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Northern Ireland Assembly

Tuesday 2 November 2010

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

Members observed two minutes' silence.

Executive Committee Business

Justice Bill: Second Stage

The Minister of Justice (Mr Ford): I beg to move

That the Second Stage of the Justice Bill [NIA 1/10] be agreed.

I begin with an admission: I take some pleasure in standing before the House as Minister of Justice for Northern Ireland and presenting to the Northern Ireland Assembly the first Justice Bill to be considered in this Chamber for almost 40 years. It is a matter not simply of personal pleasure but pleasure on behalf of the Assembly and of all the people of Northern Ireland.

Today is a day of some significance. Following my formal introduction of the Justice Bill on 18 October, today is, I hope that Members will agree, a significant day for all of us. It is significant for the devolution of policing and justice. Since 12 April, I have stressed that the touchstone for the Department of Justice will be the creation of justice legislation for Northern Ireland.

The Assembly was given the powers to legislate on policing and justice almost seven months ago. Within an even shorter period, we are already considering legislation that will make major changes to the justice system. That legislation and the wider work around it will lay a foundation stone for future development. Collectively, we have taken major steps forward since devolution on 12 April; we should all take credit for that. Today, therefore, has significance for the Assembly, which is now delivering for the people of Northern Ireland justice powers that have been created specifically for our needs. Executive Ministers have considered the Justice Bill in draft form, the Justice Committee has been briefed on the proposals for the Bill and been involved in their development, and from today the Assembly as a whole can play a part.

It is also a day of significance for the justice system itself. The Assembly will be considering legislation that will make significant changes to the way that the justice system does its business. The legislation will improve the services that we provide to victims and witnesses, enhance community safety, better engage communities and allow us to do our business better, more effectively and more efficiently in the current economic climate.

It would be dishonest of me, however, not to register some personal pleasure, too, in bringing justice legislation before the Assembly today. It has significance for me and for my Department. On 12 April, as part of the Hillsborough Castle Agreement, I was charged with bringing forward a justice Bill for Northern Ireland. In a little over six months, we have a major piece of legislation for Members' consideration. I pay tribute to those who helped along the way — to my staff on policy matters, the draftsmen and the Committee that helped to shape the legislation.

The legislation was not created in isolation. It sits in a wide programme for change that my team and I have been working vigorously to deliver. It is part of a broad programme of work at many levels designed to reshape Northern Ireland's justice system and to deliver for the people of our region.

At the most strategic level, we have secured Executive and Assembly agreement on an addendum to the Programme for Government to map out the way forward for the Department. Wider afield, I have developed a close working relationship with ministerial colleagues outside Northern Ireland: the Home Secretary and the Secretary of State for Justice, the Scottish Cabinet Secretary for Justice and the Irish Minister for Justice and Law Reform.

At the managerial and delivery level, the Department has established a criminal justice

delivery group, chaired by myself, which will oversee the work of the Criminal Justice Board. It has overseen a new programme of work, delivered through the Criminal Justice Board, to streamline processes and eliminate wasteful delay in the criminal justice system. It has brought forward reforms to the legal aid system, with the objective of aligning legal aid expenditure with the available budget by 2012.

I have also set in train a wide programme of change. I have commissioned reviews and have launched key consultations. The reviews will examine the conditions of detention management and oversight of all our prisons; public legal services in Northern Ireland, to decide how best to help people to secure access to justice; and the arrangements for police injury-on-duty awards. Just yesterday, as the House will know, I announced a major review of our youth justice system.

For the Bill, there were, for example, consultations on legal aid, community safety structures and funding for victims' schemes. There is a consultation on sentencing guidelines mechanisms to examine how best to establish a clearer, transparent and more consistent framework for sentencing and a consultation on a new code of practice for victims, with the intention of placing that code on a statutory footing.

The Bill that has its Second Stage today sits squarely in that reform agenda in our Programme for Government and is built on and delivers key aspects of our strategic initiatives as part of our victims strategy, community safety strategy, public protection and sexual offender management agenda, our recently published strategy to manage women offenders, our work to improve access to the justice system and, crucially, our planning policies for Budget 2010. The Bill is a key part of our strategic reform and development agenda. It undoubtedly reflects a need for change in our justice system and a desire in the justice system to do its business better, deliver better and enhanced services to victims and witnesses, improve public safety and build stronger and safer communities, and reduce costs, particularly for legal aid.

Let me explain what the Bill seeks to achieve in broad principles. It is designed to improve services and facilities for victims and witnesses, to improve our community safety arrangements, to tackle problem areas such as sports law and to improve provision to deal with offenders and, at

the same time, to allow the justice system to do its business better by improving systems and reducing costs.

Without going into too much detail, the Bill delivers on those key principles across nine parts. I want to highlight a number of them. Part 1 will improve services to victims through the creation of an offender levy to make offenders more accountable for the harm that they cause by requiring them to make a financial contribution towards support services for the victims of crime. Whether offenders are in prison or in the community, a levy would be imposed on them that would go directly to fund and extend victims' services. Part 1 also expands the services and protections given to vulnerable or intimidated witnesses when they appear in court. Special measures are sometimes required to provide extra protection or to help people who are vulnerable or subject to intimidation to participate fully in court proceedings. The provisions will increase the opportunities for help, which include video evidence or allowing certain witnesses to have someone with them in support.

Part 2 deals with similar territory, in that it will allow wider use of live link facilities in courts in the justice system for vulnerable people and for the general improvement of live link availability. Live links are facilities whereby defendants and witnesses can participate in court proceedings by live video link, where appropriate. The Bill provides for such links to be available between courts and psychiatric hospitals to ensure, for example, that a mentally ill patient could be catered for without the trauma or difficulty of travelling to a court.

Together, parts 1 and 2 are important features of a wider programme of work to improve provision and services for the victims of crime while allowing us to do our business better.

Part 3 restructures our community safety and district policing partnerships, which are currently separate. The Bill integrates the roles of both to create single partnerships for each district council. They are to be known as policing and community safety partnerships, and they will provide for a unified operational community safety and policing tier in each council area, each with its own policing committee. As well as streamlining administration, the new structures will improve public engagement, consultation and delivery while maintaining the functions

of the district policing partnership. Part 3 is a key feature of our community safety and public engagement work, and it will build confidence in the justice system more effectively.

Part 4 will provide a major package to improve our laws on sporting events. It is designed to address the worst incidents of misbehaviour by so-called sports fans and to improve the enjoyment of those who wish to attend sporting events without trouble. The package complements the Department of Culture, Arts and Leisure's safety at sports grounds initiatives and legislation, and it will tackle in-ground offences, such as offensive chanting. It will also tackle the potential for trouble on the way to and from grounds and the role of alcohol.

Part 5 improves a number of existing sentencing powers so that particular offences and sentences can be dealt with. It largely concerns violent offences, and it is designed to improve safety and tackle problems that face communities. Sentencing for common assault, knife crime, sexual offences and public protection is enhanced.

Parts 3, 4 and 5 are important aspects of our community safety engagement and public protection strategies.

Part 6 will deliver alternative methods of prosecution by increasing the opportunities for fixed penalty notices issued by police and conditional cautions that could be imposed by either the police or a public prosecutor. The sheer volume of minor offending, which largely refers to disorder offences where guilty pleas are frequent and fines relatively low, can clog up the court system. Under part 6, relevant offenders will be dealt with quickly and effectively by police or prosecutors, and offenders will be able to avoid the court process. The provisions in part 6 assist our efficiency and delay programmes by way of powers that would free police time for front line policing and allow courts extra time to concentrate on more serious cases.

Part 7 makes changes to our legal aid legislation. It creates a power for a new means test for legal aid; it will allow legal aid costs to be recovered from those who can afford them; and it will loosen some of the restrictions on the Legal Services Commission to allow successful cases to cover the costs of unsuccessful ones. Those powers are but one aspect of the wider reform programme for legal aid services as we

seek to stem and reduce the apparently ever-increasing pot of money required. Not only will that be a key feature of our Budget 2010 but, by targeting money at the most appropriate cases, it will improve access to justice for those most in need.

Without diminishing their importance, parts 8 and 9 are more miscellaneous and focus on very particular improvements to the court system. They will adjust the court tiers at which bail cases can be dealt with, revise membership of the rules committees and improve arrangements for third-party witness summonses.

I should perhaps say a few words about the items that I had wanted to legislate for but for which I could not find room. A major programme of reform is under way in the Department of Justice, and there are so many areas that could be tackled. The Bill cannot tackle everything, but it is undoubtedly an important start. With 108 clauses and seven schedules, the Bill is perhaps the largest that the Assembly has considered or will consider. However, there simply was not enough room to cover everything.

10.45 am

I had hoped to introduce further system improvements by reforming court boundaries to create a single territorial jurisdiction for Magistrate's Courts and County Courts. That would have allowed court business to be done more effectively. I had also hoped to create new powers for the Public Prosecution Service, including powers for prosecutors to consider and issue fines and summonses, again allowing for a more effective system for courts and prosecutors.

For various reasons that are largely technical or operational, I also had to drop previous plans to legislate on the Upper Tribunal's role in judicial review applications and to create a power of inspection of property in criminal cases, as well as a proposal for certain judicial salaries to be charged to the Consolidated Fund. There was not the capacity to deal with some of those issues, which will have to be left for another day.

Other matters got as far as the drafting of new provisions. I consulted on matters and presented to the Committee areas in which I fully intended to deliver change. Those areas include conferring the rights of audience on solicitor advocates in the higher courts and

changes to court funds law to provide for the payment of certain fees from investment accounts in specific circumstances, with the approval of the court. Those were ready for inclusion in the Bill but were withdrawn at a late stage owing to issues over legislative competence. Subject to those issues being resolved — my officials are already working on doing so — I intend to seek to reintroduce the provisions by way of amendment at an appropriate stage.

In a similar vein, I needed to adjust the sports law package quite late on, removing aspects of the football banning order procedure and the restrictions on alcohol in private facilities at sports grounds. The same was true of my plans to legislate for the improvement of cross-border sex offender reporting. We needed to accommodate a recent court judgement in the underpinning law, and, as it is a cross-jurisdictional issue, we are now pursuing that with other jurisdictions. Again, if those sex offender and sports law issues can be resolved, I hope to bring at least some of those features back by way of amendment.

One further matter is worth drawing to Members' attention, and this is the only time that I will refer to a specific clause in the Bill at this stage. Clause 34, which is part of our community safety restructuring, places a duty on public bodies to consider crime, antisocial behaviour and community safety implications in exercising their duties. That duty is of practical and strategic importance. At a practical level, it provides an important base for the new policing and community safety partnerships. It creates a statutory basis for co-operation that is much stronger than the current voluntary arrangements. At a higher level, clause 34 has a strategic and visible importance for the way in which we as a body of devolved Departments now work together on shared concerns. Clause 34 has the principle of partnership at its core as we face up to the challenges of how we can jointly deal with crime, antisocial behaviour and community safety.

When I obtained Executive approval to introduce the Bill, some Executive members discussed clause 34 and its implications for their Department. They agreed to the inclusion of the clause, but with the caveat that the position would be brought back to them after the Justice Committee's consideration. The Committee wanted to give it further consideration to ensure

that any consequences of having a statutory duty were justified. I look forward to hearing any views that may be expressed today on clause 34 and to the Committee's views in particular during its scrutiny of the Bill.

I will conclude by looking to the future, a future in which the Bill sets out an important template for the justice system, for the devolution of policing and justice powers, for the delivery of local democracy and for our shared future. That future will see further changes to the justice system and will result in the Assembly's continuing to consider and improve our justice legislation. It will include a programme of tribunal reform in Northern Ireland; a review of the accountability arrangements for the Public Prosecution Service; a new offender management strategy; a comprehensive strategic framework for reducing offending; further key and strategic consultation exercises on alternatives to custody; and a new community safety strategy. Some of those issues will be for the next justice Bill in the next Assembly.

Today, we have a Justice Bill before the House that makes important changes to the way in which we deliver our justice system, seeks to improve our community safety, and, perhaps most important of all, reminds us of the importance of victims in the justice process. The Justice Bill is a platform for the Assembly as a whole and is a major stepping stone in the devolution of policing and justice powers. I commend the Justice Bill to the House.

The Chairperson of the Committee for Justice (Lord Morrow):

We always seem to want to say, as I have written in my notes, that the Justice Bill is the first of its kind that the House or a local Administration has had either the audacity or, indeed, the pleasure to debate. The Minister was at pains to make that point in his statement. Therefore, I had better make it as well. That seems to be the way to do it. Hence, I want to say that the Justice Bill is the first for some 40 years that any elected forum has had the pleasure to debate in the House. That having been said, I want to move on quickly.

The Bill is important legislation that covers diverse and wide-ranging issues. The Committee for Justice commends its main themes of improving efficiency and effectiveness in the justice system; improving public safety and building stronger and safer communities; and,

as was mentioned earlier, delivering better and enhanced services to victims and witnesses.

At the first meeting of the Committee for Justice in April 2010, it was advised of the Minister's intention to bring forward a Justice Bill. Subsequently, during May and June 2010, the Committee received written and oral briefings on the Bill's potential content and on a number of departmental consultations on justice policies that were earmarked for inclusion in the Bill. The Committee used those briefings to comment, raise issues and make suggestions on a number of policy areas that the Minister of Justice has taken into account in the Bill.

More recently, on 18 October 2010, the Committee was briefed by departmental officials on the contents of the Justice Bill and on areas that are not included in the Bill but may be introduced through amendments at a later stage. I will return to those issues later. I take this opportunity to thank the Minister and his officials for their assistance to the Committee throughout the pre-introductory stage of the process. I look forward to continuing our good working relationship during Committee Stage.

Today, the Assembly considers the principles of the Justice Bill. The Bill, as introduced, is large, with 108 clauses and seven schedules. As I indicated, the Committee for Justice supports the broad principles of the Bill. However, concerns have been expressed that large parts of the Bill simply reflect changes that have already been made to the criminal justice system in other jurisdictions, particularly in England and Wales, and that an opportunity to develop solutions that are tailored specifically to Northern Ireland has been missed.

I will comment on each of main themes in turn as they are presented in the Bill. Under the theme of providing better services for victims and witnesses, the Bill provides for the creation of an offender levy; extends a number of special measures for the giving of evidence by vulnerable and intimidated witnesses; and extends the provision of live video links. The Committee fully endorses proposals that put victims' interests at the centre of the justice system and will examine closely whether proposals in the Bill will go some way to realising that ideal.

When the Committee scrutinises the Bill, it will look closely at the practical administration of the offender levy, the costs involved and the

outworking of the proposed victims of crime fund. The Committee will want to be assured that the levy revenue can be ring-fenced in the way that is envisaged by the Department of Justice and that the programmes that are financed by the funds generated through the levy will have real impact and will be additional to current statutory provision.

One proposal for the funding is to enable the introduction of independent sexual violence advisers who can travel through the justice system with victims of rape or serious sexual offences. Recently, the Committee received a briefing on the handling of sexual violence and abuse cases by the criminal justice system. Given that we heard about the lack of service that is provided to victims, we would all welcome such a development.

During the policy briefing stage, the Committee raised concerns with officials that the rate of the proposed levy at that time did not necessarily reflect the seriousness of the offence that was committed. The Committee is pleased to note that the Minister has taken on board the Committee's concerns on that matter and that the Bill now includes provision for a two-tiered levy rate to be applied to immediate custodial sentences in recognition of the greater harm caused to victims by those who are convicted of serious and violent crimes.

I welcome the fact that the Bill will also formalise the presence of a supporter in the live link room for vulnerable and intimidated witnesses giving evidence.

In his proposals under the second theme of enhancing community safety, the Minister has included provisions in the Bill to bring together the functions of district policing partnerships and community partnerships through the creation of new policing and community partnerships. Provisions under that scheme also include new sports laws and adjustments to existing sentencing powers. On the creation of new policing and community safety partnerships, the Committee is aware that, although the consultation responses received on the Department's policy proposals broadly supported the principle of a single partnership, there was no consensus on the model to be used. The Committee will want to consider in further detail the single model being proposed and the accountability arrangements that it is likely to deliver.

The Committee has also received correspondence from sporting organisations on the provisions in the Bill relating to the introduction of a package of new sports and spectator laws. The Committee will seek assurances that the provisions do not present a one-size-fits-all policy and are targeted and proportionate to the problems that exist rather than being legislation for legislation's sake. The Committee will also wish to explore the practical outworkings of the provisions and how sectarianism can be specifically covered in the clause on offensive chanting. Given the interests of the Committee for Culture, Arts and Leisure in that area of the Bill, we will seek the views of that Committee on those clauses.

On the third theme of improving access to justice through system efficiency and effectiveness, the Bill provides for the introduction of new and additional alternatives to prosecution, including an expanded fixed penalty notice scheme and the use of conditional cautions. The Bill also contains financial reforms on legal aid to allow for the introduction of means testing, for example.

On the alternatives to prosecution provisions, the Committee will want to ensure that the interests of victims remain to the fore. The Committee will want to be assured that the new provisions represent a fair and proportionate way of dealing with first-time and non-habitual offenders who have committed relatively minor offences, while acting as a genuine and effective disincentive to further reoffending. We will also wish to consider whether the range of offences for which fixed penalties will be applied is appropriate and whether those powers will make a significant impact in unclogging the judicial system.

The Bill also makes changes to legal aid legislation, including a rule-making power for a new means test for the granting of criminal legal aid. In considering the enabling power, the Committee must be satisfied that there is no intention to set the means test at a level that would diminish access to justice for those who need it most.

The Committee will wish to consider carefully the content of the Bill and explore further the reasons why issues regarding legislative competence arose at a very late stage prior to the introduction of the Bill and resulted in proposals that were expected to feature in the

Bill not being included. Those proposals include the conferring of rights of audience on solicitor advocates in the higher courts and football banning orders for fans travelling to matches outside Northern Ireland. The Committee is aware that there is disappointment in some quarters that those proposals are not in the Bill. The Department has indicated that, if it can address concerns raised by the Attorney General, it proposes to bring those provisions back as amendments at a later stage in the Bill's progress.

The Committee will wish to explore its position on those issues, even though they are not part of the Bill as it stands. There may well be other areas that the Committee may wish to see included in the Bill. The Committee for Justice is seeking written evidence on the Bill from a wide range of organisations and individuals, and we look forward to considering the views expressed and exploring any issues raised during Committee Stage. The Committee will report its findings to the Assembly in due course.

11.00 am

That is all that I want to say as Chairperson of the Committee. However, I want to make a point or two as an MLA. I recently listened to a radio programme on which an MLA talked about legislation; he wondered where it was and what was happening to it. I would have thought that that MLA would have known where it was. Anyway, it is a very simple exercise to find out where a Bill is if one is in any doubt. That MLA is here with us today, so I remind him that the Bill will now be referred to the Committee, which will take control of it, and it will probably be with the Committee until at least January or February of next year.

For that Member's sake, I am telling him that that is where the Bill will be. The next time that he is on 'The Stephen Nolan Show', he may wish to make it clear that he knows where the Bill is, because he did not seem to know where any Bills were. He thought that they might have got lost in the maze. I assure him that the Bill will not get lost in the Committee, because we will look after it and scrutinise it in great detail. It will be with us for a considerable time. I hope that the Member takes note of that.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Ar dtús, ba mhaith liom fáilte a chur roimh an Bhille atá os ár gcomhair ar maidin.

Beidh Sinn Féin ag obair leis an Aire, leis an Roinn agus leis an Choiste leis an Bhille a bhunú.

I thank the Minister for his presentation. Sinn Féin welcomes the Bill. When the Chairperson was speaking, I looked around the Chamber to see whose feet were shuffling the most to see who the guilty person was. Fortunately, they are all good poker players.

Sinn Féin welcomes the Second Stage of the Bill —

Mr B McCrea: I wonder whether the Member feels that we should institute an inquiry to find the guilty person. Perhaps Lord Morrow will tell us later.

Mr McCartney: Perhaps. I hope that legal aid will be sorted out by that stage, so access will not be denied. However, that is another issue.

Sinn Féin sees the Bill — the first piece of legislation from the Department of Justice — as evidence of the need for and the delivery of the transfer of policing and justice powers to the Assembly. The Bill is evidence of the Assembly legislating for the people whom we represent. We should shape it in such a way so that when it becomes law, it represents all the people whom we represent.

The Bill sits well alongside other initiatives of the Department, such as the review of prisons and the review of the Youth Justice Agency. Alongside the valuable work of the Criminal Justice Inspection, it has allowed us, as MLAs and as members of the Committee, to look at the strengths and weaknesses of the justice system so that, as we try to shape it, we find out which areas need improvement and how we can build on its strengths.

We all accept that there was a limited window of opportunity between now and the end of the mandate. However, the Bill, by the extensive nature of what it covers, demonstrates that it was not the easy option but that it is an extensive piece of work. As we take it through the Committee, we will see the detail required to scrutinise it as we should. I speak on behalf of Carál Ní Chuilín and John O'Dowd when I say that we are ready for that, as, I have no doubt, are the other members of the Committee.

The Minister outlined in detail the principles of the Bill, as did the Chairperson of the Committee, which is what this part of the process is about. What we now need to do

in the Committee is shape the legislation to ensure that it covers and is representative of the needs and demands of the people of the North. The Bill covers victims and witnesses, community safety and system efficiency, and effectiveness. Those are three excellent recurrent themes for the Bill.

We have heard the Minister and the Chairperson of the Committee outline sub-themes with regard to vulnerable and intimidated witnesses; the offender levy; how community safety partnerships and the DPPs could and should work better in future; and sports law. In times past, I sat on the Culture, Arts and Leisure Committee, which discussed sports law. This legislation is welcome because aspects of sports law need to be addressed. It is, perhaps, not as big a problem here as elsewhere, but it is something that we need to address. Alternatives to prosecution, based on fixed penalties, will be welcomed by most people.

The Committee received a number of presentations on the legal aid system and was well informed as to the various views on how legal aid should be administered. Coming out of this process, we should have a better system. We have listened to the officials and to all the presentations and it is important that access to justice remains a fundamental threshold in which we examine all that we do. We cannot have a system that, in some ways, denies access to justice. Our justice system should be designed and have at its core a sense that we have a good justice system that is accessible, represents all people equally and has no hidden spots.

Initially, when going through the process in Committee, Sinn Féin raised some concerns about the screening out of some aspects of the Bill, but we are reassured that the EQIA will examine the process to ensure that section 75 issues will be covered at the conclusion of our work. We are committed to the programme of work that the Chairperson has outlined, and we will come at this matter with a view to ensuring that the Bill is in the best interests of the justice system and the people we represent. Go raibh maith agat.

Mr McNarry: In general, the Ulster Unionists welcome the Minister's initiative in laying the Bill before the House. However, there are issues that we wish to detail and matters that have arisen on which we seek clarification.

I understand that the revenue gained from the offender levy is to be used solely for the victims of crime fund. Before I address the benefits and distribution of the fund, let me say that when the Ulster Unionists met the Minister on 12 August, we were informed that the levy was not intended to replace existing services for victims, but would complement them. I should be grateful if the Minister were to confirm that that is the case.

With respect to the extraction of payments, it is clear that payment of compensation orders will take priority over the levy, although the levy, in turn, will be collected before a fine or court costs. In clause 1, the levy can be reduced even to nil if an offender is judged to have insufficient means to pay. Clause 3 states that the governor is empowered to deduct money from a prisoner or young offender in order to meet the value of a fine imposed by the courts. However, in clause 4, it is stated that the court cannot set a default period of imprisonment for non-payment of the offender levy. Therefore, there is no punishment by imprisonment for not paying the levy, but if an offender defaults on a fine or is imprisoned or given a community service sentence, the court can remit a part of the offender levy that is yet to be paid.

I ask the Minister to clarify when an offender will be informed that he or she is liable to pay the levy, and, equally important, when a victim will be made aware of an offender paying the levy. Will a victim be told of the sum of money deducted and to be contributed to the victims of crime fund? Does it mean, therefore, that where an offender defaults on a fine and is imprisoned, and a court remits a part of the levy yet to be paid, that such a fine could end up being paid for an offender by the victims of crime fund? Surely that could not happen. The victims, the important people, will want reassurances. After all, we are all potential victims, and the public interest in this aspect of the Bill is extremely high.

If an offender has paid the levy, will it be set against the actual sentence laid down by the court, or will it be set against what appears to be the normal adjustment of time served, which is shorter? If that is the case, will any outstanding levy amount be discharged by an offender in time for his release from prison or detention?

As I can see the Minister's good intentions in the levy, and as I can see it going some way to give satisfaction to a victim, I want to help the Minister to establish it, but as an extra bounce to a punishment that could make an offender think twice about offending again. Moreover, it may make an offender think about his unfortunate victim, because it must be remembered, and this is the rub for most victims, that although the extra bounce is something that we would all like to see, it is not apparent.

The victims of crime fund will not gain extra money. It will simply move money from one pot to another or from one type of fine to another. If that is the case, the Minister needs to do something more convincing on the following: he must demonstrate that the levy imposed is not only proportionate to the level of offence committed, but that those convicted of serious offences, and who arguably cause the greatest harm to their victims, contribute a greater sum to the fund through the levy; he must ensure that the justification of an offenders' levy is not used to weaken or to reduce the impact of a punishment because it would rank below a compensation order; and he must ensure that, where the proposals are to have small, weekly deductions from prison earnings, those deductions will be made and will be paid towards the levy.

I do not want that to be seized upon by the liberal loveys with whom the Minister has been known to fraternise in the past. They will want to know whether he is seeking to punish prisoners even more, or even punish them too much, which is what I hear from the walls outside: poor old prisoners, indeed. It is the poor and often damaged victims whom we should be thinking of, many of whom are and will remain vulnerable, such as the elderly and the law-abiding people. Many of them will wonder why, and will be outraged to know, perhaps, that when people receive custodial sentences, not only are they well fed, kept fit, ensured of recreation time and the freedom to watch TV or to catch up on a hobby, but they are actually paid for being in prison. The money going into the victims' of crime fund is deducted from weekly prison earnings.

Perhaps the Bill might also consider how victims feel about people who battered them, turned their home upside down and hospitalised them. They will want to know why those people are apparently entitled to prison earnings.

My colleagues will deal with other aspects of the Bill. No doubt when it comes before the Committee, more points of clarification will arise.

Part 4 of the Bill deals with sport. It seems very unfair on soccer. I want the Minister to justify why that is the case. He needs to be more open and transparent in admitting to whom the subtext refers. Clearly, the emphasis in regulated matches is on soccer.

Last year, in a report by Millward Brown on international soccer, 80% of those questioned agreed that the IFA works for all sides of the community; 78% thought that the IFA had worked hard to move football forward over the past four years; 76% agreed that Northern Ireland games had become family friendly; 73% said that the Northern Ireland team is representative of the whole community; and 86% said that the IFA had eradicated sectarianism over the past four years.

