegal practice of dogfighting. I welcome that it will be an offence to be involved in dogfighting, regardless of whether unnecessary suffering is caused.

I stated in the Second Stage debate on the Dogs (Amendment) Bill that there is a disgraceful record of dogfighting in my constituency. Indeed, that has been documented in a BBC 'Spotlight' investigation. Everyone is keen to see that sort of behaviour suitably legislated against to bring to justice those who are involved in such a barbaric pursuit in any form, be it providing a location, lifting money, or supplying or owning the animals that are involved.

Part 2 of the Welfare of Animals Bill refers to the promotion of good animal welfare. As a farmer, I know that animal welfare is a key requirement of the industry, and I welcome the inclusion of important clauses on that matter, especially after a number of incidents occurred in the Newry and Armagh constituency recently when animals starved to death and were caused unnecessary suffering.

I welcome the extension of powers in clause 11 to secure the welfare of domestic animals. There have been a number of incidents where people have accumulated high numbers of domestic animals in unsuitable conditions, particularly in dwellings. When such cases are eventually uncovered, they are particularly sad.

On the Committee's meeting on 22 June, I raised the issue of tail docking on working dogs. I feel that the Committee will take the time to discuss that in more detail, because I believe that tail docking is acceptable and necessary in a number of legitimate situations. A number of groups, particularly those from the shooting fraternity, have told me that they are concerned that tail docking will be banned outright. I feel that it would be foolish to legislate for an

outright ban, especially considering the damage that working dogs with a full tail can sustain. The evidence is clear: in specific circumstances, tail docking is favourable for a dog's well-being. For instance, a spaniel hunting in thick scrub benefits greatly from having a docked tail, because it prevents the dog becoming caught in thorns and sustaining open wounds in trying to free itself. That issue needs greater debate and deliberation.

Many more issues could be raised in the Chamber. However, the Committee will have the opportunity in the near future to discuss the finer details of the Bill, and I look forward to that.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for bringing forward the Bill to this stage. I, too, welcome the opportunity to speak at the Second Stage of the Welfare of Animals Bill. As has been stated, the Bill supersedes the 1972 Act and strengthens its powers. As has also been said, the legislation is almost 40 years old, so it is about time that it was updated.

Clause 17 is one of main elements of the Bill. It authorises an inspector who finds a protected animal that is suffering to take immediate steps to alleviate that animal's suffering. I am sure that we all know of a number of cases where animals were neglected but nobody had the power to step in and take control of the situation. The power that clause 17 provides is important, because the public want to see immediate action being taken in response to the neglect of animals.

Animal fighting is a barbaric sport, and I find it hard to believe and hard to stomach that anyone could get satisfaction from watching two dogs or two cockerels killing each other. I, therefore, welcome the provision on animal fighting, which includes dogfighting and cockerel fighting. I am sure that we have all seen examples of such fighting on the television, YouTube and other IT facilities.

It is absolutely shocking to see that on the Internet. A person will commit an offence if he or she causes a fight to take place; receives money making or taking a bet; publicises a fight; keeps or trains an animal for the purpose of fighting; or photographs or records an animal fight. Authorised officers will be able to seize animals that are involved in fights.

Under the promotion of welfare and ensuring the welfare of animals, it will be an offence not to take all reasonable steps to ensure an animal's welfare. Animals' needs will include protection from pain, suffering, injury and disease; a suitable environment; and diet.

Under abandonment provisions, a person commits an offence if, without reasonable excuse, he or she abandons an animal for which he or she is responsible and fails to make provision for its welfare. The provision includes the length of time for which an animal is left alone. There can be unforeseen circumstances — for example, if someone is taken ill — so there has to be a certain amount of leeway. However, people do leave animals in cars during hot weather, and those animals become dehydrated and, in many cases, die. Animals require food, water, shelter, warmth, light and ventilation. Those are simple but important requirements for the welfare of animals.

The Minister touched on the transfer of animals by way of sale or prize to persons under the age of 16. When DARD representatives gave evidence to the Committee on that issue, members had some concerns. Agricultural shows and fetes are important ways for young people to learn about husbandry skills, the welfare of animals and the rural way of life. A person under the age of 16 can have an animal, but it must be under the supervision of an adult. That is an important caveat.

Tom Elliott talked about the Bill allowing for subordinate legislation on the licensing and registration of any activity that involves animals. We need to be able to introduce fit-for-purpose legislation speedily at any time, because it is an evolving world and things change. Therefore, we need that flexibility.

We all, including professional breeders, agree that puppy farms must be eradicated. In areas such as Loughbrickland and Katesbridge, pups and bitches are being kept in terrible and appalling conditions where the only thing that matters is greed and making as much money as possible. Never mind the welfare or condition of the animals or whether those pets will survive, as long as breeders get their money, they do not care. Puppy farms are a conveyor belt system in which bitches are continually breeding.

Mr Wells: I am extremely worried. This is the second time in the month of June that I have

agreed with the honourable Member, an issue on which I will have to examine my conscience.

However, being serious, I agree absolutely with the Member on the issue of puppy farming. Perhaps he has an insight into the Minister's thinking that I do not have, because I am not quite certain where in the legislation that puppy farming is specifically banned. Perhaps, therefore, he or the Minister will indicate where it is banned. If it is not banned, I make the absolute categorical assurance that I will table an amendment to ban puppy farming. What goes on in those establishments is an utter disgrace. Female dogs are used as nothing but breeding machines, puppy farms are often in damp barns or byres at the back of farmyards, and the people involved are, sometimes, far from wholesome.

Puppy farms are something that Northern Ireland can do without, and I would be the first to say that we should banish them to history.

12.00 noon

Mr W Clarke: I thank the Member for his intervention. I agree entirely with him. We will scrutinise the issue in Committee.

Responsible dog breeders want regulation. When some of them appeared before the Committee, they told Members that they deserved recognition. They said that they wanted regulation and to be treated in the same way as any other rural business. There is work to be done in Committee, and I am sure that the Minister will address the issue in her response.

The Bill provides powers to make subordinate legislation to deal with certain issues, such as circuses. I know that the issue of banning animals at circuses is close to Jim Wells's heart. The welfare of greyhounds in racing and the use of electronic training devices are also covered. Those issues will all be looked at, including at Committee Stage. It is important to note that any subordinate legislation will have to come before the Committee and that it will be subject to a full consultation process.

The docking of dogs' tails is an emotive issue. Across the water, opinion was divided. In Scotland, there is a complete ban on tail docking, while, in England and Wales, there is a partial ban to allow for the docking of working dogs' tails. The Royal Veterinary College and the University of Bristol recently published a

report on tail injuries and docking. I have only just received the report, so I have not had time to study it in detail. However, its summary states that 281 tail injuries were recorded from a population of 138,212 dogs attending 52 participating practices between March 2008 and March 2009. The weighted risk of tail injuries was 0.23%. Some 36% of injuries occurred in the home; 17.5% were outdoor-related; and 14.4% were due to the tail being caught in a door. In 16.5% of cases, the cause of injury was unknown. The report also says that greyhounds, lurchers, whippets and spaniels sustained most of the main injuries, while injuries were not as prevalent in Labradors or retrievers. A lot of information is available, and we could pick out different scenarios. My point is that the tails of 500 puppies would have to be cut to save one dog from having its tail damaged.

Account must be taken of other issues. For example, greyhounds, lurchers and whippets need their tail for balance. Dogs use their tail in a number of ways. They use it to communicate, so they will be compromised by having their tail docked. They use it to convey fear, caution and aggression. Some breeds even need to use their tail as a rudder when swimming, while others need it for balance when running. It is not as simple as saying that, if a dog is a working dog, it should be exempt from tail docking. We do not even know how many working dogs there are. We do not have that data. Moreover, there is a difference between a working dog that is used in a hunt and a dog of a working breed that is kept in the house. How many puppies are we talking about? A number of dogs could be working dogs: terriers, Alsatians, Rottweilers, which were originally used as cattle drovers, and poodles, which were used for catching ducks. Where do we stop? Where do we draw the line? I look forward to the issue coming before the Committee and to scrutinising the Bill.

We need the all-island approach, particularly to the barbaric sport of animal fighting.

Mr Elliott: I hear what the Member says about the all-island approach. However, we were told some 18 months ago that the Republic of Ireland was well ahead of us in that process. Would the Member care to tell us how far they have got? I believe that, at that time, one of his party colleagues — it may have been Mr O'Dowd — indicated that the Republic of Ireland was perhaps only a month from legislating. I have not heard of such legislation coming forward.

Mr W Clarke: I thank the Member for his intervention. I am not au fait with that. I know that they are fast-tracking the Bill to catch up with ourselves. Perhaps the Minister will clarify that point.

Mr Wells: The honourable Member mentions the all-island approach. There is some logic in saying that, for cross-border activities such as dogfighting, it is important that the rules on both sides of the border be equally stringent. However, the Minister has always argued in correspondence with me that it was important that we waited until the Irish Republic brought in its legislation so that the two matched, as it were. Surely, the other way of doing it is for us to ensure that our animal welfare legislation is some of the best in Europe and to say to our colleagues in the Irish Republic, "This is what we have; now you draft something similar so that cross-border activities can be controlled".

Mr W Clarke: Again, I agree with the honourable gentleman. I see his point. It is important to set the mark in all our legislation. Too often, we look to other legislatures for guidance. I agree: set the legislation, and let the rest follow. That is a fair point to make.

We are regarded as being animal lovers on these islands. Sadly, that is not the case. This legislation will give us the opportunity to protect all animals and to bring pets and non-agricultural animals up to the same standard as agricultural animals in Ireland. That has to be welcomed by everybody. I look forward to the Committee's further scrutiny of the Bill, when we will get an opportunity to look at all the fine detail and the points that Mr Wells raised.

Mr P J Bradley: Last Tuesday, 22 June 2010, DARD officials took the Committee through a wide range of issues in relation to the Welfare of Animals Bill. It was an informative and helpful meeting, and I thank the officials who attended. However, as the Deputy Chairperson of the Committee said, there is still a long way to go. A lot of work has to be done before we reach an acceptable animal welfare Act.

We were told that the new Bill will update, strengthen and improve the framework for animal welfare that was set out in the 1972 Act. It aims to stop cruelty and prevent unnecessary suffering to any vertebrate animal and to promote and enhance the welfare of all protected animals, including domestic pets. It was made clear to the Committee that, within

the definition of the Bill, all farmed and non-farmed animals are automatically covered.

Every Member who has spoken so far has mentioned tail docking. I will not dwell on the tail docking issue, because one week I will be voting for it and the next week against. However, the lobbying on tail docking is intense. Although we had good evidence earlier, further evidence is to come, and we can only wait for that before we reach any conclusions.

I sought clarity on a few points during the discussions last week, and I wish to more or less repeat them now. First, I wish to deal with the issue of individuals being disqualified from keeping animals. In Committee, I referred to past cases in which individuals were disqualified from keeping animals, only for them to find that there was a simple way out of that situation. As a paper exercise, the animals could simply be transferred into the name of a spouse or neighbour, when the same animals really remained in the so-called care of the disqualified person. I was advised by the officials that the Department had tried to extend the powers in clause 33 to prevent a situation in which someone is disqualified and animals appear on the land two days later.

Clause 33 sets out clearly that the disqualified person is disqualified from owning animals, keeping them, participating in keeping them and being a party to someone else keeping them. The Department tried to sort out that aspect of the problem. However, its powers are restricted by human rights legislation. For example, if a husband is disqualified, his wife or neighbour cannot be banned from keeping those same animals. People have human rights and cannot be disqualified if they have not committed an offence. That is the law, and we must accept it. However, more could be done to address the legal loopholes left in the Bill. To leave such loopholes in a Bill is wrong, and we must consider how to tighten the law further.

I must express my view on clause 53, which provides:

“anything which occurs in the normal course of hunting or coursing”

is not covered by the Bill unless:

“the animal is released in an injured, mutilated or exhausted condition”.

I suggested that it might be proper to add the words “or hunted” after the word “released” because, when an animal is being hunted and is injured or exhausted, it is more prone to attack or being killed. I was informed that the responsibility for hunting dogs does not rest with the Department of Agriculture and Rural Development, and my understanding is that no Department has been allocated that responsibility by the Executive. I stress again that, in preparing the Bill, we should look at that. I accepted that on the day that I was told it, but since then I have been thinking about it. Let us forget about the hunting aspect. Surely it is possible in this Bill to deal with cruelty directed towards an animal, whether hunted or not? As I have stated, an animal in an exhausted condition is liable to attack or to be killed. I once witnessed an exhausted stag being hunted to a standstill and savagely attacked by the pursuing pack. Though it was a single incident, the sight will remain with me forever. The poor animal had run for miles across the countryside and could go no further; it had to submit to vicious attack.

I welcome the ongoing work on this Bill. However, there are so many outstanding issues to be dealt with that I doubt that it will progress as the Department or Minister expects. It will take much longer before all the t's are crossed and the i's dotted.

Mr McCarthy: I thank the Minister for bringing the Bill to the Assembly and for her introductory statement. I also thank the Deputy Chairperson of the Committee for his contribution. I have joined the DARD Committee only recently, and I have a lot to learn. I see the Minister looking at me; she wonders what I will throw at her, but she will hear it as we go along.

I welcome the Second Stage of the Welfare of Animals Bill. Anything that the House does to ensure that animals — farmed or not, young or old, big or small — do not suffer unnecessarily or, if possible, at all must be welcomed.

As has been said, our Committee listened to DARD officials last week, and Members had the chance to question officials on the Bill. We were given a good steer as to why the Bill was necessary. As I understand it, the Bill makes it an offence for people responsible for animals to fail to take reasonable steps to ensure their welfare. It prohibits the docking of dogs' tails. I must say that I cannot get my head around

why anyone would want to dock the tail of a dog. Perhaps, during the debate, someone will enlighten me. This provision prohibits the practice and must be welcomed.

The Bill also prohibits the:

“Transfer of animals by way of sale or prize to persons under 16”.

The Minister referred to that in her speech. It also specifies that abandonment is an offence, whether or not the animal is likely to suffer. It strengthens provisions relating to animals' rights. We welcome the fact that an inspector or police personnel may take into their possession an animal that is suffering or is likely to suffer and that, on conviction for certain specified offences, a person can be deprived of the possession or ownership of an animal.

Clause 3 clearly assigns responsibility to anyone who has control of an animal, even temporarily. That includes veterinary surgeons keeping animals in their surgery overnight.

12.15 pm

Clause 8 creates offences in relation to animal fighting. The Minister and other Members also referred to that. That is very welcome. Even wrestling and baiting are to be outlawed.

My comrade Willie Clarke, who is not in the Chamber, mentioned clause 17. That clause authorises inspectors and police officers to take immediate steps if they find an animal suffering unnecessarily.

Clauses 21 and 22 are also welcome. They allow that seizures can be made if animals are being used for illegal purposes; indeed, search and entry powers are also to be used to put an end to that cruelty. That would apply to a number of cases that we have heard of this morning. Clause 31 sets stringent punishments for a large range of offences under the Bill. Surely this should be a real deterrent to anyone ill treating any animal.

I welcome and support the Bill. Everything must be done to safeguard the welfare of animals. I look forward to the next stages of the Bill and to its becoming law in the near future.

Mr Wells: This has been a good week for animal welfare in the Northern Ireland Assembly. Many of us sat here until 11.00 pm last Tuesday debating the Wildlife and Natural Environment

Bill. At the end of that debate, the House took the extremely encouraging decision to ban the barbaric sport of park hare coursing. That took 28 years to achieve, and I for one went home with a spring in my step and a smile on my face. At last, the days of Crebilly and Eglishe are over, over for good. I will take great delight tomorrow in writing to the Irish Coursing Club in Clonmel in the Irish Republic to tell it the good news. It no longer reigns on this part of the island of Ireland, and it can pack its bags and go. I will have a grin on my face as I do that.

Park hare coursing has been banned, which is great news. We now have the introduction of this Bill, which is a step in the right direction. I strongly welcome the Bill, but I also wish to raise a procedural issue. The First Stage of the Bill occurred last week, and we are now at Second Stage, the consideration of the principles of the Bill. I have to ask why there is such a short time in which Members have a chance to read the Bill and consult in their constituencies and with the various animal welfare organisations. That may not be the fault of the Minister of Agriculture; it may be the fault of the procedures of the House. However, I do not think that that is sufficient time. This is the first view that those of us who are not on the Agriculture Committee have had of the legislation. Frankly, I do not think that that is good enough.

I also hope that we do not reach the situation that we did with the Wildlife and Natural Environment Bill —

Mr McCarthy: Now that there will be vacancies on the Agriculture Committee, the Member would be more than welcome to join us.

Mr Wells: I would not wish to inflict myself on the good members of the Agriculture Committee. The Health Committee has done its penance over the past year, and it would be unfair to put me on the Agriculture Committee, as I would increase the length of the meetings considerably.

Apart from that point, I think that the introduction of the Bill is good news. It is also good news that, because of European legislation, the welfare of farm animals in Northern Ireland has improved significantly over the past decade. As a result of the EU's wise measures, we have, for instance, banned veal crates. That was an appalling practice whereby animals were locked in wooden crates where

they could not turn or move and were kept in total darkness for almost their entire life. They were fed milk when they craved food with roughage in it, and they were then slaughtered for veal. You may ask why I am a vegetarian; I think that veal crates alone, if they were still in action, would convince anyone to be vegetarian. That was a disgusting practice. However, it has been banned, and we now have a humane way of raising calves for veal that few people could complain about.

The Minister is right to stick to her guns. We are outlawing battery cages for egg-laying birds on farms from 2012. We will have an enhanced system of cages where hens can at least move and exhibit some form of normal behaviour. I for one would not eat an egg produced under the battery system. I am delighted to say that I have my own free-range hens, who are perfectly happy and certainly do not live in battery cages.

We are moving in the right direction; however, it is important that we bring animal welfare standards for non-farm animals up to at least those of animals kept on farms. Therefore, although this is a step in the right direction, we have some way to go.

First, the Bill concentrates too much on physical distress and physical cruelty. It assumes that the only way an animal can be ill treated is by cutting it, starving it or keeping it in insanitary conditions. I would like to raise the issue of how guard dogs and some farm dogs are treated in Northern Ireland. As part of my interest in wildlife, I regularly visit farms. In my constituency, I also regularly visit industrial premises. Is it acceptable that dogs which are intelligent are kept on a short lead of 6 ft or 8 ft for their entire life? Such dogs have no form of intelligent contact with anything else and no form of exercise.

I dealt with a case when I was in Ballycastle a couple of weeks ago, where I saw a dog that in my opinion was being — *[Interruption.]* Sorry, I cannot compete with the honourable Members for Mid Ulster and Upper Bann. That animal in Ballycastle had clearly been tethered to a chain about 6 ft long for its entire life and had never been released. OK, it was being fed and watered and it may have had shelter, but what way is that to keep a dog? I have a dog: Molly. She will be delighted to have her name in the Hansard report. Molly is walked at least two or three times a day. Were she not given that exercise,

she would become extremely distressed. I believe that there is merit in stipulating in the Bill or its regulations that every dog must be exercised for half an hour a day. I think that that is entirely reasonable. A dog needs and should get that stimulation. I have also seen sheepdogs not being used during the sheep breeding season being locked up in hen houses or small barns or being tethered for months on end without any exercise. That is unacceptable, and I am seriously considering tabling an amendment later on.

In the Minister I believe I have detected a personal interest in the issue. I know her view on hare coursing, and I notice that she did not turn up on Tuesday night to vote against hare coursing because she would have been whipped by her party into voting a certain way. Without wishing to make a party political point, that is good news, in so far as some Sinn Féin Members may be developing a conscience about what they did on Tuesday night. However, it was good that some of its Members, rather than be forced through the Lobby in favour of park hare coursing, decided they had better things to do. As a result of that, we had a great victory.

