

Official Report (Hansard)

Monday 13 September 2010
Volume 55, No 1

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Northern Ireland Assembly

Monday 13 September 2010

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

Members observed two minutes' silence.

Executive Committee Business

Employment Bill: Royal Assent

Welfare Reform Bill: Royal Assent

Roads (Miscellaneous Provisions) Bill: Royal Assent

Mr Speaker: Before we proceed to today's business, I welcome all Members back after the summer recess and draw the House's attention to some announcements.

I inform Members that the following Bills have received Royal Assent: the Employment Bill; the Welfare Reform Bill and the Roads (Miscellaneous Provisions) Bill. The Employment Act (Northern Ireland) 2010 became law on 2 August 2010. The Welfare Reform Act (Northern Ireland) 2010 and the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 became law on 13 August 2010.

Assembly Business

Resignations of Mrs Naomi Long, Mr Jim Shannon and Mr Nigel Dodds

Mr Speaker: I advise the House that Mrs Naomi Long has resigned as a Member of the Assembly with effect from 5 July 2010. Mr Jim Shannon has resigned with effect from 1 August, and the Rt Hon Nigel Dodds has resigned with effect from 10 September.

New Assembly Members:

Mr Paul Girvan, Mr Sydney Anderson, Mr Chris Lyttle and Mr Simpson Gibson

Mr Speaker: The Chief Electoral Officer has notified me that the following people have been returned as Members of the Assembly: Mr Paul Girvan for the South Antrim constituency with effect from 2 July to fill the vacancy resulting from the resignation of Dr William McCrea; Mr Sydney Anderson for the Upper Bann constituency with effect from 2 July to fill the vacancy resulting from the resignation of Mr David Simpson; Mr Chris Lyttle for the East Belfast constituency with effect from 5 July to fill the vacancy resulting from the resignation of Mrs Naomi Long; and Mr Simpson Gibson for the Strangford constituency with effect from 2 August to fill the vacancy resulting from the resignation of Mr Jim Shannon.

Mr Girvan and Mr Anderson signed the Roll of Membership in my presence and that of the Clerk to the Assembly/Director General on 2 July and entered their designation. Mr Lyttle signed the Roll of Membership in the presence of Deputy Speaker Molloy and the Clerk to the Assembly/Director General on 5 July 2010 and entered his designation. Mr Gibson signed the Roll of Membership in my presence and that of the Clerk to the Assembly/Director General on 4 August 2010 and entered his designation.

Those Members have now taken their seats, and I offer all of them my congratulations now and for the future.

Audit Committee

Mr Speaker: I also advise the House that I have received notification from the nominating officer of the Democratic Unionist Party, the Rt Hon Peter Robinson, that he has nominated Mr Jonathan Craig as Chairperson of the Audit Committee. Mr Craig has accepted the appointment. If all of that is clear, let us move to today's business.

Ministerial Statements

Northern Ireland Water

Mr Speaker: I have received notice from the Minister for Regional Development that he wishes to make a statement. Before I call the Minister, I remind the House that there will be a number of statements from Ministers today. Let us be clear that questions must refer directly to the statement; we cannot have questions that have nothing to do with the statement. Members might intend to make statements and then try to ask a question. Again, further statements are not needed; there are enough today. Let us have questions on the statement. Of course, Chairpersons of Committees will have some latitude before developing their questions. If that is clear, we shall proceed.

The Minister for Regional Development

(Mr Murphy): Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to update the Assembly on recent events relating to NI Water. I previously addressed the Assembly on the matter on 15 March 2010. At that time, I explained my decision to remove the chairman and a number of non-executive directors from the board of NI Water because of procurement governance failures. I welcome the general support for the actions that I took. Since then, the Public Accounts Committee (PAC) has been holding hearings on the matter. I welcome that, and I look forward to the outcome of its deliberations. There has also been intense media speculation about the events that led to my decision.

The procurement governance failures in NI Water are serious matters that involved more than 70 contracts worth £28.4 million of public money. As Minister, I am charged with protecting the public interest, and, on the evidence presented to me, I am satisfied that I took the right course of action. A number of issues are being followed up through appropriate channels. The governance failures at NI Water and matters relating to the report of the independent review team will now be subject to robust scrutiny from the PAC. Separately, events following the PAC hearing on NI Water, which led to the suspension of Paul Priestly, are the subject of an inquiry. I consider those investigations to be the right and proper course of action.

The position of NI Water staff has been dealt with through the company's disciplinary

procedures. The disciplinary process has taken longer than expected. However, I am advised that matters are being progressed by the chief executive as expeditiously as possible, bearing in mind that due process must be followed. I will make public any further action that may be taken in that regard. I will refer to the appointments to the board of NI Water later.

I turn to the wider implications for the governance of water and sewerage services. We need to remind ourselves how essential and basic those services are. The water that we drink and the disposal of our waste water affect fundamentally our health, environment and economic development. When I took office in May 2007, that area was already mired in controversy, principally connected to the direct rule plans to impose water charges but also because we needed to meet EU environmental standards and improve an infrastructure that had suffered from underinvestment in the past.

My main aim has been to ensure that the investment issues are addressed, which has been done by pumping £750 million into the infrastructure over the past three years. To its credit, NI Water now delivers the best drinking water quality that the North has ever enjoyed. Waste water treatment standards are the highest ever, although there is more to be done, and leakage has reduced. We have achieved that without introducing domestic charges for water.

I will continue to fight for the investment that we need and to acknowledge what NI Water has achieved, but we have seen a catalogue of events and governance failures that has made improving those essential services more difficult. The structure that I inherited, a Go-co model that was set up through direct rule legislation, is at odds with the public sector provision of water and sewerage services that most people support. That legacy has not best served the public interest here.

We have moved forward on the investment priorities, but we now need to address the difficult governance issues in the short and longer term. Long-term solutions will take longer, and they will involve extensive legislation to establish new governance arrangements. That process will extend beyond the lifetime of this Assembly. It includes, for instance, the commitments that we have given to public consultation and the need to take into

account the conclusions of the Public Accounts Committee.

I will bring proposals to the Executive. The governance arrangements should be based on water and sewerage services being delivered by a body that is clearly within the public service, subject to public service controls and standards and not set up to introduce separate water charges for households or be privatised. That is my long-term aim. In the meantime, I must deal with the realities of what it is possible to do in the short term.

Immediately following the publication of the report on procurement failings, I agreed a joint DRD/NI Water action plan, which has delivered the following actions to date: a departmental representative now attends all NI Water audit committee meetings; NI Water has prepared a new procurement manual and circulated it throughout the organisation; and procurement compliance is now a standing item at NI Water board meetings. The Department has also introduced a revised reporting format at all quarterly shareholder meetings which provides more comprehensive assurances on adherence to delegations and other governance requirements. A comprehensive training programme which deals with all aspects of procurement and financial delegations was developed and has been delivered to all senior staff in NI Water. An external review of the adequacy and competence of the NI Water internal audit function has been completed, and a report is due to be finalised very soon. A new procurement compliance officer was appointed on 20 August.

Making wide-ranging changes to structures will extend beyond the present Assembly term. I also need to allow for the conclusions of the Public Accounts Committee's inquiry. Going forward, I will work within existing structures and with stakeholders to ensure that the most appropriate controls and accountability are in place. Those controls need to reflect the reality of continued majority public funding of water and sewerage services. I am clear that arrangements need to reflect public sector disciplines and standards.

I recognise that there are tensions between the company's freedom and flexibility to deliver services to customers and regulatory requirements and public expenditure rules. However, that should not compromise

accountability for use of public resources, including reporting to the Assembly. Where there is a lack of clarity or unavoidable tension, public sector requirements should take precedence. If necessary, I will bring forward proposals for legislation to clarify that position. In particular, I will consider whether I should have a power to direct the company to adopt policies and procedures that reflect public sector disciplines. The company is also subjected to regulatory controls, and I will consider whether I should have a power to direct the regulator to investigate or take action under those controls if the need arises. While the majority of funding continues to come from government, I will also consider whether I need to have the power to direct changes to the company's terms of appointment, which are commonly referred to as the licence. The proposals will support my aim of ensuring that public accountability is the key consideration, regardless of the mix of regulation, company law or public expenditure structures that we inherited.

I made it clear in March, when I announced my decision to remove four of the five existing non-executive directors from the NI Water board, that the Department will take action to appoint a number of new non-executive directors to the board on an interim basis. Given the urgency and the need to bring some stability to the organisation, the Department secured the agreement of the Commissioner for Public Appointments to run an emergency process as a deviation from the Commissioner for Public Appointments' code, subject to a demonstrable level of independent participation and conditional on the appointments being short-term in nature. That was done, and, as Members will be aware, an interim chairperson and four interim non-executive directors were appointed to the NI Water board recently.

I would like to express publicly my appreciation to each of those individuals for offering their services at relatively short notice. It is important to emphasise that those are interim appointments pending the running of a full appointments process, which I intend to commence as soon as possible. The full appointments process will take between six and nine months and will be carried out in an open, transparent and independent manner in accordance with the Commissioner for Public Appointments' NI code.

Of course, no governance arrangements can rule out all risks. However, I believe that these measures, together with the work of the Public Accounts Committee, will resolve the situation in the interim until longer-term solutions can be implemented.

The Chairperson of the Committee for Regional Development (Mr Cobain): The Minister's statement touched on many far-reaching issues. The statement has significant implications for Northern Ireland Water, the Executive and the Budget, not least what he is really describing: the renationalisation of Northern Ireland Water.

I do not think that anyone would disagree that Northern Ireland Water has had a difficult history. Significant governance issues have to be addressed, and confidence in Northern Ireland Water has to be restored.

However, the question of Northern Ireland Water's future has been with the Executive since the publication of the independent water review team's report in early 2007. What do the Executive propose to do to resolve the issues that the Minister identified as tensions in his statement? Is this a matter for the Executive, or is it a matter for him and his Department?

Significant amounts of money have been spent transforming the Water Service into Northern Ireland Water as a Go-co. Will more money be spent in achieving the new governance arrangements that the Minister talks about? What guarantees do we have that it will not be a case of throwing good money after bad?

Finally, the Minister mentioned the need for legislation to provide clarity. Does he propose to bring forward legislation in this mandate? If so, when and how does he propose to engage with the Regional Development Committee?

12.15 pm

The Minister for Regional Development: I thank the Chairperson of the Committee for his statement. He is quite correct in identifying significant implications for the future of NI Water, and he shares my view that it has a troubled history. It is appropriate that we look to correct the serious failures of governance. In the longer term, there are financial implications for the Executive in changing the status of NIW, because HMRC could increase NIW's costs by between £45 million and £55 million per annum. That would depend on the precise

status of the water and sewerage undertaker, and it would have to be considered in longer-term proposals. Therefore, there would be implications in respect of tax, VAT and other issues for the Executive, and, naturally, the Executive would want to consider that. The Chairperson asked whether there would be a further cost in that, and it is my intention over the coming period to develop ideas and bring them to the Executive.

Obviously there is a limited time frame for longer-term legislation. There are 300 articles and 13 sections in the legislation that set up NIW, so it would be impossible to change that between now and the end of this mandate. However, there are short-term measures. I want to ensure that where there is a potential conflict between what company law requires and the public sector interest in all of this — it is the public sector interest that has suffered as a consequence of what we discovered was going on at NIW — public sector interest overrules that. If it is necessary to make some short-term amendments to ensure that that is the case in the interim, I will do that. I will engage with the Chairperson and the Committee as I go along on that process to ensure that they are fully informed and able to apply the level of scrutiny that they have been doing.

Miss McIlveen: Given the recommendations made today about the way forward, when did the Minister first have concerns about the Go-co model and how Northern Ireland Water was being run, and when did the Minister last propose bonuses for the chief executive?

The Minister for Regional Development: All parties expressed concerns about the Go-co model in advance of 2007. As I said, it has been a controversial proposition. It was part of direct rule. It was not simply about the idea of a separate double taxation on water, which was part of the direct rule proposals, but there was a very strong suspicion that NIW was being created as a company that was being set up for privatisation. Therefore, there have always been concerns about the Go-co model.

What has specifically arisen as a result of this inquiry are the ongoing governance issues at NIW. The issues that have been brought to light, on top of other issues that gave concerns in the arrangements and handling in NIW, have allowed us to look very carefully at those arrangements in the short term to take whatever action is

necessary — I listed a series of actions that we have taken — and to make some proposals to the Executive. It is up to an incoming Executive if they want to legislate properly for an entirely new arrangement, but there are short-term measures that I can take.

I have made it clear many times that I am happy for the Executive to look at the whole issue of pay, remuneration and bonuses across the board. There is no point in doing it for one individual organisation in one individual Department. The Finance Minister has also discussed those issues. The sooner the Executive, particularly in the current climate, look at salaries, bonuses and remuneration right across the board, the better for all of us.

Mr Leonard: Go raibh maith agat, a Cheann Comhairle. I welcome the statement, particularly the indications for the longer-term structures, but how confident is the Minister that the measures outlined today will help to resolve a lot of the difficulties in the interim or shorter term?

The Minister for Regional Development: I have already outlined actions that have been taken on the back of the report from the independent team. That certainly increases the Department's involvement in audit and its connection with NIW. Obviously, there are measures that relate to procurement and advice to NIW senior staff which I have listed. Certainly, as regards the potential conflict of a company that is set up to operate under company law yet receives the vast majority of its income from the Executive through public subsidy, I want to ensure that the public interest in NIW takes precedence over any company law or regulatory requirements in order to ensure that the public interest in the vast amounts of money that NIW spends is maintained and protected. If necessary, I will take measures in the short term to do that. Of course, I have outlined my view of where NIW should go in the longer term as well.

Mr McDevitt: I wonder whether the Minister remembers that he commissioned Professor Paddy Hillyard to advise on the future of water services and accepted many of his recommendations, not least that the Go-co structure would remain. Does he agree that what he has announced today is, therefore, a total U-turn of his policy? Does he accept that to come to the House during these times and admit to exposing the region's taxpayers

to potential costs of £55 million each year is probably not the best way to address what everyone agrees is a significant crisis in Northern Ireland Water?

The Minister for Regional Development: The Hillyard review was commissioned as soon as I came into office. The Executive have had many discussions on NI Water. We have discussed and accepted my proposition of deferral. That brings us into the territory where we are at present. Of course, there are risks for NIW's longer-term future with regard to the attitude that the Treasury might take to it. The Executive need to discuss that issue. It is clear from the report that I received, from the action that was taken and from the events that happened in NI Water that it could not be left as it was. An option might have been to sit and do nothing and, therefore, have no consequences flow from that. However, my responsibility is to protect the public interest. I was elected to do so and appointed to run the Department for Regional Development, of which NIW is a component. Therefore, I need to highlight those issues, deal with them and take action when evidence is presented to me. I must also discuss fully with the Assembly, the Regional Development Committee and my Executive colleagues all the consequences that flow from that.

Mr Lunn: The Minister has been fairly critical of NIW's current Go-co status. However, in his statement, he acknowledged the company's achievements, which include improved drinking water quality and waste water treatment and reduction in leakages. Given that contrast, does he believe that another complete restructuring of Northern Ireland Water is actually necessary?

The Minister for Regional Development: Perhaps the Member is suggesting that NIW's achievements would not have happened under any other structure: I believe that they would have. As I said, we made a substantial investment of £0.75 billion during the past three years. Any structure that operates in any way efficiently to deliver projects on the ground would manage to improve the system. NIW has done a good job to improve the water and sewerage infrastructure. That was absolutely necessary. Continued investment is absolutely necessary. The issues that have been thrown up, such as procurement; governance failures; the tension between company law and the fact that NIW continues to receive the majority of its money from the public purse, which was not

the intention under direct rule; and even the treatment of NIW as a Go-co under one sector and as an NDPB for public expenditure purposes create a series of contradictions which I need to address in the short term and either the current Executive or an incoming Executive must address in the longer term.

Mr Bresland: I thank the Minister for his statement. There is considerable public concern about what is going on in the Department. It is important for the Minister to move to the appointment of new directors. What timetable and process does he intend to follow?

The Minister for Regional Development: I intend to start that process fairly soon. It will take around six to nine months. It will be the standard process as approved and laid down by the Commissioner for Public Appointments.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement, especially the detail on the full range of issues surrounding the performance of NI Water as a Go-co to date. I also welcome the fact that the Minister intends to bring forward to the Executive proposals seeking cross-party support on the future governance arrangements. The Minister's proposal to change the Go-co to a public sector body which will operate on the basis of no household charges and will not be set up to be privatised is also welcome news.

Mr Speaker: Please come to your question, Mr Boylan.

Mr Boylan: Will the Minister indicate when those proposals will be brought forward to the Executive?

The Minister for Regional Development: There are short-term measures, some of which have happened and some of which may require further action, including amendments to legislation. I need to discuss those with departmental officials and with the Regional Development Committee. It is important that we create some clear sense of my view and the Executive's view on the longer-term future of NIW. There is a time frame between now and the end of this mandate, during which I intend to bring a paper to the Executive so that we can have a clear discussion on the way forward.

Mr I McCrea: In his statement, the Minister referred to the interim appointments that were made to the board, and he said that, due to

the need for urgency in such appointments, an emergency process that was subject to a demonstrable element of independent participation was used. Will the Minister detail to the House the exact process that was used in choosing those people? In response to a question from my colleague Mr Bresland, the Minister said that the board membership would be replaced in six to nine months.

Mr Speaker: Please come to your question, Mr McCrea.

Mr I McCrea: Will the Minister assure the House that that will take six to nine months rather than the 14 months that it took to replace another member on the board?

The Minister for Regional Development:

The Commissioner for Public Appointments gave written agreement to the running of an emergency appointments process for the interim appointments, subject to a demonstrable element of independent participation and the understanding that the appointments would be short-term. It was agreed that a long list of possible candidates would be produced and potential candidates would be contacted as soon as possible. The original aim was to get four interim non-executive directors and an interim chairperson in place within three to four weeks. If there was sufficient interest, a shortlist was to be drawn up by a panel. The demonstrable element of independent participation was to involve someone from outside the Department or outside NIW. Interviews or conversations with a purpose would subsequently take place between the panel and the shortlisted candidates and would be based on specific criteria. It was emphasised that it was important to ensure that those individuals had a clear track record of integrity, a demonstrable ability to challenge and no conflicts of interest. It was hoped to find at least one individual with a strong public sector governance background. Anyone being considered for the post of interim chairperson also had to demonstrate strong leadership qualities and an ability to deal effectively with external stakeholders. Recommendations were put to me for consideration, and successful and unsuccessful candidates were notified and appointments made.

As I said to the Member's colleague, the intention is to start the process for permanent appointments very soon. That will take six to

nine months and will be done in accordance with the procedures laid down by the commissioner.

Mr Kennedy: I am grateful for the opportunity to ask the Minister a question on a statement that was billed as one that would outline issues of governance in Northern Ireland. Will the Minister justify how the statement has become almost a party political manifesto with the objective of renationalising Northern Ireland Water? In view of the fact that the mandate of this Assembly, the Executive and the Ministers is due to end shortly and there are no guarantees that the Minister or his party will continue to have responsibility for the Department for Regional Development, how can the Minister justify the expenditure and the proposals that he is outlining today?

Mr Speaker: I encourage the Member to finish.

Mr Kennedy: How can he do that not having acquainted any of his Executive colleagues of any of that detail?

The Minister for Regional Development: As the Minister responsible, I am entitled to make propositions in relation to an agency or an element or organisation in my Department. That, as a political viewpoint, should not be surprising to the Member, given that we all have political viewpoints to put forward.

12.30 pm

The reason for bringing forward a proposition is quite clear: all parties, including the Member's, took a position of hostility and opposition to the creation of NIW and to the direct rule plans of which NIW was a component part. The Executive have had many discussions about the matter, and, since I came into office, I have had many discussions on it with the Committee for Regional Development. Indeed, the Hillyard report provided one such opportunity for discussion.

There have been ongoing discussions about the deferral of water charges and its consequences. The Executive will need to have continued discussions on that matter. We are heading towards the end of this mandate, and there is no certainty as to who will be in the Executive on the other side of it or about which Executive positions they may take. Given the governance failures that we have had, it is important to put matters right in the short term. It is also important that the Executive take a clear view of how they would like to see things happen in the

longer term. That will be an important base for any incoming Executive to start from.

Mr McGlone: Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement. With regard to the referred-to independent review team on which he based his decisions, will the Minister outline what declaration on any potential for conflict of interest was either sought from members of that review team by his Department or provided by them to his Department after or before their appointment?

The Minister for Regional Development: I sat down with the members of the review team before I received the report. I was aware of some accusations, which have never been substantiated and which, I noticed, the Member continues to promote, that there was some lack of independence or some inappropriate relationships. I asked the members of the review team clearly whether they were satisfied with the independence of the report, with their ability to act independently and with the evidence that they gathered and whether they could stand over any conclusions that they reached. They assured me of all that.

Mr Givan: I thank the Minister for his statement. Will he give us details of any conversations that he may have had with his permanent secretary about this report when it was in draft form? Did any conversations take place? Did he ask his permanent secretary whether the independent report needed to have much more detail and specifics about who was at fault?

The Minister also talked about appointments that were made as an interim measure, and he highlighted the fact that one of the criteria for those appointments was that there should be no conflicts of interest. He used urgent procedures to appoint an individual who had very clear connections to his party. Is that not a conflict of interest?

The Minister for Regional Development: On the subject of conversations, when I asked for a report from the independent review team, I was clear that I wanted a very clear finding, whatever the consequences. I wanted people to have access to whatever evidence they needed and to make very clear recommendations and findings on the back of that. That is what I got.

The people who were appointed were asked whether they had conflicts of interest in operating on the NIW board. If the Member

wants to start firing mud about some of the appointees, he should look into some of the appointments that have been made by Departments run by his colleagues. People had to demonstrate that they had no conflict of interest with the positions to which they were appointed. I am satisfied about all that, and I am satisfied with all five of the people who took up those posts. They have demonstrated a high level of public service; those posts were not very easy to take up, and the issue has been mired in a lot of difficulty. Those people are providing a high level of service, and they will do so for the length of time that they are required.

Lord Morrow: The Minister's statement is to be welcomed. However, does he fully grasp the situation and realise that we have a water service that, quite frankly, is not fit for purpose? The Minister told us that the process will take between six and nine months. It is a simple calculation to tell us that it will not happen during this mandate. Can he assure us that he will place all resources at the disposal of the Department to ensure that the consumer gets a water service that is fit for purpose? After all, when the Water Service was reorganised some few years ago, we were told that this was going to be a service that would deliver. It is not delivering. I do not blame the Minister for that, because he inherited the situation, but he should bring more pressure to bear to ensure that the reorganisation and reform will be carried out during this mandate rather than waiting for the next one.

The Minister for Regional Development: The reports and the issue that we are dealing with today relate to governance failures. At that level, there are failures that need to be addressed, and we should not shirk dealing with them. We should confront those failures and deal with them, whatever the consequences. NIW has been doing a good job on the delivery of the water and sewerage infrastructure. It certainly received a substantial amount of public money, but the water and sewerage infrastructure has improved substantially, after decades of underinvestment, and great credit is due to people in NIW for that.

The Member spoke about the process of appointing permanent directors taking six to nine months; that is not necessarily to do with the process of changing the controls in the here and now. To legislate to undo the substantial legislation that established NIW and all the

processes around it, which included some 300 articles, and to undertake the required consultation properly would be beyond our time frame in this mandate. However, the Executive should discuss and decide on what they consider to be a clear way forward so that any incoming Executive have a clear picture about where to start.

Mr McNarry: The Minister said that public sector interest overrules company law. That is a sweeping statement that he needs to develop for the House to understand. He previously stated that water charging is a decision to be taken by the Executive; however, in his statement today, he clearly said that any new body will not:

"introduce separate water charges for households."

Is that a ministerial promise, or will it still be left to the Executive to decide?

The Minister for Regional Development: The Executive must decide on a range of issues. My reply to the Member's first question about public sector interest outweighing company law is that NIW was set up with the intention that it would be a fully charging company early in the lifetime of this Executive. Therefore, the regulations that apply to it were formulated on a basis that subsequently did not happen. The substantial amount of money that NIW has to spend on water and sewerage infrastructure comes from the public purse. Given that questions have arisen about procurement practices and whether value for money is being properly pursued by NIW and given that we are elected to protect the public interest, we want to ensure that the substantial amount of money being given to NIW by the Executive is properly scrutinised and accounted for. Therefore, the public sector interest should take prominence.

