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Suggested amendments or corrections will be considered by the Editor.

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Northern Ireland Assembly

Tuesday 7 December 2010

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

Members observed two minutes' silence.

Assembly Business

New Assembly Member: Mr Pat Sheehan

Mr Speaker: I have been informed by the Chief Electoral Officer that Mr Pat Sheehan has been returned as a Member for the West Belfast constituency to fill the vacancy that resulted from the resignation of Mr Gerry Adams.

The following Member signed the Roll of Membership:

Sheehan, Pat Nationalist

Mr Speaker: I am satisfied that the Member has signed the Roll and entered his designation. Mr Pat Sheehan has now taken his seat.

Local Government (Disqualification) Bill: Final Stage

Mr Speaker: I advise the House of a change of business. Ms Dawn Purvis is unwell and will not move the Final Stage of the Local Government (Disqualification) Bill, which will be rescheduled by the Business Committee. A valid petition of concern was received yesterday in relation to the Final Stage of the Bill.

Executive Committee Business

Commissioner for Older People Bill: Final Stage

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): I beg to move

That the Commissioner for Older People Bill [NIA 21/09] do now pass.

I am pleased to speak in the Final Stage debate of the Commissioner for Older People Bill. This is a momentous day for the Assembly, on which it takes a significant step towards meeting the needs of older people, a group that is highly valued by all Members, not least because some Members are already part of that group, and a lot more of them are heading in that direction.

Throughout this process, junior Minister Newton and I have had the opportunity to meet with many older people individually and through their organisations, and I continue to be impressed by the energy and passion that they display when they get the opportunity to have their voices heard. Older people here have made, and continue to make, significant contributions to the quality of our lives and society.

However, many older people are vulnerable members of society, and their interests and rights must be actively protected and promoted. In completing the Bill's passage through the Assembly today and, subsequently, establishing a Commissioner for Older People, we will send out a clear message that older people must not be sidelined or left in isolation and that their needs must be met when services are being delivered and policies are being developed and reviewed.

In the Programme for Government, the Executive committed to providing a strong, independent voice for older people. That commitment was made public on 18 December 2007, when

the then First Minister, Ian Paisley, and deputy First Minister, Martin McGuinness, announced their intention to create a Commissioner for Older People. In order to hear the views of older people, their representative groups and existing statutory bodies on how best to make that happen, we asked independent consultants to look at the case for, and the potential roles and responsibilities of, an independent Commissioner for Older People. In May 2008, the final report, which concluded that there was strong support and a need for a Commissioner for Older People, was produced. The report recommended that legislation be introduced to enable a commissioner with a range of functions, powers and duties to be appointed.

As the development of legislation is a complicated and lengthy process, the First Minister and deputy First Minister decided to appoint an Older People's Advocate in the meantime, and Dame Joan Harbison was appointed to that role on 1 December 2008. Her role is to keep Ministers informed about older people's issues and to provide Ministers with analyses based on the views of older people, and the voluntary and community sector, on the impact and practical outcomes of the policies and strategies that are aimed at older people. Her role is also to assist with the consultation on the draft legislation and on the proposals for facilitating consultation events.

Dame Joan will continue with her work until a commissioner has been appointed. I pay tribute to Dame Joan and to her team in the advocate's office. Dame Joan has worked extremely hard, and she and her small team have done an excellent job, including invaluable work on pension provision and transport, of drawing attention to the issues of concern for older people, Dame Joan regularly provided advice of the highest quality to Ministers, to the Committee for the Office of the First Minister and deputy First Minister (OFMDFM), and to officials in our Department who were carrying out the consultation and developing the legislation. We are all in her debt. I do not know whether she is here yet, but, thank you, Dame Joan. I also thank the Welsh Older People's Commissioner, Ruth Marks, and her team who kindly shared their knowledge, experience and expertise.

After extensive research, the draft legislation and policy proposals were developed in 2008 and 2009. That involved pre-consultation with the Committee for the Office of First Minister

and deputy First Minister and a range of key stakeholders, including existing statutory and regulatory bodies, Departments, the Age Sector Platform and the organisations that are now known as Age NI. On 1 October 2009, we launched the public consultation on the draft Bill and policy proposals to establish a Commissioner for Older People. That consultation ran until 7 January 2010.

The events and the responses to the consultations made clear that, across the board, there was strong interest in and support for the policy and the need for a commissioner. In particular, we were pleased that a significant number of older people took the trouble, during a week of very bad weather, to come out to offer us their expertise and advice on the priorities of a commissioner. Older people attended all public consultation events in large numbers. They travelled to Stormont from all parts of the North to attend meetings of the Committee for the Office of the First Minister and deputy First Minister, which was considering the Bill, and they travelled again to attend all key Assembly debates. We are grateful to Age NI and to the Age Sector Platform for their assistance. I am also delighted that so many older people are here with us today, especially with the weather conditions as they are, and I look forward to meeting them shortly.

This is a good day for older people, a Cheann Comhairle, and a good day for us all. Following the consideration of the consultation responses, we made a number of changes to the draft Bill. Most significantly, strong representations were made by statutory organisations, trade unions, health professionals, age representative groups and individual older people that all nursing and residential care homes in the private and voluntary sectors should be brought within the commissioner's remit, and we changed the draft Bill to reflect that.

We also listened to the many individuals and organisations that called for the Commissioner for Older People to be able to commission conciliation and mediation services. The Bill was amended to ensure that he or she would have that new power and could, therefore, provide a cost-effective alternative to what can be a lengthy process of legal proceedings. That power can provide a speedy resolution to problems, which is often a critical factor for older people.

On 24 May, following Executive agreement, the Bill was introduced in the Assembly. On 7 June, it received wide and strong support across the Assembly at its Second Stage, and on 8 June, it commenced its Committee Stage. The Committee for the Office of the First Minister and deputy First Minister made a significant contribution to the development of the Bill, and I thank all Committee members, including those who have since moved on to other roles, for their work on the Bill. Committee members' detailed consideration of the Bill and their active engagement throughout the policy development and legislative process should be recognised. I record our thanks to them and to the Committee staff who supported them in their scrutiny.

I know that officials faced some tough questions in the evidence sessions. Committee members expressed legitimate concerns about the need to avoid any possible duplication of work by the commissioner with that of other oversight bodies. We provided the Committee with a paper highlighting issues that the commissioner could address and investigate, and the Committee was satisfied that there was a need for a commissioner and a compelling need for the investigatory powers outlined in the Bill. The Committee's consultation on the Bill produced several high-quality papers and oral presentations from consultees; I am grateful to them for their work.

Given the quality of their joint contribution to the Committee, this is an appropriate point at which to offer my thanks to Age NI and the Age Sector Platform. We are very grateful for the services that they provide to older people across the North and for the work of their policy teams throughout the Bill's progress and development. Their We Agree campaign galvanised the debate on the case for a Commissioner for Older People.

As a result of the OFMDFM Committee's scrutiny of the Bill, we proposed three amendments. In addition, we proposed three further amendments on the advice of the Attorney General on issues of legislative competence, and at Consideration Stage the Assembly voted that those amendments stand part of the Bill. My colleagues and I are grateful for the support and the robust challenge that the OFMDFM Committee, Assembly colleagues, the Executive, the age sector and many older people have given to our proposals since the initial consultation on the Bill and its subsequent progress. We feel that we now have a much improved piece of legislation.

The office of the Commissioner for Older People will be unique: no single organisation will have the range of powers and functions of the commissioner or be able to concentrate in an holistic and strategic manner on the rights and interests of older people.

I will reiterate why it is important that we establish an office of Commissioner for Older People now. The most recent figures state that 28% of pensioners live in poverty and that no less than 50% of pensioners suffer fuel poverty. A 2007-08 report stated that 62% of older people aged between 65 and 74 reported having a long-standing illness. For those aged 75 and older, the percentage increases to 67% for males and 72% for females, with the figure of 38% for the population as a whole.

What is more, older people represent an ever growing percentage of our population. Estimates suggest that by 2041, 42% of the population will be aged 50 or over; persons of pensionable age will represent 25% of our population; and the percentage of those aged 75 and over will double, to at least 14%. The recently published report by the Registrar General highlights that, over the next five decades, our population is projected to age faster than that of Scotland, England or Wales. By 2058, it is projected that there will be at least 500,000 people here aged 65 and over. The report also notes that although life expectancy has improved, only half of those aged over 65 will remain in good health. That will have implications for the provision of care and other services.

Given those facts and projections and the absence of a body with a specific focus on the interests and rights of older people, we are determined to proceed with the appointment of the commissioner. We are also determined that the commissioner will have the necessary powers and resources to promote and safeguard the interests and rights of older people.

We are taking this measure forward at a time of financial constraints, and Members have, rightly, drawn attention to the need to ensure value for money. The Office of the First Minister and deputy First Minister shares that view and will ensure that all public services are delivered as efficiently and effectively as possible. We are critically examining all aspects of our Department's expenditure, including funding for sponsored public bodies and the potential for

reducing costs through the sharing of resources, where appropriate, among sponsor bodies.

However, I share the view that several Committee members expressed during Consideration Stage that establishing an office for a Commissioner for Older People is something that we cannot afford not to do. Indeed, it could lead to considerable savings for the public purse.

10.45 am

The commissioner will be proactive in ensuring early intervention when needs arise, rather than later in the process when costs can be greater. By bringing forward the legislation and establishing the Commissioner for Older People now, we are taking a strategic and long-term view of the issues of an ageing population and ensuring that there is a dedicated focal point for older people and that older people here have the strong, independent voice and protection that they deserve. Go raibh maith agat, a Cheann Comhairle.

The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Dr Farry): On behalf of the Committee for the Office of the First Minister and deputy First Minister, I thank junior Minister Kelly for moving the Final Stage of the Commissioner for Older People Bill. In addition, I acknowledge the very important role played by the Department, at ministerial level and by officials, in getting the legislation to this stage. This area has been of long-standing interest among MLAs and, indeed, a long-standing commitment of the Assembly, so I am sure that everyone is pleased that we are at the Final Stage.

As everyone is aware, research shows that older people represent a growing percentage of our population. Estimates suggest that, by 2041, 42% of our population will be over 50, 25% will be of pensionable age — whatever age that might be — and 14% will be 75 or over. The Bill will provide for a Commissioner for Older People, who will ensure that older people's voices are heard and that there is a positive attitude to older people and a co-ordinated and holistic approach to matters that affect older people's lives. The commissioner will be able to investigate complaints made by older people against relevant authorities and to conduct formal investigations into the actions of relevant authorities as defined in schedule 3.

During its scrutiny of the Bill, the Committee considered in detail the issue of investigatory powers, and, during evidence sessions with stakeholders and the Department, sought to ensure that the scope and possible remit for the commissioner will be large enough and cover areas that other investigatory bodies do not cover. The Committee was briefed by officials on potential gaps in investigatory powers; the areas into which the Commissioner for Older People's powers will extend; and what the commissioner will be able to investigate. During that briefing, the Committee was advised that there were still many areas affecting older people's lives directly where no statutory organisation had the power to act. In addition, the Committee received a briefing paper highlighting 29 possible areas in which the Commissioner for Older People could investigate and providing a number of real-life examples of where the commissioner could have been involved.

The Committee also received an assurance from the Department that the residual clauses place limits on the powers of the commissioner and ensure that, where an existing body already has responsibility for a statutory complaints process, the commissioner cannot investigate. That avoids situations in which two publicly funded organisations might be involved in the same case. The Committee was content that the powers in the Bill were appropriate, and, therefore, it strongly supports the Bill and welcomes the progress made.

At this stage, Mr Speaker, I shall make a few comments on behalf of me and my party. I acknowledge and respect Dame Joan Harbison's pioneering actions in respect of older persons' issues and her role as their advocate, which the junior Minister outlined. In addition, I acknowledge and respect the level of interest and support from Age Sector Platform and Age NI when lobbying for the Bill. Furthermore, as we enter the halfway point of the final year of this Assembly's mandate, it is worth acknowledging civil society's substantially increased level of sophistication when interacting with the Assembly. What has happened in and around the Bill is a very good example of that growing awareness and interest and of the ability to influence how decisions are taken. All that certainly stands to the betterment of society.

Like the junior Minister, I am conscious of the range of issues that older persons face in this society. However, it is also important that

we do not view older people simply as people with problems to be addressed. In fact, we should regard them as people with a continuing contribution to make to society, whether through the community and voluntary sector, continuing to work or the family role that some people play as carers.

That said, we have to acknowledge acute issues such as fuel poverty, deprivation, loneliness and a range of health issues and the importance of good inter-generational respect and understanding. It is worth stressing again that there is very strong evidence to suggest that socio-economic circumstances have a major impact on life expectancy for older people. We need to be conscious of that and take action on it.

Concern has been raised about the cost of creating the post, and we must be conscious of that in the current financial circumstances. I was pleased that junior Minister Kelly stressed that it can be viewed as an important investment in our society, and that not to do it would be a false economy. An older person's commissioner's office, with proper teeth and the ability to influence government and point out where government needs to correct things, will be a much more efficient and effective use of the scarce resources available to us. The Government can save more money if they can move more quickly to address issues that arise, rather than leaving problems to fester. If we have to intervene later in the day, the statutory obligations that will have to be met will, inevitably, incur further costs.

The creation of the post of older people's commissioner is an important step towards facilitating a more efficient and effective use of resources that will not be an additional burden on the public purse. I appreciate that there are concerns about the creation of another body at a time when people are talking about the need for rationalisation in government. It is important that we give the older person's commissioner the chance to prove the new body's relevance to society unencumbered for at least a number of years.

Having said that, there may well be a time when we will have to look at how we rationalise the various existing investigatory bodies; and it is important to make a couple of points in that regard. First, issues relating to older people will be with us forever, and, as the demographic balance of society changes, the relevance of

those issues will become a lot clearer. The need for a body with teeth must be part and parcel of that. If there is to be some rationalisation, it is important that the Assembly makes it clear that there should be no diminution of the powers and responsibilities of the older person's commissioner's functions, even if the body ends up in a new institutional structure in the future.

We must protect the body and ensure that it can deal with the issues. I do not envisage having to face that situation for some time, but it is important to put down markers today about how we see the future of the body unfolding. This is a day to be welcomed, and the vast numbers of older people in our society who have shown interest in the issue will also welcome it. I look forward to seeing the progress of this new function over the months and years to come, and I hope that it sparks real change in the way in which government interacts with senior citizens in this society. It is fundamentally about respect, understanding, giving people opportunities and addressing real needs where they exist.

Mr Spratt: My party welcomes the Final Stage of this very important piece of legislation. It has been in development for over three years, and we are pleased at the level of input from more than 400 older people, as well as 10 written evidence submissions to the Committee for the Office of the First Minister and deputy First Minister and oral evidence submissions from five organisations. The We Agree campaign's aim and objectives have been supported by approximately 2,500 people and 120 organisations. This is a prime example of how devolution is working for the people of Northern Ireland, because it shows that local people are influencing local legislation.

That is to be welcomed, and I am pleased that the legislation is coming into its final stages and will put the new commissioner in place. Imagine how long the process would have taken under direct rule; it does not bear thinking about.

It has been said that, over the next 15 years, one quarter of our population will be over the age of 60. That is proportionally higher than anywhere else in the United Kingdom. It is, therefore, essential that we build a framework in our society whereby older people can continue to participate in employment and have access to benefits such as pension credit and access to further and higher education. My staff in

my constituency office work hard to ensure that older people who come in receive all the benefits to which they are entitled. More often than not, older people are not aware of what they can claim, and the Commissioner for Older People can and will ensure that the level of benefit take-up is increased.

(Mr Deputy Speaker [MrMcClarty] in the Chair)

In these difficult economic times, many people may question the cost and value of another commissioner, especially when there has been much discussion on the number of quangos and arm's-length bodies that already exist in Northern Ireland. However, according to figures released by Age Northern Ireland, the estimated annual cost is £1.5 million. Considering that there are 290,000 older people in Northern Ireland, the cost is less than 2p per older person per day. That is a small price to pay and is excellent value not just for the older population but for all of us as we age. Improving the position of older people will deliver better outcomes for us all now and in the future.

Age Northern Ireland and other voluntary sector organisations receive thousands of calls every year and often tackle the same problems over and over again. The commissioner will be able to tackle the root cause of such problems by using powers of investigation and review. Common issues can be resolved more efficiently by the commissioner making recommendations on policy and practice that, in turn, will be implemented by the various relevant agencies. The commissioner could have a duty to engage older people and thus give them an opportunity to contribute to the process.