Puppy farming is another issue that I feel strongly about and that is particularly relevant to my constituency. Unfortunately, South Down is the heartland of this desperately evil activity. We in Northern Ireland can do without puppy farming. Dog breeding establishments in which numerous bitches are kept and intensively bred, often in appalling conditions, simply for their puppies to be sold on should be banned. I cannot see how Northern Ireland would become a poorer place if we were to ban puppy farming full stop. Frankly, the goings-on in establishments in South Down and Mid Ulster are ghastly. Bitches are kept in darkened hen houses, never seeing the light of day. They are kept in a perpetual state of pregnancy, breeding large litters of pups that are quickly taken from them and sold before the bitches are made pregnant again for further breeding purposes. Now, will someone in this House tell me why we should not ban puppy farming? Will the Minister tell us whether there is anything in the Bill that will enable the Department to step in to stop this awful abuse? Puppy farming is often ancillary to the activities of the few individuals responsible, some of whom are unsavoury characters for other reasons. I do not think that the ordinary man on the street in Northern

Ireland would care if puppy farming were to be banned for ever.

I am also concerned about circuses. A distinction can be made in relation to the use of horses, dogs or domesticated animals in circuses. A horse may be perfectly used to being transported around the country for showjumping or three-day eventing. Therefore, their use in circuses is not a huge step forward from that. I could live with domestic animals being used in circuses. However, I have enormous problems with animals such as elephants, tigers and lions being taken from their native habitat, kept in cramped conditions and used in performances. In real life — I have been to national parks in Kenya and South Africa — a lion would range over several hundred square miles in its lifetime. How can we justify such an animal being put into a cage, let out only for performances and, in my opinion, treated in a totally unsatisfactory way? Lions do not normally exhibit the behaviour that is seen in circuses. If it is wrong for lions, it is totally wrong for elephants, which are very large animals that are kept in cramped conditions.

Rather than leering at animals in a circus as they perform unnatural acts, we should try to enhance people's perception of wildlife. Again, I do not see why it would be wrong for the Assembly to follow the lead of many county and city councils throughout the United Kingdom and, indeed, the Irish Republic, which have decided that there will be no circus performances involving wild animals in their area. That does not mean that I am a killjoy. There can still be a huge range of acrobats, clowns and so on who are the norm in circuses. Indeed, some of the world's greatest circuses, such as the Chinese and Russian state circuses, do not have any animals, yet they are packed out as they tour the world. Therefore, I ask the Minister to give serious consideration to a ban on the exhibition or use of wild animals in circuses, which would go a long way towards improving animal welfare standards in Northern Ireland.

I shall now raise an issue that some people may think is slightly offbeat. I shall raise it anyway because I have received letters about it from constituents and people throughout Northern Ireland: namely, the treatment of lobsters. Members may wonder why on earth the Member for South Down is raising the issue of the treatment of lobsters. I have a slight problem with any culinary practice that

involves boiling an animal alive before serving it up to be eaten. Members can call me odd, offbeat or strange, but, first, I would never eat it, and, secondly, there must be a more humane way to kill a lobster before eating it. To me, throwing a lobster into a tub of boiling water, which sometimes happens to crabs and other crustaceans as well, is extremely cruel. I am trying to tease out of the Minister whether there is anything in the regulations that would allow that practice to be altered. I understand that animal welfare organisations in the UK have devised electronic means to kill lobsters which could be used to allow them to be eaten without difficulty.

That said, the legislation is very much a step in the right direction, and, with amendment, we can have strong laws on how we treat animals. The ordinary man in the street is very much on our side, and I do not think that anything that I suggest would have a radical economic impact. A few people might lose out, but the vast majority of people would be unaffected because the vast majority of people in Northern Ireland treat their animals extremely well. One thing that I love about coming up to Stormont in the morning is seeing all the dogs being exercised in the grounds. They are some of the best treated and probably some of the poshest dogs in Northern Ireland. No other Parliament in the world would dream of allowing people to walk dogs in its grounds. People would not be allowed within 500 yards of another Parliament's buildings, but we have an open estate in which people can exercise their animals, which are extremely well kept. Therefore, for 99% of dog and pet owners in Northern Ireland, the legislation will not apply, and they have absolutely nothing to worry about. However, the 1% or 2% of people who bring pet keeping into disrepute do need to be worried.

Other aspects of the Bill are fine. The possibility of a USPCA, council or police inspector moving in to seize an animal when there is every likelihood that suffering will occur is good news. I also welcome clause 9, which deals with the five freedoms. That clause replicates the equivalent legislation in GB, which has been a considerable success. The Minister has wisely taken some of the best aspects of GB legislation, and she has consulted our colleagues in the Irish Republic about measures that they are introducing.

My view on cross-border co-operation is thus: if I find that my wife is having a very friendly

relationship with a very handsome man who lives next door, I consider the issue. If I find that she is having that relationship so that they can more effectively manage the hedge that separates our two properties, I am happy. If I find that the relationship is based on anything more sinister, I start to get worried. However, I assure Members that, in my wife's case, the relationship is simply about the hedge.

[Laughter.]

12.30 pm

Equally, if cross-border co-operation — Northern Ireland being a self-governing part of the United Kingdom and the Irish Republic being an independent, free-standing state — is based on what we can do to manage issues of mutual concern, I am behind it 100%. I have no difficulty whatsoever with that type of co-operation. If the Minister is liaising closely with her colleagues in the Republic to ensure that the two jurisdictions on the island of Ireland have the best possible animal welfare legislation, that is good news for all concerned and I am behind her 100%.

Something is going on — notes are being given with great flurry to the Minister. I must be saying something heretical — there is nothing new there.

If that is what is being done, it is good news because there is most definitely a cross-border element to animal welfare. We do not want a situation in Northern Ireland in which our legislation is some of the best in Europe and those who wish to abuse animals simply hoof it across the border and commit their nasty deeds in the 26 counties of the Irish Republic. Equally, we do not want a situation in which our legislation is weaker than that in the Republic and people come up here to carry out particularly distasteful acts.

On balance, the legislation is good. However, let us look at the psychological abuse of animals. It is absolutely vital that we look at circuses, and let us ban puppy farming forever.

Mr Savage: As someone who has been on the Committee for Agriculture and Rural Development from the very start, I say to the Member for Strangford that we are very careful about whom we ask on to the Committee.

[Laughter.]

I welcome the Second Stage of the Bill. However, it is not unfair to say that it has been a long time coming. In repeated Assembly

questions, the Minister insisted that she would hold up this Bill to have compatible animal welfare legislation on both sides of the border. However, the Department watered down that argument as time went on. Finally, we have arrived at the Bill's Second Stage today, which I welcome. It is long overdue.

The legislation that the Bill will replace was brought through by my former party leader Harry West in 1972. At that time, it was seen as adequate and it was very much better than the 1911 legislation that it replaced. However, this Bill provides further protections that are necessary.

Two years ago, an open farm was raided and the scene was horrifying. Dozens of dead animals were found rotting and dozens more live animals showed signs of real neglect. It was widely reported that this new legislation was needed to help to fight that sort of animal cruelty. On the back of that scandal, my party brought a motion to the House that called for action. I am sorry that that has taken 18 months, but we are glad to see that the legislation is here at last.

The Bill allows authorities to take action if the condition of an animal is likely to cause it to suffer. We have been waiting for that for quite a while, and it is absolutely necessary. Sadly, it will not prevent animal cruelty, but it will prevent some animals from suffering if their conditions can be assessed on time. Clause 9 refers to what are known as the five freedoms of animal welfare, and I welcome their inclusion. This brings Northern Ireland into line with the rest of the UK and enshrines in law the responsibilities of owners of animals.

There are some contentious aspects of the Bill, one of which relates to enforcement. Powers of entry are available when animals are in distress. In certain circumstances, that is a necessary provision, but some stakeholders are concerned about who will be provided with that power. It is important that the Department, like the Bill, ensures that the appointment of inspectors is left to councils and that those councils make adequate provision for inspections by their officials.

It is vital that the state retains those powers of entry. That means that inspectors who are appointed under the powers of the Bill must be employed and have their role overseen by councils or the Department. Other citizens should exercise their duty to be vigilant to

instances of welfare abuse. However, it is dangerous when people other than government officers are given powers of entry and seizure.

I hope that those matters and other contentious issues can be ironed out quickly in the Bill's Committee Stage, because we all know that legislative time is short. I hope that disagreements can be resolved so that the protections in the Bill that are vital to animal welfare can become law before next summer.

Mr Kinahan: I congratulate the Committee and the Minister on the excellent work that they have done in producing the Bill, which contains many matters that we should all admire. I want to raise one or two matters. I am not going to go into great detail about all the things that are good about the Bill, but I have some concerns.

During last week's debate on the Wildlife and Natural Environment Bill, I spoke about the need to balance the rural and the urban. Through this Bill, we need to balance animal welfare and the rural way of life, as well as farming businesses. I find it slightly perplexing that the Bill is coming from the Agriculture Committee. However, the more I think about it, the more I admire the Committee for all the work that has gone into the Bill.

Anyone who travels round the world will see that some countries over-regulate. I will sound a note of caution, however, because I feel that, with such lengthy Bills, we must be careful to think through what we are doing. We must also be careful that we do not have too many rules and we set good frameworks. Too many rules lead to the need for enforcement, and with that comes the need to employ people to do the enforcing. As we have just heard, that adds another cost to councils. We need to find a way to do it so that the costs are kept low.

I want to touch on one or two matters, especially the docking of dogs' tails. If I may add a little bit of humour before I go into details, I should say that I think that there is nothing nicer than having your dog welcome you home. I read an article a few years ago that gave 15 reasons why a dog is better than a wife. Those reasons included that a dog is always pleased to see you, which goes back to the tail wagging; it welcomes you home whatever state you are in; and it does not cost as much to keep. There was, however, a very good reply later explaining why a cat is better than a husband.

However, if I may return to the point, I do not fully understand why docking tails is necessary. I am sorry that Mr Elliott is not here to hear about this, but I worked on a farm many years ago, and I remember the docking of lambs' tails. Every year, I saw the lambs with runny bottoms, looking ill and uncomfortable. Each year, we quite happily stood with a bucket of Dettol and a lamb between our legs as we sliced off its tail. I remember thinking that it must have been painful. Legislation, quite rightly, changed that practice, and we then used a rubber band or a similar technical method. However, it all seemed very strange when, a few months later, we were eating the same beast.

I wonder whether it is necessary to dock tails. I know that the debate relates to working dogs, but it also involves country dogs. We have schnauzers at home, and most schnauzers have docked tails, although we had one that did not have its tail docked. After picking up burrs and thorns during its walks with me through the woods, it would spend most of its life having those burrs and thorns removed. It used to take ages, cause the dog much pain, and, occasionally, I would have my hand bitten by my dog as I tried to clean the burrs from its tail. Therefore, it is necessary to have tails docked, and we should just find the right way to do it.

At a later date, I would like clarification on clause 7, which deals with poisons and who judges what is given to or put into an animal. I remember an Olympic Games a few years ago when Peter Elliott ran after having an injection that was illegal for horses, but legal for humans. When it comes to setting the regulations, we must ensure that we are thorough and get it correct for animals and humans.

Clause 8 deals with animal fights. I am totally against any form of ghastly animal fighting, whether it is cockfighting or the awful dog fighting that occurs illegally in Northern Ireland, and I long to see strong punishment for those who organise those activities. However, when we consider the wording of the Bill, which states that the legislation still applies even if both animals are wild animals and that an animal is protected if:

"it is under the control of man...on a permanent or temporary basis"

it gets more vague. Taking a simpler example, when an owner walks their dog in the countryside without a lead, is that animal under

control? Most would feel that it is, but it really depends on how strong the owner's voice is.

If we continue down that line, I am concerned that the Bill may serve as a back door to the banning of hunting. Hunting dogs are not wild; they are kept in cages and are well looked after by the hunting fraternity. They are bred to chase hares or foxes, and we heard last week, during the debate on the Wildlife and Natural Environment Bill, how much damage foxes do and that some 600 foxes were caught in Glenwhirry. I want the Minister to think that provision through and, perhaps, specifically to exclude hunting. We are going down a line that is the thin end of the wedge. That is very dangerous and may take away some of the great enjoyment of those in the countryside who ride to hounds.

There is much more in the Bill on which the Minister and her Department should be congratulated. However, I am wary of the cost involved in implementing its provisions.

Clause 19 refers to the owner of the animal or another person with a "sufficient interest" being consulted when it comes to controlling or putting down an animal. Lawyers will love that, because it is difficult to define what a "sufficient interest" is. That also needs to be thought through.

I am very sad that Mr Wells is no longer in the Chamber. Listening to him earlier, it seemed that he had never been told that it was rude to gloat, such was his enjoyment of his victory on hare coursing last week. Mr Wells was absolutely correct in his comments about puppy farming, but I would love to know how he would tell the difference between puppy farming and dog breeding.

I want to finish by once again congratulating the Minister on the Bill, because there is so much in it to be praised. However, there are a few issues that will cause great concern and one or two things that could be used in different ways. That said, it is good Bill, and I will certainly be supporting it.

The Minister of Agriculture and Rural Development: Go raibh míle maith agat, a LeasCheann Comhairle. I am grateful for Members' contributions to the debate, which have been valuable and informative. Many of the Members who spoke are no longer here, but I will still respond to their points. I will also

carefully read the Hansard report of the debate and write to individual Members if necessary.

The Deputy Chairperson of the Committee for Agriculture and Rural Development raised a number of points. He began his contribution by saying that the Bill was empty and had nothing in it. Given the learning process that we have all been through during the past three years, I would have thought that the Deputy Chairperson would understand that the purpose of primary legislation is to provide an overarching legal basis on issues and to provide for the introduction of subordinate legislation as necessary.

As I explained during my opening remarks, the key principles are set out in the Bill, but the Department needs flexibility to react to new scientific evidence that may necessitate changes to legislation. Similar provisions for farmed animals are contained in the Welfare of Animals Act 1972, and the Bill will allow the Department to react to new European regulations and implement them in the North of Ireland.

The EU will continue to put forward regulations for farmed animals as scientific evidence develops, and we need the ability to implement those. However, the EU is also turning its attention to domestic pets. Again, we need the ability to react, and those regulation powers will enable us to do that.

12.45 pm

The purpose of subordinate legislation is to provide detailed legal provisions on issues that are not already covered in primary legislation. Subordinate legislation may require frequent change, the process of which is much quicker than that of primary legislation. By providing regulation powers in the Bill, my Department will be able to consider the need for subordinate legislation for specific establishments or activities on a case-by-case basis. Subordinate legislation provides the flexibility to introduce detailed requirements that are specific to the activity that involves animals. I am sure that Members will appreciate that that cannot all be covered in the Bill. Otherwise, we would have a huge Bill with hundreds of clauses. More importantly, there would be no flexibility to make changes in the future.

Consultation with relevant stakeholders is paramount, and it will be undertaken to ensure that any regulations are proportionate and

workable. I have listened to stakeholders who have concerns over welfare issues relating to dog-breeding establishments, open farms, wild animals in travelling circuses, primates being kept as pets and greyhound tracks, to name but a few. The powers in clauses 11, 12 and 13 provide the power to regulate those activities, to license or register them, or to ban them if the evidence is there to support doing so. Obviously, the Agriculture and Rural Development Committee's detailed scrutiny will also ensure the appropriateness and proportionality of any subordinate legislation.

Some Members said that they were keen to get the primary legislation through in the lifetime of this Assembly. Indeed, Mr Wells made the point that we had the First Stage last week and the Second Stage this week. The reason for that is to allow the Committee to do a lot of work on the Bill over the summer and to enable it to scrutinise it in detail. If we had put Second Stage back, we would have lost our time in this period of the Assembly and restricted the Committee's ability to scrutinise the Bill properly. That is why Second Stage has come so soon after First Stage. A number of Members also raised points about the Wildlife and Natural Environment Bill. Many aspects that were raised today are covered in that Bill, and I am content for the Environment Minister to take those forward.

I will now go through the detailed aspects of Members' questions, one of which concerned primates. The Welfare of Animals Bill provides the primary power to make regulations to prohibit the keeping of certain types of animals at domestic or other premises. The powers in the Bill do not extend to dangerous wild animals within the meaning of the Department of the Environment's Dangerous Wild Animals Order 2004. Therefore, the Bill only covers primates that are not classified as dangerous wild animals. There is quite a bit of detail in that, but, as Mr Elliott is not in his seat, I will not go through it.

Quite a few Members spoke about wild animals in circuses. The Bill provides a range of powers to deal with them. For example, powers will be available to regulate their use under clause 11, to license the circus under clause 12, or to ban their use under clause 13. Although the 2006 consultation asked some basic questions on the general use of animals in travelling circuses, it was not issued to any circuses or representative bodies of circuses. However, my

officials met representatives of the European Circus Association. They were totally opposed to a ban on the use of wild animals in circuses but in favour of regulation.

I will now take time to consider the evidence and what is best for wild animals in circuses. We also need to consider what would happen to the animals if they stopped performing. I certainly do not want those animals to be destroyed, and, therefore, I want further input from stakeholders. Once all the evidence is available, I will, if necessary, issue a further consultation that sets out specific proposals on the future use of wild animals in circuses. A point was made about liaising with our counterparts in the South. The actions that I take will have to take account of the fact that many circuses in Ireland that have wild animals for use are based in the South.

Mr Elliott raised the issue of progeny. The powers in the Welfare of Animals Bill cover all animals once they are born. However, a provision is included to extend the powers in clause 11 to secure the welfare of progeny as well as the parent animal through regulations that govern animal breeding should future scientific evidence show that it is necessary.

Quite a few Members raised the issue of tail docking, on which people have strong views one way or the other. Recent research by the Royal Veterinary College and the University of Bristol on tail docking confirms that, overall, the risk of tail injuries to dogs is small. Generally, dogs have a 0.23% risk of tail injury. Willie Clarke cited that figure, and it means that 500 dogs would have to have their tails docked to protect one dog. In a year, that would mean about 10 dogs in the North being protected. The risk of a tail injury to working gun dogs, while slightly higher, is still extremely low at 0.29%.

The report concludes, therefore, that, among ordinary dogs, 500 puppies would have to be docked to prevent one tail injury in later life and that, among working dogs, 345 puppies would have to be docked to prevent one tail injury in later life. Although information on the number of working dogs in the North is limited, the available information suggests that about 5,000 working gun dogs are born here every year. Tail docking every dog would save 10 dogs from injury and three from an injury requiring amputation. The evidence suggests that there

is no justification for allowing the tail docking of working dogs.

We looked at best practice in other places. Our counterparts in Scotland believe that there is no justification for changing the legislation there, which bans the tail docking of all dogs, to allow the tail docking of working dogs. The question that follows on from that is: if we are not happy with docking the tails of dogs, why is the practice of docking the tails of lambs and piglets still in place? The proposal to ban tail docking for all dogs is consistent with separate legislation that allows for the docking of pigs' and lambs' tails. Tail docking in lambs and pigs should not be routinely carried out. It should take place only where there are clear husbandry needs in a herd or flock.

The same rationale cannot be applied to the argument for docking dogs' tails. Although it is argued that some tails are docked to prevent injury — for example, to working dogs — it is far more widespread and is a far more common practice that tails are docked on certain breeds purely for cosmetic reasons. Animals should not be docked for reasons other than welfare and, in this case, the evidence supports what is proposed in the legislation.

Dog-breeding establishments, which Jim Wells, Willie Clarke and others raised, caused some discussion. Earlier this month, when the Assembly discussed the Dogs (Amendment) Bill, the issue of dog-breeding establishments was raised. I will use the powers in the Bill to regulate and license dog-breeding establishments to improve standards in them and to assist legitimate local breeders in marketing their dogs.

There is a huge difference between a legitimate breeder and a puppy farmer. I have met breeders who are anxious to ensure that their businesses are regulated and that the checks and balances are in place to enable them to carry out their work. I differentiate between those who apply good husbandry, breeding and welfare standards and who rear dogs as a legitimate business and those who breed dogs in a hayshed or a chicken house in very poor conditions.

The Canine Breeders of Ireland fully support proposals for legislation on dog-breeding establishments, and substandard breeders will have to improve their standards or they will not be licensed. I will want to discuss with stakeholders the regulations that will be brought

forward in subordinate legislation. It is to everyone's benefit to include the regulations in subordinate legislation, where we will have the flexibility to change them as necessary.