I made my view clear and put a proposition to the Executive for the continued deferral of water charges, which was supported, but there are issues and consequences flowing from that that the Executive need to discuss and decide on. I intend to bring some propositions to the Executive in the coming period.

Mr O'Loan: I thank the Minister for his statement. The duty on the Minister is, first, to protect the public interest by ensuring that there is a high-quality water service — I notice that his statement refers to the need for continued major investment — and, secondly, to protect

the public purse. Can he convince the Assembly that his longer-term intentions will satisfy both those issues? Is he open to considering other models such as mutualisation? With the proposals that he put forward today, is he not, in fact, committing to putting an additional substantial charge for water on rates bills?

The Minister for Regional Development: No; I am not committing to anything of the sort. I am committing to continuing to argue for investment in the water and sewerage infrastructure because it is necessary. As I said and as, I am sure, the Member will accept, there have been decades of neglect in our water and sewerage infrastructure which had real environmental consequences for us as well as consequences relating to the EU's imposition of fines for our poor standards. It also had consequences relating to economic recovery because, if we do not have the proper water and sewerage infrastructure, which is as important as all other infrastructures, we cannot support economic recovery and growth. I will continue to argue for investment for that. The steps that I am now taking and the propositions that I intend to put to the Executive will secure the protection of the public interest and of public finances in NIW, which will be a matter for discussion in the longer term with my Executive colleagues.

Mr Lyttle: The governance of NI Water has been of significant public concern in recent times, so I thank the Minister for his statement to the House today. Does the Minister believe that he can continue to deliver the improved service referred to in his statement without the introduction of domestic water charges?

The Minister for Regional Development: As I said in my statement, £0.75 billion worth of improvements have been delivered over the past three years without that. Obviously, the finances available to the Executive are and will be challenged, and they will want to discuss that issue. However, the need for continued investment has never been disputed by any of my Executive colleagues during my discussions with them. We are dealing with a legacy of underinvestment, and we need to continue to invest because for a period we were one step ahead of infraction costs from the EU. Thankfully, the investments that we have made mean that we are somewhat clear of that now. However, there is not one MLA here who has not written to me about some issue in and around water and sewerage infrastructure and the need

for improvements. That infrastructure is as important as any other in assisting economic recovery.

Ms Purvis: The Minister referred to the independent review team, which I was assumed was appointed by his accounting officer and the sub-accounting officer from Northern Ireland Water. The Minister has clearly confirmed his support for the independent review team and the outcome of its report. The report actually states that governance frameworks were in place and that the board had driven improvements in procurement and had received assurances from the executive team. Given that the full board had just 10 meetings a year with Northern Ireland Water, whereas the Department had over 80 meetings with it, and that four audits, including an external audit, showed no issues with breaches in procurement — this issue goes to the heart of future boards and public appointments — will the Minister tell me, even though he sacked four out of the five non-executive directors who were furthest removed from the actual day-to-day running of Northern Ireland Water, what more the board could have done in practical terms?

The Minister for Regional Development: The Member quotes quite selectively from the report, which states that over 70 contracts amounting to almost £25 million were found not to have been properly procured.

Ms Purvis: *[Interruption.]*

The Minister for Regional Development: Will the Member allow me to answer her question? I consider that to be a very serious issue. I notice that the Member is shaking her head. If she disputes the figures, perhaps she should come out and say that. When those issues were put to board members and NIW as an organisation, they were not disputed.

The central core issue is not and has not been disputed. There has been a lot of innuendo, allegation and muck-slinging about the independence and integrity of some of the people involved. However, the central core issue that should concern the Assembly and any democratically elected Member is that public money was being used to procure contracts not in the fashion in which it was intended. That is of central interest to me. I am elected to represent the public interest. Therefore, I undertook to have an investigation and to deal

with the outcome of that investigation, whatever the consequences.

I appoint the non-executive directors to the board and need to ensure that they represent the public interest through me on that board. I must have confidence that they are doing their job and that when issues such as that one are presented to them they will react correctly and responsibly and will demonstrate their intention to continue to serve the public interest as well as the interest of the Assembly and the people who elect us. I did not have confidence in four of the five directors, and I took what I considered to be appropriate action.

North/South Ministerial Council: Education Sectoral Format

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. In advance of my statement about the NSMC meeting in education sectoral format on 23 June, it would be remiss of me as Minister of Education not to report to the Assembly on the position regarding the security alerts and recent attacks on schools. I am sure that all Members join me in saying that attacks should not be happening in schools. I assure Members that my Department is doing everything that it can to support schools in whatever they need and ensuring that all information is provided to the PSNI. It is simply not acceptable that that happens in our schoolyards and our children are put at risk. I thank the Speaker for his indulgence.

12.45 pm

Le do chead, a Cheann Comhairle, ba mhian liom ráiteas a thabhairt maidir le cruinniú de chuid na Comhairle Aireachta Thuaidh/Theas i bhformáid na hearnála oideachais. Tionóladh an cruinniú seo in Ardscoil Naomh Marcas, Rinn Mhic Giolla Ruaidh, ar 23 Meitheamh 2010.

I wish to make a statement on a meeting of the North/South Ministerial Council in education sectoral format, which was held in St Mark's High School, Warrenpoint on 23 June 2010. I extend my thanks to Michele Corkey and her team for hosting us. I, as Minister of Education, represented the Executive, along with the Minister for Employment and Learning, Reg Empey MLA. The Irish Government were represented by Mary Coughlan, Tánaiste and Minister for Education and Skills. The statement has been agreed with Reg Empey and is made on behalf of us both.

Tabharfaidh mé achoimre ar na príomhphointí a ndearnadh plé orthu ag an chruinniú, thar na réimsí comhaontaithe ar fad maidir le comhoibriú san earnáil oideachais.

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

I will summarise the main points from the meeting, which range across all the agreed areas of education co-operation. The North/South Ministerial Council noted that progress

had been made in a number of areas relating to educational underachievement, including: the continuing work on Traveller education, such as the conclusion of consultations with Travellers, which will inform the recommendations of the task force on Traveller education; the launch of preschool, post-primary and special toolkits for diversity to support teachers in schools in meeting the needs of newcomer pupils and their parents; the progress made by the joint working group on educational underachievement, including an exploration of the scope to develop links between schemes that involve business working with schools; the positive report of the joint post-primary numeracy conference, which highlighted the benefits of collaborative professional development and the sharing of best practice; the progress being made to prepare for an all-Ireland children's book week in the autumn; and the conference planned for 2011 on the theme of schools supporting parents to support children's literacy, which will be a follow-up to the children's book week.

We welcomed presentations from practitioners and officials on targeted programmes aimed at tackling educational underachievement in disadvantaged communities. The first was given by two of our outstanding head teachers, Johnny Graham from Belfast Model School for Girls and Jim Keith from Belfast Boys' Model school in north Belfast, along with Gerry McMahon, project manager of the Full Service Community Network in west Belfast. They shared with us their thoughts on the role and on the success to date of the network's programmes in helping children to achieve their full potential. Jim Mulkerrins from the Department of Education and Skills gave a presentation on DEIS, the delivering equality of opportunity in schools programme, which is an integrated school programme for tackling disadvantage in the South.

Chuir an Chomhairle fáilte roimh athbhunú an ghrúpa oibre um cháilíochtaí múinteoirí agus an dul chun cinn atá déanta cheana féin le comhoibriú a thabhairt chun cinn ar cheisteanna a bhaineann le hoideachas múinteoirí i gcoitinne agus go háirithe i dtaca leis an Ghaelscolaíocht de.

The Council welcomed the reconstitution of the teacher qualifications working group and the progress already made in taking forward co-operation on teacher education issues generally and on Irish-medium education in particular. We welcomed the additional measures that are now in place to strengthen co-ordination and

co-operation on school leadership and Irish-medium education, including a commitment to share, where possible, materials and resources to avoid duplication.

Chuir na hAíre fáilte roimh an ról tábhachtach atá ag malartuithe idir na cigireachtaí sa dá Roinn Oideachais a thacaíonn le forbairt leanúnach chleachtas na cigireachta sa dá dhlíne.

Ministers also welcomed the contribution of exchanges between the inspectorates of both Departments of education to supporting the continuing development of inspection practice in the two jurisdictions. We noted that, in 2010, the Standing Committee on Teacher Education North and South (SCoTENS) subcommittee approved seed funding grants for a range of topics.

Chuir an Chomhairle fáilte roimh an dul chun cinn leanúnach atá á dhéanamh ag Ionad Uathachais Choillidh Chanannáin, lena n-áiríodh: athcheapadh an Bhoird go ceann tréimhse eile trí bliana; tús le pacáistí breise oiliúna ar fud an oileáin; agus comhairle agus treoir a tugadh do na scoileanna, agus taighe agus seirbhísí leanúnacha eolais agus dheimhnigh an Chomhairle a tacaíocht leanúnach d'iarrachtaí an Ionaid agus an dá Roinn Oideachais le plean ilbhliantúil a cheapadh le haghaidh fhorbairt an Ionaid sa todhchaí.

The council welcomed the continuing progress made by the Middletown Centre for Autism, including the reappointment of the board for a further three-year term, the rolling out of further training packages across the island, and the provision of advice and guidance to schools and ongoing research and information services and expressed its continued support for the efforts of the centre and the education Department for a multiannual plan for the development of the centre.

Thug an Chomhairle dá h-aire go n-áirítear athbhreithniú ar chomhoibriú i réimse na malartuithe oideachasúla sa chomhstaidéar cuimsitheach ar Chomhoibriú Thuaidh/Theas san Oideachas atá faoi lánseol agus tá an Chomhairle ag tnúth le tuairisc chun dáta a fháil ar an dul chun cinn sa réimse ag cruinniú eile amach anseo.

The council noted that a review of co-operation in education exchanges is included in the comprehensive joint study of North/South co-operation in education currently under way and looks forward to receiving a further update on

progress in that area at a future meeting. We also noted the engagement between the two Departments and the IBEC-CBI Joint Business Council in developing an enterprise strand in the dissolving boundaries project and the fact that both Departments are planning to conduct an evaluation of the programme, including its outcomes and benefits. We agreed that the next meeting of the North/South Ministerial Council in education sectoral format should take place in November 2010.

Ar deireadh, shocraigh muid gur chóir an chéad chruinniú eile den Chomhairle Aireachta Thuaidh/Theas i bhformáid na hearnála oideachais a thionól i mí na Samhna 2010.

Mr Deputy Speaker: I remind Members that questions to the Minister should be on the statement made today.

The Chairperson of the Committee for Education (Mr Storey): I add my words of condemnation to those of the Minister about the recent attacks on the schools in Antrim and the attack on a young boy by other pupils in Coleraine. What happened in that particular incident will become clearer over the next few days. All those attacks are to be condemned and should not be taking place.

With regard to the Minister's statement on the meeting of the North/South Ministerial Council in education sectoral format, I note the progress that the Minister claims for the joint working group on educational underachievement, including numeracy. However, will the Minister tell the House the current status of that scheme and what information she conveyed to the joint working group at the meeting in September about the revised literacy and numeracy strategy for pupils in Northern Ireland, given that we have been waiting one year and 11 months since the public consultation of that strategy? Does the Minister still believe that she has an important input to the North/South Ministerial Council meeting and that she has relevant information to bring to it on numeracy and literacy?

The Middletown Centre for Autism is an issue of grave importance to many Members. The Committee for Education received a written briefing from education officials last week. They reported that only two of the four planned services at Middletown are operational and that the key educational assessment service has yet to commence although the centre was given the go-ahead for that back in 2002.

The Committee also heard that a capital bid for Middletown of £3.2 million has been included in the Minister's spending plans for 2011-12, yet the Department of Education and the Department of Education and Skills in the Republic are still reviewing their capital spend, and the latter has not confirmed its 50% commitment to the capital contribution for Middletown. Will the Minister inform the House why her officials and Department are undertaking a review of the Middletown Centre for Autism if, as the report before us today tells us, progress is being made?

The Minister of Education: Go raibh maith agat as na ceisteanna sin. I join the Member in condemning any attacks on children, regardless of where they emanate from. If the Member has information on such attacks, I would like him to bring it to me and to the relevant authorities at the earliest possible opportunity.

As the House knows, since becoming Minister, I have made it a priority to tackle underachievement, promote equality and raise standards in all our schools. I am pleased that we are making progress and that standards are improving. In 2006, before I took up office, over 12,000 young people a year left school without having achieved five or more good GCSEs, including English and Maths. The data from 2009, which is the most recent available, shows that that number fell to around 9,500. That is still far too high, but there has been a significant decrease because of the range of policies that I have put in place. We need to close the gap, and I have been in schools throughout the summer, some of which have increased the percentage of children who achieve five good GCSEs to 88%. That is a phenomenal performance by those schools, but, sadly, there are still schools that are not achieving the standards that they should, because of systemic failure in the past.

We need to ensure that we raise the standards of performance by all our young people in all our schools. As Members know, I am putting in place policies aimed at raising standards for each and every child and tackling underachievement wherever it exists. Those policies include the school improvement policy. Members will be glad to hear that I met Bob Salisbury last week to discuss the literacy and numeracy report, which was written by the task force that he chaired. Other such policies include Every School a Good School;

transfer 2010, which is tasked with ending the deep inequality in our system; the revised curriculum and entitlement framework; the literacy and numeracy strategy; the review of special educational needs and inclusion and the early years strategy; support for newcomer and traveller children; the extended and full-service programmes; and the Achieving Derry and Achieving Belfast programmes.

Through the North/South Ministerial Council, I am working to tackle educational underachievement, because underachievement is an area of co-operation. Some of the best events and sharing of good practice have taken place on a North/South basis in such places as Sligo, Cavan and Enniskillen. Those events brought together teachers to look at specific issues, such as numeracy in primary schools, teaching maths in a way that keeps children stimulated, literacy and the sharing of good practice between teachers across the island.

Members know that research into literacy and numeracy has shown the powerful impact of parental involvement. Even the simple act of reading to a child is powerful. It is important that each of us uses our good offices to encourage parents to engage with their children every night, to read to them and to encourage them to develop a love of books. That is important because 70% of a child's learning takes place in the home and in the community, whereas 30% takes place in schools. There must be partnership between the school, the home and the community. That is what is very beneficial about the Full Service School Network in west Belfast and in the Belfast model schools, where the three areas come together.

I will publish the revised literacy and numeracy strategy in the coming weeks, and I look forward to Members' support for that important document. We have taken the time to make sure that we get that important strategy right. We have been working hard to address the issues raised during the consultation, and the Education Committee has already seen a summary of the consultation responses. We have also been working to align the strategy with other key developments, including the introduction of place assessment arrangements to support the revised curriculum, and those have a specific focus on progress in literacy and numeracy.

In relation to the Member's third question, the Middletown Centre for Autism is a very important project, and, as the Member knows, funding for the purchase and running costs of the centre has been provided on a 50:50 basis.

My Department's expenditure on the project currently stands at approximately £2.36 million revenue and £1.79 million capital, and there are £428,000 of project costs from 2001 to date. As agreed at the North/South Ministerial Council meeting in Limavady in December, the two Departments are working on a phased, multi-annual plan for the future development of the centre. My officials have met with their counterparts in the Department of Education and Skills on a number of occasions to discuss the development of this plan, and they will continue to do so to progress this issue as quickly as possible.

I remain committed to the Middletown project so that we can offer much needed educational support to some of the most vulnerable children, and I look forward to having the support of all parties and Members. The centre already provides two services: first, a training and advisory service for parents, teachers and other professionals; and secondly, the centre's training schedule for the current academic year continues with over 4,000 individuals, mainly educational professionals and a number of health professionals and members of the voluntary sector. Many of us heard the reports this morning of the young man with Asperger's syndrome and the questions that were asked as to whether his needs are being met. A project such as that in Middletown is a very valuable project-sharing practice across the island. It also has a research and information service. It was planned that the Middletown centre would provide two further services — an education assessment service and a learning support service. In advance of the education assessment and learning support services being rolled out, the centre is delivering advice and guidance that is for the support of children in the North and that focuses on parental training in the South. Members will be pleased to know that I will continue to work very closely with my colleague in the South, Mary Coughlan, as well as with my officials, to advance that project.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I think the Chairperson of the Education Committee might have asked all the questions, if possible.

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

Mr Deputy Speaker: Order.

1.00 pm

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister outline further what lessons have been learned from the full service network that is operating in schools in Belfast and in Deis schools, which are operating across the 26 counties? What further lessons can we learn from those for education?

The Minister of Education: As I said, at the North/South meeting, we had a very good comprehensive report from some of the best school leaders right across the island of Ireland. In the North, as you know, we have the full service concept, which is designed to improve the educational outcomes and life chances of disadvantaged children and young people through the delivery of integrated support services and interventions that help to overcome barriers to learning.

My Department is funding the Belfast Education and Library Board and CCMS to pilot two full service programmes as part of our continuing efforts to address the needs of disadvantaged communities and to narrow the achievement gap. The first programme is the full service school at the Belfast Boys' Model School and the Belfast Model School for Girls in north Belfast, and the second is the full service community network in Ballymurphy. The provision goes beyond extended school programmes by enabling key agencies and services to come together to maximise services not just for schoolchildren but for their families and the whole community.

Both pilot programmes offer access to cohesive and integrated specialist support services that are aimed at addressing the particular needs of pupils, their families and the wider community on a range of social issues. They are delivered collaboratively with other schools and with a range of statutory agencies and voluntary and community groups. The Model schools employ a more reactive approach, in that they organise and bring together appropriate sources of professional help and support in response to identified needs. The full service network in Ballymurphy has a slightly different strategy, in that key stakeholders across the statutory, voluntary and community sectors are involved at

the outset, playing an active role in the planning of full service activities and services through representation on the full service community network project board. The principals on both projects work closely together so that they can learn from each other.

An Deis in the South has a slightly different approach, but again, it does similar work. It works in schools in disadvantaged areas to make sure that they have breakfast clubs, school book schemes and that they encourage whole school approaches to literacy and numeracy. "Deis" is the Irish word for "opportunity". I speak for Reg Empey and me when I say that I think that everybody found the presentation very useful. We have a lot of lessons to learn.

The key issue is parental involvement. If we could get one message out to every parent, it would be that their role in school education is fundamental. It makes a difference to the young people who achieve and to those who do not. We must provide more support to parents.

Mr B McCrea: I will start by saying how pleasant it is to be back in the bosom of my colleagues.

Lord Morrow: Your one colleague. *[Laughter.]*

Mr B McCrea: I join other colleagues in condemning absolutely the atrocious attacks on schools. None of us thinks that that is the way forward, and we are together in dealing with the issue.

The Minister brought up the issue of education underachievement. She mentioned that she had received a number of interesting presentations from very learned people. Will she tell us what she learned specifically from those presentations, because this is all a bit woolly? What key elements did she take from those presentations? Does she think that they will change her position on the early years strategy?

The Minister of Education: I thank the Member for his question and for his well-made point. The key element that I took out of the presentations, as did the principals of the schools from very disadvantaged areas across the island of Ireland, is having a targeted, strategic approach. It is about schools, community groups, parents and young people working together. Young people are at the core of that.

The other element that is coming up with many principals and which they are raising with me

is that, in the North, we do not have a revised curriculum that is corrupted by transfer, and that young people are learning in a more stimulated, rather than high-pressure, way. We are already starting to see some of the benefits. We have now had two years without transfer and without the key primary-school years being used to distort the curriculum, which placed some children at the back of the class and others at the front being drilled for tests that many of us believe they should not have been doing in the first place. The key approach is to have agencies working together from the earliest point.

I am not sure that I understand the second part of the Member's question about the early years strategy. We all know that the key point is early intervention. It is about all Departments working together to tackle underachievement and deal with raising standards, whether it is the Departments of Health, Education, or the Department for Social Development.

Mr Gallagher: I thank the Minister for her statement. The SDLP joins everyone in condemning the attacks on schools and incidents of assaults on pupils.

The Minister mentioned investment in the Middletown Centre: the figure that she referred to was close to £5 million. Will she acknowledge that many parents with autistic children are very frustrated at the lack of support in schools in relation to statementing and other classroom support, and lack of support in the home where necessary? The development of the Middletown Centre seems a very long way from where they are. A new plan has been agreed: will the Minister tell us whether, in a year from now, the parents that I refer to will see any appreciable difference in their circumstances?

The Minister of Education: First, I acknowledge a lot of the good work that is being done in our schools on autism and for children on the autistic spectrum. Of course, there is not enough work going on.

We need to continue to train professionals and to have multidisciplinary teams so that teachers, classroom assistants, parents, children and psychologists can work together in a strategic and co-ordinated way, because that, ultimately, is how we will achieve real changes and enable young people on the autistic spectrum to reach their full potential. That is what a parent wants for his or her child. To do that, we must continue to invest in special

education needs, the Middletown Centre for Autism, school psychology programmes and in the range of programmes that are in place.

I look forward to the support of all Members when I ask for resources from the Executive, on which all of the parties here are represented. We should prioritise funding to ensure that it goes to front line services, whether those are in health, education or other Departments. The key test of the Executive will be their targeting of front line services and ensuring that young disadvantaged people do not bear the brunt of difficult times. I look forward to Members' support in that regard.

Mr Lunn: I join other Members in condemning the attacks on schools in the past week or two. The Minister confirmed that she is satisfied with the progress to date on the Middletown Centre for Autism and with the commitment of both Governments. Does she share the concerns, to which Mr Gallagher referred, of parents and representative organisations, such as Autism NI? They still fear that Middletown may not be the ideal model.

The Minister of Education: It is not a one-size-fits-all model; the boards use many different strategies. We work on a North/South basis and share good practice in dealing with young people on the autistic spectrum. Many parents believe that it is essential for some of the most highly trained professionals to be involved in the approach that is taken to their young people. Any parents to whom I have spoken want a co-ordinated approach among teachers, classroom assistants, education psychologists, health professionals and services that are provided by boards or any other organisation. That is the key intervention that must happen.

My Department works closely with its counterpart in the South of Ireland to ensure the expansion of the services that are provided. I said that I was pleased with the first two areas that we have brought forward in relation to the training of the 4,000 professionals. Parents are also pleased, and they are already reaping the benefit. However, parents and I want the development of the centre to continue, along with various approaches in other parts of the North of Ireland. My Department works with various organisations that represent parents.

Mr Deputy Speaker: There has been a full round of questions from all of the parties, and I have been fairly lenient on statements and questions.

However, Members should speed up the process through asking precise questions.

Miss McIlveen: Have key performance indicators been set for the incoming board of the Middletown centre? If so, are they challenging? Will the Minister clarify whether her Department is undertaking a review of the centre? Finally, have the Government of the Irish Republic confirmed their 50% capital contribution?

The Minister of Education: Given that we are under time constraints, I will answer the first question: my Department always sets challenging targets for any board that is appointed.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle —

The Chairperson of the Committee for Education: Answer the second question. This is absolutely pathetic.

Mr Deputy Speaker: Order.

Mrs O'Neill: The Minister's statement referred to developments on teacher qualifications and superannuation. Will she provide the House with an update on any progress on initial teacher training programmes in the Twenty-six Counties?

The Minister of Education: At present, the Teaching Council in Ireland recognises Irish-medium programmes that are delivered by St Mary's University College and some courses that are delivered by the University of Ulster. Teachers who graduate from other teacher education courses in the North are required to pay an additional fee to the Teaching Council of Ireland to have their qualifications accredited and recognised. I have written to the Teaching Council of Ireland regarding the matter, and the teaching councils North and South are exploring the possibility of introducing a more streamlined process to recognise each other's teaching qualifications.

1.15 pm

In relation to the Member's question about teachers' superannuation, recent additions to the list of qualifying recognised overseas pension schemes and reciprocal developments in the South of Ireland should facilitate the transfer of the value of teachers' accrued pension entitlements from one jurisdiction to the other, and information plans have been drawn up to assist teachers in weighing up their options. The North/South secretariat has since facilitated an information event, at which the

two education Departments outlined the most recent information to the main teachers' unions in all of Ireland.