As I said earlier, it is highly unlikely that we would be at this point if we did not have a devolved Government through which people have the power to shape and influence policy and decision-making. Age Northern Ireland has given some examples of situations where it would be appropriate for an older person's commissioner to step in, such as: access to transport, where people are entitled to free bus passes but where there is inconsistent provision of rural and community transport; lack of benefit take-up, where there is potential for improvement if automatic payments of pension credit are introduced; the withdrawal of age-based concessionary fees in employment and learning would be another major step forward; variation

in nutritional standards for meals on wheels; and the malnutrition of older people in hospitals.

When I last spoke during a debate on the Commissioner for Older People Bill, I highlighted that I had recently been in and out of hospital on a regular basis to visit someone close to me. I have seen older people being left with food in front of them, and they have not been encouraged to eat that food. The commissioner will be able to tackle those sorts of issues and highlight the problems that exist, and will continue to exist, in a very busy Health Service in which, for instance, old people need encouragement to take food that is set down in front of them.

The issues that I mentioned are very serious, and, when Northern Ireland has its own Commissioner for Older People, he or she will be able to tackle the problems faced by older people today and plan ahead so that future generations of older people will enjoy an even better quality of life.

11.00 am

Before I close, I want to pay tribute to Dame Joan Harbison, the interim commissioner, for all her hard work — and she did work extremely hard. I do not have the same consideration for some commissioners, but Dame Joan attended meetings the length and breadth of the Province. All of us are indebted to you, Dame Joan, for the real commitment and dedication that you gave as interim commissioner. The DUP wants to thank you for all that you have done. You never gave up on that very valid case and kept presenting it, and that bore fruit in the Committee and, indeed, in consultations with the Ministers, which you did regularly. Well done, and thank you for that.

Mr Deputy Speaker: Order. Will the Member please refer all remarks through the Chair?

Mr Spratt: I have no problem, Mr Deputy Speaker. I am sure that the Chair will agree that Dame Joan has done a wonderful job. It is my pleasure and that of my party to support the Bill.

Ms M Anderson: Éirím le tacaíocht a thabhairt don Bhille. I am delighted to be here to support the Bill, particularly as a member of the Committee for the Office of the First Minister and deputy First Minister. The Committee engaged with the sectors and with the different phases of the Bill as it came through the

Committee. There are plenty of examples that make the Bill worthwhile and show how much the Commissioner for Older People is needed. Indeed, the Minister has highlighted some of those, as have others, particularly Jimmy Spratt, who is also a member of the Committee. Other members of the Committee who have since left played a sterling role when we were going through the phases of engaging with the sector and ensuring that we got the best possible Bill.

Around 18 months ago, many of us heard of a 69-year-old man who, allegedly, was refused treatment in a brain injury unit in the North because of the hospital's policy of not treating anyone with such an injury over the age of 60. At that time, no existing body had the power to intervene, but, if there had been an older people's commissioner at that time, she or he could have stepped in to review the adequacy and effectiveness of the services that were provided to older people. For instance, she or he would have been able to undertake a systemic review of the arbitrary age-based barriers, which no other body can currently do. That case definitely adds weight to reviews and evidence that have been presented before us all showing that older people may be being denied treatment that is offered to younger patients. That is an alarming concern that we all have in the Assembly.

We have also heard that, in some hospitals, the standards of hygiene and nutrition for older people fall well below the minimum standards. Last July, we heard and saw that some older patients were malnourished because they were unable to eat the food provided. Every one of us will agree that that is an absolute shame, because some of those matters can be fixed so simply. For instance, non-pureed food can be given to patients with swallowing difficulties, and it takes seconds to perform that task. Food trays can be moved up instead of being placed at the end of the bed. Trays have been left out of reach and no help or encouragement given to people to eat. Food trays were left untouched with no questions asked or remedial action taken.

The commissioner will be alert to issues that affect older people. She or he will be able to conduct a holistic review where those issues might get lost among the pressures and priorities of other bodies. As Minister Kelly said, the Commissioner for Older People will be like no other body.

In previous debates, the Assembly discussed how various agencies must work together, rather than duplicate one another's work. Nutrition is a good example of an area where collaboration between the Commissioner for Older People and the Regulation and Quality Improvement Authority (RQIA) might have identified and remedied the problem at an earlier stage. Together, bodies complement each other and add value to their work. They can integrate the perspective of older people's rights and needs into an overarching approach to improving standards. They can undertake joint reviews or use evidence gathered through the commissioner's special expertise on older people to inform the RQIA's recommendations on standards. In fact, together the RQIA and the Commissioner for Older People offer the possibility to close a gap in health and personal social services for older people.

We in the Chamber and others have heard in the media about confusion over the application of the Bill to people who are aged 50 and over. It is important to be clear that, in fact, the Bill applies mainly to people aged 60 and over. That said, the commissioner may, in certain circumstances only, pursue a matter that concerns someone who is aged 50 or over, where a matter of principle is concerned, as well as in exceptional circumstances. Those provisions are sensible. For some people with a lower life expectancy, such as Travellers, 50 may be equivalent to 60 for the rest of us. Being able to pursue a matter of principle will also be one means of future-proofing; it will allow the commissioner to tackle a fundamental issue earlier and prevent a worse problem in later years.

The commissioner will have authority under the Bill to safeguard and promote older people's rights and interests. I welcome the commissioner's powers to issue guidance on best practice, conduct investigations and make representations and recommendations:

"to any body or person about any matter concerning the interests of older persons."

That is to be welcomed. We absolutely need a champion with strong powers who will prioritise older people and achieve solutions on their behalf. It is important that the commissioner has powers not only to assist older people to take complaints and in legal proceedings but to conduct formal investigations and to require

information on the implementation of any recommendation.

All agree that the Bill has, undoubtedly, been improved with the amendments that we made in the Chamber in November. Unquestionably, several of those amendments were made at the suggestion of the age sector and the interim advocate. Junior Minister Newton, who spoke that day, told the House that the sole purpose of any restriction under clause 8(2) (b) is to avoid duplication with the work of other bodies and that it is not intended to stymie the commissioner in carrying out his or her key functions. There is the possibility for amendments in the future, should that prove to be an impediment. The junior Minister also added other relevant authorities to the list. He said that that could be done if it became apparent that it was necessary to do so. Therefore, every effort has, undoubtedly, been made to ensure that the commissioner is a strong, independent voice for older people, and rightly so. No single organisation in the North has the range of powers and functions that the Commissioner for Older People will have.

The commissioner will bring together expertise and focus to protect and enhance older people's rights and interests in the widest sense. As I have said, those powers and duties will add value to existing bodies and arrangements. The commissioner will help us all to take a longer-term view of ageing, which will benefit older people now and, undoubtedly, as Minister Kelly said, the rest of us in the future.

I am delighted to support the Bill, and I pay tribute to the participatory democracy that we saw at work. The age sector and the Older People's Advocate came to the Committee, together with trade unions and others, and strengthened the Bill by suggesting some of the amendments that were discussed by the House in November. I am proud to have had the privilege of working with those in the age sector who engaged with MLAs to strengthen the Bill and make it the best Bill possible.

I pay tribute to the OFMDFM Committee staff, who assisted Committee members greatly as the Bill progressed. I also pay tribute to my colleagues for the debates and discussions that we had in Committee. At least, the sector will find itself with a Bill that it believes will address the needs of many people we know, some of whom are in our own families and whom we love

dearly. Hopefully, those people will benefit from having a Commissioner for Older People.

Mr Kinahan: I congratulate the Office of the First Minister and deputy First Minister on progressing the Bill to its Final Stage. I apologise on behalf of my party leader and the Chairperson of the Committee for the Office of the First Minister and deputy First Minister, Tom Elliott, for his absence. I know that he would also acknowledge all the hard work that has been done by Dame Joan Harbison and the representative groups.

On a personal note, as a reasonably new boy in the Chamber and a very new Committee member, I must say how impressed I was in all my meetings with the various groups in south Antrim and by all the hard work that they do for themselves and others. It was great fun meeting them and listening to them. They always conduct their work with a bit of mirth, and I enjoyed it all. They are an example to us all.

The Bill will address two key matters. First, it will allow for the promotion of the full participation of older people in our society. We must ensure that all people have the opportunity to fully engage and participate in society, their local community, work and family life, irrespective of their age. An advocate for older people will facilitate that necessary goal. We must ensure that people have the opportunity to take part and make a contribution. We must also recognise that every citizen should be respected and have their viewpoint promoted.

The second thing that the Bill will achieve is the better protection of some of the most vulnerable people in our society. Other Members have quoted the statistics; I will not go into them again. Whether it is poverty, fear of crime, understanding care needs, getting payments that are due or mediating or investigating disputes, the statistics show that infinitely better representation of older people is needed and needed now. The weather that we are all facing brings home the reality that many older people are unable to heat their home, get out to shop for necessities or have significant contact with other people in their community. A commissioner working as an advocate for older people will raise the profile of those issues and hopefully enable swifter resolutions by working with the Assembly, local authorities and the voluntary and community sector. Indeed, being swift and dynamic is essential, as is

the commissioner having effective teeth at all times, rather than being, as it has been put, a “toothless tiger”.

As the Bill passed through its stages, the Ulster Unionist Party raised a number of concerns, which it still has. There is a danger that the investigatory role of the Commissioner for Older People will overlap and duplicate the role of the Northern Ireland Ombudsman and a number of our existing commissions. In these times of fiscal constraint, it is crucial that all resources go to front line services and to those who are most in need. We must minimise duplication and inefficiency. It is for that reason that we should take great care as we proceed with the setting up of the office of the Commissioner for Older People to make it as efficient and effective as possible. We should not shy away from reviewing its practices as we go forward.

The Ulster Unionist Party, having noted its limited concerns, is happy to support the Bill. We look forward to working with whomever is appointed as the Commissioner for Older People to promote the rights and needs of people who play such an invaluable role in our society. My party and I support the Bill.

11.15 am

Mrs M Bradley: I, too, welcome the Bill. It has been talked about since I first came here as an elected Member, and I am delighted that it has come to fruition for older people.

Throughout the debates, the SDLP made its reservations about the Bill clear. That was not to undermine the post of the commissioner but because we want to see a powerful, effective commissioner acting for older people and not one whose powers are restricted through all manner of constraints. We want the commissioner to act when another body fails to do so and when action ought to be taken. However, we want the commissioner not to act if he believes that the case has merit, would be unfair to older people and would undermine the role and authority of the commissioner.

Many older people depend heavily on the social care system, which should provide quality of care in a fair, equitable and sustainable way. Some carers are also elderly. Let us remind ourselves of the amount of money that carers save us each year. I think that it is about £3 billion, which is quite an amount of money that older people save for us. That is not to mention

their voluntary work and taking care of their grandchildren. They are to be congratulated on their lifestyles. I am proud to be the spokesperson for older people, since I am one myself.

The Budget may be under pressure in the present economic climate, but we have a moral responsibility not to let the burden fall unfairly on the vulnerable. We can choose to use resources more effectively to promote the health and well-being of older people, and the Commissioner for Older People can more effectively bring older people and their views into the debate, to assist, plan and target resources.

I urge the relevant authorities to be responsive to the commissioner’s approaches and recommendations, and I urge other commissions and bodies to collaborate with the Commissioner for Older People. We want to see solid memorandums of understanding between commissioners so that they can deliver properly for older people.

I welcome the Bill and am glad that it is before the House before Christmas. May I, through you Mr Deputy Speaker, pay tribute to Dame Joan Harbison on her good work over the months that she has been in post? I also congratulate those who work with older people, all year, every year. I hope that the Bill will be successful and that older people will get more care from it.

Mr Humphrey: I support the passage of the Commissioner for Older People Bill. The creation of an office to advance and protect the interests of older people is long overdue, and it is likely to prove to be one of the most important achievements of the Northern Ireland Assembly to date.

Given its significance to my North Belfast constituency, I must mention a number of statistics. North Belfast has the third largest population of over-60s of all Northern Ireland constituencies. Obscenely, all those people can expect to die up to 10 years earlier than folk in other constituencies. They are also much more likely to suffer a limiting long-term illness in their latter years. So, how we treat older people and address their needs is of enormous importance to me and to the people I represent.

All of us are all too well aware of the political power wielded by older people when they are so minded. Our surgeries and postbags are a testament to that. There is also a confident lobby of older people, organised by dedicated

local voluntary organisations, such as those that came together to establish the older people's platform for Northern Ireland. Their support for this legislation should be instructive for all Members.

The irony is that, although older people are among some of the strongest in our community, many are among the most vulnerable. The infirmity of old age can render previously independent individuals reliant on the support of others to meet even the most basic of personal needs. It is at that time that the principles of independence, participation, care, self-fulfilment and dignity, which are enshrined in the commissioner's role, are at their most important. With that in mind, I am particularly pleased that Ministers have taken on board the concerns expressed by a variety of stakeholders during the consultations and have widened the commissioner's remit to encompass the protection of all residents of nursing homes and residential homes, including those who pay for their care. It is critically important that no older person is allowed to fall through the net. I also welcome the reassurance from Ministers that administrative muddle will be avoided while maximum protection is provided to older people. The promise of regular reviews of co-operation by the Commissioner for Older People will also be important in that regard.

It is important that, while recognising the important role that the commissioner will play in addressing and preventing the inappropriate treatment of senior citizens, we do not lose sight of the equally important role that the office will have in positively promoting the role of older people in our society. It would be to the great disadvantage of Northern Ireland if we were to overlook the enormous contribution older people can and do make to our families and communities throughout the country. Whether as carers ensuring that young parents can be economically active or as trainers who can pass on workplace knowledge and skills built up over the decades, older people have a huge amount to give.

Increasingly, older people will be required to remain economically active, and it will be important for us to ensure that the right approaches are put in place to ensure that future generations do not find themselves faced with an old age lived in poverty. It is also easy to underestimate the importance of older people in our community, and it must be remembered

that they represent a growing proportion of our population. If older people are in our communities, our communities are much richer; if they are not, communities are the poorer for that. It is important that vital facilities and services are sustained at a level that ensures the dignity of the older people in our community.

Whether the issue is employment, housing, health, education, crime or community safety, we have to understand that all Departments have a role to play. We have to understand that the impact of an ageing population is one of the biggest issues facing Northern Ireland in the twenty-first century. I too, on behalf of those of us on these Benches, commend the interim commissioner and Older People's Advocate, Dame Joan Harbison, for her role in the formation of the Bill. As we move forward, the role of the Commissioner for Older People in making sure that we have a coherent approach to those matters will be of huge importance. The passage of the Bill represents an enormous first step, not only for older people but for all of us, and I commend the Bill to the House.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I too welcome and support the Bill. I read a piece in 'The Irish News' on 4 December by a journalist whose comments sum up the lack of understanding of why a Commissioner for Older People is required. Having unnecessarily attacked the Age Sector Platform and taken a cheap shot at it, he spoke about the creation of a quango — his word, not mine. He then referred to the potential cost of the Commissioner for Older People and stated that the approximately £2 million that it will cost:

"would cover 8,000 cold weather fuel payments, 5,000 full tanks of heating oil or a month's electricity for 40,000 households."

Although I cannot argue about his grasp of mathematics, I can certainly argue about his attitude to the Commissioner for Older People. He went on to refer to:

"the pointlessness of the Older Person's Commissioner".

Again, those are his words, not mine. He also stated that:

"benefits are set in London and even the whole of Stormont cannot lobby to change them."

The creation of the commissioner is not just about money; it is about giving older people a

strong and effective voice in our society and giving them the opportunity to be included in policy decisions that directly affect them. It is about recognising their contribution to society and not continuing to make them feel marginalised and isolated. Benefits were mentioned, and almost £2 million is unclaimed weekly in pension credits, which needs to be urgently addressed.

Interestingly, I listened to the radio this morning and heard discussion of the Budget that is coming down the line in the Twenty-six Counties. The point was made that pensions in the South, which will not be affected by the Budget, are almost twice as high as those in the North, and that in an economy that is, apparently, bankrupt.

At Further Consideration Stage, I referred to the number of people over 50 years of age in the North who are economically active. That is expected to rise by some 30,000 or 50,000 by 2020. As Members heard, a large proportion of them will be over 60, and we must move quickly to bring their rights in line with those of others by removing the default retirement age in our employment regulations. Research by Age UK shows that 100,000 people were forced to retire in 2009 alone. With the change in the economic climate, many older people will need or wish to work after age 65, and they should not be denied the opportunity to benefit from working if they are able to do so.