P J Bradley made the point that, in the past, people who were disqualified from keeping animals continued to have access to them. To ensure that a disqualified person does not remain in control of an animal or animals, the Bill proposes to extend the scope of disqualification. That will cover any activity whereby a person can be party to an arrangement under which he or she is entitled to control or influence the way in which animals are kept. Such activities include owning an animal; keeping, arranging for or participating in the keeping of an animal; dealing in animals; and transporting or arranging for the transport of animals. A person who breaches a disqualification order will be guilty of an offence. The penalty for breaching a disqualification notice is up to six months' imprisonment and a fine of up to level 5 on the standard scale, which is about £5,000. Although we need to be mindful of human rights, I take Mr Bradley's point that people are getting round the rules.

Mr Elliott, Mr Wells and Willie Clarke mentioned the progress that the Department of Agriculture, Fisheries and Food (DAFF) has made with its Bill and how that impacts on us. I assure the House that DAFF continues to work on that, but it is not at an advanced stage. At one point, DAFF was ahead of us, but it had to postpone its work. We keep in close contact with the South. I met Minister Smith to discuss our respective Bills, and our officials continue to be in close contact.

Mr Wells, who is not in his seat, talked about the arrangements for hedge cutting. I hope that he will not trim his hedge, or let his wife do so, during the nesting season. I hardly need to remind Mr Wells about that. He also asked what the Department is doing about owners who cause unnecessary physical or mental suffering to animals. He made a point about guard dogs and said that such animals do not receive proper stimulation. That will be an offence under the Bill, whether it happens by omission or positive action. Anyone who permits another person to cause unnecessary suffering will also commit an offence. Mr Wells is familiar with the five freedoms that will be extended to companion animals.

Mr Wells made a point about lobsters. Invertebrate animals are excluded from the

Bill because, at present, insufficient scientific evidence exists to prove that invertebrates feel pain. It is known that invertebrates do not have a central nervous system to transmit or to process the intensity of pain, and, therefore, it is believed that invertebrates are capable of only a stimulus-response reaction. However, should future scientific evidence indicate that invertebrates are capable of experiencing pain and suffering, the Bill includes a provision that will allow its scope to be expanded accordingly. I asked my officials those questions because we want the Bill — the previous one was almost 40 years old — to last for a considerable period. Furthermore, we want to ensure that the Bill enables us to bring new scientific evidence to bear in the future.

Some Members brought up the role of the USPCA. There will be no change to the role of the USPCA under the Bill. The USPCA is an independent charity, and nothing in the Bill affects that. The Department will continue to work closely with the USPCA and all other agencies, such as the PSNI, the Environment and Heritage Service, Revenue and Customs and local councils on the welfare of animals.

George Savage asked who will enforce the Bill when it becomes law. Many of the existing powers of enforcement will remain in place. The Veterinary Service will continue to appoint inspectors to implement and to enforce powers that relate to farmed animals on agricultural land. The Veterinary Service will have new powers to seize farmed animals that are suffering or are likely to suffer. The Bill will enhance and extend the existing powers of enforcement by making new powers available to district councils to appoint inspectors to implement and to enforce provisions on non-farmed animals, including powers to seize non-farmed animals that are suffering or are likely to suffer. District councils will undertake the licensing and registration functions that are currently undertaken by the Veterinary Service for pet shops, animal boarding establishments, riding establishments and zoos. They will also be responsible for any new licensing and registration functions that are introduced via subordinate legislation.

1.00 pm

The PSNI will provide support as necessary for DARD and district council inspectors and will lead on welfare issues involving organised animal fighting or where other criminal activities

are involved. Following guidance from the Department, district councils will be able to appoint inspectors from existing resources or by new appointment.

Danny Kinahan raised the point about hunting or fishing. I can clarify that the Bill does not impact on anything that occurs in the normal course of hunting, coursing or fishing. I have gone through most of the issues, but I will keep an eye on the Hansard report to see what I need to follow up on after the debate.

I thank Members for their contributions to the debate and for the questions and issues that they have raised. To conclude, I am confident that the powers in the Bill will keep us at the forefront in our protection of farmed and non-farmed animals and improve animal welfare standards in the North of Ireland. My officials and I look forward to working closely with the Agriculture and Rural Development Committee as it now begins its detailed scrutiny of the Bill, which I have no doubt will prove to be very valuable. I am aware that the Committee has not yet decided to what date it will extend the Committee Stage for the Bill. If it is extended to no later than the week commencing 29 November, that should ensure that sufficient time remains for the Bill to complete its progress through the Assembly and for Royal Assent to be obtained before the Assembly rises. I commend the Bill to the House. Go raibh míle maith agat.

Notice taken that 10 Members were not present.

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

Upon 10 Members being present —

Question put and agreed to.

Resolved:

That the Second Stage of the Welfare of Animals Bill [NIA 28/09] be agreed.

Transport Bill: Second Stage

The Minister for Regional Development (Mr Murphy): I beg to move

That the Second Stage of the Transport Bill [NIA 29/09] be agreed.

The aim of the public transport reform programme is to create efficient, effective and sustainable public transport services that contribute to the Executive's transportation, environmental, social inclusion and equality objectives, while supporting the development of the wider economy.

A major public consultation exercise and continued engagement with key stakeholders and the transport community and business sectors have served to underpin and significantly inform the proposals. The Transport Bill will provide new arrangements for the delivery of public transport services in the North. It is more than 40 years since the last major change in legislation. The law needs to change now to keep pace with the requirements of a modern public transport system.

Under the Transport Act 1967, the Department of the Environment was responsible for granting road service licences for the carriage of passengers and their luggage by road; that licence included both an operator element and a route element. Under reform proposals, the Department for Regional Development will take over responsibility for the route element of the licence and the Department of the Environment will retain responsibility for bus-operator licensing as well as its other licensing responsibilities.

The Bill introduces a duty on my Department to secure the provision of public transport services with due regard to economy, efficiency and safety of operation. It provides the framework for the Department to do so through a new contracting regime supplemented by a service permit system. The new contracting regime and permit system will allow the Department to enter into agreements with operators for the provision of public passenger transport services, enable the continual regulation of the market and, as I already stated, allow the Department to comply with EC regulation 1370/2007.

I should explain that the EC regulation requires that where a public service obligation exists in respect of the provision of public passenger transport services by road or rail, a public

service contract must be awarded. The regulation allows for that contract to be awarded directly to an internal operator, such as Translink, or to be competitively tendered. I have ruled out the privatisation of public transport now or in the future; it is, therefore, intended that Translink will continue to deliver most public transport services through a directly awarded contract.

The proposed contracting powers will also allow the Department to award contracts for services that are not included in the directly awarded contract on a competitively tendered basis. It will be open for all operators, including Translink, to bid for those contracts. For example, contracting powers will allow the Department to take forward the Executive's objective of introducing Belfast rapid transit and of awarding that contract on a competitively tendered basis.

The contracting regime will be complemented by a service-permit system to allow operators to apply to my Department for a permit to run public transport services that are not already being provided in the contracted network. That will facilitate innovation by operators and enable them to propose new services and allow the public transport market to grow. Northern Ireland Railways will remain the sole provider of railway services. Its statutory duty under the Transport Act 1967 will remain.

The Bill contains offences and enforcement powers to allow my Department to enforce the regulated public transport system effectively. Under the Bill, the Department will have the power to determine the general level and structure of fares for all contracted services and for services that operate under a service permit where fuel duty rebate or concessionary fares are paid. The Bill contains powers for the Department to provide vehicles, information systems and technology and will allow for the introduction of on-street ticketing and integrated ticketing systems. It also contains powers for the Department to acquire and dispose of land where that is necessary for public transport purposes.

The legislation will allow the Department to exploit commercial opportunities arising as a result of its functions that relate to public transport. That power could be used to generate revenue from the sale of advertising, for example, at rapid-transport halts. The Bill amends the statutory role of the Consumer Council and requires it to publish a forward work

programme in respect of its public transport functions. It also puts in place arrangements for co-operation and exchange of information between the Department and the Consumer Council.

The Bill amends and updates grant-making powers on the provision of passenger transport services. The Department has power under article 6 of the Transport Order 1977 to pay grants to the Northern Ireland Transport Holding Company towards capital expenditure for the purchase of vehicles to be used for the provision of stage-carriage services. The Bill will allow grants to be paid to any eligible person for the purchase of vehicles for the provision of public passenger transport services.

Under section 75A of the Transport Act 1967, the Department has power to make grants towards expenditure that is incurred in facilitating travel by members of the public who are disabled. The Transport Bill will extend that power to include two additional sections of the community: elderly people and those who live in rural areas. The Department provides funding to the Community Transport Association, which offers training, advice and information to its members. To date, the Department has relied on annual budget legislation for those payments. The Bill will introduce a power to allow the Department to fund transport advisory bodies and, therefore, to continue the funding of the Community Transport Association.

The Bill will also introduce a power to make regulations in respect of conduct in bus stations; in railway premises a power already exists to make by-laws to regulate conduct. Such a power would bring bus stations into line with railway premises, allowing effective enforcement against misconduct to improve passenger and staff safety.

Under the Bill, the Department will be able to direct that bus stations be made available for use by other specified service providers; that will allow operators who have been granted a permit or who receive grant aid to gain access to bus stations. In such circumstances as the Department determines, the aim is to improve service to public transport users.

The Bill will also clarify the Department's powers in relation to appointments and terminations to the Northern Ireland Transport Holding Company.

In conclusion, the enactment of the legislation will ensure the provision of a high-quality, integrated public transport system that will put greater focus on delivering efficient, affordable services that are responsive to local customer needs.

The Deputy Chairperson of the Committee for Regional Development (Miss McIlveen):

As Deputy Chairperson of the Committee for Regional Development, I welcome the opportunity to speak at the Second Stage of the Transport Bill. The issue before the House is whether the Assembly is content to endorse the principles of the Transport Bill. The Bill, as introduced, makes provisions relating to public passenger transport and ancillary services, and for connected purposes. It is a substantial Bill, with 50 clauses and two schedules, and it allows the Department a substantial amount of delegated powers.

As the Minister has indicated, the Bill makes provision for powers relating to the regulation of public transport service delivery in Northern Ireland. It covers the duty of the Department to secure the provision of public passenger transport services by rail and by road; the power to enter into agreements and to award service permits for that purpose; the ability to attach conditions to, and to vary, service permits, along with powers for the revocation, suspension and curtailment of service permits. The Bill creates offences and provides enforcement powers in respect of the contracting service permit regime. It also provides powers for the Department to regulate fares; designate bus stations or premises as shared facilities; regulate passenger conduct in bus premises; provide for integrated and on-street ticketing systems; make grants for the provision of bus services of benefit to certain sections of the public; acquire and dispose of land; provide vehicles and facilities for public transport purposes; and exploit commercial opportunities arising from its public transport functions.

At its meeting on 23 June 2010, the Committee for Regional Development considered the Bill and was broadly content with its principles. The Committee took evidence from the Department for Regional Development, Translink, the Federation of Passenger Transport and the Consumer Council during the pre-legislative stage of the development of the Bill. During those sessions, the following issues, among others, were explored: access to public facilities

for private sector operators; and the meaning of “most” in clause 1(3). That clause states:

“The Department must, subject to subsection (1) and Regulation (EC) No. 1370/2007, secure that most public passenger transport services continue to be provided by the Holding Company and its subsidiaries.”

The Northern Ireland Transport Holding Company is the holding company, and its subsidiaries are the Translink companies.

The availability of data to underpin an understanding of the full costs and benefits, outside those identified in the explanatory and financial memorandum to the Bill, were also explored during the Committee sessions. With regard to that issue, the Committee has received an assurance from the Department that the additional work with Translink arising from the gaps in data identified and recommended in the outline business case would be completed and made available to the Committee during the Bill’s Committee Stage. The Committee looks forward to receiving the Bill and exploring those and any other issues that arise in evidence during the Committee Stage, and it is broadly content with the principles of the Transport Bill.

I will speak now in my capacity as a Member and refer to a few aspects of the Bill that I feel need to be considered carefully by the Committee. I welcome the aim of the Bill in relation to seeking compliance with EC regulation 1370/2007, which came into effect in December 2009. That regulation on public transport services by rail and by road repeals earlier Council regulations 1191/1961 and 1107/1970. Although I am not an expert, my understanding of that regulation is that it introduces standardised European-wide rules on the procurement and funding of contracts for public transport services and introduces more competition into public transport, particularly in states relying on state involvement, the award of exclusive rights or direct awards of contracts without competition. That has particular impact in Northern Ireland, given the public funding of public transport services.

As a result of that regulation, it is incumbent upon the Department to show that it is not overcompensating in the award of contracts. It seeks to ensure that there is as much regulated competition as possible in public transport delivery and that that is as transparent as

possible. However, I understand that, although not explicitly stated in the Bill, it is intended that the achievement of that be contemplated through the agency model. It is vital that in scrutinising the Bill, the Committee considers carefully whether the agency model is the best method to achieve greater transparency and value for money in practice.

We will have to determine whether creating another arm’s-length body will allow for adequate scrutiny of how public money is spent in the public transport sector.

1.15 pm

While there is limited scope for competition in the market at present, I welcome the potential opportunities for competition to arise in public transport provision in Northern Ireland under clause 4 of the Bill. This allows the Department to authorise the provision of services that are supplementary or complementary to services that are already in place. That will not just give the public transport network the capability to grow, but encourage innovation in a sector that can be replicated across that sector.

I am mindful of the effect that competition has had on services, for example, from Belfast to Dublin Airport, in frequency, fares and provision of services, specifically overnight services, which also had a knock-on effect on the frequency and fares of the service from Belfast to Belfast International Airport. I will, however, be keen to ascertain in the Committee how the Department will seek either to limit or promote that aspect of the Bill in practice. Consumers in Northern Ireland have suffered for some considerable time from a lack of competition in public transport services and, although the provisions in the Bill do not permit direct competition, I hope that the Department does not stifle innovation and entrepreneurship by interpreting clause 4 too narrowly.

The Bill proposes a raft of offences and powers of entry in relation to the service permit system, which will also have to be scrutinised carefully by the Committee. Clause 1(3) states:

“The Department must ... secure that most public passenger transport services continue to be provided by the Holding Company and its subsidiaries.”

I will be interested to hear during Committee Stage what the word “most” will actually mean in the context of regulation EC 1370/2007 and

how that equates with the requirement in clause 1(1) that the Department should have:

“due regard to economy, efficiency and safety of operation.”

In particular, I will also be keen to see how the Department will ensure improved value for money for customers. As I said earlier while speaking as Deputy Chairperson of the Regional Development Committee, there were substantial gaps in the data that were identified and recommended in the outline business case. Those gaps will need to be filled and acceptable answers given in that regard. Obviously, I have deep concerns that we will have to wait until Committee Stage to consider that information, rather than prior to this stage.

The Bill also provides the Department with the contracting powers that it requires to secure the provision of public passenger transport services, including rapid transport and integrated ticketing systems. The Bill is a particularly permissive piece of legislation, and not simply in that area. It will be important for the members of the Committee to satisfy themselves that such wide, permissive powers are appropriate.

In general, I welcome the wider principles of the Bill. I look forward to the opportunity for closer scrutiny that Committee Stage allows in order to address those issues that may give some concern at first glance.

Mr Leonard: There are many general principles in the Bill that we should welcome, such as the move towards integrated ticketing. The by-laws and provisions for misconduct in bus stations are important, bringing that into parity with other locations. People need to feel safe as they go to stations to embark on journeys, finish journeys or whatever. That is an important issue for the general public and is one of those things that can attract people to use public transport.

There is good provision for stations to garner economic benefits. We all know how tight budgets are, and it will be interesting to see how the practicalities of that will flow from the legislation and practice to follow.

Obviously, I welcome strongly the Minister's remarks about ruling out privatisation. We know of many examples around the world where privatisation has led to a fragmentation of services, whereby the ripe parts of the service are bought up to make fortunes, leaving the

less ripe parts to others and creating unequal service provision. The Minister's statement makes that situation clear.

Then there is the whole idea of where we go with some of the provisions of the Bill, and there are a couple of issues at this point that it would be interesting to hear from the Minister on, today perhaps or even at Committee Stage. The Bill sets out how public transport services are to be provided, and it refers to economy and efficiency.

We need to look at possible fragmentation, although I am sure that that is not the Minister's intention; we have to be wary that those more or less profitable areas do not come out of the system. I know that, to balance that, there is a provision for grant-making powers. I will be interested to hear from the Minister, as he highlighted rural areas in his remarks, that rural provision will be equal to urban provision, that there will be connectivity, and that a service will be provided. The intention is that grant-making powers will provide for the elderly as well as the disabled.

In that meeting point of economy and efficiency of public transport services, the grant-making powers to service rural areas and the idea of community transport, it will be interesting to see how we roll out the practicalities and equality of provision across the board. Those are the main areas of principle that we will have to explore, but in general we welcome the Bill and will work hard at its Committee Stage. Go raibh maith agat.

Mr Kinahan: I too am very pleased to speak on the Second Stage of the Transport Bill, especially since its general principles aim at creating an effective, efficient and sustainable public transport system with its new service delivery arrangements. I note that there was a good consultation, with 103 written replies and 11 public meetings attended by 194 people. I sometimes wonder whether we should look at our consultation system from time to time. The public service agreement (PSA) target is for 77 million journeys to be undertaken by public transport, but we sound out only a very small number of people. Consultation is vital, but perhaps a better way of doing it would reach more people.

I welcome the agency idea outlined in the Bill; it brings independence and the freedom for the Minister to direct and choose a publicly

owned company. Can we please include the Committee in that? Some Committees work well with their Ministers; others have less contact. The Committee for Regional Development does pretty well, but this is a plea that we be always kept as part of the system.

We want more people to use public transport, we want it more available, we want it to represent value for money and we want it integrated. We will see some of that coming through in the Bill. However, I am sometimes concerned about whether anyone has actually sat down and planned the long-term layout of our transport, because that is the basis of everything that we are trying to do and what we are trying to fit in on the back of the Bill. Integrated ticketing is welcome, but our use of roads means that we will not hit our carbon emission targets for 2025.

That is what law should be about: making things easier for the public and giving them more and better services. I welcome the Bill's powers to enter into agreements, award permits, create offences and give more enforcement powers; I also welcome the power to regulate fares, and, particularly, the power to cause shared facilities, the absence of which is holding us back. I also welcome on-street ticketing and the grants for the provision of bus services to benefit certain sections of the public. I am sure that there is a mass of people in Northern Ireland hoping for sorely needed community transport.

There is a need for rural transport and, of course, care and medical transport. There are many other areas in which Departments over 10 or 15 years have decided that transport is not their responsibility. It is our job, and we must ensure that we get the transport system working for everyone and reaching out to everyone.

I welcome the fact that the Bill provides for competition. Somewhere there is a balance between a state-owned system and a privatised one with many owners.

That has worked around the world in many different ways, and the Bill gives us a chance, through the agency, to explore both systems. I welcome the Bill, and I hope that we get there. I look forward to being part of the Committee Stage, when we will put our heads together to try to find ways of delivering a better transport system.

Mr G Robinson: As a Member of the Regional Development Committee, I welcome the opportunity to speak in the debate. I agree with the general principles of the Bill, although I am sure that there will be much debate at Committee Stage on particular aspects. As the Minister is aware, I am particularly interested in public transport and its development. I, therefore, wish to see the Bill make a good legislative base for providing public transport in all its forms.

Translink staff deserve praise for the proactive manner in which they have overseen public transport to date. The Bill seeks to aid them in continuing that approach into the future. The one topic that I am pleased to see included in the Bill is the provision of integrated ticketing and new ways in which that will be accessible for passengers. The Bill provides for the future direction of public transport and ensures that the vulnerable in society will continue to be supported. The powers of enforcement in relation to passenger conduct will help to ensure that public investment in facilities and equipment is protected through sound legal regulation. I look forward to exploring all those issues in Committee, and I support the progress of the Bill at this stage.

The Minister for Regional Development: A LeasCheann Comhairle, I thank the Members who commented in the debate on the Bill's Second Stage. I am a bit surprised that there were a limited number of contributions on what is a significant Transport Bill. However, perhaps that is because Members were relatively satisfied with the discussions that were held in Committee. Nonetheless, I am grateful to those Members who contributed. They raised a number of points to which I will now respond as best as I can. My officials and I will study the Hansard report and will endeavour to respond to any issues that I miss out or do not manage to pick up on.