Mr Givan: The Minister will be aware that a number of primary schools in my constituency are home to the children of quite a large number of British Army personnel. The Minister touched on working on the education of Travellers. Does she recognise the transient nature of Army personnel and the difficulties that that creates when their children arrive late in schools? Furthermore, allowing schools to accommodate such short-notice changes creates funding problems. In the consultation on transient children, what efforts has the Minister made to work with the British Army to address the problem?

The Minister of Education: The Member will be aware — or, by the sound of his question, maybe he is not — that schools that have children with parents in the British Army get extra money. On my watch, all children will be treated fairly. I draw the Member's attention to the fact that it is not a North/South issue, because, thankfully, we do not have the British Army in the South of Ireland. My statement was a North/South report.

Mr McCallister: Will the Minister confirm that the Irish Government will provide 50% of the capital funding? In the interests of speed, a yes or no answer will be fine.

The Minister of Education: Tá mé ag obair leis an Roinn sa Deisceart, agus tá súil agam go mbeidh an t-airgead ag Rialtas na hÉireann agus ag mo Roinn.

Mr McCallister: Is that a yes or a no?

The Minister of Education: I will explain what I said. I am working with the Government in the South of Ireland, and I hope —

Mr McCallister: Is that a no?

The Minister of Education: No, it is not a no. I have said clearly that I believe in the importance of the centre, and I look forward to working with my colleagues in the South to continue to expand it. Sin é.

Mrs M Bradley: Following the evaluation of the Dissolving Boundaries programme, what can the Minister tell us about funding for the project? Will she assure Members that funding will not be cut?

The Minister of Education: Both Departments are planning to evaluate the Dissolving Boundaries programme. The Education and Training Inspectorate (ETI) has already scheduled its evaluation, which will commence in September/October 2010, and it hopes to have the draft evaluation as soon as possible after that date, possibly in early November. The Department of Education and Skills in Dublin will undertake a similar evaluation of schools in the South, and, as part of that process, it will liaise with the inspectorate. The ETI report will be made available to DES inspectors in due course, and both Departments will liaise on the evaluation reports. The programme is very important, and some very interesting work is going on. However, I am sure that the Member is not asking me to pre-empt an important evaluation.

Mr Ross: I add my name to those who condemned attacks on schools and pupils. The Minister spoke about educational achievement. Before recess, the Chairman of the Committee for Education and I visited the nurture unit in Ballysally Primary School in Coleraine. That project is very cost-effective and successful. At the NSMC meeting, did the Minister discuss nurture units or similar projects, and what is her view of them?

The Minister of Education: Obviously, I will not comment on individual schools. Suffice to say I have very good memories of my visit to Ballysally Primary School, and I wish it all the best in the new year. As the Member knows, my Department wants to hear from all Members; it wants people to participate actively in providing what people here believe are good approaches for early years. I am not going to comment on specific approaches. However, it is essential that we prioritise resources going to early years. Members will be aware that we added extra money on top of the money that we approved this year. Again, we should be focusing on North/South issues: we have an awful lot to learn from what is happening in the South and vice versa. If the Member has any ideas on how we can approach North/South issues and on how we can learn from each other, I would very much welcome them.

Mr S Anderson: For the third time, I ask the Minister to clarify whether her Department is carrying out a review of the Middletown centre.

The Minister of Education: I have already very clearly answered that question.

Mr Savage: I, too, want to be associated with the remarks made about damage to schools.

There has been much talk about the underachievement of young people. What percentage of young people is the Minister talking about? The Minister should be careful about putting a label on any young person.

The Minister of Education: I never put a label on any young person, and I do not understand where the question is coming from. Our young people need to be at the centre of education provision. Everyone needs to be working for them, rather than the other way round or having them fit into any type of institution. We need to meet the needs of every child in our system so that they can reach their full potential. I have never labelled any child, nor will I.

Mr Bell: At the risk of doing what Jeremy Paxman did to Michael Howard, for the fourth time, I ask the Minister to answer with a straight yes or no whether her Department is undertaking a review of the Middletown centre? Make it easy and just answer yes or no.

The Minister of Education: My Department is working with the Government in the South of Ireland so that we can carry forward the centre at Middletown.

Táim ag obair leis — *[Interruption.]*

Mr Deputy Speaker: Order.

The Minister of Education: I do not think that people should be playing politics with special needs children and this important North/South project.

Mr Deputy Speaker: Order. The Minister has the Floor to answer questions, and Members have the Floor to ask questions. We cannot have interruptions across the Floor. I ask Members to abide by the rules.

Mr Lyttle: I strongly agree with the Minister that improving parental involvement is key to tackling educational underachievement. I welcome the announcement of the all-island children's book week. How will details of that week be communicated to local schools? Will organisations such as Booktrust be involved?

The Minister of Education: The book week will feature events and workshops that engage

pupils and their parents in reading. I absolutely agree with the Member that it is essential for parents to be involved in reading with their children. Plans for the week, which will take place from 18 to 22 October, are close to being finalised, and I will forward information to all Members shortly. If the Member would like me to forward information to any groups, I will be happy to do so, and he should give their addresses to my Department.

The Deputy Speaker: That concludes questions to the Minister on her statement.

Lord Morrow: On a point of order, Mr Deputy Speaker. Today, before the House commenced its business, the Speaker clearly indicated that when a Minister makes a statement to the House and Members ask questions of that Minister, he expects questions and not statements. An exception would, perhaps, be made for the Chairperson of a Committee, who would be allowed some latitude. That was a timely reminder, particularly as we return from the summer recess, because Members might be prone to forgetting the protocol of the House. However, does the same rule apply to ministerial replies, or do Ministers have latitude in that they do not have to answer questions or can take as long as they like to answer them? I would like a situation to develop whereby Ministers answer questions as succinctly and precisely as possible. Obviously, that is not happening.

Mr Deputy Speaker: My understanding is that an attempt was made to place a time limit on ministerial replies but that that was not agreed to. The Member will know that the Committee on Procedures is considering the issue of ministerial replies. However, the current procedure is that questions are asked of Ministers, and they reply to them.

A number of times today, I asked Members to ask questions rather than making statements, and, after the first round of questions to the Minister, I made Members aware that I would not be as flexible as I had previously been. I hope that that answers the Member's question.

Lord Morrow: Further to that point of order, Mr Deputy Speaker, I hear what you say. However, do you not have considerable discretion in reminding Ministers that they are here to answer questions? Do you not also have the discretion to ensure that Ministers answer questions as succinctly as possible and do not give the

House, with all due respect, the load of waffle it sometimes receives?

Mr Deputy Speaker: My hands are tied as to how anyone answers a question in the House. The Speaker's remarks earlier today were addressed to all Members.

The Chairperson of the Committee for

Education: Further to that point of order, Mr Deputy Speaker, will you refer to the Speaker your comments on interventions and the latitude that you claimed to have given to Members? You have a list of the Members who were to be called to speak, and I request that the Speaker looks at the comments that you made and what the Minister subsequently said.

Mr Deputy Speaker: Order. The Member should resume his seat. I am not questioning the Speaker's ruling. The Speaker's door is open to anyone who has a query on anything that he or I have said. I am certain that he will take up the matter.

Review of Access to Justice

Mr Deputy Speaker: I have received notice from the Minister of Justice that he wishes to make a statement.

The Minister of Justice (Mr Ford): With permission, I wish to make a statement on access to justice. The devolution of justice powers offers Northern Ireland many benefits and opportunities. Among those are the opportunities to identify local solutions to local needs and to look afresh and to adopt approaches that will better serve our community. Ultimately, it gives us the opportunity to reshape our justice system to fit the needs of Northern Ireland. With that in mind, and as Members will know, I indicated my intention on 7 June to commission a fundamental review to help to develop our thinking on how best to ensure access to justice for the least well-off in our society. At that time, I undertook to set out my plans for that review to the Assembly, and my statement today fulfils that commitment.

I want to build a system of justice in Northern Ireland that meets the needs of everyone. In criminal cases, we need and deserve a system that works for all — victims, witnesses and defendants — and which gives everyone confidence that the system works. I welcome the announcement by the Lord Chief Justice last week that he wants to hear what people think about sentencing for certain types of crimes, and I support his initiative. We also need and deserve a civil justice system that provides an effective and accessible way to resolve many different kinds of legal disputes. Of course, criminal and civil cases need to proceed without delay.

Members will be aware that work is already under way to address the urgent need to align legal aid expenditure with the available budget for it, and, in the coming weeks, I intend to commence public consultation on proposals to achieve that. I am grateful to the Bar Council and the Law Society for their engagement on that issue, which has helped us to develop home-grown proposals that provide a best fit for Northern Ireland. I hope that the consultation exercise will achieve the highest level of agreement on how to secure the required reduction in expenditure. I also welcome the Bar Council's initiative to encourage its members to undertake cases under the existing

arrangements, thereby avoiding any disruption in the courts.

The review that I am announcing today is more fundamental than an exercise in cost control. Rather, it is an exercise to examine how best we can help people to secure access to justice. Fair and effective access to justice is an essential element of getting justice right. It is also critical in building confidence and is an important part of our vision for a future justice system. Our present system is built around providing financial assistance to those who could not otherwise find the money to pay for legal representation. However, there may be other approaches and better ways to use the available funds.

1.30 pm

The terms of reference that I have set for the review are as follows: to review legal aid provision in Northern Ireland and to develop proposals to improve access to justice that will: ensure that defendants have adequate representation to secure the right to a fair trial in criminal cases; in civil cases, provide adequate, appropriate, efficient and cost-effective mechanisms for resolving legal disputes, whether by action in the courts or otherwise; examine previous review work to determine what recommendations and proposals remain relevant; examine the scope for alternative approaches and structures, as set out in my speech of 7 June; make proposals for an efficient and cost-effective system of administration to develop policy and support access to justice; and make proposals to achieve value for money in the use of public funds within the available budget, including the identification of possible future savings to reduce the legal aid budget.

I am pleased to inform the Assembly that the review will commence today and will be carried out by Mr Jim Daniell, who is standing down as chairman of the Legal Services Commission to lead the review. As Members will be aware, Mr Daniell previously chaired the review of criminal justice in Northern Ireland which flowed from the Good Friday Agreement. That, and his more recent experience of chairing the Northern Ireland Legal Services Commission, makes him the ideal person to carry out the review.

Although I have set the terms of reference of the review, it will be independent. I have asked for a preliminary report to be provided by the

end of February 2011 and a final report by the end of May 2011. I particularly want the review to consider new ideas and new ways of doing things and to include thinking that is radical and innovative. I want to look at how we help people solve problems and disputes, without necessarily bringing those disputes into the courts, and how we can support people through the justice process. Although we must ensure that access to legal representation will always be available to those who need it, we should try to find ways of avoiding the costly, adversarial and often stressful experience of a court hearing in favour of alternative methods of resolving disputes.

I want the review to consider ideas, proposals and constructive criticism from as many people, groups and organisations as possible. I know that the voluntary sector will have an important contribution to make to the review, as will the legal profession and the statutory agencies that are involved in the justice system. However, I want everyone to have a say, because everyone should have a voice in how the justice system works.

The review of access to justice will play an important part in developing our vision for justice in Northern Ireland and in securing justice for all. I look forward to bringing its conclusions to the Assembly in due course.

The Chairperson of the Committee for Justice

(Lord Morrow): I thank the Justice Minister for his statement. I also thank him for making the statement available very early for Members to look at. That is a good habit that he will perhaps continue, which is important.

The Committee for Justice has spent considerable time over the past months considering the current proposals to reduce legal aid expenditure. We have one of the most expensive legal aid systems in Europe, which is obviously unsustainable.

The Committee is conscious of the need to ensure that the principle of access to justice is central to any proposed changes. I am, therefore, concerned that the Minister referred to the current proposals to reform the legal aid system as “an exercise in cost control”. Will he assure the House that the proposed changes are not just a money-saving exercise and that full account has been made to ensure fair access to justice? I am sure that the Justice

Committee will consider that point carefully when we look at the proposals.

I will move on to the fundamental review that the Minister has just outlined. What account will Mr Daniell take of the available legal aid budget when carrying out the review and reaching his conclusions? Will he be restricted to ensuring his findings can be delivered within the available budget, or has he been given a blank sheet or a blank cheque? Also, is Mr Daniell completing the review on his own, or will he have assistance? If it is the latter, what size of team will be appointed and what is the estimated cost of the review, including accommodation and secretariat support?

The Minister of Justice: I thank the Chairman for his kind words. Ministers do not always receive such words at the start of a response to a statement. It is certainly my intention to ensure that Members get details of statements with as much notice as possible. However, I cannot promise that my staff will always supply the questions and answers at the end of it.

At the moment, we are in slight difficulty. Today, I am announcing a fundamental review of legal aid as we are proceeding through the process of dealing with the necessary cuts in legal aid expenditure that flow from the agreement between the First Minister and deputy First Minister and the former Prime Minister last year that led to the devolution of justice. As Members will be aware, that agreement requires legal aid expenditure to be cut from £104 million to £79 million by 2013-14. That issue is absolutely clear, and it has to be addressed at the present time.

The review is not a cost-cutting measure, and no instructions to that effect have been given to Mr Daniell. The terms of reference include value for money but specifically make it clear that we want to find appropriate and better ways to ensure access to justice in both civil and criminal cases in the future. We will, obviously, take account of the question of costs as we seek to explore future budgeting arrangements in the Department of Justice and everywhere else.

Lord Morrow asked a specific question about cost. My understanding is that the estimated total cost will be £142,000, including Mr Daniell's salary, various expenses, two members of staff and the necessary accommodation for them to support him in his work.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement. I must have got the second draft because the questions and answers were not supplied at the end. The review is welcome, and we wish Mr Daniell well. In the terms of reference, the word "adequate" is used in relation to criminal and civil cases. I want to ensure that we have safeguards, because there is a difference between adequate representation and best representation. What steps will the Minister take to ensure that adequate is not seen as the lowest common denominator?

The Minister of Justice: I thank the Deputy Chairperson; he makes a fair point about the difference between adequate and best representation. I suspect that the problem is that, given the financial circumstances in which we live, we simply cannot afford to say that everybody will get the best possible representation. However, as far as I am concerned, the word "adequate" must mean more than the bare minimum. Representation must be adequate to ensure a fair trial in criminal cases and a fair exploration of the issues in civil cases. That will be easier to explain when we look at the detail rather than in two or three words in the terms of reference of a review.

Mr Savage: I welcome the Minister's statement, which says

"I want to build a system of justice in Northern Ireland that will meet the needs of everyone."

In light of the Minister's statement on access to justice, he will be aware of my correspondence about a constituent of mine who is having difficulties with that issue. Will the Minister agree to meet with me and my constituent as a matter of urgency to find a swift resolution to the problems that he has experienced?

The Minister of Justice: I cannot give such a commitment to any Member in the House. There are aspects of the justice system for which I bear responsibility and on which I am prepared to meet Members. Other aspects fall to the independence of agencies such as the police, the Public Prosecution Service or the judiciary. I am not in a position to promise ministerial interference in any of those areas. I oppose that in any circumstances.

Mr A Maginness: I declare an interest as a member of the Bar. I thank the Minister for his statement, and I welcome the review. However, I want to question why Mr Daniell has been appointed to carry out the review given that he was chairperson of the Legal Services Commission. I do not have any objection to the man personally, and I am not suggesting that there were any demerits in his conduct as chairperson of that commission, but he was in charge of a system when the build-up of legal aid expenditure happened.

I question whether he is the most appropriate person to be put in charge of a review of the system that he operated. Although I wish Mr Daniell and the Minister well in the review, I have a question mark against whether Mr Daniell is the most suitable person in the circumstances. Would it not be better to have someone coming from outside to give a more radical approach to reviewing the present system?

The Minister of Justice: I thank Mr Maginness for his further positive comments. He asked whether someone from outside might be in a position to carry out a more radical review. Of course, it might also be argued that Mr Daniell's recent experience chairing the Legal Services Commission has given him the inside track that would also allow him to be radical. In his work on the criminal justice review, he clearly indicated his ability to carry out that level of a review, looking at some fairly fundamental issues, in a detailed and positive way. That has led to the system of government under which justice has been devolved.

It is never an easy decision to determine how to appoint someone to such a post. I viewed the appointment as a matter of urgency, which precluded any question of public advertisement. On that basis, Mr Daniell has shown the expertise that is required for the review, and I believe that he will do a very good job in carrying it out.

Dr Farry: I also welcome the statement and the potential for some innovation in policy in the Assembly. Will the Minister confirm that he would wish to carry out the review in any set of circumstances, notwithstanding the current financial situation? Indeed, will he confirm that, rather than being about the system itself, the review is about making the system work better for the individual citizen in Northern Ireland? Will he confirm that any conclusions from the review will have to ensure that they are consistent

with equality and human rights legislation, both within the jurisdiction —

Mr Deputy Speaker: I must intervene, because I have said previously that we want questions to the Minister's statement, not statements from Members. I will stick rigidly to that, so I ask the Member to come to a question. The same applies to all Members: we want questions to the Minister.

Dr Farry: I asked a question, and I am finished.

The Minister of Justice: I am not sure how to respond to your intervention, Mr Deputy Speaker. I think that I identified four questions, and you do not seem to have identified one yet.

The fundamental question with which my colleague started was: did we want to carry out the review anyway, and the answer is yes. As I said during the statement and in one answer, the issue is not about cost cutting. It is about ensuring better access to justice. To digress; in my professional career as a social worker, I saw many cases in which issues about access to justice were not particularly well solved by legal aid being available solely for adversarial court proceedings. The real issue is how to ensure that every citizen gets proper legal aid and proper advice in ways that assist in resolving problems, not in ways that sometimes create complications. Clearly, there are cases that will have to go to court, and there are other cases where alternative methods and better application of the funding that is available for legal aid might produce some benefits for individual citizens.

On the final point on which you cut off Dr Farry, it is clear that anything that will flow from the review will have to satisfy fully the equality and human rights legislation under which every part of these institutions works.

Mr Buchanan: I also welcome the Minister's statement and the review that is to be conducted by Mr Jim Daniell. Many people in Northern Ireland are concerned about the pace of the judicial process and the delays in several areas. Will the review, which is to examine a number of areas, examine an area that is of concern to many people? I refer to the seemingly long delays by barristers and other legal professionals for what appears, to many people, to be to their benefit when their clients are in receipt of legal aid.

The Minister of Justice: I thank Mr Buchanan for that question. Dealing with delays in the legal process is not specifically an issue for the review, but, undoubtedly, many people are concerned by delays that may be financially advantageous to members of the legal profession. Never mind this fundamental review, through some of the reforms that are currently being made in the way that legal aid is paid, there are decreasing benefits for those who would seek adjournments in the way that might have been perceived a few years ago as being potentially financially beneficial.

That is part of the other key proposal that I have put forward in my time as Minister: to speed up justice. It is absolutely clear that justice in this region is significantly slower than it ought to be. We need to ensure that every part of the justice system works together to improve the service that our citizens receive.

1.45 pm

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. The points that I wished to raise have been covered.

Mr Spratt: I thank the Minister for his statement. He said that he is grateful to both the Bar Council and the Law Society for their degree of engagement in developing home-grown proposals. Does the Minister accept that many of the rules of Northern Ireland's expensive legal aid system, which is three times more expensive than Scotland's and twice as expensive as that in England and Wales, were home-grown? Will the Minister ensure that Mr Daniell conducts a clear trawl of the rules and regulations in the rest of the United Kingdom when he carries out his review?

The Minister of Justice: I thank Mr Spratt for that general point. However, I am not sure that, having set up an independent review, I should now engage in telling the reviewer what he should do. I have absolutely no doubt that Mr Daniell will look at those issues. Indeed, the kind of concerns that Mr Spratt raised are being addressed already. Mr Spratt referred to the issue of what is home-grown and what is not. Work is ongoing to look at the current operation of the legal aid system, and I hope to take that to the Committee for Justice and the Executive shortly. Part of that work aims to ensure that we make cuts in a way that ensures that expenditure is best used for the benefit of our people. That is part of what I described

as a home-grown solution. Most of the current system effectively follows the England and Wales processes, although some of the ways in which it is carried out have turned out to be more expensive here.

Mr Kennedy: I am grateful to the Minister for his statement and for what I perceive to be his assurance that he will ensure that he will be a driving force in ensuring meaningful reform, particularly in light of the current economic climate. How optimistic is the Minister about the timescales that he indicated?

The Minister of Justice: I remain ever the optimist; otherwise, I do not think that I would have taken on this post five months ago. Of course, the issue is not just the timescales in which the review is carried out but the timescales for the implementation of that review. That is where our people will start to see the benefit, and that may well require primary legislation. If that was an offer from Mr Kennedy of his and his colleagues' assistance in ensuring that the legislation that flows from the review goes through the House speedily, I accept it gratefully.

Mr McDevitt: I welcome the Minister's acknowledgement of a clear link between access to justice and social policy. Will the Minister inform the House why there was not a point in the terms of reference that requires Mr Daniell to look specifically at those direct links and consider issues under the purview of the Department for Social Development, perhaps, as well as under that of the Department of Justice?

The Minister of Justice: Mr McDevitt makes a reasonable point. However, I am not sure that I could have included every conceivable item of social policy across a range of other Departments. He highlighted the Department for Social Development, but there might be concern if we were to start to stray into other Ministers' territory. There may be implications for a number of Departments besides the Department for Social Development. Mr Daniell has been given fairly wide-ranging terms of reference. If policy issues that flow from the review affect other Departments, it will fall to me to discuss that with the relevant Ministers.

Mr Bell: In respect of legal aid expenditure, does the Minister share the public's concern about one barrister's receipt of £1.4 million of public money in one year at a time when the

jobs of teachers, doctors and nurses were under pressure? Will he assure us that the excessive gravy train will not continue into the future? Given the accountability procedures that we now have as a result of the devolution of policing and justice powers to the House, is it right that the identity of someone who took £1.4 million of public money should remain a secret? To the best of my knowledge, that person's identity has remained a secret.

The Minister of Justice: I will take up Mr Bell's final point. I gather that the issue of the anonymity of barristers who received legal aid payments is still under discussion, and I hope that it will be resolved in a way that will give greater public satisfaction.

The issue of the total amount that is paid to any individual relates to whether they have satisfied the necessary rules to show that they have produced the necessary work which justifies those payments. All that I can say is that that particular payment was made before I became Minister, and it is not a payment for which I bear any responsibility. However, it is absolutely clear, as Members will see when we look at the current proposals for the immediate reduction in legal aid costs, that it is unlikely that the same level of funding will still be around for the same number of very high-cost cases, which is where some of those issues have come up. In particular, we will have a much more transparent system, which will ensure that payments are much more easily justifiable on both sides of the argument.

Mr McNarry: I also welcome the Minister's statement and include in that the efforts that he has made to get us this far. Is there research establishing the percentage of cases where, without legal aid, a victim pursues a non-molestation order by independent means? Even without such facts, will the Minister give a commitment that the review can assure that the most vulnerable will not be denied access to justice due to financial considerations?

The Minister of Justice: I thank Mr McNarry for his positive comments. The specific issue of non-molestation orders causes me a degree of concern at the moment. Although I am not in a position to make a formal announcement, I can say that the issue of how funding is being given for non-molestation orders and other particular difficulties arising out of issues such as domestic abuse is under consideration

as a discrete issue, separate from any other concerns about legal aid, because I believe that it is something on which the House would wish me to respond speedily.

Ms Lo: I thank the Minister for his statement and welcome the review. The Minister mentioned that the voluntary sector has an important contribution to make to the review. Will the Minister look at enhancing the voluntary sector and organisations such as the Law Centre and Citizens Advice in their taking on an intermediary role to resolve disputes instead of those going straight to court?

The Minister of Justice: Yet again, my colleague, in her charming way, is encouraging me to go further than I should do having set up the review. I will merely say that I am seeking to see engagement in the review, not just from the obvious bodies in the legal profession and related bodies but on the widest possible scale, so that Mr Daniell has a well-informed view of public opinion. I believe that if we are going to look at alternative methods of resolving disputes, one of the issues that will have to be considered is which particular organisations are best placed to do that. However, I fear that if I do anything further I will tread on Mr Daniell's toes.

Mr Lyttle: I also welcome the review and the fact that the Minister has made improving access to justice a central aim of his Department. Is the Minister confident that the review will result in tailored and specific recommendations for this region?

Mr Kennedy: That is a new plant.