The National Institute of Economic and Social Research has estimated that extending the average working life by one effective year could increase GDP by around 1%. We should not fear that that will necessarily displace younger workers. One economic commentator who was concerned about the impact of the minimum wage on employment admitted recently that the biggest job increases in Britain came in the period when the minimum wage rose most, probably because of the economic regeneration that comes with extra spending power. Putting extra spending power in the pockets of older people will also help regeneration and employment. While the Equality Commission has a lead role in employment matters, it should work alongside the Commissioner for Older People, who will play the leading role in changing how we view ageing and, I hope, start the cultural change that will get rid of outdated custom and practice.

We must recognise and value the continuing contribution that older people make to society as employers and employees, as well as mentors, carers, volunteers and grandparents. Two fifths of single pensioners and one fifth of pensioner couples have no income other than the state retirement pension and state benefits. These proportions are more than double those in Britain. We know that we have a higher proportion of older people living in poverty and that only 19% of those are receiving pension credit. Older people can be unaware of what they are entitled to — that has already been mentioned. They can find the claims system complicated. Some shy away from claiming, not appreciating that it is simply what they are due. If they received their full benefits, there would also be some positive knock-on effect for the economy. A Commissioner for Older People could examine deficits in that area and add authority to the case for introducing automatic payment of benefits. I am sure that the Northern and Welsh commissioners will find common cause in this and other matters at Westminster.

The very state of the economy and public finances, with the surrounding pressures to reduce services and restrict access, offers the best reason for the appointment of a Commissioner for Older People. The future must look difficult and worrying from where older people stand. They need not just a champion but someone who will work tirelessly to see that their interests are protected and their rights extended and applied. I want to see an effective commissioner with strong powers, someone who will not stand back from exercising the powers of the office over relevant authorities and bodies — public, private or voluntary agencies — where that is necessary and who will keep MLAs informed and tell us how legislation can be improved and advise us on what more can be done. Older people need to be and should be involved in the commissioner's appointment, and I urge Ministers to allocate sufficient resources for the job ahead and move forward quickly with the appointment. I also pay tribute to Age NI, the Age Sector Platform and Joan Harbison for the work that they have done and continue to do to promote the rights of older people.

Mr Bresland: I begin by declaring an interest: I am officially an older person. Even if I were not, I would have no hesitation in supporting the Bill. It is very welcome, as the former First Minister, Lord Bannside, said when the announcement was made about the establishment of a

Commissioner for Older People. Our hope is that the commissioner will provide older people with a strong and confident voice. This Bill will do that.

It can be argued that we have enough commissioners of one sort or another, but this Bill addresses a significant section of society. We have a growing population of older people, and we welcome that. Older people add something to society. They have wisdom and experience. In their day they played their part. They worked hard, reared families and struggled with the pressures of life. We owe it to them to ensure that they enjoy a high quality of life in old age.

11.30 am

That presents us with some bigger challenges. I often hear from older constituents that they feel as though they are less important than young people and that they are made to feel as though they are a burden to society. That ought not to be. The setting up of a Commissioner for Older People should make a big difference.

It is important that the new office is run as efficiently as possible. I strongly urge the use of shared resources and a close link with older people's commissioners in the rest of the UK. I support the Bill.

Mrs D Kelly: At this stage, there is not much left to say about welcoming the Bill, except, of course, that all Members share one common ambition, which is to live to be old ourselves. Therefore, it is important to get the services right. I hope that the work of the commissioner will ensure that the service delivery is right and meaningful for the people whom the commissioner is charged to represent.

I listened carefully to the contributions made by other Members. Quite frankly, as a former health and social care worker, I was appalled at some of the lists that were given of work that the commissioner would have to be seen to challenge. Basic nutritional care is basic nursing care. Unfortunately, it seems that some of our health and social care professionals, for whatever reason, have travelled far from the delivery of the most basic service provision, which is ensuring that people have a good and proper diet. It is most regrettable. There may be myriad reasons why that has happened. Obviously, it is the responsibility, not only of the charge nurse, ward manager or residential care worker, but the regulatory authorities, in particular the health and social care inspectorate. To ensure

that scant resources are not targeted at areas that are the responsibility of other professionals or, indeed, inspection authorities, it is necessary to ensure that, from the outset, it is clearly distinguished when the commissioner should and must get involved.

Many people, in many senses, relished the challenge of getting the Bill before the House. There was a great campaign, and I pay tribute to those who took part in it. I also pay tribute to my fellow members of the Committee for the Office of the First Minister and deputy First Minister for their hard work over the past two years in hearing evidence and examining the Bill. However, the challenge now is whether there will be sufficient money in the budget in the coming years to ensure that the commissioner's office is well resourced and that it has the money behind it to do the job that is required of the commissioner. That is a challenge that we will, I hope, know more about over the next few weeks. I am sure that we will all have views on that.

Mr McCarthy: This is an excellent morning. It is a brilliant morning. It is a morning on which I, as a Member of the Northern Ireland Assembly, am proud to stand in the Chamber. When something exciting happens in Northern Ireland, our chant is, "Hip hip hooray!" So, this morning, on behalf of thousands of senior citizens, I say, "Hip hip hooray!" that we have reached the Final Stage of the Commissioner for Older People Bill. It has been a long time coming, but we are here, and I fully support the Final Stage.

I remember when, shortly after the Northern Ireland Assembly was set up in 1998, I was chairperson of the age sector reference group, as it was called then. People such as David McConnell, Bob Gibson, Tom Cairns, Paddy Joe McClean and other representatives from all over Northern Ireland met up here to campaign for the needs of older people, including the need for a commissioner with full legislative powers.

At that time, I was only a junior. I now have to declare an interest as being in the senior bracket, but I am not ashamed of that. I am proud to be a senior and have much to offer the community that I serve.

I am extremely happy to see this day. As a result of local devolution, the Age Sector Platform, as it is now called, Age NI and others have already seen valuable improvements in issues that we set out to achieve in 1998.

I pay tribute to everyone who campaigned, including, as has been said, Dame Joan Harbison, who has been to the forefront of the campaign, and all my Assembly colleagues, who listened to the people who marched up and down. I am proud to see senior citizens from County Down and County Fermanagh on the We Agree campaign postcard. I also see Tom Elliott in the middle of that picture. Tom is not a senior citizen, but there he is, with all the others, supporting the We Agree campaign. I pay tribute to all who were involved in that.

Other people and I fully support the recent We Agree campaign. Hundreds of senior citizens went onto the streets, came up to Stormont, wrote to the Committee and did almost everything that they could to convince the Department of the need for a good, strong, independent commissioner with sufficient powers to protect the interests of our senior citizens.

As has been said, the commissioner needs to have powers to keep legislation, policy and practice under review; to mediate when disputes arise; to investigate and undertake casework; to respond to approaches from senior citizens; and to resolve all issues.

The We Agree campaign produced a strong document, of which I have a copy here, supporting the need for a Commissioner for Older People. That document contains 30 recommendations, all of which, in my opinion, are achievable. I appeal to the Office of the First Minister and deputy First Minister to get to work on those recommendations.

Much more could be said in support of the Bill in its Final Stage. However, I conclude by saying well done to everyone, including the Office of the First Minister and deputy First Minister, which is represented today by the junior Ministers. The Alliance Party fully supports the Bill.

Mr G Robinson: I concur with all my colleagues in welcoming the Bill's coming to fruition. As my colleague Jimmy Spratt said, that is testimony to our devolved Government here in Stormont, the Committee for the Office of the First Minister and deputy First Minister, the Committee staff and the Ministers who worked so tirelessly to deliver the Bill. We all have a duty to our elderly people, who, particularly at this time of year, require so much more extra heating, food on the table and a safe environment in which to live. We feel that the commissioner designate must have as much power as possible to ensure that

the new office has control over older people's welfare.

In conclusion, I pay tribute to the interim commissioner, Dame Joan Harbison, for the excellent job that she has done for our elderly people. I welcome all the senior citizens who have come to the Public Gallery today even though the weather is so severe.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton): I

convey my thanks to everyone who contributed to today's debate.

I was in the Great Hall earlier, where the members of the public who now fill the Public Gallery were gathering. They challenged me, to some extent, to declare an interest in the matter, as I did during the consultation meetings that were held around the country. Along with Mr Bresland and others, I declare an interest.

Like Minister Kelly, I, too, am delighted that we are here today debating the Final Stage of this groundbreaking piece of legislation, which will lead to the establishment of a Commissioner for Older People, who will make a real contribution to promoting and protecting the interests and rights of older people in Northern Ireland. Kieran McCarthy said that it is a good day. It is a good news day. That is the truth of the matter.

Stephen Farry and Dolores Kelly said that we all recognise that there is an ageing population, and it is an issue that we cannot ignore. That applies not just here but right across the UK and wider afield. Declining birth rates and increased life expectancy will place an ever-increasing burden on our resources and will present new challenges in how we address the needs and concerns of older people.

Our commitment in the Programme for Government to provide a strong, independent voice for older people was an early recognition by the Executive that we need to be at the forefront of action worldwide to begin providing a new and alternative way for older people to express their concerns about how society views and treats them. Providing such a mechanism for older people to articulate concerns was one aspect of a two-pronged approach that seeks to provide a powerful public voice, whereby those concerns can be addressed by an independent commissioner who will be able to articulate views at the very highest level of government,

and to take action on behalf of older people's interests.

Throughout the process, I have had the opportunity to meet many people and organisations who have been campaigning, and I attended and spoke at several public consultation meetings. I want to reiterate what many Members have said today, which is how impressed we have been, and continue to be, with the energy and passion displayed by older people when they get an opportunity to have their voices heard.

By establishing a commissioner here, we will provide another strong voice. It is a groundbreaking development, and I have no shame about using that term again. With the exception of Wales, no other European country has a commissioner of this type. As my party colleague Mr Spratt said, this is a landmark piece of legislation that the Assembly has brought forward, and it is an example of a local Assembly responding to the needs of local people.

I will now touch on a number of points that were raised during today's debate and earlier debates and will seek to address quickly some of the questions raised.

Minister Kelly pointed out in his speech the concern about the potential duplication of work of the commissioner with that of other oversight bodies. That issue was raised during the Committee's scrutiny of the Bill, and Mr Kinahan mentioned it today. In developing a case for a commissioner, we commissioned a report from Deloitte, the consultancy organisation. In its final report, it examined the potential costs of establishing a commissioner, based on a wide range of issues. Deloitte estimated that the initial set-up costs would be approximately £500,000, with a budget anticipated to be around £1.5 million. Those set-up costs and running costs are broadly in line with those incurred by the Welsh Assembly when it established its Commissioner for Older People. We are determined to proceed with the appointment of the commissioner and to provide him or her with the necessary resources to promote and safeguard the interests and rights of older people.

We are confident that the concerns of the Committee for the Office of the First Minister and deputy First Minister have been addressed. First, there is evidence of real gaps in oversight provision, which we provided to the Committee and with which it was content. Secondly, the sole purpose of some provisions in the Bill is

to avoid duplication of the commissioner's work with that of other bodies that already possess the responsibility, expertise and publicly funded resources to act on a complaint raised by an older person. Thirdly, we will highlight the importance of that issue to the commissioner upon appointment, as well as the importance of agreeing memoranda of understanding with appropriate oversight bodies to clarify roles and responsibilities.

Finally, the Bill contains a review mechanism. The commissioner will have a legal obligation to carry out reviews of the adequacy and effectiveness of the legislation. The commissioner can make recommendations to amend the legislation, if that is considered appropriate. In the first instance, such a review must be carried out as soon as possible after three years of the Act coming into force and, at the latest, every five years thereafter. However, as I explained during Consideration Stage, if significant difficulties arise, Ministers will move ahead of the review process to address and to remedy the problems and, if necessary, to amend the Act.

11.45 am

It is important in these considerations to stress that no single organisation has the range of powers and functions that the commissioner will have. The commissioner will concentrate in a holistic and strategic manner on the rights and interests of older people. That point was made by Martina Anderson.

I want to reiterate Minister Kelly's point on cost and value for money. I have already said that we are determined to proceed with the appointment and to provide the commissioner with the necessary powers and resources to promote and to safeguard older persons' interests. The needs of an increasingly ageing population present issues that cannot be ignored. Given the compelling statistics that many Members referred to today, I believe that, now more than ever, we need a commissioner to protect the rights of older people. Ensuring value for money has been a consideration throughout the process, and many individuals and organisations that responded to the public consultation provided practical solutions as to how best to ensure that. We will, of course, ensure that all public services are being delivered as effectively and efficiently as possible.

Let me agree with the valid point that was made by Mr Spratt. A measure of the efficiency and effectiveness of the consultation is that it cost only £13 a person. That takes into account all costs. That is a measure of how seriously OFMDFM has taken the matter of efficiency and effectiveness.

I pay tribute to those who were involved in the consultation process, especially those from OFMDFM. The manner in which the consultation process was undertaken and the relationship that was built with the lobby groups from the age sector, as they lobbied meetings, for instance, are examples of good practice. I believe that the processes used could be written up as an example of an effective way of moving legislation through the Chamber and of how to consult on, react to and process matters.

We are committed to critically examining all aspects of the Department's expenditure, including the funding for sponsored public bodies and the potential to reduce costs through the sharing of resources among sponsored bodies. George Robinson made that point.

A concern expressed during the development process was the need to ensure that the commissioner will have the power to make a real difference to older people. When making his case for North Belfast and, in doing so, talking about the lifespan of some of the people who live in his constituency, Mr Humphrey made the case about the complexities in that situation.

I can confirm that the commissioner will have a wide range of powers, including the power to conduct a formal investigation into a complaint, with High Court powers to call for persons, papers and evidence, as well as the power of entry and inspection. If someone were to attempt to obstruct a commissioner, those powers would be backed up with the offence of contempt.

Mr D Bradley: I thank the Minister for giving way. Does he agree that the effectiveness of the commissioner's work will be in the outworking of their powers and the practical impact of that on older peoples' lives? For example, the age bar, which was referred to earlier, that is placed on access to the regional acquired brain injury unit worked adversely against my constituent Mr Michael Hanratty. Does he agree that the commissioner's effectiveness and success will be judged against how they deal with issues such as the age bar and in removing that type of discrimination?

The junior Minister (Mr Newton): I thank the Member for his intervention. Obviously, a very serious situation arose with his constituent and I do not want to minimise that in any way. If the Member is patient, I will come to that at the end of my speech.

The commissioner will be able to intervene or assist in a court case involving the interests of older people and provide assistance, including financial assistance, to an older person in a court case. As an alternative to legal proceedings, the commissioner will now also have the power to commission conciliation services to help to resolve a dispute more quickly. That power was added following public consultation.

To stand up for older people, the commissioner will have the power to advise Ministers, the Assembly, the Secretary of State and any body or person on any matter concerning that section of our community. The commissioner will be empowered to make recommendations to strengthen existing legislation. The commissioner can produce research to help to shape policy and services and to report on key issues that affect older people, such as transport, fuel poverty and finance. The commissioner will also have a wide range of promotional, advisory, educational and general investigatory functions, duties and powers to be deployed in the interests of older people, generally and individually.

Mr Bresland made the point about efficiency and value for money. I think that that may be seen through the shared resources, which I hope will, ultimately, bring about not only a solution for the Commissioner for Older People but for commissioners generally. Those powers will help the commissioner to fulfil the aims of protecting the interests of older people, and he or she will be able to influence the actions of many organisations and individuals that affect older people's lives in many different ways.

Mr Farry, speaking as the Deputy Chairperson of the OFMDFM Committee, raised the issue of enforcement. As I have said already, the commissioner will be endowed with High Court powers to call for persons, papers and evidence. If someone were to obstruct the commissioner, those powers would be backed up with the offence of contempt. The commissioner will have the power to take legal action on behalf of older persons.

Mary Bradley expressed the early concerns of the OFMDFM Committee, or perhaps they were

her early concerns. The commissioner will bring together expertise and a focus on improving older persons' lives, and will be able to guide them through complex complaint mechanisms. They will also be able to advocate on their behalf, and, where necessary, investigate issues that do not fall within the remit of other statutory bodies.

The office of the Commissioner for Older People is unique: no existing organisation has the remit to address the wider impact to inform systemic improvements and influence wider social policy. I was intrigued by a point that was made by Mickey Brady. He emphasised the economic benefits of the Bill. I had not thought about that but, when one considers the Bill's potential to release increased benefits for older persons, it is clear that that is a very positive step.