I welcome the Deputy Chairperson's comments that the Committee is broadly content with the Bill. Of course, it will now have the opportunity to apply a much greater degree of scrutiny in Committee Stage and will be able to tease out certain issues, such as the use of bus stations. For example, the Committee may discuss and take evidence on the generally held view that people who wish to avail themselves of other coaches offering public transport in Belfast should not have to queue for them outside a

hotel that is around the corner from the Europa bus station, which is paid for out of the public purse. If we address the issues in relation to that, such as who has control and authority over that service, we can make better use of public transport facilities and encourage a much broader uptake of public transport, which is the objective of the Bill.

Another issue that will be teased out during discussions in Committee Stage is the level of services that Translink will retain. The percentage of public transport services currently run by Translink is in the mid-nineties, and I do not envisage that changing very significantly. However, the system that we will set up will ensure that there is proper scrutiny of that. Miss McIlveen, when speaking as a private Member rather than as Deputy Chairperson of the Committee, raised an issue about scrutiny and described the agency as an arm's-length body. However, the agency will not be such a body; it will be part of the Department and will be directly responsible to me. I do not think that the work of private operators will lead to a significant change in the level of provision that Translink provides. However, the agency will ensure that the Department gets value for money from the public funding that it supplies and that customers get an efficient and effective transport service. Of course, Translink already provides such a service, but, as with every system, that can be improved, and the agency will help to make those improvements.

The Deputy Chairperson is correct that the issue has been driven by EC regulation, with which we are attempting to comply.

1.30 pm

Billy Leonard raised the issue of fragmentation of the service and competition from private providers. In Britain, a number of years back, deregulation of the service was completed to allow private operators to compete. That proved to be a negative experience. Here, we have urban areas in which some routes would be commercially viable. However, we also have a large dispersed rural population, and routes in rural areas would not be profitable for private operators. Therefore, we want to ensure that we continue to provide a public service, which is, essentially, the purpose of public transport, and that we do not go down the route of deregulation, which would allow, as Billy Leonard said, for fragmentation in the provision of

public transport. We do not want to deregulate public transport in any case, and our particular geographical circumstances reinforce our view that deregulation is not the way to go.

Billy Leonard and George Robinson raised the issue of integrated ticketing as a means of ensuring a better and more accessible transport system. As I said, this is the first major legislation in more than 40 years. The purpose behind it is to achieve a more clearly defined system of public transport, not only for ourselves in attempting to regulate and operate it but for members of the public whom we want to use it. To ensure that people will avail themselves of the system, we must make it as accessible, comfortable, reliable and efficient as possible.

Danny Kinahan raised the issue of carbon emission targets. If we do not up the usage of public transport, as opposed to the private car, we will struggle to meet the Programme for Government targets. The purpose of the legislation is to regulate and improve public transport. However, the general sense is that issues such as integrated ticketing, more information for travellers and better facilities will increase the public's understanding of how to use public transport and will lead, therefore, to an increase in the number of people who use it.

Billy Leonard also raised the issue of grant-making powers. As I said in my opening remarks, grants, particularly for rural community transport, were previously based on their inclusion in the annual budget. The legislation specifically provides for funding for community transport, which will be welcomed.

Danny Kinahan talked about a long-term plan for transport, which is, of course, the intention behind the Bill. That is why we are creating an agency that will allow for a strategic approach to regulate public transport and make it more understandable and accountable. The agency will also make other public transport providers that are not necessarily linked to Translink more comprehensible to the general public. It will give some strategic direction to developing and enhancing that transport to ensure that more people use it. Other features, such as the rapid transit system will also come on board. The objectives of the Bill are to provide to the general public a clearer sense of how public transport works, to make it easier to access and to run, to extract the maximum efficiency and

effectiveness from the system and to allow for longer-term strategic planning through an agency that will be within the remit of the Department.

I look forward to continued engagement with the Committee and Members as the Bill progresses. The Committee will undertake detailed clause-by-clause scrutiny. I will ensure that my officials and I continue to be available, if required, for discussions with the Committee.

Danny Kinahan made a point about the breadth of consultation. We tried to make the consultation process as inclusive as possible, and there was a fairly good response to it. However, if, during scrutiny, the Committee considers that gaps exist in the responses to the consultation, it is at liberty to invite whomever it wishes to give evidence to assist it in its deliberations. The fairly decent consultation that took place on the Bill will strengthen its provisions. I look forward to further dealings with the Committee as the Bill progresses.

Question put and agreed to.

Resolved:

That the Second Stage of the Transport Bill [NIA 29/09] be agreed.

Tourism (Amendment) Bill: Second Stage

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That the Second Stage of the Tourism (Amendment) Bill [NIA 30/09] be agreed.

It will be helpful to Members if I begin by outlining the background to this short Bill. The Tourism (Amendment) Bill is intended to amend the Tourism (Northern Ireland) Order 1992, which provides the Northern Ireland Tourist Board with the powers to encourage the development of the tourism industry in Northern Ireland.

The amendments proposed in the Bill fall under three main headings. The first proposes a change in the frequency of the Northern Ireland Tourist Board's statutory inspections of tourist accommodation. The second proposes a change in the mechanism for appointing the chairperson of the board. The third provides for the transfer of tourist accommodation grants from Invest Northern Ireland to the Northern Ireland Tourist Board. Members might find it useful if I summarise the policy rationale for each change before providing a brief summary of the clauses.

As regards the frequency of certification inspections, a key aim of the Bill is to update Part IV of the 1992 Order, which deals with the regulation of tourist accommodation in Northern Ireland, commonly known as certification. Northern Ireland is unique in the United Kingdom in having a statutory certification regime for tourist accommodation. We have operated such a scheme since 1948. Indeed, until the introduction of the Tourism Order in 1992, certification was so wide that it included coffee shops and chip shops. The 1992 Order narrowed the board's certification role, which now focuses solely on establishments that offer overnight tourist accommodation: hotels, guest houses, self-catering facilities and so on.

In practice, certification of tourist accommodation means that tourists are guaranteed a minimum standard of accommodation when they stay in Northern Ireland. The system provides tourists with the reassurance that their choice of accommodation has been inspected and approved by the board. Tourists, therefore, know that, if they are disappointed with what they find or feel that the accommodation does not meet acceptable

standards, they can complain directly to the Tourist Board. The board takes such issues extremely seriously, as standards have a strong bearing on the quality of the visitor experience and it is important that those standards are upheld. The Tourist Board will invariably look into any complaint that it receives and take action, if appropriate. A tourist in England, Scotland or Wales who is in similar circumstances does not have the same means of redress.

The mandatory certification system, which is fully supported by tourist accommodation providers throughout Northern Ireland, is complemented by a voluntary classification and grading scheme, which is also administered by the board and awards the familiar stars according to the standard of accommodation provided. Although certification guarantees a minimum standard of accommodation, the classification scheme seeks to encourage higher standards of quality. No changes to the voluntary classification and grading scheme are proposed in the Bill.

I turn now to the changes that are proposed in the Bill. Under the current legislation, the Northern Ireland Tourist Board is required to carry out an annual statutory inspection of each tourist accommodation establishment. Therefore, every hotel, guest house, bed and breakfast, self-catering enterprise or hostel is inspected by Tourist Board inspectors every year. Those inspections focus primarily on the physical attributes of the establishment, the size and number of rooms, catering facilities and so on. As Members will appreciate, in most cases, those physical features change very little from year to year. Therefore, my Department, in consultation with the Tourist Board, has concluded that it would be appropriate to move away from the current system of annual statutory inspections in favour of inspections once every four years. That will clearly reduce the burden on proprietors and on the Tourist Board.

It is important to note that it is not intended that establishments should be ignored and left to their own devices between statutory inspections. Rather, to help to ensure that establishments continue to comply with the minimum standards required by the legislation, the Bill will require them to provide an annual self-review — in effect, self-assessment statements — to the board. That will enable the board to operate an arm's-length regulatory regime in between statutory inspections. The

board will still retain the power that it currently enjoys under the 1992 Order to carry out ad hoc inspections as required — for example, in response to a complaint. That is an important safeguard that is maintained in the legislation. The proposed reduction in the frequency of inspections is fully justified and does not risk any dropping of standards in tourist accommodation in Northern Ireland. It is a sensible move to reduce the regulatory burden on accommodation providers and will result in an overall saving in fees paid by such providers to the Northern Ireland Tourist Board. That is particularly important in today's challenging economic climate.

I turn now to the part of the Bill that will change the mechanism for appointing the chairperson of the Tourist Board. The Tourism (Northern Ireland) Order 1992 requires the chairperson to be appointed by the Minister of Enterprise, Trade and Investment from amongst board members. That means that members must first be appointed to the board. Therefore, the position cannot be directly advertised with the aim of appointing a chairperson directly to the board. That is not to say that members of the board would not be qualified to assume the responsibilities of the chairperson. On the contrary, under the changes set out in the Bill, members of the board will be as eligible as anyone else to apply for the post. The change means that, when the next vacancy arises, the pool of candidates for the post of chairperson will be much wider by virtue of no longer being restricted to the eight or nine members of the board. The Bill will, therefore, permit the chairperson of the Northern Ireland Tourist Board to be directly appointed by the Minister via external open competition.

I emphasise that the change that I propose to the mechanism for appointing the chairperson in no way reflects on the integrity of any of the chairpersons of the board, nor on the process followed in making that appointment. It is essentially an updating exercise to ensure that our procedures are consistent with best practice as set out by the Commissioner for Public Appointments.

I turn now to responsibility for tourist accommodation grants. The recent independent review of economic policy (IREP) presented an opportunity to expand the scope of the Bill. Members may recall that, in December 2008, I commissioned Professor Richard Barnett

to undertake the IREP, the overarching aim of which was to assess DETI and Invest Northern Ireland policy to determine whether it was sufficient to help to deliver the productivity goal in the Programme for Government. One recommendation was:

“Invest NI should transfer its budgets relating to tourism accommodation back to DETI to be redistributed to a more appropriate body”.

It is important to note that that recommendation is in no way a criticism of Invest NI's role in grant-assisting tourist accommodation but recognises that grant-assisting tourist accommodation is misaligned with Invest NI's mission to increase business productivity. Having considered the IREP recommendation, I decided to make provision for the transfer of responsibility for tourist accommodation grants from Invest Northern Ireland to the Northern Ireland Tourist Board. Including such a provision in the Bill is appropriate because a key statutory function of the NITB is the encouragement of tourism in Northern Ireland. It will play a key role in the implementation of the new tourism strategy for Northern Ireland, which will set a vision for tourism until 2020, and already has a statutory power to provide grant assistance for non-accommodation tourism projects.

Although the Bill will make provision for the Tourist Board to grant-assist tourist accommodation, I have not yet decided a date for the transfer of that function from Invest Northern Ireland. My officials are giving full consideration to the issues associated with tourist accommodation grants and will report to me in due course.

The changes proposed in the Bill were the subject of two consultation exercises. A full public consultation on the changes to statutory inspections and the mechanism for appointing the chairperson of the board took place between 6 July 2009 and 2 October 2009. That was preceded by external informal consultation with key stakeholders, such as the Northern Ireland Hotels Federation. The public consultation did not throw up anything to justify a change in policy. The transfer of responsibility for tourist accommodation grants from Invest NI was included in the public consultation on the IREP proposals, which ended in November 2009. The majority of consultees were in favour of that proposal.

1.45 pm

The Bill is relatively short. It comprises six clauses and one schedule. Clauses 1 to 3 relate to the statutory inspection process and, in particular, to the change in the frequency of statutory inspections of tourist accommodation to once every four years. They also relate to the statutory review process that will operate in the years between statutory inspections. Clause 4 permits the Northern Ireland Tourist Board to grant-assist tourist accommodation. Clause 5 amends schedule 1 to the Tourism (Northern Ireland) Order 1992 so that the DETI Minister is no longer required to appoint the chairman from members of the board, and clause 6 allows the Department to bring the various clauses into operation on a day or days to be appointed by commencement. Schedule 1 provides for the transfer of certain assets and liabilities from Invest Northern Ireland to the Northern Ireland Tourist Board where tourist accommodation grants are concerned.

To summarise, I consider that the changes that the Bill will introduce are necessary, wholly appropriate and proportionate and that each represents a positive step forward in tourism.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness):

I welcome the Tourism (Amendment) Bill and the opportunity to contribute to the debate on it. In essence, the Bill will bring about sensible and reasonable changes. It contains provision for changes in the frequency of statutory inspection and reviews of tourist accommodation. It also provides for the appointment of the chairperson of the Northern Ireland Tourist Board and for financial assistance to provide or to improve tourist accommodation.

The Committee first considered the Department's policy proposals on the frequency of statutory inspection of tourist accommodation during the prelegislative scrutiny. The Committee had concerns at that time that suddenly changing the period between statutory inspections from one year to four years may have an adverse effect on accommodation standards in the intervening period. For that reason, the Committee suggested to the Department that the time between statutory inspections should be determined through secondary legislation, rather than be embedded in the primary legislation. The effect of that is that the period may be changed more easily,

should it be decided at some future date that four years is too long between statutory inspections.

It is right and proper that the Committee impressed that view on the Department and the Minister. There is always the risk that standards could drop if statutory inspections were too long in coming about. I am happy to say that, having taken the Committee's suggestion to take legal advice, the Department agreed to include the time period between statutory inspections in secondary legislation. I thank the Minister for taking on board the Committee's suggestion, because it is an example of good co-operation between a Committee, a Department and a Minister. The Minister considered our position carefully and accommodated it.

The Committee was also keen to see provision for ad hoc inspections between statutory inspections. That is also included in the Bill. Committee members noted that the Bill provides for statutory reviews between statutory inspections that the Northern Ireland Tourist Board can instigate. The effect of increasing the time between inspections is to remove too burdensome a duty on proprietors of accommodation. It is important that we try to lessen the statutory burden on people in the tourist industry. That is to be welcomed. Individual establishments will also be able to review themselves. That is important, because it creates a new discipline for the proprietors of accommodation. The Committee wants to hear the views of other key stakeholders on those provisions.

It is proposed that the chairperson of the Northern Ireland Tourist Board be directly appointed by the Minister through external open competition. That is consistent with guidance from the Office of the Commissioner for Public Appointments and with mechanisms used elsewhere in the public service. That seems to be a reasonable and sensible provision in the Bill, and the Committee supports it.

The provision to allow the Northern Ireland Tourist Board to grant-assist tourist accommodation provides for the transfer of certain assets and liabilities from Invest Northern Ireland to the Northern Ireland Tourist Board. The proposal is a result of a recommendation in the independent review of economic policy that was carried out under Professor Barnett. Again, that is a sensible and

reasonable provision that has the Committee's support. However, as the provision was not part of the Department's public consultation on the Bill, the Committee wishes to fully scrutinise the independent review of economic policy's consultation responses relating to that recommendation. We will also wish to hear the views of key stakeholders on the matter. The Committee is supportive of that provision, although we await the views of others, which may be different. It must be accepted that the Tourist Board has a duty and a right in some circumstances to provide grants for non-accommodation facilities. In circumstances where the Tourist Board already exercises that power, it is right and reasonable that it should be transferred.

The Committee generally supports the principle of the Tourism (Amendment) Bill and will further consider the proposals in the autumn.

Mr Frew: I thank the Minister for her thorough explanation. I welcome the change in the annual statutory inspections of accommodation establishments, as that would allow businesses to concentrate on exactly that: their businesses and the service that they provide. I welcome the right of the NITB to carry out ad hoc inspections. That would help to concentrate resources and attention on accommodation establishments that might be causing problems and would allow the time and resources of the Northern Ireland Tourist Board to be freed up.

Taking responsibility for tourist accommodation grants from Invest NI and placing it with NITB could have merit, not because it would be a slight on Invest NI but because it would keep everything much neater, bring everything into one box and cut bureaucracy and red tape. It would mean that the businesses and the individuals running them would know that they only have to go to one body. It would also mean that the Northern Ireland Tourist Board would have more control, as it would play a key role in the implementation of the new tourist strategy for Northern Ireland, which is vital for the growth of that industry.

Is the Minister of the opinion that the Northern Ireland Tourist Board is up to that challenge and can deliver on the outworkings and provisions of the Bill? Can it deliver on the needs of our tourist industry? Can it promote Northern Ireland in the way in which it should be promoted? There have been certain failures

over the past years in my constituency of North Antrim, one small example being that the Tourist Board has only recently recognised that Slemish Mountain exists. Will the Minister detail how much grant funding Invest NI has offered to tourist accommodation businesses in recent years and, in particular, how much support the bed and breakfast and guest house sector has received?

Mr Kinahan: I welcome and support the Bill and its objectives. The Bill provides for statutory inspections of tourist accommodation to be changed from annual to every four years. The inspection regime benefits the tourist industry and accommodation providers in Northern Ireland by providing a uniform rating system, in order that visitors know exactly what they will get in any given establishment. That makes it much easier for accommodation providers to target their marketing and prices. As a result, it is right that the industry should pay for those inspections. Downgrading the inspections will remove three quarters of the cost of inspections to business and lighten the regulation load, which I very much welcome.

The provision that the Tourist Board retains the right to conduct spot checks is also welcome, in that it will ensure that, should a complaint be received, the board can check that the rating given at the previous routine inspection remains accurate. Yesterday, as part of a question to the Minister, I raised the concern of one or two Americans who complained about our personal services, and the Minister answered. However, a good feedback system should be considered as part of the inspection provided for in the Bill, so that we do not rely just on those who use accommodation. We somehow forget that users of tourist accommodation are not us; they tend to be visitors. Therefore, it is essential to get some feedback, but we also need our own feedback. I do not want to slight those who do an extremely good job, but I have spoken to other people since my comment yesterday and I have heard exactly the same thing: sometimes, our personal service is not as good as it could be.

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

The Bill also provides the Minister with the power to appoint a chairperson of the Tourist Board directly rather than from board members, of whom one is appointed. On the face of it, that is a minor and technical alteration, but it allows for greater professionalisation of the role. Currently, it would not be possible to

advertise the chairmanship of the board, only board membership. It may well be that the wider competition does not attract the best candidates for the position of chairperson. An open, external contest for the position will provide greater competition, thus ensuring that we get the best person for the job. Yet, as the Minister said, we must not see this as a slight on those who have held the post in the past or today, all of whom have been excellent. Given the work that must be done to improve our tourist industry, the change is welcome.

The Bill transfers responsibility for the provision of tourist accommodation grants from Invest Northern Ireland to the Tourist Board. It stands to reason that the board is the best body to make such decisions. The Tourist Board's greater knowledge of the tourism industry, the gaps in provision and the existing development opportunities puts it in a better position to give those grants. However, I seek some assurance that the relevant expertise in the administration and distribution of grants will be available in the Tourist Board.

It is good that the House finally has the opportunity to see what the Minister is doing on tourism. As with so many Departments, DETI has taken a long time to come forward with its legislative programme. As a result, we have seen a legislative logjam. Our tourism industry lags behind its potential. The Bill is a step towards providing the Tourist Board and the tourism industry with the tools that they need to make progress. I look forward to seeing more enabling legislation on tourism from the Department that will loosen regulation and improve governance and other matters.

2.00 pm

The Minister of Enterprise, Trade and

Investment: I am grateful to those Members who took time to consider the Bill. I am also pleased to note the broad support for the Bill, which, although relatively short, will result in some significant changes. Those changes will be positive, proportionate and, as the Chairperson said, reasonable.

The reduction in the frequency of tourist accommodation inspections has been welcomed by the tourist accommodation sector. The Bill will lessen the statutory burden on the sector, taking a little bit of the regulatory and financial pressure off, which is the point that Mr Kinahan made. I was surprised to hear that the cost per

room — albeit the rate that was set in 1992 — is in the region of £16 a year. Even though the maximum fee is £1,500 a year, for a large hotel, it is quite a lot of money to pay the Tourist Board every year, and I am sure that it could be used in other ways. Therefore, I am sure that the industry will welcome the better regulatory proposals.

The appointment of the chairperson of the Tourist Board has been welcomed, and the appointment process was in line with that stipulated by the Commissioner for Public Appointments for Northern Ireland, who welcomes the change. No controversy surrounds the appointment.