With all the superb efforts that have been made by all sports to tidy up and to remove images that no one could be proud of or find acceptable, I find the pitch of this part of the legislation against soccer to be offensive. Soccer is the only sport that is being picked on unfairly. It deserves to be given a better press or presentation than would seem to be the case in the proposed legislation. To that end, the Minister should reflect on the singling out of soccer and come back to the House with a more appropriate draft that is less damaging to soccer.

11.15 am

I believe that ordinary, decent soccer fans will recoil from the typecast that is being created, which paints a wrong picture that soccer fans, more than any others, are a bunch of drunken hooligans. Any groups of people who are overladen with too much alcohol are likely to let the drink turn them into drunken dopes. I fully appreciate that, on the other hand, the provisions that are outlined in the Bill are to fill gaps in the law in respect of existing criminal law and legislation that covers antisocial behaviour and alcohol abuse. I acknowledge that the Bill will be seen as supplementary to the controls that are exercised by organisers of sporting events. I recognise the intended effort that is being co-ordinated to improve the level of sports spectators. However, it is admitted in the Bill that there appears to be difficulty in defining a drunk. It seems to be categorically problematic, which begs the question: if the

legislation is introduced, just who will decide whether an individual is drunk?

A similar difficulty arises with chanting. There is no definition of "indecent", and there is even less sure ground regarding sectarianism, which is now deemed to be found somewhere loosely under the description of offensive. I think that a variety of events organisers, from reading the Bill, will have noticed the inability to specifically identify a prescriptive offence for being drunk or chanting sectarian abuse. That is a type of person whom we see too often in public, but I am glad to say that it is not frequently attributed to today's typical football or soccer supporter or any other supporter going to a sporting event. It would be helpful if the Minister would detail how clause 38 on chanting and clause 41 on being drunk at a regulated match would be enforced.

Continuing with sport, I will now pursue a further number of points for the Minister to consider. Most clubs supplement their incomes by selling alcohol at their grounds. A case can be made that, under supervision of the clubs, overindulgence by a fan can be controlled. However, the provisions in clauses 42 and 43 introduce the ability to encourage potential spectators away from the clubs and to attend local bars, where the control of consumption may not always be provided, on the way to a match. Indeed, that would cause a loss of income for the local club facility, added to which an increased number at local bars may create trouble in the form of unruly behaviour kicking off, so to speak, before or on the way to a match. Will the Minister clarify whether alcohol could be served inside grounds, and, if so, by whom? How will clauses 42 and 43 be enforced? How does he propose to change the law on alcohol on the terraces? Will he reverse that for soccer matches or will he introduce it for other sports matches?

Clause 45 concerns ticket touting. Why is the provision applicable only to soccer matches? Does ticket touting not take place at popular or sell-out rugby or GAA games? Will the Minister explain his thinking on that clause? Does it further illustrate that he, his officials and the draftsmen see the soccer fan as different to other sports fans? I understand, as I am sure do most Members, that, in most cases, Irish league soccer games are not ticketed. Perhaps that reflects the numbers involved and the good sense of the fans in as much as touting is not a particular problem. Therefore, why is

the Department on record as stating that the reason for the provision is to keep supporters segregated?

If a social aspect is part of soccer fans' views of going to a match — I think that it is; it is part of their day — they would need to be champion hurdle jockeys to jump the obstacles placed before them. They appear to be picked on as the most likely to get drunk, brawl, chant obscenities and fall for ticket touting. To cap it all, so bad is their behaviour that they must be kept segregated from each other. There we have it. At a time when integration is under particular popular scrutiny, when the debate is being forced in another direction by the First Minister, and when rewards are being offered to improve and enhance integration, clause 45 tells us that soccer fans should be segregated.

Dare I move on to banning orders? That provision — yes, Members have guessed; they have worked it out — will apply only to football matches. Why again single out soccer unfairly? Hopefully, the Minister will enlighten us as to how banning orders will be enforced. How will stadium officials know that an individual is banned? Will a culprit's photograph be circulated to all grounds and pinned up at the entrance gate for the officials who will search for the banned person? Will banned people be excluded from all football matches, including ones held outside Northern Ireland? Furthermore, will it be the job of the PSNI to administer and to enforce those orders? That is not clear.

I know that, as we have asked, the Minister will reflect seriously on the part of the Bill that covers sport. In obliging, he may meditate on the constructive thrust of the manner in which I have raised issues and ask himself specifically what problems are solved by the Bill's provisions on sport. Will he consider fully the undertones of allegations that the sports provisions are a form of elitism, to the extent that, in citing and highlighting soccer in an over-the-top fashion, the Department cannot escape responding to the charge in the sports consultation paper that Protestant working-class males will be unfairly impacted?

Finally, I turn to the part of the Bill that has so endeared the Minister to those who practise law, namely the provisions on legal aid. I agree that the present legal aid system is not sustainable. That may have little to do with spending reviews or the Chancellor's Budget,

although the savings, if made, will help to lower costs. I question how anyone can argue for the continuation of a system that is given a budget of £85 million but, seemingly, is allowed to get away with spending more than £104 million. Is it the case that lawyers have turned legal aid into their own form of quantitative easing? Was it the case that, under direct rule, the Northern Ireland Office was happy to let lawyers spend taxpayers' money without keeping an active watch on any overspend?

I am a little wary of upsetting any exponents of the noble profession. One never knows when one or two of them might come in handy. You might need one in your office maybe, one of these days. I hope not, but, if the fee is acceptable, I suppose that any offence caused might be offset by the ability to pay up on time, because that is what it is about. It is unfortunate, therefore, that legal fees in general, across the convoluted board, are not under scrutiny today or, for that matter, on any other day. If they were, I suspect that those fine artisans of advocacy would kick up one hell of a fuss compared with the one that they raised about legal aid costs being reduced. After all, if some of them can live off legal aid to the tune of around £1 million a year, think how much others can earn without even having to tap into little old legal aid cases. That may be why, when they see the paltry pay that we get for making ourselves accountable for introducing legislation, which they will pick over much later in the courts, with a few notable exceptions, so few members of the profession are attracted to local politics.

Unless the Minister makes some changes to the Bill, by the time that he has finished, the average soccer supporter whom I mentioned may not be able to access legal aid. I am particularly interested to hear more from him about the relationship between access to legal aid and the financial capability of victims of domestic violence to pursue a non-molestation order. As with all issues in the legal aid part of the Bill, the issue is complex. Nevertheless, perhaps the Minister will touch on that matter and the other matters that I mentioned.

I shall return to most of the following matters in Committee. However, I shall take this opportunity to ask the Minister to address clause 85, which makes provision for a means test to grant criminal legal aid to sit alongside the merit test. To what extent will the means test reduce legal aid costs by decreasing the

number of defendants eligible for criminal legal aid? Will the Minister give as accurately costed figures as possible for the claim that is made in the explanatory and financial memorandum? Furthermore, will he give his opinion on whether the more stringent means test will make access to justice more difficult for more people, or is that really the point that he wants to make? In clause 86, titled "Order to recover costs of legal aid", recovery of defence costs orders (RDCOs) were initially to apply only to the Crown Court. Is it anticipated that the measure will be rolled out to the Court of Appeal?

The Bill will also lift the restriction on the Northern Ireland Legal Services Commission, which is a quango that funds services under a litigation funding agreement. On the face of it, that seems to be a positive way in which to harness the revenue gained and to use it properly. However, is the very nature of allowing litigants to pursue money damages, including for personal injury litigation, on the basis that they would not be liable for their legal costs if they are unsuccessful, contrary to current discussions in England, and — I do not know whether it is — is it open to the reverse outcome and to fees being hiked when cases are successful?

A high degree of responsibility for the Bill and its passing into law rests on the Minister's shoulders. It is a credit to him, therefore, that he has shown boldness in the pursuit of delivery, and less arrogance than others whom I could name in mastering the presentation and bringing of the Bill to the House, both of which are crucial and complex endeavours. My colleagues will raise issues of undoubted concern, and I will listen intently to the Minister's responses to them.

However, subject to what he has to say and to further probing at Committee Stage, the Ulster Unionists are content to allow the Minister the space and their full support to develop the Bill. We wish him well in that transfer.

11.30 am

Mr A Maginness: The Minister of Justice and the Chairperson of the Justice Committee have reminded us that this is the first local Justice Bill in 40 years. It is timely to remember that. Of course, it is cited as a step in the right direction and as progress in relation to devolution, and I recognise that. However, I remind Members of the unhappy record of our predecessor

institution, the Stormont Parliament, and its passage of justice-related legislation such as the Special Powers Act and the Public Order Act, which are rather unhappy precedents. I hope that this institution will adopt a progressive approach based on human rights, fairness and on trying to achieve justice for all in the community. We have started that process with the introduction of the Justice Bill.

It has to be said, however, that the Bill was effectively mandated by the Hillsborough agreement. The Minister himself said that the Bill was brought about by that agreement and was agreed on at those political negotiations. The Bill's provisions are diverse and disparate, and it has effectively been tacked together. It is not, in any sense, an elegant piece of legislation. It puts a number of different issues into one Bill and attempts to tackle them. However, that is not to say that it does not contain good provisions; it clearly does. I hope that, in the coming months, the Assembly and, in particular, the Justice Committee can refine and perfect those provisions. It is important that we do our work diligently and conscientiously and try to get the best out of the Bill.

The Bill is also memorable in what it ignores. It is necessary to highlight a number of outstanding issues in that regard. The Minister has mentioned one, which is the relationship between the PPS and the Assembly. Quite clearly, that relationship is inadequate, to put it mildly. There is a lack of accountability, which is something that I, as SDLP justice spokesman, have highlighted over the past number of months. We need to address that issue. We cannot simply have an institution that is entirely autonomous and over which we, as the democratic forum for the people of this region, have no influence or say. It is essential that we look at that relationship. If we do not do that, we will let down the public in Northern Ireland. That requires a review, and I know that, in his address this morning, the Minister said that he is aware of that.

We are also ignoring the whole area of sentencing. The Bill does not address sentencing in any concerted fashion, although it does so peripherally. I know that there are plans to introduce and to have consultation on a sentencing council. However, that issue is very alive amongst the public. If people talk to me about one issue, it is sentencing. It is important that we, as legislators, get a handle on that, and it is essential

that, as a legislature, the Assembly gets it right. Sentencing is not included in the Bill in any serious sense.

Furthermore, we are ignoring the bizarre position in which only the PPS can refer lenient sentences to the Court of Appeal. Previously, the Attorney General could do so. However, our Attorney General cannot do that. The PPS and the Director of Public Prosecutions can do that. However, the Director of Public Prosecutions and the Office of Public Prosecutions are, in a sense, a judge in their own cause because they are intimately involved in the whole court process and are, therefore, involved to some extent — albeit peripherally in some cases — in the sentence produced. Therefore, the law is demanding that the PPS reviews an alleged lenient case and attempts to determine whether it is an issue for the Court of Appeal. That is a bizarre position in Northern Ireland that needs to be examined very carefully. However, such a provision does not appear in the Bill, and it is important to address that.

We need to look specifically at a number of provisions in the Bill in the next number of months. There has been much mention of the offender levy. It is a good idea, and I do not think that anybody in the Chamber will be opposed to it. However, from my limited experience of criminal courts, I wonder whether many defendants are capable of paying an additional amount, over and above, for example, a compensation order or a substantial fine. In some cases, a person may be able to afford to do so, but I am not absolutely convinced that that is the right way to proceed. The intention, namely to contribute to ameliorating victims' positions, is good. It is an important principle, but we must look at it in more detail as time goes by.

The Bill contains provisions to improve the legislation to assist vulnerable and intimidated witnesses by way of special measures to enable them to give their best possible evidence in criminal proceedings. Again, that is welcome. However, we have to look at the detail. For example, there is provision for automatic entitlement for adult complainants of sexual offences to give video-recorded evidence in chief. It may well be that, in certain circumstances, that entitlement should not be automatic. There should be the power to do that but making that automatic is a measure that we would have to look at seriously.

We need to look again at the provision for the formalisation of the presence of a supporter in the live link room when a witness is giving evidence. In principle, having a supporter in the link room is a good idea, but could that person influence the way in which a witness presents his or her evidence? Would that be a good influence or a bad influence, and would it enhance or embellish a person's evidence? That is a critical issue when we examine that provision. In the main, people will say that it is a good idea because a vulnerable witness needs to be given some support. However, one also needs to be cognisant of the effect that it could have on the way in which the evidence is given and on the substance of the evidence that is given.

One has to welcome the relaxation of restrictions on witnesses giving additional evidence in chief after their video-recorded statement has been admitted and the provision to allow intermediaries to be made available to vulnerable defendants. All those measures are to be welcomed. The provisions on live links are sensible and progressive. We have to look at the details and be absolutely confident that we are not causing any form of injustice to people by, perhaps, overemphasising live links.

My colleague Dominic Bradley will address the House on policing and community safety partnerships, and I will make one general point on that. We agree with the fusion of the partnerships and believe that there is a synergy between the two; it is important that that be institutionalised. At the same time, we are firmly committed to the Patten reforms, and any changes must reflect Patten's original provisions on DPPs. We will defend that position robustly.

Mr McNarry made a number of points on the provisions that the Minister outlined on sports law. I do not share his misgivings about soccer, and I do not think that the provisions pick on it unduly.

Mr Humphrey: Northern Ireland football supporters have been in contact with my office to express their concern about the Bill on the point that Mr McNarry made. The House should remember that Northern Ireland football supporters are effectively recognised by UEFA as the best supporters in Europe.

Mr A Maginness: I am heartened by the Member's last remark. In due course, I presume that the Committee for Justice will hear from the supporters or their representatives. I fail to

see that soccer supporters are being picked on unduly as a result of the provisions in the Bill. I am open to persuasion, as I am on many other occasions, and I will consider very carefully anything that is said on soccer.

In the main, it is important that there be civilised standards at sporting events. The Bill's provisions will enhance behaviour at those events, and everyone in the House should welcome that.

11.45 am

Mr Campbell: I thank the Member for giving way. I ask him to turn to an issue that I have noticed with clause 37, which deals with conduct at regulated matches. Under the clause, it is an offence to throw anything at, towards or adjacent to the playing area at any time during the period of a regulated match. Does the Member agree that it might be a good idea for the Committee to look at the wording of that clause, given that, for example, a malevolent or malicious complaint might be levied against someone who throws a ball back into play? The clause as currently worded means that some benign act that was not aimed at injuring any spectator or participant may be construed by a malevolent person as an act of aggression or of intended harm.

Mr A Maginness: The Member makes a reasonable point. On the face of it, someone who is returning a ball from the terraces might be deemed to be committing an offence. However, in practice, I doubt very much that —

The Minister of Justice: I wish to clear up this point, which has already been raised in a question that I answered. If Members look further down the clause, they will see that it is an offence to throw anything at or towards the playing area:

“without lawful authority or lawful excuse”.

As a general rule, returning a ball to play will be regarded as lawful excuse.

Mr A Maginness: I am very happy to accept the Minister's reassurance on that. Nonetheless, Mr Campbell raised an interesting point. Part and parcel of our function here is to scrutinise legislation, and I am sure that we will proceed in that fashion at Committee Stage under the stalwart chairmanship of Lord Morrow. We have a lot of work ahead of us in the coming months on the issue of sport and on other aspects of the Bill. The whole issue of sectarianism in

sport in Northern Ireland needs to be addressed, and the Bill does that to some extent. However, perhaps we can enhance those provisions.

The Bill has some useful provisions on the treatment of offenders. In particular, it makes provision for increasing the maximum period of sentence deferment to 12 months. That will help judges to deal with cases where they want to test how an individual behaves, because they will be able to extend the period of time that that person is effectively put on good behaviour to either six months or one year. There are a number of issues relating to that, but I will not go into those now.

Another useful part of the Bill is the alternatives to prosecution, which includes new diversionary disposals and wider powers for fixed penalty notices. That is important, because many minor offences clog up the court system, and one way of alleviating that blockage and of dealing quickly and effectively with people is by way of a fine or monetary penalty. In response to a question asked at Committee, an official indicated that people who have to pay such fixed penalty notices will not be deemed to have committed a criminal offence. That is important, because if somebody does something that is uncharacteristic, and it is their first offence, they should be given a certain latitude.

A monetary penalty, by way of a fixed notice, is sufficient for dealing with those people without staining their characters for the rest of their lives. There is a benefit in fixed penalty notices, and the provision is something that we will have to look at in detail. However, such notices are a very helpful innovation.

Conditional cautions, which the prosecution can bring about, are also helpful and would avoid clogging up the courts system with relatively minor offences.

It is important that means testing for legal aid grants be properly introduced. The detail remains to be worked out, and I hope that we can have an input on it. I welcome means testing, which is long overdue. Also long overdue is the provision for a separate enabling power to allow the courts greater power to recover costs from legal aid defendants who are convicted. It is important that those who have the wherewithal to pay for their legal defence make a contribution or pay all their legal aid bill if the court determines that they are in a position to

do so. It is quite unjust for the public to carry the burden of providing legal aid.

An important innovation that is to be welcomed is the removal of the restriction on the Northern Ireland Legal Services Commission from establishing or funding services under litigation funding agreements. However, I would like to see the details of how that would be worked out. In the main, the Law Society and the Bar, of which I am a member — perhaps I should declare an interest at this point — support the provision. We should be working towards the creation of a civil legal aid organisation or administration that can pay for itself and not be a burden on taxpayers in Northern Ireland. I welcome the provision and hope that there can be creative thinking around it. However, I warn the House that, in England, success fees, which are a consequence of such an arrangement, have been strongly criticised by many people. We should learn from the English experience that success fees can become burdensome and make legal proceedings very expensive. We have to look at that provision carefully.

In conclusion, we welcome the Bill and most of its provisions and will vigorously scrutinise it. The Bill is progress, and I thank the Minister for introducing it.

Mr Speaker: Before I call Dr Stephen Farry, I ask all Members to check that their mobile phones are switched off. A mobile phone, or phones, is causing a major problem to the amplifying system in the Chamber. If Members cannot switch their phones off, can they please put them on silent? As I said, a mobile phone is having a serious effect on the amplifying system.

Dr Farry: It will come as no surprise that I, too, warmly welcome the Bill. The Assembly has been looking forward to this legislation for quite some time. I will resist the temptation to make the point that has already been made by others that this is the first Justice Bill in 40 years. However, I think that I have done so anyway, albeit indirectly.

The more significant point is that, in addition to the good work that the Department is doing, it is important that the Assembly is seen to be taking ownership of justice. In considering, and hopefully passing, significant justice legislation, it is important that we are seen to copper-fasten the process of the devolution of policing and justice. This is yet another landmark in that

respect. If we can send out a strong message to the wider public that the Assembly is taking justice matters seriously and is doing hard work that will make a real difference to people, we will enhance its credibility.

I want to address some themes that have not yet been addressed directly in the Chamber, but which have been touched on in other discussions about the Bill. The first point is that the Bill is simply a rolling forward of the work that was commenced by the Northern Ireland Office. It is important to stress that there were a lot of discussions prior to devolution. Alban Maginness referred to the Hillsborough Agreement. That was not imposed on the politicians of Northern Ireland; it was very much written by locally elected politicians. All the parties were at Hillsborough Castle during the negotiations, although, before Mr Kennedy intervenes, I will say that some were slightly more involved than others and were present for slightly longer than others. However, we shall not go back on history too much. Suffice it to say that that process, in which the parties decided what policies they wanted to see, reflected discussions that had already taken place, and the Alliance Party was extremely vocal beforehand in trying to articulate what was important in taking devolution forward. I have no doubt that, in the dying days of direct rule over justice, the NIO reflected on where it felt that the political parties in Northern Ireland wanted to take some of the important issues that needed legislative attention. However, beyond that, it is important to stress that important modifications to some of the different aspects of the Bill have been made since the NIO carried out public consultations on them. Therefore, in that respect, the Bill is very much made in Northern Ireland.

The point was also made that the Bill is simply a replication of legislation in England and Wales, albeit with certain time differences. In some respects, that accusation could be made across the board as regards how the Assembly legislates; it does not just apply to justice. However, it is important to stress that that claim is grossly exaggerated. In practice, there are a lot of solutions tailored to meet the needs of Northern Ireland. I will come to some of those later on in my contribution, but, initially, I want to draw attention to the alternatives for prosecution and, in particular, the establishment of policing and community safety partnerships. Those partnerships are very much bespoke and

tailored to our particular local circumstances. No doubt that approach will be reflected when the eventual direction of legal aid is decided on.

Alban Maginness also referred to a number of items that are not in the Bill, but it is important to stress that a Minister can only bring substantive matters to the Assembly if a public consultation has been carried out. All the items in the Bill have been through public consultation in recent times. Items cannot simply be dropped in. In particular, the issue of sentencing is out for public consultation. The Minister regards it as a very important priority, and I have no doubt that he will look to legislate in that area as soon as possible, based on the results of the consultation. It cannot simply be dropped in without us having gone through the consultation process of listening to the views of the people of Northern Ireland.

Another issue that requires a much wider debate is the role of the PPS and its accountability. I do not necessarily disagree that there is a problem with accountability in relation to resourcing and, at a general level, the policy and practices that the PPS wishes to pursue. However, it is important to stress that it goes without question that the operational independence of the PPS over individual prosecutorial decisions must always be protected. That is an important safeguard in any democratic society or in any society that is based on the rule of law.

12.00 noon

My final general point is that this is a very lengthy piece of legislation. It is commendable that we are able to work on it. There is a lot of work to be done to scrutinise the Bill over the next number of months. I recognise the commitment of the Chairperson of the Committee for Justice, and I have no doubt that that Committee will give the Bill proper and due regard in an efficient and effective manner. Legislation of this size and complexity will inevitably be amended as it proceeds. I would be stunned if, come Consideration Stage or Final Stage in February or March, we are here discussing a Bill that is word for word what we have today. The legislative process involves bringing on board the views of other Members and, in particular, the Committee. It involves the Department and the Committee having discussions and, hopefully, making agreed and consensual changes based on those discussions. We look forward to the outworking

of a process that is perfectly natural for any democratic institution.

I want to highlight a number of important principles that guide the legislation. First of all, there is a focus on the individual and on how we handle each person. Those individuals can be victims of crime, witnesses to crime or, indeed, perpetrators of crime. There is also a focus on enhanced community safety and reducing crime. Ultimately, the Assembly's success or failure in dealing with criminal justice must be judged by how people feel in the community and whether they feel secure at home and on the streets. We also hope to facilitate a reduction in offending and reoffending. The Bill will aid the process of shifting the balance towards prevention and early intervention, which we have talked about a lot in respect of not just criminal justice but policy right across the board.

The Bill not only provides for the appropriate punishment of offenders but guides their rehabilitation. I will address that point in a bit more detail when I speak about the offender levy because there are different views on that in the House. The Bill also places a focus on the importance of local and community solutions and the involvement of different partners. It recognises that solutions to criminal justice matters are not simply a matter for the Department and that solutions cut across all levels, Departments and agencies of government. The proposals will also contribute to and reinforce developments towards a shared future.

I turn now to some specific aspects of the Bill. Members will be pleased to note that I will not go through all nine parts; the Committee will no doubt do that for us. The offender levy is win-win in many respects. It is clearly seen primarily as something that will assist victims. It is important to stress that that assistance will be additional to the resources that will be available to support those who have suffered at the hands of offenders. It is also a source of assistance for offenders in the process of rehabilitation.

There is a notion about an emerging split between people who want to be hard on criminals and others who are perceived as soft on criminals. There is also a notion about whether the focus should be on punishment or rehabilitation. I stand here as a liberal, although certainly not a liberal luvvy. The Minister is a liberal and has never been anything else. The

ultimate guide should be what works and what delivers enhanced community protection and safety and a greater reduction in offending. As the Minister has stressed on many occasions, we do not send people to prison for punishment; they go there as punishment. What happens in prisons is critical to community safety after offenders have been released. Virtually every person who goes to prison will be released one day. What happens at that stage is important. There is clear evidence that there is a problem with reoffending; there are very high levels of reoffending in Northern Ireland. In many respects, what happens in the prison setting can have as much influence on reducing crime and the perceptions and outcomes of community safety as the work of police officers on patrol, partnership working and other preventative work. Therefore, what happens in the prison system is critical to the wider system.

I do not see prisons as being at the end of the spectrum of criminal justice; they are part of a virtuous circle in trying to rehabilitate offenders. This process is not about being nice to or soft on criminals. Going to prison and losing liberty is a serious sanction. What happens in prison, through rehabilitation, is important for everyone in this Chamber and wider society.

The proposed offender levy will bring home to people the reality of their offences and will teach them some responsibility through money being deducted from earnings. That is a way of trying to normalise behaviour. NGOs in the criminal justice field will recognise the process that I described.

It is important that alternatives to prosecution are taken forward. They are viewed as being appropriate for certain levels and kinds of offending. Their benefits will include a reduction in costs, and they will help to unclog a very bureaucratic justice system in which the progression of cases is very slow, which is detrimental to victims and witnesses. Indeed, it is detrimental to perpetrators, when it comes to getting them sentenced quickly and starting the process of rehabilitation. In that sense, the proposals will be much more efficient and effective when dealing with a certain kind of offending, and they should not be viewed as being soft in any shape or form.

Alternatives to prosecution will have the added benefit of freeing up police resources, and we are all very aware of the pressures that they are

under, particularly in light of the growing threat from dissident republicans. It is incumbent on us to make the lives of the police as easy as possible when dealing with the bureaucracy of the criminal justice system. The police should be allowed to deal with what the public regard as the most important issue: keeping us all safe. I know that the police support such measures; indeed, they would probably urge the Department to go even further in some respects. However, for good reason, at this stage, the Department has proceeded with only two options for alternatives to prosecution. It is worth noting, though, that there is a larger spectrum of what can be done. The Assembly may wish to return to the other options at some stage.

There is an important issue about the interface between the police and the Public Prosecution Service and about where discretion should lie when making almost routine decisions about low-level offending. There should be scope for a greater role for the police on that issue. The Public Prosecution Service may have been set up for good reasons under the criminal justice review of 2000, but, as time passes, it is important that we keep the balances that we have struck under review and adjust them accordingly in light of changing circumstances.

The next item that I want to focus on is policing and community safety partnerships. Again, I stress that they are not simply a rationalisation of DPPs and CSPs in addressing duplication and trying to find cost savings. However, that is undoubtedly an important element and consideration in what we do. Again, that reflects the wider reform agenda that a number of parties in the Chamber are talking about. The focus should not just be on cost; it should be much broader. The issue is to find a solution that is greater than the sum of its parts and enhances community focus to deliver outcomes in community safety. It is important that we take on board experience in other jurisdictions where that model has been beneficial. In particular, we should note the importance of senior partners coming to the table with greater standing and how that helps the organisation to deliver results. We should also note the importance of the duties placed on the statutory partners for crime reduction and community safety.