Ultimately, what we want to achieve by establishing a commissioner is to have someone who will stand up for older people; someone who will challenge discrimination against older people and promote their participation in public life; someone who will investigate complaints on behalf of the sector; someone who will encourage best practice in the treatment of older people; and someone who will influence and shape government policy in the interests of older people. Ultimately, we want to have a society in which the voices of older people are heard and respected and their interests safeguarded and promoted.

If the Bill receives the Assembly's support today, the next stage will be Royal Assent, which should be completed in mid- to late January. The Bill will then, of course, become law. The next step after that is to begin the recruitment process for the appointment of the commissioner, and that is a process in which older people will be involved. My OFMDFM ministerial colleagues and I believe that the legislation will place the Assembly at the forefront of world opinion on how to successfully deal with the very real difficulties that all countries have to confront and the very real opportunities that will arise over the coming decades through having an older and, I am confident, wiser population. I commend the Commissioner for Older People Bill to the House.

Question put and agreed to.

Resolved:

That the Commissioner for Older People Bill [NIA 21/09] do now pass.

Private Members' Business

Autism Bill: Second Stage

Mr D Bradley: I beg to move

That the Second Stage of the Autism Bill [NIA 2/10] be agreed.

Go raibh míle maith agat, a LeasCheann Comhairle. Tá an-áthas orm go bhfuil an Dara Céim den Bhille Uathachais sa Teach inniu.

The Bill consists of seven clauses. The first three clauses form the main part of the Bill, and they deal with the amendment to the Disability Discrimination Act 1995 — *[Interruption.]*

Mr Deputy Speaker: Order. There should be only one Member on his or her feet. Members, please resume your seats.

Mr D Bradley: As I was saying, the main part of the Bill deals with the amendment to the Disability Discrimination Act 1995 and the autism strategy. The remaining four clauses concern interpretation, commencement, regulations and the short title.

I bring the Bill before the House on behalf of people with autism in Northern Ireland and on behalf of their families. I also bring it here on behalf of the all-party Assembly group on autism, of which I am chairperson, on my own behalf and on behalf of the SDLP Members of the all-party Assembly group on autism will speak in the debate and will acknowledge their membership of the group. I want to publicly thank the group's members for their commitment and support in the preparation of the Bill.

Second Stage deals with the general principles behind a Bill, and, in this case, they are quite straightforward: to ensure that people with autism in Northern Ireland are afforded the rights that are their due and that comprehensive services are provided to them and their families from their earliest years and throughout their lives on a cross-departmental basis, because, as we know, autism is a developmental disorder that affects the way in which a person communicates with, and relates to, other people throughout their whole life.

To ensure that people with autism have full access to the range of services that they need, it is necessary to have autism recognised under the Disability Discrimination Act as a social and communicative disorder that affects how they

make sense of the world around them. Autism is a spectrum condition, which means that, although all people with autism share three main areas of difficulty, their condition will affect them in different ways and they will rely on a variety of services at various stages in their life.

12.00 noon

A triad of impairments largely defines autism. People with autism have difficulty with social interaction and with recognising and understanding other people's feelings and managing their own. Autism also includes difficulty in understanding how to interact with others, making it difficult for people with autism to form friendships, and that, in turn, leads to loneliness and isolation. There are also difficulties with social communication, including the use and understanding of verbal and non-verbal language, such as gestures, facial expression and tone of voice.

As regards social imagination, people with autism have difficulties in understanding and predicting other people's intentions and behaviour and imagining situations outside their own routine. That can be accompanied by a narrow, repetitive range of activities. Around 15% of people with autism are able to live a relatively independent life. Others, unfortunately, need a lifetime of specialist care. People with autism may also experience some form of sensory sensitivity or undersensitivity to sounds, touch, tastes, lights or colours.

Asperger's syndrome is also a form of autism. People with it are often of average or above-average intelligence. They have fewer problems with speech but may still have difficulty understanding and processing language. People with Asperger's syndrome do not necessarily have learning disabilities but often have accompanying learning difficulties, such as dyslexia.

The Health Department's programmes of care for autism are inadequate because ASD is placed in the mental health and learning disability programme of care, with its budget coming from that for learning disability. Such an approach perpetuates the use of IQ as a gateway to services for people with ASD, and that means that 75% of people with ASD fall outside service entitlement. In amending the Disability Discrimination Act, the Bill will help to ensure that such people will no longer suffer discrimination due to that anomaly.

Along with the IQ anomaly, there is evidence that some public bodies use the DDA definition of disability as a guide in decision-making about the award of such benefits as disability living allowance. Some schools punish pupils with ASD for offences against the schools' codes of discipline for behavioural reactions that are beyond the students' control. Why is that happening? Simply because ASD is not recognised as a disability under the DDA, and that leads to the expectation that pupils will adhere to rules of behaviour to which, through no fault of their own, they cannot adhere. The amendment to the DDA will give clear guidance to government bodies, schools and other organisations, by ensuring that ASD is brought clearly within the scope of the Disability Discrimination Act. For families, that measure will give recognition to a challenging condition that has been low in our society's hierarchy of disability.

When implemented across public bodies, the Bill has the potential to improve public understanding in general, as well as to improve issues such as access to services and buildings for individuals with ASD. Significantly, it will signal the beginning of the end of discrimination against individuals with ASD whose IQ is over 70.

By giving recognition to ASD in law, the Bill will make a practical and emotional difference to families through the systematic education of the public that will flow from adaptations to public spaces, facilities and services. The clarity that will come through ASD being recognised in law will bring a level of validity to those with a condition that is still treated with suspicion and indeed ignorance by some professionals and agencies. Clarity in law will guide decision-making about benefit entitlements and the updating of disability action plans for public bodies and improve access to equality legislation. Families will have a reference point for service entitlement and will no longer have to deal with the anomaly of the issue of an IQ of over 70. The physical adaptations to public buildings will assist not just people with ASD but the wider disabled community.

I hope that the Bill will take autism in from the cold to the mainstream of services and help to ensure that people, including many adults, who are denied services will receive the help and support that, by right, they should have now.

Mr Easton: As the Member knows, I fully support the Bill, but I have one disappointment in the removal from the Bill of plans for an advocate. Are there any plans for appointing an advocate, and how can that issue be dealt with?

Mr D Bradley: I thank the Member for his intervention, and I will address the issue that he raised later in my speech.

Autism is much more common in our society than many people know or believe. It is estimated that there are 17,000 people with autism in Northern Ireland. If we take into account immediate family members affected, autism touches the lives of a staggering 68,000-plus people. In August 2008, the National Autistic Society (NAS) in Northern Ireland commissioned a leading market research company to survey a sample of the Northern Ireland population on their awareness and understanding of autism. The survey clearly showed that 90% did not know how common autism is; only 48% of people had heard of Asperger's syndrome, which, as I said, is a form of autism; and 55% of people who had heard of autism thought it mostly if not only affected children. This Bill will raise public awareness and help to dissipate the ignorance around autism.

The gap in services that makes the Bill so necessary is evidenced by the 2008 NAS campaign, I Exist. That campaign highlighted the stark and often desperate reality for the majority of adults with autism in Northern Ireland, who do not receive the support and services that they so badly need. The report that accompanied the launch of that campaign showed that 96% of adults who took part in the survey felt that, with more support, they would feel less isolated. As a direct result of the lack of support, 34% of adults in the survey had experienced severe mental health difficulties; 65% had experienced anxiety; and 57% had suffered from depression. Most adults depend solely on their family for support. Sixty-four per cent of adults in the survey lived at home; 13% lived on their own; and only a quarter were financially independent.

Those statistics give us an indication of the reality of life for those with autism in Northern Ireland. Adults with autism who rely solely on their parents for support will, inevitably, face a time when their parents can no longer care for them. According to the survey, 83% of parents and carers are worried about what will happen

to their son or daughter when they can no longer support or care for them.

Autism Northern Ireland commissioned two related research reports on family support — 'The Hidden Community' and 'Is Anyone Listening?' — which focused on the human cost of living with autism. Among the intersecting issues from those investigations are the lack of recognition of the challenges that the disability presents to carers; the isolation that carers feel; and the requirement for constant combative lobbying to secure recognition and services. That is energy-sapping and often leaves people physically and emotionally drained and near to total exhaustion. The evidence shows that the stress levels of primary carers for family members who have autism are unique in the disability community. The latest local research gives us a sliding scale from 80% of mothers who experience high levels of anxiety through to 50% who are on long-term medication linked to trauma and stress. The need is clearly there among people of all ages who have autism and among those who care for them. This Bill can and will address that need and will make a real difference to their lives.

The Autism Bill will direct the establishment of a cross-cutting approach to autistic spectrum disorder by requiring the development of a cross-departmental strategy for autism. The historic failure to recognise ASD has left a tragic legacy of underfunding across Departments. All Departments will eventually have to address the impact of legislative change on their policies, practice and provision for people with ASD. Clause 2 creates a requirement for Departments to undertake that exercise together in an effort to minimise duplication and maximise effectiveness. I presume that there is wide consensus around the view that the development of single-Department ASD strategies by the Department of Health and, more recently, the Department of Education is in sharp contrast to the joined-up realities of life, where one life transition leads to another across home, education, employment and community.

In this climate of economic constraint it is incumbent on us all to plan smartly for future challenges. Not only is cross-departmental commitment to joint planning for ASD good practice, it is an opportunity to look afresh at how resources can be used or redeployed while challenging all Departments to work innovatively with the voluntary sector to maximise the

accountability, flexibility and creativity of all partners. By recognising in law the need for required cross-departmental planning and buy-in, the Bill will make a real difference to families. That measure assures families that the Government recognise the lifelong and whole-life commitment and reality of ASD, and it gives assurance of the potential of service development, even in harsh economic times, through shared funding initiatives across Departments. The Bill recognises that ASD is a shared responsibility in our community and that duplication and confusion can be addressed. It should also help to ensure that life transitions, which are uniquely distressing for individuals with autism, can be planned, resourced and well managed.

12.15 pm

The Bill deals with the accountability issue raised by Mr Easton by placing a duty on the Minister of the designated lead Department, namely the Health Department, to report to the Assembly every three years on the implementation of the autism strategy. The original draft of the Bill envisaged a commissioner to ensure accountability. However, the provision was withdrawn in light of current financial conditions. If, in future, the reporting mechanism needs additional back-up, consideration can be given to the possibility of a commissioner. I hope that that satisfies Mr Easton.

In advance of the publication of the draft Autism Bill, concerns focusing largely on the perceived implementation costs and the impact that such legislation would have on other disability groups were noted. All views were listened to carefully; that has been the policy of the all-party group since its establishment in 2008 in response to a six-year campaign by families committed to social change.

In the past, special separate measures, such as the three health and social care trust strategies for ASD, the Department of Health's strategy, the Department of Education's strategy, task force report, and guidance and policies and the education and library boards' ASD policies have been the approaches used, because existing, generic disability policies were seen to be inadequate. In 2008, the all-party group commissioned the only independent research on the systemic changes required by government to address the failures in ASD service prioritisation, provision and planning. That report, which was

produced by the Assembly's Research and Library Service, placed the need for legislation front and centre, and it concluded that individual departmental approaches, such as those mentioned, were seen as temporary fixes that would not work in the long term. According to the report, legislation was the best long-term solution.

More recently, in March and April 2010, consultation on the proposed legislation was conducted across statutory and voluntary agencies, resulting in a 70% to 80% positive rating for legislation. In addition, the Assembly, NILGA and most of the 26 district councils passed unanimous motions in support of the required legislative changes. We held follow-up meetings with the Equality Commission, the Children's Commissioner and Disability Action, resulting in agreed positions on the potential benefits of the Bill. All the autism charities in Northern Ireland, including Autism NI, PEAT, NAS, CEAT, SPEAC and Autism Initiatives, support the proposed legislation.

Precedent has already been established for the approach taken in the Bill. A single condition ASD focus already exists in the English Autism Act 2009. A government strategy for ASD exists in Wales and may soon be established in Scotland. The Disability Discrimination Act 1995 has, in the past, been amended to include specific conditions that sit more easily within the existing definition of disability than ASD, such as HIV, multiple sclerosis and cancer. In England, the Disability Discrimination Act 1995 has been replaced by the Equality Act 2010, and the definition of "disability" in that Act is currently subject to consultation. The Republic of Ireland's Disability Act 2005 includes definitions of sensory conditions and physical and mental health.

I hope that I have dealt adequately with the general principles of the Autism Bill. It is the majority position of the all-party Assembly group on autism that those general principles are sound and that they will lead, if enacted, to a huge improvement for people with autism in Northern Ireland. I commend the Bill to the House.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

Autistic spectrum disorder is a lifelong developmental condition that affects those who live with it in different ways. Essentially, however, it affects the way in which a person

communicates with and relates to other people. It is a serious condition that has a significant impact not only on individuals but on their families and carers. I can speak on behalf of all members of the Committee for Health, Social Services and Public Safety when I say that we welcome the seriousness with which the health and social care sector, other statutory agencies and, indeed, the Assembly are now treating autism and ASD.

The Committee has, since its inception, shown a close interest in the delivery of services to children and adults who live with autism. The Committee is committed to finding the best way to deliver those services and has examined the issue on a number of occasions. When the Department of Health, Social Services and Public Safety consulted on its autistic spectrum disorder strategic action plan in 2008, the Committee took evidence from the major autism charities and the independent review of autism services. Committee members visited Wales to study the workings of the Welsh Assembly Government's autistic spectrum disorder strategy, which has been in place since April 2008.

The Committee commended much in the Department's strategy but expressed concerns that the action plan sought to address services for people with autism solely from a health and social care perspective. At that time, the Committee emphasised the view that the provision of services for people with autism benefits greatly from being addressed on a cross-departmental basis. Although autism may be primarily a health issue, other Departments, including the Department of Education, the Department for Employment and Learning, the Department for Social Development and the Department of Justice, have a crucial role to play.

More recently, the Committee undertook prelegislative scrutiny of the Autism Bill. On 14 October 2010, the Committee was briefed by Mr Dominic Bradley, who was accompanied by a representative of the secretariat of the all-party Assembly group on autism. At that time, the Committee had before it Mr Bradley's draft Bill. An interesting discussion ensued, and the Committee debated and explored various issues with Mr Bradley, including the proposed cross-departmental strategy, the proposed changes to the Disability Discrimination Act 1995 and the issue of resources. Following the discussion with Mr Bradley, the Committee held an evidence session on 2 December 2010 with

officials from the Department of Health, Social Services and Public Safety in order to gauge the Department's view on the Autism Bill. The Department had serious reservations about the Bill, which, no doubt, the Minister will elaborate on in detail today.

The Committee recognises that the Member who brought the Bill to the House and the Minister of Health, Social Services and Public Safety are committed to improving services for those who live with autism. However, they disagree on how those services can be best delivered, whether through legislation or the departmental strategies that set out how each Department will provide the services for which it is responsible. There is a lack of convergence on the resource implications of the Bill. Pending a successful Second Stage and the referral of the Bill to the Health Committee, we will examine the clauses of the Bill and their implications in detail.

As with any Bill, the Committee will take evidence from key stakeholders who are involved in providing services to children and adults with autism and from organisations that may be affected by the Bill. The Committee recognises that complex issues are in play and that there are different opinions on the various aspects of the Bill. We will listen carefully to all views and come to our decisions on the basis of the evidence that is put before us.

For obvious reasons, I will take a neutral stance on any further discussions today. It is important that the Chairman of the Committee goes in with an open mind as we gather evidence on this important issue.

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

The debate stood suspended.

The sitting was suspended at 12.25 pm.

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

2.00 pm

Oral Answers to Questions

Agriculture and Rural Development

Mr Deputy Speaker: Questions 1 and 14 have been withdrawn.

Rural Tourism

2. **Mr Neeson** asked the Minister of Agriculture and Rural Development what progress her Department has made in promoting rural tourism. (AQO 691/11)

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh míle maith agat, a LeasCheann Comhairle. I commend all the intrepid people from Fermanagh, Derry, Tyrone and Donegal for getting here today. I am looking for all the Members from East Belfast who are not here.

Mr McCarthy: What about the Ards Peninsula?

The Minister of Agriculture and Rural Development: Good man, Kieran; you are never one to miss a chance.

Rural tourism is vital to the sustainability of rural communities, which is why the rural development programme (RDP) contains a measure to encourage tourism, with a budget of £12 million. Measure 3.3 of the RDP, which concerns the encouragement of tourism activities, specifically targets funding to tourism. Additionally, farming families wishing to diversify into self-catering and activity-based tourism can apply under measure 3.1, which relates to farm diversification.