The shift of responsibility for awarding tourist accommodation grants from Invest Northern Ireland to the Northern Ireland Tourist Board is part of moving tourism grant-making facilities into a one-stop shop so that people get a more holistic view of tourism grants in Northern Ireland. My friend Mr Frew asked whether the Northern Ireland Tourist Board is up to the challenge. I have yet to set the commencement date for the transfer, and, before doing so, I will ensure that it is up to the challenge. He also asked how much money Invest NI paid out in grants in the past five years. The tourist accommodation sector received £11.4 million of capital assistance, by far the greatest proportion of which went to hotel accommodation, although I will write to the Member in response to his specific question.

The introduction of spot checks has also been welcomed. As I said in my opening comments, there is no comparable system in the rest of the United Kingdom, and we should be proud of the fact that a tourist who is dissatisfied with the standard of their accommodation can complain to the Northern Ireland Tourist Board, which will take their comments on board and go out to look at the accommodation.

I do not think that the Northern Ireland Tourist Board website has a feedback facility, which is a point that Mr Kinahan made about service delivery. The Bill is concerned with minimum standards of the physical attributes of accommodation; nevertheless, the Member's point about service standards in tourist facilities is well made. We all know about websites such as TripAdvisor that allow people to record what they feel about their tourist experience. At present, there is no such facility on the NITB

website, but perhaps the board should look at including a facility for people to record how they felt about their visit to Northern Ireland and their experience of accommodation or, indeed, another facility. That is something that we might be able to take forward.

I am pleased that the legislation has been welcomed. I note Mr Kinahan's comments about bringing forward more legislation, but it is not always necessary to legislate to promote the tourist industry. The industry has been working very hard with me to develop the tourism strategy and with the Tourist Board and Tourism Ireland to drive forward the industry here. Great strides have been made in the past two or three years, and I commend the industry for what it does, day and daily, despite the difficult times that it has to face. Legislation is not always necessary. Nevertheless, I am grateful to the Members who contributed to this helpful debate on the Tourism (Amendment) Bill, and I look forward to engaging with the Chairperson and the Committee as it progresses.

Question put and agreed to.

Resolved:

That the Second Stage of the Tourism (Amendment) Bill [NIA 30/09] be agreed.

Committee Business

Motions to Amend Standing Orders

Mr Deputy Speaker: As the next seven motions relate to amendments to Standing Orders, I propose to conduct the debate as follows. I propose to group motions (a) to (g) as detailed on the Order Paper and to conduct only one debate on all the motions.

Debate will take place on all the motions from (a) to (g). When all Members who wish to speak have done so, I shall put the Question on motion (a). I shall then ask the Chairperson to move formally each of the remaining motions in turn, and I shall put the Question on each of those motions without further debate. If that is clear, I shall proceed.

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

(a) In Standing Order 10(3) leave out from line 6 to line 9.

The following motions stood in the Order Paper:

(b) In Standing Order 10, after paragraph (3) insert

“(3A) Where it appears that Monday’s business may not be completed by 7.00 pm, a motion to extend the sitting into the evening may be moved by –

(a) a member of the Executive Committee (in respect of outstanding Executive Committee Business);

(b) a member of the Business Committee (in respect of any other outstanding business).

(3B) A motion under paragraph (3A) may only be moved if –

(a) notice of the motion has been given to the Speaker by –

(i) 11.00 am on the Monday in question; or

(ii) such later time as the Speaker may allow; and

(b) the motion specifies the latest time at which the Assembly is to adjourn and the Speaker considers that time to be reasonable.

(3C) Consideration of business on the Order Paper not concluded by the time the Assembly adjourns on a Monday shall be postponed until such time as the Business Committee determines.” — [The Chairperson of the Committee on Procedures (Lord Browne).]

(c) In Standing Order 10(4) line 1, leave out “7.00 pm” and insert

“the time the Assembly is to adjourn”. — [The Chairperson of the Committee on Procedures (Lord Browne).]

(d) In Standing Order 10(8) line 3 leave out “a motion made by a member of the Executive Committee” and insert

“a motion moved by a member of the Executive Committee”. — [The Chairperson of the Committee on Procedures (Lord Browne).]

(e) In Standing Order 12 leave out paragraph (7) and insert

“(7) Motions relating to the business of the Assembly –

(a) subject to Standing Order 10(3B)(a)(ii), shall be taken at the commencement of public business after notice; and

(b) shall be decided without amendment or debate.” — [The Chairperson of the Committee on Procedures (Lord Browne).]

(f) In Standing Order 20(1)(b) line 1 leave out “3.00 pm” and insert

“2.30 pm”. — [The Chairperson of the Committee on Procedures (Lord Browne).]

(g) In Standing Order 20, after paragraph (8) insert

“(8A) Answers may be no longer than two minutes. Answers to supplementary questions may be no longer than one minute.” — [The Chairperson of the Committee on Procedures (Lord Browne).]

Today, Members are asked to consider seven motions to amend Standing Orders. Amendments (a) to (e) permit Monday sittings to continue after 7.00 pm. As Members know, under current arrangements, Monday sittings must finish by 7.00 pm unless there is a motion on the Order Paper to suspend Standing Orders 10(2) and 10(4). Usually, that procedure works satisfactorily, but, occasionally, there is insufficient advance information to allow a motion to suspend Standing Orders to be placed on the Order Paper. As a result, there have been several occasions during this session when business could not be taken because the sitting would have gone beyond 7.00 pm. For example, there have been oral ministerial statements, questions for urgent oral answer, matters of the day, items of business such as legislation, which

is not time bound, or a series of Divisions, all of which may consume more time than expected.

If a motion to suspend Standing Orders is to be on the Order Paper, it must be tabled by the previous Tuesday at the latest, when the probable length of the sitting may not be known. As a result, when a sitting continues until 7.00 pm, outstanding items of business have to be rescheduled by the Business Committee. That is very frustrating for parties and for Members who have carried out all the research to inform their speeches and may have invited interested parties to attend the debate or informed the media that the topic will be debated.

To remedy that problem, the amendments to Standing Orders 10 and 12 allow a member of the Executive, in relation to Executive Committee business, or a member of the Business Committee, in relation to all other business, to table a motion on the day to extend the sitting to a time specified in the motion. The motion to extend must be notified to the Speaker in writing, normally by 11.00 am that morning or at a later time agreed by the Speaker. In agreeing to a time after 11.00 am, the Speaker will take into account matters such as the impact on timings of any emergency or business that could not have been foreseen earlier, such as urgent ministerial statements. The Speaker has discretion over whether the time stated in the motion is reasonable, and his decision will be notified as quickly as possible. Standing Order 12(7) has been amended to provide that the motion to extend cannot be amended and will not be debated. The Standing Orders outline what the provisions are, and the Speaker will detail the procedural and practical arrangements that will apply through a Speaker's ruling.

There is general agreement that the Assembly should be a family-friendly organisation, and I wish to emphasise that, normally, Monday sittings will continue after 7.00 pm only if there is a motion on the Order Paper. That acknowledges the Business Committee's responsibility for arranging the business of the Assembly, and it ensures that Members, their staff and others can plan in advance around their other commitments. The amendments provide a facility to extend the sitting only in exceptional circumstances that could not have been anticipated and when the impact of not continuing the sitting would be significant.

Amendment (f) to Standing Orders relates to Question Time, which takes place on Mondays from 2.30 pm to 3.30 pm and on Tuesdays from 3.00 pm to 3.30 pm. The amendment provides that Question Time will be for one hour from 2.30 pm on both days. Since the Justice Minister now takes Assembly questions, and it is possible that the Attorney General may answer questions in the Chamber, the impact on the number of appearances by other Ministers will not be significant.

Amendment (g) relates to the amount of time that Ministers have to respond to oral questions. The Committee on Procedures was concerned that some Ministers did not reply to a sufficient number of questions during the half hour allotted to them. The Committee had agreed that a time limit of two minutes should be imposed on the Minister's response to a lead question and one minute to each supplementary question. However, since the motion was placed on the Order Paper, the Committee has met and decided to re-examine the matter. Therefore, it was unanimously agreed by the Committee that amendment (g) will not be moved today.

If Members agree the amendments moved today, they will come into effect from the start of the next session in September.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. The Chairperson has outlined the main provisions, and debate and work has been going on in the Committee for some time. Obviously, one amendment has been left aside for further consideration. The amendments are intended to increase the efficiency of the place, and we agree with the provisions.

Lord Morrow: Like the previous Member to speak, I will be brief. I entirely agree with the amendments. I congratulate the Chairperson on his efforts in bringing it to this stage, and I also congratulate the hard-working staff who have applied themselves very effectively and efficiently to ensure that we have these changes.

The changes are not of monumental size by any means, but they are very much common sense. They will ensure that the House operates on a more user-friendly basis. In the past, we have been tied by our Standing Orders, and rightly so. However, there was never a provision to be flexible, and that is one of the things that has been lacking. The proposal put forward by the Chairperson of the Committee on Procedures

is practical and sensible, and it brings a degree of rationale to the sittings of the Assembly. Without this provision, there was no flexibility whereby the Assembly could meet after 7.00 pm, even if an additional 20 or 30 minutes were needed to tidy up the business, and, to some degree, it brought some confusion later.

Amendment (f), which relates to Question Time, is a sensible move, particularly in light of the fact that justice is now devolved to this Administration. It is only right and proper to have one hour on a Monday and one hour on a Tuesday for Question Time. Question Time should be the highlight of the week in the House. Unfortunately, it is not. It behoves us all to work hard to change that and to bring about a situation where Members are fighting to get through the doors to get their seats at Question Time. Unfortunately, that is not the way at present. I suspect, as someone said, they are fighting to get out before it starts, and we want to kill that sort of atmosphere.

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

However, as a result of the further devolution of powers to this Assembly, it is a sensible proposal to have two Question Times on a Tuesday. I give that proposal my wholehearted support.

2.15 pm

The Deputy Chairperson of the Committee on Procedures (Mr Storey): As there are no issues of concern and there is consent among Members for the proposed changes to Standing Orders, I support the motion.

Mr Deputy Speaker: I remind Members that the votes on the motions require cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

(a) In Standing Order 10(3) leave out from line 6 to line 9.

Resolved (with cross-community support):

(b) In Standing Order 10, after paragraph (3) insert

“(3A) Where it appears that Monday’s business may not be completed by 7.00 pm, a motion to extend the sitting into the evening may be moved by —

(a) a member of the Executive Committee (in respect of outstanding Executive Committee Business);

(b) a member of the Business Committee (in respect of any other outstanding business).

(3B) A motion under paragraph (3A) may only be moved if —

(a) notice of the motion has been given to the Speaker by —

(i) 11.00 am on the Monday in question; or

(ii) such later time as the Speaker may allow; and

(b) the motion specifies the latest time at which the Assembly is to adjourn and the Speaker considers that time to be reasonable.

(3C) Consideration of business on the Order Paper not concluded by the time the Assembly adjourns on a Monday shall be postponed until such time as the Business Committee determines.” — [The Chairperson of the Committee on Procedures (Lord Browne).]

Resolved (with cross-community support):

(c) In Standing Order 10(4) line 1, leave out “7.00 pm” and insert

“the time the Assembly is to adjourn” — [The Chairperson of the Committee on Procedures (Lord Browne).]

Resolved (with cross-community support):

(d) In Standing Order 10(8) line 3 leave out “a motion made by a member of the Executive Committee” and insert —

“a motion moved by a member of the Executive Committee” — [The Chairperson of the Committee on Procedures (Lord Browne).]

Resolved (with cross-community support):

(e) In Standing Order 12 leave out paragraph (7) and insert

“(7) Motions relating to the business of the Assembly —

(a) subject to Standing Order 10(3B)(a)(ii), shall be taken at the commencement of public business after notice; and

(b) shall be decided without amendment or debate.” — [The Chairperson of the Committee on Procedures (Lord Browne).]

Resolved (with cross-community support):

(f) In Standing Order 20(1)(b) line 1 leave out “3.00 pm” and insert

“2.30 pm” — [The Chairperson of the Committee on Procedures (Lord Browne).]

The following motion stood in the Order Paper:

(g) In Standing Order 20, after paragraph (8) insert

“(8A) Answers may be no longer than two minutes. Answers to supplementary questions may be no longer than one minute.” — [The Chairperson of the Committee on Procedures (Lord Browne).]

Motion not moved.

Public Accounts Committee Reports

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 15 minutes to propose and 15 minutes to make a winding-up speech. All other Members who wish to speak will have seven minutes.

The Chairperson of the Public Accounts Committee (Mr P Maskey):

I beg to move
That this Assembly takes note of the Public Accounts Committee Fourth Composite Report (NIA 62/09/10R) and First Thematic Report (NIA 65/09/10R).

Go raibh maith agat, a LeasCheann Comhairle. I saw the Minister of Finance and Personnel running through the door to the Chamber. I am glad to see that he was able to make it in time for the debate and did not make the same mistake that someone else did last week. Fair play to him for making the effort, particularly as we are ahead of schedule today.

The Public Accounts Committee (PAC) monitors public expenditure through its scrutiny of the reports of the NI Audit Office. At the front end of the process, the elected members of the Committee offer a high level of attendance and commitment, and I thank them for the sustained effort that they give to the Committee.

The Committee’s objective is to examine, on behalf of the Assembly, whether public spending has been properly authorised and wisely carried out. That role is a crucial part of parliamentary democracy, and it demonstrates the legislature’s putting a brake on, or adding a checking mechanism to, the power of the Executive.

The Committee receives evidence from departmental accounting officers about the spending decisions that are taken in their Departments. PAC considers and weighs that evidence, often asks for more detail by correspondence and prepares a report and recommendations. Under the authority of the Minister of Finance and Personnel, Departments prepare memorandums of response to the Committee’s recommendations. The Committee follows those up as it sees fit or refers them to the relevant Statutory Committee to monitor progress. The Committee enjoys a significantly high profile but also significant responsibility. That is because the officials who answer to it are the most senior in their Departments. It

is also because, unfortunately, the cases that come to the PAC are usually the worst examples of financial management in the public sector.

To set that more clearly in perspective, I will read from the most recent report of the Comptroller and Auditor General, which was published in 2009:

“Despite a challenging environment for all concerned, I consider the standards of financial accounting remains high, demonstrated by the quality and timeliness of financial reporting in 2007-08. The vast majority of accounts submitted received an unqualified audit opinion. Such attainments help to build public confidence in the process of accountability and governance.”

The Comptroller and Auditor General, having prepared 175 statutory audits and audits by agreement, qualified about 5% of central government audits. In other words, 95% of audits demonstrated good financial management and strong governance arrangements. That is an impressive statement of performance on the local public sector, and I am delighted to recognise that. It is difficult to maintain such a high standard at all times. The optimal performance that we expect of accounting officers is one that we expect of few professionals. Given that they do not meet our expectations only 5% of the time, the stakes are high.

I repeat that the cases that come before the PAC are the worst examples of financial management in the public sector. To do our job, we have to highlight the relatively rare examples in which performance is not optimal. As an American President once said of parliamentary scrutiny:

“There is some scandal and discomfort, but infinite advantage, in having every affair of administration subjected to the test of constant examination on the part of the assembly”.

The Public Accounts Committee has been bringing an annual take-note debate to the House for some time. On each occasion, the Chairperson has reminded the House of the singular business and remit of the Committee. Since its most recent take-note debate in September 2009, the Committee decided to report to the House more often. As Members become more familiar with the role of the Committee, I expect that I will explain less and discuss more during the debates.

After a lengthy period that was spent catching up on reports that the Comptroller and Auditor General had written during the suspension of the institutions, the Committee caught its breath last autumn and agreed to consider fewer reports, but in more depth. The Committee also considered some of the points that were made by the Minister in September 2009, and it has demonstrated how to take constructive criticism. The Minister suggested that systems and bureaucracy had perhaps sprung up in response to the Committee’s 450 recommendations since devolution. He pointed out that departmental resources were diverted to implement the Committee’s recommendations.

The Committee agreed to focus and revise its recommendations before signing off its reports and to make fewer and tighter recommendations. We also agreed to prioritise the lessons learned from each inquiry in the hope that fewer recommendations would lead to more effective implementation. We referred an Audit Office report to the Statutory Committee for the first time and received positive feedback from that exercise. The Minister was also struck by the time that had passed since the events that led to some of our inquiries. I pointed out that the Committee’s aim was simply that lessons from those events should be learned.

As Members will see today, the Committee decided, on foot of its deliberations, to bring a different product to the House. Its first thematic report deals with the management of complex projects and recaps on lessons from the Committee’s back catalogue that it wanted to reaffirm. In looking back at the themes that it has encountered, it did not find that old cases have nothing to teach us. The Committee’s first thematic report demonstrates that learning in the four stages of project management has been repeatedly overlooked in successive projects.

The Committee drew out stark lessons on specification, the composition of project teams, the complexity and size of projects envisaged, the appraisal process, actions to protect the taxpayer and post-project evaluation. Those lessons must now be learned. It is not only unacceptable but negligent to repeat such costly mistakes. The Committee reviewed 11 cases of project management for its first thematic report. Those ranged over the past three years of the Committee’s work, but, in some cases, many years had passed since the events that

provoked inquiry. One issue that concerns me greatly is that over-optimism or optimism bias by public servants recurred over time. In some instances, pressure of time allowed optimistic judgements to carry on a project that would not have passed rigorous appraisal.

For instance, in the Committee's case study inquiry into the inward investment of grant aid to Valence Technology, safeguards were bypassed at the appraisal stage due to the pressure to create jobs and to snap up what appeared to be an innovative product. That led the Committee to recognise:

"weak project proposals may well be accompanied by demands for quick decisions. It is a particular responsibility of senior management, therefore, to ensure that previous experience is not overlooked under the pressure to secure a project."

and to recommend:

"sufficient time is always devoted to project appraisals and that all aspects are thoroughly assessed, with any weaknesses properly addressed".

That failure was compounded by the fact that the project was not reappraised and subsequently halted. Rushing such projects also increases the risk that the public sector does not get a good deal for taxpayers' money.

Optimism has also been a problem in planning projects that are simply too complex. From the composition of project management teams to the capacity of Departments to support reforms and service transformation, several cases have demonstrated how optimism can create an unworkable burden that ends in poor or failed delivery, demotivation and waste. The PFI pathfinder project and the statement of rate levy reports spring to mind. However, I must credit some of the good work that has been done in the shared services reform programme.

We are aware that Departments see PAC hearings as a daunting prospect, but we must insist on rolling out good practice. The Committee is also aware of the good work that is being done, and we hope that our first thematic report will start a new and positive conversation about how to improve project management across the public sector. It is not like me to endorse words from politicians from Westminster, but I am happy to endorse the conclusion of Edward Leigh, who recently stood down as Chairperson of the Westminster Public Accounts Committee:

"Government must learn from experience. Government needs to learn from its failures and its successes, so that mistakes in one part are not repeated elsewhere. ... Public scrutiny adds value."

That is the message that our Committee wants to send out, loud and clear. Our reports have tried to send that message out, and the Committee is presenting its fourth composite report to the House. Members will now address the content of both reports.

Mr Beggs: One of the issues that our thematic report brings out is the need for a robust and complete project specification. A project specification is essential because it acts as the terms of reference for a project and provides a description of what it aims to achieve, as well as the timescales and the work that is required to ensure that it achieves the desired outcomes. If a specification is wrong, a project will be flawed from the outset, and it is likely that there will be a cost to the public purse. A project specification also serves as an accountability tool that can be used to assess how well a project is progressing, and it helps us to measure its success on its completion.

Unfortunately, at our evidence sessions in recent years, the Public Accounts Committee has seen poor-quality project specifications for a number of major projects, and those failings have seriously undermined their prospects for success, as well as resulting in poor value for money.

For example, in our 2008-09 report on rate levy and collection, the Committee concluded that the specification for the IT system was incomplete. We examined some basic and fundamental aspects, perhaps the most obvious of which was the fact that a function to assist the chasing and recovering of rates arrears was missing. It is astonishing that a new IT system was designed to manage the rates system and a basic core function — that of chasing, collecting and recovering rates arrears — was missing. That left a gap that led to rates not being chased for a period. Further bad debts were incurred and, because a modification to the original specification had to be made, additional moneys had to be paid.

Furthermore, the system had no validation checks to prevent manual input errors. That resulted in the issuing of some interesting bills, including some for millions of pounds because a few extra noughts had been added by someone

who inputted the information. That brought the system into disrepute.