The Minister of Justice: Mr Kennedy is well aware that I do not get plants from my colleagues. Normally, I get only difficult questions from them.

From a brief, informal discussion that I had with Mr Daniell, in which I outlined the terms of reference to him, I am satisfied that he will ensure that there is innovative and radical thinking which puts the needs of Northern Ireland at the key. The key question for the Assembly subsequent to that — I have my party's support as well as that of Mr Kennedy's on this matter — is to ensure that any radical and innovative thinking that comes from the review will be carried as speedily as possible through the House.

Intergovernmental Agreement in Criminal Justice Co-operation

Mr Deputy Speaker: I have received notice from the Minister of Justice that he wishes to make a further statement.

The Minister of Justice (Mr Ford): With your permission, Mr Deputy Speaker, I wish to make a statement about a ministerial meeting that I had with Dermot Ahern TD under the auspices of the intergovernmental agreement on co-operation on criminal justice matters, in Carlingford on Friday 9 July. Although I met Mr Ahern during my first week in office, our meeting on 9 July was the first formal ministerial meeting under the intergovernmental agreement since devolution of policing and justice matters on 12 April.

Devolution of policing and justice powers provides an opportunity to further enhance working relationships between and across criminal justice agencies on both sides of the border in seeking to make both jurisdictions better and safer places for people to live in, free from crime and from the fear of crime.

Criminals work across borders. The only recognition that they give to them is as an opportunity to make more money from illegal activities. Therein lies the imperative that we who are tasked with tackling such criminality also work across borders. I am determined to make the most of opportunities, be they North/South, east/west or beyond these islands, to work together where that makes sense, to benchmark our work against best practice and to share on the international stage exemplars of work in the justice system, as we have been able to do with youth conferencing recently.

By way of background, the intergovernmental agreement is an agreement between the UK and Irish Governments and provides a framework for co-operation on criminal justice matters. The agreement, which existed prior to April 2010, has been adjusted to reflect the devolution of justice powers to the Assembly. It supports at least one meeting each year between the justice Ministers North and South, as well as a working group of officials from both jurisdictions that meets at least twice each year. The working group is supported by ad hoc project advisory groups, of which there are currently six, that are tasked with criminal-justice-related work strands that are of mutual interest North and South.

The intergovernmental agreement is not intended to provide for discussion of cross-border security issues. However, I have cause to discuss such matters regularly with Mr Ahern. I used the opportunity of our being together on 9 July to discuss those other important issues. The meeting provided a constructive opportunity to discuss many criminal justice issues of mutual interest under the auspices of the intergovernmental agreement.

Mr Ahern and I discussed a range of cross-border issues, including supporting public protection, management of sex offenders, support for victims of crime, youth justice, forensic science and promoting social diversity. We also received an update from officials on the project advisory groups that cover those areas. In particular, we noted the good channels of communication that exist between criminal justice organisations on both sides of the border to ensure that criminals do not use the border to escape justice.

A future work programme prepared by the working group under the terms of the intergovernmental agreement was also agreed. It sets out a number of priority areas for action by summer 2011. I have placed a copy of that report in the Library. Planned actions to promote co-operation include work to agree a shared approach to implementing two EU framework decisions on the transfer of prisoners and probation supervision; reviewing processes for returning sex offenders to their home jurisdictions; assessing the responsiveness to victims of criminal justice agencies on both sides of the border; development of a memorandum of understanding between forensic science laboratories in each jurisdiction to provide mutual support in the event of sudden loss or damage to facilities; reviewing approaches for dealing with priority young offenders; and promoting social diversity, with focus on scoping and identifying examples of best practice in tackling hate crime.

Progress against the work programme will be monitored by the working group, which will report to Dermot Ahern and me at our next meeting, which is planned for November. With the Speaker's agreement, it is my intention to update the Chamber following that meeting and also after future ministerial meetings that are held under the auspices of the intergovernmental agreement.

Finally, I also took the opportunity when I met Dermot Ahern to discuss an issue that is not in the intergovernmental agreement. We agreed in principle to hold a trilateral meeting with Kenny MacAskill, the Scottish Cabinet Secretary for Justice, to enable discussion on matters of common interest across the three jurisdictions. I hope that such a meeting can be arranged soon.

The Chairperson of the Committee for Justice

(Lord Morrow): I thank the Minister for his statement to the House and for the promptness with which he made it available. I hope that he continues that practice throughout his tenure as Minister of Justice.

2.00 pm

I note from the Minister's statement that he intends to make the most of opportunities to enhance working relationships. When does he intend to hold similar individual meetings with his relevant Scottish, English and Welsh counterparts? Will he make oral statements to the Assembly on the outcomes of those meetings? Did the Minister take the opportunity provided by the meeting of 9 July to discuss the heinous crime of human trafficking? Has any consideration been given to whether legislative change is necessary in either or both jurisdictions to enhance co-operation, to ensure robust and speedy action and to ensure that prosecutions take place and that there is no hiding place?

(Mr Speaker in the Chair)

I will now ask a question not as Chairperson of the Justice Committee but in my capacity as a Member who represents the border constituency of Fermanagh and South Tyrone. Was the dissident threat discussed in any way at that meeting? In his statement, the Minister said:

"Criminals work across borders, and the only recognition they give to them is as opportunities to make more money from illegal activities."

I hope that the Minister will be able to answer in the affirmative. I look forward to hearing his response, because he is acutely aware of the threat that exists and the mayhem that dissident republicans have caused in recent months. I would like to hear the Minister's views on the matter.

The Minister of Justice: I thank Lord Morrow for what were, again, complimentary remarks. He raised the issue of the nature of the

reporting of the meeting of 9 July and asked about meetings with other Ministers. The position, as I chose to interpret it, is that the intergovernmental agreement (IGA) is not the North/South Ministerial Council but is, in many senses, analogous to that. I, therefore, believed it appropriate to seek permission to make a statement on a formal meeting under the intergovernmental agreement.

I do not view meetings with other Ministers in quite the same way, as they do not fall under the same formal procedure. My first informal meeting with Dermot Ahern took place outside of any formal procedures. However, in answer to the question, I had a meeting in the early part of the summer with Mr Kenny MacAskill, the Scottish Cabinet Secretary for Justice, and, last week, I met the Home Secretary and the Lord Chancellor/Secretary of State for Justice in Whitehall, who, in some respects, are English Ministers and UK Ministers. At the moment, justice matters have not been devolved to Wales, so I have not had any meetings with any relevant Welsh Minister.

We did not have detailed discussion on a number of issues at the meeting, but some issues, of which human trafficking is one, are becoming more significant, in the same way as, for instance, smuggling is. Smuggling is an issue that some of our working groups are taking forward. I imagine that we will be having a more detailed discussion on trafficking in November.

As I said in my statement, although the IGA was not set up to deal with terrorism-related matters specifically, it would be inconceivable for the Justice Ministers, North and South, not to discuss at any such meeting, formal or informal, the threat that is being faced in cross-border areas and elsewhere. We discussed those issues, and those discussions centred very much on co-operation between the PSNI and the Garda Síochána in dealing with that threat.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement and welcome its timeliness. I have one question on the protocols around the agreement. Given the fact that the powers have been transferred, is the Minister satisfied that the protocols are in place to allow co-operation to continue without hindrance or gaps?

The Minister of Justice: I thank Mr McCartney for his question. I met Dermot Ahern on, I think, my fourth day in office; it was certainly in my first week in office. The meeting was held in Castle Buildings. I was accompanied by the Chief Constable and the deputy chief constable, and Mr Ahern was accompanied by the Garda Commissioner and the deputy commissioner. There was a sizeable delegation from the two Departments on either side, and it was made absolutely clear to me at that meeting, and has been on a number of occasions since, that all the necessary protocols are in place to ensure the fullest possible co-operation in all North/South matters, particularly those led by the Garda Síochána and the PSNI, but also in relationships between other agencies. I believe that, at present, we have significant and full cross-border co-operation that serves us and those on the other side of the border extremely well.

Mr A Maginness: I declare an interest as a member of the Bar.

I thank the Minister for his statement. It is obvious that some very good work is going on in relation to the intergovernmental agreement and co-operation on criminal justice. It makes good sense to co-operate North and South. However, as the Chairperson of the Justice Committee said, it is important that co-operation take place on a number of issues, but, in particular, on human trafficking, which is a criminal activity that affects both sides of the border. I hope that that co-operation can be deepened.

Further to that, in relation to forensic science, which the Minister mentioned in his statement, there should be —

Mr Speaker: The Member must come to his question.

Mr A Maginness: There should be greater co-operation and pooling of resources, particularly in relation to forensic science, which is capital intensive and requires great expertise. Will the Minister reassure the House that that co-operation will be deepened?

The Minister of Justice: The Member highlights human trafficking, which is an issue that causes significant concern to all of us. The most recent episode of trafficking, as I understand it, was largely between Northern Ireland and Scotland, with some possible implications for England. However, there is full co-operation between the PSNI, the UK Border Agency and the Garda

National Immigration Bureau in dealing with cross-border trafficking issues. That should provide a measure of reassurance to Members in that respect.

Dr Farry: I welcome the statement and invite the Minister to confirm that his attitude and approach is that he will seek to represent the interests of Northern Ireland with all our neighbouring jurisdictions and, indeed, Europe, irrespective of any particular institutional format, whether through the intergovernmental agreement or the North/South Ministerial Council? It is the nature of the interaction that matters, not the precise structures.

The Minister of Justice: I am aware that there are Members who believe that it would be better if justice fell under the aegis of the NSMC. As far as I am concerned, I am seeking to promote the widest possible co-operation between the agencies in Northern Ireland and those of our neighbours, whichever jurisdiction they fall within, and, indeed, at times, those agencies beyond these islands. If the Executive choose to recommend to the Assembly different formats in which I should operate, I will be prepared to carry out the Assembly's wishes in so doing. However, it is vital to ensure that we have the maximum possible co-operation among all the agencies that deal with organised crime, such as trafficking or smuggling or a range of other offences, and which also work together to defeat the terrorist threat, which is a threat to every part of these islands at the same time. If that is the case, the issue of the precise institutional structures is far less important than maximising co-operation.

Mr Givan: Will the Minister tell us whether environmental crime was raised at the ministerial meeting? It is obvious that, in the past, Northern Ireland was used as a dumping ground for criminals in the Republic of Ireland, which cost taxpayers tens of millions of pounds. Where is dealing with the Republic of Ireland Government on the scale of priorities, particularly around the fuel laundering industry that is prevalent in the border areas?

The Minister of Justice: Those are, in fact, slightly different issues. As the Member says, fuel laundering is prevalent in the border areas, but if that is the case, it is a Northern Ireland issue. My Department does not take the lead on the issue of illegal dumping; the Department of the Environment takes the lead, as the

Member may remember from his previous life. Environment Agency staff, for example, play a role in the Organised Crime Task Force in dealing with matters such as illegal dumping. That is an example of what I have been talking about; practical co-operation rather than particular concerns about institutional structures.

Mr Bell: I welcome the statement and the positive work that is entailed in it. On the intergovernmental agreement in relation to the dissident threat, did the Minister take the opportunity to thank his counterpart for the positive work that the guards have undertaken in stopping terrorism from being exported into this part of the United Kingdom? Secondly, should we move from using the term “sexual trafficking”, which is a very sanitised term for what, in effect, is sexual slavery? Will that be on the agenda for the tripartite meeting with Scotland, given the Minister’s earlier comments and concerns about Scotland being used as a transit base for human beings for the purposes of sexual slavery?

Finally, in relation to sex offender management, is the Minister satisfied that the current procedures are robust enough, given the high levels of recidivism of sex offenders, particularly paedophiles who offend against children? Are the procedures —

Mr Speaker: I encourage the Member to finish.

Mr Bell: I will close on this sentence, Mr Speaker. Are the procedures sufficiently robust to prevent children being abused in the future?

The Minister of Justice: I fear that Mr Bell did not listen to the Deputy Speaker’s injunction about the number of questions, but I will try to be generous. The first question was did I take the opportunity to thank Dermot Ahern for the role of the gardaí in stopping what the Member described as the export of terrorism? I do not need a formal meeting to thank Dermot when I see good work being done by the gardaí, and indeed I have had informal conversations face to face and by phone that have covered those kinds of issues.

Secondly, I think that I have used the term “slavery” in speeches, although I do not know that we could use that term to name the offence. However, it is absolutely slavery in any meaningful sense. The Member referred to Scotland being used for the latest episode

of trafficking, whereas, actually, Scotland and Northern Ireland were both being used, so let us not suggest that we are pointing the figure at the Scots and blaming them for what was going on — although I do not think he was doing that. Unfortunately, there are people in this society who are prepared to pay for the sex trade in a way that puts young women, older women and young men at serious risk. That applies in Northern Ireland, the Republic, Scotland, England and Wales, and therefore we need to ensure that we have the most joined-up approach possible to deal with it.

The Member also asked me about robust procedures for ensuring that sex offenders cannot reoffend. I think if he thought back to his previous professional life he would find it difficult to justify how we could ever say that those things would not happen. What I can say is that I believe that we have robust procedures. In the context of my statement about the intergovernmental agreement, I think we have procedures that are as robust on a cross-border basis as those that exist within each of the two jurisdictions separately. I am certainly keen to do all we can to enhance that robustness.

Ms Lo: In relation to human trafficking, I would like to make a further point and then ask the Minister for a further reply. Human trafficking is a growing problem in the North and South of Ireland, but often Northern Ireland, particularly Belfast, is being used as a transit route to traffic people from Dublin to the rest of the UK, or vice versa. We have now seen three UK-wide operations by the police to tackle human trafficking. Surely there should be some kind of North/South united campaign or operation to crack human trafficking here.

The Minister of Justice: It is noticeable that a number of questions this morning have dealt with the issue of trafficking. It shows the concern about it that exists in the Assembly. There is no doubt, certainly judging by some of the information I have seen on the most recent case, that people have been trafficked into Northern Ireland, used as sex slaves — in Mr Bell’s terminology — within Northern Ireland, then trafficked out to other regions of these islands. There is undoubtedly an extreme example of organised crime, which is causing massive human misery. So, yes, my colleague is absolutely right. We must ensure that we have the most active possible intervention to stop that happening.

2.15 pm

Those who use the sex trade should recognise the reality of what they do, and those who have concerns about what is happening in whichever jurisdiction should inform the relevant authorities, because, without proper information, the police cannot take action. It is clear that a strong working partnership exists. The institutions, especially the different police services, recognise fully the concerns that exist and the depths of that crime. However, public support is required to act against it to the fullest possible extent.

Mr Lyttle: I join my colleagues in welcoming the Minister's statement, which shows extensive co-operation in dealing with some international issues. On that note, the statement refers to exemplars of youth conferencing in the justice system. Will the Minister share further information about the nature of that system?

The Minister of Justice: I thank my new colleague for that question. I have heard of Members being congratulated on their maiden speech, but for a Member to score a hat-trick of questions on his first day in the place is novel. I am probably mixing metaphors; the Member scored a goal against the media last week.

On the substance of his question, Members will know that a group of people with responsibility for youth justice in England and Wales came to Northern Ireland recently to examine our youth conferencing process, because they are keen to implement something similar. That is the measure of what one of our justice agencies is doing. The process is an exemplar of good practice on a world scale. It has achieved significant progress in the operation of youth conferencing since it was introduced in Northern Ireland, and it shows the way to other parts of these islands and further afield.

When talking about cross-border co-operation and co-operation with other regions, we in Northern Ireland should not be shy about pointing out that we are ahead of the field in certain respects, because, unfortunately, others are keen to point out, on occasion, that we are behind the field in others.

I congratulate my colleagues in the Youth Justice Agency, in particular the recently retired chief executive, Bill Lockhart. He ensured that young people in difficulty have an excellent service

that makes a major contribution to providing a safer society for all citizens.

Mr Speaker: As Question Time begins at 2.30 pm, I suggest that the House take its ease until that time. After Question Time, the Finance Minister will make a statement.

2.30 pm

Oral Answers to Questions

Office of the First Minister and Deputy First Minister

Mr Speaker: Order. I remind new Members and, perhaps, other Members that it is important to rise in your place continually if you want to ask a supplementary question. The key word is “continually”, because some Members rise once and feel that that should be enough, which tells us at the Table that their question has already been answered. Therefore, Members should continually rise in their place if they want to ask a supplementary question.

Maze/Long Kesh Site

1. **Mrs M Bradley** asked the First Minister and deputy First Minister to outline the decisions and actions taken since June 2010 in relation to the development of the Maze/Long Kesh site. (AQO 1/11)

7. **Mr McCartney** asked the First Minister and deputy First Minister to outline the main elements of the plan for the Maze/Long Kesh site following the recent announcement on an agreed way forward on its development. (AQO 7/11)

The deputy First Minister (Mr M McGuinness): With your permission, Mr Speaker, I will answer questions 1 and 7 together.

On 29 July, the First Minister and I announced our intention to table a motion in the Assembly to debate the draft statutory rule to establish the Maze/Long Kesh development corporation. I can confirm that the Assembly debate on that issue has been scheduled for tomorrow, Tuesday 14 September. If the Assembly approves the motion, it is intended that the corporation will be operational from 1 April 2011, subject to all the necessary approvals and a chairperson and members of the corporation being in place by that time.

The Maze/Long Kesh programme delivery unit continues to prepare the site for future redevelopment so that there is no loss of momentum in preparing for the development

corporation. That work involves continuing with the development of a master planning framework for the regeneration of the site, interim business plans, which are necessary to support the development corporation's proposed future initiatives on the site, and the completion of a major programme of decontamination.

I am delighted to report that the business case for the establishment of the development corporation has been approved by the Department of Finance and Personnel. The initial phase of the redevelopment plan will be the master planning framework. That will include a draft implementation strategy and spatial development framework, along with outline plans for essential infrastructure provision.

Over the coming months, our Department will submit an EU funding application to secure funding for a peace building and conflict resolution centre on the site. In-depth discussions are also continuing with the Royal Ulster Agricultural Society (RUAS) about its potential relocation to the Maze/Long Kesh site.

In the current economic climate, a phased regeneration plan will be implemented by the development corporation to spread the cost of the development of the substantial 347-acre site and help to attract the private investment that will be needed. That will also help to create early progress at the site. It will, of course, be essential for us to secure budget provision to cover public sector development costs, and the appropriate financial bids have been made.

Maze/Long Kesh presents us with a unique opportunity. The site is a key regional-level asset, and its regeneration can be a catalyst for economic development and contribute to the social good. We should not miss this opportunity.

Mrs M Bradley: I thank the Minister for his reply. What is the time frame for the submission of the business case and the application form to the European funding programme? How will the commission be selected?

The deputy First Minister: That will happen over the next while. All that work is ongoing, and some work has been done on the European application. Europe is waiting for us, and, now that we have put the wheels in motion, it is our responsibility to ensure that we act as quickly as possible. I can guarantee that that will be the case.

The vast majority of Members will be pleased that, after quite a long delay, there is finally movement on the site, particularly given that the economic regeneration of the area will be critical not only for those who will eventually work there but for the construction industry, which is anxious to get on site.

We have had positive developments on the prospect of European money. The RUAS is anxious to move, and I spoke to representatives of that organisation at the Balmoral Show. I have also heard that the private sector has made declarations of interest. People appreciate the fact that Maze/Long Kesh is a key site, and it is important that we move forward as quickly as possible.

We are proceeding with all haste to put together the development corporation. If tomorrow's motion to establish the development corporation is approved by the Assembly and the Maze/Long Kesh business case is approved by the Department of Finance and Personnel, the corporation will be in operation on 1 April next year.

Mr McCartney: Gabhaim buíochas leis an Aire. The Office of the First Minister and deputy First Minister is committed to maximising the economic, historic and reconciliation potential of the site. Can the deputy First Minister outline what he envisages for the listed and retained buildings? In particular, what of the peace building and conflict resolution centre?

The deputy First Minister: The peace building and conflict resolution centre will be a unique facility promoting international exchange. It will be a hub from which to share with other nations our experience in many areas, including the achievement of political agreement, policing, government and community expertise. The centre will also provide conferencing facilities; house research, study and academic activities; develop a modern archiving facility; be a place for reflection; and provide a shared space for visitor access, performance events and exhibitions.

Many people understand the importance of the construction of such a centre. There is worldwide interest in it. The European Union has shown itself to be anxiously awaiting it. We have seen over the summer that there are still those in our society who believe that conflict and violence are the best way forward. Our message to all of them is that that is not the case and that the best way forward is through the democratic process. The conflict junkies who

are out there, some in small unrepresentative organisations which believe that that is the best way forward and others within the political process who believe it, will all get a very profound message as this iconic project moves forward.

Mr Givan: I welcome the response from the First and deputy First Minister on the issue. Does the deputy First Minister agree that this is an opportunity to drive forward to the future and create jobs, rather than look back to the past? I recognise that the site was an important military site, used by the British Army in the Second World War, and that the Ulster Aviation Society currently uses the facility. Will that continue to be the case after the Order is passed?

The deputy First Minister: A lot has been written in the media, many statements issued and suggestions made as to what this will be. I want it to be a shrine to peace and the future. The development corporation will obviously have the responsibility for it. It will be charged with the duty to take forward this work and ensure that whatever is presented on the site is inclusive of everyone who has participated on it. The Member has mentioned a number of organisations: I have no doubt that those charged with taking this forward will do so because they understand that, two or three years ago, there was an absolute consensus among all the parties in the Assembly that, when the project came to fruition, it had to be totally inclusive.

Public Assemblies, Parades and Protests Bill

2. **Mr O'Loan** asked the First Minister and deputy First Minister to outline their proposed amendments to the draft Public Assemblies, Parades and Protests Bill. (AQO 2/11)

The deputy First Minister: The junior Minister, Mr Gerry Kelly, will answer this question.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): A number of amendments have been made to the draft Bill following the conclusion of the public consultation on 14 July. The key change has been the removal of all public meetings from the remit of the legislation, in direct response to the concerns raised by a number of individuals, community groups, trade unions and churches during the consultation period.

We have considered the views submitted during the consultation and have amended the Bill accordingly. The new legislation will be fully consistent with international human rights standards.

Mr Speaker: I give Members notice that questions 9 and 13 have been withdrawn.

Mr O'Loan: As the junior Minister said, the Human Rights Commission and the trade unions expressed serious concerns about public meetings, legitimate demonstrations and protest meetings. Have those bodies indicated that they are content with the proposed amendments? There may still be serious problems with the legislation.

The junior Minister (Mr G Kelly): Those issues, among others, were discussed at an early stage in the consultation and brought to our attention, and we acted on them. Most if not all of the stakeholders will be satisfied with the amendments we have made.

Mr Kennedy: I am grateful for the answers provided by the junior Minister. Even at this late stage, to avoid the ongoing failure to consult widely enough outside the closed doors of the leadership of Sinn Féin and the DUP, will he, on behalf of the Department, take steps to involve all parties in the decision-making process for major proposals on parades legislation?

The junior Minister (Mr G Kelly): We took the consultation process, which lasted for 12 weeks and was open to everyone, into consideration. There were approximately 410 responses to the wide-ranging consultation. Also, many groups, organisations and individuals spoke to the working group.

Mr Lyttle: May I seek confirmation that one amendment includes the removal of the requirement for 50 or more people to apply for the right to public assembly and that that will apply to organisations such as the Association of Old Vehicle Clubs in Northern Ireland?

The junior Minister (Mr G Kelly): Yes; I can give that guarantee.

Public Expenditure

3. **Ms M Anderson** asked the First Minister and deputy First Minister how the Executive intend to deal with the current economic downturn

and public spending cuts as discussed at their recent away-day at Greenmount College. (AQO 3/11)

The deputy First Minister: The Executive have taken and will continue to take a proactive and focused approach to economic issues. Since November 2008, the challenge of addressing the impact of the economic downturn has been a standing agenda item at Executive meetings.

In December 2008, the Executive announced their first consolidated package of measures to address the local impact of the economic downturn and to promote a return to sustainable growth. That package is now complete, and all 76 credit crunch actions and sub-actions therein have been taken forward. The package was developed through discussions in the cross-sector advisory forum with an extensive range of stakeholders from the business, trade union, financial, consumer, voluntary and community sectors.