I am pleased to report that, to date, almost £6 million has been approved for tourism projects, and that accounts for 50% of the funding that is available under the measure. By adding the further funding that is allocated under farm diversification, it becomes clear that the RDP is contributing significantly towards the development of rural tourism.

In addition, Forest Service officials have been involved in discussions with the Tourist Board and other stakeholders regarding the possible contribution from forests and how that can best be delivered. The Loughs Agency has also been involved in discussions. Its remit is for marine tourism and angling, much of which is rural in context and, therefore, assists in supporting rural tourism.

Mr Neeson: I am sure that there are many picture postcard scenes throughout rural parts of County Fermanagh today.

To what extent does the Department work with the Northern Ireland Tourist Board (NITB) and Tourism Ireland on the development of rural tourism?

The Minister of Agriculture and Rural Development: My Department works with all agencies and partners that work in tourism. For example, the director of our rural development division, Keith Morrison, was working with the Department of Enterprise, Trade and Investment (DETI) on its tourism strategy.

Although the programmes have been delivered through a bottom-up approach, obviously, we must look at it on a cross-cutting and strategic level. We work with NITB to ensure that, for example, our strategies are taken account of in its signature projects. We liaise closely with Tourism Ireland, and we have worked closely with NITB, for example, on a cycling trail in the Mourne, which, again, will help to encourage tourism potential there. NITB is a key partner in that. We work with whatever agency can help to add value to what we are doing and to encourage and maximise the benefits to rural communities.

Mr Gallagher: Bearing in mind that the Fáilte Ireland Irish homecoming initiative in 2012 will see hundreds of thousands of emigrants returning, many of them to rural communities in this country, does the Department have any plans that would enable rural communities here to benefit from that initiative?

The Minister of Agriculture and Rural Development: The work that is ongoing through the rural development programme has delivered a number of self-catering cottages, etc. The Member will be aware of those, given that quite a number of them are in the constituency of Fermanagh and South Tyrone. The rural community there is investing in the tourism infrastructure,

which contributes to the amount of bed spaces that are available to people who visit those parts. That involves looking not just to 2012 but well into the future, to help to deliver a tourism product in areas that have traditionally been left behind.

Animal Feedstuffs

3. **Miss McIlveen** asked the Minister of Agriculture and Rural Development if she can give an assurance that sufficient measures are in place to ensure the traceability of animal feedstuffs so that the reputation of local beef and lamb products can be protected. (AQO 692/11)

The Minister of Agriculture and Rural

Development: The primary responsibility for feed traceability lies with the feed business operators (FBOs) at each stage of the feed chain. FBOs include importers, processors, hauliers and farmers. My inspectors check traceability of feedstuffs during audits and inspections of FBOs, and they require corrective action where there are shortcomings, with formal action being taken against persistent offenders. My departmental officials work closely with industry representatives and the Food Standards Agency (FSA) to ensure that appropriate feed traceability controls are in place and are rigorously checked.

Miss McIlveen: Given the traceability of the premier product that we produce in Northern Ireland, is it not time that our producers received a premium return on that product? To that end, will the Minister inform the House about the work being carried out by her Department with the industry to brand our beef as is done in Scotland? When will we see Ulster beef and lamb on our supermarket shelves?

The Minister of Agriculture and Rural

Development: As the Member has pointed out, food produced here is of a high quality, and its origin is a selling point that should be utilised by the industry. However, that is primarily a commercial matter, as state aid constraints preclude government from promoting local produce based on origin. I also point out that food labelling is a responsibility of the Food Standards Agency.

My Department assists producer groups by raising awareness of marketing opportunities available to them through supply chain initiatives. We also assist representative groups to deliver

the regional food programme, which is now in its fourth year and which recently opened a second call for applications this year. Over the past four years, the regional food programme provided funding of approximately £1 million for a range of initiatives, such as the food pavilion at the Balmoral Show and the Great Belfast Food Week. Locally, the Livestock and Meat Commission (LMC) is responsible for promoting red meat, and it has continued that promotion through 2010 with the farm quality assurance scheme and the website, lovebeefandlamb.com, as well as through school demonstrations and retail sampling. Invest NI is responsible for the international marketing of local produce, and its representatives and local companies have recently returned from an international food and red meat trade fair, SIAL 2010, which was held in France.

Finally, the Member may be aware of NI Good Food, a privately run organisation that has been established to provide a single promotional voice for the North's food and drink industry. Members include representative bodies from across the supply chain as well as individual private enterprises, and the organisation aims to enhance the reputation of local food and drink and to deliver positive messages to support the industry.

Mr Burns: The Member for Strangford raised an important issue, given the increase in trade across the island of Ireland. Does the Minister accept the importance of having regular discussions with her counterpart in the Republic of Ireland on the traceability of animal feed components and livestock?

The Minister of Agriculture and Rural

Development: Absolutely. I have had frequent discussions on that and other issues with my counterpart in Dublin. The issue came up at the last North/South Ministerial Council (NSMC) plenary meeting. I have said publicly on a number of occasions that the more we work together to market our produce to the rest of the world, rather than competing with each other, the more all our businesses can benefit from that approach. I have had a lot of discussions on the issue with my counterpart, Brendan Smith, and I have also met Bord Bia and others to discuss it.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. Unfortunately, I have noticed recently that Bord Bia has brought forward proposals to

change its quality mark so that it can distinguish between products in the South and in the North. Has the Minister taken any steps to respond to that?

The Minister of Agriculture and Rural

Development: Yes, I have. I am very aware of the issue, which NIFDA (Northern Ireland Food and Drink Association) raised directly with me. I followed that up with telephone calls and by writing to Brendan Smith to outline my concerns. As I said, the issue was raised at the NSMC meeting at the end of June. Following my intervention, Bord Bia agreed to engage with NIFDA to undertake further market research into the proposed quality logo, which is funded by industry contributions. Ultimately, labelling will be determined by two areas: legislation, which, in the North, is controlled by the FSA, and the marketplace. However, as I said, I have consistently stated that a joint approach to marketing products from the island of Ireland would benefit all producers on the island and is the most desirable way forward.

Agriculture and Forestry Processing and Marketing Grant Scheme

4. **Mr Molloy** asked the Minister of Agriculture and Rural Development for an update on the EU agriculture and forestry processing and marketing grant scheme as part of the rural development programme. (AQO 693/11)

The Minister of Agriculture and Rural

Development: The EU agriculture and forestry processing and marketing grant (PMG) scheme closed for applications in March 2010 because of lack of budget availability. However, I was successful in a bid for additional funds for the scheme in the June monitoring round, and that has allowed officials to consider eight project applications for funding that had already been submitted prior to the March 2010 closure. A selection panel was held in October, and I am pleased to report that letters of offer to the value of £1.5 million to five successful companies were issued on 19 November 2010.

As part of the rural development programme, the PMG scheme has provided funding of £8.44 million to a total of 27 projects, including the most recent awards on 19 November. At a rate of funding of up to 40% of total expenditure, that £8.44 million of PMG financial assistance to agrifood processors provides support for investment by those local companies of

approximately £21 million. I will make a decision on the reopening of the scheme after the Executive have agreed departmental budgets for the next financial year.

Mr Molloy: I thank the Minister for her response.

Why can the Department not have a single funding stream to help small food processors under the rural development programme?

The Minister of Agriculture and Rural

Development: The rural development programme has a range of measures that are designed to meet the needs of the rural community and economy, and each measure has clear objectives that are to be met. I know that there has been some concern among small food processors about funding streams, and my officials are now considering establishing a single point of contact in the Department of Agriculture and Rural Development (DARD) to which all applications from food processors will be directed. That will allow applications from food processors to be considered for funding without the applicant's having to decide which axis or measure his or her project should be submitted to, and DARD staff will then signpost applications to the appropriate axis, depending on what percentage of annexe 1 raw material inputs into the project.

Mr I McCrea: The Minister will be aware that many people who apply for those grants will have to find match funding. Is she content that the banks and other financial organisations are doing everything that they can to try to help out farmers and individuals who are applying? What steps can she, through her Department, take to try to help with that?

The Minister of Agriculture and Rural

Development: I have met the banks on a number of occasions. I had all four banks in at a meeting, and I will meet them again, if necessary, to address the issue. I also meet the banks regularly at different events, and this issue comes up regularly. I encourage people who are interested in applying for funding from the rural development programme or for any kind of funding to shop around if their bank is not co-operating with them or is not able to lend. We are loyal to our banks. Indeed, I have been with the same bank since I was 17, and people do not tend to jump ship very often.

In what is a harsh economic climate, there are deadlines on spend, and we have to spend the money before the end of the financial year or it

is lost, not only to the person who is applying for the money but to the Department. It is important that they get the money spent. If money is available from government and the banks are not lending, my message to people is that they should shop around. They should go to another bank to see whether they can get a better deal from one of their bank's competitors.

Mrs D Kelly: It is good advice to shop around at all times. Does the Minister have any analysis from her Department on the co-operation that has been received from Planning Service relating to the delivery of the rural development programme? Quite often, planning approval is a prerequisite for grant approval.

The Minister of Agriculture and Rural

Development: At the start of my time as Minister of Agriculture, I met the Minister of the Environment to discuss that issue. Where a project is dependent on grant aid of any type that has a deadline on funding spend, Planning Service will fast-track the application and get it through. If people are still finding problems with Planning Service, my advice is that they talk to their local MLA or councillor and emphasise the fact that their grant is dependent on its being spent by a certain time. The planning office will try to co-operate with them to get the planning approval through in time for the money to be spent.

Woodland Inventory

5. **Ms Lo** asked the Minister of Agriculture and Rural Development whether a woodland inventory would help in monitoring progress on woodland creation and woodland loss.

(AQO 694/11)

The Minister of Agriculture and Rural

Development: A woodland inventory will help in monitoring the extent of woodlands in the North of Ireland, including their creation and loss over time. In earlier replies on this subject, I indicated that Forest Service maintains an accurate inventory of the woodland that it manages and has comprehensive records of woodlands established under its grant schemes. I said that Forest Service would consider using other available woodland information to provide more comprehensive inventory data, allowing changes in woodland cover over the long term to be more fully captured. That work has commenced, and, in accordance with the Forestry Act 2010, it is my intention that it will lead to the eventual publication of a woodland

register, containing information on the location and size of woodlands and the types of trees contained in them. As envisaged in the 2010 Act, the register will be published at intervals not exceeding 10 years.

2.15 pm

Ms Lo: I thank the Minister for her comprehensive answer. I understand that, so far, the Department has achieved only around 33% of its woodland creation target, with only around six months of the mandate left. Will the Minister advise the House of what steps she is taking to improve that?

The Minister of Agriculture and Rural

Development: I covered that issue in the House recently. The Department has not met that target, which is disappointing. It is difficult to achieve it in the current climate. I accept that we probably will not meet the target that was envisaged at the beginning of the Programme for Government period.

New woodland grants are available. The difficulty with them is that the level of farm income that is required to obtain the grant is not the same as for other grants. Therefore, if someone applies for a grant under the rural development programme, for example, 15% of that person's income must come from farming, whereas, to access the woodland grant, 25% farming income is required. That creates a difference. It is a problem for people whose farming income is between 15% and 25%.

I have met private stakeholders from the forestry sector and a range of individuals to discuss the issue. I have raised it with the EU commissioner and his officials. To date, we have not been able to achieve a satisfactory outcome. I recognise that the issue is holding the Department back from achieving its targets. We will probably not meet them. That is regrettable. We are doing everything that we can to try to meet those targets. However, they are extremely challenging.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin.

Does the Minister agree that it would be better if the new woodlands comprise mixed species of trees, rather than single species, to avoid unsightly clear fell at a later date?

The Minister of Agriculture and Rural

Development: Absolutely. The Member is from a rural constituency and knows how that can look.

The information that the Department will gather in the woodland register will identify the types of trees in woodland, whether they are conifer, broadleaf, mixed conifer/broadleaf, or short-rotation coppice, as a measure of woodland biodiversity. Some woodland is mixed, whereas other woodland comprises single species, such as spruce. Therefore, there are different needs. It is worth pointing out that in some woodland there may be a need to thin out and remove unsightly non-indigenous conifers, for example, so that more broadleaf trees can be planted in that space.

Mr Deputy Speaker: Mr McElduff is not in his place to ask question 6.

Flood Prevention

7. **Mr Callaghan** asked the Minister of Agriculture and Rural Development to outline the plans her Department has to clean watercourses and rivers which have a history of flooding.

(AQO 696/11)

The Minister of Agriculture and Rural

Development: Rivers Agency conducts a rolling programme of cyclical inspection and carries out maintenance as required to designated watercourses in the North of Ireland. Details of maintenance work that is planned as a result of the inspections are published in the annual watercourse maintenance programme on the Rivers Agency website.

Rivers Agency steps up monitoring and inspection at high-risk locations with a history of flooding in advance of very heavy rainfall and clears them, as necessary, to ensure free flow and to alleviate the flooding risk. Following any significant flooding event, reaches of watercourses that are known to have been affected are inspected. Any significant blockages to their free flow are removed.

I will take this opportunity to remind the public that dumping material in or near a river can easily lead to blockages and subsequent flooding. Hedge and tree cuttings are major culprits because they can wash down and block grilles. Items of furniture should be disposed of properly, at council waste sites. Many councils operate a free collection service for disposal of bigger items. I do not need to say that shopping trolleys should not be disposed of in the Foyle either.

Mr Callaghan: I concur with the Minister's remark about not putting trolleys into the Foyle.

Does she consider that stringent drainage restrictions in areas of special scientific interest (ASSIs) have caused some preventable flooding in the past? Will she consider a means by which to lessen that problem in the future?

The Minister of Agriculture and Rural

Development: Rivers Agency must consider all issues that may impact on its work. Some of those drainage schemes or maintenance works may be in ASSIs or special environmental categories.

Some of our elected representatives want Rivers Agency to scope all rivers and to remove all foliage and trees from their banks. However, that foliage is useful, and the fact that branches and trees hang into the river does not, in itself, impact on future flooding.

Rivers Agency does everything that it can to maintain the rivers, but there is somewhat of a dependency on it. Riparian landowners and those who have watercourses on their land also have a responsibility to keep waterways clear, and it is not always down to what Rivers Agency is or is not doing. Indeed, when the flooding occurred in Fermanagh last year, Rivers Agency went way over and above what it was statutorily required to do to help people out during a very difficult time.

Mr K Robinson: Will the Minister pay particular attention to the designation of urban streams when it comes to the clearing of debris and the impact that the non-clearance of debris has on those streams? When streams are not designated, they tend to accumulate rubbish, and that adds to the flooding problems in some parts of our cities and towns.

The Minister of Agriculture and Rural

Development: I refer the Member back to my original answer. People also need to be more careful about what they put in urban streams, and our elected representatives need to send out that message. People might think that because a river has a six-foot-high bank, it will make no difference if rubbish is dumped in it, but when the water levels rise, the water lifts debris from the banks, and it can block grilles. A grille may be fine when inspected on a Monday, but if there is heavy rain that night or the following day, that grille can become blocked within hours. Rivers Agency does what it can to keep an eye on the grilles on an ongoing basis and employs cyclical maintenance to keep them clear. However, we need people to work with us

and not to put debris into rivers and streams. They may feel that that debris is fairly harmless, but as it accumulates and goes downstream, it can have a major impact and can lead to people's homes and businesses being flooded.

Mr Girvan: I represent an area through which the Sixmilewater flows, and a number of the tributaries that feed into that river are not designated. There is a request for some of those to be upgraded, in particular the Doagh River, which flooded last year and caused extensive damage to local businesses and properties.

Mr Deputy Speaker: Question please.

Mr Girvan: Is it possible that some of those rivers could be taken under the Department's control and be designated?

The Minister of Agriculture and Rural

Development: The decision to designate lies with the Drainage Council. A number of elected representatives sit on that council, and if stretches of river are causing problems, Members should write to the Drainage Council to encourage it to inspect them. The Department does not have the ability to designate or undesignate watercourses.

Fishing

8. **Mr Bell** asked the Minister of Agriculture and Rural Development to outline the current pressures on our fishing industry. (AQO 697/11)

The Minister of Agriculture and Rural

Development: The most immediate pressure facing the fishing industry is the European Commission's proposals for 2011 fishing opportunities, and radical changes are proposed for the management of the prawn quota. In addition to moving to lower maximum sustainable yield quotas, it is proposed that the large area 7 quota should be split into smaller sea-area units. Although the quota would be cut across all the units by 17 %, the Irish Sea units will fare better, and our fleet would suffer a cut in quota of only 6%. However, if that functional unit management proposal is rejected, the Commission may try to impose a cut of 17% on all fleets.