It is also worth noting that the new model could fit neatly with a future return to the review of public administration, particularly with the

new responsibility for community planning being given to councils as part of that. The model for community safety in the Bill will sit well with the wider responsibilities for community planning that will hopefully be given to councils in the near future.

While we discuss a new strategy for cohesion, sharing and integration, including responsibilities for good relations among councils, the new policing and community safety partnerships will have an important interface with good relations, because, as we all recognise, divisions in our society and a lack of good relations intersect significantly with a lack of community safety.

Our model reflects the particular circumstances of Northern Ireland in the police accountability measures. It is important that we make reference to the important continuation of the Patten arrangements for police accountability. The accountability of the police has been one of the great successes of our political peace process; it has been well championed and has been recognised internationally. That said, it is also important that we do not have a fixed institutional design for how that will be conducted and that we are open to new models. That will mean that the rolling function is clearly preserved and that we can also move with the times and reflect our changed financial circumstances and the different challenges and pressures on the police to deal with administration and bureaucracy. It is also important that we recognise the important interface between policing accountability and community safety and that we find that synergy. I welcome the model that the Department has taken forward; it tries to reflect best international practice while respecting the very good practice that has been established in Northern Ireland over the past decade.

It is regrettable that we have to consider the measures in the Bill that concern sport. Perhaps the problems that we have had in Northern Ireland have not been as severe as those elsewhere in these islands and further afield. However, we would be burying our heads in the sand if we denied that there have been problems in recent times, particularly in the footballing arena.

I recognise the strong work of the IFA on community relations. I also recognise the very different atmosphere that has been established at Northern Ireland international matches, both

home and abroad. That has been a major success in breaking down barriers and creating a much more inclusive array of supporters for the Northern Ireland team from all sections of the community. However, problems continue and have occurred disproportionately at the domestic level in Irish League football. I do not need to recite individual cases — Members will be aware of them — but they have included racial and sectarian aspects. So, it is important, albeit regrettable, that we take forward the measures in the Bill.

12.15 pm

Finally, I want to recognise that legal aid is a major financial challenge facing Northern Ireland. Legal aid is an important service that is provided to the victims and perpetrators of crime to ensure that we have a proper legal system and that everyone has access to justice. That said, we cannot ignore the fact that we have spiralling costs that are out of line with other jurisdictions. We simply cannot sustain those costs, particularly in the current public expenditure environment. Therefore, it is important that we consider reforms to legal aid that will control costs while preserving access to justice, which is absolutely critical. The Bill is only part of the dialogue that will need to take place over the coming years.

We very warmly welcome the Bill. That will be no surprise to the Minister or the Chamber. On behalf of the Alliance Party, I commend David Ford, as the Minister of Justice, and recognise the very hard work that has been put in by him, his officials and the Committee to get us to this stage. Although appreciating that we are moving towards the end of this Assembly mandate, we look forward to the Bill being taken forward as serious legislation that will, hopefully, be passed before the Assembly stands down next spring.

Mr Givan: I welcome this opportunity to speak on the Justice Bill. I will not go into a lot of the detail of the Bill; the Committee will give me the forum to do that. However, I want to touch on some areas covered by the Bill.

With the Justice Bill, our focus should always be on the victim and, therefore, on the protection of society. Some Members made comments that make me ask whether they believe the focus should be on the victim or the perpetrator, who has more rights and how those competing rights are managed. I will go into that some more when I get to the relevant points.

The first area is the offender levy, which I welcome. However, I do not want to exaggerate the significance of that levy, referring as it does to amounts between £5 and £50. I certainly do not feel that victims of crime, when they see the perpetrator being asked to pay an additional £5 or up to £50 will feel that justice has been served. However, I welcome it being brought in. The establishment of a fund to help the victims of crime is a welcome step, but we should not overplay it. Stephen Farry said that the levy would really enforce the rehabilitation of people and enforce on the perpetrators of crime the need to take responsibility for their actions. I really do not see how a levy of £5 will have an impact of the magnitude that the Member seems to want to portray. We should not overplay this; nevertheless, I welcome its introduction.

Alban Maginness referred to the levy, and his concern was about the ability of the perpetrator to pay. I certainly do not have any concern about whether a perpetrator will be able to pay an additional £5 or £50 on top of whatever other compensation they may well have to pay. My focus is not on the perpetrator; it is on the victim, and we should not overstate the impact that the levy will have with regard to the feeling of justice having been served. However, I welcome its introduction.

Alban Maginness made some relevant points about special measures that we need to consider so that there are no unintended consequences. However, my initial reaction is that we want to help people who are vulnerable and we want to allow intermediaries and that people who make complaints of a sexual nature should be given more protection and rights. My gut reaction is that I support that and we should take steps to help those individuals, but we need to get into more of the detail on the issues that Alban Maginness raised. Committee Stage will allow us to do that.

I welcome the move to streamline district policing partnerships and community safety partnerships into policing and community safety partnerships. There are many similarities in the functions that the two existing bodies exercise, and to streamline them will be a welcome measure. My only concern is around the composition of the bodies. My reading of the situation is that councils will identify problems in their area, and the new partnerships will go about putting together a plan to tackle those

problems. Therefore, a wholly elected institution will identify the issues, but responsibility for dealing with them will be handed over to a body that will have a minority of elected members on it. I will want to tease out in Committee how that accountability will be returned to the councils, as they have identified the problems but are not ultimately responsible for tackling them.

The bodies will be made up of councillors, independents and people from designated statutory and voluntary organisations. I wonder whether the independents will be solely independent because when independent members are picked, as they are for district policing partnerships, they often have a voluntary or statutory connection. Therefore, we need to get more clarity about how, beyond their elected members, we will decide the membership of the bodies.

On the sporting provisions, I am sure that all Members will support the intent of promoting good behaviour at sporting events. I confess that I am not a frequent attender at GAA events, so I cannot comment on behaviour at those matches.

Dr Farry: Not a frequent attender?

Mr Givan: I should clarify that I have not attended any GAA matches. I see only what is on the television, and, when we are looking at banning orders, I sometimes wonder whether we will end up banning some of the players for brawling on GAA pitches. Therefore, when we talk about the promotion of good behaviour among the fans, there is also a responsibility on players to promote good behaviour. However, undoubtedly, the overwhelming majority of people who attend any type of sporting event conduct themselves in an exemplary fashion, not least, as my colleague William Humphrey highlighted, Northern Ireland football supporters, who have played a positive role for which they have been appropriately recognised. Therefore, I do not think that we should exaggerate the problem. Nevertheless, we should not deny that, on some occasions, there are difficulties with some individuals at all types of sporting events. I have been to some sporting events that I would not have wanted my family to attend, and the legislation is looking at dealing with that minority of individuals. We will need to get into the detail of how the provisions will be implemented, but the intention is a good one. However, we need to get into the detail of the Bill.

I welcome how Part 5, which deals with the treatment of offenders, is bringing other legislation up to date. Gaps in existing legislation are being filled in, including the extension of court sentencing powers to include the offence of hijacking, which is a problem in our part of the world at particular times of the year. Knife offences, such as possession with intent and possession on school premises, are also covered. I welcome bringing up to date the overall package to deal with knife crime.

It is important that alternatives to prosecution are not seen as a soft option. I look at the offences that will be included, such as criminal damage and shoplifting, and those are certainly not victimless crimes. They impact greatly on the business community in particular. I want to look at alternatives to prosecution in more detail to ensure that they are not a soft option.

The Assembly should not feel that it is a tough option to send individuals who engage in low-level crime for prosecution because, often, they go through the system and the judiciary or the magistrate simply gives them a slap on the wrist. It is not the case that prosecution is a tough option. If I have any complaint, it is against the judiciary for its failure to administer stronger sentences and to deal with that type of crime much more stringently. As I look at the Bill, it is not lost on me that, often, prosecution does not lead to stiffer sentencing. I am prepared to give it a fair wind.

I note that the eligibility thresholds for fixed penalties are around £100 for petty theft and £200 for criminal damage for first-time offenders. I will bear that in mind when we consider fixed penalties in Committee. They must not be a soft option. I want and am willing to be convinced of that.

I welcome the provisions on legal aid. The legal aid bill is a big problem. I commend the Minister for his efforts to tackle it. It is a difficult problem to tackle. There are many vested interests, particularly among the legal profession, many of whom have made their bread and butter on people's ability to claim legal aid. We need to grapple with that issue and ensure absolutely that, while everyone has access to justice through legal aid, we do not gold-plate that access and provide a level of legal cover that goes far beyond the representation that exists in other jurisdictions. The Committee is aware

of that issue. Certainly, I support the Minister's efforts to tackle the problem.

In conclusion, I look forward to the Bill's Committee Stage. It is a large Bill. I welcome many of its areas and remain to be convinced about others. It is important legislation. I look forward to dealing with it.

Mr Speaker: Order. The Business Committee has arranged to meet immediately upon the lunchtime suspension. I, therefore, propose, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the next Member to speak will be Carál Ní Chuilín.

The sitting was suspended at 12.28 pm.

On resuming (Mr Deputy Speaker [Mr McClarty] in the Chair) —

2.00 pm

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. Like other Members, I welcome the Bill and its significance. This is a big day for us in the devolution of justice to this place. I understand and appreciate that the purpose of this debate is, primarily, to deal with the broad principles of the Bill, and it, therefore, gives Members who are not members of the Justice Committee an opportunity to talk. Of course, we have the undoubted workload of the clause-by-clause scrutiny ahead. The Bill has 108 clauses, seven schedules and nine parts. It is probably the biggest Bill that we have had before this place since the current mandate began in 2007.

Despite some of the obvious concerns, the tone of the debate thus far has been very good. Like many Members who have spoken today, I welcome certain aspects of the Bill. I want to touch on aspects that might be amended. I do not know whether they will be amended, but there has been talk of potential amendments from the Minister, the Department and political parties through their Members.

I want to use this opportunity to talk about statutory provision. We talk about statutory provision for the community safety partnerships; that is very important, but I know that it is not the same thing. Other partnerships have existed, and I will use neighbourhood renewal as an example. When other Departments and bodies were at the table with the community and voluntary sector, they nipped in and nipped out and ducked responsibility and passed the buck. That is the last thing that we need; we need delivery.

I was encouraged that the Minister repeated the remarks that our party made in the debate on the addendum to the Programme for Government around real partnerships, engagement and, above all else, delivery. That is absolutely crucial to this Bill and any other for that matter. Even though there are, perhaps, concerns around the make-up of the board and the issues of democracy and representation, I welcome the fact that the ability to put things on a statutory footing is there; that is important. To that end, I repeat the call that I made in the past in the Committee and on the Floor that statutory powers need to be given to the Prisoner Ombudsman. That is crucial.

I will talk about Part 1 of the Bill in a general sense. Alban Maginness, in particular, talked about vulnerable witnesses and victims, intimidated witnesses, and so forth. Mention was made of people with mental health difficulties who give evidence, either as a victim or as a witness, and about the role of support there. It is to be welcomed. He raised some interesting features, which, I think, will be further developed during the Bill's Committee Stage. This is where the Department of Justice does not stand on its own. During our recent debate on the review of the juvenile justice system, it was said that Departments are dependent on one another, particularly when integrated services are involved. I would argue that there is a better need for integrated services, and I use this Bill as an opportunity to do that.

Although there are still concerns about the implementation of the Bamford review, particularly around the Department of Health, Social Services and Public Safety, the Department of Education and other Departments and their roles, lessons have been learnt from the review. The people and user groups who participated in Bamford are the people who I would encourage to come to the Committee, MLAs or political parties with regard to clauses that deal with such areas. That flexibility should be extended to many other people.

We may get caught in a time warp in this place, but this Bill is talked about quite a lot in the community, for good and bad reasons. David spoke a lot about soccer. I do not know a lot about soccer; it is not a girl thing. I am just not into soccer, but I appreciate, and I have been lobbied about, some concerns that people who support soccer have, which have left them feeling demonised. Although I do not share their love of that sport, I understand that there are sensitivities around that issue.

I also understand that, as with many pieces of legislation, but particularly this one, there is and will always be overlap and confusion when it comes to law and justice. Paul Givan could certainly not be described as a liberal lovey, but he made a contribution about the offender levy. Concerns have also been raised with us about that, but, on the other side of the coin, I do not think that anyone who has been a victim of crime would appreciate an offender being given a £5 fine. However, I do not think that that is the principle; it is about additional ways for people to recognise that an offence has been

committed and that there are other ways to pay for that.

Stephen Farry raised an issue that our party has raised time and time again, and we would not be expected to act differently. Going to jail is punishment; people do not go to jail to be punished further and to have their rights denied.

I believe that even with the different backgrounds of the political parties, the detail of the Bill will be bedded down during Committee Stage. So far, regardless of people's positions, politically and on justice issues, there is a sense that the Bill is much needed.

I attend a multi-agency meeting — not a community safety partnership — in north Belfast with many statutory bodies, and I appreciate and value the work of such partnerships. The participation of local people, and the ability of ordinary residents to challenge elected representatives, such as me, plus the PSNI, the Housing Executive and other bodies with statutory responsibility for delivery, is very important. That is local, participative democracy at its best. I do not see it as being something that should exist instead of local partnerships. I see it as being additional to them; something that they can feed into and perhaps have better results. I return to the idea of real partnerships, proper engagement, proper consultation and proper delivery.

There is much more in the Bill, and the Minister alluded to that at the start of his remarks. Through no fault of the Minister or anyone else, it looks like the next mandate will have an in tray containing what is not covered in this Justice Bill; whatever parts that we cannot get through or that cannot be done through amendments will still exist. That is the situation today, and I imagine there will be many more besides those. We have to work on the assumption, even though some of us may be complacent, that there will be new people coming to the Assembly next year. They will have their own experiences, which is a good thing, regardless of their political party or how they come through the door. They will also have experiences, not only as individuals, but in relation to the people they represent.

One thing that is very clear and that I am happy about — and I was not happy about it at the start — is that the Bill will be subject to a full equality impact assessment. I was concerned that there may have been different families within the justice system who were screening

bits of it out while others were perhaps prepared to go further. It is a good step that the whole Bill will be scrutinised and given a full equality impact assessment. That sends out the right message.

I also commend some of the work of the Criminal Justice Inspection, which has enhanced what is being discussed today. We can have that information with us when we are going through the Bill, clause by clause, particularly areas such as avoidable delays, because that is relevant to improving access to justice. Those who have been on remand for a long time constitute a category of people who are entitled to access to justice, as well as those who have been the victims of crime or who have been witnesses and are vulnerable. Many improvements are needed to increase their access to justice.

There is a list of stuff here, but one issue that I would like the Minister to look at — and the Committee, during its clause-by-clause scrutiny of the Bill — is “designing out crime”, under the heading of reducing crime and dealing with the consequences. That has been an invaluable service in our community, looking at the environmental ways in which we can enhance or reduce the prospect of crime. I believe that that service is going to be changed and centralised. That is not necessarily a good thing; such is the feedback that we are getting.

We are very lucky to have a good crime prevention officer working in north Belfast. Like any representative worth her salt, I do not want to lose him. Whoever gets him will be lucky. We do not want a Bill that will improve access to justice but deny access to an essential aspect of community safety, which is very good. Sometimes you do wrong for trying to do good. That needs to be looked at. There is still a lot of work to be done. Despite the fact that there are 108 clauses, seven schedules and nine parts to the Bill, there is still much more to do.

This point was made earlier. I have said it on numerous occasions, and I repeat it every time. I support the total independence of the judiciary. However, I do not want the judiciary, or any other family within the criminal justice system, to think that it should not be accountable or open to scrutiny like any other Department. That point must be made. Take the example of repeat offenders who have been out on bail a lot. Other people in the criminal justice family —

the PSNI or designated social workers — may say in court that a particular repeat offender should not be out on the street, yet he keeps getting bail under conditions and coming in and out, in and out. Questions are asked about why that happens, but there is almost a smack of an answer: we are independent, and you cannot delve into it. As an elected representative, I speak for many others when I say that that is not good enough. That is not to say that I do not support the independence of the judiciary, but the point needs to be made.

I just want to raise this: it could be about reducing crime, safer communities or alternatives to prosecution. I would like to see a better role for community restorative justice. Paul Givan made the point that sometimes prosecution may seem like a blunt instrument, but it is not the easiest way to make amends. Sometimes sitting down and owning or taking responsibility for what happened with the people who have been offended or affected is a harder thing to do. If the principle of restorative justice is missed in this Bill — and there are certainly things that are missing from the Bill — that would be a bad thing. If restorative justice is not incorporated into the Bill, Sinn Féin may look to see where it can be included as the Committee goes through the Bill, clause by clause.

I welcome the Bill and the opportunity to talk on it. I am a member of the Justice Committee, and I do not particularly look forward to the amount of work that we need to do. This is the largest and most detailed Bill that I have seen yet. It is something that we have looked for and fought for for so long, and I am delighted that it takes its Second Stage today. Go raibh maith agat.

Lord Browne: I welcome the chance to speak on the Second Stage of this extremely important Bill. As a relatively new member of the Justice Committee, I look forward to having the opportunity to go through the Bill in more detail when it reaches Committee Stage.

As has been outlined, the Bill addresses three major themes; namely, services for victims and witnesses, community safety and improving access to justice. Those issues will not be easy to address, but I am sure that the Committee will bring its expert knowledge to bear as the Bill goes through Committee Stage.

2.15 pm

There has been a long-standing problem with ensuring that victims and witnesses receive the necessary support to make the justice system work by giving their testimony, particularly at trial, but also beforehand. An increase in the upper age limit for entitlement to special measures provision is long overdue, as it removes the ludicrous situation whereby an arbitrary line was drawn between those entitled and those not entitled.

There are difficult issues here, and perhaps most difficult is redressing the imbalance between the impact that crime has on a victim and on a perpetrator. As we have heard, the Bill contains many interesting ideas, not least the offender levy. I look forward to exploring that at Committee Stage.

Another big issue in justice over the past decade has been the idea of alternatives to prosecution. I am pleased that the Bill will bring forward more alternatives, and thus the possibility of avoiding unnecessary and sometimes costly trials.

Another challenge in the Bill will be issues around legal aid entitlement. It will be a serious task to strike a balance between saving money and ensuring that we do not compromise the underlying principles of the legal aid system. If the Committee is able to strike that balance, it will be doing a lot to make the justice system more efficient and to maintain fairness and equity.

We will face challenges when we consider the Bill at further stages. Those challenges must be met, and I am sure that we are up to it. I welcome the Bill's Second Stage.

Mr Elliott: I congratulate the Minister on moving the Second Stage of the Justice Bill. It is a much-anticipated piece of legislation, which has the potential to make a real difference to various aspects of the criminal justice system. I recognise the challenges and complications that accompany the establishment of a new Department. Although he may at times question it, I commend the Minister and his Department for the speed with which they have brought the Bill forward.

We now have devolved policing and justice powers, and it is important that we make the most of the opportunity before us. That will involve working to improve the criminal justice

system as a whole for the people of Northern Ireland, and I really mean for everyone. We also have the ability to make policing and justice legislation that is sensitive to the specific needs of Northern Ireland, and we must make full use of that particular advantage as it has been lacking for a number of years.

As well as containing provisions concerning the offender levy, Part 1 of the Bill focuses on assistance to vulnerable and intimidated witnesses. Any measure that will go towards encouraging and reassuring victims and witnesses that the criminal justice system is accessible and accommodating is desirable. The Bill raises the upper age limit, under which a young witness is eligible for special measures, from 17 to 18 years of age. It also removes the separate category of child witnesses who need special protection, putting all child witnesses in the same position regardless of the offence. Those are very welcome changes.

There are other improvements in that part of the Bill, including automatic entitlement for adult complainants of sexual offences to give video-recorded evidence in chief, and permitting intermediaries to be available to vulnerable defendants to ensure that the accused receives a fair trial. Such measures are to be commended.

I now turn to the provisions in Part 2 of the Bill, which expand the range of measures that can be dealt with by way of a live link. On the face of it, these are very encouraging improvements as the additional provisions will extend the conditions for a vulnerable accused live-link direction to be given to individuals of any age who have a physical disability or who suffer from a psychiatric illness. The Bill also intends to improve the services for offenders with mental disorders by allowing them to establish live-link connections between courts and psychiatric hospitals.

It is clear that the new provisions are designed to increase the use of live links in courts, prisons and hospital psychiatric units and to provide a more cost-effective and secure means by which patients and prisoners can participate in hearings. However, in order for the provisions to produce cost savings and to provide for secure participation in hearings, I imagine that most, if not all, courts in Northern Ireland will have to have access to the live-link technology. The same must be said about hospitals and

prisons. Therefore, I ask the Minister to provide the Assembly with information pertaining to those issues.

The discussion is also relevant to the court estate. The Department's intention is to reduce the number of rural courthouses in Northern Ireland, so access to such measures will be further restricted, as they will be in any event if only the major courts have access to the technology. In such instances, the measures may not be cost-effective due to the fact that witnesses or an accused will either have to attend court in person or be transported to the nearest court that has live-link facilities. I look forward to hearing the Minister's comments in that regard.

Since we are discussing improvements to the facilities and measures to assist the individuals who are most vulnerable and intimidated, we should also think about those who are victims of domestic abuse, rape and other serious sexual assaults. The introduction of specialist courts to deal with such cases should be considered. The judges who would look after such cases would be experts in the area and would, therefore, be able to deal with the cases promptly, efficiently and effectively.

The proposal in Part 3 of the Bill to amalgamate district policing partnerships and community safety partnerships is something that I support. The mechanisms for public/police consultation are vital, so it is essential to get this aspect right. Clearly, the current system, which consists of DPPs and CSPs, is wasteful and a considerable burden on resources. I commend the Minister on his intention to rectify that. I say that as someone who has served as a chairman of a district policing partnership and of a community safety partnership. I have long since argued for that point to be taken on board. Having spoken to an individual who is involved in the Belfast District Policing Partnership, I am pleased to note that the current structure of a principal DPP with four subgroups will remain, albeit with new titles. I commend the Minister for that decision. In order for the partnerships to work, they must include individuals who understand the community and have a sound knowledge of the problems that face them.

The Bill will make certain improvements to sentencing provisions for common assault and knife crime. That is to be commended. My colleagues will discuss that further in due

course. Knife crime appears to be becoming more prevalent in Northern Ireland, and I support measures to reduce it and to deter and punish offenders. As an Assembly, we must send a serious and unambiguous message to the public that carrying a knife is absolutely unacceptable.

The Bill will permit courts to defer sentencing for up to a maximum of 12 months, as opposed to the current allowance of six months. Will the Minister explain the rationale behind that increase? It will only further delay sentencing and prolong the agony of victims and the uncertainty for offenders.

Part 6 of the Bill introduces penalty notices and conditional cautions that are aimed at disposing offenders outside the courtroom by being offered, in suitable cases, as alternatives to prosecution. Offenders will retain the right to ask for their cases to be heard in court instead, and I believe that provisions that attempt to ease the pressure on the court and prison systems are, in general, very welcome.

Although I recognise the potential benefits of penalty notices and conditional cautions and the consequent reduced burden on the court system, we have to be mindful that such tools should not be improperly used and warn against their use in more serious offences. As far as possible, the distinction between those who police the law and those who enforce it must be maintained. Will the Minister comment on whether fixed penalty notices have been successful deterrents in England and Wales?

Mr Deputy Speaker: As Question Time commences at 2.30 pm, I ask Members to take their ease until that time. The debate will continue after Question Time, when the next Member to speak will be Dominic Bradley.

2.30 pm

Oral Answers to Questions

Education

DE: Comprehensive Spending Review

1. **Mr Cree** asked the Minister of Education to outline her Department's response to the comprehensive spending review. (AQO 397/11)

The Minister of Education (Ms Ruane):

Fógraíodh toradh an athbhreithniúcháin ar chaiteachas ar an 20 Deireadh Fómhair. Shocraigh sé seo leithdháiltí buiséid don Choiste Feidhmiúcháin do na ceithre bliana atá le teacht.

The spending review outcome was announced on 20 October. The Executive discussed it, and the Member will be aware that the First Minister and the deputy First Minister have requested a meeting with the British Prime Minister. It is up to the Executive to agree a Programme for Government and a draft Budget setting departmental spending plans. Until that happens, I will not be in a position to make detailed decisions on future funding for education services. What I can tell the Member is that I will do everything in my power to ensure that the most vulnerable in our society and front line services are protected and targeted on the basis of need and that we adhere to our equality duties.

The Member will also be aware that the establishment of the Education and Skills Authority is one of my Department's planned key reforms. I hope that we make progress on establishing the authority, which would produce savings, create money for other front line services and potentially release £80 million over the next four years. On top of that, it would streamline and reduce expensive bureaucracy and administration.

Mr Cree: I thank the Minister for her detailed response. Does the Minister welcome the coalition Government's decision to increase education funding in the CSR and to introduce a pupil premium to tackle educational underachievement among those from socially deprived backgrounds? Does the Minister intend to introduce the pupil premium in Northern Ireland?

The Minister of Education: There are elements of targeting on the basis of need that we should look at in this part of Ireland. That said, there are huge areas of the Budget that I am extremely concerned about, particularly the decisions that have been made to cut the capital budget and the failure to adhere to international agreements. I will be looking at how we can continue to target on the basis of need. If the Member looks at the various policies that I have brought in since coming into office — the revised curriculum; giving extra resources to the schools that our most vulnerable children attend; the primary school uniform grant, which I brought in for the first time; or including free school meal entitlement as one of the criteria for transferring from primary to post-primary school — he will find that every action that I took was based on equality and on targeting on the basis of need. I welcome the Member's support for initiatives that target on the basis of need, and I share his view that that needs to be done.

Mr Campbell: The Minister referred to the meeting that the First Minister and the deputy First Minister will have with, as she put it, the British Prime Minister. I am glad that there was no confusion with the Norwegian Prime Minister. Subsequent to whatever discussions take place, will she ensure that whatever capital budget she has is deployed according to the priority to replace primary and post-primary schools that are in very bad shape?

The Minister of Education: I look forward to the outcome of the discussions that the First Minister and the deputy First Minister have with the British Prime Minister. I hope that common sense will prevail on budgets in the North. There has been historical underinvestment in our capital programme, but, thankfully, over the past three years, we have been able to spend more money than at any other time. We have 43 new schools in sight, and, indeed, straight after Question Time, I will be on my way to the Belfast Model School for Girls in north Belfast for the official opening of its new school building. I am looking for the House's support to prioritise capital funding for the schools estate in order to deal with the legacy of underinvestment. We must continue not only with the school building programme but with those in health and housing. If we are to do that, it is essential that the British Government adhere to international agreements that were made with us.

Mr Burns: What measures is the Minister taking to protect front line education services?

The Minister of Education: I have stressed very clearly that every policy that I have put forward targets on the basis of need. We have shifted resources to ensure that some of our most vulnerable children get the support that they need. We are also engaged in progressive reform of the education system — a jigsaw of interconnected reforms — including a new curriculum, new transfer arrangements and schools working together at post-16 level so that we do not duplicate courses.