2.30 pm

The nature of the contracts, or of any contract for that matter, is that the contractor will charge extra for any changes to them. In the construction industry, contractors make very tight estimates because they make their profit on extras. That is well known in the construction industry, and government needs to get wise to the fact that that applies to other contracts as well. One needs to be particular when issuing a contract, because if one fails to produce a proper specification for the project, additional moneys will be required. Given that that happens mid-term in many projects, the contractor may ask for a blank cheque because no one else is available to do that essential work. Therefore, people are caught out and ridiculous costs can be incurred.

In examining the performance of the Planning Service, the Committee identified similar problems that have resulted from incomplete and inadequate specification of the flagship IT project, e-PIC, which has yet to be finished. I hear that it will be finished later this year, and I hope that that is the case. However, the so-called off-the-shelf system that was procured did not meet the specifications of the Northern Ireland Planning Service, and, therefore, expensive and considerable adaptation was required, which introduced additional costs and significant time delays. As the changes were outside the contract, the Planning Service was in a weak negotiating position. When our report was issued in February the project was four years behind schedule with capital costs of £7.3 million, which is 130% over the original budget.

Unfortunately, those are typical examples that the Committee has repeatedly encountered in which inadequate specifications were made. That leaves government at the mercy of experienced private sector contractors who use the opportunity to make significant profit. That undermines the value-for-money principle that the public sector ought to be striving for through competition.

The Committee examined issues with the Belfast to Bangor railway line. As well as incomplete specifications, we encountered a rather strange situation, in which poor value for money arose because projects were over-

specified. Our report into the upgrade of the Belfast to Bangor line highlighted significant downgrading of the level of the work that was originally planned. However, one is equally exposed to a contractor's costs when a contract is upgraded. Who will put an accurate figure on the value of work that has to be carried out to a lower level? It is the public sector that is exposed.

The relay of the line demonstrated basic failings — things that even someone wanting to buy a model railway would get right. The speed limit was specified at 90 mph but, guess what, they discovered that only 70 mph was needed. When building any surface, one would get it to the required quality because there is no point paying for extra that is not needed. Considerable extra money would have been required to achieve that additional 20 mph, and, therefore, the mid-contract downgrade added significant costs.

There was also a significant reduction in bridge work, drainage and sea defences. Because the change happened mid-contract, who can put an accurate figure on the cost of the work that was carried out? It certainly was not open to competition, because the contract had already been entered into and the contractor was in a strong position of leverage. I see that my time is nearly up.

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

Mr Beggs: Detailed specification and accurate work are important if we want to protect the public purse.

Mr Dallat: Unfortunately, I must begin my contribution by saying that there is still a culture of public money being regarded differently from money in your pocket or mine. That culture has to change. Every penny of taxpayers' money must be protected and tracked to its final destination, ensuring that it is accounted for and that the services it buys represent the best value for money available. That is essentially what the Public Accounts Committee has sought to do as an all-party Committee, and, to date, I believe that we have been successful.

I will illustrate my point with a couple of examples of taxpayers' money not being valued or protected as it should have been. Our investigation into the transfer of surplus land in the private finance initiative pathfinder project tells its own sorry story. In one example, land

was transferred without anyone even bothering to measure it. As a result, a developer scooped half an acre of prime land worth an estimated £400,000, with the Department receiving not one brass penny for the taxpayer. That is bad practice and it must be avoided in the future.

In another example, an enterprising developer managed to acquire an asset and sell it on in a few weeks, yielding a profit of £175,000. For those who do not have accountancy skills, I should say that that is a return of 23% on an investment of £750,000. That was a very good return for the developer, a huge embarrassment for the Department and a really bad deal for the taxpayer. I could mention other examples, but I think that the issue has been adequately covered. Therefore, I do not intend to go into any more detail except to emphasise that the gravy train has come to an end.

At no time should taxpayers' money be squandered, but I think that I am right in saying that there is an even greater need to guard the public purse with more zeal than ever before. Every day, we are told of the most vulnerable people in society being deprived of basic services, such as summer schemes for children with special needs, which is very topical here today. That money could possibly be found if taxpayers' money was guarded with greater respect and there was a new culture of good practice, which would stamp out waste and get best value for money.

The PAC reports addressed the vexed question of consultants representing very poor value for money on several occasions. Again, not a single penny was paid in compensation where they failed miserably to perform at the levels expected. Let us hope that the message about consultants has finally got through.

The Civil Service is a vast organisation with a great deal of resources and backup. The practice of bringing in consultants on a whim must end, except in circumstances in which it is not economical to retain such skills in-house. When consultants must be brought in, there has to be a clear understanding of the terms and conditions and the defaults if they fail to deliver. That has not been happening across the board. Unfortunately, millions of pounds have been wasted on dodgy IT systems that are not fit for purpose, such as the e-PIC, which Roy Beggs mentioned. Not once have the consultants been taken to task. That is not only wrong but truly

amazing. That would not be tolerated in the private sector, and it should not be tolerated in the public sector.

During these bad times, the entire procurement issue is exercising the minds of the members of the PAC and the general public. I look forward to more Audit Office reports that dig deep into practices across the board where procurement is a serious issue. Recently, there was the scandal of Northern Ireland Water awarding contracts of £500,000 without tendering.

In these difficult times, government contracts are the lifeblood of small and medium-sized businesses. Questions will be asked when it is not immediately obvious that procurement practices are crystal clear or easily understood. That applies not just to Departments but to other agencies, health and social care trusts, education and library boards, and just about every other organisation that survives on public money. People who fail to win contracts or who have lost existing contracts are entitled to clarity at every stage of the process. The tendering system must be designed to deliver the best possible service at the least cost.

In conclusion, I want to pay tribute to the Comptroller and Auditor General and his staff for their professionalism and determination to work in harmony with the Public Accounts Committee to achieve a level of scrutiny that is first class and is most likely to reduce costs and to produce a much better level of service for the public whom we all represent.

Dr Farry: As a non-member of the Public Accounts Committee, I am privileged to speak in the debate. I want to take the opportunity to place some of the reports in a slightly wider context. First, I want to join other Members in paying tribute to the Committee's work, both the contribution of elected members and that of staff. Certainly, I am impressed by the sheer volume of reports that have arrived on my desk from the Committee. I do my best to, at least, read the executive summaries of all those reports. I also want to recognise the good work that is done by the Comptroller and Auditor General and the Northern Ireland Audit Office to provide the background work to the scrutiny that is conducted through the Public Accounts Committee.

Clearly, in the current context, every penny and every pound of public expenditure counts. Therefore, it is vital that the Assembly ensures

that there is value for money and that, where there is waste in government and poor decisions are made, those issues are brought to our attention and are challenged properly. It is also important to recognise that the Assembly must not simply be reactive, respond to mistakes that have happened and give someone a slap on the wrist or even stronger chastisement. It is important that we actually try to front-load best practice in governance; to learn lessons from what has happened and make changes; and to ensure that all Departments and public bodies employ best practice in such matters as internal governance, risk registers and running audit committees, which should include independent members to challenge how policies are implemented.

Although I recognise the sterling work that is done, in the past, the PAC's work was often almost a snapshot of individual mistakes in different areas. I certainly welcome what I understand now to be a different approach as regards thematic reports. That is an important contribution to try to tie some of those issues together to widen the process of learning lessons.

That said, it is also worth acknowledging that, although MLAs will be critical of officials when mistakes have been made — which is quite right as part of the scrutiny process — we must be aware that we also have to look back at ourselves. We take decisions in the Executive, the Assembly or elsewhere that have implications for how well public money is spent or otherwise. Certain political decisions are taken, not taken, delayed or taken in haste that have major consequences for public spending. Sometimes, scrutiny does not fall back on us to the same extent that it falls on individual project-management decisions taken by officials, which are often put through the Public Accounts Committee process. Therefore, although today's debate and the exercise that has been conducted during the past number of months are useful, they can be only part of a wider process of scrutiny.

2.45 pm

I also want to stress that we must balance public accounting and audit activity with the need to ensure that, in government, we make swift and effective decisions at a political level. Our officials must do likewise when, for instance, they produce economic appraisals for Ministers. There is an impression that, for a

host of reasons, decisions are made slowly in Northern Ireland. That has consequences for the economy. I do not want a conservative and risk-averse culture to become engendered in government, particularly at an official level. That is not for one minute an invitation to people to cut corners. It may point to a need to invest properly in the internal machinery of government to ensure that decisions are taken effectively.

That comes back to the neat distinction that Members often make between front line services and the back office. We try to put all the money into the front line and cut administrative costs. Administrators are important in informing proper decision-making and ensuring the effective use of front line services. Our taking note of the PAC reports should remind us of the importance of ensuring that we resource the internal scrutiny processes in Departments and that proper, effective and speedy decisions are being made. The remedy is to achieve value for money at the same time as being able to seize, rather than miss out on, opportunities that come our way.

In the context of the looming financial cuts that will only get deeper over the months and years to come, I stress that the Civil Service will have to do things differently. If we simply fall back into a conservative consideration of issues and concentrate on the statutory duties of the Departments, we will not make the best use of the resources that are available to us. We must focus on early intervention and prevention and encourage collaboration between Departments. That, however, involves taking risks and entering new and unfamiliar territories. Sometimes, the evidence base for success that, traditionally, would have justified a decision to shift resources may not exist. If we are to preserve the level of public service that we want, however, we will have to consider adopting that different approach.

As MLAs, we must communicate to the officials who work for us the importance of being imaginative and of being prepared to be innovative. We must stress to them that resources must be protected and used to achieve value for money. That involves resourcing, but it is not a licence to cut corners. In discussing the issue, we must take that kind of rounded and balanced approach.

Mr Hilditch: I welcome the debate, which highlights the fine work of the Committee. I take the opportunity, as other Members have done,

to thank the Committee staff for their sterling work in conjunction with the Audit Office. It is an area of work that came to the fore only because of devolution, before which no one paid much attention to what the PAC at Westminster was doing.

I am a member of the PAC and speak as such. However, as an individual, I have seen the benefit of having an Assembly Public Accounts Committee. Back in 1998, I was a member of the PAC during the first mandate. It was regrettable that the momentum was lost when devolution was suspended, and a few people went back to their bad old ways. We are three years into the current mandate, and the culture of good practice is returning. It is up to the Public Accounts Committee to ensure that delivery, value for money and best measures are put in place across the board.

The PAC has examined cases ranging from bad practice and maladministration to fraud. I will focus on one particular case of fraud in the Sports Institute Northern Ireland, which is an arm's-length body and a joint venture company that was established by the Sports Council for Northern Ireland and the University of Ulster. The Committee learned from the Comptroller and Auditor General that a senior member of staff at the Sports Institute Northern Ireland had committed fraud.

The tale of this fraud — how it was committed, the control weaknesses that gave rise to it and the response of the company and its sponsors to its discovery — presents some important lessons for the public sector. Nearly £75,000 was stolen during an 11-month period from October 2005 to August 2006. The fraudster stole the money in several ways, including writing and cashing company cheques, but he took most of the money by abusing the company's online banking system to make payments on his own behalf and manipulating the payroll records to cover his tracks.

He was able to get away with it for nearly a year, due largely to the lack of effective controls in the Sports Institute Northern Ireland. There was no functioning separation of duties in its finance section, and there was inadequate management supervision of the individual's work. It was clear that the most basic controls and general governance arrangements were not in place. Such controls would have helped to prevent or detect the fraud.

More alarming is the fact that there was no evidence of any check of the fraudster's academic or professional qualifications, which seems strange in this day and age. Nor was there evidence that references from previous employers were taken up before he was employed. It also appears that several warning signs in his behaviour went unnoticed by management for some considerable time, and an opportunity was missed to launch a fraud investigation when some absolutely damning facts came to light.

Once the fraud was discovered, the Sports Institute Northern Ireland took swift action to suspend the fraudster and report his activities to the police. He was subsequently dismissed and prosecuted. The Sports Institute Northern Ireland undertook a forensic audit to establish the history and extent of the fraud, but, unfortunately, it was not carried out by professional investigators and some of its activities could have compromised a prosecution. In the event, however, the fraudster chose to plead guilty in court.

We were pleased to be informed by the Department of Culture, Arts and Leisure (DCAL) that robust financial management and reporting has now been established in the Sports Institute Northern Ireland and that action has been taken to ensure that the lessons learnt from the NIAO's report were applied effectively in the Department and in its arm's-length bodies. We were also heartened by the improvements made to the Department's arrangements for undertaking proactive and reactive counter-fraud work. DCAL has issued updated guidance to all its arm's-length bodies detailing the controls that should be noted and requiring an assurance that such controls have been implemented. DCAL has also made significant progress on the sponsorship arrangements.

The Department states that it has a service level agreement for the provision of fraud investigation services, which provides sufficient resources for the Department and its arm's-length bodies to respond appropriately to any suspected or, indeed, actual cases of fraud. It remains a concern, however, that £10,000 has yet to be recovered, despite the fraudster's conviction in 2007. Some may say that we were lucky to get the balance back, but the Department has told us that it is considering options on the way forward. We expect to see

the recovery of those outstanding public funds some time in the future.

No one is beyond the reach of the PAC, whether in a Department, an arm's-length body, or even if they are at a hand's length or a fingertip's reach. Lessons are being learned and we expect to witness improvements across all Departments in the way that we did as time passed in the 1998 Assembly.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a LeasCheann Comhairle. The Committee for Culture, Arts and Leisure was, obviously, aware of the primacy of the PAC in the matter of the fraud in the Sports Institute. We were aware that the PAC was looking into that matter when our Committee began its own review of the Department's management of the NI Events Company and its arm's-length bodies. The PAC report found that there was a lack of oversight of the Sports Institute by Sport NI and the Department and that that was also the case with the Events Company because it was so much at arm's length that the Department did not know that it was in debt until it was far too late.

I want to diverge briefly. The company's inspectorate, as I understand it, is still carrying out an investigation into what happened with the Events Company, and the Committee does not want to prejudice that in any way. However, the report refers to lessons learned by DCAL about departmental oversight of arm's-length bodies, and those lessons should be disseminated to other Departments. Everyone knows, not least the Committee and the Minister of Culture, Arts and Leisure, that a significant percentage of the Department's work is devolved to arm's-length bodies in DCAL.

In October 2008, the Committee agreed to review the role of the Department in managing the Events Company and its other arm's-length bodies. We took evidence from the Department in closed session.

In its findings on how the Department managed that particular arm's-length organisation, the Committee noted with concern the Department's shortcomings with regard to how it discharged its sponsorship function. However, because of the potential for future criminal and/or civil proceedings and possible sub-judice issues, and the risk of prejudicing any future prosecution or legal action, the Committee decided to take no further action at that time.

The Committee believes that the undertaking that the Department has given is a positive step, and it looks forward to receiving regular updates from the Department on, for example, matters relating to the Events Company. The Committee also conducted case studies with Sport NI and the Arts Council on sponsorship arrangements with the Department. The Committee made 10 recommendations, which it followed up with the Department during 2009. I will outline the four key points.

First, board members of arm's-length bodies need to take their responsibilities very seriously and must attend mandatory training within six months of joining a board; if they do not, the Department must ask them to reconsider their position. Secondly, arm's-length bodies' senior management teams should include someone with an accountancy qualification. Thirdly, boards should have at least one qualified accountant on them; they also need financial skills so that they can scrutinise the body's accounts. Finally, the quorum of internal audit committees of arm's-length bodies should be three persons. Those are strong recommendations from the Committee for Culture, Arts and Leisure with respect to departmental sponsorship of arm's-length bodies.

Mr Deputy Speaker: As Question Time commences at 3.00 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the next Member called to speak will be Patsy McGlone.

The debate stood suspended.

3.00 pm

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

Oral Answers to Questions

Culture, Arts and Leisure

Mr Deputy Speaker: Questions 1, 2, 5 and 15 have been withdrawn.

Sports Provision

3. **Mr McCallister** asked the Minister of Culture, Arts and Leisure for his assessment of the findings of his Department's 'Experience of Sport and Physical Activity in Northern Ireland' survey, which found that 53% of people were satisfied with sports provision. (AQO 1512/10)

The Minister of Culture, Arts and Leisure (Mr McCausland): The most recently published findings from the continuous household survey, 'Experience of Sport and Physical Activity in Northern Ireland', confirms my long-held view that, although there are some good examples of sports provision in Northern Ireland, it does not fully meet public need and is, therefore, inadequate as a whole. It is partly for that reason that I recently launched a new 10-year strategy for sport and physical recreation entitled 'Sport Matters: the Northern Ireland Strategy for Sport and Physical Recreation 2009-2019'.

Sport Matters already reflects the aspirations of people in Northern Ireland for a sea change in the quantity and standard of sporting provision. Delivering that requires not only significant and sustained investment but a more strategic and co-ordinated approach to the use of existing provision. Work on implementing Sport Matters has begun. In that context, I recently met the Minister of Education, Cairtriona Ruane MLA, to discuss how our Departments might work together to help to address the demand for improved public access to sports facility provision in, for example, the education sector. That is one of a range of actions aimed at improving sports provision that my Department and I will be seeking to take forward in conjunction with relevant partners and stakeholder groups as part of the delivery of Sport Matters.

Mr McCallister: I am grateful to the Minister for his reply. Given the disappointing results in the survey, I welcome the 10-year plan to address the problem. When does the Minister hope to

see those results improve? Is there a chance to review that plan at different stages in order to ensure that we are making progress in the right areas?

The Minister of Culture, Arts and Leisure:

I hope that we will soon see progress in a number of areas and that the strategy will improve those figures. The report was launched on 13 May, and we have already established a Sport Matters monitoring group to oversee the delivery of the strategy. The group includes representatives from the Departments of Culture, Arts and Leisure, Health, Education and Social Development; Sport NI; local government; and the Northern Ireland Sports Forum.

Mr Frew: Will the Minister tell the House how the results of the recently published survey on satisfaction with sports provision compare with, for instance, national trends across the UK?

The Minister of Culture, Arts and Leisure:

The most recent figures available suggest that Northern Ireland still falls well below the national trend for overall satisfaction, which currently stands at just over 69%. In my view, there is a correlation between the Northern Ireland results and the separate but more general evidence that, in comparison with other regions of the United Kingdom, we are significantly underprovided for in respect of, for example, sports facilities, such as swimming pools, pitches, playing courts and athletic facilities. That is one of the matters that I will be seeking to address through Sport Matters.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. The Minister mentioned the Department of Education and the Department of Health. How does he see the rolling out of co-operation with those Departments in trying to instil in young people a positive attitude to participation in sport and physical exercise in the immediate future?

The Minister of Culture, Arts and Leisure: I

encourage the Member to read the strategy, which is comprehensive. It has three main pillars: places, which relates to facilities; participation, which deals with trying to increase the number of people participating in sports activities; and performance, which deals with helping people to realise their potential. In that regard, the strategy sets out a number of avenues, and working groups across those Departments will operate under the overall

monitoring group to see that the strategy is implemented and is effective.

Mr Burns: What is the Minister's assessment of the finding that 40% of people do not enjoy taking part in sports? Does he agree that a culture change is needed in our schools to tackle that attitude?

The Minister of Culture, Arts and Leisure: I welcome the Member's valid question about how we can encourage more people to adopt a less sedentary lifestyle. Our society has become much more sedentary. For some, the solution could include cycling, which would keep Mr McDevitt very happy, and, for others, it could include a great deal of walking over the next few months, which would keep the rest of us very happy. Many things could be done over the coming months to improve the activity levels of Members.

Seriously and more generally, increased participation has to be and is a target in the strategy. Improving aspirations and attitudes towards sport has to be done through education and health services to make people realise the physical and health benefits that flow from activities, whatever they may be, in the realm of sport. There is no single answer to that question. The entire strategy will come together in a range of ways that will, I hope, increase the percentage of people participating in sport in Northern Ireland. It will help if we have more facilities that are more accessible. Events such as the Olympics impact on participation levels. The other day, I was at a gymnastics club in Bangor, and it had noted an increase in the number of young people registering as a result of the success of a gymnastics group on 'Britain's Got Talent'. Therefore, a range of factors come into play, and anything and everything that will increase participation must be welcomed.