Against that background, the Executive's special meeting at Greenmount College on 6 July 2010 allowed them fully to consider the magnitude of the fiscal challenge that faces society and the economy in the coming years. The meeting also gave the Executive a focused opportunity to start taking the necessary steps to plan to address those difficult issues. It is clear that hard decisions must be made by all of us over the coming months and years.

The Executive's objective is to focus on growing the economy while protecting the most vulnerable citizens, especially those at risk of poverty. We recognise that it is vital to ensure a collective and corporate Executive approach to ensure the best possible outcome. To that end, we agreed at Greenmount that a Budget review group, made up of a ministerial representative of each of the parties on the Executive, should be established to oversee the development of our response to the significant budgetary pressures that we face. The Budget review group includes the First Minister, me, the Minister of Finance and Personnel, the Minister for Employment and Learning, the Minister for Regional Development and the Minister of Justice. Papers have been commissioned for that group on a range of issues related to the budgetary and economic situation across government, and its first meeting will take place soon.

Ms M Anderson: Go raibh míle maith agat. Do the First Minister and deputy First Minister have any plans to meet the British Prime Minister and

Chancellor to raise the special circumstances arising from the years of underinvestment in the North, particularly in the north-west?

The deputy First Minister: The First Minister and I will meet the Secretary of State Owen Paterson later this week. We plan to raise those issues with him and with George Osborne and David Cameron, before the publication of the spending review in mid-October. We all face a serious fiscal situation, and many threatening noises have come from the coalition Government in London. The best approach is the one on which the First Minister and I agreed, which is to place the development of the economy at the front and centre of the Programme for Government. We must continue to do that and, as best we can, to protect front line services and the interests of those who are most disadvantaged in society.

I am absolutely convinced that we will go to those meetings with a very united approach. There has been a lot of hot air in the media over the last short while. At the end of the day, however, the knuckling down has to be done, and we are prepared to do that. We are prepared to speak to the powers that be in London and put what we think is a very strong case on behalf of the Executive and Assembly.

2.45 pm

Mr McNarry: Have the Executive identified any ways in which departmental spending could be refocused to counter job cuts in the public sector and give relief to the private sector?

The deputy First Minister: All those issues represent a real challenge to us. In recent years, we have all heard many comments about the unbalanced nature of our economy vis-à-vis the public sector and the private sector. All our Departments, without exception, are focused on the challenges that lie ahead. At the end of the day, they will have to come to the Executive, who are the body who will take the decisions about what is the best way forward. Obviously, however, there is still a considerable amount of work to be done in the intervening period. The meetings with the Treasury and David Cameron that we have sought will be absolutely crucial.

Dr McDonnell: Will the deputy First Minister give us some indication of when exactly the revised Budget will be in front of us, along with a Programme for Government? Will he give a bit more detail as to how we will protect the

essential front line services that are feeling very threatened at the moment?

The deputy First Minister: It would probably take me from now to midnight to comment on the Member's second question. The main point for all of us is that we face a situation in which a Programme for Government and Budget have to be agreed in the coming period. Ideally, we aim to ensure that the draft Budget is in place before Christmas. However, we cannot do any of that until such times as we see the outcome of the comprehensive spending review, and we will hear an announcement about that on 22 October 2010.

Mr Campbell: Will the deputy First Minister tell us whether he still agrees that the economy should be and should remain the centrepiece for the recovery, as was envisaged originally in the Programme for Government way back in 2008, assuming, of course, that his powers of memory recall are now back in place?

The deputy First Minister: I agree with the Member, which is a first. There is no doubt whatsoever that, if we are to ensure that we keep our economy on track and get people into work, the continuing development of our economy is absolutely vital. That is alongside the protection of front line services and the most disadvantaged in our society. Those represent real challenges, but the First Minister and I still believe absolutely that the continuing development of our economy should remain front and centre of any Programme for Government.

Budget 2010-11

4. **Mr F McCann** asked the First Minister and deputy First Minister what steps the Executive will take to safeguard disadvantaged people who have been adversely impacted by the recent Budget. (AQO 4/11)

The deputy First Minister: The total amount of funding that is available to the Executive will be confirmed only when the outcome of the 2010 UK spending review is announced on 20 October 2010. Currently, Departments are developing their spending plans to be considered by the Executive, and they have been asked to complete impact assessments so that equality and good relations impacts are considered at the same time as their proposals. It will be for the Executive to decide their priorities for the new spending review period, and only following

public consultation on the Programme for Government, Budget and investment strategy and Assembly endorsement will final allocations be confirmed.

The Assembly will be aware that, following the Executive awayday at Greenmount, the First Minister and I made it clear that one of our priorities would be protecting our most vulnerable citizens, especially those who are at risk of poverty. In our bids for the forthcoming CSR, we have sought funding to target some of our most disadvantaged areas and for a pilot project in relation to earnings disregard.

Mr F McCann: Given what the deputy First Minister just said about the pilot project to look at the impact of an increase in the earnings disregard, how does that approach fit in with the OFMDFM Committee's inquiry into child poverty?

The deputy First Minister: I believe that that approach fits perfectly with the important work that is being carried out by the OFMDFM Committee. Members will recall that the inquiry report recommended that:

"making work pay should be a specific objective within the Lifetime Opportunities Implementation Plan".

Furthermore, the Committee recommended that a pilot scheme, Better Off in Work, should be developed. Given OFMDFM's lead role, we are taking on that challenge by seeking to ensure that those who suffer most from disadvantage have an opportunity to take up work without being made worse off by the current inadequacies of the benefits system.

Mr K Robinson: The deputy First Minister may recall that the Institute for Fiscal Studies said recently that the Budget cuts are aggressive and are hitting our poorest families, which are losing 5% of their net income, while richer families are losing only 1% of their net income. Given that and the fact that more than 340,000 people in Northern Ireland live in relative income poverty, what steps will OFMDFM take to adjust its antipoverty strategy to meet that challenge?

The deputy First Minister: Obviously, we keep the matter under constant review. The hardship, poverty, debt and energy subgroup was asked to identify the best initiatives to relieve social and welfare hardships and inequalities arising from the economic crisis, as well as those that would combat things such as illegal moneylending. It

was also asked to help local people to manage debt. The subgroup was established on 23 July 2009, and it met for the second time on 15 October 2009. It is chaired jointly by the junior Ministers. The subgroup's work is complete, and its recommendations were submitted to the First Minister and me.

Some of the measures that could be implemented most readily include further work to investigate illegal moneylending; providing off-site facilities to help with benefit applications; providing a central point of information on sources of support to address poverty; continuing to promote benefit entitlement; encouraging banks to address the financial exclusion of younger people; implementing new powers to allow registered social housing landlords to broker energy at a discounted tariff; continuing to implement programmes, such as the warm homes scheme, to insulate homes; and aligning local credit union functions with those in England, Scotland, Wales and the South.

Mr Gallagher: All work that our Departments are doing to tackle disadvantage is to be commended. As we all know, disadvantage is growing. Does that ongoing work include reprioritising the Budget and the Programme for Government, or is that a non-starter?

The deputy First Minister: I think that all Members understand the significance of whatever announcement is made in October. Until then, I think that it is best that we move forward with the present Programme for Government and Budget, to which we all agreed. However, we are clearly moving into a new situation, and, given the obvious challenges that we will face, the Executive as a whole will have to consider and even reconsider their approaches to the Programme for Government and the Budget. Nevertheless, as I said, to bring people out of poverty and to move forward, we would like to continue to invest in people and jobs, because ensuring that we grow the economy is critical to all that.

Sustainable Development Commission

5. **Dr Farry** asked the First Minister and deputy First Minister to outline their response to the UK Government's decision to abolish the Sustainable Development Commission. (AQO 5/11)

The deputy First Minister: The Sustainable Development Commission has provided the Executive with valuable support on sustainable development. In the light of DEFRA's decision to withdraw funding from the Sustainable Development Commission, we are considering a number of options for the delivery of the functions that have to date been supported and carried out by that body. Our Department continues to work closely with all parties involved to explore and take advantage of potential opportunities for co-operation. Decisions must be taken against the background of the current spending pressures faced by all Departments. Every effort will be made to identify the most effective means of delivering sustainable development priorities and objectives now and in the future.

The Executive are committed to the principles of sustainable development and to progressing the priorities and strategic objectives set out in our new sustainable development strategy. All 12 Departments have brought forward comprehensive programmes of activity supporting the strategic objective of the Executive, as have a range of bodies outside government.

Dr Farry: I thank the deputy First Minister for his detailed answer. I understand that Northern Ireland, Scotland and Wales were not consulted about the arrangement. It is not right that we are dictated to by what happens in London. Will this Administration liaise with their counterparts in Scotland and Wales to see whether we can find some combined solution to bring forward this important agenda, not least given the importance of energy efficiency in the public sector and the wider development of the green economy?

The deputy First Minister: We were first informed of Caroline Spelman's intention to withdraw funding from the Sustainable Development Commission on 15 July 2010. Since that announcement, officials have met counterparts in other Administrations on a number of occasions to discuss a range of policy and logistical matters, and more meetings are scheduled.

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. Can the Sustainable Development Commission continue to function in the North without continued DEFRA support?

The deputy First Minister: As we all know, the work of the commission has been subsidised by DEFRA and the different devolved

Administrations for some years. In that context, it is important to give careful consideration to how we can continue to deliver the functions previously carried out by the commission that have shown themselves to be critical with respect to affecting our ability to meet our objectives while maintaining value for money for the Executive. An added factor is that this matter is being considered against the background of the current spending pressures faced by all Departments.

Mrs D Kelly: Given the delay in the OFMDFM strategy for sustainable development, does the Minister believe that the commission was of sufficient challenge to the Department in the discharge of the Department's duties?

The deputy First Minister: The success was that we came to an agreement. Agreement, however long it takes, is always very important. Given that our 12 Departments have come forward with their proposals, there is no doubt that they were sufficiently challenged.

Rev Dr Robert Coulter: I thank the Minister for his answers. What economic impacts are likely to be felt in the green jobs sector by the change in Government priority suggested by the abolition of the Sustainable Development Commission?

The deputy First Minister: That remains to be seen. As far as we are concerned, what will be critical, against the backdrop of the withdrawal of funding for the commission by the coalition Government, will be how our budgetary situation will allow us to take whatever advantage we can from a very real challenge, not just for our society and Government but for all Governments throughout the world, of recognising the importance of having effective, sustainable development strategies.

Parades

6. **Mr Storey** asked the First Minister and deputy First Minister for their assessment of the parading season this year. (AQO 6/11)

The deputy First Minister: Thankfully and to put the issue in perspective, almost all parades passed off peacefully this year. Great credit must go to the communities that enabled that to happen. However, it is obvious from events at some of this year's parades that we still have some way to go for the parading issue to be resolved.

The Executive are fully committed to building a future based on tolerance, equality and mutual respect. In line with that thinking, earlier this year the First Minister and I initiated the review process that will consider all issues associated with the management of parades, with the aim of establishing a framework in which solutions to the parading issues are found. The new legislation will introduce improved methods for future management and decision making relevant to parades.

3.00 pm

Education

Schools: Diabetes

1. **Mr Frew** asked the Minister of Education what training is provided to teachers and school staff to raise awareness and to enable them to care for children with health conditions such as diabetes. (AQO 15/11)

The Minister of Education (Ms Ruane): Chuir príomhfheidhmeannaigh na mbord oideachais agus leabharlann in iúl dom go ndéanann na boird anailís riachtanas bhliantúil ar an oiliúint a bheidh de dhíth ar scoileanna sa bhliain acadúil atá le teacht.

I have been advised by the chief executives of the education and library boards that boards undertake an annual needs analysis of the training required by schools for the forthcoming academic year. School principals are responsible for determining the training needs of their teachers and school staff, and they can avail themselves of the wide range of courses on all aspects of special education needs, including diabetes, offered by the boards. Training on health conditions is provided by the relevant health and social care trust. That training is in line with the pupil's individual healthcare plan and is subject to an ongoing review.

In addition, the Department of Education, with assistance from the Department of Health, Social Services and Public Safety, issued a guidance document entitled 'Supporting Pupils with Medication Needs' to all schools in March 2008. On foot of that, the Department of Education provided funding to the boards to train principals of all schools during the 2008-09 academic year so that they can meet the

needs of all pupils with medical needs, including those with diabetes. The guidance and training have provided principals with sound protocols to enable them to meet the medication needs of their pupils.

In February 2010, the Department of Health, Social Services and Public Safety, in partnership with the Department of Education, developed a further document entitled 'Guidelines for Management of Anaphylaxis in Educational Establishments.' That augmented the information contained in 'Supporting Pupils with Medication Needs' by outlining the specific roles and responsibilities of schools, school meal services, parents and carers, pupils and school health teams.

Mr Frew: I thank the Minister of Education for her answer. Is she aware that the documentation she spoke about is extremely vague, apart from the clear message that responsibility lies firmly with the parents and schools and that teachers are not obliged to help in any way? There are two issues here: the provision of insulin at lunchtime in primary schools and the end of discrimination —

Mr Speaker: The Member should come to his question.

Mr Frew: Does the Minister aim to improve care for children with diabetes and end discrimination against diabetic pupils who face exclusion from school trips and extra-curricular activities as a result of their condition?

The Minister of Education: No child should face exclusion from school trips or any other activity for the reasons the Member referred to. I will bring the Member's comments to the attention of my officials and those in the Department of Health, Social Services and Public Safety, which takes the lead in that area.

Mr B McCrea: Given that there is a threat of £235 million of teacher redundancies next year, does the Minister think that teachers will be able to undertake any additional responsibilities other than those required under statute?

The Minister of Education: It is important that we prioritise resources for front line services in these tough economic times, and I ask my colleagues to support me when I fight to protect those services. Our disadvantaged and vulnerable young people should not be the ones affected during difficult economic times, and it

is important that all the different parties, the community, voluntary and business sectors and the trade union movement come together to form a united front and fight for the best possible deal for this part of Ireland.

Mrs M Bradley: Will the Minister tell the House how many school nurses are on site and whether there has been any reduction in the number of school nurses in the past year?

The Minister of Education: I do not have that information to hand, but I am happy to forward it to the Member.

Schools: Building Budget

2. **Mr G Robinson** asked the Minister of Education why she did not spend her full school building budget for the 2009-2010 financial year when many schools are in need of a rebuild or urgent repair. (AQO 16/11)

The Minister of Education: Sa bhliain 2009-2010 caitheadh 100% den bhuiséad deiridh caipitil de £242 milliún. Osclaíodh cúig scoil déag nua; is é sin infheistiú de £135.2 milliún.

[Interruption.]

Mr Speaker: Order.

The Minister of Education: In 2009-2010, 100% of the final capital budget of £242 million was spent. Fifteen new schools were opened, representing an investment of £135.2 million. So far this year, my Department has opened eight new schools and eight more are under construction, representing a further investment in the schools estate of £225.5 million. Furthermore, I recently announced a further school project worth £13 million, which will commence on site this financial year at an estimated value of a further £65.5 million.

Since taking up position as Minister of Education, I have spent the capital resources that have been available to me. I have proven that, if I get the funding that is needed, I can spend it. I will continue to lobby for more capital funding to bring the schools estate to an acceptable level, and I will continue to lobby for more resource funding to ensure that our school buildings are properly maintained.

Basically, the message I have is: give me the money, and I will build schools and continue to maintain them. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: Therefore, I call on the Executive to prioritise front line services across the Budget 2010 period to ensure that an appropriate level of funding is provided in order to allow me to effect real change in the condition of our schools estate and to improve the educational experience of all children.

My record contrasts starkly with that of direct rule Ministers, who handed back £62 million worth of funding in 2005-06 and £91 million in 2006-07. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: We spent 100% of our budget this year.

Mr G Robinson: Given that the Minister handed money back during the spending rounds, will she explain why a school in my constituency is still waiting for a new fire alarm system to be installed one year on? I am sure that the Minister will agree that that is a vital health and safety issue in that school.

The Minister of Education: Obviously, I am not going to get into individual schools here. However, I will certainly write to the Member about that school.

I want to work with everybody here on school building programmes. Members will be aware that I did hand back some of my capital budget when money was needed to address swine flu. Therefore, I worked with another Minister so that we worked as a team. Thankfully, I then fought for more money, got more resources, and we are going to be building 13 new schools this year. That is despite everyone in this House telling me that I would not be building any more new schools.

Mr McCallister: Why did some of the schools that were only partially compliant get the go-ahead when some schools that were fully compliant did not get the go-ahead recently?

The Minister of Education: As the Member is well aware, all the schools that got the go-ahead complied with the standards that were set by our Department. The Member will also be aware that that money was made available through in-year monitoring rounds. I fought my corner to get more money, which has to be spent this year. Therefore, all the projects that got the go-ahead, which included projects from every

sector for every community, were ready to go on site.

Mr P J Bradley: What is the Minister's assessment of the conditions in which the children in St Clare's Convent Primary School in Newry are being taught? Will she explain why the school was passed over for investment in her recent announcements?

The Minister of Education: As I said, I am not going to get into individual schools here. I will certainly write to the Member about St Clare's. I visited the school, which is doing tremendous work, and the Member will be aware that there are complications as to how that school can move forward. My officials have been working with that school. The Member will also be aware of the fact that two schools in his constituency did get the go-ahead for funding. It is a pity that he did not acknowledge that. I hope that the Member will join the boards of governors of those schools in celebrating that.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. As a former Chairperson of the Public Accounts Committee, I am aware of the sensitivities around an Audit Office report.

There was much media speculation and comment about figures in that report, namely those that referred to money that had been returned. Will the Minister tell us why money was returned to the centre?

The Minister of Education: Ba mhaith liom a thabhairt le fios sa dá bhliain iomlána ina raibh mise mar Aire, ba é an gannchaiteachas i gcoinne staid an bhuiséid deiridh ná £2 milliún as £441 milliún; is é sin níos lú ná 0.5.

In the two full years that I have been Minister, underspend has been £2 million against a final budget position of £441 million. That is less than 0.5%. In the previous years under direct rule Ministers, the following delays in progressing capital projects were entered in the financial years that are profiled in the report: review of economic appraisals in line with revised DFP requirements, namely that economic appraisals must be no older than 24 months; revision of long-term enrolment figures requiring design work to be undertaken; and initial spend projections were based on overly optimistic profiles received from project managers and education and library boards. The problem was exacerbated in 2006 when the capital announcement included a number of

projects that were still at economic appraisal or at very early planning stage with no reasonable expectation of work beginning on site for a number of years.

The Department reviewed all its major capital projects in planning to take account of the recommendations of the Bain review. The Department lost a legal challenge to the major construction framework. That delayed a number of projects, which had to revert to conventional procurement methods. I am pleased to say that we have moved many of those projects on. There was also delay in acquiring statutory planning approvals, and problems were encountered with acquiring sites due to the unavailability of suitable land and fluctuating land variations.

If Members look at the data from the past number of years, they will see that underspend changes from £43 million in 2005-06 — that does not include money that was handed back early in the year — to zero underspend in 2009-2010. In 2008-09, it was £2 million. The trend is that underspend is going down. That has happened because of a large number of people's very good work, and I congratulate them for that. However, we cannot be complacent, because loads of schools need money to build, and there is a pattern of underinvestment in our schools. Give me the money and I will build the schools.

Education and Skills Authority

3. **Ms Ní Chuilín** asked the Minister of Education how much funding has been lost to front line education services as a result of the failure to implement the Executive's decision to establish the Education and Skills Authority. (AQO 17/11)

The Minister of Education: Tá mé buíoch de mo chomhghleacaí as an ábhar seo a ardú. Beidh a fhios ag Comhaltaí gur glacadh leis an mBille Oideachais sa Chéim Coiste beagnach bliain ó shin, ag deireadh mhí Mheán Fómhair sa bhliain 2009. Ón am sin, ní raibh an Coiste Feidhmiúcháin in ann an Bille a chur ar aghaidh chuig an gCéim Bhreithnithe.

I am grateful to my colleague Caral Ní Chuilín for raising this important topic. Members will know that the Education Bill passed its Committee Stage almost a year ago, at the end of September 2009. Since then, the

Executive have not been able to progress the Bill to Consideration Stage. However, financial projections for 2010 onward had already been made in the expectation of forthcoming savings from the establishment of the Education and Skills Authority (ESA). For example, in the current year, £13 million has been removed from the baseline for my Department. Those figures were already known, and the reductions have been taken from expenditure that ordinarily underpins support services and other non-schools expenditure.

To date, no impact on front line services has been realised, although the continuing delay and the financial prospects for future years will mean that the threat to front line services will rise the longer the legislation is delayed. My Department has continued to work to progress convergence of services across all education and library board areas until such time as the legislation is enacted to establish the unitary authority. I trust that that work will enable front line services to be protected from the further reductions that will inevitably follow. We have to stop spending money unnecessarily on administration and make sure that we get much-needed money into the front line.

Ms Ní Chuilín: Go raibh maith agat. Will the Minister confirm whether any issues need to be resolved between her and the Protestant transferors?

The Minister of Education: No. To the best of my knowledge, all the issues raised by the transferors have been resolved to their satisfaction.

Mr Speaker: I remind Members to stand in their places continually if they wish to ask a supplementary question.

3.15 pm

Mr Storey: If the Minister believes it to be the case that ESA is not coming into existence because the issues of the Protestant Church representatives have been addressed, will she confirm when she last met with the Protestant Church representatives to convey to them that their issues had been satisfactorily resolved? Can she inform the House why she was not present at a meeting that took place in June with the Protestant Church representatives?

The Minister of Education: The Member well knows that, with the political will and support

of the Assembly, ESA can come into being, and it is important that it does. In my answer, I outlined the potential savings from the establishment of ESA, but I also know, and Members will all understand, the importance of dealing with underachievement right across the North of Ireland, in areas such as the Shankill and the Falls. The longer that we delay the establishment of ESA, the more that the parties that are delaying it are condemning future and current generations.

Mr Storey: Answer.

Mr Speaker: Order.

The Minister of Education: As the Member well knows, I have met the transferors regularly. I answered Carál Ní Chuilín on that matter.

Mr K Robinson: Have the potential savings that are anticipated by the emergence of the education and skills authority been achieved already owing to the control of vacancies? Does the Minister plan to relax such control now to provide much-needed stability for the education sector?

The Minister of Education: I plan to continue with the convergence programme, but our priority is the establishment of the education and skills authority.

Mr Lunn: Given that every organisation of any significance in the education sector thinks that ESA should go ahead and that the issues around the transferors' problems are resolved or are being resolved, what is her understanding of the reasons for the delay?

The Minister of Education: I am ready. The legislation to establish ESA is ready to go through the House, and it has been to the Executive. It is an Executive policy, and it is unfortunate that it has not been introduced yet. It is the responsibility of all Members not to block or delay the establishment of the education and skills authority. There is no reason to do that. As the Member correctly said, all the issues have been resolved.

We cannot continue the dreadful waste on bureaucracy at this time. This morning, people were talking to me about the need to get money to the front line. The same people are not dealing with the issue of ESA in the way in which they should be. We need to get money to the front line, and we need to stop squandering public money on too many different

organisations that are not fit for purpose. We need the education and skills authority. I am ready, and my Department is ready.

Mr A Maginness: I have listened carefully to the Minister's replies. She said that the establishment of ESA is a matter of political will. Will she not sit down with other Ministers and interested parties to resolve all outstanding issues and remove all obstacles to the full implementation of ESA? If it is a matter of political will, why does she not initiate a process to do just that?

The Minister of Education: On the day and hour that I came into office, I initiated a process on the establishment of ESA. The first time that the matter came before the Executive was on 19 July 2007. My door is open, and I have engaged with and told all Ministers that I am ready and waiting. I have told all parties that I am ready and waiting. The outstanding issues have all been resolved.

Mr Storey: No.

Mr Speaker: Order.

The Minister of Education: We now need to move forward and stop attempting to block necessary reform. Explain to the children on the Shankill Road and the Falls Road why you are blocking reform that releases money to the front line and that is crucial for dealing with the significant levels of underachievement in the system. There is no explanation for it.

Department of Education: Procurement

4. **Ms Ritchie** asked the Minister of Education for her assessment of the procurement process within her Department for capital projects. (AQO 18/11)

The Minister of Education: Sna trí bliana a chuaigh thart, tugadh 35 thionscadal nua olloibreacha scoile chun críche, rud a sheasann d'infheistíocht de thart fá £300 milliún in eastát ár scoileanna lena chinntiú go múintear ár bpáistí sa timpeallacht is fearr is féidir le haghaidh foghlama agus forbartha.