The establishment of ESA is one of my key priorities; that is the single biggest way to reduce unnecessary spending on administration. In the past, nine bodies administered education; I want that to move to one body. We have a convergence programme in operation at present. It is too early to say yet what measures can be taken, because we do not know what our budget is or will be and further work remains to be done.

I have already mentioned the meeting requested by our First Minister and deputy First Minister. The Member can be sure that I want to continue key programmes such as extended schools, free school meals criteria as part of transfer arrangements, and a raft of other proposals for our special needs children, Traveller children and other disadvantaged children.

Dr Farry: The Alliance Party agrees with the Minister about the savings that could arise from the establishment of the ESA. However, why does she not also talk about the even greater savings that can be found through shared education, not necessarily by way of a single system for Northern Ireland but through better collaboration and area planning between all the sectors?

The Minister of Education: I just talked about the importance of shared education. A few minutes ago, I mentioned the importance of post-16 pathways. Yesterday, before I came here, I spent a very productive morning with 600 teachers from the north Belfast area learning community and from every school in the area, working together to determine curricular provision for young people. The Member will also know that I visited the Limavady learning community. On the day of that visit, I saw young people wearing three or four different uniforms studying together, as they do every week.

The Member will be aware that I am actively promoting the Lisanelly shared campus, where post-primary and special schools come together on a former British Army base to work with one another. He will also be aware of the importance of transfer arrangements. The socially segregated two-tier arrangements form one of the greatest expenses in our system. We are socially segregating our children by having a two-tier system in which the pathways are far too narrow. In the past, when children passed a test, they went to a certain school and, if they failed, they went to another school. We need to integrate those systems.

I believe firmly that the area learning communities need to work together and that schools across the system should do likewise. Gone are the days when we could afford to have four teachers taking four A-level classes, with four or five young people in each, in the same subject in one town. The cost of that must be looked at because our primary schools badly need investment. I always speak about shared education and about supporting integrated education and integrating education, and I will continue to do that.

Schools: Epilepsy

2. **Mr G Robinson** asked the Minister of Education to outline any contact between her Department and Epilepsy Action about developing a knowledge base for teachers dealing with pupils who have epilepsy. (AQO 398/11)

The Minister of Education: D'eisigh an Roinn, le cúnaimh ón Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí, treoir dar teideal 'Ag Tabhairt Tacaíochta do Dhaltaí a bhfuil Riachtanais Speisialta Cógais Acu' chuig gach scoil i mí an Mhárta sa bhliain 2008.

The Department of Education, with assistance from the Department of Health, Social Services and Public Safety, issued a guidance document entitled 'Supporting Pupils with Medication Needs' to all schools in March 2008. On foot of that guidance, the Department of Education provided funding to the education and library boards to provide training to principals of all schools over the 2008-09 academic year to meet the needs of pupils with medical requirements, including those with a diagnosis of epilepsy. I will forward a copy of the medical needs guidance to the Member.

Mr G Robinson: Will the Minister explain why some teachers in my constituency have a limited knowledge of how to deal with pupils who have epilepsy because of her Department's withdrawal of vital funding?

The Minister of Education: The Department of Health, Social Services and Public Safety is responsible for the diagnosis of health conditions, and that Department works closely with my Department in that regard. Training for teachers and school staff on health conditions is provided by the relevant health and social care trust and will be in line with a pupil's individual healthcare plan and subject to ongoing review. Obviously, I will not discuss individual pupils today; the Member will not expect me to. However, if the Member wants areas to be developed or wants to pass information to me, I will look at that and pass it on to the relevant authorities.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to a joint publication by her Department and the Department of Health, Social Services and Public Safety. What specific measures were taken by the Department of Education to improve support for pupils who need it?

The Minister of Education: My Department provided funding to the boards to offer training to principals of all schools over the 2008-09 academic year to meet the needs of all pupils with medical needs, including the needs of children with epilepsy. In February 2010, the Department of Health, Social Services and Public Safety, in partnership with my Department, developed a document, 'Guidelines for Management of Anaphylaxis in Educational Establishments', which complemented the information contained in 'Supporting Pupils with Medication Needs'. It outlined the specific roles and responsibilities of the school, the school meals service, parents, carers, pupils and the school health team. The Department provided £248,000 to the boards to train all school principals in the 2008-09 academic year.

Mr Gallagher: Is there a designated member of staff with responsibility for first aid in every school? Furthermore, does the Department of Education provide specific training on first aid skills to those designated members of staff?

The Minister of Education: Every school has a special educational needs co-ordinator, known as a SENCO, who works with the relevant authorities — the education and library boards

or the health authorities — to ensure that the needs of children with medical needs are met. I outlined earlier what my Department and the Department of Health, Social Services and Public Safety are doing to ensure that the needs of those children and young people are met. If the Member has any further ideas or suggestions, I am happy to take those comments and pass them on to the relevant authorities.

Teachers: Employment

3. **Mr Ross** asked the Minister of Education to outline the most recent figures in relation to the number of newly qualified teachers who have been unable to secure a permanent teaching post. (AQO 399/11)

The Minister of Education: Which question is it?

Mr Deputy Speaker: Question 3.

The Minister of Education: My understanding is that question 3 was withdrawn.

Mr Deputy Speaker: Question 4 has been withdrawn.

The Minister of Education: OK. I do not even have the text of question 3 here. Is it about teachers' pay and pensions? Gabh mo leithscéal.

Mr Deputy Speaker: The question is "To ask the Minister of Education to outline the most recent figures in relation to the number of newly qualified teachers who have been unable to secure a permanent teaching post".

The Minister of Education: I ask Members to bear with me. Fortunately, I have a copy here.

Tuigim, de na 735 múinteoir a cháiligh sa bhliain 2009, go bhfuair 293 acu post buan múinteoireachta. Ina theannta sin, d'oibrigh 320 acu mar mhúinteoirí ionaid ó bhain said a gcéim amach.

Of the 735 teachers who qualified in 2009, 293 secured a permanent teaching post. In addition, a further 320 have worked in a substitute capacity since graduation. Of the 2008 cohort of 805 graduates, 389 secured a permanent post and a further 182 have worked in a substitute capacity.

2.45 pm

Mr Ross: I fear that someone did not do their homework correctly before Question Time. The Minister will accept that there is still the huge

problem of many newly qualified teachers being unable to get a permanent post. A number of years ago, the Assembly agreed a motion that called on her to investigate introducing an induction year. Has the Minister examined in detail a teacher induction year and compared the costs of such an induction year against the current huge cost of training new teachers for a career in which they will find it difficult to get a job?

The Minister of Education: The importance of doing homework cannot be overstressed, and it is important that parents work with their children in doing homework.

The Member will be aware that the Scottish authorities introduced one-year posts following teacher training. Some studies are being carried out on that, and, already, they show that a huge amount of money is spent for the outcome. It would be very expensive for the Assembly or my Department to introduce an induction year, and there are better ways of using resources.

We have reduced the number of teacher training places by 25%, and we have ring-fenced teacher training places in areas in which we do not have enough teachers, such as Irish-medium education, which is a growing sector; special educational needs, which is going through curricular changes; and the STEM subjects. I look forward to working with all parties in the Assembly, when we complete our discussions on the Budget, on how we can continue to support teachers and teacher training. I look forward to receiving the support of the party opposite on that.

Mr B McCrea: The Minister said that teacher training places had been reduced by 25%, but there still seems to be a considerable number of teachers who, having gone through the training course, do not have a job. What criteria does the Minister use to advise the Minister for Employment and Learning on the number of teachers who should be coming out of our teacher training colleges? Does she plan to revise that in the future?

The Minister of Education: I had a number of meetings with Reg Empey in his capacity as Minister for Employment and Learning. I pay tribute to him publicly for the work that we did together on teacher training and on careers advice. As the Member knows, our Departments published many joint policies, and I look forward to working with Danny Kennedy in his new role.

Reg Empey and I discussed the need for areas of growth, curricular provision and lack of teachers in particular areas. Earlier, I mentioned, for example, science, technology, engineering and mathematics (STEM) and the lack of Irish-medium teachers. We discussed areas of policy development, special educational needs and early years. Rather than training teachers for jobs that may not be there, we encouraged young people to specialise in particular areas, and we ring-fenced places in the teacher training colleges for those areas.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom a fhiafraí den Aire — chuir mé an cheist seo uirthi sa bhliain seo caite, agus beidh sé suimiúil a fháil amach an bhfuil aon dul chun cinn déanta — an bhfuair an teastas iarchéime san oideachas sa Tuaisceart aon aitheantas sa Deisceart.

I asked the same question of the Minister last year: what progress has there been in gaining recognition in the Republic of Ireland for the PGCE that is awarded in Northern Ireland?

The Minister of Education: The Member wrote to me about that matter, and I provided him with a response. I will now get an update and provide him with that, too.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. What impact does employing temporary teachers have on the ability of perhaps much better academically educated young people to gain permanent positions as teachers in schools? Has any assessment been done of the ability of teachers who have taken expensive severance deals from the education system and then taken up temporary positions?

The Minister of Education: That is a very important question. Everybody is aware of the need to create opportunities for newly qualified teachers. As the Member says, far too many teachers leave the system, get packages and then come back to fill temporary positions. My Department is liaising with all the bodies that employ teachers; it is not the Department that employs them but the various governing bodies, and we have told them that they must employ newly qualified teachers. As an incentive, the Department has made it more expensive to employ teachers who have a greater number of years' service than others, as well as teachers who have been out of the system, because we want newly qualified teachers to get

opportunities. We have also changed the pay points on the scales.

We are carefully monitoring all the temporary teachers who have been placed in schools by the employing authorities, and we will continue to do that. If we see a pattern where retired teachers are being brought back into the system, we will engage with the relevant employing authority. We must give our young people opportunities.

Mr Deputy Speaker: Question 4 has been withdrawn.

DE: Budget

5. **Mrs M Bradley** asked the Minister of Education for an update on her Department's budgetary position. (AQO 401/11)

The Minister of Education: Maidir leis an mbliain reatha, tá buiséad sócmhainne na Roinne de £1.3 billiún agus an buiséad caipitil de £182 milliún go hiomlán leithdháilte. Tá mé ag súil le lánchaiteachas i mbliana.

The Department's resource budget of £1.9 billion and capital budget of £182 million are wholly committed in the current year. I anticipate full expenditure in this financial year. The capital budget remains under pressure. I spoke earlier about the significant funding that we have committed and about the schools that we have built. Members will be glad to know that we have spent 99.9% of our capital budget. We recently received extra money in the September monitoring round, and all our projects are well under way.

I have consistently highlighted to Executive colleagues the urgent need for further sustained investment in the schools estate. As I said earlier, the First Minister and the deputy First Minister have sought a meeting with the British Prime Minister. We are still awaiting the outcome of that and the resolution of certain issues. Once that happens, the Executive can agree and shape priorities, including a new Programme for Government and a draft Budget. My Department is obviously willing and ready to play its role in doing that. Once those plans have been agreed, I will be able to assess the outcome and the implications for further services over the next four years.

Mrs M Bradley: I thank the Minister for her answer. Will she outline the possible effect of a

7.9% reduction in revenue and a 37% reduction in capital?

The Minister of Education: It is premature to speculate about percentages. I am working with the Executive to get the best possible outcome for the Executive and the Assembly as a whole, and I am playing my role in the Department. Members should not accept that what the British Prime Minister has presented is the final settlement: I certainly do not. The Executive are seeking further meetings about that. Agreements were reached about capital and other funding, and we need to ensure that we get the best possible financial settlement for this part of Ireland.

Miss McIlveen: The Minister may be aware that the Committee for Education met school principals recently. To that end, what discussions has she had with school principals and/or their representatives about the Budget?

The Minister of Education: I meet school principals on a daily basis, and we have regular discussions about the priorities for what needs to happen. As I outlined, the sequence of events is that we have discussions with the British Prime Minister through our First and deputy First Ministers and then we prioritise our draft Programme for Government and budgets as an Executive and an Assembly. That is consulted on, and school principals will be a major part of any consultation, as will all education stakeholders. I have no doubt that other Departments will be carrying out similar consultations.

Mr Lunn: Has the Minister had time to read the Oxford Economics report on the financial benefits of shared education? Is she prepared to meet the Integrated Education Fund to discuss that further?

The Minister of Education: As I said, I will be available to meet groups from all education sectors, and consultations will be organised at the right point in the process. The Member knows that, at all times, I have met the integrated sector and worked very closely with its representatives. Members can see that there has been a growth in that sector during my term in office. I look forward to that growth continuing, and development proposals have been brought to me on the transformation of schools and the creation of new schools. As I outlined in my comprehensive answer to the

Member's colleague, I believe in integration and integrating.

Mr Armstrong: Will the Minister assure the House that she will seek to agree a Budget with her Executive colleagues in light of the comprehensive spending review?

The Minister of Education: I have said clearly that I am willing and ready to play my role as Minister of Education in the process as set out by the Executive. I will not say that again, because it would be boring for Members if I were to repeat myself too often; I would not like Members to be bored. I will play my role, and I am already way ahead of the posse. I very much look forward to Members on the opposite Benches supporting the establishment of the Education and Skills Authority. In bringing that forward, we would save £80 million in four years, which could go towards front line services. Therefore, I look forward to support from the Benches opposite.

Early Years Strategy

6. **Mr O'Loan** asked the Minister of Education how much funding she intends to allocate to the early years (0-6) strategy. (AQO 402/11)

The Minister of Education: Tá acmhainní substaintiúla i bhfeidhm agam cheana féin lena bheith mar bhonn agus taca ag an straitéis 0-6.

I have already put substantial resources in place to underpin the nought-to-six strategy. Since coming into office, I have prioritised funding for the early years and primary sectors. For example, we provided £21 million in funding for the Sure Start programme; £50 million for the preschool education expansion programme; £32 million for the provision of classroom assistants for all year 1 and 2 classes; specific funding for planning, preparation and assessment time for primary school teachers; funding for the primary languages programme and the primary sports programme; and funding for initiatives to assist the children of Traveller families. Additionally, the substantial funds in the aggregated schools budget for primary 1 and primary 2 include over £22 million for supporting the particular requirements at the foundation stage of the curriculum. This year, we have already allocated £1.5 million to take forward the early years strategy, and I have lodged priority bids as part of the Budget 2010 process.

Notwithstanding that, it is imperative that we make the best use of the significant resources already available. When the Department of Education budget is finalised, I will look through the review of the funding formula to secure the correct balance between investment in early years and investment in other stages of school education.

Mr O'Loan: I thank the Minister for her answer, and I welcome what is being done. Sound academic evidence shows that, for every pound that is invested in early years education, £17 is saved later in the education process. Does the Minister accept that evidence, and will she reflect it in the investment that she makes in early years education?

The Minister of Education: I agree with the Member that investing money now saves money at a future date and, more importantly, provides the best outcomes for children, whatever stage they are at.

3.00 pm

I was recently at an early years launch at which Siobhán Fitzpatrick made the same point as the Member. We will continue to invest significantly in early years, and the Member will be able to see that there has been an increase in the resources allocated to that area since I came into office in 2007.

Employment and Learning

Mr Deputy Speaker: For the benefit of Members and the Minister, questions 10 and 11 have been withdrawn.

Higher Education: Funding

1. **Ms Purvis** asked the Minister for Employment and Learning for his assessment of how the Browne report 'Securing a Sustainable Future for Higher Education' and the Stuart report 'Independent Review of Variable Fees and Student Finance Investment' came to such contrasting conclusions and when he expects consultation on the issues to commence. (AQO 412/11)

4. **Ms Lo** asked the Minister for Employment and Learning how he intends to reconcile the Browne report 'Securing a Sustainable Future for Higher Education' and the Stuart report 'Independent Review of Variable Fees and Student Finance Investment'. (AQO 415/11)

8. **Mr McGlone** asked the Minister for Employment and Learning to outline his Department's position on the Browne report 'Securing a Sustainable Future for Higher Education' and the Stuart report 'Independent Review of Variable Fees and Student Finance Investment'. (AQO 419/11)

12. **Mr Bresland** asked the Minister for Employment and Learning for his assessment of Lord Browne's recommendation that the cap on higher education tuition fees should be removed. (AQO 423/11)

The Minister for Employment and Learning

(Mr Kennedy): With your permission Mr Deputy Speaker, I will answer questions 1, 4, 8 and 12 together. That will require your indulgence, because the answer will be a little more detailed and longer than usual. However, given that the interest in and importance of the matter are reflected in the questions, I want to take this opportunity to address the concerns raised.

In the three weeks since Lord Browne and Joanne Stuart's reports were published, I hope that all Members have had an opportunity to begin to digest the detail and complexity of their recommendations. As my predecessor and party colleague indicated when Lord Browne's report was published, the recommendations, if implemented as proposed by Lord Browne, have the potential to fundamentally change the higher education system for many future generations. Of course, Lord Browne's review is not just about fees; it proposes a total remodelling of higher education funding in England.

As the questions indicate, there are clear differences in the two reports' recommendations. The reasons for that are quite simple. We led the way in Northern Ireland when, at the end of 2008, my predecessor commissioned Joanne Stuart to carry out an independent review of fees. At that time, our fee and funding regime was similar to that in England, and Joanne was carrying out her review in a relatively settled context. During the Stuart review, Westminster tasked Lord Browne with making recommendations on the future of fees policy and financial support in England. The reviews, while focusing on some common issues, had very different remits; their terms of reference were different, and many more issues came within the scope of Lord Browne's review. Furthermore, the different timescales for the reviews led to differences as the operating context changed. Joanne Stuart reported to

my predecessor earlier this year when the full extent of the financial pressures was not yet clear. Since then, the economic landscape has changed rapidly, and, in her report, Joanne Stuart made clear that her recommendations need to be reviewed in the context of Lord Browne's report.

It is vital that we have an informed, mature and responsible debate, and we started that process yesterday. As part of that, Joanne Stuart has kindly agreed to update her report now that Lord Browne's has been published. It is, of course, only right that the implications of the comprehensive spending review, which was announced on 20 October, are also factored in to any proposals.

As my predecessor indicated in the Assembly last month, departmental officials are studying the detail of Lord Browne's proposals, including the recommendations relating to the removal of the cap on fees and the changes to repayment arrangements. I am now studying the proposals, and we are considering the options and potential implications for Northern Ireland. We are also awaiting the comprehensive response by the UK Government to Lord Browne's proposals. I can confirm that officials will engage with the external stakeholder group within the next few weeks to discuss the range of issues before us, and it is my intention to bring forward a paper for public consultation as early as possible in the new year.

It is clear that ensuring fair access to higher education is a key issue, and it is worth noting that the existing fees regime has not impacted adversely on our participation rates. Of course, there will not be any change to existing arrangements without full consultation with the Executive, the Assembly and other stakeholders. There is a legislative cap on what fees Northern Ireland universities can charge, and any change to that will need Assembly approval.

Ms Purvis: I thank the Minister for his answer and congratulate him on his new post. Is the Minister of a mind to retain the cap on student fees, or is he of a mind to lift it?

The Minister for Employment and Learning: I thank the Member for her question. It would be wrong of me to second-guess or predetermine the outcome of the review that we have asked Joanne Stuart to undertake. We also have to consider the Browne report and the comprehensive spending review (CSR). I can

indicate that it appears that some cap will exist in the future. However, what that cap will be will largely be determined by the outcomes of the Stuart and Browne reports and the CSR.

Mr Bell: Does the Minister accept that the primary principles of both reports should be fairness and quality: fairness in that we continue to allow children from socially disadvantaged backgrounds to access university; and quality to ensure that our world-leading British universities are allowed to continue to be world-leading British universities?

The Minister for Employment and Learning: I thank the Member for his question. I agree entirely with his starting concept. We want to ensure that, as we move forward, we get a Northern Ireland-based system that meets the needs not only of students but of parents and the people of Northern Ireland. That is what we hope to achieve. We also want to retain the important and world-class status that Northern Ireland universities enjoy at a very high and distinguished level.

Ms Lo: The report was commissioned by the Minister's predecessor. Therefore, we should have ownership of that report. Joanne Stuart recommended keeping the cap — no change. However, we are now asking her to go back to tweak the report to fit in with the recommendations of the Browne report. That is almost insulting to the stakeholders —

Mr Deputy Speaker: I ask the Member to come to her question.

Ms Lo: Does Joanne Stuart have independence in deciding the outcome of her report?

The Minister for Employment and Learning: I thank the Member for her question. I assure her that Joanne Stuart is, and will remain, completely independent. However, it is also important to realise that circumstances have changed since the original Stuart report was produced. Those changed circumstances are the Browne report and the financial considerations that we all have to face. We simply cannot ignore the Browne review. If that is the Member's suggestion, it is not a sensible one. I assure the House that Joanne Stuart will be given full access and that her report will be completely independent of me and my Department.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I formally congratulate the Minister

on his appointment; it is well deserved. What was the level and nature of the consultation between Lord Browne and the Department for Employment and Learning? Did Joanne Browne — sorry, Joanne Stuart — participate in that consultation? Will the Minister confirm that Joanne Stuart was firmly of the view that there should be no increase in the cap?

The Minister for Employment and Learning:

I thank the Member for his kind comments and for making the mistake between Stuart and Browne, which is easy to do. Joanne Stuart's recommendations were presented at a time from which we have now moved on. Circumstances dictate that we must take account of changes, not least the Browne review and the CSR. The Member will appreciate that Joanne Stuart has been tasked with updating her report. All the key stakeholders will be involved as we move forward.

Yesterday, I met student leaders at my request. We had a very useful discussion, and I want such discussions to continue. I also spoke with Joanne Stuart and the vice chancellors of our two universities. I will meet the Chairperson and Deputy Chairperson of the Committee for Employment and Learning later this afternoon. It is my intention that we move forward together on an agreed basis towards what is best for universities in Northern Ireland and protects students, parents and the international reputation that our universities enjoy.

Mr Bresland: I wish the new Minister well in his demanding and challenging role. Will he undertake to do all in his power to ensure that our young people, especially those from low-income backgrounds, are not put off going to university by the fear of being plunged into debt?

The Minister for Employment and Learning:

I thank the Member for his good wishes. I reassure him that I confirmed that in yesterday's debate. It was a useful debate. There was a bit of political grandstanding, but generally there is an agreed approach that access to university places in Northern Ireland should always be based on ability and not on ability to pay.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I also wish the Minister well in his new role. Joanne Stuart's report was commissioned in 2008, and we got sight of the finished document in October 2010. Is that a reasonable time frame for a report into something as important as student fees?

The Minister for Employment and Learning:

I thank the Member for her good wishes. Joanne Stuart carried out a comprehensive review, which my predecessor published in October. The situation has moved on, and what is important now is that we reflect not only on the recommendations of the Browne report, taking account of the financial situation that we are in, but that we give Joanne Stuart the opportunity to update her findings and to report back to the Assembly.

Student Funding

2. **Mr Irwin** asked the Minister for Employment and Learning, in light of the Browne report 'Securing a Sustainable Future for Higher Education', what steps he is taking to ensure that students from low-income families are not placed at a disadvantage in pursuing a course at university. (AQO 413/11)

5. **Ms S Ramsey** asked the Minister for Employment and Learning for his assessment of the impact that the potential increase in student fees may have on students from socially disadvantaged areas. (AQO 416/11)

The Minister for Employment and Learning:

With your permission, Mr Deputy Speaker, I will answer questions 2 and 5 together.

Fair access to higher education is an economic, as well as a social, imperative. Since 2000, my Department has been addressing the issue of fair access to higher education through a number of policy initiatives and a range of specific funding mechanisms.

Northern Ireland has the highest rate of participation in higher education of any area of the United Kingdom. Almost half of our young people are participating in some form of higher education. In addition, the proportion of those attending who come from socio-economic classes 4 to 7 is much higher than it is in England and Scotland. The existing fees regime has, therefore, not impacted adversely on our participation rates.

Nevertheless, there remain some stubborn pockets of under-representation within sections of the population. That is why my Department is leading the development of a new integrated regional strategy for widening participation in higher education. The implementation of the new widening participation strategy will be a key element in ensuring that university education

continues to be accessible and affordable to people from all economic backgrounds.

Although we are going to have to take some difficult decisions on future funding arrangements, one of my chief concerns will be to protect, as far as possible, Northern Ireland's position of having the highest participation rate for those from socially disadvantaged backgrounds in higher education of all the UK regions.

A key principle reflected in both Lord Browne and Joanne Stuart's reports is that students should not pay up front. Only when they graduate will they be liable to begin paying, and that will be dependent on their income. Under Lord Browne's proposals, no one earning less than £21,000 will pay anything at all.

Of course, there will not be any change to fee levels without full consultation with the Executive, the Assembly and other stakeholders. The Assembly will have to decide on how we secure investment for our universities and ensure that access to university is decided on ability and not on an individual's means to pay.

There is a legislative cap on the fees that Northern Ireland universities can charge, and any change to that will need Assembly approval. I am sure that this important subject will receive the mature and responsible debate that it requires.

Mr Irwin: I thank the Minister for his answer and wish him well in his new post. Does he agree that an educated workforce allows us to compete internationally, and, therefore, access to higher education is imperative for those from low-income families?

3.15 pm

The Minister for Employment and Learning:

I thank the Member for his kind good wishes. I agree entirely with the sentiments that he expresses. Our international reputation is greatly enhanced through our universities. We had evidence of that at the recent economic conference in Washington, which was attended by my predecessor and the First Minister and deputy First Minister, where great emphasis was placed by potential US investors on retaining excellence at our universities and in higher education. We are rightly proud, and have done well to ensure, that participation rates and access have been widened, so that people from all social scales can go to university, excel there

and play their part in the economic revival of Northern Ireland.

Mr P Ramsey: I welcome the Minister's statement. He will be aware of the worries and stress of the students' union bodies across Northern Ireland. Will he assure the House that Joanne Stuart's review will be kept very tight, the consultation process will commence immediately and the Committee, in particular, and the House will have its findings as soon as possible?

The Minister for Employment and Learning:

I am grateful to the Member for his question. It is important that Joanne Stuart is given the appropriate time to conduct, finalise and present her report. I know that she is very keen to involve all key stakeholders, and I am keen for her to do so. As I said, I purposely met the leaders of the students' unions yesterday, and I spoke with the vice chancellors and with Joanne Stuart. I am very keen indeed that the Committee for Employment and Learning is actively involved in this issue, and I hope that together we can address the issues that confront us. They are serious issues: they are financial issues, but also issues whereby we want to do what is best for the students of Northern Ireland.

Ms M Anderson: Go raibh míle maith agat. I, too, want to congratulate the Minister in his post, and I look forward to his support for the expansion of Magee University in Derry. If fees increase, will there be an increase in student grants? If that is the case, has that been costed, and does he have the costing?

The Minister for Employment and Learning: I again indicate my thanks for the Member's good wishes. She mentioned other issues that are separate from the question that she posed, and we will leave it at that.