The Commission has also proposed a 50% reduction in the quota for cod and a 15% reduction in the quota for Irish Sea haddock, combined with a likely further reduction in

fishing time of 25%. Prospects for the Irish Sea herring fishery remain good. However, I am annoyed that, despite sound scientific evidence of a healthy stock, the Commission has refused to propose an increased quota, even though that stock satisfies the Commission's criteria for an increase.

The Commission's proposals for 2011 are the latest in a line of similar proposals, and, in recognition of their impact on the fishing industry, the Fisheries Forum was established. Earlier this year, it reported back to me and highlighted various pressures, including the lack of profitability in the fleet, the need for restructuring and the need to consider a decommissioning scheme. My Department has produced an action plan to deliver the forum's recommendations. We look forward to working with it during 2011 to implement those recommendations.

Mr Bell: I thank the Minister for being across the detail on the pressures that our fishing fleet is undergoing. However, can she share the pain of many fishing families that I represent in Portavogie, whose livelihoods will be decimated if those quotas and cuts go ahead? Is it not unacceptable that they are not allowed to fish when they have a healthy stock?

The Minister of Agriculture and Rural

Development: I agree with the Member, and I feel his pain. This is one of the hardest aspects of my job, because, where there are other areas outside your control, this one is particularly harsh for the fishing industry. When I talk about the industry, I do not mean just the fleet and the people who catch fish. The processing sector is also under quite a bit of pressure, and, obviously, the smaller the quota, the fewer fish are landed, and the less raw material there is for them to process.

I am going to Brussels on Monday and Tuesday. I expect that to be the toughest negotiation yet. I met Maria Damanaki, the Fisheries Commissioner, on Tuesday of last week, and impressed on her the difficulties and challenges that all our fishing communities face in light of those restrictions. It really is a very difficult situation for all concerned.

We will go out and do our absolute best. I will be meeting the industry over the coming days, and we will be going in there and fighting hard. However, it is like any negotiation: you get so far where you can get people over the line, and

then that is it, it is over, and where you are on that scale when the negotiation closes is where you will end up. However, I will do everything in my power to come back with as good a deal as I can for our industry.

Mr McCarthy: A very depressing response from the Minister, as was the contribution from her Department to the Agriculture Committee recently. I wish the Minister well in Brussels. At least there is a local Minister going. When we had direct rule, the guy did not even bother to go.

Mr Deputy Speaker: Question, please.

Mr McCarthy: So, we wish you all the very best, and please bring good news back to Portavogie and Ardglass. My question is: your Department had an opportunity to help the cockle fishermen in Belfast Lough. As I understand it, the Commission did not have any input into your Department saying no.

Mr Deputy Speaker: Can we have a question, please? Otherwise I will move on.

Mr McCarthy: Your Department did not allow fishermen to get in on that lucrative business in Belfast Lough.

The Minister of Agriculture and Rural

Development: I have looked at that issue very carefully over the past number of weeks, and I understand where the Member is coming from. Further scientific work needs to be carried out on the cockle fishery in Belfast Lough. We are hoping that we can open that fishery next year, but it will be subject to our own scientific evidence. Again, we cannot have a situation of enabling people to fish a stock that we do not know for a fact is sustainable, thereby, perhaps, removing that resource from the lough.

The Member will also understand that I am not here to depress him. However, I am here to be honest with the House, and to paint a realistic picture of what is happening. Members need to understand, too, that there are environmental concerns with any marine effort, and those have to be taken into consideration.

Mr A Maginness: I thank the Minister for her detailed reply. I am probably one of the most pro-European Members of the House. However, it is very depressing to hear that the Commission is now asking for further reductions in quota, particularly when the scientific evidence indicates an increase in stocks. Is it not time for the Minister to exercise perhaps more influence by

using the European Parliament to put pressure on the Commission to try to reverse the ridiculous situation of putting Northern Irish fishermen out of work?

The Minister of Agriculture and Rural

Development: I will just correct the Member's question, because he said that I was going to ask the Commission. You do not get to ask the Commission; they tell you what the quotas will be. If it was a matter of asking, I am more than capable of doing that.

However, the main thrust of his question was around our MEPs. I work very closely with all three of our MEPs. They are all very supportive on this issue. They do everything that they can to work with us and to help us, and they recognise the challenges that we face. I honestly cannot say anything about any of our MEPs and the effort that they are putting into the industry. This is very much a combined effort, and I appreciate the help and support that I get from the three MEPs on this and many other issues.

2.30 pm

Social Development

Mr Deputy Speaker: Questions 1 and 10 have been withdrawn.

Public Sector Jobs

2. **Mrs D Kelly** asked the Minister for Social Development whether he remains committed to his predecessor's policy on the decentralisation of public sector jobs within his remit.

(AQO 705/11)

The Minister for Social Development

(Mr Attwood): I thank the Member for her question. I am committed to decentralisation. The Department already has 27% of its staff outside greater Belfast. Organisations such as the Housing Executive are, by their nature, located far and wide across the country. The Bain proposals may have been suspended or put in doubt, but I will continue to try to identify opportunities to decentralise services. The Charity Commission's head office is a case in point. My predecessor committed to a location outside Belfast, and I remain committed to that outcome.

Mrs D Kelly: I welcome the Minister's continued commitment to decentralisation. Will he offer

some assurance that, in the decentralisation plans, consideration will be given to the needs of employees in relation to their family commitments, and, indeed, to wider environmental issues such as the reduction of the carbon footprint in dealing with travel arrangements?

The Minister for Social Development: I would like to give that commitment. In making decisions about decentralisation of services, there are a number of criteria such as efficient and effective use of resources, accessibility to the general population, and locating services in areas of need and neighbourhood renewal that would incorporate and extend to the two issues identified by the Member. The range of all those criteria is what should inform me or any other Minister when making decisions about decentralisation.

Mr K Robinson: I am reassured by the Minister's reply to Mrs Kelly. I remind him that East Antrim currently and historically has the lowest number of public sector jobs of any of the 18 constituencies. Given the issues that Mrs Kelly highlighted, will the Minister seriously consider the relocation of jobs to the East Antrim constituency?

The Minister for Social Development: I will consider the decentralisation of jobs to any constituency that is under-represented, although I will give two health warnings. First, given the capital and revenue budget that we may face in the near future — in fact, the certainty that we will face reductions — opportunities to decentralise may be fewer. That said, it is my view that the current economic conditions create opportunities for us to do things differently. I have just come back from a meeting where I spoke about the need for organisations to consider sharing services, collaborating better, and even merging. In the financial environment that we are about to face, is there not now an opportunity to look again at the potential to decentralise? By saving money, we may also be able to protect jobs.

Mr Storey: I welcome the Minister's commitment to decentralisation. I take the point that was made by the honourable Member for East Antrim. I take the view that North Antrim — particularly places like Ballymoney and Ballycastle — has fewer public sector jobs. Will the Minister ensure that, in the decentralisation process and in the reorganisation of existing offices under his control, he will not take jobs

away from towns such as Ballymoney, where that has already happened, and Ballycastle and concentrate them in bigger conurbations in other constituencies?

The Minister for Social Development: I do not want to build up false hopes that there is a magic wand that can decentralise thousands of jobs. That would be misleading the House. That said, beyond the issue of the Charity Commission, I have asked officials to come back to me with a scoping exercise to consider where opportunities may or may not exist. I do not want to exaggerate the potential, but I certainly want to identify where the potential for decentralisation might be, mindful of the health warnings that I have just laid down.

The real issue, though, when it comes to the Department for Social Development (DSD) services, is not whether we will be able to maintain services in local communities but whether, as part of the Budget outcomes, the Government and the Executive decide that the spread of social security offices that we have across Northern Ireland are a vital public service — especially in a time of recession with 80,000, 90,000 or 100,000 people unemployed, where social security offices have a much greater customer demand — and protect those front line services. As a consequence of that, the very point that Mr Storey makes will be satisfied, local jobs in local areas will be protected and vital local services will be provided to many people in need.

Winter Fuel Payment

3. **Mr McCarthy** asked the Minister for Social Development to provide an update on the winter fuel payment for 2010-11. (AQO 706/11)

The Minister for Social Development: I thank the Member for his question, which is obviously timely.

I confirm that winter fuel payments are an automatic entitlement for people on certain qualifying benefits. As everyone over 65 is in receipt of the pension, they are entitled to a payment. It is only men aged between 60 and 65 who are not on a qualifying benefit who have to apply for it. I encourage that category of person to make sure that they apply before the end of March next year. As a consequence of that, they will receive the payment.

In respect of all those who are currently entitled — and that includes everyone who received the payment last year — all those payments are being issued at the moment and should be received before Christmas.

Mr McCarthy: I thank the Minister for his response. He will be aware that for some reason or other a lot of people who are entitled to the winter fuel payment have not as yet received it. That is particularly relevant during this spell of cold weather. If I were Chairman of the Social Development Committee, I might ask the Minister to consider his position, but I am not, so I do not.

Mr Deputy Speaker: Question, please.

Mr McCarthy: What compensation, if any, will the Minister give to those people who are sitting freezing in their homes because of some mess-up in some office somewhere?

The Minister for Social Development: I thank the Member for his supplementary question. We must be careful to differentiate the winter fuel payment, which is a payment of £250 for those who qualify over the age of 60 and £400 to those over the age of 80. That payment is currently being processed.

I presume that the Member refers to the cold weather payment, which is a £25 one-off payment made during a seven-day period when the temperature is zero or below. Because of the failure of a processing centre in England to enter the proper computer code, payments to about 14,000 people who are covered by the Katesbridge weather station will not now be issued until 7 or 8 December.

I completely agree with the Member. I am fuming that vulnerable people, during this cold snap, have not received their £25. That issue is currently being rectified. I have been reassured by the authorities in London that a further system has been put in place to ensure that, in the future, any such wrong code will not be entered.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle.

As the Minister has said, there have been delays in the issue of cold weather payments. That is blamed on IT failure. Will the Minister assure us that this will be rectified and, in the future, will not happen? As the Minister knows, until last year, cold weather payments had not been issued since 2004. It is not as though the

Department has not had enough time to prepare for these eventualities.

The Minister for Social Development:

The Department has prepared for these eventualities, so much so that, in the summer, I authorised an extension of the number of weather stations in Northern Ireland from five to seven. In an effort to ensure that those who are entitled receive cold weather payments, I obtained a better spread of evidence and information.

Save my going to the computer centre in England and entering the computer code myself, I cannot personally give that guarantee. However, I have been reassured that a further system of checks has been put in place to ensure that the correct computer codes are entered into the relevant IT system in future, so that the error that has affected around 13,700 people in the Katesbridge weather station area over the past couple of weeks does not happen again. That error should never have arisen. I regret that and I am fuming that it happened but, unfortunately, it was beyond my control. Nevertheless, we have demonstrated that, except for that one occasion, all the relevant people in six of the seven areas in the North have received at least one, and, in some cases, more than one cold weather payment. Indeed, over the next number of days, I anticipate that there will be announcements about further cold weather payments.

Mr I McCrea: The Minister will be aware that I wrote to him recently about cold weather payments. Many people in my constituency are concerned that the areas in which they live are not considered to have experienced freezing conditions for seven continuous days. Is the Minister content that the facilities used to measure cold spells in each constituency can do that to the proper standard?

The Minister for Social Development: I thank the Member for his question, which is a fair one. He asked whether I am satisfied that the way in which the weather stations are spread out ensures that all those who are entitled to payments receive them. Mr McCrea's constituency colleague Mr McGlone raised that very point with me yesterday and mentioned, in particular, the people living in and around the Sperrin Mountains. I am sure that Mr McCrea is also referring to that. As a consequence, I brought in the relevant officials at lunchtime

today to look at the spread of weather stations on the Northern Ireland map to find out whether there is a gap in weather coverage that could affect cold weather payments in any areas beyond and including the Sperrins. I am actively looking at that matter, and I will report back to Mr McCrea and Mr McGlone in due course.

Mr Burns: Will the Minister tell the House what more DSD and others can do to alleviate fuel poverty?

The Minister for Social Development: No later than early in the new year, but perhaps prior to that, I will make some further announcements about addressing fuel poverty in times of need. We have an obligation to address that matter more generally. I will provide the Member with some shape to my thinking. On my behalf and that of the Executive, my permanent secretary is chairing a high-level team that is looking at whether there is potential to roll out the green new deal, which would make 100,000 homes energy efficient within three years and provide an employment bounce for 2,300 or 2,400 people.

In the very near future, I hope, for the first time, to make a ministerial announcement about how we can try to deal with fuel costs. I met the gas and electricity companies and the oil distributors last week to determine what can be done through energy brokering to try to drive down costs. It should be remembered that the housing association and Housing Executive sector accounts for 120,000 houses in Northern Ireland. That should be able to produce buy-in power to drive down costs and to reduce fuel poverty. I am looking at all those issues.

However, I wish to make this point: I am deeply unhappy that, to date, organisations such as BP, which imports 70% of the oil that 70% of the households in Northern Ireland use for heating, have not found the time or the space to meet me so that I can interrogate and question them about their obligations to manage fuel prices in a way that reduces fuel poverty.

2.45 pm

Benefits

4. **Mr McLaughlin** asked the Minister for Social Development to provide an update on his recent discussions with the Minister for Welfare Reform on the proposed changes to benefit entitlement.

(AQO 707/11)

The Minister for Social Development: I thank the Member for his question. I met the Welfare Reform Minister, Lord Freud, in London last Monday, and I updated the Committee for Social Development on Thursday about the broad nature of those conversations. To collapse it all down, I will make two points. First, it has been my sense that London welfare reform Ministers want to get universal credit out the door, and they are in negotiations with Treasury; therefore, they had not fully applied their minds to the impact of benefit changes in the devolved jurisdictions, particularly in Northern Ireland.

The purpose of the meeting with Lord Freud was to impress that upon him again. I think that he may be taking on board the historical and current levels of deprivation in Northern Ireland, the legacy of conflict, the risk of instability, the fact that we are still in recession, that housing prices are still going down, and that impact of the economic situation in Dublin on Northern Ireland has yet to be fully worked through. All those factors and many others mean that Northern Ireland is a particular case that requires particular remedies when it comes to benefit and welfare changes. I continue to impress that argument on Lord Freud, and I will not give up so doing.

Mr McLaughlin: I thank the Minister for the detail of that answer. I and other MLAs would be critical if the Minister were not making those strenuous efforts on behalf of the vulnerable people in our society. He referred to the fact that he believes that Lord Freud is now starting to listen to the arguments. Will the Minister give us an indication of when he expects to see the substance of that response as the outcome of his efforts to date?

The Minister for Social Development: I do not want to go into the full detail of the content of the conversation with Lord Freud, but I indicated to the Committee, and I will confirm to the House, that there are a number of streams that I am trying to pursue. First, we are the only devolved arrangement that has legal and legislative responsibility to pass laws when it comes to welfare. If I can prevail over London to give legislative flexibility about how we legislate for welfare and welfare reform, it will create opportunities for us to do things differently.

Secondly, as a recent report from Professor Harrington indicated in respect of Britain and the migration of incapacity benefit claimants

to employment and support allowance (ESA), if one builds in operational flexibilities around how the law is then applied, including in respect of guidance given to people who make assessments in the Social Security Agency on people's entitlement, one can begin to model welfare and welfare delivery in a way that reflects our particular circumstances.

Thirdly, I am not going to be behind the door on this matter. I said to Lord Freud that in the final analysis, whatever about legal and operational flexibility, in my view, the conditions in the North, the particular circumstances that we face and the impact of need and disadvantage on many people require financial intervention from London and from the Executive. That is why, last week, I passed to the Executive a remedies paper that outlined to the Executive interventions over the next four years funded at the Executive table in order to mitigate the worst excesses of welfare reform and cuts that have been visited on too many people in our community.

Mrs M Bradley: Will you bring your proposals for mitigating some of the welfare reform issues to your colleagues in the Executive Committee?