Thirty five new major works schools projects have been procured in the past three years. That represents an investment of around £300 million in our schools estate to ensure that our children are educated in the best possible environment for learning and development. The

new schools will provide our children with state-of-the-art accommodation, up-to-date technology and enhanced information technology systems. My Department is clear on the need to ensure that capital projects are carried out in line with public procurement policy and in accordance with the principles of best practice and equality. It has communicated that to all boards and non-departmental public bodies.

Ms Ritchie: I thank the Minister for her answer. I listened carefully to what she said. However, I want the Minister to explain what steps she is taking to ensure that the procurement procedure is fast and efficient and that projects are delivered without the inordinate delays that are still part and parcel of the process.

The Minister of Education: As the Member will know, we have speeded up school-build processes significantly. We have built more schools and spent more money in the past two years than at any other time. As I said in response to an earlier question, we reduced our capital build underspend to nought last year. However, we cannot be complacent. There is historical underinvestment.

I will continue to ensure that we will continue to use best practice. We meet the education and library boards and work very closely with the Department of Finance and Personnel's Central Procurement Directorate. The Department of Education's permanent secretary sits on the procurement board, which sets out procurement policy for all Departments and oversees implementation of those policies and associated procedures and guidance. The Central Procurement Directorate issues approved procedures and procurement guidance directly to the bodies that are procuring, which includes the education and library boards. I have also increased the frequency of the governance and accountability meetings with all non-departmental public bodies.

I agree with the Member. It is essential that we move forward with our school builds. I am delighted that we were able to announce 13 new school builds a few months ago.

Mr Cree: What discussions has the Minister had with the Minister of the Environment and her Executive colleagues with regard to speeding up the planning process for new school builds?

The Minister of Education: As I outlined in my previous answer, my officials work actively as

part of the Central Procurement Directorate team. We work closely with all Departments. At Executive level, I have regular discussions about matters such as this.

Ms M Anderson: What assurances can the Minister give that the procurement process is being undertaken appropriately?

The Minister of Education: Sin ceist an-tábhachtach. That is a very important question. It is very important that the money that we receive is spent well and used wisely in a way that adheres to all our statutory duties, including our equality duties. That is especially important given the underinvestment in the schools estate. I hold regular accountability meetings with all non-departmental public bodies. As I said, my most senior official sits on the procurement board and meets officials from all the different sectors. Procurement and capital build is top of my agenda in meetings with senior officials on a weekly basis.

Miss McIlveen: What steps are taken to ensure value for money in procurement? What is the Minister's assessment of the use of PPPs and PFIs?

The Minister of Education: All our schools are built on the basis of value for money and the need for investment in our schools estate. I am not particularly in agreement with PPP projects. I do not believe that they are the best value for money. Since coming into office, I have not initiated any new PPP projects. We need to devise better ways in which to use public money rather than leave future generations in debt.

Schools: Health and Safety

5. **Mr McGlone** asked the Minister of Education how many schools reported health and safety issues in relation to school buildings and grounds in the last three years. (AQO 19/11)

The Minister of Education: In the course of running any school, health and safety issues will arise, and the majority of schools in the estate have reported health and safety issues in recent years. The issues can range from a broken window to a roof falling in.

Le trí bliana anuas, tá £80 milliún curtha ar fáil agam le haghaidh cothabhála scoile. Cuireadh £190 milliún eile ar fáil le haghaidh mionoibreacha, agus caitheadh cuid de sin ar chúrsaí sláinte agus sábháilteachta. In the

past three years, I have provided more than £80 million for school maintenance. A further £190 million has been made available for minor works, some of which has been for dealing with health and safety issues.

The truth is that we need significant additional funds to deal with the legacy of underinvestment. We need to ensure that priority be given to investment in education and that sufficient funding be available to bring our schools up to the standards that our children deserve. I will continue to press for funding for the schools estate. I assure the Member that if additional funding were made available to my Department, it would be used effectively.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for her answer, but I would like more clarification. Were the £80 million and the £190 million that the Minister mentioned exclusively spent addressing major reported health and safety issues in the schools estate?

The Minister of Education: I will write to the Member with a detailed answer to that question. Health and safety issues are prioritised in line with criteria that I agreed for this financial year.

Cuirtear saincheisteanna sláinte is sábháilteachta in ord tosaíochta de réir na gcritéar a chomhaontaigh mé don bhliain airgeadais seo. Urgent health and safety work will be carried out where a risk has been identified and can no longer be managed.

Mr I McCrea: The Minister will be aware that I recently wrote to her about the Rainey Endowed grammar school in Magherafelt, which is in my constituency. I am sure that she is aware of the school's difficulties with health and safety issues. Can she assure the House that when and if moneys become available, she will give the prospect of the school getting a newbuild a fair crack of the whip?

The Minister of Education: I will not comment on individual schools, but I will write to the Member on that issue. The Member will be aware that Magherafelt got some very good news in the last monitoring round, including a new high school, primary school and preschool. That is good news for Magherafelt. There are obviously other schools that need funding and resources, and I will fight my corner for that funding. However, I can assure the Member that

all our investment will be made on the basis of statutory duties and fairness.

Mr Kennedy: I am grateful to the Minister. Can the Minister confirm the current shortfall on health and safety maintenance in schools, and can we get an answer to the original question that Mr McGlone posed, which was how many schools reported health and safety issues concerning school buildings and grounds in the past three years?

The Minister of Education: I will write to the Member with the detailed information that he requests. Is é an caiteachas ar chothabháil le trí bliana anuas ná £81.21 milliún. The spend on maintenance over the past three years has been £81.21 million. Every penny that we can direct to that area has been utilised. The spend on minor works in the voluntary and maintained sectors in the past three years is £94.4 million. The spend in the controlled sector by the education and library boards for 2008-09 and 2009-2010 is £93 million, and 80%, which is a significant percentage of that spend, is attributable to health and safety works.

3.30 pm

Mr Kennedy: On a point of order, Mr Speaker. I am grateful for the opportunity to raise a point of order on the unsatisfactory answers that the Minister of Education has been providing, particularly in respect of the question tabled by Mr McGlone. Clearly, it was a specific request for information. However, the Minister refused or was unable to provide an answer to the Member's question, let alone the supplementary questions that flowed from it. Will any representations be made to Ministers in respect of answering questions that are properly put to them?

Mr Speaker: I listened to the Member's point of order. I continually say in the House that I cannot and will not sit in judgement on how a Minister might answer a question. If a Minister were to get up and absolutely refuse to answer a question, that is totally different. I might have some role in that regard. However, if a Minister makes some attempt to answer a question, I cannot sit in judgement on whether that is the answer that the Member expected to get.

I say to the Member and to the entire House: take up the issue directly with the Minister. Following it up with the Minister is perhaps the way forward.

Mr Kennedy: Further to that point of order, Mr Speaker, I ask you to review proceedings in the Hansard report, with specific reference to the question that was tabled and posed by Mr McGlone, to see whether you find or are able to establish the answer. It was fairly well hidden from me and, I suspect, from the rest of the House.

Mr Speaker: We continually have wash-ups with Hansard. I am happy to look at Hansard. However, I warn the entire House that it is not my job as Speaker to sit in judgement on how any Minister answers a question. I say that to the entire House.

Mrs O'Neill: On a point of order, Mr Speaker. I want to raise the issue of Members' conduct. On this occasion, I refer specifically to Mervyn Storey. During Question Time, it was difficult to hear the Minister's responses to questions because of Members' constant jeering, which, quite frankly, is bad behaviour in my book. I ask you to make a ruling on that.

Mr Speaker: I thank the Member for her point of order. I hope that, as far as possible, I have brought Members to heel on that issue on a number of occasions. Once again, I continually say in the House that, irrespective of who a Minister may be, when he or she is asked a specific question, that Minister should be allowed to answer that question without interruption or shouting across the Floor. I continually say in the House that, irrespective of who a Minister may be, I will give him or her cover to make representations in the role that he or she has in the House. It is unfair to interrupt a Minister. I appreciate that it is a debating Chamber and that there are issues and debates that rouse Members' emotions. That is understandable. However, even when a Member is on his or her feet, it is courtesy and good behaviour to allow that Member to continue his or her remarks without interruption. That also applies to a Minister, irrespective of who he or she may be.

Ministerial Statements

Public Expenditure: Provisional Out-turn 2009-2010 and June Monitoring 2010-11

Mr Speaker: I have received notice from the Minister of Finance and Personnel that he wishes to make a statement.

The Minister of Finance and Personnel

(Mr S Wilson): Thank you, Mr Speaker, for the opportunity to address the Assembly on Departments' spending performance in 2009-2010 as well as to provide an update on the outcome of the June monitoring process.

Unfortunately, the update is rather late because the Executive's endorsement of the June monitoring proposals was obtained only after the commencement of the summer recess. I thought it better to leave it until now for Members to hear my statement, rather than to bring them back from their holidays. Had I decided to do that, I might have been unpopular. As a courtesy, I have already written to Members to advise them of the main conclusions. In a few moments, I will comment on those in detail.

First, I want to update the Assembly on the current position vis-à-vis preparations for the new Budget to take us through the next spending review period, commencing in 2011-12. I know that it is an issue that is at the forefront of many Members' thoughts.

Over recent weeks, I have conducted an initial series of Budget bilaterals with my Executive colleagues. Those meetings were to allow Ministers to set out their strategic priorities for the coming years and to gauge how they would address the consequences of the tighter spending constraints that will have to be imposed. The bilaterals were, largely, helpful in giving me a sense of departmental pressures and priorities, but I take this opportunity to record my growing unease at what I call the disconnect that was made evident by some Ministers.

In some quarters, there appears to be an unwillingness to address the serious financial questions that are being posed. Let us be clear: we cannot dodge difficult decisions in formulating a new Budget. Delaying the Budget process until next spring is not an option. All Departments need to have certainty on Budget

allocations for 2011-12 by early in the new year at the latest. That will allow them to decide how to allocate budgets to various bodies, trusts etc, and that planning process is the framework which determines how Departments and the wider public sector deliver services to our communities. They need to know how much they are getting and what functions that covers.

It is clear that the public are aware of the difficult times that lie ahead, and the message that I am getting from the Budget pre-consultation exercises with key stakeholders is that there is a demand for leadership from the Executive and the Assembly. I assure the House that I will do my utmost to expedite the Budget delivery.

I turn now to departmental spending performance in 2009-2010. I am pleased to announce that, on the basis of the provisional out-turn position that was reported to my Department, the Executive have delivered significant investment in public services in 2009-2010, with current expenditure of £9.5 billion and net capital investment of £1.5 billion. In addition, even with the shortfalls in capital receipts, Departments managed to deliver £1.7 billion in gross capital investment. That is a slight increase of 0.5% on the previous year. That should be regarded as a major achievement for the Executive, given the current economic climate. That strong performance in difficult times is evidence of the proactive management of the public expenditure position by my Department through the in-year monitoring process and of the improved financial management displayed by Departments in recent years.

In relation to current expenditure, the overall underspend by Northern Ireland Departments in 2009-2010 was £65.1 million. That equates to a rate of 0.7%, compared with 0.5% in 2008-09 and 2.1% in 2007-08. Although the level of current expenditure underspend is slightly higher than it was in 2008-09, it is within acceptable levels and represents maintained improvement when compared with previous years. Of course, that does not mean that we can become complacent. It is important that financial management in Departments continues to improve. Some Departments have more to do than others in that area.

Departments displayed an underspend of £8 million in capital investment. That equates to 0.5% of their final position. That is an improvement on last year's performance,

where, worryingly, there was an overspend in departmental capital expenditure. However, once again, performance varies between Departments, and the Departments in which performance is below average have some work to do.

Further details on the provisional out-turn are set out in the tables attached to the statement, and Members can peruse those details. The spending performance of Departments in 2009-2010 is further evidence that the Executive are delivering against the plans set out in the Budget, and there should be no doubt that that is making a difference to the lives of people in Northern Ireland.

I will now turn to the June monitoring position for 2010-11. June monitoring is the first opportunity that the Executive have to reallocate resources within the 2010-11 financial year. The financial position is very constrained. Members will be aware that we already had to produce a revised spending plan, which took £393 million from departmental baselines this year. A further pressure of £128 million was created as a result of the UK Government's 22 June 2010 Budget, which, through the mechanics of the Barnett formula, cut our Budget further. The commencement of the June monitoring deliberations had to factor in the need to address that additional unforeseen pressure.

The review of 2010-11 spending plans has allowed us to start the year with no overcommitment in respect of either current investment or capital expenditure. However, there remain significant issues, including the additional £128 million pressure as well as the considerable shortfall in capital receipts that have to be addressed in the in-year monitoring process.

Before we discuss how those issues will be addressed, we must first consider the resources available to the Executive in this monitoring round and the other pressures raised by Departments. There was a total of £20.4 million capital expenditure, and £286.6 million of capital investment reduced requirements surrendered in this round. That is money that Departments had identified that they cannot spend in this year. The significant level of capital investment reduced requirements includes amounts previously identified in respect of slippage in the strategic waste infrastructure fund and the Royal Exchange projects.

The current expenditure reduced requirements include £6.9 million in respect of the centrally held reserve used to provide match funding to Departments for EU programmes. There is also £5 million arising because of extra regional rate income that has been generated through additional work being undertaken by Land and Property Services (LPS). That additional revenue-generating work is being undertaken at a cost of £5 million, thus generating a net reduced requirement benefiting the Northern Ireland block. Full details of the reduced requirements are provided in the tables attached to the statement.

In addition to those reduced requirements, funding has become available because of Barnett consequentials from the previous Chancellor's Budget in March 2010, combined with various technical adjustments. Those changes bring the total funding available to the Executive to £41.2 million of current expenditure and £283.7 million of capital investment. My strong view is that every effort must be made to address the £127.8 million reduction in funding this year. However, in acknowledging that the Executive have an option of deferring some or all of that pressure until next year, I also considered it important to address some key issues that have arisen in Departments. Therefore, I will now turn to the bids that were submitted by Departments in the June monitoring returns.

We identified bids of £132.8 million in respect of current expenditure and £405.3 million for capital investment. Those included some pressures already identified in the review of 2010-11 spending plans. A full list of the bids submitted by Departments and the proposed allocations agreed by the Executive in respect of them is included in the tables attached to the statement. The allocations made in this round include £20 million current expenditure for the Department of Health, Social Services and Public Safety in respect of its first call on available resources. That was agreed as part of that Department's 2008-2011 budget settlement. The early provision of that allocation — in other years, it has sometimes been spread over a number of spending reallocation rounds — will provide the Health Department with clarity on its Budget position and allow it to make effective use of the resources available to it.

3.45 pm

Some £200 million of capital investment has been made available to DARD to address the extensive shortfall in the capital receipts anticipated for Crossnacreevy in the Budget 2008-2011 process. That issue has been the subject of extensive discussions, and, during the review of the 2010-11 spending plans, it was envisaged that that pressure would be met from the slippage in the strategic waste infrastructure and Royal Exchange projects, as, in fact, has been the case in this round.

Some £13 million of capital investment has been allocated to the Department of Education to help to ensure that important capital investment in that sector continues. An allocation of £10 million of capital investment has been made to DSD for urban regeneration projects. Some £28 million of capital investment has been made available for launch investment for the Bombardier CSeries project, which will make an important contribution to the local economy, especially as high-value jobs will be associated with the project. A further £1.4 million of capital investment has been allocated for the Fermanagh flooding task force, an undertaking that the Executive had already made to people affected by floods in Fermanagh around this time last year.

Some £2 million of current expenditure has been made available to DARD for animal disease compensation, which is a statutory function and, therefore, represents a significant and inescapable cost. A total of £1 million of current investment and £3.6 million of capital investment has been allocated to DARD for modulation match funding, which is required to fund the Northern Ireland rural development programme, and £2 million of capital allowance has been made available to DOE to allow it to provide assistance to local government for the costs of recycling and composting infrastructure, thereby helping to avoid infraction fines from Europe.

We have also been able to provide funding to Departments facing additional costs as a result of the devolution of policing and justice; to DOE to help to address the shortfall in planning receipts and facilitate the completion of the e-PIC project; and to DFP to enable it to carry out the 2011 census. An allocation has also been made in respect of the accommodation costs of the Northern Ireland Civil Service

office estate, which will be of benefit to all Departments.

In addition to the changes already detailed, in order to further facilitate sound financial management within Departments, the Executive have also allowed Departments to move resources across spending areas where the movement reflects a proactive management decision taken to enable the Department to better manage emerging pressures within its existing baselines. Those Departments are to be commended for the actions that they have taken to address pressures in that way. It has also been necessary, largely due to technical issues, to reclassify some amounts between different categories of expenditure, and details of those changes are provided in the tables attached to Members' copies of my statement.

I want to turn to the £127.8 million reduction in funding. As I indicated, we are facing an additional pressure as a result of the announcement by the UK Government that public spending would be reduced by £6 billion this year. That reduction consists of £89.6 million in current expenditure and £38.2 million in capital investment. Of that amount, £22.6 million relates to Barnett consequentials arising from reductions to policing and justice-related functions in Whitehall Departments and, as it has already been agreed that the Department of Justice's budget is to be ring-fenced in 2010-11, it falls to the Department of Justice to address that pressure. That leaves a residual £73.8 million of current expenditure and £31.3 million of capital investment to be addressed by the Executive. Using the residual funding that was available after making allocations from the reduced requirements to offset the pressure reduces those figures to £64.2 million of current expenditure and £10.6 million of capital expenditure.

We have decided that the £10.6 million in capital represents a reasonable level of overcommitment at this stage of the financial year. Therefore, we are taking no action to deal with that at present. However, it would not be prudent to leave the entire current expenditure pressure of £64.2 million unaddressed at this time. Therefore, it has unfortunately been necessary to apply reductions to departmental budgets in respect of that. Although the preferred approach was to target low-priority areas, the reality is that we simply did not have the time to pursue such an approach, and the

reductions have therefore been applied on a pro rata basis.

I felt that it was appropriate to consider how that should apply to the Department of Health and the Department of Education when I was determining the proposed approach to those reductions. In the case of the Department of Education, it is clear that that sector underpins much of what the Executive are seeking to achieve in social and economic cohesion. Where the Department of Health is concerned, although that sector was afforded full protection from in-year cuts at GB level, consideration must be given to the relative efficiency of the Health Service here in absolute terms and relative to the position in GB. Indeed, while acknowledging the needs of the health and education sectors, it is important that the incentive for and likelihood of increased efficiencies in those key spending areas are maintained and, if possible, enhanced. In the light of that, I have proposed that the Department of Education and the Department of Health be exempt from their share of the £64 million reductions on the understanding that the respective Ministers agree to work with DFP and commission PEDU to undertake work in the scope for and delivery of significant cost reductions across both those sectors.

In order to minimise the impact of that proposal on other Departments, the reduction that would have fallen to those Departments — £45.1 million — has not been distributed across them but is instead being held centrally for management throughout the remaining monitoring rounds of this year. In other words, the remaining reduced requirements that will be identified in the remaining monitoring rounds this year will have to cover that central £45 million pressure, with the safeguard that the option remains for deferring any remaining balance to next year, should that not prove possible.

Many have questioned the rationale of the in-year monitoring process. However, this monitoring round has allowed the Executive to take measures to address a significant and unforeseen pressure arising as a result of UK Government decisions while still making allocations of almost £295 million to Departments.

Nevertheless, no matter how high the level of allocations, there will always be areas where we would like to have done more or where

individual Ministers will say that we should have done more. However, with current constraints on public expenditure, it is just not possible to provide funding for every purpose. Ministers must take action to live within their existing budgets. Efficiencies and savings will have to be made, and Ministers will have to prioritise their spending plans to ensure that the limited resources available are put to the best possible use. That is true of not only the current year but the upcoming Budget period.

We are all aware of the difficult times that lie ahead, and the time has come for the Executive and the Assembly to come together to make the difficult decisions that are required to deliver the best possible outcome for the people of Northern Ireland. I, therefore, commend the June monitoring position to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. DFP had the highest underspend for current expenditure of all the Departments, with a rate of 3.4%. Given that and given that that Department should be leading by example in financial forecasting and management, what steps is the Minister taking to ensure that a similar situation does not arise in the current financial year?

There are two parts to the statement, so I also wish to ask a question about the June monitoring round. As regards the required additional savings, what does the pro rata reduction equate to for DFP and what plans will be put in place to deliver those savings in this financial year?

The Minister of Finance and Personnel: The Chairperson of the Committee is correct to say that the underspend for DFP was 3.4%. That was due to a combination of two things. First, there were some non-cash costs due to depreciation on the cost of capital, land and buildings, which would have been extremely hard to forecast because of the timing of some of the work that was done. Secondly, because of a good result for the Northern Ireland Budget involving some of the central services that DFP looks after — namely HR Connect, Account Northern Ireland etc — we reduced the costs of those services and, therefore, the spend was not as high as was anticipated. There were savings to be had, hence the underspend. Part of the underspend was due to good news.

However, as I said, we want to be able to manage budgets so that we do not have huge amounts of underspend. I assure the Member that I asked exactly the same question of officials in the Department, and we will seek to ensure that there is a better performance next year.

Off the top of my head, I cannot give the Member the figure for the reduction that there will be in the DFP budget as a result of our contribution to the savings that have to be made in this financial year. Given that the £20 million savings are to be shared between eight Departments, DFP's proportion of that will be fairly small — I think that it is less than £1 million — and will be saved across a number of areas in the Department. I have no doubt that when we are before the Committee the exact figure can be given. However, if the Member wishes to have it sooner than that, we can make it available to her.

Mr Hamilton: I thank the Minister for his statement. As he revealed, the commissioning of PEDU to conduct critical work in the Departments of Health and Education was a condition for exempting those Departments from their share of this year's cuts. Will the Minister inform the House whether discussions have happened with both those Departments and whether terms of reference and areas for examination have been agreed for driving further efficiency into those Departments?

The Minister of Finance and Personnel: The Member is quite right. The Health and Education Departments will escape a £45 million reduction in their current combined budgets as a result of that decision, and the Executive attached the very clear condition that PEDU would go in and do some work to identify savings, which would then take effect from the beginning of the next financial year. Discussions have already been held between officials in my Department and the two Departments involved to look at the terms of reference and the areas that may be studied to try to identify savings. Those savings will then be signed off on, and the work will be commenced in the autumn.

Some Members and Ministers see PEDU as a bit of a threat. I want to emphasise that the work that PEDU does is as a result of agreement between DFP and the Departments into which PEDU goes. A report, which is agreed by the two Ministers involved, will be made available at the end of the work. However, make

no mistake: the reason for and objective of that work is to deliver real savings that will then be available to the Departments in the next financial year.

Mr McNarry: I asked the Minister to look at the June monitoring round. In his letter of 3 August 2010 to all Members, he advised that after pro rata cuts have been made across all Departments, with the exception, as we heard, of the Health and Education Departments, there will be a residual pressure of £41.1 million.

4.00pm

In light of the calculated assumptions that he is making in advance of next month's Westminster announcement, what options may exist to address that £45 million in the remaining monitoring rounds this year, without going into next year? Will he also confirm that all Departments are fully apprised of his assumptions —

Mr Speaker: I encourage the Member to come to his question, or finish.

Mr McNarry: If you had not interrupted me, I was just about to do that, Mr Speaker.

Mr Speaker: Order. I may ask the Member to take his seat and we will move on. I will allow the Member to continue.

Mr McNarry: I have finished.

The Minister of Finance and Personnel: I will make it clear, so that I am not accused of misleading the House. The overspend, or the commitment that we are carrying forward, is £45.1 million in respect of current spending, and also £10.5 million in respect of capital spending, which we have not covered. Therefore, there is a total of £55.6 million there.

We will seek in monitoring rounds in September, November and February to obtain the funding to cover that gap. The Government made clear to devolved Administrations that there was the ability to carry over. However, I take it from the Member's question that he agrees with me that, given the constraints that there will be next year, it is important that we try to address that pressure this year rather than next year. That will certainly be my objective in looking at any reduced requirements in the forthcoming monitoring rounds.

Mr O'Loan: I thank the Minister for the statement. I want to ask about the June monitoring round. Obviously, we have a duty to look at all Departments in the round, and not argue the cause for or against any particular Department. However, the situation regarding the £200 million at Crossnacreevy calls out for some explanation.

