

Official Report (Hansard)

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They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.

Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

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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 hAirí 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 taigdh 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?