The Minister for Social Development: As I indicated last week, I forwarded what I call a remedies paper to my Executive colleagues. It scoped out general and particular opportunities where the Executive could intervene financially to ease the burden that is being created on too many people. However, in my view, the moneys that we are talking about are of such a scale that they are beyond the ability of the DSD alone to fund. Therefore, it will require an Executive decision to fund. In my view, spending £20 million a year easing the burden of people in need, rather than spending £20 million a year on a community renewal fund that has been developed over the heads of Government and the community, is a much better and wise investment by the Government.

Mr Bell: Does the Minister appreciate the fears of so many people who have serious disabilities? They are frightened about what Christmas will bring for them. Some of them are in wheelchairs. Does he accept the fact that the media present those people as, in some way, claiming benefits to which they should not be entitled and that genuine claimants, who are living with real disability and facing an uncertain Christmas, are frightened and concerned,

because they do not know what they will be able to pay next year? The media are almost saying that those people should not have been paid benefits in the first place.

The Minister for Social Development: I concur with that sentiment. Yesterday on 'Talkback', Monica Wilson from Disability Action outlined how she thought that proposals from London, including the disability living allowance (DLA) review, were demoralising for people who, in many ways, are already in need and disadvantage and under fear and uncertainty. I concur with her, as will the Member. The new wave of reform will demoralise people and create the concern that the Member identified: namely that some in the media will demonise people who are legitimately on benefits.

London has to face up to the fact that, for example, 50,000 people in Northern Ireland receive DLA. For reasons substantially beyond people's control, given their life experiences and the legacy of conflict, they suffer from mental incapacity or trauma of one sort or another. That is not a made-up figure or evidence of people abusing the system; those people are in substantial need. Those circumstances need to be recognised when it comes to DLA and other reforms being worked through.

Ms Lo: I appreciate the fact that the Minister is going to and from Westminster to speak on behalf of the people of Northern Ireland. However, he has been going to Westminster for some time and has been there on several occasions. As the Member who spoke previously said, I do not want to raise false expectations for people. Will the Minister outline the benefits on which he is seeking flexibility, and when we will hear about them?

The Minister for Social Development: I want to say a number of things in relation to that question. First, at least I continue to have a conversation with London. In some other places, it seems that the conversation has gone quiet. At least Lord Freud, to be fair to him, continues to have a conversation with me, and it is clear that that conversation will continue. Secondly, some of the benefit changes and cuts will impact very quickly, but it is planned that some of them will not be imposed until 2013 or 2014. Universal credits and DLA reform, for example, are within that timescale. I hope that the future Minister for Social Development, whoever that might be, will continue to travel to London to

put the case of Northern Ireland's particular circumstances, because a case will have to be made, year in, year out, as welfare reform proposals evolve, develop and are legislated for. It is not a matter that will be resolved by me in the next number of weeks; it is a matter that will have to be addressed by successive Ministers and Governments in Northern Ireland over the longer term.

I will give one example of what will happen in the immediate future. Lord Freud agreed with me that officials in my Department and in the department for Work and Pensions would begin to work together through the particular and general impact of the current welfare changes and cuts in Northern Ireland. Lord Freud has had experience of Northern Ireland during the years of conflict, and he has made assessments in that regard on how it might apply to the Middle East. I have a sense that he is beginning to apply his mind to our circumstances, and in that space there may be an opportunity to answer Ms Lo's question positively.

Benefits

5. **Mr Armstrong** asked the Minister for Social Development how many benefits are administered by the Social Security Agency.
(AQO 708/11)

The Minister for Social Development: Eighteen benefits are administered by the Social Security Agency.

Mr Armstrong: I thank the Minister for his very short answer. Does he acknowledge that the agency administers too many benefits and that the system is not user-friendly and is unnecessarily complicated?

The Minister for Social Development: I thank the Member for his question. As I keep saying, I am a believer in reform. Northern Ireland has done reform well, albeit slowly, over the past 40 years. The proof is in this Chamber, in policing, in employment, in equality and in housing. There is much reform that we need to do. I am not opposed to reform. I believe in reform in a positive image. Therefore, I will support anything that may simplify the benefits system or may help people who are capable of work to get into work. However, the problem is that much of what the Government are doing in London is cuts disguised as reform, which I do not support. In our conditions in Northern Ireland,

which I just outlined, the impact on those in need and disadvantage will be disproportionate and will go very deep. Although I support reform, including welfare reform, I do not support how London is pursuing it. I am very concerned that the scale of what is proposed — not a week passes without a welfare reform initiative — will lead to the overload of the system whereby the ambition of some in London to reform will be too big, too far, too fast and too deep, with consequences for those who are on benefits in Northern Ireland.

Mr Craig: Does the Minister agree that there is an over-complication of not only the number of benefits but the forms that need to be filled in? Of the tens of thousands of payments that were investigated by his Department, I think that something like 60% had to be moved upwards due to mistakes by the applicants and some staff in his Department.

The Minister for Social Development: I repeat that initiatives that can simplify welfare application and the management of welfare are useful. However, we must be careful to differentiate between simplification and an attempt to reduce the welfare platform. If it is simplification, we could probably concur. However, if it is changing processes to reduce the welfare platform to bring about cuts that impact adversely on the lives of our communities and citizens, we need to be very mindful and vigilant not to go down that road.

Mr Deputy Speaker: Mr Trevor Lunn is not in his place to ask question 6, and Mr Basil McCrea is not in his place to ask question 7.

Housing: Private Sector Grants

8. **Mr Boylan** asked the Minister for Social Development what budget was available for private sector grants in the Newry area in the last financial year and how much of that budget was spent.
(AQO 711/11)

The Minister for Social Development: I thank the Member for his question. I confirm that, in the 2009-2010 year, the Newry grants office budget for private sector grants was £4.19 million. Actual expenditure was £4.65 million, which is 11.1% greater than the original figure.

Mr Boylan: Go raibh maith agat. I thank the Minister for his answer. Will he continue with routine maintenance in the Newry area, or does he propose to withdraw any funding?

The Minister for Social Development: I have no proposals to withdraw any funding from any area, including Newry. The maintenance budget going forward will be subject to the Budget negotiations. In the fullness of time, we will see what that does or does not reveal. I am committed to maintenance budgets in the Housing Executive. I am not committed to multi-element improvements when it comes to housing stock because the quality of our public housing in the Housing Executive is of such a standard that multi-element schemes are not the way to go. However, single-element schemes across a range of maintenance categories will be part of the budget going forward, subject to whatever that budget may be.

3.00 pm

Private Members' Business

Autism Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Autism Bill [NIA 2/10] be agreed. — [Mr D Bradley.]

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I support the principles set out in the Bill and declare an interest as a member of the all-party Assembly group on disability. In moving the Second Stage, Dominic Bradley set out the general principles that are to be achieved through the Bill. I want to pick up and expand on a few of those points, particularly about autism, autistic spectrum disorder (ASD) and Asperger's syndrome and their effects and why early intervention is important. I will pick up on the prevalence of the conditions and on the equality agenda.

Autism is a neural development disability that affects the areas of the brain responsible for social communication, imagination and social interaction. Individuals with autism will have problems in one, two or all three areas. Around 25% of people with ASD will have an accompanying learning disability. Of those with autism, 75% have an IQ level of more than 70.

Asperger's syndrome is autism without a learning disability. Individuals with Asperger's syndrome may have average or above-average intelligence and may not have the language or speech problems of a person with autism. However, they may have language or communication problems and co-ordination and movement problems, as well as social difficulties, particularly in comprehending social rules in relationships and situations. That predisposes people with Asperger's syndrome to anxiety and stress conditions that may require intervention. Mental health services lack the expertise and confidence to provide an adequate and appropriate service for people with ASD. Dominic Bradley referred to statistics that reflect the association between mental health and autism, and I think that that should be high on our agenda.

Dominic touched on prevalence rates, and it is startling that 20,000 children and adults have autism. Five thousand of the children are of

school age. Each year, 300 children who will later be diagnosed with ASD are born. The most startling statistic is that the number of children with ASD has increased by 500% over the past seven years. People often say that the disability is rare: it is not. It is one of the fastest growing developmental disabilities, and a look at the statistics makes that clear. Four times more males than females are affected by autism, and 25% of people with ASD have a learning disability. Of those with ASD, approximately 75% fall outside the current Department of Health programme of care model.

There is no known cure for autism, but, with correct intervention and support, individuals can have meaningful levels of independence in their life, something that is at the heart of the legislation being debated. Research suggests that there is no single cause of autism but there is a physical problem that affects the parts of the brain that integrate language and information processed from the senses. Autism has a physical — not emotional — origin, and evidence regarding a genetic link to ASD is increasing. There is an ongoing debate about the impact of environmental factors. Some sources contend that the rapidly growing prevalence that we see today cannot be due totally to better detection rates. There must be other factors.

Individuals with ASD have problems in three main areas, the first of which is social interaction. For example, they may not want to socialise or be with other people, or they may behave socially inappropriately — “naive” may be another way to look at it. They have difficulty understanding social rules, and that often brings people with ASD into conflict with the public and the justice system. Yesterday, in the debate on early intervention, all Members agreed that, often, the justice system deals with people who would not be there, had there been proper intervention at an early stage in their life.

The second area is social communication. Some individuals may never speak any meaningful language, or they may have a functional language, with no interest in making small talk. Some may engage in one-sided interactions, such as talking for long periods about a subject of special interest to them, with no awareness of the needs of the listener.

Imagination is the third area in which ASD prevails. Often, children at the severe end of

the spectrum will not play in a meaningful and imaginative way. They may prefer to line up their toys according to size or colour. Such individuals may not be able to imagine an alternative. They have little tolerance for unexpected changes in any areas of their life and may be driven to follow particular routines and be unable to accept change or be flexible in their day-to-day life.

A person with autism will also experience sensory problems with certain noises or a need for deep pressure. Individuals may also have problems filtering out information; for example, a child may not be able to ignore certain sounds or stimuli in the environment that they are in. Individuals may also have a problem with organisation; for example, the child may be highly intelligent but, regardless of their ability, may find it very difficult to sequence putting on their clothes. That can seem unusual to others who do not understand the condition and are not properly prepared for dealing with such children, especially schools, teachers and support workers in general.

ASD affects the lives of people of all ages and levels of ability. Popular culture often presents the perception that ASD is a condition of childhood: that is not the case. However, it is often diagnosed in childhood and is best diagnosed by a multidisciplinary team that assesses the child in a variety of settings, for example, in the home, school and clinic. Each professional will contribute to the overall diagnosis, from which a treatment plan will be developed. The team is likely to be made up of a paediatrician, a speech and language therapist, an occupational therapist, a clinical psychologist and sometimes a specialist social worker. A child psychiatrist can also often be in attendance. If symptoms are picked up on at school by a teacher or classroom assistant, the child may be referred for an assessment by an educational psychologist.

When queries are first raised about a child's difficulty in social communication, even before diagnosis, it is important that advice is sought. The months that parents spend waiting for a diagnosis can be put to good use, reading about and becoming familiar with holistic intervention programmes. I pay tribute to the many support organisations, such as Autism NI, Parents' Education as Autism Therapists, the Centre for Early Autism Treatment, Autism Initiatives and the National Autistic Society. There are so many groups. They do fantastic work and

support parents who find themselves in a difficult situation when they have recently had a diagnosis and are not sure where to turn.

The other particularly difficult issue for those who have ASD is managing transitions. Routine and predictability are very important to people with ASD, and it can be difficult to interpret and make sense of social rules and situations. It is vital that services plan and work together to smooth the child's life transitions from preschool, along their school life and into lifelong learning. Again, I point to the voluntary sector, which has worked tirelessly with parents and those on the autistic spectrum to support them and help them through those situations.

Issues of equality have been raised around autism and autism legislation as regards the creation of a hierarchy of disability and the whole equality agenda. I do not believe that that is what we are doing through this legislation. ASD is not recognised as a social and communicative disability under the current Disability Discrimination Act. We looked to other examples, and, in England, the Government are repealing the Disability Discrimination Act and replacing it or consulting on replacing it with the Equality Act 2010. The definition of disability that will be contained in that legislation is out for consultation, and we have a real chance here today to address the current inequality around the fact that autism is not recognised. The Disability Discrimination Act refers to physical and mental disability but not explicitly to communication and social disability. This is our opportunity to address that inequality and to make it right for all who are on the autistic spectrum.

There have been many developments in autism over the past years, none less than the Department of Health, Social Services and Public Safety's action plan, as well as the work of the community and voluntary sector in supporting parents and those on the spectrum. There has been an increase in funding from the Department of Health, and I fully recognise that. I also welcome the development of the action plan and the new network where parents are very much involved in progressing that plan.

Today's debate should not be a battle. We all want the same outcome. We all want to improve the lives of people with autism. That needs to be at the core of everything that we do today. Let us build on the good work that has

happened. This legislation is not taking away from that; it is enhancing it and calling for more cross-departmental working.

Last but not least, I commend the work of parents. I have met many parents since my election to this Assembly — parents who make sure that we, as MLAs, are very much aware of the effects of autism on the individual and on the entire family circle.

With this legislation, we have a real opportunity to change for the better the lives of those on the autistic spectrum. I look forward to Committee Stage, and I know that the National Autistic Society has suggested an amendment requiring more parental consultation in the strategy that we take forward. I would not dispute that for a moment; it would be very positive. Therefore, I look forward to Committee Stage and to ensuring that, collectively, we improve the lives of those on the autistic spectrum.

Mr Gardiner: I would willingly support any measure that made the early diagnosis and treatment of autism possible. Nevertheless, we need to see this measure in context. On 29 November, the Health Minister, Michael McGimpsey, announced an additional £100,000 of funding for autism services in Northern Ireland. That happened even though he was already involved in two major budgetary battles with the Finance Minister. One of those battles related to local budgetary cuts of £370 million. Members will recall that the Health Minister had to find £113 million of that. The other battle was, of course, over the comprehensive spending review cuts. The extra funding that the Minister announced for autism will be used to develop specialist adult autism diagnostic services. The new money was in addition to the extra investment of £1.54 million in autism services over 2009-2011, bringing the recurrent total new investment to £1.64 million from April 2011.

At the same time that the Minister announced that extra funding, he gave a guarantee that autism would be prioritised across all Departments. The Minister also drew attention to the fact that waiting times for an autism referral were reducing and that he was determined that no child should have to wait longer than the current 13-week target for diagnostic assessment. The Minister said that he believed that he already possessed all the legislative authority he needed to make all necessary improvements in autism services. He was able to say that

because he controls social care as well as healthcare — a combination of responsibilities that, in the United Kingdom, is unique to Northern Ireland.

One thing that we must guard against is overlegislation. The fact that we can legislate does not mean that, on every occasion, we should legislate. Often, legislation imposes new and unavoidable costs on government, and, of course, this is a time when we could do without additional costs. If the Minister believes that he already possesses the relevant authority to deliver, we need to ask whether new legislation is justified.

3.15 pm

Mr McCarthy: The answer to that question is most definitely yes.

On behalf of the Alliance Party, I support the Bill and congratulate everyone involved in getting us to where we are today. It has been an uphill battle. However, when something is right and people have fight in their bellies, they do not lie down; they battle their way through many obstacles and work with others, as far as possible, to arrive at a consensus, all to the benefit, in this instance, of children and adults who have autism.

I am delighted to be the Alliance Party's representative on the all-party group on autism, and I pay tribute to its chairman, Mr Dominic Bradley, who has played a pivotal role, along with others, in getting the Autism Bill to its Second Stage in the Assembly today. I also pay tribute to all the voluntary groups throughout Northern Ireland that have worked with elected Members to convince us all of the need for an Autism Bill, despite the reservations that have been expressed in some quarters.

It is unfortunate that Northern Ireland is experiencing an increase in the incidence of autism among youngsters who, inevitably, will grow to become adults and seniors. The Assembly must accept what is happening and make the necessary arrangements to ensure that everyone with autism has exactly the same rights and expectations as everyone else. It is unfortunate that, more often than not, people with autism and their parents and guardians have to fight for everything when it comes to health, education, social development and so on. Why should that happen? Like the rest of us, people with autism have normal everyday

needs and ambitions. That is why we need an Autism Bill, so that, as a statutory requirement, everyone will receive their entitlement. It is outrageous that, at present, parents and guardians, with so much caring and watching to do, have to spend much valuable time getting what is theirs simply as of right. I speak with the knowledge of having been through something similar.

The Autism Bill has the support of the vast majority of groups engaged in promoting the wishes and needs of the ASD voluntary sector. The strategic action plan put forward by the Department of Health, Social Services and Public Safety falls far short of what is required. The Autism Bill will direct the formation of a cross-departmental approach to ASD by requiring the development of a cross-departmental strategy for autism.