A number of Departments suffered a loss in capital receipts due to the property downturn. The error in relation to Crossnacreevy was quite different: that was a grossly erroneous valuation of land. Where that error lay between the Department of Agriculture and Rural Development (DARD) and the Minister's own Department I do not know, and he may care to assign or accept responsibility.

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

Mr O'Loan: However, given that that loss occurred, why was that £200 million replaced in its entirety to DARD, when other Departments were not treated with the same generosity?

The Minister of Finance and Personnel: The Member has to understand that regardless of the reason for the problem now as a result of the capital receipt from Crossnacreevy not being realisable, we have to deal with it. Given that the capital budget for DARD is about only £25 million, and that its budget was predicated on a capital receipt of £200 million being available, there is no way that the deficit can be made up through DARD's capital budget, because it is such a small capital budget. For those bookkeeping arrangements, therefore, the £200 million had to be allocated to DARD.

The alternative — and maybe this is what the Member is suggesting, although I suspect not, given the rural base of the SDLP — would be absolutely no capital spending by DARD this year, next year or any other year if we went down the route that he is suggesting. Many farmers would not be too happy with that sort of arrangement.

Dr Farry: I welcome the June monitoring statement, albeit in September. Given the quite considerable reallocations in the statement, is there a danger of sending out a confused message to the public, and to his fellow Ministers, about how serious the situation facing us will be? It will not be just business as usual.

With regard to tackling the £128 million, and looking to the future, given that the Conservative/Liberal right-of-centre coalition are talking about a 77:23 split between spending cuts and the raising of additional revenue, is the Minister seriously suggesting that we address our problems entirely through cuts in spending?

The Minister of Finance and Personnel: I will answer the Member's first point, which was about whether the huge amount of money gives a false sense of security. In relation to the total Budget, the reallocations in the June monitoring round have been very small, and, had it not been for the capital reallocation of £260 million from the Royal Exchange project and the strategic waste infrastructure fund, there would have been very little money available for reallocation.

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

Therefore, the picture is probably skewed by the money from those two big projects and should in no way give the impression that there is a fairly relaxed financial position. I could be proved wrong, but, once the money from those two projects has been taken out, the amount available in this monitoring round could be one of the smallest of any monitoring round in recent years.

Looking to the Budget in the future and the split between filling the gap through revenue raising or spending cuts; in previous debates I have made it clear to the Member that there must be a combination of the two. It would send out the wrong signals if there were no revenue-raising element in the filling of that gap. Once we come to the main debate about the Budget proposals, that is something that will have to be considered in more detail by Members and the Executive. The Member is right; there must be a combination of the two.

Mr McQuillan: I also thank the Minister for his statement. The provisional outturn shows that last year saw a record £1.7 billion of investment in capital. Given that it is likely that the Tory/Liberal Budget will target capital for the severest cuts, how can the Executive and the Minister ensure that important investment in our infrastructure is maintained?

The Minister of Finance and Personnel: The Member is quite right. Over the next four years, we are looking at a reduction in the capital budget of 30%, which is a considerable hit and

will have a big impact. Given that about 56% of employment in the construction industry relies on public sector contracts, it will have an even greater impact on that sector. However, we have to move away from the huge dependence that there is on the public sector, whether it is in the construction industry or across a whole range of industries.

As regards what the Executive can do to ensure that the capital budget is protected in some way; I think that there are a number of things that can be done. First, we have to ensure that we get value for money from the capital spend — and there still will be considerable capital spend — that we undertake, especially as construction prices are going down. There is some scope for getting better value for money and more projects delivered for that money.

Secondly, we could change some money from current spending to capital spending. That will be a choice that the Executive and the Assembly will have to make. That will have an impact on some services.

Thirdly, we will have to look for more opportunities for receipts. It might well be that we have to make a decision that, even though we might not maximise the income from the sale of a particular asset, nevertheless, given what we want to spend the money on, it will be worth selling it at a lower price than we would like, because that would enable us to deliver on some capital projects.

Fourthly, although it is difficult to do so under public expenditure rules, we have got to look at other ways to get additional private money into public sector projects or into the infrastructure.

In respect of that, today's statement from the DRD Minister, in which he talked about re-nationalising the water service, is a retrograde step. If that were done, the opportunities to attract private money into the huge infrastructure needed for water would become less likely.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. With the Minister's indulgence, I will ask two questions. Over the summer, the Minister for Social Development raised concerns about the lack of money in his budget. Can the Minister of Finance and Personnel disclose any unfunded commitments that have been made by the Department for Social Development?

My second question is about the June monitoring round. Given that some £10 million capital has been made available for urban regeneration, is the Minister aware of any bids for the continuation of neighbourhood renewal beyond March 2011?

The Minister of Finance and Personnel: The Member refers to comments made by the Social Development Minister about urban regeneration and commitments made to it.

Let me make something clear: first, an additional £10 million in capital was made available to the Minister for urban regeneration projects. The Minister is not totally responsible for it, but he inherited from his predecessor a large number and a significant value of unfunded commitments for urban regeneration projects. That is unfortunate. Do not forget that many other Ministers, such as the DEL Minister and the DRD Minister, complained that none of their bids was met in the June monitoring round. Despite that, we found £10 million for urban regeneration projects. I understand that the present DSD Minister is not responsible for signing up to unfunded urban regeneration projects; nevertheless, the job of every Minister to live within budget. Whatever problems a Minister inherits, he must live with them. There will be other monitoring rounds and no doubt bids will be made during them, but they will have to be judged against all the other demands from Departments.

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

thank the Minister for his detailed statement, on page 5 of which he highlights the underspend in relation to match funding for EU programmes. Surely that represents a lost opportunity. The Minister is aware that the Special EU Programmes Body appears to be delaying the funding and decisions on many cross-border bids. I must declare an interest as a member of the East Border Region Committee, which tries to ensure that those bids are funded. They represent economic projects, and it is disappointing that that money has been redistributed.

Mr Deputy Speaker: Will the Member please ask a question?

The Chairperson of the Committee for Employment and Learning: I refer the Minister to the paragraph immediately below that. I seek clarification on the £5 million highlighted as extra income from Land and Property Services

(LPS), which, coincidentally, will cost £5 million to realise.

The Minister of Finance and Personnel: Let me deal first with match funding. There are several reasons why it is anticipated that some of the money held centrally for the match funding of projects might not be used this year. In some cases, because of their nature, projects will stretch over more than one year. The Member mentioned delays in assessing projects, in some cases because there is an element of savings because of changes in the exchange rate. That could be another reason for the delay; in other cases, the projects simply do not run.

That does not mean that the money has been lost. In some cases it is just a re-profiling of projects, or real savings are to be had because of benefits that result from movements in the exchange rate.

4.15 pm

The £5 million for additional rates income that I referred to is as a result of additional funds that were made available to LPS. We have now identified properties that were previously vacant; been able to undertake work to get some cases to court and more quickly recover debt; and liaised with the Enforcement of Judgments Office. We have been able to raise the £5 million as a result of that.

Mr Lyttle: Does the Minister have a timetable for a draft Budget in the coming months, and how much will that be linked to a new Programme for Government?

The Minister of Finance and Personnel: There is a timetable for the draft Budget, and I hope that the process will be completed by the beginning of the next calendar year in January. As I said in my statement, Departments need some certainty because what their budgets consist of will depend on what trusts and other bodies get. They have to plan their spending. It is one thing for a Department to get a windfall at the beginning of the year in a time when there is plenty of money, but if there is going to be a reduction, it is almost impossible to plan for if that Department does not know what is going to happen until the beginning of the financial year.

The timetable is roughly as follows. I hope that, as a result of the discussions that we have been having with Ministers and Departments, a Budget proposal can go before the Executive

some time towards the end of September; that the Executive will approve that as a draft Budget; and that it will then go to the Committees for consultation. The Committees can examine the particular Budget proposals for their Department and consult with various interested parties during the autumn. We will then be able to bring the draft Budget to the Assembly to be finalised at the beginning of the next calendar year.

That is the optimistic view, but we have to try to live and work towards that. We cannot allow it to drift. Last year, the Budget was finally approved in, I think, the second week of the financial year. That is unfair. If we stagger along at that rate this year, all we will do is bring the Assembly into disrepute. People will also be angry if they do not know what money will be available to them and how they can plan. Let us face it: we know that, in some cases, there will be redundancies and cuts in budget. People expect at the least to know in advance, not at the beginning of the financial year, so that they are able to plan.

Mr Lunn: I note that the policy of ring-fencing the Justice Department has worked against it this year to the tune of £22.6 million. Did the Minister give any consideration to alternative approaches, given the pressure on the police in particular in dealing with the dissident threat?

The Minister of Finance and Personnel: First, it is not right to say that the policy of ring-fencing has worked against the Department of Justice this year. The Member has taken a look at one particular period — the June monitoring round — and at the £127.8 million in savings that have to be made for this particular year. He should not forget that, equally, ring-fencing enabled the Department to be safeguarded against any reductions that had to be made in the Northern Ireland Executive's Budget. The ring-fencing also enabled us to have some leverage with the Treasury when it came to the kind of issues that the Member has talked about, such as increased security pressures.

To be fair, I do not think that the Minister of Justice has complained about ring-fencing working in that way. I think that that is because he has looked at the whole picture and seen that the Department of Justice still probably stands to benefit from the ring-fencing that has been agreed.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister confirm that, although we are talking about health and education, the performance and efficiency delivery unit (PEDU) reports in respect of any Department will be the property of the respective Minister? I understand completely why the Minister took the opportunity to lean on his colleagues, but I am a bit concerned that there may remain some residual resistance from other Ministers. Given that health and education are the two largest-spending ministries, will he confirm that it would be extremely surprising and disappointing if PEDU were not able to identify some efficiencies and savings, and that that itself could become a positive and very powerful incentive for the other Ministers to do likewise?

The Minister of Finance and Personnel: I thank the Member for the point that he made. I have no doubt that once PEDU goes into both of those Departments, it will identify savings to be made. That is a double advantage for those Departments because they are exempt from the reductions that have to be made this year, and there will be ongoing savings for next year. Once those savings are identified, they will be available to the Departments year on year. That is a good deal for the Department of Education and the Department of Health, Social Services and Public Safety.

Since the Executive are undertaking to finance and look after that exercise and also expect — I have emphasised this point in the answers that I have given — that real savings will be delivered, the ownership will be with the Ministers and the whole Executive. However, I cannot conceive of any situation in which a Minister, when presented in a time of financial constraint with a report that identifies efficiencies and savings, would not accept it.

Mr Girvan: In light of the forthcoming cuts and reduced funding, Executive Ministers have been asked to submit savings plans in advance of the October coalition Budget. How seriously does the Minister think that his Executive colleagues are taking that important exercise?

The Minister of Finance and Personnel: As I pointed out at the very start, I was disappointed by some of the engagements that I had with Ministers during August in respect of their spending plans and savings plans. It is not a universal disappointment; some have been

more responsible than others. I am being kicked continuously on my left leg by the Minister of Enterprise, Trade and Investment. However, the truth is that although we expected to see Departments' savings proposals, most have not been forthcoming. There will be a role for the Assembly and its Committees in that regard because, ultimately, that is where the real scrutiny of those savings plans will happen. It is important that Ministers engage with their Committees and that Committees hold their Ministers to account. We cannot, and must not, stumble into some half-baked response to the deficit reduction plans that will be imposed on us. It has to be done with proper consultation with the Assembly, and Ministers must engage with those who are meant to scrutinise their Departments.

Mr Bell: The Minister noted that the essential skills course for information and communication technology (ICT) was not successful. Given that some 72,000 people have undertaken the essential skills courses in literacy and numeracy, does he share my concern that if we fail in the essential skill of ICT and effectively turn away eight out of every 10 people who are going to attend further education colleges to get the ICT qualification, we will have damaged our chances of being a true knowledge-based economy?

The Minister of Finance and Personnel: Ministers made many bids that were not acceded to. As I made clear in my statement and during Question Time, despite the fact that the Member for North Down thinks that we are sending out the wrong signal because of the amount of money that was available for reallocation, we had a limited amount of money. Consequently, many Ministers have been disappointed by the failure of their bids to receive the money that they had hoped would be reallocated. There will be other monitoring rounds, and it is open to every Minister to make a strong case for particular aspects of his or her Department's work. Failing that, the alternative is for Ministers to look within their departmental budgets, which, I am sure, the Minister for Employment and Learning is doing already because I have had constructive discussions with him. For example, if the ICT skills project that the Member mentioned is a high priority, from where could money be switched?

Lord Morrow: I also thank the Minister for his statement. With respect to the £22.6 million

pressure that the Department of Justice has to address as part of the £127·8 million reduction in funding this year, the Committee for Justice was advised by departmental officials that the Barnett consequential for policing and justice had been applied too early. In their view, the Department should not have to meet those cuts, and representations were made to the Treasury. Will the Minister outline his understanding of the position? What discussions have taken place with the Treasury?

The Minister of Finance and Personnel: In negotiations for the devolution of policing and justice, a package for identifiable pressures was agreed, and provision was made for pressures that could not be identified but that it was anticipated might emerge. That is still the case. Therefore, if security pressures emerge, a reserve fund can be drawn down, and there is still end-of-year flexibility and so on. There was never any understanding that the Department of Justice — or the Home Office, as it is in the rest of the United Kingdom — would be exempt from Barnett consequential because of changes in allocations. Even if policing and justice powers had not been devolved, the Northern Ireland Office would have taken that share of the reductions in the Home Office's budget. The Department of Justice is still protected from the pressures that were identified during discussions about the devolution of policing and justice and the pressures that were not identified but for which allowances were made. It would experience in-year changes whether or not devolution had occurred.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. With respect to the June monitoring round and the Crossnacreevy question, will the Minister clarify that he did not actually, physically give the Department of Agriculture and Rural Development £200 million but that it was a financial correction? In addition, will the Minister verify that, in 2007, when all the financial issues about Crossnacreevy were being discussed, it was DFP's valuers who put a value of £200 million on it?

The Minister of Finance and Personnel: I can absolutely assure the Member that I did not physically stick £200 million in a bag and walk down to Dundonald House and hand it over to Michelle Gildernew. He is quite right: it was a bookkeeping exercise, whereby the £200 million that was anticipated has not been received,

so the transfer was made to ensure that a £175 million deficit does not appear on DARD's capital budget.

4.30 pm

Mr Frew: The Minister's statement reflects a slight increase in current and capital expenditure underspend last year. Will the Minister assure the House that that is a one-off and that the good financial management of recent years will continue?

The Minister of Finance and Personnel: There was an increase in the current expenditure underspend, but we must put into perspective that it was 0·2% against a total spend of £9·5 billion. If the Member thinks about it, it is akin to managing a household budget, which is significantly less. It is not always possible to be exact. During devolution, financial management has improved. Do not forget that, under direct rule, we regularly handed back more than £300 million every year. We are now down to single figures, and we sometimes beat ourselves over the head because of that.

The financial management has been better, but, as I said, we must not be complacent. Money will be tight, and, at a time of economic stringency, when money is voted to Departments, they should use it.

North/South Ministerial Council: Trade and Business Development Sectoral Format

Mr Deputy Speaker: The Speaker has received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement.

The Minister of Enterprise, Trade and Investment (Mrs Foster): With your permission, Mr Deputy Speaker, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 on a meeting of the North/South Ministerial Council in trade and business development sectoral format. The meeting was held in the offices of the North/South Ministerial Council in Armagh on Wednesday 30 June 2010. The Executive were represented by me, in my capacity as Minister for Enterprise, Trade and Investment and by Conor Murphy MP MLA, Minister for Regional Development. The Irish Government were represented by Mr Batt O'Keeffe TD, Minister for Enterprise, Trade and Innovation. The statement has been agreed with Minister Murphy, and I make it on behalf of us both. Minister O'Keeffe chaired the meeting.

The chief executive of InterTradelreland, Mr Liam Nellis, presented a progress report on that organisation's performance and business activities. In particular, he noted the generation of £83.5 million business development value; a total of 3,329 firms accessing InterTradelreland's information and business advice services; and 461 firms participating in InterTradelreland's programmes. He also referred to continuing discussions on country of origin food labelling and the actions taken by InterTradelreland to date to address that issue.

We took the opportunity to raise with Minister O'Keeffe concerns over recent developments and the protectionist policies being developed in the Irish Republic to change the Bord Bia food labelling policy. We explained that the protectionist policy in the Republic of Ireland is detrimental to both jurisdictions and a barrier to free and open cross-border trade.

Ministers also received a presentation from the chairperson of InterTradelreland's board, Dr David Dobbin, who provided an update on the organisation's strategic priorities for the body's next corporate plan for 2011-13. The Council approved InterTradelreland's 2010 business plan and noted its plans to identify and help to realise opportunities to improve

competitiveness, generate economic growth and create sustainable quality jobs through increased trade, co-operation on innovation and business development opportunities.

Ministers received a presentation on the InterTradelreland quarterly business monitor and noted the useful information that it provided on the impact of recent economic developments on the private sector, the shape of the recovery and competitiveness issues.

Ministers discussed a presentation on co-operation on innovation. They noted the collaborative work by Enterprise Ireland, Invest Northern Ireland and InterTradelreland to identify possible sources of additional funding for innovation programmes and to gain access to research institute resources.

Ministers noted the approval of five proposals with a total value of £10.7 million under the US and Ireland R&D partnership and the plans to allow an expansion of the partnership topics to include telecommunications and energy research. Ministers also noted that InterTradelreland will carry out an analysis of the innovation ecosystem and that InterTradelreland's draft accounts for 2009 had been submitted to the Comptroller and Auditor General in both jurisdictions. I commend the statement to the Assembly.

The Chairperson of the Committee for Enterprise, Trade and Investment

(Mr A Maginness): I thank the Minister for her statement, which, as usual, was very comprehensive and detailed. The statement highlights the work of InterTradelreland, and the figures reported indicate a good performance by that organisation. Will the Minister assure the House that InterTradelreland has her full support and continues to work well? In these difficult times, the success of an organisation that promotes trade between both parts of Ireland makes a tremendous contribution to working a way through and out of recession. I ask the Minister to comment on that.

The Minister also rightly referred to the problems encountered with country of origin food labelling. Will the Minister enlighten the House as to how that issue will be fully resolved?

The Minister of Enterprise, Trade and

Investment: I thank the Chairperson for his question. If I recall correctly, he asked similar questions the last time I came to the House

with a statement concerning InterTradelreland, and I say again that that body is doing good work. However, as the Chairperson would expect, I will always provide a challenge function to that work to ensure that companies in Northern Ireland get the optimum amount of help from InterTradelreland. The key point about InterTradelreland and what differentiates it from Invest Northern Ireland is its function to help small businesses with their exports. Some people think that there is duplication between those two bodies, and I am always conscious of that. However, for many smaller companies in Northern Ireland, InterTradelreland offers an opportunity to experience an export market for the first time. That is an important function of InterTradelreland, and it can lead to some of those companies exporting to the rest of Europe and globally.

The Chairperson rightly raised the issue of country of origin food labelling, which has concerned me for some time. I raised it with the Irish Agriculture Minister on the sidelines of an NSMC plenary meeting, and I am waiting for him to come back to me on that. InterTradelreland promotes trade between the two jurisdictions on this island, therefore I raised the issue with the chairman and the chief executive of InterTradelreland. It is a real issue for us because one third of all exports between Northern Ireland and the Republic of Ireland are food-related. I do not want the issue to escalate into something that could cause real difficulties not just for Northern Ireland but for the Republic of Ireland. If Northern Ireland products are not as competitive as Republic of Ireland products, it may be that producers there have difficulties when they go to sell their products in the United Kingdom. We certainly do not want the issue escalating into something that cannot be handled, so I will continue to push InterTradelreland to deal with it. However, the Government of the Republic of Ireland also have a responsibility to ensure that the issue does not escalate into one that cannot be dealt with.

Mr Frew: If the Minister can, will she comment on the PAC report on InterTradelreland that was published recently?

The Minister of Enterprise, Trade and

Investment: Unfortunately, there is little that I can say about that report. DETI has been through the report with DFP and has undertaken a detailed and careful consideration of the points made by PAC. A detailed response will be laid in

the Assembly in the form of a memorandum of reply, which will also be published on DFP's website. Suffice it to say that we will deal with the issues raised in that report.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. InterTradelreland has published quarterly all-Ireland business monitor reports since 2007. Its latest report stated that 50% of businesses in both jurisdictions reported that the recession had impacted on them more severely than at any time since the surveys began. Does the Minister agree that both jurisdictions need to pool their resources and expertise in innovation, because that is the way in which we will come out of the recession in a much better position? There is also the issue of regulatory barriers deterring businesses in both jurisdictions from developing on an all-Ireland basis.

The Minister of Enterprise, Trade and

Investment: I will address the last point first: some programmes that have been developed by InterTradelreland are precisely to deal with any barriers, perceived or otherwise. For example, there is the Network and Get Work programme, and InterTradelreland has run good procurement programmes. If the Member is aware of any barriers that he thinks InterTradelreland should deal with, I am certainly happy to take those up with the chairperson and the chief executive. InterTradelreland is focused on dealing with those issues, which is why it developed the programmes.

The business monitor is a useful early indicator of business confidence. It gets information from around 1,000 senior executives — 500 from Northern Ireland and 500 from the Republic of Ireland — who are asked specific questions about how their businesses are doing and so on. I recently had a conversation with the chairperson and chief executive about the business monitor, and I think that the next business monitor will look at access to credit and other such issues. I am sure that, over the summer, Members will again have dealt with small businesses that are having difficulties with access to credit and with banking, which is an ongoing issue. I would even go as far as to say that it is an escalating difficulty for small businesses. I want to know the scale of it in Northern Ireland, and I am sure that Minister O'Keeffe will want to know the scale of it in the Republic of Ireland. We hope that the business monitor will take a brushstroke approach, as

opposed to providing qualitative data, about where business confidence is on banking. I hope that the next business monitor will be able to deal with that.

Innovation is certainly a key priority for InterTradelreland. The Member may know that Minister O'Keeffe and I hope to meet the European Commissioner for Research, Innovation and Science, Máire Geoghegan-Quinn, in the near future to find out what extra finances we can glean from European funds to add to the funds that come nationally for innovation. We believe that that is the way forward, and it complies with the independent review of economic policy in Northern Ireland. Innovation is what we want.

Mr Cree: I thank the Minister for her statement, which was, as usual, very interesting. I share the Minister's concern about protectionism. I was wondering what Minister O'Keeffe's response was to the Minister when she raised the issue of protectionism. Did he say anything? The Minister's statement does not mention it. I cannot help but contrast that with innovation, where there are examples of intellectual property. Innovation can be a private issue for firms in the same industry, and instances of competitive intellectual property can be involved. The protectionist policy on food labelling is in contrast to what we are meant to be doing through co-operation to drive businesses forward. Will the Minister comment on that?

The Minister of Enterprise, Trade and

Investment: The Member is absolutely right about innovation in that many people do not want other people to see their ideas and what is going on. We tried to widen the whole aspect of innovation through universities working with small businesses so that they can grow those businesses to the next level of research and development or through pure innovation. Much work is still to be done on innovation, but some of the collaborative partnerships that developed as a result of InterTradelreland programmes work well.

When I visited Augher creamery recently, I had the opportunity to see the way in which the FUSION programme works very effectively. A graduate from a technical college in the Republic of Ireland — I cannot remember which one — was working in Augher creamery, and she had — I do not want to exaggerate —

transformed the way that that business works. We need to encourage such practices and partnerships, which have worked very well.

4.45 pm

I will continue to push on the issue of protectionism because, if it gets out of hand, it will be a real problem for Northern Ireland. I have already said that one third of all trade between Northern Ireland and the Republic of Ireland is in the food sector. Therefore, we cannot afford to allow protectionism to grow to the next level. At present, there is a review of country of origin labelling, and, when the review is complete, I hope that the right answer comes out whereby this is all dropped and we continue to work on a free market basis.

Mr Neeson: I thank the Minister for her statement and am pleased to hear of her continued support for InterTradelreland. She provided statistics on the take-up of InterTradelreland's facilities and programmes and outlined the number of companies that have got involved. Can she provide us with any breakdown of the number of companies from Northern Ireland and from the Republic of Ireland that have taken up use of the facilities?