Féile an Phobail

4. **Ms S Ramsey** asked the Minister of Culture, Arts and Leisure for his assessment of the cultural and economic importance of Féile an Phobail. (AQO 1513/10)

The Minister of Culture, Arts and Leisure: The Department does not have figures on the economic value of Féile an Phobail. However, we know that investment in the arts and the creative sector directly strengthens the Northern

Ireland economy because such investment fuels the emergence of creative people, services and enterprises. In August, Féile an Phobail provides festival goers with a wide range of music, comedy, drama, exhibitions and family events. The programming range extends to the early spring through Féile an Earraigh and to October through the Draíocht children's arts festival.

Ms S Ramsey: Go raibh maith agat. I thank the Minister for his answer. Are figures available to show what is happening at an economic level? Given current trends, we need evidence. I think that the Minister would agree that Féile an Phobail plays an important role not only in the local community but in the wider community, and it is regarded as one of the top community festivals in Europe. Will the Minister explain the support that his Department gives to the festival and whether DCAL is working closely with Invest NI and the Department of Enterprise, Trade and Investment to promote tourism, especially as we examine other ways to get money into the North?

The Minister of Culture, Arts and Leisure: The responsibility for a particular festival to demonstrate its economic benefits has to lie with that festival. My recollection is that work was done some years ago, possibly funded by the Department for Social Development, to examine the economic benefits that flow from Féile an Phobail. However, if we were to start to do that, we would have to examine all festivals. General work could be done, but it would be impossible to deal with each festival individually.

The Member asked about the funding provided to Féile an Phobail. Last year, under the annual support for organisations programme (ASOP) funding scheme, the Arts Council provided £123,000 to Féile an Phobail. Lottery project funding of £23,000 was given to the programming costs of the August Féile, and £50,000 from the creative industries innovation fund went towards the cost of a creative development officer post. This year, the Arts Council is providing £123,000 in ASOP funding towards the festival. For the past two years, Foras na Gaeilge has provided £15,000 towards the August Féile, £4,000 towards the spring festival and £1,000 towards the children's festival.

Mrs M Bradley: Does the Minister have any plans to attend the festival this year?

The Minister of Culture, Arts and Leisure: I have not seen the programme, and I have not received an invitation.

Mr K Robinson: I thank the Minister for his precise answers. I wish that his colleagues in the House would stick to that regime as well. Congratulations, Minister.

The Minister has given us some good figures on funding sources. How much public money from central or local government goes to the West Belfast Festival, and how much money does it attract from private sponsorships and donations from the public?

The Minister of Culture, Arts and Leisure: The figures that I provided are for central government funding. I presume that local government funding is also provided. I am aware that a number of private sector organisations sponsor Féile. For example, in previous years, even Translink gave money to Féile. Therefore, it receives some private sector funding, but I am not aware of the exact amount.

Mr Deputy Speaker: Question 5 has been withdrawn, and the Member who tabled question 6 is not in his place.

Windsor Park

7. **Mr B Wilson** asked the Minister of Culture, Arts and Leisure for an update on the proposal to redevelop Windsor Park. (AQO 1516/10)

The Minister of Culture, Arts and Leisure: I am disappointed by some Members' lack of attendance. I had prepared some good answers, and I am disappointed that I am not able to use them. However, I welcome the fact that Mr Wilson is in his place.

Sport NI commissioned consultants to produce an outline business case on the value for money, operational viability, sustainability and affordability of the stadium options put forward by the governing bodies of football, rugby and Gaelic games, and it is aimed at meeting their long-term needs. Members will be aware that the Irish Football Association (IFA) has said that its preferred option is the refurbishment of Windsor Park. That has proved to be a complex and time-intensive exercise. However, it is important that the ongoing consultancy fully and rigorously appraises the governing bodies' stadium options together with a range of other options for stadium development and that it

provides a sound basis for determining the way forward.

The sports governing bodies have been actively involved in discussion with the consultants, the Department and Sport NI throughout the process. It is anticipated that the consultants will report to me formally in the near future, after which my Department and Sport NI will review the proposals. It will also be essential that the Department of Finance and Personnel scrutinise and comment on the outline business case. Ultimately, having fully considered the outcome of the outline business case, I will bring my proposals on regional stadium development to the Executive for their consideration.

Mr B Wilson: I thank the Minister for his response. Many issues have still to be resolved. I have attended Windsor Park as part of a crowd of 50,000. It is absolutely deplorable that we are under threat from FIFA and may not be able to hold international matches there. The future of international football at Windsor Park and in Belfast in general is in danger, so will the Minister ensure that something is done very soon?

The Minister of Culture, Arts and Leisure: A limited remedial programme of work at Windsor Park is planned to ensure that international football can continue to be played there until a longer-term solution is found. That work will involve arresting the deterioration of the north stand roof, regrading the pitch perimeter and bridging the moats at the north and west stands. The cost, to which the IFA will contribute, is estimated to be £443,000.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister confirm that his approach and that of his Department to stadium development is based on the strategic requirements of each of the governing bodies of football? What percentage contribution is each of the governing bodies expected to make to the individual projects, and how much is in the pot of funding for stadium development?

3.15 pm

The Minister of Culture, Arts and Leisure: The answer to the first part of the question is yes. The answer to the second part is that the cost of each stadium has not been finalised. We have to await completion of the outline business case and our consideration of it before that can be assessed. I made it clear to the governing

bodies that they will be required to contribute to the cost. I am also conscious that their ability to do so will vary between the sports. As the Member is aware, the indicative envelope originally mentioned was about £110 million.

Mr I McCrea: The Minister detailed his commitment to the short-term future of Windsor Park and its redevelopment. Will he assure the House that he and his Department are committed to the future of Northern Ireland games in Belfast and to ensuring that Northern Ireland football can move forward?

The Minister of Culture, Arts and Leisure: I am determined that Northern Ireland should have a facility for football games at international level that is fit for purpose, suitable for the twenty-first century and meets the sport's strategic needs. We are determined to see that through to a conclusion.

Mr McDevitt: Given that £110 million is available, would it not be worth the Executive's time to consider, even at this late stage, whether that should be invested in one new shared stadium, possibly in Belfast, rather than investing it in three separate, never-to-be shared stadia?

The Minister of Culture, Arts and Leisure: The decision to move in the present direction was taken before my time. It was taken by my predecessor and agreed by the Executive. The Member speaks of never-to-be shared stadia. I do not share his sense of despondency. I would hope that each ground would be open and accessible to others. I am sure that the Member shares that aspiration and would want to see each of the three grounds accessible to sports other than the sport that is the primary user of that facility.

Motorsport

8. **Miss McIlveen** asked the Minister of Culture, Arts and Leisure for his assessment of the value of motorsport as part of the culture of Northern Ireland. (AQO 1517/10)

The Minister of Culture, Arts and Leisure: Northern Ireland enjoys a motorsport tradition dating back to the 1920s and has produced world-class competitors in two- and four-wheel disciplines. Motorsport, particularly motorcycle racing, provides some of the major sporting events held in the Province. The North West 200 festival week, for example, is the biggest event in our sporting calendar, attracting an estimated

100,000 spectators from all over the world. I am also aware that many people of all ages from across the whole community regularly enjoy the thrills of different types of motor racing on offer at dedicated circuits such as Bishopscourt, Nutts Corner and Kirkistown. Such events provide us with a wonderful opportunity to promote a positive image of Northern Ireland on an international stage, showcasing our many attractions while making a major contribution to the economy.

I am committed to working closely with the umbrella body for motorsport in Northern Ireland, 2&4 Wheels, to help to develop the sport to its full potential and make Northern Ireland the motorsport capital of the world.

Miss McIlveen: I thank the Minister for his answer. Sport NI obviously delivers for sports in Northern Ireland and is just one of the Department's many arm's-length bodies. What is the cost of the chief executives of DCAL's arm's-length bodies?

The Minister of Culture, Arts and Leisure: The annual salaries of and expenses paid to chief executives of all DCAL's arm's-length bodies in the year ending 31 March 2010 are as follows: for the Arts Council of Northern Ireland, salary expenditure was £72,126 and expenses were £997, making a total of £73,123; for Northern Ireland Screen, the salary amounted to £65,976 and expenses were £4,769, which makes a total of £70,745; in the case of the Armagh Observatory, the Armagh Planetarium and the Northern Ireland Museums Council, the information is not available; for Libraries NI, the salary amounted to £96,888 and expenses came to £3,324, making a total of £100,212; for National Museums Northern Ireland, the salary was £119,745 and expenses amounted to £1,738, which makes a total of £121,484; for Sport NI, the salary comes to £90,755 and expenses to £4,566, which makes a total of £95,321; for Foras na Gaeilge, the salary comes to £119,271 and expenses to £6,603, which makes a total of £125,874, which is the largest total amount; for the Ulster-Scots Agency, the salary was £50,224 and there were no expenses; for the Fisheries Conservancy Board, which no longer exists, the salary came to the small sum of £8,074 and expenses to £294; and for Waterways Ireland, the salary came to £91,436 and expenses to £3,704, making a total of £95,140.

Mr McCarthy: The Minister is aware that the Strangford constituency provides an excellent short circuit racecourse at Kirkistown, and I am glad that he mentioned it in an earlier response. Can he tell the House to what extent his Department supports that excellent facility, in finance or publicity, so as to secure its future?

The Minister of Culture, Arts and Leisure: The Department has earmarked up to £2 million to help motorsport improve health and safety at venues across Northern Ireland. An approved business case for that funding was developed by Sport Northern Ireland together with the umbrella body for motorsports here, the 2 & 4 Wheel Motor Sport Steering Group Limited. As part of that, consideration is being given to the possible allocation of £1,155 million to Nutts Corner, Kirkistown and Bishopscourt race circuits. A further award of £219,700 has already been made for the purchase of a range of safety equipment, and £155,000 has been spent on urgent safety works at the North West 200 and the Cookstown 100. Other safety works at various venues have been identified, covering 33 projects at 25 motorsport clubs, and a project management team has been appointed to oversee those works.

Mr O'Loan: There has been a great tradition of four-wheeled motorsport in Ireland, which is now significantly diminished. I welcome anything that the Minister can do to maintain and enhance that tradition. In particular, are there any plans to hold another Rally Ireland event in the grounds of Stormont, following the great success of the Stormont spectacular?

The Minister of Culture, Arts and Leisure: I have no knowledge of any plans in that regard.

Community Festivals Fund

9. **Mr Givan** asked the Minister of Culture, Arts and Leisure what assessment his Department has made of the success of the community festivals fund since local government became responsible for its delivery. (AQO 1518/10)

The Minister of Culture, Arts and Leisure: The transfer of the community festivals fund to district councils has been a success. Councils report that value was added to existing festivals and that events and activities not previously supported have received funding. Eight times more festivals were funded in the first year that the fund was administered by the

councils. Councils report benefits to the local economy, and the hospitality and retail sectors experienced increased numbers of participants and tourist visitors. There has been a strong focus not only on cross-community events but on cultural diversity events to maximise the involvement of ethnic minorities.

Mr Givan: I thank the Minister for his response. Does he agree that district councils' administering of funding has gone some way to address the underfunding that the Loyal Orders experienced through the previous system, which was administered by the Events Company? Does he further agree that councils in many unionist communities that did not previously get funding are now receiving financial support and that the Loyal Orders are now getting more money than they did under direct rule?

The Minister of Culture, Arts and Leisure: There was a rather bizarre system under direct rule, whereby, if a group was locked into the system to get funding, it kept getting funding, yet if a group was locked out, it was permanently locked out. It was one of the most discriminatory and inequitable systems that I have ever come across, yet, because it was done under direct rule, virtually nothing could be done about it. That situation has now been remedied, and I agree that many of the festivals that the Loyal Orders organise have accessed funding from local authorities. That has been very successful, and many thousands of people turn up at such events and benefit from them and from the funding that is provided in that way.

Music: Performing Rights Royalties

10. **Mr P Ramsey** asked the Minister of Culture, Arts and Leisure for his assessment of whether the current arrangements for the collection and distribution of performing rights royalties provide maximum benefit to the local music industry and what assessment has been made of alternative collection and distribution arrangements. (AQO 1519/10)

The Minister of Culture, Arts and Leisure: The Performing Right Society for Music is a UK-wide royalty collection and distribution agency that provides services for clients in Northern Ireland. I am aware that the Northern Ireland Music Rights Society wishes to act as a royalty collection agency here. My officials have been liaising with the Northern Ireland Music Rights Society to hear its concerns. My Department

and I need to be convinced that there is a clear rationale behind and support for a dedicated local music rights society. I have asked the Northern Ireland Music Rights Society to prepare a feasibility study, and I will consider any submissions carefully.

Mr P Ramsey: I thank the Minister for his answer. There is concern in the local music industry that there is a serious loss in revenue because it is going into Britain but is not coming back to local artists in Northern Ireland. Could I persuade the Minister to meet the group to advance the feasibility study and to discuss the loss of those rights?

The Minister of Culture, Arts and Leisure: A number of such submissions on that matter has been made over the years. I said that we need a clearly set out, stable and strengthened feasibility study to support the case. As soon as we receive that, we will consider it fully and very carefully. I do not wish to go beyond that at this stage. It is important that we get something down on paper so that there is a clearly demonstrated case. If that stands up, we will look seriously at it.

Dr Farry: I shall approach the matter from a slightly different angle. The Minister will be aware that, when what is now the Digital Economy Act 2010 was proceeding through Westminster, it did so during what was called the “wash-up” phase. Some people view that Act as being overly punitive on issues regarding music royalties and abuse of the Internet to that end. Given the controversy surrounding it and the Divisions that took place on the Bill — I think that the Minister’s party colleagues may have voted against it — is his Department making any representations to the relevant Department in Whitehall about a review of that legislation?

The Minister of Culture, Arts and Leisure: A number of aspects of that legislation give cause for concern. We have been in contact with the Department for Culture, Media and Sport (DCMS) about a range of issues. That contact will be ongoing.

Lottery Funding

11. **Lord Browne** asked the Minister of Culture, Arts and Leisure for his assessment of how the lottery funding allocation, recently announced by the Secretary of State for Culture, Olympics,

Media and Sport, will help offset forthcoming cuts in the arts and sports sector.

(AQO 1520/10)

The Minister of Culture, Arts and Leisure:

The National Lottery is a reserved matter, and responsibility for it rests with the Department for Culture, Media and Sport. The Secretary of State for Culture, Olympics, Media and Sport, Jeremy Hunt, recently announced that the Government wish to restore lottery funding to each of the arts, sports and heritage good causes from 16.7% to 20% of overall lottery proceeds, with a corresponding reduction in funding to the Big Lottery Fund from 50% to 40%. A DCMS consultation exercise is under way to determine the views of all interested parties on the proposal. It is anticipated that, overall, each of those sectors — the arts, sports and heritage — will receive an additional £50 million a year.

In Northern Ireland, that will equate to approximately £1.4 million each to arts and sport, which is to be welcomed. Lottery funding is considered additional to Exchequer funding received by sport and arts. However, although the next CSR period will be difficult, no decision has been made on how cuts will be applied or whether the extra funding will offset them.

3.30 pm

Public Accounts Committee Reports

Debate resumed on motion:

That this Assembly takes note of the Public Accounts Committee Fourth Composite Report (NIA 62/09/10R) and First Thematic Report (NIA 65/09/10R).— [The Chairperson of the Public Accounts Committee (Mr P Maskey).]

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I will speak briefly on transforming emergency care, which is dealt with in the composite report. That section of the report addresses patient flows through the various components of the healthcare system and highlights obstacles that prevent timely access to care.

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

Over the years, hospitals have struggled to reduce the delays in A&E departments that are faced by patients who must wait on trolleys to be admitted or to be treated and discharged. I experienced that personally at Antrim Area Hospital, where we have seen the extent of the problem since the A&E at the Mid-Ulster Hospital was closed. Despite the best efforts of its staff, Antrim A&E has not had the capacity to deal with the influx of patients.

When we addressed the issue earlier in this session, A&E services were costing around £68 million, with annual attendance exceeding 700,000 patients. The Committee report pointed out that Health Service trusts had made considerable progress in ensuring that the vast majority of A&E patients were treated and either discharged or admitted to a ward within the four-hour target. The achievement of those targets is another issue that has arisen at Antrim Area Hospital recently. In general, however, those targets have largely been achieved by improvements in working practices in hospitals. For example, the lack of senior clinical decision-makers in A&E departments had led to patients being admitted who would otherwise not have been. Having a consultant admission vetting system helped to minimise waiting time and to ensure appropriate care.

The Committee also highlighted that A&E departments faced bottlenecks that were outside their control, particularly the lack of inpatient beds, which is one of the most

fundamental causes of waiting in A&E departments. Getting patients home more speedily creates capacity on wards and enables ward staff to place patients from A&E. Information provided to the Public Accounts Committee by the Department of Health, Social Services and Public Safety indicated that trusts appeared to have made substantial headway in the timely discharge of non-complex cases from acute hospitals.

An improvement in discharge rates was achieved where a more proactive approach to bed management was implemented. For example, where discharge-focused treatment plans were established for all patients within 24 hours of admission. Although the report paints a generally upbeat picture of A&E waiting times, it draws attention to risks that needed careful management in order to sustain performances against the Department's challenging four-hour waiting time target. For instance, the Committee pointed out that the high-level attention to performance in A&E departments could diminish in the longer term. Moreover, a focus on such a target could lead to less attention being given to the timely completion of treatment for patients who could be properly managed in a shorter timescale.

I am aware that since we addressed this issue, new data have emerged indicating that waiting times have begun to grow again and the spectre of trolley waits, which I referred to earlier, has once more become a problem. The Department's statistics show that, in October 2009, 87.1% of patients were treated and either discharged or admitted within four hours of their arrival, but, by January 2010, that had fallen to 80.4%. That is disturbing and a big concern for those of us who have attended A&E units with family members or to observe the deteriorating situation. Against the background of continuing high demand for A&E services, we will need to monitor that issue as we move into the 2010-11 Assembly session.

I move now to the issue of system testing. In recent years, the Committee has learned much in the field of project management. One thing that stands out is the importance of subjecting new systems to proper pilot testing. Several high-profile and important projects that the Committee examined suffered adverse cost and performance implications due to the simple failure to undertake such testing. It is important that testing is not undertaken just

as a box-ticking exercise. System testing must be methodical, thorough and carried out in the proper live environment. It is also important that short cuts are not taken with testing, no matter how important the deadline for introducing a system, because the cost of fixing subsequent system flaws can be substantial. We saw that with the Planning Service's e-PIC project, which, as Mr Beggs said, had an overrun of £7.2 million and was four years behind schedule. Representatives from the Planning Service appeared before the Committee, and the major shortcomings by management and project units were quite breathtaking. Apparently, expenditure on the project has yet to stop.

The Committee's 'Report on Statement of Rate Levy and Collection 2006-07' focused on the introduction of a new IT system. Overall, the Committee found that short cuts were taken when implementing that complex and large system. Specifically, the risk assessment that was undertaken for the project was flawed and failed to recognise the risks of inadequate system testing. In the event, the testing of the new system was not fit for purpose. Test data that were used to check whether the system worked properly did not test all potential eventualities and, therefore, failed to identify important errors in the project specification. The upshot was that introducing the project in a live environment resulted in adverse operational performance and increased costs of £3.5 million, which was brought about by the need to properly tailor the system.

In my short time on the Public Accounts Committee, I have lost count of the number of times that I have heard civil servants say that lessons have been learned. Failing to learn lessons seems to be a repetitive mistake. Time and again, they say that lessons have been learned, yet they do not seem to have been, particularly when it comes to introducing IT projects. When an IT project is around the corner, you can automatically say that it will probably be big-time over budget and that it will probably lag behind its completion time.

The significant additional costs that can arise from the need to fix flaws in systems that have not been properly tested —

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

Mr McGlone: OK. Thank you very much.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Audit Office and the Committee secretariat for their professionalism, dedication and assistance.

To set the context, I shall begin with a quote from the introduction to the 'First Thematic Report':

"The Committee wished, in light of current economic conditions, to recap on lessons learned in the back catalogue of reports it has covered, with the aim of reaffirming crucial messages to improve Government stewardship of public money."

I cannot say that I am surprised that more Members are not in attendance, but I emphasise that the report and the thematic issues on which it draws are of concern to every Department, scrutiny Committee and Member of the Assembly. Consequently, I hope that they read the report.