The financial outworking is not yet available. Obviously, it is dependent on a number of factors, not least the responses to the Browne and Stuart reviews and, most particularly, the CSR. I have no doubt that the Member, through her party colleagues who serve on the Executive, will want to ensure that higher education and education in general do not lose out in any respect on future funding.

Mr B McCrea: It is something of a challenge for the Minister in that I am right behind him, which, I am sure, gives him great confidence. We will see how supple he is now about doing some turns.

In light of the investment required to continue the excellent work in widening participation, does the Minister welcome the First Minister's statement that the Department for Employment and Learning should receive only a light touch when it comes to cuts?

The Minister for Employment and Learning: I thank the Member. I have no doubt that he is behind me, and is behind me in everything I do. *[Laughter.]*

The Member will be unsurprised to hear that I fully and heartily endorse the comments of the First Minister, and I read his words with interest. I trust that not only I read them but that the Finance Minister read them. Those comments do not simply give me comfort as the Minister in charge of my Department; they are an encouragement to all of us in Northern Ireland.

Student Complaints

3. **Mr P Maskey** asked the Minister for Employment and Learning what measures his Department currently has in place to address student complaints in further and higher education institutions. (AQO 414/11)

The Minister for Employment and Learning: Further education colleges and universities have established formal and robust complaints procedures for their students. Further education colleges have developed and implemented their own complaints procedures, but if students cannot achieve a satisfactory resolution, they can refer the matter to my Department for investigation. Higher education institutions also have formal complaints procedures for students, including a process to allow for the independent adjudication of such complaints through the Visitor system. My Department has no remit to intervene in individual student complaints. Responsibility for the independent adjudication of such complaints rests with the Visitors and the board of Visitors of the University of Ulster and Queen's University, respectively.

Mr P Maskey: Go raibh maith agat. I wish the Minister well in his new post. I wonder how he will answer question 11. Will he answer his own question? It will be the first time that I will have seen that. Does the Minister think that the systems are robust enough? How many complaints have been received and how many have been referred to the Minister's Department from the Visitor system?

The Minister for Employment and Learning: I am grateful to the Member for his good wishes. Had he listened carefully to the Deputy Speaker, he would have known that question 11 in my name has been withdrawn.

Those are important issues in respect of appeals, and processes are already in place. Following a review of the work of the Northern Ireland Ombudsman a number of years ago, there were suggestions to include the adjudication of student complaints. It was considered and recommended as part of a wider review, but that was in 2004. It was recommended that that should fall within the ombudsman's remit. However, the implementation of the recommendation rests with the Office of the First Minister and deputy First Minister. I understand that implementation would require primary legislation, and, earlier this year, the Committee for the Office of the First Minister and deputy First Minister, which I previously chaired, agreed to progress such legislation. We will see how that is brought forward and what views, if any, Members will have.

Mrs D Kelly: I am sure that the Minister will join with me in commending the students and others who worked very hard over the Halloween weekend to ensure that there was no real disturbance in the Holylands area of Belfast.

Further to the Minister's response on the complaints mechanism and the systems that are in place, that is not my understanding of the student experience of those systems. Will the Minister undertake to find out from student union leaders what the user experience is in that regard?

The Minister for Employment and Learning: I am grateful to the Member for her supplementary question. Student union leaders raised concerns about that topic in my discussions with them yesterday. We will be happy to reflect on those concerns to see whether we can make progress that satisfies everybody.

Mr Campbell: I join in the consensus to welcome the new Minister. The Minister will be aware that, on occasion, students go to colleges where the ethnic, political or religious origins of the other students are not of their background. That happens in border areas in particular, and there have been problems in the past at the Magee campus and in other campuses. Will he ensure that, where possible and practical, steps are taken to ensure that college campuses are

open to all students and not just to students from a majority background in a local community?

The Minister for Employment and Learning:

I am grateful to the Member for his good wishes. I share any concern that he might have regarding the treatment of any student in a minority or majority community. Colleges have to be safe environs. I know that that is the Member's wish; it is my wish as Minister and the wish of all involved in further and higher education.

Mr Lyttle: I, too, congratulate the Minister on his appointment. Has the Minister made an initial assessment of the impact that proposed redundancies at Belfast Metropolitan College will have on students at that further education institution?

Mr Deputy Speaker: Order. That is not the subject of the substantive question. Minister, it is entirely up to you whether you wish to answer.

The Minister for Employment and Learning:

I thank the Member for his kind comments in wishing me well; then he bowled a googly. Nonetheless, the issue is important. Unfortunately, it is caught up in the financial workings of Belfast Metropolitan College over a number of years. I have spoken to the chairman of its board of governors, which is attempting to work through the issues as fairly as possible. It is not an easy situation, but every effort will be made to make progress in a reasonable and measured way.

Mr Deputy Speaker: Question 4 was grouped with questions 1, 8 and 12. Question 5 was grouped with question 2.

Higher Education: Lecturers

6. **Mr McHugh** asked the Minister for Employment and Learning for his assessment of whether students in higher education are getting value for money in relation to the fees they currently pay, given the amount of time that lecturers spend on research compared to lecturing. (AQO 417/11)

The Minister for Employment and Learning:

I am aware of the debate on teaching and research and am of the view that good teaching goes hand in hand with good research. The issue is about getting the right balance. It is to the credit of its lecturers and researchers that Northern Ireland is fortunate to have a university

system that is recognised for its quality teaching and research.

Of course, students choose which universities they wish to attend, and in doing so, they take into account what universities offer and other students' experiences. They have access to tools, such as the Unistats website, to assist them in their decisions. That allows them to compare recent student experiences in their chosen discipline at a range of UK institutions. In the most recent national student survey, more than 80% of students here were satisfied with the quality of their courses and with their access to academic staff.

The quality and standards of a university are also subject to external validation. In that respect, the Quality Assurance Agency for Higher Education has expressed confidence in the soundness of Northern Ireland universities' present and likely future management both of academic standards and of the learning opportunities that are available to students.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. I, too, wish the Minister well. In the Assembly's first mandate, he was the Chairperson of the Committee for Education.

Parents have expressed concern, which I share, that university life does not seem to be what it used to be. Universities now compete with one another greatly in the field of research; tutors are pressured to conduct research on the basis of status and name. Is it not wrong that when students pay fees — perhaps they will have to pay a great deal more — they receive as little as five or six hours' direct, person-to-person tuition a week? Students go to universities, principally, to gain from research, but also from their tutors' knowledge and experience. Through no fault of their own, but because of pressure from colleges, tutors simply cannot give that.

The Minister for Employment and Learning: I thank the Member for his kind comments. It is important to realise that students are not asked to finance research. Subject to financial considerations, the Department intends to continue to fund research, which is an important element of university life. It is important not only for lecturers but for students.

I refer the Member to the good reputation of Northern Ireland's universities. It is an international reputation, as evidenced at the Washington economic conference, when

potential investors were very taken, not only with Northern Ireland's research facilities, but with all aspects of its universities' output.

Therefore, although I understand his comments, I do not think that some of them are fair in the sense of our universities' outputs and the opportunities that they give to our students.

3.30 pm

Executive Committee Business

Justice Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Justice Bill [NIA 1/10] be agreed. — [The Minister of Justice (Mr Ford).]

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Earlier, my colleague Alban Maginness gave a comprehensive response to the Bill on behalf of the SDLP. I want to refer in particular to Part 3, which is about policing and community safety partnerships. The SDLP is anxious about any possible reconfiguration of the Patten arrangements. Throughout the peace process, those arrangements have been one of the anchors of political development. Even when the Assembly was suspended and not all parties were on board in supporting policing, the Patten arrangements stood us in good stead.

The district policing partnerships (DPPs) and community safety partnerships (CSPs) are an important part of the entire policing project and are an aspect of policing in which the public have great faith. The arrangements have led to stability and accountability, and it would be neither helpful nor healthy to tinker with them in any way that might reduce that element of accountability. I believe that, if the role of the DPPs or the CSPs were to be diminished in any way, there would be a danger that those who wish to exploit such a situation — the people who advocate violence — would take solace from it.

Today is a good time to pay tribute to the members of the first DPPs and CSPs, who, despite intimidation and harassment, had the courage of their convictions and ensured that those important accountability mechanisms became embedded as part of policing here. The SDLP is of the strong view that the Policing Board should have primacy of accountability for new partnerships. We believe that the partnerships should be democratically accountable in the way in which the current membership and composition of the DPPs is.

Notwithstanding what I said, we are in favour of fully integrated single partnerships that will

enable local policing and community safety functions to operate and be delivered more effectively and efficiently. That can be achieved by building a model that ensures a clear accountability arrangement for the delivery of local services and improves the connections among the public, the police and the other agencies involved.

We are dealing with the Bill's general principles, which, as I said, my colleague Alban Maginness comprehensively addressed on behalf of our party. I will leave it at that for today.

Mr B McCrea: I declare an interest as a member of the Policing Board.

My colleagues talked about some aspects of the Bill, but I will focus on areas that particularly pertain to policing. It is true that the public have high expectations of us and are relatively impatient. Some feel that, despite the Bill's complexity and size, we ought to do more and that many things in our society need to be resolved. However, it may be better to get one Bill through first and see where we go from there.

The inordinate delay in delivering justice to anybody is the most important thing that I hope the Minister will tackle. Only today I heard about cases that were adjourned. They were not particularly large or important cases, but people went to give evidence, and the court then said that the case would be adjourned and that it was going to do something different and all the experts went away. The result of such incidents is that justice takes longer to be arrived at. I have had a look at all the work that Keir Starmer did with the Crown Prosecution Service in England and Wales, and, indeed, he was greatly associated with the board for many years. I am really interested to see whether there is a way that we can improve the timeliness of getting some form of decision.

I listened to Alban Maginness talk about the PPS. It seems rather strange that we do not have some sort of democratic accountability for that institution, given the importance of its impact on the flow of the delivery of justice. Perhaps the Minister will address that point in his summation.

I also listened to what Dominic Bradley said about the Patten initiatives. There is something of a danger in remaining fixated on things that were developed many years ago in completely

different circumstances. Now that the board has taken control of the oversight of the Patten process, the only outstanding area in which we do not appear to be doing terribly well is neighbourhood policing and community engagement. Something is not working correctly in some of our areas, and many people will look at DPPs as something of a failure and a waste of time. They see them as something into which an inordinate amount of time and effort has gone for very little outcome, frankly. I accept that other communities that have not perhaps had such a good working relationship with the police in the past may find DPPs useful. However, there is no getting away from the fact that ensuring that we get community buy-in to policing and justice in general is central to our ability to develop our communities and democratic institutions. We have to find a way of resolving that issue.

I know that the Minister is aware that there has been lots of discussion on the board and in the DPPs about how and why the community safety partnerships and the DPPs should come together as proposed. There is general agreement that we do not want unnecessary duplication. However, as has been made clear by other Members — I wholeheartedly support this — direct involvement in the DPPs or whatever they will be called is fundamental to the continued good governance of the Policing Board. That is the only way that we can get local accountability, local interaction and confidence-building measures. I notice that the Bill states that some form of joint committee will oversee those matters, but I am not sure whether that has been worked out yet.

I am also mindful that a White Paper on policing is going through Westminster. Perhaps the Minister will think about the issues related to that when he is talking about the matter, or perhaps the Committee itself will take it up. The White Paper proposes the direct election of some form of policing commissioner as a way of restoring democratic accountability. Given that we have a Policing Board and various other bodies, that may not be appropriate, but there is something about how we get a wider range of people directly involved in our community engagement to consider. We may have to look at some way of ensuring that the DPPs or whatever they are called now — I have forgotten their name —

Mr Cree: PCSPs.

Mr B McCrea: We have moved to four-letter acronyms; I will never be able to manage those. I can do three-letter acronyms easily, but four letters are too difficult.

There is a serious issue about how we ensure that we get people involved. Perhaps directly elected people should come on board. I do not just mean that they should come from the councils — Paul Givan mentioned his concern about that in relation to the democratic deficit — but there needs to be some way of ensuring that we get balance on those issues.

I will move on to the issue of alternative forms of justice, particularly fixed penalties. I am on record as saying that I believe that that is the appropriate way to move forward, because many misdemeanours could and should be dealt with in a less bureaucratic manner. Of course, that raises the issue of how much we trust the police. The PPS has said that, because of the changes that have been brought through under Patten, the PSNI is a relatively inexperienced and new police service and that it has some concern about those issues.

After more than 10 years of change, we are now getting to the stage where there are appropriate oversight mechanisms for the PSNI, both from the Policing Board and the Police Ombudsman, and we really ought to understand that the professionalism that we require in the police is in place and we can therefore start to let them use their discretion a bit more. I realise that that is a significant step to take, given that certain people have had concerns in the past, but I was interested to hear the submission from the Sinn Féin Deputy Chairperson of the Committee, who stated that we were bringing the Bill forward in the best interests of all the people of Northern Ireland and that there is a basis to move forward on that.

If we were able to have some meaningful engagement, as we have on the Policing Board, we could reduce bureaucracy at the same time as increasing accountability and reducing risk, but it takes political will and political cover from all sections of the community to say that that is what we would like to do. Nevertheless, in my experience it would be a good thing, and it would certainly show all our diverse communities that we support the PSNI.

I am interested in the issue of taking more money from offenders — the offender levy. It is not clear to me exactly how that will work. Will

it happen at the same time as other fines are imposed? Perhaps the Minister will clarify the position on that.

I will finish by saying that we are interested in the Bill as genuine and substantive legislation that will perhaps form the foundation of other legislation yet to come. I think it is what the people of Northern Ireland expect us to be dealing with up here. Although we have all had fairly benign and kind words to say at this stage in proceedings, when it gets to the Committee I am sure there will be some very detailed discussions about the whys and wherefores of things.

I will offer an observation from my position as chairperson of the human rights and professional standards committee. On closer examination, the detail of the law is absolutely imperative. That is what is judged. Therefore, the work that the Committee will undertake is not trivial. It is really important that we get the syntax exactly right. Many of the things that we wish we could do now we cannot do just because it is not drafted in current legislation. There is an excellent opportunity to do good work, and I am sure that the Committee, under Lord Morrow, will take that forward. The Ulster Unionist Party wishes it all the best.

Mr Buchanan: I became a member of the Justice Committee as recently as 13 September, and I am aware that there has been a considerable amount of work already carried out on this important and substantive Bill. When I spoke in the House on the Department of Justice addendum to the Programme for Government, I praised the Minister for the work that he was doing. Although I do not want to heap a lot of praise on him, I feel that he is to be commended for bringing this significant legislation before the House. That said, however, I have some reservations about the Bill, which I will come to shortly.

3.45 pm

It has been said in the press and even in the House today that this is the first justice Bill to be introduced in Northern Ireland for some 40 years; in a technical sense that is true, but it is also a bit misleading. We have had no justice legislation in the House simply because policing and justice powers were removed from Stormont in 1972 and all policing and criminal justice legislation since then has been passed at Westminster. However, there has been no

shortage of criminal justice legislation for Northern Ireland over the past 40 years. A series of criminal justice Orders was passed by Committee at Westminster, the most recent in 2008. That came at a time when the Labour Government were obsessed with criminal justice legislation. Such was the extent of that legislation that the criminal justice system struggled to cope. Although Northern Ireland legislation was tailored to some degree to meet our needs, it broadly reflected the prevailing mood of the Westminster Government of the day.

I am keen to ensure that we keep a close eye on all developments in England and Wales and that we do not allow our criminal justice regime to wander too far down a separate path. Under devolution, we have the opportunity to drive the vehicle and make the changes that we need to suit Northern Ireland.

I appreciate that at Second Stage we are meant to stick to broad principles and not get bogged down in detail, so I will keep my comments brief. I have no doubt that there will be plenty of time for detailed scrutiny in Committee, and I anticipate many hours of deliberation and discussion of the Bill.

I particularly welcome the Bill's focus on victims and witnesses; that has been expressed by the whole House. I welcome the Bill's aims of reducing delay and ensuring speedier forms of justice where possible and its proposals to contain the soaring cost of legal aid. However, I also feel that it is a missed opportunity, as it might have addressed some key community concerns. People are worried about crime in the community, robbery, thefts and assaults, especially on the vulnerable and elderly in their own home and elsewhere. They are worried about antisocial behaviour, and they often feel nervous when they go out and are confronted by gangs of young people hanging around street corners, in our parks and shared spaces.

I know that the Minister will point to the statistics and tell us that crime levels are falling. He will also argue that some of the provisions in the Bill address those very matters. However, he must understand that the perception is very different from what the statistics tell us. We need to take action that will build public confidence in the criminal justice system. The Bill goes some way to addressing those concerns, and the Minister said that it will start to make a difference. However, it could do more

than simply make a start; it could do much more to make a difference. Some important matters are conspicuous by their absence. Domestic violence is on the increase and needs to be tackled. We also face the growing menace of human trafficking, a matter that was debated in the House some weeks ago and must be tackled.

I want to look briefly at some of the key areas covered by the Bill, and I do so in the order in which they appear in it. The intimidation of victims and witnesses has gone on for far too long, and on far too many occasions it has prevented justice being done and being seen to be done in the Province. The Bill seeks to put victims at the heart of the criminal justice system, and we must do what we can to protect victims and witnesses.

I was interested in the offender levy and the victims of crime fund. Such schemes operate in England, Wales, the USA, Canada, Australia and New Zealand. I understand the logic of the levy; however, we need to know more about how it will work. Perhaps we can learn from the experience of those jurisdictions. For example, we have the ongoing problem of fine default. Is it likely that fine defaulters — those who refuse to pay any money — will cough up between £5 and £50 towards a victims fund? How much will the levy generate, and how will it help victims? How will the scheme be administered? Many questions need to be answered as we go through the Bill. The Committee considered the levy at a meeting in June, before I was a member, when considerable scepticism was expressed.

The Bill contains a proposal to merge the district policing partnerships and community safety partnerships. Like others Members, I welcome that move, as it will produce a more effective use of resources. However, we need to be careful how those are set up and how they will seek to deliver. There is also the issue of how best to address the differing structure of local government districts and police districts. The police need to be fully committed to the new policing and community safety partnerships, and the attendance and performance of district policing partnerships leaves something to be desired at times. We may need to consider whether there would be merit in having a PCSP in each police district rather than in each council district.

I welcome some of the new provisions on sport, but I wonder whether disorder at sports

grounds is on a scale that requires such extensive legislation at this time. Perhaps it is. I understand that similar provisions are already in place in the rest of the UK. I know that there can be problems on the pitch at some GAA matches and that Glentoran versus Linfield matches are not for the faint-hearted, but I remain to be convinced that we need to devote so much of the Bill to that issue. However, I welcome the new controls over possession of alcohol at sporting events.

Part 5 proposes the enhancement of a range of sentencing powers. That will certainly help to improve public confidence. We will no doubt go through those in some detail in Committee, but I am glad that the sentence for common assault is to be increased from three months to six months. We often hear of assaults on people going about their work — doctors, nurses, healthcare workers, teachers and so on — and I am glad that the penalty for such attacks is to be increased. However, I wonder whether that increase is severe enough and whether we need to go further. The Minister has already publicised the fact that possession of a knife on school premises will attract a four-year maximum sentence. That is also to be welcomed.

In proposing alternatives to prosecution in Part 6, the Bill continues a trend towards more fixed penalty notices and conditional cautions. The aims are laudable: to free up police time for front line duties and to unclog the courts. I can see considerable merit in the idea. It will introduce a useful element of flexibility to the system, but I wonder how it will work in practice. We must ensure that we do not become too casual in our attitude to the administration of justice. The draft legislation is complex, and the detailed arrangements will be set out in guidance, so we will wait and see.

Finally, I wish to say a few words about the legal aid proposals in Part 7 of the Bill. I fully agree with the Minister that change is inevitable and necessary in that area. The whole system is costly, bureaucratic, slow and inefficient. Legal aid costs were in the region of £104 million last year, while the budget sat at some £85 million. That is simply not sustainable. Means testing is a start. It already exists in relation to legal aid for civil cases, and, although I support the proposal that wealthy offenders should be required to pay back legal aid on conviction, surely proper means testing would ensure that

wealthy defendants did not qualify for it in the first place.

I note that most of the provisions in Part 7 are enabling powers and that the detail remains to be worked out in guidance or subordinate legislation. I await, with interest, the remainder of the debate and look forward to engaging with my colleagues on the Committee and departmental officials on the finer points of the Bill. I welcome the Second Stage.

Mr Ross: I declare an interest as a member of the Policing Board. There are certain elements of the legislation that will impact on some of the areas in which the Policing Board has authority, such as the DPPs. The Member for Lagan Valley Mr McCrea mentioned that this afternoon. I also speak as a former member of the Justice Committee. I was a member of that Committee when it received a number of briefings on the legislation and what was to be included in it.

The Bill is a fairly significant piece of legislation. The road to the devolution of policing and justice was a long one. We had to make sure that we got it right. We wanted those powers so that we could have a tailored approach to issues specific to Northern Ireland. That is something from which we can benefit in future. It is also true to say that much of the Bill is a sort of catch-up, which demonstrates that, before we had the devolution of policing and justice, Northern Ireland was not keeping up to speed with some of the legislation that was being progressed in England, Scotland and Wales. The Bill will bring us up to speed with some of the advances that have happened in GB. Therefore, there is nothing particularly radical in the Bill. There are no big surprises. The biggest surprise that we have heard in the debate was that my colleague Paul Givan watches the GAA on television. However, since he is not here to defend himself, we shall sweep over that.

I do not want to go into too many details — the Committee will look at the Bill thoroughly — but there are a few issues that I will mention. The first is the use of fixed penalty notices as an alternative to going through the court system. There has been some criticism outside the Chamber of that as a soft approach, but it is not fair to say that. My colleague Paul Givan said that first-time offenders who go through the court system often receive just a warning and a slap on the wrist, so fixed penalty notices are not a softer way of dealing with what are

described as — I do not like the phrase — lower-level crimes. Of course, those crimes are not victimless; they are very serious. Indeed, the impact of shoplifting, for example, on many small businesses can be quite dramatic. It is important that those are dealt with as serious crimes but, nonetheless, that the punishment fits the crime.

Mr I McCrea: I thank my honourable friend for giving way. Does he agree that the Committee must look at the levies for young people who are under 18? The Minister will be aware that I have raised that matter with him before in respect of antisocial behaviour. Does the Member agree that the Committee should look at that in the context of how those young people are fined, whether there should be parental responsibility for paying those fines and the outworkings of that? I am sure that there are also difficulties in that regard in his constituency.

(Mr Deputy [Mr Molloy] in the Chair)

Mr Ross: I thank the Member for that. I will come to the issue of offender levies, but he raises a point that I am sure the Committee will want to look at in quite a lot of detail during the Committee Stage. The Minister made a statement to the House recently about youth justice. That body of work needs to be progressed.

Fixed penalty notices are beneficial in the sense that we do not want to clog up the court system and police time with low-level crimes. As I said, I do not like using that term. We need to look at other areas of the United Kingdom in which fixed penalty notices are used. They are used in Scotland and England. It is important that we identify the areas in which they are used and see how effective they are and whether first-time offenders who are given a fixed penalty notice will have a criminal record. I suspect that they will not. We must also investigate whether the reoffending rates of those who are given a fixed penalty notice as opposed to going through the courts are any different and whether the use of fixed penalty notices is a deterrent to those who would involve themselves in the types of crime that we have discussed, whether it be shoplifting or some of the other types of crime that the fixed penalty notices will cover. If it proves to be the case that those are successful, perhaps the Minister will look at whether other offences could be included in that provision.

4.00 pm

Mr Givan: Does the Member agree that the non-payment of fixed penalty notices causes a problem? Does he also agree that if we go down the route of introducing fixed penalty notices, individuals who fail to pay will have to serve a prison reception, which, in itself, adds a cost? It is important that we get this right, because last year there were 1,778 prison receptions for non-payment of fines.

Mr Ross: My colleague is right. Indeed, I serve on the Committee for the Environment, of which the Minister is a former member, and non-payment of fines was one of the biggest issues it faced, particularly around illegal dumping, and so on. There is a lot of concern in England about that. It is reported in the media that up to 50% of fixed penalty notices are not paid, which is in the region of £2 million in fines.

That issue has, perhaps, led to some in the retail sector in England saying that fixed penalty notices should be scrapped, and we should go back to the old system because the newer one is not working, which may be because the chasing up of fines is not enforced. Indeed, locally, the Northern Ireland Retail Trade Association's 'Programme for Prosperity' states that crime against business is having such a negative impact on the economy that fixed penalty notices could be one of the tools used by the police to combat some low-level crime against retailers, such as shoplifting.

It is a startling statistic that some 50% of small businesses in Northern Ireland do not now bother to report shoplifting because doing so takes up so much time. It takes a long time for the case to go through the courts, and often the shoplifter gets a slap on the wrist, so businesses do not think that it is worth their while. If fixed penalty notices can be a short, sharp fine and have some impact, local retail organisations will support them.

There has been a lot of discussion in the debate about the offender levy. In principle, I support that money going towards the victims of crime fund, which will help victims, albeit the amount is so small that it will not, as my friend Mr Givan said, have a huge impact. Nevertheless, we should, in principle, support it. As other Members said, it is important that the legislation puts victims at the very heart of its considerations. Often, victims have been

forgotten, so I am glad that the Bill seems to make them more central in the justice system.

It is also significant that there are to be changes in provisions regarding vulnerable witnesses and those who feel intimidated. My colleague Jonathan Bell, who sat with me on the Justice Committee and has vast experience in social work — as has the Minister because of his experience in a previous occupation — highlighted that as an area that needed to be addressed in Northern Ireland. Therefore, it is significant that it is in the legislation, and I am sure that the Committee looks forward to considering it in more detail. I listened to Alban Maginness's concerns over whether a supporting individual may have some impact on a witness. The Committee can look at that, but, in principle, I support the Bill's direction.

Sports offences have been discussed. I share the views of colleagues who mentioned the huge step forward that the IFA has taken in recent years. Windsor Park is a much different place now than it used to be. The atmosphere at Northern Ireland games is second to none. A colleague of mine said that Northern Ireland fans were voted the best in Europe; indeed, they are among the best in the world. Having said that, I think that legislation needed to catch up with GB, and it is sensible to introduce it. At Committee Stage, however, it will be important to address any concerns expressed by Northern Ireland and other supporters' groups.

Briefly, it is sensible to reform legal aid and to merge DPPs and CSPs. We need to make sure that we get value for money from all such bodies. Future work may include looking at what value for money we get from the new bodies when CSPs and DPPs are merged — this will also merge all the letters that confused previous Members who spoke and me. We must look at value for money and the outputs and future roles of those bodies. Indeed, the Policing Board should not escape that level of scrutiny to determine whether it is delivering value for money. If there is a better way to do things, it should not be off the table.