The Minister of Enterprise, Trade and

Investment: Unfortunately, I do not have that information in front of me at the moment. However, I am happy to provide the Member with that and place a copy of the letter in the Library for other Members to see.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement and welcome some of the comments in it, particularly those about generating economic growth and creating sustainable, quality jobs through increased all-island co-operation. Does she agree that a harmonisation of taxation across the island would go a long way to breaking down those barriers and developing trade and business?

The Minister of Enterprise, Trade and

Investment: That is, clearly, not a matter for me because fiscal policy resides at our national Parliament in Westminster. That being the case, we will continue to deal with policies that will help Northern Ireland companies to develop, trade more with the Republic of Ireland and, in doing so, hopefully increase the number of businesses that take up InterTradelreland's programmes. There are some very good

programmes that are of benefit to businesses in Northern Ireland, and, as long as there is benefit to businesses in Northern Ireland, I will continue to support them.

Mr Givan: Will the Minister give us an assurance that, at a time of severe public pressure on our finances, any duplication between InterTradelreland and her Department or agencies such as Invest NI will not be tolerated?

The Minister of Enterprise, Trade and Investment: I raised that matter with InterTradelreland when I came into my post over two years ago. InterTradelreland and Invest Northern Ireland have very different remits and roles. Therefore, in theory, there should be no duplication between the two bodies. However, I was concerned at that time, and, because of that concern, I continue to keep an eye on it. It is helped by the fact that the chairperson of InterTradelreland, David Dobbin, is also on the board of Invest Northern Ireland and, therefore, has sight of everything that happens in both bodies. As well as that, there is a system whereby senior Invest Northern Ireland officials sit on the steering groups of InterTradelreland's major programmes, such as FUSION, which I have already mentioned, Acumen, INNOVA, Go-2-Tender and EquityNetwork. Furthermore, there are Invest Northern Ireland representatives on the steering groups for its major business and economic policy reports. That reflects the fact that InterTradelreland is trying to deal with the concern of duplication because, in tightened financial circumstances, we certainly do not want duplication in the work of two public bodies.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. This NSMC meeting is probably one of the most important cross-border meetings not only to monitor the recession but to monitor the economy, which is an important area of work in the North and the South.

The banks' current position is one of self-preservation in which they refinance before releasing cash to small, new or innovative businesses. Can the Minister say how much the recession and the position of the banks will affect job targets and the number of jobs that will be created by this work over the next few years?

The Minister of Enterprise, Trade and Investment: InterTradelreland is not principally a job-creation organisation, although that is a very helpful by-product of trade activities between

Northern Ireland and the Republic of Ireland. Despite the fact that it is not a job-creation body, InterTradelreland has managed to create somewhere in the region of 211 jobs over the past year. However, its prime focus is to ensure that companies that want to export into the Republic of Ireland, and vice versa, will have the tools to be able to do so in an important way. For those reasons, I have specifically asked InterTradelreland to ask senior executives in both the Republic of Ireland and Northern Ireland, in its next quarterly business monitor, about the banks, access to credit and how that is affecting their businesses. We need to be told that.

From an Executive point of view, the Minister of Finance and Personnel, the First Minister, the deputy First Minister and I all meet the banks. The banks tell us that they are lending, that they have never lent so much, that they are open for business, and all of those things. However, I know from speaking to colleagues — we are meeting small businesses on a day-to-day basis — that that is simply not the case on the ground, whether it is because the banks are increasing their fees, are cutting down on their overdrafts, or are just not interested in financing start-up businesses.

There is a disconnect between what we are being told by the banks and by people on the ground. Something needs to be done about that. Our powers are limited, given that we have no controls over the banks. However, we will keep pushing the banks to ensure that we get some response from them in relation to these matters.

Executive Committee Business

Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010

The Minister for Social Development (Mr Attwood): I beg to move

That the Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010 be approved.

The regulations, which were laid before the Assembly on 1 April 2010, provide a guarantee that lone parents with a youngest child of 12 or under who receive jobseeker's allowance will have the right to restrict their availability for work to their children's school hours. The regulations augment other flexibilities, some pre-existing and others added by the recent Welfare Reform Act (Northern Ireland) 2010, which hope to strike a balance between the requirement on parents to undertake work or work-related activities and the need for children to be raised in a secure environment with an involved parent or parents.

I am aware that, since I last spoke in the Assembly, there have been many significant and profound welfare proposals and developments. Indeed, some are of grave concern, and I may comment on those shortly. However, for the purposes of these regulations, it is important to help more people to find work, to move people out of poverty, to grow the economy to ensure that people can achieve their aspirations and those of their families, and to eradicate child poverty.

Jobseekers are normally expected to be available for work for up to 40 hours a week. There are, however, a number of existing flexibilities that qualify that requirement for certain people whose personal circumstances may inhibit their ability to work full time or to look for work on a full-time basis. In particular, the flexibilities for lone parents claiming jobseeker's allowance (JSA) were strengthened when the lone parent obligations were introduced in December 2008. Those measures allow lone parents to limit their availability for work, in discussion with a personal adviser, to a minimum of 16 hours a week to take account of their childcare responsibilities. The measures also allow them to refuse a job or to leave employment if that childcare is not available.

A further measure was introduced by the recent Welfare Reform Act (Northern Ireland) 2010, which places a requirement on personal advisers to take the well-being of any child affected into account when drawing up a jobseeker's agreement. Those agreements frame the job-seeking action that follows, so this is an addition to the safeguards. Such flexibilities and safeguards are essential. The efforts to help people back into work would be damaged if the difficult social circumstances in which many people find themselves were not recognised.

The regulations strengthen one of the existing flexibilities for lone parents on jobseeker's allowance. They give eligible lone parents, that is lone parents with a child of 12 years of age or younger, the right to limit their hours of availability to their child's school hours. It puts the power to determine their availability at the hands of lone parents, because they are best placed to make judgements about their responsibilities and lifestyles. It will assist lone parents who have predictable availability for work because their children attend for conventional school hours, that is, a regular daily pattern from Monday to Friday. That should cover the normal experience of the majority of lone parents.

Lone parents whose children's school hours fall outside a regular pattern of attendance for the time being, or perhaps permanently for a particular reason, can instead make use of the flexibility which allows them to reduce their availability for work in discussion with an adviser. If parents have difficulty during the school holidays, they can make use of the flexibility in the jobseeker's allowance regulations, which enables parents to be deemed unavailable for work during the school holidays if no appropriate childcare is available.

That is a simple change, but it could have a significant impact on the lives of lone parent jobseekers all over Northern Ireland. However, as Members know, there are far from simple changes being talked about at Treasury, at the Department for Work and Pensions (DWP) and in the London Government. I have been warning that there is a clear risk that Treasury may prevail over DWP in the current welfare debate. Whatever the intentions of the Secretary of State for welfare, Iain Duncan Smith — some of which may be good — his ambitions and intentions would be compromised en bloc by the

welfare-slashing intentions of the Treasury. That is why, over the past couple of months, I have met the Welfare Reform Minister, Lord Freud, in London and the Secretary of State for welfare, Iain Duncan Smith. I have made the argument that Iain Duncan Smith's own institute in Northern Ireland seems to adopt, which is that there are particular circumstances and levels of deprivation, disadvantage and poverty over the generations, compounded by emigration, and now complicated by the legacy of conflict. As a consequence of that, when it comes to welfare reform in the future, Northern Ireland must be treated as the particular case that it clearly is.

I have also made the argument over the past couple of months, and I will make it again now, that whatever the London Budget may or may not mean in respect of the Northern Ireland block, when it comes to decisions around the Executive table in Northern Ireland, we must not impose upon those people who are already in need, stress and disadvantage any additional burdens in this time of recession, which is going to continue at least until the end of 2012. As a consequence of that, there will be no new jobs in the context of potentially fewer public sector jobs.

Given the evidence that is beginning to emerge from the Institute of Fiscal Studies in London in respect of the emergency Budget a couple of months ago, in respect of the BBC report last week on of the impact on the north-east of England in the event of public sector cuts where there was a higher dependency on public sector jobs, and given the report in 'The Observer' yesterday about the potential cuts in welfare over the next period beyond what we had envisaged, there is a particular responsibility in my view, not just in London but in respect of this Executive, to protect those in need, disadvantage and stress when it comes to the budgetary discussions. Without prejudice to all of that, I beg to move the regulations.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development considered the Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010 at its meetings of 11 March and 15 April. As the Minister indicated, the purpose of the statutory rule is to give lone parents on jobseeker's allowance with children aged 12 or under a right to restrict their availability for work to suit their child's school commitments without a loss of benefits. The rule may be viewed as recognition

that in the absence of so-called wraparound childcare, lone parents who have young children cannot be subject to the same benefit conditionality regime as other claimants.

In response to queries raised by the Committee, I can advise that the Department has provided assurances that during school holidays the normal safeguards for lone parents exist, that is to say that lone parents are eligible to claim JSA if they are available to work and are not obliged to take up employment if they do not have access to childcare.

As part of its deliberations, the Committee sought feedback on the impact of the rule on lone parents. I recently learned from the Department that, as the Minister has indicated, up until June 2010 only a small number of lone parents have sought to restrict their availability for work. I am glad to advise the Assembly that I understand that benefit agencies have allowed those parents to restrict their availability without loss of benefits.

5.00 pm

The Committee agreed to support that beneficial statutory rule. The Committee would also support the view that, in respect of welfare reform measures for vulnerable groups, such as lone parents, extensive data should be collected by the Social Security Agency on the impact of such reforms. In this case, such data could usefully inform the development of a childcare strategy for Northern Ireland.

Therefore, given the beneficial nature of that particular rule, the Committee is happy to recommend that it be confirmed by the Assembly.

Mr Brady: As the Committee Chairperson stated, the Department was asked to provide information on the impact of the rule before its confirmation by the Assembly. The Department advised that it was unable to provide detailed data. For various reasons, 141 lone parents sought to restrict their availability for work. The Minister stated that that flexibility was allowed.

As the Minister is aware, Sinn Féin is unhappy with many aspects of the Welfare Reform Bill. My party put forward a number of proposals. It is parity legislation. Presumably, parity, by definition, means to compare like with like. Unfortunately, much of that legislation does not compare like with like. The Minister states that this particular rule will provide for lone

parents whose youngest child is 12 years old or under. Obviously, further down that road, lone parents whose youngest child is five years old or, possibly, one year old will have to satisfy requirements for work. In fairness, the Minister has stated that he will bend flexibility as far as possible within the context of parity.

For many lone parents, the difficulty lies with other benefits that are available, such as working tax credit. Before I am told that that is not within the Minister's remit, I will point out that I understand that. However, it is difficult to make legislation that affects lone parents without addressing other issues, such as the childcare element of working tax credit.

The Committee has examined the rule in some detail. As the Chairperson said, it agreed to recommend the rule, although some members were unhappy to do so. Go raibh míle maith agat.

Mr Armstrong: Although the issue attracts strong opinions, the regulations that are before the House are straightforward. Those regulations are designed to ensure parity between Northern Ireland and Great Britain. As a unionist, I am committed to ensure that the parity principle is maintained, especially in these times of financial constraint.

I welcome the easements that the regulations will establish. In light of the fact that childcare is limited in Northern Ireland, the ability to restrict availability for employment to a child's normal school hours is a welcome step. That will help single parents to gain jobseeker's allowance. It will also help them to gain employment, and I believe that everyone would agree that that is the best way to address poverty — especially child poverty — and cycles of deprivation.

Although these regulations will not increase the availability of work, they are a welcome piece of the wider jigsaw of helping people to get jobs, grow the economy, and break cycles of poverty. I welcome the regulations.

Mrs M Bradley: It takes a great deal of money to fund such measures. Have the Education or Health Ministers considered giving additional funding to help with that?

Ms Lo: I want to thank the Minister. He is sympathetic to communities. I look forward to hearing more positive results from his discussions with Westminster.

Earlier today, I consulted Gingerbread about the legislation. It certainly welcomes the establishment of those easements. It says that that is one area in particular that must be dealt with through regulations. As other Members said, the lack of available childcare continues to cause difficulties for many lone parents. There are access and affordability difficulties, and parents constantly struggle with parenting and working. The regulations are compassionate and more flexible for lone parents, all of whom want to work. However, their priorities are often with their children, and rightly so. Children's welfare must be paramount in our policies and decisions.

Those of us who are parents, and who know how difficult it is when children are young and when parents are struggling with work and looking for help with childcare, should recognise the work of parents who are at home looking after children. Those parents bring up decent young people, and that is a contribution that they make to society.

Mr Deputy Speaker: I call the Minister of Health, Social Services and Public Safety. I beg your pardon: I call the Minister for Social Development.

The Minister for Social Development: I have slightly more hair.

Mr Kennedy: He looks like the Health Minister.

The Minister for Social Development: I do not behave like him, though. I welcome the consensus in the House for the regulations, and I thank the Committee for the positive way in which it dealt with them. I am sure that that will be a template for our relationship over the next nine months.

I want to stress a number of points. Mr Brady and Mr Hamilton referred to how the lone parent obligations have operated since their introduction in December 2008. It is worth emphasising what the Committee Chairperson and Mr Brady said: any lone parents who want to restrict their availability are able to do so. There were 141 requests, and all requests were allowed. That says a number of things about the welfare system in Northern Ireland. First, it says that there is a level of understanding in the Social Security Agency around lone parent issues and around the need for flexibility when dealing with lone parents' care and responsibilities. Secondly, it says that the

training and direction worked itself through the agency to produce a situation in which 141 requests were allowed.

It also reflects something that was said by Eileen Evason, whom I consider to be the foremost expert on welfare and child poverty in Northern Ireland. She has been saying that, whatever the character and gravity of welfare reforms that might have been rolled out to date, the Social Security Agency and its staff have measured up in their obligations to the customer, particularly to those in most acute need, as is evidenced by the operation of the lone parent regulations.

That emphasises another point. When it comes to the Budget negotiations, it is not only the teacher and the nurse who should be seen as providing a front line service in Northern Ireland but the people who work in child maintenance, social security, the Housing Executive and neighbourhood renewal. They need to be protected, because the nature of their work is to help people who are in need, stress and disadvantage and who are looking for opportunity.

Mr Brady and Mrs Bradley raised the issue of childcare. I compliment Mr Brady on his neat use of language. He said that he was unhappy to agree to the regulations. I think that I will use that form of words in future when it comes to —

Mr F McCann: I thought that you used that form of words regularly, Alex.

The Minister for Social Development: Not quite those words, but I will use those words in order to demonstrate my distance from welfare reform proposals in London.

The broader issue is that flexibilities around access to affordable childcare are built into the welfare benefit system, because access to affordable childcare in Northern Ireland is restricted to around 20% of those who seek it. That is unlike the situation in parts of Britain, especially in parts of England where accessibility is up to 80%. Although it is difficult to roll out a childcare strategy, and although it is very expensive, which is, presumably, one of the reasons that, thus far, the structures in the Executive dealing with the issue have yet to produce the final result, we cannot put it off for ever and a day.

To answer Mrs Bradley's question more directly, and I will be very frank, as I tend to be with the Assembly, it was put to me that in considering my budget bid, I would want to look at the funding that the Department for Social Development provides for projects that include childcare provision. I was asked whether I would want to reconsider that, and I said that I would not. I know that Mr Hamilton thinks that that is a big part of my savings plan, but in the big Budget bid that was put in five or six weeks ago, I made a bid for the continuation of DSD funding for projects that include childcare. In the absence of an overarching interdepartmental agreed strategy with the money to fund childcare, it falls to each Department to measure up as best they can, rather than to let childcare provision go to the wall, which is the danger.

I stress that, beyond the lone parent regulations that are being approved today, other flexibilities in the social security system that relate to the needs of parents cover quite a number of bases. Just as there have been 141 requests for restricted availability for lone parent obligations, there are wider flexibilities for all parents. I trust that each of us, through our offices and through the system generally, will exploit those opportunities so that we can deal with whatever may come across the Irish Sea from London. Indeed, I will negotiate hard with London to resist much of that if I am able to, and I am sure that I will be supported by the Assembly, the Executive and the Committee for Regional Development in that. Nonetheless, a number of flexibilities remain that people in the community and those giving advice should exploit to the full to ensure that parents, not least lone parents, get the benefit of the system rather than be impeded by it.

Question put and agreed to.

Resolved:

That the Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010 be approved.

Committee Business

Statutory Committee Membership

Mr Deputy Speaker: The next five motions relate to membership of Statutory and Standing Committees. As with similar motions, they will be treated as business motions. Therefore, there will be no debate.

Resolved:

That Mr Trevor Clarke replace Mr Stephen Moutray as a member of the Committee for the Office of the First Minister and deputy First Minister; that Mr David Hilditch replace Mr Trevor Clarke as a member of the Committee for Culture, Arts and Leisure; that Mr Jonathan Craig replace Mr Alastair Ross as a member of the Committee for Education; that Mr Sydney Anderson replace Mr William Irwin as a member of the Committee for Employment and Learning; that Mr William Irwin replace Mr Gregory Campbell as a member of the Committee for Enterprise, Trade and Investment; that Mr Thomas Buchanan and Mr Trevor Clarke replace Mr Jonathan Bell and Mr Ian McCrea as members of the Committee for the Environment; that Mr Paul Girvan replace Mr Jonathan Craig as a member of the Committee for Finance and Personnel; that Mr Paul Girvan replace Mr Thomas Buchanan as a member of the Committee for Health, Social Services and Public Safety; that Mr Sydney Anderson replace Mr David Hilditch as a member of the Committee for Social Development; that the Lord Browne and Mr Thomas Buchanan be appointed to the Committee for Justice; that Mr Allan Bresland be appointed to the Committee for the Office of the First Minister and deputy First Minister; that Mr Simpson Gibson and Mr Trevor Clarke be appointed to the Committee for Agriculture and Rural Development; that Mr Paul Givan be appointed to the Committee for Enterprise, Trade and Investment; and that Mr Paul Frew be appointed to the Committee for Finance and Personnel. — [Mr Weir.]

Resolved:

That Mr Chris Lyttle replace Ms Anna Lo as a member of the Committee for Employment and Learning. — [Mr McCarthy.]

Resolved:

That Mr Willie Clarke replace Mr Daithí McKay as a member of the Committee for the Environment; that Mr Fra McCann replace Mr Willie Clarke as member of the Committee for Regional Development; that Mr Daithí McKay replace Mr Fra McCann as a member of the Committee for Finance and Personnel; that Mrs Claire McGill

replace Mr Daithí McKay as member of the Committee for Enterprise, Trade and Investment; and that Mr Mickey Brady replace Mrs Claire McGill as member of the Committee for Health, Social Services and Public Safety. — [Mr P Maskey.]

Standing Committee Membership

Resolved:

That Mr William Irwin and Mr Adrian McQuillan replace Mr David Hilditch and the Lord Browne as members of the Public Accounts Committee; that Mr Sydney Anderson, Mr Paul Frew and Mr Ian McCrea replace Mr Allan Bresland, Mr Thomas Buchanan and Mr Trevor Clarke as members of the Standards and Privileges Committee; that Mr Jonathan Bell be appointed to the Assembly and Executive Review Committee; and that Mr Gregory Campbell be appointed to the Public Accounts Committee. — [Mr Weir.]

Resolved:

That Ms Anna Lo replace Dr Stephen Farry as a member of the Audit Committee. — [Mr McCarthy.]

Commissioner for Older People Bill: Extension of Committee Stage

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 December 2010, in relation to the Committee Stage of the Commissioner for Older People Bill [NIA Bill 21/09].

The Commissioner for Older People Bill passed its Second Stage on 7 June 2010 and was referred to the Committee for the Office of the First Minister and deputy First Minister (OFMDFM) on the same day. The Bill is a piece of legislation that seeks to provide for the appointment and the functions of a Commissioner for Older People for Northern Ireland. The Bill has 29 clauses and three schedules. The clauses establish the Commissioner for Older People and set out the principal aim of the Commissioner. The clauses also set out the functions of the Commissioner.

The OFMDFM Committee has considered the Bill on a number of occasions, and has received written and oral evidence from a number of stakeholders in the sector and from the Department. The Committee will discuss

possible amendments to the Bill and the powers of the Commissioner with the Department at its meeting this coming Wednesday. The Committee is seeking an extension until 17 December 2010 to allow it to fully scrutinise and consider possible amendments to the Commissioner for Older People Bill. The extension would allow the Committee to deliver on other commitments and Bills scheduled to come to the Committee shortly. I ask the Members for their support.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 December 2010, in relation to the Committee Stage of the Commissioner for Older People Bill [NIA Bill 21/09].

Adjourned at 5.18 pm

Written Ministerial Statements

The content of these written ministerial statements is as received at the time from the Ministers. They have not been subject to the official reporting (Hansard) process.

Department for Regional Development

Roads Service: Section Offices

*Published at 12.00 noon on
Wednesday 7 July 2010*

The Minister for Regional Development

(Mr Murphy): I wish to inform Assembly Members of plans for my Department's Roads Service to reorganise a number of its Section Offices.

As a result of increasing financial pressure on Road Service's admin budget, and as part of its 'Roads Service 2012' Project, I have approved the reorganisation of eight of Roads Service's smaller Section Offices into four new combined Section Offices, each covering two adjacent Council areas.

This reorganisation will help Roads Service to manage budgetary pressures in 2010/11 and in future years.

This stage of the reorganisation involves combining the following Section Offices:

- Coleraine and Limavady;
- Lisburn and Castlereagh;
- Banbridge and Craigavon; and
- Magherafelt and Cookstown.

In each case, the new Section Office will look after network maintenance activities in two Council areas. Such an arrangement already exists and works well in Roads Service's Ballymena and Larne Section Office and at its Ballymoney and Moyle Section Office.

Discussions to keep Trade Unions and the affected Councils informed will continue over the summer months, in advance of the changes being made.

Environment

Publication of PPS 7 Addendum

*Published at 12.00 noon on
Tuesday 10 August 2010*

The Minister of the Environment (Mr Poots):

I am pleased to inform Assembly members that the Executive, at its meeting on 22 July 2010, has endorsed the Addendum to Planning Policy Statement 7 (PPS 7), titled 'Safeguarding the Character of Established Residential Areas'.

Public consultation on a draft PPS 7 Addendum concluded on 5 March 2010 with a total of 89 responses received from organisations, and individuals. The responses received were generally supportive of the proposed policies. The final Addendum includes a number of minor changes to improve the clarity of the document.

The policies set out in the Addendum will help towards the better management of proposals for the redevelopment of existing buildings; proposals for the infilling of vacant sites (including extended garden areas), and proposals for the conversion or sub-division of existing building to flats or apartments (including those for multiple occupancy).

These additional operational planning policies are designed to ensure that the character of established residential areas is not unduly impacted upon by future residential development proposals.

The Addendum will also help reduce flash flooding in urban areas by encouraging greater use of permeable paving within new residential developments.

Copies of the final policy have been placed in Members' pigeon holes.

Office of the First Minister and deputy First Minister

Independent Review of the Dioxin Incident

*Published at 9.30 am on
Monday 13 September, 2010*

The First Minister and the deputy First Minister (Mr P Robinson and Mr M McGuinness): We wish to inform Assembly Members of the publication of the “Independent Review of the Dioxin Incident in Northern Ireland, December 2008”.

A recall of all Irish pork products produced from pigs slaughtered in Ireland was ordered by the Food Safety Authority of Ireland on Saturday 6 December 2008. This had a major impact in Northern Ireland, resulting in a decision by the Executive to commission an independent review of the handling and communications of the incident.

This Review was undertaken by Mr Kenneth J MacKenzie CB, a former senior civil servant in the Scottish Government. Mr MacKenzie's Report was submitted to the Executive on 9 September 2010 and is being published today. We would like to record our gratitude to Mr Mackenzie for undertaking the Review.

The Report sets out a number of recommendations which the relevant Ministers and key stakeholders will now consider in detail. The relevant Assembly Committees will also wish to consider the Report as appropriate. The Executive will then consider proposals for responding to the recommendations to ensure the lessons are learned and necessary actions implemented in preparation for and in handling any such incident in the future.

The Report is available for viewing in the Assembly Library or on the OFMDFM website at www.ofmdfmni.gov.uk.



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

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ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325

Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited

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ISBN 978-0-339-50423-3



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