The report is based on 10 studies that the Committee undertook in conjunction with the Audit Office and seven key, major spending Departments — Regional Development, Employment and Learning, Education, Finance and Personnel, Health, Environment and Enterprise, Trade and Investment — and their agencies. As I said, the report contains issues for every Member, Committee and Department. In this time of economic recession, cutbacks and pressure on the delivery of essential front line services, it will also be of immense concern for the general public.

Turning to some of the report's content, I shall address first the issue of post-project evaluation, which is a mandatory requirement for all major projects and an important element in the project management process. Therefore, the Committee is very concerned about the number of instances in which post-project evaluations have not been completed or were not of the required quality. Mr McGlone referred to the issue. It is particularly important and relevant to the Committee that the evaluations are done in a professional way and are not done just for the sake of it or to tick a box. The purpose of a proper post-project evaluation must be to provide an open and honest assessment of how the project was handled from start to finish and to identify what lessons have been learned. Perhaps, most importantly, there is a need to ensure that the results of post-project evaluations are disseminated fully across government for future application.

Our work also covered the use of consultants. Some reference has been made to that matter already. We examined it across a very wide spectrum of departmental activity and concluded that post-project evaluation was not being addressed in that context either. That meant that it was impossible for Departments to gauge the performance of consultants before making recurring and future appointments. We also considered that there was no evidence that Departments were using the results of post-project evaluations to share experience or to identify and weed out poorly performing consultants. The importance of taking that action is highlighted by the fact that we were unable to identify a single instance in which the results of a post-project evaluation had been used to recover losses arising from poor consultancy service.

Overall, the Committee wishes to convey the message that post-project evaluations must always be carried out for all significant projects. To help to ensure that that is the case, a specific timetable for completion of those evaluations should be set at the appraisal stage and then adhered to. It is essential that there be formal arrangements to ensure that lessons learnt from post-project evaluations are made available across the public sector.

I also want to speak briefly about the increasing number of legal challenges by unsuccessful bidders against the award of public sector contracts, which we have addressed in our composite report. Since revisions to EU regulations in 2006, companies bidding for contracts have become more aware of the opportunity to challenge decisions, not just at the award stage but at all stages of the procurement process. As a result, there has been a marked increase in demands for debriefings and a corresponding growth in the trend for legal challenge.

The Department of Finance and Personnel has informed us that since April 2007, 12 legal cases have been ongoing against centres of procurement expertise. We followed up on that issue and found that successful challenges had demonstrated weaknesses in the assessment process. Therefore, although EU regulations provide unsuccessful bidders with the opportunity to challenge decisions, proper adherence to procurement procedures should have ensured that the assessment process

was robust enough to prevent a number of challenges.

In two of the cases that we reviewed that involved framework agreements for major capital works projects with an estimated capital value in excess of £500 million, there were delays of over nine months. That is simply unacceptable, especially in the current climate, in which there are work shortages and layoffs in the construction industry. I hope that lessons have been learned from those cases, and I expect DFP to work to eliminate such weakness through the promotion of the strict adherence to procedures in all aspects of the procurement process. Where legal challenges arise, it is important that they are dealt with in an appropriate and expedient manner.

A sub-issue arises from that. In Workplace 2010, for instance, we found that the cost of external legal advice was over £1 million. We deemed that to be excessive, but, when we delved further into the case, we found that despite that expenditure, DFP made an *ex gratia* payment to the unsuccessful bidder. We were told that although it was convinced that it would win the case, it concluded, on £1 million worth of legal advice, that the balance of advantage and best value for money for the taxpayer would be achieved by seeking to agree a settlement. We should recognise the complex nature of procurement and accept that the EU procurement regime is subject to ongoing legislative interpretation. However, it is vital that DFP ensures that there is compliance with proper procedures at all times and that appropriate in-house legal advice is available and sought to ensure an effective and efficient procurement process in the public sector.

Finally, the context is the economic downturn. However, any time, good or bad, is the right time for government agencies and Departments —

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

Mr McLaughlin: Any time is the right time for government agencies and Departments to demonstrate value for money, accountability and a willingness to act according to lessons learnt. It is time to end the complacency in the government agencies and Departments.

3.45 pm

The Minister of Finance and Personnel (Mr S Wilson): This is the second Public Accounts Committee debate that I have sat in on, and I am happy to respond to the many worthwhile comments that have been made by Committee members and Members in the Chamber today.

I will start off with a few general points. I recognise the valuable work carried out by the Public Accounts Committee; over the past 12 months it has considered 14 Northern Ireland Audit Office reports. Its subsequent reports have been aimed at learning lessons and improving public services and value for money across the Northern Ireland public sector. During the last PAC debate, I questioned the need for so many recommendations in the Committee's reports. I acknowledge that note has been taken of those points and that the number of recommendations in the various reports has been reduced and they have become more focused, and the Chairman pointed that out. I commend the Committee for responding to that point.

I also commend the Committee for its contribution towards improving financial management across the public sector. The fact that Departments are now spending close to 100% of their budgets is a result of the kind of scrutiny that they expect. It is also a good discipline, especially as we move into tougher financial times.

I acknowledge the role that the Chairman and Deputy Chairman have played in the Committee. I add my comments to those made by the Chairman about the work undertaken by Kieran Donnelly, the Comptroller and Auditor General, and his staff in the Northern Ireland Audit Office in supporting the Committee.

I welcome the publication of the Committee's first thematic report. I want to have time to consider the report in detail, but, from what I have seen, it is a credible piece of work. It is a departure from the Committee's usual style, and it is valuable at that. It brings together a number of the Committee's recommendations that are of general application to the wider public sector in one document, and I commend it for that. Mr McLaughlin made the point that the report was designed to try to get lessons that could be spread across all Departments, and for those lessons to be learned.

Given that gross investment in Northern Ireland was £1.7 billion last year, but that that will not continue, it is important to ensure that we get as much as we can from the spending that we deliver in coming years. As I have said time and time again, the good times are over. Projects that we planned to deliver will not be delivered and, therefore, we must get maximum benefit for the public from the spending that we do have.

Before I turn to the report, I have a couple of general observations for the Committee. First, from correspondence with officials, the Committee will be aware of my increasing concern about its pursuit of matters following the publication of PAC reports and the memoranda of reply. In particular, it appears at times that the Committee considers that it has a role to play in the day-to-day implementation of recommendations. I can understand the Committee's interest and its desire to see that recommendations are actioned, but it should recognise the role that the Comptroller and Auditor General has to play in alerting the Committee to matters that remain unaddressed, rather than pursuing those updates directly with Departments.

Secondly, I am concerned about the way in which many of the Committee's recommendations are focused less on matters of financial control and administration and stray towards issues of policy. I understand that the Committee will need to address, consider and clarify the policy position around matters that are under discussion, but I ask it to restrain itself from making recommendations in a manner that drifts towards policy. Policy is up to Departments and to the Committees that oversee the work of Departments. Otherwise, when assisting Departments to prepare future memoranda of reply, DFP may consider formally rejecting individual recommendations on the basis that they refer to matters of policy, which are matters of ministerial discretion.

Mr Dallat: What the Minister has said is very interesting. I hope that he does not mind if I ask him for some examples of when the Committee has strayed into the area of policy. I am sure that he agrees with me that the independence of the Public Accounts Committee is the most vital thing that we have in this Parliament and that it is something that everyone has confidence and faith in.

The Minister of Finance and Personnel:

That independence is important. However, it must be exercised within the parameters of the Committee's responsibility, which is to look at financial and administration matters. Policy matters are decided by Ministers and scrutinised by Committees. I do not have all the reports in front of me, but the Member will know that the Public Accounts Committee has made recommendations that looked more towards whether the right policy was followed rather than whether money was spent in an appropriate manner. That is the point that I want to make.

Mr Beggs: Will the Minister give way?

The Minister of Finance and Personnel: No. I have only 15 minutes and I want to respond to the points that Members made during the debate.

That is an important point about the Department's ability to respond positively to PAC reports and to ensure that the Committee's work is most effective during the period of financial constraint that we face.

The thematic report addresses a number of issues. First, the Committee raised the need to take actions to protect the taxpayer. It is very simple: everything that we do and all our combined actions must have that aim in mind. Taxpayers have provided the Executive and the Assembly with their hard-earned money, and we must demonstrate to them that we are using it in the most effective way possible. PAC's role is to ensure that taxpayers' money is being used in that way in the planning, management and control of capital projects and to examine what we do to put mistakes right. That is why the thematic report and many of its recommendations are important.

The second issue is project planning, and that was raised by the Chairman of the Committee, Mr McLaughlin and Dr Farry during the debate. The report is correct when it states:

"Successful delivery of... projects requires the availability... of the right skills at the right levels."

That is something that the public sector has recognised and developed in the context of the Government's skills agenda. My Department is providing a strong lead in putting in place a foundation for the Northern Ireland Civil Service programme and project management profession. It has appointed a head of

profession and remains fully committed with the Office of Government Commerce (OGC) on cross-government developments in the UK. That is supported by a comprehensive learning and development programme. Over the past two years, 500 Northern Ireland Civil Service staff have received training in project management and a further 138 have received training in the Gateway Review process.

Project management is a key element in the successful completion of major projects and, in that context, the Committee's report referred to the Gateway Review process. In 2009, the Central Procurement Directorate (CPD) centre of excellence obtained OGC-authorized hub status for the delivery of gateway reviews. That is the highest level of government endorsement available for such actions, and was a major achievement for the Department. In practical terms, it means that accounting officers and senior responsible owners (SROs) in Northern Ireland receive the very highest levels of independent assurance on their programmes and projects.

We must ensure that we have robust project management processes that are understood and applied by all concerned. I recognise that there have been failings in that area in the past, and that comes through in many of the reports that have been discussed today. Key to that is the proper application of a strong appraisal process to ensure that we get the best return from our limited public funds. To support that, my Department published new appraisal guidance in September 2009. It introduced new requirements for the consideration of large capital projects. For example, DFP approval of a strategic outline case is now required for all large projects that cost more than £20 million at their inception.

The appraisal guidance also stresses the importance of following CPD's project management guidance and emphasises the use of project management tools, such as risk registers, benefits management and post-project evaluations. I am in firm agreement with the Committee on the issue of post-project evaluations, the completion of which is a fundamental requirement of all major projects. It is a tool that allows all of us to learn from our mistakes and to share and implement good practice throughout the public sector.

I will try to race through some of the points that were raised. Mr Beggs and Mr McGlone raised the statement of rate levy and collection. My Department has made solid progress against all the recommendations in the Committee's report that fall to the agency to implement. Land and Property Services makes quarterly progress reports to the Finance and Personnel Committee. Current guidance on programme and project management addresses the issues that were raised by the Committee and highlights good practice in project and risk management. Central Procurement Directorate evaluated the use of the Gateway Review process. We took advice from OGC in relation to the project and assessed the lessons learned. Those were incorporated into the comprehensive annual publication of the lessons arising from gateway reviews, which has been circulated and reported to the DFP audit and risk committee.

A number of Members mentioned the Planning Service and, in particular, e-PIC. DOE accepts that certain aspects of the e-PIC project could have been handled more effectively. However, it can confirm that robust programme management arrangements are now in place, including mechanisms to enable the early identification, escalation and resolution of any issues of concern. It is on that basis that additional moneys have been made available to complete the e-PIC project. There is now a dedicated senior manager with experience in information and communication technology and a proven track record of successful project delivery. It is hoped that those measures will ensure the project's successful delivery in 2010.

Mr Beggs also referred to the upgrade of the Belfast to Bangor railway line. I understand that a significant number of welcome improvements have been made to the governance and control arrangements in the transport holding company and in Translink. Since March 2007, Translink has been recognised as a centre of procurement expertise. It has documented programme management procedures, including contract management, contract variation and risk management.

Mr Dallat raised the issue of surplus lands in the PFI and pathfinder projects. The majority of the recommendations emanating from the report were of a general nature and were, therefore, addressed by my Department. Following the publication of the Committee's report and the memorandum of reply, my Department brought a number of the Committee's

recommendations to the attention of every Department, because there are lessons to be learned for all Departments. The key message is that, when public bodies decide to dispose of surplus assets, value for money must be clearly demonstrated in each decision that is taken. That will be a prerequisite to DFP approval, when required. We will want proof of value for money to be incorporated into business cases.

Mr Dallat also raised the issue of consultants. It is an important issue, because we spend £42 million on consultants across all Departments. In 2007-08, DFP reintroduced annual compliance reports from Departments. Those provide us with an overview of the extent and nature of consultancy expenditure throughout Northern Ireland. The Department has issued revised guidelines to reinforce the need to produce business cases, tender competitively and carry out post-project evaluations.

There are a number of other issues, but you will call me to order in a moment, Mr Deputy Speaker.

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

4.00 pm

The Minister of Finance and Personnel: I thank Members for their contributions to what has been an interesting debate.

Mr Deputy Speaker: I call the Chairperson of the Committee for Finance and Personnel, Mr Paul Maskey.

The Chairperson of the Public Accounts

Committee: Go raibh maith agat, a LeasCheann Comhairle. I thank all Members who took part in the debate. I am delighted to have produced our first thematic report, which will help to focus Members' thoughts as they prepare for tight budget scrutiny and recession planning in their Committees and in Departments. The Committee anticipates that the Government will reinforce the value of the public audit and scrutiny process, which is central to democratic accountability.

I am sure that the Minister will find merit in the lessons that the report articulates as he looks forward to making difficult decisions in setting the Budget in these hard times. Undoubtedly, he will have in mind areas that could benefit from the improved project management practice that we promote. He will also have in mind ideas for

where he could aim resources that are saved by implementation of the guidance.

I will not go through every word of every Member who spoke, but I will summarise what was said and add some thoughts of my own. The Deputy Chairperson, Mr Roy Beggs, talked about the lessons that can be learned about IT systems. One of the core themes that almost every Member mentioned was that lessons are to be learned. In some cases, lessons have been learned; in others, they have not. Ministers and Departments need to take on board the lessons and move forward with them.

Roy Beggs spoke about the report on the upgrade of the Belfast to Bangor railway line. He said that the speed limit was intended to be 90 miles per hour but there were so many stops on the line that the trains were unable to get up to that speed so the specification that was issued was wrong. Some of the issues that the Committee dealt with were schoolboy errors that should not have been made. The Public Accounts Committee tries to draw out important lessons in its inquiries that Departments must take on board to ensure that mistakes are not made again.

Roy Beggs and Patsy McGlone mentioned e-PIC, which is not yet complete. At the time of our inquiry, it was four years behind schedule and about 130% over budget, yet some senior civil servants in the Department were paid bonuses. We have to ask why that happened. It is completely wrong.

Many Members mentioned value for money, which is one of the core aspects that most of the Committee's inquiries focus on. John Dallat said that the use of consultants usually represents bad value for money for taxpayers. If that is the case, Departments need to look closely at the value of consultants. John also said that the taxpayer benefited not one brass penny from the sale of land that was part of the pathfinder project.

Stephen Farry was impressed by the volume of the Committee's work. It is down to the determination, hard work and commitment of Committee members, which I mentioned in my opening remarks. It is also down to the commitment and hard work of the Committee's secretariat staff, who are sitting to my right. They work very hard, and their work in the Committee's structure keeps us sane and keeps us right. I thank all of them.

David Hilditch and Barry McElduff mentioned DCAL issues, including malpractice and fraud at the Sports Institute NI, where £75,000 was squandered and embezzled. That is taking money away from some important issues and themes that should be taking place there. It is very poor form that £75,000 has been taken away from that programme. However, that was allowed to happen, and, to this day, some of that money, according to Barry McElduff, has not even been returned to the Department. That needs to be examined.

We considered suspected fraud in the Belfast Education and Library Board and produced a report. Throughout the city of Belfast, libraries are being closed. However, money was being paid to contractors even though work had not been done. That had been started but was being carried out in a bad manner. Although some of it was not even passed by the clerk of works, money was paid. That highlights the importance of some of our reports. I hope that those reports can help all Members of the Assembly — Mitchel McLaughlin pointed this out — as well as Ministers and Departments to move forward in more positive way and learn from the mistakes that have been made.

In his opening remarks, Patsy McGlone majored on the transformation of emergency care. He mentioned some personal experiences with Antrim Area Hospital. We all have experience of visits to hospitals and of family members being in hospital, and we see the work and the commitment of hospital staff. However, he mentioned waiting times, and I hope that some of the Committee's recommendations reduced those times. However, in recent times, some waiting times have started to creep up again. That is bad for people who are waiting to go into hospital.

The Minister mentioned a number of issues and said that the Committee had, perhaps, strayed into some Departments' policy arenas. I am willing to sit down with the Minister if he can outline where we strayed into policy. Throughout his 15-minute contribution, he did not once mention where we strayed into policy. If that is the case, say it; if it is not the case, do not say it. I am willing to sit down with the Minister and with secretariat staff at any stage. We met staff from the Department of Finance and Personnel to discuss public relations and press release issues. We managed to resolve some of those issues, and, therefore, I am willing to sit down

with the Minister and with secretariat staff at any stage to address those issues.

Mr Beggs: Does the Chairman agree that, if the Committee sees that public money is not being well spent, it is our duty to raise that issue? If that is a policy matter, it may have to go through another Committee or through a Minister. However, it would be foolish of the Committee to say nothing if it is convinced that money is being wasted.

The Chairperson of the Public Accounts

Committee: I agree wholeheartedly with the Deputy Chairperson. The Committee makes an important contribution and works hard to ensure that we do not stray into policy. We know that the remit of our Committee is to ensure that value for money is achieved. The Minister said that the good times were over and mentioned last year's figure of £1.7 billion gross. That is not necessarily true. Much as our eyes are opened wide by some inquiries, there are areas where we could save money and use it more effectively. If that money is used more effectively, whatever budget is left can, we hope, stretch much further. That is an important aspect.

I am glad that the Minister welcomed and commended the Committee. We have recognised the important work that his Department and all other Departments have taken forward on the basis of some of our recommendations. I welcome the fact that their staff have been trained in project management. Mitchel McLaughlin's comments majored on post-project evaluation, and I hope that there will be some training in that area. Mitchel talked about the lessons learned. In fact, every Member bar one mentioned it. We must never forget that, because it is an important step and it is something that we need to take forward.

The Minister said that the Department has made great progress with the Committee's recommendations. We take our recommendations very seriously, but I appreciate that, since last September's debate, we have reduced the number of recommendations, and we see the benefits of that. Sometimes it takes a challenge during a debate to point that out. Therefore, we have been more effective with regard to the number of recommendations, as well as the thematic report. I welcome the Minister's comments on what can be learned throughout the whole process. I know that he has had only a quick look at the report, but I am sure that he will

take it away with him, and it will be some bedtime reading for him tonight. It might be better than some of his other bedtime reading. Nevertheless, it is an important step forward.

The Minister of Finance and Personnel: It might put me to sleep.

The Chairperson of the Public Accounts

Committee: It might put him out early, but he can have a good read at it anyway. It is important that all Departments take a look at the thematic report and the composite report that we have produced and learn lessons from the Committee's recommendations to ensure that best practice is brought forward. That is what it is all about.

It was mentioned earlier that taxpayers can see the benefit of the Public Accounts Committee acting on their behalf. That is a very important step. We are involved in an important initiative, and all the Committee members and secretariat staff are very committed and dedicated to ensuring that government works and that there is value for money.

It would be remiss of me not to mention Kieran Donnelly, who is the Comptroller and Auditor General, and the team that works for him, because it is a very important piece of work. It would also be remiss of me not to mention the Treasury Officer of Accounts for DFP. We have a good working relationship with him. It is important to explore other ways of working things out, regardless of whether the Minister thinks that we are straying into the policy arena. Let us explore and let us have that conversation, because I think that it can be beneficial not only to our Committee but to all Departments. I look forward to meeting the Minister on that issue.

Mr Deputy Speaker: For those who did not spot the deliberate mistake, I should say that Mr Maskey is Chairman of the Public Accounts Committee, not the Finance and Personnel Committee, as I indicated earlier.

Question put and agreed to.

Resolved:

That this Assembly takes note of the Public Accounts Committee Fourth Composite Report (NIA 62/09/10R) and First Thematic Report (NIA 65/09/10R).

Adjourned at 4.13 pm.