Nevertheless, we will certainly support the Bill, which contains a number of positive measures. Of course, Members across the Chamber would have liked other issues to have been addressed but, given the short timescale, it is important that this legislation gets through the House. As several Members said, we would have

liked legislation to address the recent rioting, which is a serious issue that is specific to Northern Ireland. In addition, human trafficking, unfortunately, has become more prevalent in Northern Ireland. There is also the issue of domestic abuse.

The prisoner issue could also have been addressed in the Bill. It costs much more to keep people in prison in Northern Ireland than anywhere else in the United Kingdom. Although we will never get costs down to the level of GB, perhaps we could build on progress that has been made already to reduce them. Those are the sorts of bodies of work that the Minister will want to bring forward in future years. Nevertheless, on principle, I am happy to support the Bill.

Mr McDevitt: I, too, am happy to welcome this stage of the Bill. As Mr Buchanan pointed out, it has literally taken my lifetime for any legislature in this part of Ireland to have the opportunity to debate any matter to do with justice policy —

Mr O'Dowd: It has been only 40 years.

Mr McDevitt: Then it has not even been my lifetime, although it might be yours.

The fact that we are now able to debate such matters is welcome. Nevertheless, it feels like — I am not sure which analogy to use — a broth of a Bill: one of those dishes that involves a hoke through the back of the cupboards for items that are about to go off and then, in order to save and make some use of them, putting them into the pot and giving them a good stew. I do not particularly blame the Minister for that; it is just a consequence of where we are, but so much of what is in the Bill feels like it could and probably should have been made law three or four years ago. It is a matter of regret that we are not discussing the more contemporaneous and pressing issues that we all feel deserve our attention.

The aspects of the Bill that are definitely welcome include updating our ability to manage victims and witnesses. As the Minister knows, he has my party's support on many of those provisions, which we feel are long overdue, so we are more than happy to welcome those measures. Dominic Bradley dealt at some length with our party's attitude to changes in police and community safety partnership architecture, with the proviso that I think we will

all support: that we must not depart from the Patten accountability mechanisms. We must ensure that future legislation does not, by intent or by accident, de-Pattenise the architecture around policing and community safety. As the Minister knows, we will be paying attention to that at Committee Stage, and I suspect that other parties will want to express their opinion on that.

A number of the provisions relating to sport are timely, if a little out of date, given how things have evolved in the past few years, particularly around soccer on this island, North and South. Those provisions probably reflect where the debate was five or six years ago. Nevertheless, no matter on what side of the House we sit, it is worth acknowledging the IFA's efforts to deal with behavioural issues among a tiny minority of people who supported the Northern Ireland team or certain clubs in the region. I have never been to a Glentoran v Linfield game, but I have been to a few Dublin v Kerry ones, and they can be rough and ready. However, on coming north in the mid-1990s, I began to enjoy Ulster Gaelic as a spectacle. The temperature was turned up a little bit, so maybe it does no harm that the body of legislation that we have is capable of reminding us all that when we go to watch or play a sport, there are certain basic rules within which we are expected to behave. I just hope that we never have to deploy the legislation —

Mr B McCrea: It is worth making a statement on that point. The Member said that we have to take on board and reflect the progress that has been made in the sporting venues and by the different sports. I wish to say to the Member in the gentlest possible terms that, although he talks about making sure that we do not de-Pattenise what has been achieved, our society has made huge advances. We need to make sure that we are not held hostage to a set of circumstances from the past, and, thankfully, now gone, but that we look to the future. I say that because the Member's party has made a point of reiterating the point. It is important now that we look forward to the future of policing and justice, and how we build a society in which we can all co-exist.

Mr McDevitt: I think that we are talking about the same thing. Everyone wants the administration of justice in this part of Ireland to be a progressive thing that builds on itself and gets better every year. We are saying that we should not accidentally make policy that creates the

opportunity not to build on where we are. There is, undoubtedly, an opportunity to have less bureaucracy. That is something that we will all be open-minded to and honest about, as long as the safeguards that we must keep in order to continue to build community confidence in policing and justice in this region of Ireland remain in place.

I will move on to the other sporting provisions. I noted in the Minister's opening remarks a commitment to the principles and values of a shared future. As he well knows, those are commitments, principles and values that the SDLP shares. However, I struggle to find anything in the Bill that would really help us to build a better and shared future in this part of Ireland. There are a lot of very good common-sense provisions in the Bill but nothing particularly that allows us to say that it helps to deal with some of the significant issues. The absence of such provisions is most notable in the clauses that deal with sports offences. At no point in the Bill, for example, will we make it illegal to behave in a sectarian way. We will make it illegal to behave in all sorts of ways that some people could construe to be sectarian, but we do not define the issue.

As we get better at doing our job, it is long past time that we have the courage to legislate for the elephant in the room. We should be able to say that there are certain standards of behaviour, certain language and other things that are simply sectarian and that we are happy to legislate to make being sectarian illegal in the same way as, in the 1940s and 1950s, people elsewhere had the courage to legislate to make being racist illegal. We are not there yet. I know that several of us on the Committee for Justice will continue to engage with officials to try to push on that conversation. We may not get there with this legislation, but every time that we debate a matter of criminal justice, we should take the opportunity to remind ourselves that the greatest crime that has been inflicted on our society is a pervasive and invisible crime, and one that, if we do not tackle it, can undermine the very many great provisions that we will put into other aspects of our criminal justice legislation.

The Bill does not deal with things that we would like it to deal with. It does not deal with youth justice. I know that yesterday we discussed the Minister's latest attempt at a review, and we want to acknowledge that progress is being

made there, but we wish to see a little more. We can definitely get greater cross-departmental involvement in the youth justice review, and we can move the debate on.

I was in the Library this morning and picked up a book on youth justice in the South. It contains a foreword by Father Peter McVerry, who is synonymous with the childhood of anyone who grew up in Dublin. He is a Jesuit who, in the 1970s and 1980s, made a habit of trying to provide homeless boys in Dublin with some structure in their lives. As a result, he has become the pre-eminent campaigner and authority, certainly in the Republic, on youth justice issues. In his foreword to the book, which is a pretty good read on the issue, he talks about a hypothetical boy called John, a 14-year-old from inner-city Dublin who happens to be homeless.

He thinks about John's day, were he to leave the hostel at 9.30 am and head off to a training course. That could happen in Belfast, where the hostel would probably be under the jurisdiction of the Department of Health, Social Services and Public Safety. If John were heading to a training course, he would be not be within the not in education, employment or training — NEET — category, and the course would be the responsibility of the Department for Employment and Learning. If John happened to get into trouble and was, for example, lifted by the police for shoplifting by 10.00 am, he would be, potentially, the subject of a fixed penalty notice under this Bill. However, under current legislation, he would fall into the criminal justice system. If, for whatever reason, he were detained, he would find himself under the responsibility of another organ of government.

4.15 pm

That observation is relevant to the Bill because criminal justice in the Republic of Ireland, Northern Ireland, Great Britain or anywhere is much more complex than merely the Department that is responsible for justice. A person on the fringes of society can be under the jurisdiction, so to speak, of a criminal justice process but be the responsibility of three, four or five different Departments that do not even agree with each other most of the time. During the Bill's passage, it would be welcome to hear a positive acknowledgement from the Minister that we will legislate for youth justice in the very near future.

I am slightly worried that the provision for solicitor advocates was dropped from the Bill, not because I think that it is a particularly brilliant idea — I think that it is a common sense idea, to be honest — but because I do not understand why we are not debating it. It appears, from the evidence that the Committee has received, that the reason is that there is a concern among some senior legal advisers to the Executive about the compatibility of such a clause with a European directive. However, it is worth noting that England, Scotland and Wales have legislated successfully for solicitor advocates without finding themselves — certainly not knowingly — in conflict with any European directive. To my knowledge, there has been no significant challenge in any of those jurisdictions to any possible practices of solicitor advocacy. Therefore, I welcome an indication from the Minister in his summing-up speech that we will be able to deal with that issue through the legislation. That would show openness to reform in the legal system. We all share that goal.

The Bill deals at some length with fixed penalty notices and alternatives to custody. Those proposals are generally welcome. I represent South Belfast, which includes the Holylands area, and nearly every weekend, there is an opportunity to see, at first hand, the potential value of such disposals in the criminal justice system. Those disposals will work, and Mr Givan makes a fair point. If there is an opportunity for those fines to be collected, and they subsequently fail to be collected, we should not end up with a revolving door prison solution because of the approximately 1,800 people who are committed to prison for non-payment of fines in this region every year. My understanding is that a very significant number of them do prison time without ever making it to prison.

It is not appropriate to put the system on the record of the House, but I have been told that a person who presents himself for committal on a certain day of the week and at a certain time will be released before the close of that day having fulfilled his sentence. That is bizarre. I am told that that approach still clogs up the same amount of processing time and still places a significant burden on the criminal justice system to administer this technicality of getting someone into prison and then releasing that individual. It begs the basic question: should we lock up people who are guilty of nothing more than not paying a fine? We all feel

that we should be talking more about the policy of legislating more for alternatives to custody, the role of probation and the role of other disposals in our system.

We will deal with our specific concerns on fixed penalty notices at Committee, as we will with other disposals that are outlined in the Bill.

We all support the Minister in his attempts to bring some reform to the legal aid system. What is being legislated for in the Bill is not the substantive reform that we will be looking forward to discussing with the Minister in the months ahead, but, undoubtedly, it makes some sense. A major issue in legal aid is family law. In fact, family law per se is a significant issue. If I were to start making too deep a comment about it, I would be pulled up for straying from the Bill. However, it is worth noting that the House must return to that policy area at an early stage.

Mr Bell: There is much in the Bill that is useful, and other aspects of it are not ambitious enough. Over the past 13 years in Craigavon and Ards, I have seen the work of community safety partnerships and district policing partnerships at close hand. It is logical to bring those together and to see the collective benefit that both can bring.

I will pick out only the Bill's highlights. I agree with the comments that my friend from South Belfast made a couple of moments ago on solicitor advocacy. *[Interruption.]*

Mr McDevitt: Do not get distracted.

Mr Bell: I will not be distracted or put off.

For many years, certainly over the past decade, I spent a lot of time with young people in court. They were represented by their solicitors, who, in general, did an excellent job on their behalf. The House had the chance to be innovative and to look at solicitor advocacy. I spoke to one solicitor in Newtownards in my constituency of Strangford whose legal aid bill runs at, I think, £40 an hour. That is massively cheaper than barristers. If we can get a high level of representation from solicitors and get access to justice from solicitors at £40 an hour, should we be paying massive figures to barristers when the same service can be provided at another cost?

Schools, hospitals and everything else can only get their slice of the cake after the legal aid budget, which all Members will agree is bloated, has had its slice of the cake. Therefore, if there

was a way to proportion those resources better, we should have taken it. I hope that, at some stage, the House will come back to look at solicitor advocacy.

We see the legal aid budget. When policing and justice was devolved, it rightly came to the House with the expectation that we would have an accountable structure. Before devolution of policing and justice, we had the information on who the barristers who were claiming public money were. If memory serves me correctly, since the devolution of policing and justice, at least one barrister lifted £1.4 million of public money in 12 months. However, under the accountable structures in the House, we still do not know who that barrister is. Is there any other area where someone could lift £1.4 million of public money and still not have to declare their identity to the House? That is a sore that is beginning to fester because of the lack of information.

We have to seriously ask: is it genuine access to justice for the people of Northern Ireland that one individual can lift £1.4 million in one year and have their anonymity protected, for whatever reason? There may be legitimate reasons for that. However, it is time that those reasons were explained in detail to the House and that the issue of that person's identity was resolved, otherwise the House's ability to hold people to account will genuinely be called into question.

I am glad that victims have been addressed in the Bill. However, like everything else, the proof of the pudding is in the eating, and we will wait and see what comes out. There is every reason why those who have perpetrated crimes against innocent people should have their assets levied and used to help the people whom they have traumatised through their crimes. That will receive universal support.

Mr McNarry made some interesting points about football, sport, chanting, sectarianism and alcohol. It is worthwhile pointing out to the House that many football clubs have already made this a priority, in advance of the legislation. My son plays for Ards Rangers, and its players must sign a policy document before they can play for the club saying that they will not use racist, sectarian or bad language. They must also sign up to the FIFA plan on racism and sectarianism. Children come into that system at four, five and six years of age and learn how to play properly.

I want to put on record my congratulations to Ards Youth, Ards Rangers, Ballywalter Rec and all the teams within the Irish FA that have brought that policy right down to the earliest level and are training children how to play properly. On a bigger level, Linfield Football Club, of which I am a season ticket holder, has had a points plan in place for years to reduce sectarianism and to ensure that it keeps to the UEFA rules on that. Larger clubs are to be commended for the actions that they have taken in advance of this legislation.

There is one thing that does concern me, and it may be something that we cannot legislate for. A lot of the young men and women in my area of Strangford have put away £20 or £30 a week to go to the Northern Ireland football match against Serbia. The Northern Ireland fans won an international award for being the best in Europe, because of the lack of sectarian, racist and offensive chanting, because they clap other teams off the pitch when they are heavily beaten, and because of their general sporting nature. We should celebrate that. However, some fans who had already paid for their tickets and booked their flights, hotels and coaches to and from the match, have been banned through no fault of their own from attending the match by FIFA, and now they cannot get any of that money refunded. That is absolutely shameful. What are those people to do? Are they to travel and not get through? I appreciate that we cannot legislate for that, Mr Deputy Speaker.

Mr Deputy Speaker: The Member is straying slightly from the detail of the Bill.

Mr Bell: I just wanted it written into the record that we should support what people are doing in advance of the Bill. When they have done it, the innocent should not be penalised.

One issue that should have been brought into the Bill is rioting, about which I am concerned. I have checked the Bill, and I cannot see it in there. People who riot in other parts of the United Kingdom are liable to get a severe sentence. However, we seem to have let that slip in Northern Ireland and in the Bill. We have to raise the law in relation to rioting and say to people that if they go out deliberately, with petrol purchased in advance — and I do not care what section of the community they are from or where they are from — to injure public servants in the Police Service or anything else, they can expect to face the same severe penalties as in other

parts of the United Kingdom. That should be included in the Bill.

If someone pushes a concrete block on top of a female public servant in the police, they should face the severest penalties.

4.30 pm

The House will have to come back to that. Hopefully, we will not need to. However, we have to deal with the situation as it is, not the situation as we want it to be. Rioting has occurred. Rioting is dangerous and puts people's lives at risk. Those who choose to engage in rioting, regardless of which section of the community they come from, must realise that we, as a society, will not tolerate such behaviour. The severe penalties faced elsewhere by those engaging in such behaviour should be faced and feared by those who riot here.

I agree with what my friend from south Belfast said about youth justice. I would have liked it if some of the issues that were included in yesterday's debate had been brought forward, particularly that of the voluntary youth sector, which has done a huge amount of work in reducing young offending. Colleagues who I used to work with, such as Liz Greer and others, did a massive amount of work in that area. That is not included in the Bill as yet, but a review is under way. Hopefully, at some future stage, we can include the good work of not only the community-based statutory services but of the voluntary sector.

I welcome the provision to allow witnesses proper protection when they go to court. Looking back over 20 years, I remember children being brought in to the High Court. I saw young children, who had been the victims of rape, having to give evidence. Progress has been made, but the Bill provides for continued progress. We owe those young people a huge debt of gratitude for their courage in being able to give, in court, the necessary information on the personal and intimate trauma that they suffered. Many victims told me afterwards that the Court Service was, by and large, extremely accommodating and helpful. Nevertheless, that is still a very difficult process, and one which I had hoped many of those perpetrators would not put their victims through. Having seen young people aged 11, 12 or 13 go in to a separate court to give video evidence of personal injury and trauma, I know that no service can be good enough to give them the assistance that they

need. Providing help for those young people is included in the Bill. For that, the House can rightly declare that it has done something of immense value.

Ms Lo: I support the Bill. Stephen Farry commented comprehensively on a number of aspects of the Bill. Therefore, I will concentrate on one issue that is of great interest to me and to the residents of south Belfast.

I particularly welcome Part 6, which relates to fixed penalty notices. Fixed penalty notices have the ability to seriously discourage people from partaking in the offences of drunkenness, breach of the peace, disorderly behaviour, obstructing the police, criminal damage, petty shoplifting, and indecent behaviour, which is limited to incidents of urination in the street.

In my constituency of South Belfast, the number of occasions in the past few years on which fixed penalty notices could have been used to quell riotous behaviour is clear. We all recall the disgraceful scenes on St Patrick's Day two years ago, when drunken young people created mayhem in the Holylands, costing the PSNI £35,000 to police the area throughout the day and to make numerous arrests.

Since the students returned during fresher's week in September this year, there have been 16 arrests, although only one of those was of a student, so we obviously cannot blame everything on students. However, over 50 reports were made to the PSNI about antisocial behaviour by students in the area. The long-suffering residents of south Belfast — not only those from the Holylands area, but those from Stranmillis, Annadale, Belvoir and many other areas — have asked for years for effective actions to deal with antisocial behaviour. I thank the Minister for responding to their calls for effective measures, which will give them back some peace and tranquillity in their neighbourhoods.

Residents have also experienced a great deal of frustration after reporting antisocial behaviour incidents to the police or to Belfast City Council, only to find that no legal action was taken or that it took a long time for prosecutions to be progressed through the legal system. The fact that the penalty notices in the Bill will deal with offenders instantly will, I hope, help to restore some sense of control to local residents and let them see justice being done.

The prospect of being fined £40 or more will also make many think twice before becoming drunk, urinating in the street or engaging in the other forms of antisocial behaviour that are covered in Part 6 of the Bill. It is obviously much better to deter crime by encouraging people to behave responsibly, rather than hauling them through the courts. The penalty notices will also remove up to 2,000 cases from prosecution each year, which will free up police and court time to deal with more serious offences.

Finally, I commend the Minister, his staff and the Committee members for bringing forward this very comprehensive Bill so swiftly.

Mr Cree: At this stage of the debate, everything has been said at least once. Before I make my remarks, I declare an interest as a member of the Northern Ireland Policing Board.

I welcome the Justice Bill and like other Members from my party, I commend the Minister for the speedy process that has led us to this stage. The Justice Bill is a vital piece of legislation for all those involved in the criminal justice system and for the people of Northern Ireland as a whole. For that reason, we must take the opportunity to ensure that the Bill is as good as it can be, and the debate is significant in that respect.

The main issue that I want to address is in Part 5 of the Bill, which concerns the treatment of offenders and, more specifically, knife crime. The Bill creates the same sentencing powers for two additional offences for knife crime: possession of a knife with intent and possession of a knife on school premises. Both offences are punishable with up to one year's imprisonment summarily or four years' imprisonment on indictment for knife and weapons offences. I welcome those provisions and commend the Minister for addressing the issue of knife crime. The extension of the length of sentence that can be used for the possession of a knife with intent is much needed given the recent incidents of serious knife crime in Northern Ireland. The provision that deals with possession of a knife on school premises fills a gap in the law as regards that offence.

Very recently, the Assembly supported a motion that called on the Minister to bring forward a strategy to deal with knife crime, and the sentencing powers outlined in the Bill are the first step in that strategy. However, I urge the Minister not to be content with his work, and

to push on with the formulation of an effective strategy to reduce knife crime throughout Northern Ireland. Indeed, I seek assurances from him that he intends to do that.

The Minister is on record as saying that the provisions of the Justice Bill complete the knife crime sentencing package. Although that may be the case, I remind the Minister that, aside from sentencing, work needs to be done to change the culture and attitude around knives, especially among young people. A criticism of the Bill's knife crime provisions may be that they do not go far enough. Education and early intervention are vital in deterring individuals from crime. In that regard, the police have done an excellent job in tackling drugs. I encourage those involved to do something similar to address knife crime.

I welcome the Bill's increase of the maximum penalty for common assault to three months' imprisonment. I sincerely hope that that will act as a very real deterrent to people who use violence against others in society. Police statistics show that 7,386 incidents of common and aggravated assault occurred in Northern Ireland in 2009-2010. That statistic highlights that the issue is a serious one.

In conclusion, I welcome the provisions in Part 3 for a new arrangement for district policing partnerships. As a member of the Policing Board, I am fully aware of the importance of involving the public in a two-way dialogue with the police. Partnership between the two is essential. There is little argument that the current system, in which DPPs and CSPs exist alongside each other, is far from ideal. I hope that the new proposal on policing and community safety partnerships can deliver an improved model. However, I ask the Minister to assure me that he sees the primary function of the new PCSPs as being a mechanism to obtain the views of the public and to act as a forum for discussion and consultation. I look forward to hearing some answers from the Minister on those issues.

The Minister of Justice: I welcome the general support for the Bill that has been expressed by Members throughout the House. I did not suspect that we would have had such unanimity when we got to Second Stage. That unanimity started with Lord Morrow and Raymond McCartney, who spoke as the Chairperson and Deputy Chairperson of the Committee

for Justice, respectively. They indicated the Committee's broad support for the Bill, which I appreciate very much. I want to put on record the appreciation that I and my officials have for the positive level of engagement that Committee members have had in considering the proposals thus far. I look forward to the Committee carrying that role forward to Committee Stage. The support that the Committee has given to date bodes well for the future.

The debate has been interesting, wide-ranging and, at times, challenging, in respect not just of the Bill but the justice system as a whole. Indeed, at times, I began to think that more was being said about what is not in the Bill than what is. Those comments were largely couched in references to what should have been in the Bill, and, therefore, I presume that they were within the premise of a Second Stage debate.

I welcome Members' contributions and will attempt to deal with the many and varied questions that have been asked. I intend to deal with as many as possible, but, inevitably, I will miss a few. I will undertake to write to Members if there are any points that I have not covered. I will not refer to every Member who agreed with the Bill's provisions; otherwise, I would merely be cataloguing significant agreement.

Rather than referring to Members' contributions, it will be best if I try to deal with the issues raised in the sequence of the Bill's provisions and group those under themes. That will be more helpful to Members than if I were to move back and forth around the Bill. It should also assist Members better as we seek to move forward. I will consider each of the Parts in turn, giving a little detail of the provisions and dealing with the points that have been raised. At the end, I will say a few words about some of the items that I planned to include in the Bill but that did not make it in the end. Lord Morrow, in particular, was interested in a number of those.

First, I will deal with a number of the overarching issues. Some Members have concerns that the Bill is a read across from what has happened in other jurisdictions. I do not believe that that is correct. There are cases in which we have drawn on best practice in England and Wales and other places. However, the Bill is grounded firmly in the needs of Northern Ireland.

Some elements follow on from consultations that were carried out before 12 April, but that is not a criticism, because the Hillsborough

agreement highlighted the fact that we need to learn from the best of what is happening elsewhere without, I might add, slavishly following it.

4.45 pm

In the Bill, we have built on previous work and developed it in a devolved context. The work on PCSPs, to give them their correct title, is a good example. There are important policy areas that need addressing, and, although to some extent this is a miscellaneous provisions Bill, the provisions are not scraps from the table.

We have learnt from other jurisdictions, England and Wales among them. The idea of an offender levy was drawn from Australia and New Zealand. Where we have drawn from other jurisdictions, however, the provisions have been shaped to meet the needs of Northern Ireland. The sport provisions are another such example, and they cover the key sports for Northern Ireland. We are providing flexibility in how the alcohol powers might be delivered. The fixed penalty scheme has been included to address volume crime or minor matters that should not go to court.

There is experience to be learned from in England and Wales. We have learnt from their experience and from their mistakes, and we have consulted locally to ensure that the Northern Ireland voice is heard.

Mr McCartney raised the equality impact assessment. I want to make it clear to the House that, in the first case, the screening that was carried out on individual provisions led to the conclusion that a full EQIA was not needed. All the screenings that were done indicated that there were no significant adverse impacts. However, I recognised that there was value in an overarching assessment of the Bill as a piece. The full and detailed impact assessment has been published. The consultation on the Bill closes this week, at almost exactly the same time as the Bill goes to the Committee, and all the information will be available to the Committee from an early stage in its deliberations.

I will now deal with some of the individual provisions. As I said in my opening statement, the offender levy will be a means of making offenders accountable for the harm that they cause. It will be a statutory, mandatory and monetary order imposed on adult offenders. It will be applied to a range of court disposals and

non-court-based penalties and will be set at a fixed but tiered rate of between £5 and £50, proportionate to the disposal or the penalty given. In answer to Basil McCrea in particular, the levy will be assessed and paid along with the fine. It will not be something that lags behind. Indeed, it will be given priority over the taking of the fine.

The levy will be used directly for a victims of crime fund, which, in full operation, could realise around £500,000 per annum. Allocation of that fund will be prioritised by the Victim and Witness Task Force (VWTF). The levy will add to the funds available for victims' services. Although we have to acknowledge that all budgets are under financial pressure in the times that we live in, the fund will certainly not be used as a replacement for existing statutory funding but will be in addition to that statutory funding.

A number of Members — Alastair Ross, Tom Buchanan and Paul Givan in particular — raised the payment of fines and whether it will be possible to gather the levy appropriately. In recent years, fine default reforms have started to drive up early payment rates, they have reduced the number of warrants issued and they are reducing default rates on fines. We have a very successful fine collection scheme, which has led to a 30% reduction in the number of warrants issued to police. That equates to more than 7,000 more fines being paid without the need for police intervention. That is an indication of positive work being done on fines, and that work can carry forward into the offender levy.

As I said, a number of Members felt that there was a need to ensure that the money would not be absorbed into wider budgets. I assure Members that the victims of crime fund will be maintained entirely separately. For example, Lord Morrow highlighted independent sexual violence advisers, and that is exactly the kind of scheme for which the fund is designed — developing new methods of supporting victims. There will be close scrutiny of budgets, but the victims of crime fund will remain separate.

Some Members also raised the issue of prison earnings. Prison earnings are used as an incentive and form part of offenders' rehabilitation. Where an offender levy is charged against prisoners, the levy will be deducted, and prisoners will be notified of the weekly deductions for that levy so that they are aware

of where it is being applied against them. Similarly, there will be a clear statement in court so that the victim and the offender are both aware that the levy is part of the measure being taken against the offender.

Mr Ian McCrea raised the issue of an offender levy for those under 18 years old. That was considered in the public consultation. However, there was a general feeling that, in many cases, parents would end up paying, and that it would not have any real effect on the offenders themselves. The majority of those consulted took the view that the levy should apply only to adult offenders.

The standard way to deal with young offenders is through the youth conferencing system, which is about making young offenders accountable and bringing home to them the harm that they have caused. I believe that that system is working well, though, of course, that is an issue that will be followed up in the youth justice review.

I think that every Member who spoke raised the issue of vulnerable and intimidated witnesses and victims. The aim of the provisions for vulnerable witnesses is to improve the legislation to enable them, by way of special measures, to give the best possible evidence in criminal proceedings.

A number of Members highlighted the trauma that young people or those who have suffered a sexual offence can, in many cases, go through in giving evidence. It is entirely right that we should seek to make whatever efforts we can to make that traumatic process less damaging. So, among other things, those provisions will raise the upper age limit under which a young witness is automatically eligible for special measures from 17 years to 18 years, while allowing a young witness's views to be taken into account when special measure applications are being made, subject to certain safeguards.

The provisions mean automatic entitlement for adult complainants of sexual offences to give video-recorded evidence in chief and formalise the presence of a supporter in the live-link room when a witness is giving evidence. They also allow for intermediaries to be made available to vulnerable defendants.

There was a specific question on that issue from Mr Maginness about ensuring that those measures apply to the right people. He wanted assurance that there would be discretion on the

part of the courts with regard to adult victims of sexual offences giving video-recorded evidence in chief. I confirm that that is the case. With regard to Mr Maginness's concerns about the supporter and the live link, it is expected that a volunteer from Victim Support's witness services would act as a supporter for an adult witness, and a volunteer from the NSPCC's young witness service would act as a supporter for child witnesses. Those are subject to training and other issues, including how to behave in the video room.

To improve court services, we are extending the use of live links in court proceedings. The aim of the live-link provisions is to extend the range of matters that can be dealt with by a video link, whereby evidence is given from outside the courtroom via a live television link into the courtroom. The live-link provisions will be extended to allow the definition of a vulnerable accused to include physical disability and physical disorder, and will allow live-link connections between courts and psychiatric hospitals. They also include technical improvements to fill gaps in existing law, where those are beneficial.

When used for defendants, live links help to avoid the need for remand prisoners, some of whom may have a history of dangerous offending, to be moved around the country. I welcome the general endorsement of Members for the provisions to extend the use of special measures and live links. I can advise Mr Elliott in particular that live-link facilities are already available in 18 out of 20 courthouses, and special measures facilities are available in 14 of the 20. The Juvenile Justice Centre, the Young Offenders' Centre and Maghaberry Prison also have live-link facilities. I think he will agree that that is a good spread throughout Northern Ireland.

Live links are a cost-effective and secure means for patients and prisoners to participate in hearings without the cost and risk associated with transportation to and from court. There will be savings for the Prison Service and for health and social care organisations. There is an additional capital cost for health and social care in setting up live links with psychiatric units. We understand that that is already in the Programme for Government and that the budget has been agreed.

As part of the Courts and Tribunals Service's business modernisation strategy, we are committed to considering the feasibility of a specialist domestic violence court. We are considering what form that court may take and will evaluate the potential benefits.

Mr Basil McCrea referred to the concern that victims have about delay. The Criminal Justice Board is spearheading a new programme on speeding up justice, which includes close working between the PSNI and the PPS on issues such as shorter files for many cases, and quick out-of-hours prosecutorial advice. A new delivery group, which I will chair, will monitor progress across the system as we move to a more victim-focused approach to speeding up justice.

Tom Buchanan rightly highlighted issues about tackling crime and antisocial behaviour and their impact on local communities. We need to acknowledge that there are falling crime levels, but we also need to acknowledge that every crime has an impact. I will be consulting soon on a new community safety strategy to help to create a safer, shared community through providing local solutions to crime and antisocial behaviour. Officials will continue to liaise with the Committee on that, and I believe that there is considerable scope to increase community confidence.

Also on the issue of victims, Alastair Ross and other Members highlighted the importance of dealing resolutely with human traffickers while being sensitive in the approach to their victims. I believe that we already have that in place. Women's Aid works with the Department, and it has huge experience in looking after women who have been subject to abuse. Migrant Helpline has a wealth of experience in dealing with trafficked victims, especially victims of labour exploitation, and it is highly thought of right across the UK for the good work that it does. Both those organisations work in partnership. At this stage, I do not see the need for legislative change, but I will bear in mind any proposals put forward.

One area that probably attracted most attention today concerned plans for restructuring district policing partnerships and community safety partnerships into policing and community safety partnerships. The aim of the PCSP changes is to provide a more joined-up approach with better local delivery and accountability, targeting the real issues of concern in local neighbourhoods

by integrating the roles of community safety partnerships and district policing partnerships to create one single partnership for each district council.

PCSPs will comprise councillors, independent members and representatives of designated statutory and voluntary organisations. They will contain a policing committee, comprising councillors and independents, which will perform specific functions inherited from the DPPs. As a whole, they will deal with all the other functions of DPPs and CSPs and will report to the relevant council, the Department of Justice and the Policing Board. I believe that the restructuring will make better use of the resources available for partnership working and, therefore, will direct more of the funding to projects and initiatives on the ground.

Basil McCrea referred to the proposals for an elected police commissioner in different areas of England and Wales. I must say that having 10 MLAs on the Policing Board and a significant number of councillors on each DPP, and, therefore, on each PCSP, is significantly more democratic than the proposal for a single elected police commissioner, which is being discussed across the water.

In the context of the discussion around PCSPs, Mr Maginness, Dominic Bradley and Mr McDevitt all expressed concerns about what they see as a potential diminution of the Patten report, feeling that the critical partnership between the police and the community may be reconfigured in a less effective manner and that the Policing Board is being diminished. However, that is not the case. DPP mechanisms will continue with the policing committee as a key part of the partnership. At the same time, we have looked at wider models, and I stress to Members that, in their development, proposals to bring together DPPs and CSPs have been consulted on at length and in some detail with key stakeholders before and after public consultation. The Policing Board has been instrumental in the policy development to date, and it will continue to be so.

I believe that there is no diminution of the Patten responsibilities. What we are seeking to do is to establish a wider partnership that will fully involve the range of other agencies to provide the kind of joined-up thinking that a number of Members have emphasised at different times during the debate.

Mr Buchanan asked about the potential to configure the partnership areas to reflect the existing police district command areas. The simple answer to that is that current legislation governing DPPs states that there should be a DPP for each council area as well as the subgroups in Belfast. I believe that that is the appropriate provision to maintain for future partnerships. It will obviously be an issue of potential change if changes come forward under the RPA. However, those important proposals for partnerships in the justice field cannot wait until the RPA issues and wider community planning issues are resolved. We need to forge ahead with those proposals to secure the greatest benefit from the partnership on policing and community safety issues.

As Stephen Farry noted, the arrangements have been developed with an eye towards changes in community planning. They will tie in well with whatever arrangements come out of the review of public administration.

I suspect that the second largest group of comments were about sporting provisions. The aim of that package in the Bill is to help to deter disorder and to promote a safe and welcoming environment at key sport events.

Proposals include new offences inside grounds — the major grounds for football and GAA, and Ravenhill for rugby — and of offensive chanting; missile throwing; unauthorised pitch incursions; and possession of alcohol, bottles, fireworks and flares at matches. There is also a new offence of possessing alcohol on dedicated match buses.

5.00 pm

For football, there is the new offence of ticket touting and the creation of court orders to ban attendance at football matches in Northern Ireland. A number of issues arose from that. Mr McNarry set the ball rolling by suggesting that the Department was targeting football unduly. That is not the case. I note, for example, that similar legislation across the water is targeted entirely at association football or soccer, or whatever one wants to call it, whereas the Bill deals with the three key sports in Northern Ireland.

I want to echo comments that were made by Mr McNarry and many others about the good work that has been done by the IFA in recent years to target sectarianism and other bad behaviour. There is absolutely no doubt that what is now

seen at Northern Ireland international football matches is a huge improvement on the position some years ago. I noted that Jonathan Bell, in particular, referred to the work that is being done by the IFA right down to local teams and youth teams.

Almost all supporters want their experience of attending a match to be family friendly and enjoyable, so that they can show support for their team in a happy atmosphere. Our community safety unit is a key partner in the Unite Against Hate campaign, which is supported by the GAA, the IFA, Ulster Rugby and the Northern Ireland international soccer squad, among others. It is not the case that the Department unfairly targets football. All three sports are included because they link directly to DCAL's safety legislation. Sectarian chanting may well be limited largely to football. However, pitch incursion and alcohol, for example, are wider issues. Although the Department intends to apply, for example, alcohol powers flexibly to tackle problems as they present themselves, particular issues relate to football. Therefore, the banning regime will apply solely to that sport. That contrasts with England and Wales, where the entire package relates to football.

With regard to concerns about ticket touting, I agree with Mr McNarry that it is regrettable that the segregation of fans is still required for safety reasons at a small number of matches. We all agree that, hopefully, that will not be required in the future. In the meantime, however, it is important to be able to deal with situations as they arise. Some Members feel that the package is overkill and suggested that the problem does not exist in sport in Northern Ireland. However, the package has been developed jointly with DCAL. I particularly appreciate Minister McCausland's support and the joint working that has taken place to date. I am pleased that the Bill complements the safe sports grounds initiative. Together, they will enhance supporters' enjoyment of major sporting events in Northern Ireland.

There was considerable support for our package in public consultation, not least from the three sporting bodies. The Assembly debated the matter pre-devolution and called for stricter powers. I am pleased to bring that forward now. Mr McNarry and Mr McDevitt both raised the issue of sectarianism and whether it should be mentioned specifically in the legislation. Currently, it is not. In the creation of the legislation

as proposed, I believed it to be more effective, given the difficulty of definition, to cover that issue by reference to race, colour, nationality and religious belief; basically following the section 75 model, which will cover our needs. The word “sectarianism”, as we might refer to it locally, has not been defined in law. However, I will take that issue on board as the Bill proceeds through Committee Stage, with a view to improving the legislation in that area, if possible.

Mr McDevitt: I appreciate the Minister’s giving way. On the point that sectarianism is not defined by law, can the Minister tell the House whether he believes that it is time to start a serious debate on doing just that, so that we do not simply rely on sectarianism being caught in a general body of discriminatory behaviour and we actually move to specify what sectarianism is, and what it is not, in a legal sense?

The Minister of Justice: I am grateful to the Member for giving me a chance to take a sip of water. I agree entirely with him. Yes: we should seek to define sectarianism in a way that makes it absolutely clear where the Assembly stands on behalf of all Northern Ireland’s people. I have no difficulty with that point at all. The practical reality is that it would take some time to agree that definition. In the context of taking the Bill forward, I believe that adequate cover is provided by using the section 75 categories, which I described, to ensure that we can make progress into the future. However, it is an issue that, I suspect, needs to be addressed; regrettably, not just in the field of sporting events.

I believe that that largely covers points that were raised on sporting matters. Most Members who raised them are not in the Chamber. Therefore, I take it that no one else will want to intervene.

I will now deal with the treatment of offenders. The Bill is largely not about new sentencing powers, because there was a major overhaul of sentencing in the Criminal Justice (Northern Ireland) Order 2008. The focus of the Bill is on victims, community safety and doing our business better.

Having said that, I am taking the opportunity to make a small number of improvements to sentencing arrangements. The aim of the sentencing provisions, or “Treatment of Offenders”, as Part 5 is titled, is to adjust and to improve existing sentencing powers that address problems that are caused by gaps

or inconsistencies in existing laws. The first provision is an increase in the maximum penalty that is available to Magistrate’s Courts for the offence of common assault from three months’ imprisonment to six months’ imprisonment. There is also a clause to increase the maximum penalties that are available for the offence of possessing a weapon on school premises — for example, a knife — to four years’ imprisonment. A number of Members commented on those two points, and their comments were generally favourable.

The third provision is an increase in the maximum period of sentence deferment to 12 months, with one exception, which is for interim driving disqualifications. That will allow a judge to see, for example, how someone responds to a programme that addresses behavioural problems or addiction before passing final sentence, and that could give an offender the motivation that he or she needs to address the problem. Some Members suggested that that could increase difficulties for victims. I am not sure that that is necessarily the case. I believe that the clause will provide a way of ensuring a longer period on trial for any individual who receives that deferment.

Part 5 also includes an enhancement of the powers to address a breach of licence by a sex offender who lives outside the jurisdiction and a provision to extend the court sentencing powers by including the offence of hijacking in the public protection sentences regime.

There are three somewhat technical amendments. The first concerns closure orders, which, for up to three months, close premises that are being used for activities that relate to certain prostitution or pornography offences. The second is to fill an existing gap in financial reporting law, which will include the offences of money laundering, corruption and fraud within the remit of a financial reporting order. The final technical change will allow Northern Ireland to comply fully with the EU framework decision on the mutual recognition of fixed penalties. I suspect the fact that no comments were made about any of those points indicates how technical they are.

I welcome Members’ support for the points that I highlighted earlier, particularly about knives and offensive weapons. That completes our package of sentencing powers in that area, and

it means that sentences will be even higher than those in England and Wales.

Mr Elliott and other Members raised the deferment of sentences. I believe that there are real prospects for getting offenders' behavioural issues sorted out and for better engagement by allowing for the longer time before sentencing and that, in the end, it will be a better prospect for victims.

Jonathan Bell raised the issue of what he saw as inadequate sentencing for rioting. The law does take sentencing for rioting extremely seriously. It is possible to get a public protection sentence with the maximum penalty of life. Attacks on police or firefighters, even at the lower end of seriousness, can attract up to two years in jail in the Crown Court. An assault occasioning actual bodily harm could attract a sentence of up to five years in jail. We will continue to keep the law under review to ensure that appropriate sentences are available to courts.

A number of Members raised issues about the plans for alternatives to prosecution. The aim of the alternatives to prosecution powers is to create new diversionary disposals; to create wider fixed penalty notice powers to deal effectively with minor offences outside the courtroom, thereby maximising the time that is spent on front line policing duties; to contribute to reducing avoidable delay in the justice system; to assist in the rehabilitation of offenders; and to improve the response to victims. Offenders will retain the right to ask to have their case heard at court.

Fixed penalty notices will be available to first-time or non-habitual offenders from the police without direction from the Public Prosecution Service, thus offering the opportunity to discharge liability for the offence by paying a fixed penalty within 28 days. The penalty will be fixed at £40 or £80, depending on the offence. The eligible offences are simple drunk; breach of the peace; disorderly behaviour; obstructing police; indecent behaviour; criminal damage, the guidance for which will state for damage that is valued at less than £200; and petty shoplifting, the guidance for which will state for a first-time offence involving goods of up to £100 in value. Failure to take action will result in the notice being registered as a court fine, with the value uplifted by 50%.

Conditional cautions will enable prosecutors to attach rehabilitative and reparative conditions

with which the offender must comply or face reconsideration of prosecution for the original offence. Various forms of guidance and codes will be produced to deal with each of those options. My Department can issue guidance to police on the fixed penalty notice scheme. It will state that damage offences should be limited, as should petty shoplifting, as I outlined. I will develop and lay before the Assembly a code of practice for conditional cautions. The Director of Public Prosecutions will also produce guidance for prosecutors on the type of offence for which conditional cautions might be usable.

I welcome Members' acknowledgement that alternatives to prosecutions are not about being soft on the offender. I note in particular the comments made by Conall McDevitt and Anna Lo, wearing their South Belfast constituency hats, about certain elements of antisocial behaviour. As Anna said, antisocial behaviour does not occur in the Holylands alone. I think that the alternatives will have importance in other places, including, dare I say it, South Antrim. The alternatives are largely aimed at first-time and non-habitual offenders. Being caught and interviewed by the police will have a sobering effect in its own right. That will be reinforced by the need to make immediate restitution for their actions through paying a financial penalty or by making reparation to a victim.

I agree with the point, which was made by Tom Elliott, that England and Wales were overly ambitious about fixed penalty notices. There were proposals to extend them to a much wider range of offences. There was a realisation that they were going too far and bringing into the regime matters that should have gone for prosecution. We have learnt from that. Although our proposals will have a big impact on releasing police resources, we are being careful about the choice of offences suitable for fixed penalties. In that context, Cáral Ní Chuilín suggested that more work be done on restorative justice and that it was a place where alternatives may not fit or work. I agree. We have restorative approaches where those are appropriate. There are issues that are part of our youth justice system, and the Bill will increase the options by way of the conditional cautions that we are creating.

Although I welcome the general endorsement for alternatives to prosecutions from, amongst others, Mr Givan, I need to refer to his

comments on sentencing and on the role of the judiciary. Members will appreciate that we, as the legislators, need to be careful, even in general terms, in what we say about the responsibilities of the judiciary. We are under a duty to uphold the continued independence of the judiciary. Our role is to ensure that the right legislation arrangements are in place. The Lord Chief Justice's recent initiative to bring more transparency to sentencing will help to demonstrate the range of considerations that judges need to take into account, and the Department's consultation on sentencing guidelines mechanisms seeks to build further on that.

Members were broadly supportive of the proposals for the reform of legal aid. The changes are to provide a rule-making power for a means test for the grant of criminal legal aid and a separate enabling power to allow courts greater power to recover costs from legally aided defendants who are convicted. The provisions also remove the restriction on the Northern Ireland Legal Services Commission from establishing or funding services under litigation funding agreements. There are a series of miscellaneous amendments, which fill the small gaps in the existing law. That issue did not attract a huge amount of comment. There was broad support for the proposals in the area, and Alban Maginness, in particular, noted that they were overdue.

Agreement about the importance of ensuring that there was fair and effective access to justice was forthcoming from a number of Members. Lord Morrow, Mr McCartney and Alban Maginness drew attention to the need to set any new financial eligibility threshold for criminal legal aid at a level that will not diminish access to justice. Tom Buchanan also pointed out the need to ensure that, if they were wealthy, defendants should not be supported by taxpayers. I agree with those points and with the underlying principles that any means test must ensure that those who genuinely need financial support to secure effective access to justice should have access to that support. However, Mr McCartney noted the importance of the full equality impact assessment of any fixed means test.

The detail of the operation of any fixed eligibility threshold in criminal legal aid will be the subject of further public consultation and scrutiny by the Justice Committee, as subordinate legislation

will be required to implement it. I take this opportunity to confirm that a full equality impact assessment will also be carried out.

Mr McNarry asked whether I would provide the Assembly with figures on eligibility and costs. I have commissioned detailed research on the impact of introducing a fixed eligibility threshold to establish what proportion of people in Northern Ireland would have to contribute to defence costs, depending on the level of the threshold. I will be happy to share the results of the research with the Assembly. I expect to have those results next month.

Mr McNarry also asked about support for those victims of domestic violence who seek non-molestation orders. A number of other Members raised domestic violence, and the issue has been raised with me by Women's Aid also. I have asked my officials to examine whether it would be possible to adjust the arrangements for civil legal aid in such cases to allow a victim of domestic violence immediate access to legal aid to seek a non-molestation order before a means test is carried out to ensure that person's immediate safety, with any possible contribution being pursued at a later stage. I hope to be able to bring a proposal on that to the Assembly and, subject to the approval of the Justice Committee and the Assembly, it should be possible to take any necessary subordinate legislation through the Assembly early next year. I believe that that will answer Members' concerns.

5.15 pm

A number of Members asked why the public purse should pay the defence costs of those who can afford to pay their own. I agree; those costs simply should not fall to the public purse. That is what the provisions for the recovery of defence costs orders (RDCO) are intended to achieve. Each case would be assessed individually. Our intention is that only convicted defendants who have ample means to pay for the cost of their defence will be the subject of an RDCO. Members asked about the timescales for the introduction of those and whether they can be applied retrospectively. The Bill will provide the enabling powers for subordinate legislation, which will require consultation and scrutiny by the Justice Committee in the normal way, but it is hoped to bring forward that subordinate legislation during 2011. As Members are aware, there is a general

presumption that legislation should not be retrospective, particularly when it imposes a penalty on any individual.

Mr McNarry asked why civil legal aid could not fund itself, given that cases are usually settled or won. It is not the case that most civil cases result in payment of damages. Many other actions are funded by legal aid; for example, some court orders to protect victims of domestic violence and court actions to secure proper access to children after divorce. However, we are proposing to facilitate the setting up of a civil legal aid fund for money damages cases, which would be largely self-financing. The provision in the Bill removes an existing prohibition that would prevent government contributing to the start-up costs for such a fund.

Jonathan Bell also made a number of points on legal aid. Although I accept that legal aid expenditure must be cut, it is not quite accurate to suggest that solicitor advocates would necessarily be paid at lower rates than barristers. There are a number of different rates, and I will write to him setting out the detail of that. The publication of the list of high-earning barristers that he referred to has been delayed because of issues raised by the Bar, but I understand that those issues are close to resolution. In addition to those points, the review of access to justice in Northern Ireland, which is under way, will look at other areas of civil legal aid and consider whether we are getting the best value out of the available resources.

Part 8 deals with a number of miscellaneous matters to make improvements to the powers available to courts, along with several other business improvement matters. The miscellaneous provisions include opening up the court tiers to which a compassionate bail or repeat bail application can be made; adjusting the membership of the Crown Court Rules Committee and the Court of Judicature Rules Committee; allowing a Magistrate's Court in criminal proceedings to consider applications for witness summonses in respect of any evidence likely to assist a party to the proceedings in presenting their case; allowing court rules to be made specifying the circumstances in which the disclosure of information relating to family proceedings concerning children is permitted; improving arrangements for appeals and the proceeds of crime law; adjusting the processes around the preparation of Northern Ireland

Law Commission accounts; allowing Access Northern Ireland to issue a copy of a criminal record certificate or basic disclosure to an employer where that employer was specifically identified within the application; and repealing an existing offence under the Vagrancy Act 1824; and creating a more modern equivalent free-standing offence and penalty for being armed with a weapon with intent to commit a serious offence.

In my opening speech, I mentioned that a number of items that I had intended to bring forward in the Bill had not been included. Those were proposals relating to solicitor advocates, adjustments to court funds legislation, and provisions for enhanced powers for the police in relation to cross-border travel of sex offenders and how reporting and monitoring might be improved. There are two additional issues relating to some late changes that I made to my sports law package, and some further engagement with the Executive relating to clause 34.

Lord Morrow, along with a number of other Members, commented on the removal of the solicitor advocate powers. I was certainly disappointed that those clauses were not in the Bill on its introduction. I was advised that the clauses as drafted may be outside the competence of the Assembly. My officials are working with the Attorney General's office, and my aim is to bring back at Consideration Stage a provision that allows for solicitor advocacy in the higher courts, but addresses any concerns about competence, particularly about European legislation. That may involve putting additional procedures in place, which we are considering. The Law Society is understandably disappointed that the clauses were removed from the Bill. It has been advised that I hope to table an amended clause in due course.

Also, with respect to what is not in the Bill, Mr Maginness referred to the relationship between the Public Prosecution Service and the Assembly and to wider issues of sentencing, and Ms Ní Chuilín referred to restorative justice, as I highlighted earlier. On the first of those, I have been in discussion with the First Minister and deputy First Minister about the new arrangements grounded in the Justice (Northern Ireland) Act 2002, which we inherited. I assure Mr Maginness that we intend to consult in the new year on the right balance of arrangements, as we are currently consulting on the other

issue that he raised, that of sentencing guidelines mechanisms.

On restorative justice, Members should bear in mind that this Bill is only a part of wider work. In meetings recently, I have been glad to hear first hand of the work of Community Restorative Justice (Ireland) and of Northern Ireland alternatives. I am aware, too, of how the Northern Ireland model of youth conferencing, with restorative justice at its heart, has been recommended by independent experts for adoption elsewhere. Probation Board and Prison Service staff have also been trained in restorative practices. I look forward to further discussion on the role of restorative approaches, including their reference to victims of crime.

Other issues that were highlighted as not included in the Bill are youth justice and family law. I am open to hearing Members' comments on family law. I suspect that if they want a consultation, we are too late for this Bill. I announced a review of arrangements for youth justice only yesterday, so it would be difficult to include any provisions in the Bill if we are to have a meaningful consultation on them.

I indicated at the outset that if there are matters that I have failed to address — and I am sure that there are, given the breadth of today's debate — I will respond to Members. There will also be further opportunities during the Committee's detailed scrutiny of the Bill. I am grateful to all the Members who have contributed in this helpful debate. I am pleased by the broad support given to the Bill, especially by members of the Justice Committee. Clearly, bringing such a large Bill to fruition within the current Assembly mandate will be a significant challenge, but Members' comments today give me confidence that it can be achieved. I will pay particular attention to all that has been said in the debate.

I am confident that this first Justice Bill before a devolved Northern Ireland Assembly, the first such legislation in almost 40 years, will be a major step forward for Northern Ireland. It comes in the wider context of capitalising on the benefits of devolution and, not least, as has been highlighted, on the importance of a partnership approach with other Departments and sectors as we tackle offending. This is a significant step for devolution and for this Assembly. It is also a significant step for

community safety, victims of crime and setting in train a process to deliver a better justice system for all the people of Northern Ireland. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Justice Bill [NIA 1/10] be agreed.

Committee Business

Public Accounts Committee Reports and Memoranda of Reply

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

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

I beg to move

That this Assembly takes note of the following Public Accounts Committee Reports:

Report on the Investigation of Suspected Contract Fraud (01/09/10R)

Report on the Management of Social Housing Rent Collection and Arrears (16/09/10R)

Report on Bringing The SS Nomadic to Belfast – The Acquisition and Restoration of The SS Nomadic (17/09/10R)

Report on Public Service Agreements - Measuring Performance (22/09/10R)

Report on Irish Sport Horse Testing Unit Ltd: Transfer and Disposal of Assets (25/09/10R)

Report on Review of New Deal 25+ (26/09/10R)

Report on the Performance of the Health Service in Northern Ireland (35/09/10R)

Report on the Performance of the Planning Service (36/09/10R)

Report on the Pre-school Education Expansion Programme (43/09/10R)

Report on a Review of the Gateway Process (47/09/10R)

Report on the Management of Personal Injury Claims (48/09/10R)

Report on the Resettlement of Long-stay Patients from Learning Disability Hospitals (53/09/10R)

Report on Transforming Land Registers: The LandWeb Project (56/09/10R)

Report on Combating Organised Crime (63/09/10R)

Report on North/South Bodies (70/09/10R)

and the following Department of Finance and Personnel Memoranda of Reply:

Report on the Investigation of Suspected Contract Fraud

Report on the Review of Assistance to Valence Technology

Report on the Management of Social Housing Rent Collection and Arrears and Report on

Bringing the SS Nomadic to Belfast – The Acquisition and Restoration of The SS Nomadic

Report on Public Service Agreements - Measuring Performance and Report on Irish Sport Horse Testing Unit Ltd: Transfer and Disposal of Assets and Report on Review of New Deal 25+

Report on the Performance of the Health Service in Northern Ireland and Report on the

Performance of the Planning Service

Report on the Pre-school Education Expansion Programme

Report on a Review of the Gateway Process and Report on the Management of Personal Injury Claims

Report on the Resettlement of Long-stay Patients from Learning Disability Hospitals

Report on Transforming Land Registers: The LandWeb Project

Report on Combating Organised Crime and Report on North/South Bodies

Go raibh maith agat, a LeasCheann Comhairle.

The details of the motion give some indication of the wide range of work undertaken by the Public Accounts Committee in its contribution to a better and more efficient delivery of public services. There is not time for me to go into all the items listed in the motion, but I would like to remind Members of the role of the Public Accounts Committee and the scope of the Committee's work.

The Committee is a Standing Committee of the Assembly set up under the 1998 Act to consider accounts, and reports of accounts, laid before the Assembly. The accounts of all the Departments and most public sector bodies are prepared and laid by the Comptroller and Auditor General (C&AG), the head of the Audit Office. The C&AG may also make value-for-money reports and reports on efficiency and effectiveness. The Audit Office's role is

to closely examine public expenditure from a position independent of government. I commend the Audit Office for the excellent support it provides to the Committee. I have in the past described the Audit Office as a natural scrutiny partner to the Assembly, complementing the system of checks and balances fundamental to a healthy democracy. That scrutiny role will be all the more significant in today's economic climate as value for money in the public sector becomes even more important.

A LeasCheann Comhairle, a group of Turkish interns, who are interested in financial governance, is visiting today — they are in the Public Gallery. They are here with the Department of Finance and Personnel and are very welcome.

The Audit Office reports enable the Public Accounts Committee to focus on experiences in public expenditure from which lessons must be learned. This year, the Committee has again worked to reinforce the standards required of people in public life; to prevent fraud and to encourage whistle-blowers; to improve processes, checks and controls for managing public money; and to promote good governance, accountability and value for the taxpayer.

The Committee is dogged and creative in its role and has this year identified ways in which Departments can improve data sharing in public bodies to communicate better about public money and to make savings. The Committee has also reinforced messages about the accuracy of information provided to Committees and MLAs, revisiting the findings of its 2008 report into the use of consultants to do so. It has taken a close interest in what constitutes a centre of procurement expertise (COPE). It took evidence from the Commissioner for Public Appointments, Felicity Huston, whose office's role in improving accountability is vital to good governance.

This year, the Committee joined the debate about how devolved justice powers might impact on public expenditure by working on the Comptroller and Auditor General's memorandum on combating organised crime. It heard from the PSNI and Departments about counterfeit goods, fuel laundering and people trafficking, and it made recommendations for improved inter-agency working before referring the report to the Justice Committee.

The Committee addressed some of its business in a composite report, as it has done previously.

That report examined five key issues of concern by correspondence and has been circulated to Members, who will no doubt be familiar with the contents. The Committee published its first thematic report this year, which was debated in the Chamber in June. The Committee also selected 14 Audit Office reports to deal with as its priority business; I will address one or two of them before other Members address the motion.

The review of Valence Technology and the report on suspected contract fraud demonstrate important lessons about individual responsibility for financial management as well as the danger of having a lax organisational culture. From the smallest repairs contracts to major inward investment awards, transactions made with taxpayers' money must be taken seriously. A contract should not be given to a family member just because it is a small contract, and a big contract does not mean that all preliminary checks can be short-circuited to fight off competition.

The Committee examined the 14-year history of Valence, a major inward investment project that was handled by the Industrial Development Board (IDB). It was the biggest single investment ever made here. The IDB offered Valence over £30 million in assistance to establish a new large-scale battery manufacturing facility at Mallusk; in return, Valence was to invest £147 million and create 660 jobs. Although the size of the investment is memorable, what really sticks in my mind about the project, and in the minds of many Committee members, is that the IDB kept funding it, even though the company hoped to manufacture a battery at a cost of \$57 and then sell it for \$12.

The project experienced persistent difficulties, and the breakthrough product did not materialise. In 2003, some 10 years after its first contact with the IDB, Valence relocated its manufacturing operation to China. After a prolonged clawback process that concluded in July 2007, Invest NI recovered only £5 million of the £15 million that had been spent on it.

The Committee was profoundly concerned by how the Valence project was handled by the IDB. In particular, the Committee was disturbed at the range of project shortcomings occurring over such an extended period of time. Well-established procedures designed to protect taxpayers' money were repeatedly ignored, there was a worrying lack of transparency on several

issues, and there were gaps in the documentary records. In addition, the work of the board casework committee, a key control in the risk management process, was undermined by the IDB's over-optimistic and ambiguous submission in support of the project.

The head of the economics branch also said that the assumptions that were made in the economic viability test were not realistic, but that was never reviewed.

5.30 pm

At several key points, the IDB failed to take the opportunity to either renegotiate its offer or withdraw from the project and invoke clawback, even when the evidence pointed overwhelmingly towards the need to do so. Instead, the IDB gave in to the company's demands and failed to take the hard decisions when required. Therefore, it is not surprising that, in the final analysis, the project represented a very poor return on taxpayers' money.

At project appraisal, which is a key stage of the support process, the IDB failed to apply many of the most fundamental elements of its own guidelines. The evidence clearly shows that corners were cut. For example, at the time at which the project was assessed, Valence had not even developed a commercial product and so could not produce a proper business plan, even though no meaningful appraisal of viability could be carried out without one. It was of particular concern that the project was scrutinised at the highest level in the IDB, yet despite the many warning signs, it was still recommended for assistance. That suggests that, institutionally, a blind eye was turned towards the very obvious limitations of the project. The Committee found that to be a disturbing insight into the management culture at that time.

Over the nine-year period to 2003, there were several critical points at which the IDB should have called a halt to the project to reappraise it and, if necessary, either renegotiate the contract or terminate it. However, on each occasion, the IDB failed to do so and continued to provide funding. Our Committee recognises that calling a halt to a major project is a difficult step and one that requires careful judgement. Nevertheless, it seems staggering that, for so long, the IDB maintained an almost blind faith in a project that was obviously in a great deal of trouble. The Committee was disappointed to learn that only

around one quarter of the Valence workforce came from areas and backgrounds of economic and social disadvantage. The Committee agreed that Invest NI must do much more to ensure that people from disadvantaged areas have an opportunity to benefit from its inward investment programme.

Before Valence, there were other high-profile inward investment failures, including DeLorean and Lear Fan. The Committee was extremely disappointed that the IDB blatantly disregarded lessons from those cases in its handling of the Valence project. Despite those criticisms, the Committee wishes to make it clear that it does not want Invest NI to be a risk-averse organisation. It is a question of balance. The Committee supports risk taking, but only where it is properly assessed and effectively managed. Supporting industrial development is a risky business, and good judgement has to be exercised. Some projects are likely to fail. However, the appraisal guidelines and past experience are key elements of the risk assessment and management process and must never be ignored or sidestepped. The Department has given an assurance that lessons have been learned, and that is crucial if Invest NI is to earn the confidence of elected representatives.

I am aware that I am running out of time. I will wrap up my remarks very shortly, but I want to mention the Committee's 'Report on the Investigation of Suspected Contract Fraud'. That report really resonated with me, given that some libraries in my constituency have now closed because some of the necessary work was not carried out. Public money for the upkeep of public libraries is scarce. In fact, many libraries have closed. As I said, some in my area have closed, and parts of east Belfast were particularly hit by some of the library closures. Libraries are a wonderful resource for the young and old and for the new people who come to live in our society. However, the value of libraries to the community was lost completely in the culture that had grown up in the Belfast Education and Library Board. Money was paid out to keep the buildings in good repair, but the repairs were not done or were done dangerously. The Audit Office report even reproduced photographs of the work to show how shoddy it was.

The officials who were supposed to safeguard the public interest by securing good contractors

competitively and by monitoring their performance instead selected contractors from a favoured few and routinely paid for work without checking that it had been done in the first place. I found it staggering that so many of the problems that arose could have been very simply avoided and were due to the failure to take the most basic good practice measures. No finding of fraud was made in that case. However, as in the Valence case, the culture of the organisation was alarming. Leaders must ensure that an ethos of responsibility for taxpayers' money is shared throughout public sector organisations. Whistle blowers were ignored, procedures to address conflicts of interest were not followed, basic checks and supervision were not carried out, and duties were not segregated to prevent the opportunity for fraud. A LeasCheann Comhairle, I will leave it there, because I know that other Committee members wish to speak.

Mr McQuillan: As a member of the Public Accounts Committee, I will speak on the report on North/South bodies, which was completed on 17 June 2010. I point out that I was not a member of the Committee until September 2010.

This was the first time that the Committee looked into how the North/South bodies operated. North/South bodies are engaged in a range of areas including tourism, trade and development, food safety, the promotion of Irish and Ulster Scots, and the administration of EU funds. Their activities are funded jointly in varying proportions by the Northern Ireland Assembly and the Irish Parliament.

Areas of interest overlap between Departments here and in the Republic. The Committee decided to take oral evidence regarding the unique financial accounting and reporting arrangements of the bodies. The Committee made a useful first contact with North/South bodies at the InterTradelreland premises in Newry on 12 March 2009. InterTradelreland and the Special EU Programmes Body (SEUPB) gave evidence to the Committee, which examined the financial accounting and reporting arrangements and issues of general application to all North/South bodies.

Owing to the overlap between Northern Ireland and the Republic, the Committee's work was co-ordinated with work carried out by the Irish Parliament. The counterpart Public Accounts Committee of the Irish Parliament took evidence from Waterways Ireland, the Food Safety Promotion Board and Tourism Ireland. The Committees

met in Dublin to discuss the bodies' financial governance systems and overall accountability in North/South bodies. The report of the Public Accounts Committee to the Assembly made important recommendations on promoting accountability and good governance in those bodies. The Committee wants to make sure that North/South bodies keep up with standards of best practice.

In these difficult economic times, the Committee examined whether InterTradelreland was working effectively with the other development agencies. The Committee was determined to ensure that there was no wasteful duplication of effort and that resources were concentrated on schemes with the best payback.

The Committee went on to scrutinise how the Special EU Programmes Body operates in its important but complex and highly regulated field. The Committee wanted to make sure that every attempt was being made to streamline structures further without compromising accountability. The Committee looked at the support arrangements to help community groups frame high-quality proposals that would be accepted. The Committee found that only 52% of applications for EU funding under Peace II were successful, which indicated that 48% of applications by community groups and others were fruitless. The Committee emphasised that SEUPB should exercise strict quality control over consultations and frame its contracts to enforce rigorous quality standards.

The report was agreed by the Committee in June 2009 and launched on 17 June 2010, following consultation with the Irish Parliament. The reports of both Committees were published separately at that time and can be read together to provide a full analysis of the bodies. All eight of the recommendations in the Committee's report were accepted by the Government in their memorandum of reply on 13 September 2010.

Speaking as a Member of this House, I believe that there is significant wastage in the North/South bodies. It is clear from the report that savings can be made in administration. With reference to the Special EU Programmes Body, it was projected that administrative savings of £1.4 million could be made over seven years. During these tough economic times, particularly considering the comprehensive spending review, Committee members must decide whether it would be better to spend money

currently invested in North/South bodies on our Health Service, schools and social housing. The report also referred to overlap between InterTradeIreland and other investment bodies such as Invest NI. We must keep tabs on that to ensure that efficiencies are made and accountability is maintained.

Mr Beggs: I will reflect on a particularly busy year for the Public Accounts Committee, which has met weekly and, as can be seen from the motion, has produced 15 reports. Over that period, there has been a change of style in our reports; they are generally shorter, and, in an effort to create an efficient format for ourselves, we have introduced key recommendations. Each report includes records of evidence sessions in which permanent secretaries and key senior civil servants were held to account for their expenditure of public funds, on issues that were highlighted as questionable in the audit process and on which lessons needed to be learnt and, on occasion, on instances of good practice when it was thought worthwhile to share experience so that others might benefit.

As Members will have noted in the latter part of the motion, a memorandum of reply is part of the process. That is when the departmental response comes back to the Committee and we determine whether our recommendations have been addressed satisfactorily and, on occasion, go back to issues about which we have concerns. Therefore it reflects a considerable body of work, and I put on record my thanks to the staff of the Public Accounts Committee and, indeed, the Northern Ireland Audit Office for their support in the process.

I shall concentrate first on the pre-school education expansion programme. I declare an interest as a governor of Glen Primary School and as a committee member of Horizon Sure Start, which assists parents of children in the nought-to-four age group in parts of Larne and Carrickfergus. The Department of Education recognises that effective pre-school education helps children's personal and social development, ensuring that they come to primary school ready to learn because they have appropriate cognitive and social skills. That was the basis of the pre-school education programme that commenced in 1998.

The Committee acknowledges that there has been great progress in increasing the benefits from and access to pre-school education. However, we concluded that geographical gaps

in supply and demand still need to be tackled, although we must reflect the challenges due to population shifts. Nevertheless, for several years, a number of my East Antrim constituents' children failed to be offered pre-school places in their immediate pre-school year. I am sure that other Members have been contacted about the same matter, so that issue needs to be addressed.

Another key recommendation was that the Department identify where and why parents do not avail of pre-school education, particularly in disadvantaged areas, where taking up such places produces the maximum benefit to children's education. Recommendation 2 also expressed concern that the curriculum needs to be age-appropriate in order to meet the needs of all pre-school children. In particular, we recommended that the Department consider carefully the findings of the report on the Sure Start curriculum from the inspectorate, which may already be out.

I note from the reply to an Assembly question that 1,202 children failed to get into pre-school in their immediate pre-school year. Subsequently, the Minister produced additional money, although that did not solve all the problems, so I await information on those who were unsuccessful. Due to a legal loophole in the programme, the Department spent £10 million to provide 1,500 pre-school places for two-year-olds, many of whom do not benefit fully when they mix with older children. Indeed, trying to educate and work with such an age range creates difficulties for staff, so spending money on such places produces relatively poor outcomes. That issue still has to be resolved. There are also questions about the quality of education in some reception classes.

Another area in which I am particularly interested is the need to manage effectively personal injury claims due to potholes or holes in footpaths. Effective information gathering and managing that information are key aspects of ensuring that an accurate record is kept of what has been done to address the issue and of when inspections have been carried out. Public funds are limited, so we must ensure that they are not spent purely on compensation. If there is a fault, that is what should happen, but it would be much better if the situation were managed and repairs were carried out in a timely fashion so that people were not injured in the first place.

5.45 pm

Recommendation 3 of that report was interesting. The Committee indicated that there should be a flexible approach to what is regarded as an actionable defect. I was able to give a classic example from Larne, in my constituency, from where I was receiving regular complaints from people who were tripping on a particular manhole. The manhole was sitting at just below the required 20 mm level, so nobody was doing anything about it, but people were still tripping. It is important that faults such as that, in a busy town centre area, are repaired, otherwise someone will be injured, and further costs to the public sector — in the Health Service, for example — will be incurred. I am pleased that that recommendation has been accepted.

The high legal costs of claims processes are an issue, as are the high compensation levels. Those lead to high insurance costs to pay for them, which causes particular difficulties for younger drivers. I am pleased that those issues were picked up by the Committee in recommendations 4 and 5 in the report.

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

Mr Beggs: I identified the fact that those who set legal fees seem, largely, to be from the legal profession. I am pleased that the Justice Minister has taken forward that issue, and I hope that legal costs will come down.

Mr Dallat: The motion covers a wide range of government services, many more than would have been dealt with when we were under direct rule and the work was done at Westminster. That is good, and I want to record my thanks to the Comptroller and Auditor General and his staff for the excellent working relationship that the PAC has with them.

It is very encouraging to have a comprehensive report that deals with so many issues. I am sure that the Minister of Finance and Personnel will agree that every penny of public money should be traced from its source to where it is spent. Of course, fraud in public services is shocking, but there are many other ways to squander public money, provide a bad service and cheat the most vulnerable people out of their rights. That is not acceptable in any democracy that wants to hold its head high along with other European nations that are striving to eliminate

fraud, corruption, waste and bad practice wherever they rear their ugly heads.

There are times when Departments, their agencies and arm's-length bodies get tetchy when they are subject to criticism. We have had the occasional allegation that the Public Accounts Committee has strayed into policy areas, but, when its accusers are challenged to point out where, very poor evidence is offered. My plea to every Member — I note that we have 15 present — is to fully support the work of the Public Accounts Committee. All 108 of us rise or fall on the same tide of endeavour to achieve the best possible government and related services at the smallest cost to the taxpayers. It is as simple as that; Micawber had it all. By and large, that is happening, and it is good.

Let me make it clear: nowhere in those reports has the Public Accounts Committee set out to damn any Department where that is unjustified. On the contrary, the PAC has praised good government work where there is evidence of that and will continue to do so. However, there will be no let-up in our determination to eliminate fraud, shoddy service and poor delivery of objectives. The report on the investigation of suspected contract fraud illustrates some of the worst practices, which allowed a contractor to be paid for work that he never did. What sort of example is that for other contractors who continually complain that they never have the opportunity to get involved in government contract work? Does that not make a complete mockery of the public procurement process from beginning to end? I am sure that you agree with that, Mr Deputy Speaker.

I want to touch on the report on the performance of the Planning Service. That report is shocking by any comparison, and it helps to explain the low level of confidence in the Planning Service, which has been a problem. However, at least the causes have been identified, and, hopefully, the appropriate steps agreed are being taken to ensure that the public are treated how they expect to be treated, enforcements are followed through and the service is never again described as not fit for purpose. That is what the public want, and the vast majority of dedicated people in the Planning Service undoubtedly want that too. If the Planning Service does not promote good planning laws and fails to ensure that those laws are respected and not abused by speculators and developers, our environment suffers irreparable damage that future generations

have to live with. Many will claim that it has been a free-for-all that has been full of corruption and abuse, and people will willingly highlight where that has happened, not only in Belfast but across the North.

Perhaps the most shocking report under consideration is that on the resettlement of long-stay patients from learning disability hospitals. Where in the world would you have people institutionalised for 30 years or more when there is no good reason to do so other than a failure to provide the proper community support that is needed to repatriate those people in the community? That is a shocking indictment of society, and no argument about funding can in any way justify keeping people in institutions for the best part of their life. Let me make it clear that I am in no way suggesting that patients are not well cared for. Of course they are; I saw that for myself when I visited Muckamore Abbey Hospital. It is their choice and right to be rehabilitated into the community, but there has been a wholesale failure to grant them one of the most basic and fundamental human rights of all, namely the right to freedom. In the past week, an answer to a question from my colleague Thomas Burns disclosed that some of the worst criminal elements serve very few years in jail, if they go to jail at all. Yet the innocent are locked up for 30 years or more without having committed a crime. What a shame.

Let me make it clear that, where standards of performance fall below the agreed levels, those in senior positions of responsibility are held fully accountable and have to justify their good salaries and, indeed, their jobs. The practice of switching accounting officers to another Department just before the Public Accounts Committee decides to have a public hearing must end, and those who have been moved should be asked to come back to account for their stewardship. I am confident that the PAC will demand that in the future.

In the future, it may be necessary for the Assembly to increase the PAC's powers to ensure that earlier intervention is possible and that greater resources are available to investigate bad practice. The reports represent important work by the Public Accounts Committee and serve as a reminder of the need to scrutinise every penny of public money that flows through government Departments and their agencies. That is particularly true at this time, when there

is an urgency to uncover savings, eliminate waste and ensure best practice everywhere.

I began by thanking the Audit Office, and I will end by thanking the staff of the Public Accounts Committee, who have been outstanding in their support to the Committee.

Mr Lunn: I will speak on the report and the investigation into suspected contract fraud, which the Chairman and Mr Dallat have already touched on. The Committee examined the failure of the Belfast Education and Library Board to recognise the extent to which it was vulnerable to fraud of that kind and its slowness to act in the face of growing evidence of malpractice. The Committee warned that the Belfast Board was not unique in that, and, given the evidence now emerging from the Housing Executive and other public bodies, we may, unfortunately, have been proved right.

There is a £200 million maintenance backlog in our schools, and, in the current economic circumstances, it is essential that the limited funds that are available are spent for the benefit of children and do not find their way into the pockets of corrupt contractors and officials. The Committee found evidence of a long-standing culture in the board's property services unit that favoured certain contractors and had no regard for proper procurement procedures.

We noted a wide range of examples of alarmingly poor value for money. For example, as the Chairman said, the Belfast Board paid £80,000 for work to improve disability access at Whitewell and Oldpark libraries, and the work never started. On investigation, it was found that a further £110,000 had been paid for similar work at 14 other libraries and that that work was either incomplete or not to the required standard. The work at Whiterock library was so poor that it created a health and safety hazard and may well have damaged the structure of the building.

The Committee considered that the key to improving value for money in procurement and safeguarding against fraud is to ensure that there is genuine competition between contractors and that contracts are awarded fairly. We spent some time on that in yesterday's debate on external consultants. It is also important that any whistle-blower concerns about suspected wrongdoing are investigated thoroughly and quickly. The Belfast Board has failed to investigate properly whistle-blower allegations of price fixing and collusion in

schools maintenance expenditure. It has also failed to take effective action, even when its own internal auditors raised concerns about how maintenance contracts were awarded.

The Committee found that the Belfast Board had good procedures for dealing with conflicts of interest, but those were ignored. As a result, we found that one board maintenance officer put £64,000 worth of maintenance work to a firm owned by a member of his family, despite senior management being aware of the connection. Another maintenance officer accepted a four-day trip to Italy from a contractor. That was presented as work-related, and, in the Committee's view, it was no such thing.

The Committee was particularly shocked to discover the absence of proper procurement procedures, given that the Belfast Board is an accredited centre of procurement expertise and has been since 2002. The Housing Executive and Northern Ireland Water both have that status. The Committee considered that the public would have drawn confidence from the award of COPE status, and it is vital that the assessment of that status is independent and rigorous. If the concept of centre of procurement expertise is to mean anything, we want COPEs that demonstrate persistent poor practice to have their status removed.

A number of Belfast Board maintenance staff were disciplined as a result of the cases that the Committee examined. The Committee's view was that the penalties that were imposed were too light and amounted to nothing more than a slap on the wrist. If I remember correctly, one of the penalties was the insertion of a letter in the staff file for 18 months, after which time it had to be taken out and ignored.

The Committee praised the work of the Department of Education in commissioning and overseeing an independent investigation into the board's maintenance unit. We were also encouraged by the fact that the Department had sought to learn lessons from its performance in this case and to reflect those in its procedures.

The problems that the Committee found with the Belfast Board stemmed from a long-standing culture that placed little emphasis on achieving value for money. In such cases, fixing the problem is not only about improving procedures but about addressing the underlying culture. The Committee recommended and DFP has accepted that management must ensure that

staff are alert to the need to challenge any instances of poor value for money and are encouraged and empowered to do so. In the Committee's view, the key to addressing such cultural problems is leadership to drive up standards, good supervisory management and appropriate disciplinary action when failures occur.

At the time, the annual procurement spend by government in Northern Ireland was £2.2 billion. I am not sure what it will be next year, but, if even a small proportion of that spend is fraudulent, significant sums of public money are being lost. I believe that the Belfast Education and Library Board has learned a lesson from the episode and that it has not so much tightened its procedures as taken steps to ensure that they are adhered to.

The PAC returns regularly to instances of bad practice, malpractice and fraud. Indeed, only yesterday, we debated the subject of external consultants. The use of external consultants is not a sin in itself, but the PAC report of 2007 flagged up flagrant disregard of procurement procedures. That resulted in the doubling of the costs, and, yesterday, a number of Members expressed their misgivings about the relationship between Departments and external companies. The report on the Belfast Education and Library Board highlights the same thing.

The PAC has had a useful and productive year. We were prompted initially by the excellent reports of the Northern Ireland Audit Office, which is now under the new management of Kieran Donnelly, who has maintained the high standards set by his predecessor, Mr John Dowdall.

We have continued to expose wasteful and lax procedures and have stressed the need for balance and the necessity not to stifle initiative and, where appropriate, job creation, as in the case of Invest Northern Ireland. I have enjoyed my three and a half years as a member of the PAC, which has been largely harmonious and non-partisan, and I look forward to the rest of the term. Like other Members, I express my thanks to the staff who have looked after us expertly and diligently.

6.00 pm

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Comptroller and Auditor General and the Audit Office team, which is a dedicated, diligent and expert group

that performs a remarkable task. I also thank my colleagues who sit on the Public Accounts Committee, which is very productive. Some 15 reports are being considered today, but that is by no means the full volume of work that the Committee has addressed in this term. I join others in expressing my sincere appreciation of the secretariat, because the quality of its preparations for the various investigations and evidence sessions that are held here is reflected in the efficiency and effectiveness of the Committee's work.

I want to address the resettlement of long-stay patients from learning disability hospitals, which has already been referred to during today's discussions, because it is an issue that is close to my heart. I have no family connections to the issue; rather, I was drawn to it because, as a public representative in the council and the Assembly, I saw the profound love, devotion and commitment that people have in dealing with what, at times, appear to be insuperable challenges and how they have risen to those challenges. That has been a very inspiring experience. However, it was difficult for those people to see individuals at an institutional level not being as successful as they were entitled to expect them to be. It was also difficult for them to see people with an administrative or clinical responsibility not realising the aspirations that they had set for themselves.

The term "learning disability" describes a lifelong condition, arising before the age of 18, which significantly reduces an individual's ability to learn new skills, to understand new or complex information and to live independently. Across the North, a significant figure of 16,400 individuals — 1% of the population — have a learning disability, and more than a quarter of those people have severe or profound learning difficulties.

Historically, when individuals with learning disabilities were unable to remain at home — there may have been a variety of reasons for that crisis — they were offered accommodation and care in long-stay hospitals. In 1995, the Department of Health, Social Services and Public Safety took a policy decision to offer all long-stay patients at the three remaining learning disability hospitals — Muckamore Abbey, Longstone and Lakeview — a better life through resettlement in the community. That reference to a better life has given rise to one of the principles applied in the criteria of

betterment, and the option of resettlement must pass that test.

The Department's initial target was to resettle all long-stay patients by 2002. However, the Department failed to achieve that, as was demonstrated in the evidence that was presented and reflected in our report. Although the number of patients in long-stay hospitals halved in the period up to 2002 — we should acknowledge the effort that was involved in achieving that — the Department has failed to maintain that momentum or to allocate sufficient funding to deliver the strategy. A strategy without the necessary resource is not a strategy, and that term should, therefore, not be used. A strategy has to be an achievable objective that is properly thought-out, planned and resourced.

By 2009, over 250 long-stay patients remained in learning disability hospitals. The latest target that we have been informed of is full resettlement by 2013. Therefore, I think that we are entitled to be concerned that there will continue to be slippage in pursuing that strategic objective. The evidence suggests that careful attention must be paid to the terms of resettlement and that we must ask whether we are meeting, in all circumstances, the best clinical needs and pursuing the principle of betterment. The failure to resettle those who have been assessed as fit to be discharged and are willing to leave hospital is unacceptable, but the statistics persist. However, any departure from the best standards is also unacceptable.

We will all have come upon cases of patients who finished their treatment, for example, five years ago. Five years after all treatment has ceased, those patients are still residing in long-stay disability hospitals. That is a clear failure to deliver policy, and it should be dealt with. From personal experience, I know of other examples in which people have been settled in old people's homes, even though they were not in that age bracket. I question whether anyone would consider that to be betterment. Is an old people's home really the best environment to send someone from a long-stay or learning disability hospital, given that such an environment could turn out to be detrimental in the long term? That particular example was a failure of resettlement, which does not always succeed.