The evidence presented in the Assembly all-party group on autism's briefing paper was overwhelmingly in favour of progressing with the Bill. As has already been said, a petition of support, signed by thousands of campaigners, was presented to all the political parties and the Northern Ireland Local Government Association. All 26 local councils, as far as I know, supported positive motions in favour of an Autism Bill. Most of the political parties have signed up to support the Bill. Many families, who are at the coalface of the autism spectrum, have supported the Bill. Indeed, in preparation for next year's Assembly elections, parties are registering ASD as a priority. I say loud and clear today that the Alliance Party is 100% behind the need for an Autism Bill without delay. We will have that in our party manifesto and will work tirelessly in the new mandate to see that the Bill is brought to fruition. I hope that other parties will do the same.

When the Assembly signs off on this important Bill, the people most in need of legislation will see a lifelong strategy adopted that places the welfare of people with autism and their families at its centre. The Autism Bill will provide for an Executive-sponsored ASD awareness campaign that will include a first awareness level of training for senior civil servants. All Departments will have to address the impact of legislative change on their policies, practices and provision. The Bill will have a real and positive effect on families. It will assure parents and guardians that, at last, the Executive recognise the lifelong and whole-life reality of

ASD; that ASD is a shared responsibility in our community; that duplication and confusion can be addressed; and that transactions that are distressing for individuals with autism can be planned and resourced.

We all want a better life for all our constituents, and the Autism Bill will, when it becomes law, help to do just that. The Alliance Party supports the Second Stage of the Bill and looks forward to its early progression and, indeed, its implementation at a later date.

Mr Buchanan: I rise as a member of the all-party group on autism to support the Second Stage of the Bill. The chairman of the group earlier explained some of the thinking behind the Bill and set out clearly the nature of autism or, as it is known, ASD, and the types of challenges that it presents to us all. It is a complex issue, and I am conscious that there are many variations to what we broadly define as autism.

The work that has been done on the Bill so far and the investigations into the issues that surround it have certainly provided an insight into the many problems faced by parents and those who suffer from autism, and I have no doubt whatsoever that there is a real need for this legislation. The all-party group is agreed on the need for the Bill, which has received considerable support across the board, and we are keen for it to progress as quickly as is practically possible. The group's consultation in March revealed an 80% approval rating for the legislation, and, as has been said around the House already today — it bears repetition — NILGA and all the 26 councils have indicated their support for the Bill. Independent research reports are also very supportive. However, like most draft legislation, the Bill is not perfect. Further issues will need to be addressed, but it marks a significant start, takes us on a journey down the right road and focuses our attention on the need to deliver for those who suffer from autistic disorder. We might help to change their lives and provide a better lifestyle for them.

I will set out a few key arguments in favour of the Bill. The Bill has two main aims. First, it seeks to amend the Disability Discrimination Act 1995 to resolve any ambiguity as to whether the term “disability” applies to autistic spectrum conditions. Secondly and very importantly, it makes the preparation and implementation of an autism strategy a requirement. That is long overdue.

The Disability Discrimination Act 1995, as it stands, does not recognise ASD. The Act is quite prescriptive. It defines disability as physical or mental, and the latter includes learning disability and mental illness. That seems fairly comprehensive but, although some argue that it should fit into the Disability Discrimination Act 1995, the reality is that ASD does not fall into any of those categories. In practice, that legal ambiguity has an adverse impact on those who suffer from autism, those who care for them and those who represent them, such as the Commissioner for Children and Young People, the Equality Commission and the Children's Law Centre. The Disability Discrimination Act 1995 and the guidance issued under it means that it is difficult, if not impossible, for a person with autism to qualify for benefits such as disability living allowance.

Autism is the fastest-growing neuro-developmental disability in modern society. It is a neurological condition with a biological cause that can be traced to trauma to a specific brain function. It is defined as a social and communication disability. Therefore, to ensure that autism is included in the 1995 Act, the Bill inserts the words “social (including communication)”. Of course, some will say that that opens the door to the inclusion of an almost endless range of groups and categories. I understand that view, but I do not think that such concerns will be realised. It is worth noting that, in 2006, the definition of “disability” was amended so that anyone with cancer, MS or HIV is now deemed disabled from the point of diagnosis rather than from the point at which the condition starts to have a substantial and adverse effect on a person's ability to carry out normal day-to-day activities. In a sense, therefore, a precedent for the amendment that is before the House has been set. The change to the definition will give long overdue legal recognition to a condition that is still treated with a high degree of suspicion and scepticism by some professionals and agencies. It will be of considerable help to the various public bodies in their decision-making and in providing guidance.

There are many examples of those with autism suffering from discrimination and not being treated with the respect that they deserve. Take, for example, a pupil who faces disciplinary proceedings for breaching a school code. If his or her behaviour is caused by ASD that has not been diagnosed, recognised or treated in the proper fashion, it seems most unfair for that

pupil to be punished for something beyond his or her control. A change to the legislation, along with greater clarity in the guidance, will ensure that that pupil's autistic disorder is fully recognised.

The proposed change to the Act will also help families, many of whom have battled for years to gain some sort of recognition for the autistic disorder. We hope that the Bill will go a long way to achieving that. Significantly, too, it will signal the end of discrimination against those who have autism but have an IQ of over 70 and who, therefore, currently fall between a number of stools.

The other major change that the Bill will bring about is that it will direct the development of a cross-departmental strategy for autism. At present, Departments are under no legal obligation to do that, and we simply rely on the goodwill of Ministers and officials. I fully accept that the Department of Health, Social Services and Public Safety is aware of the need for action. Indeed, it already has in place an action plan, to which a Member who spoke earlier referred. However, its plan does not work for people who suffer from an autistic disorder. The Department of Education is also aware of the importance of the issue but, again, is doing nothing to deliver for those who suffer from the condition. It would make much more sense, therefore, for the key Departments to co-operate rather than developing separate policies. In times of limited funding, it is more vital than ever to minimise duplication and to maximise effectiveness and efficiency. We must try to break out of the traditional silo mentality of the Civil Service. The Bill also provides for a government-sponsored autism awareness campaign that includes awareness training for civil servants. In the current climate of economic constraint, it is incumbent on us all to plan smartly for future challenges. With the Bill, we have made an important start. It presents us with challenges but also with many opportunities.

Most if not all Members around the Chamber today have been faced by parents in their constituency offices who have children with an autistic disorder. They are of preschool age, primary-school age, at high school or college or even in the workplace. Some of their disorders, however, have not been recognised, and others are on huge waiting lists to have their problems and difficulties diagnosed. The process seems

to go on endlessly. That is why the Bill must go through the House today. The legislation is important in helping those who have suffered in silence. I encourage the House to support the Bill.

Mr Boylan: Go raibh maith agat a LeasCheann Comhairle. I am also a member of the all-party Assembly group on autism. I apologise for missing some of its meetings. I pay tribute to the sponsor of the Bill and chairperson of the group for bringing the legislation to the Floor today.

Some Members talked about over-legislating, but this is an important piece of legislation, which we need to put through the Assembly to ensure that the rights of people on the autism spectrum are protected and that they get the resources that they deserve. I thank Research Services for its paper on the Bill, and I thank Arlene Cassidy and all the people who have worked to deliver a service to people on the autism spectrum in the absence of a properly funded model.

3.30 pm

I will not rehash what most Members have said, but there are two key issues to do with the Bill. First, the Bill proposes to amend the Disability Discrimination Act 1995, and it is time that we ended the discrimination against people with autism. It proposes the insertion of the words "social", "social interaction", which includes communication, and "forming social relationships". That will ensure that all forms of autism will get their recognition.

I will talk from a personal point of view. My colleague Michelle O'Neill talked about social interaction. People with autism may not want to socialise or be with other people, and they may behave in socially inappropriate or naive ways. Difficulties in the area of social communication mean that some individuals may never speak any meaningful language. A further area is imagination, and children with difficulties in that area may not play in a meaningful and imaginative way.

That rings true for me, because I have experienced that with my nephew. Around 15 years ago, that lad was diagnosed with autism. The research paper describes exactly what was happening. I used to buy a Thomas the Tank Engine toy because that was what the young lad wanted all the time. It was easy for me to buy birthday

and Christmas presents because he related to that toy all the time. Fifteen years later, I see that experience written in the paper. People need to be there and to experience it, and, if the Assembly were to do that, it would ensure that the legislation went through to protect those people and give them every opportunity. That lad is 15 years old, and thankfully, he is a clever young lad, and he comes from a good, caring home. He gets the best of care, and he is doing very well. I hope that he continues to do so.

The second aspect of the Bill is the requirement for a strategy. The strategy must look at early intervention. Information from Autism NI states:

"Autism is best diagnosed by a multidisciplinary team".

That is correct. When I think back to the early days when it was discovered in the family, there was early intervention from teachers in schools and from elsewhere, and people gave their opinion. The strategy must produce a proper way of looking forward and of providing guidance to ensure that early intervention happens.

The strategy should also look at the parents, carers and the family. People do not realise the strain, stress and trauma that families experience. For people who are not connected and who do not see it at first hand, I have another paper that identifies clearly what happens. Fifty per cent of parents are on long-term medication; 65% report illness linked to caring; 80% of families report feeling overwhelmed and helpless; and 57% of families report acute anxiety and panic attacks. There is a whole raft of issues, and I want the strategy to provide for the carers to be looked after and for a respite element. I do not want to go down the line that those families want a break away, but they need some respite and some time away.

Dominic Bradley also mentioned cost. He did so in the right context. There is no way that a cost can be put on that. It is extremely difficult for someone to look after a child or adult with autistic spectrum disorder (ASD). I do not want anyone to get up and say that it is a matter of cost. I believe that in 2009, the Minister allocated £100,000 for a period of this year. I thank the Minister for that £100,000. However, a great deal more is needed.

I have mentioned costs in one respect, however, an element of the budget and a proper funding package will be identified through this legislation

that will help people with autistic spectrum disorder and their carers. I fully support the Bill's principles. I hope that the Assembly will stand up, take notice and pass this piece of legislation. Any secondary measures flowing from it need to be written up now, so that they will be ready when the Bill is passed.

Mr Craig: I support the Bill. I speak as a member of the all-party working group on autism. The first part of the Bill amends the Disability Discrimination Act 1995. The second part deals with the development of an autism strategy. I welcome the Bill's Second Stage. It has been a long time coming, and I am pleased that it has come before the House.

Clause one amends the Disability Discrimination Act 1995. Autism is not covered by the 1995 Act, and a number of Members have reiterated that fact. ASD is recognised in disability legislation in other parts of the United Kingdom; therefore, it is important that Northern Ireland falls into line with the rest of the UK.

Some people might ask why ASD should be covered. The majority of disabilities are already covered by section 1(1) of the Disability Discrimination Act 1995, and they include physical and mental conditions, such as learning disabilities, mental illness, cerebral palsy, multiple sclerosis, visual impairment, schizophrenia, et cetera. All of those conditions are already recognised; however, ASD and associated problems are not. ASD is neither a physical nor mental disability.

The impact of its current status on ASD sufferers is as follows. If someone has ASD and a learning disability, that person receives services from the learning disability sector, which leaves 75% of people with ASD outside those services. If someone has ASD and a mental illness, that person receives services from the mental health sector. If someone has ASD and a visual or hearing impairment, that person receives services from the latter sector. Shockingly, someone with ASD who has an IQ above 70, or who is an adult, or both, has no entitlement to services.

Prevalence levels have reached what is described as the "tipping balance". Now, more people in Northern Ireland are diagnosed with ASD than with learning disabilities. There are now 5,000 school-age children with ASD, compared to 900 in 2002. More people are diagnosed with ASD than the combined total of people with multiple

sclerosis, Down's syndrome and Parkinson's disease.

Mothers of children with ASD show higher levels of stress than mothers of children with other disabilities. Several Members have mentioned that in the debate. Having met some of those parents and their children at a summer scheme in 2009, I can, certainly, confirm that that stress is a fact. I witnessed a child physically attack their mother several times purely because they had been taken out of their routine.

It was amazing to see the patience shown by those parents and how they dealt with that situation. One can understand the stress that that causes to those parents, and I was not surprised when I found out that 80% of mothers of children with ASD take antidepressants.

Significant numbers of people in our prisons have been diagnosed with ASD. That is not to say that that is the main cause for their being in prison, but that condition should have been dealt with long before they reached that stage. That is all very concerning and some of the statistics are also a cause for concern.

Clause 3(1) states:

"The autism strategy must set out how the needs of persons with autism are to be addressed throughout their lives."

In a lifelong approach, the points of transition in an individual's life are prioritised in all strategies and action plans. It appears that it is in the area of transition that the cross-cutting nature of services and co-operation between Departments, government agencies and voluntary and community groups becomes most important. Transitions are particularly difficult for those with ASD to manage, because routine and predictability, which help them to learn, interpret and make sense of social rules and situations, are not always there. It is vital that services plan and work together to smooth life transitions from preschool to lifelong learning.

We can debate the issue until the cows come home, but, quite frankly, unless we have a child with ASD, none of us will fully understand the impact of the Bill on families in Northern Ireland. It is unfortunate for those families that we live in a part of the United Kingdom that discriminates against a group of individuals who fall outside the existing legislation. It is

good that the Bill will rectify that situation, and I commend it to the House.

Mr B McCrea: The Ulster Unionist Party welcomes the Bill and looks forward to scrutinising it during its Committee Stage. Members will be aware that the UUP has long been involved in this important issue and has taken a lead role in promoting services for those who are affected by autism in the Departments that it looks after. The UUP is an advocate and a promoter of services for autism in Northern Ireland, and the party feels that it is leading the way.

My colleague from Upper Bann mentioned the Minister of Health, Social Services and Public Safety's input into the strategy that he brought forward and the additional £100,000 that he has made available for autism services. I am also pleased to report that in the Department for Employment and Learning, UUP Ministers introduced innovative ways to help those with health conditions, including ASD, to find some form of training and employment that is suitable to their needs.

Mr Boylan: I agree with the Member's point about the additional £100,000 being made available. However, does he not agree that it is about time that legislation is put in place, with a set budget and funding stream, to address the needs of the autistic spectrum?

Mr B McCrea: I thank the Member for his point; it brings me on nicely to an issue that I was going to raise. In Mr Boylan's earlier contribution, he said that the issue is not about costs. However, if we are looking for separate funding streams — presumably, additional funding streams, otherwise there is no point in doing it — the money will have to come from somewhere, and it is difficult to see which Department will have money taken from it to provide for this very needy case. That is because, on three separate occasions, the Member's party voted for cuts in the health budget. When it comes to issues of budgets and finding more money to pay for autism services, the Assembly must realise —

Mrs O'Neill: Will the Member give way?

Mr B McCrea: I will give way in a moment, when I have finished. When the Assembly calls for more services, they should be properly costed, and we must also work out how we are going to target the resources in the right way. We will have an informed discussion during the Bill's

Committee Stage to ensure that we are doing the right thing. I will now give way to the Member.

3.45 pm

Mrs O'Neill: I look forward to that Committee Stage. However, when every Department becomes involved in a cross-departmental approach, surely they should bring their funding streams to the table as well as their contributions.

Mr B McCrea: I thank the Member for her contribution. That raises the issue of the Department of Education, which she will know something about because she serves with me on the Committee for Education. There seems to be some divergence of strategies, which we should address. Members have raised concerns repeatedly about whether the investment that we make in Middletown really solves the issues that we want to be dealing with. So, I certainly look forward to Ministers and Departments co-operating properly, as they should do of right, to deal with that matter.

Mrs D Kelly: On the development of strategies, and given your statement that the UUP will scrutinise the legislation, can we also have a commitment that unlike at least one other party you will not use a petition of concern to prevent good legislation coming to the Floor of the Chamber?

Mr B McCrea: I assure you that our aim is to make sure that we get good legislation. I concur that petitions of concern should be used for the purpose for which they were intended, and not for other reasons.

We are concerned about certain issues in the Bill. I was taken by what Mr Craig said. I, too, have met the parents of children with autism at summer schools, in their houses and at other places. One cannot help but be impressed by their resilience and fortitude in carrying on and dealing with those things. However, there are very real challenges. Frankly, I will not repeat some of the issues and conditions, because they are distressing. However, I can tell you that they had a very personal impact on me.

I accept absolutely that there are people with a very serious condition who are not yet identified within a statutory framework. The problem with how we fix that is as follows: can we legislate our way out of it? Can we have something that is on a spectrum? How does one define it?

I listened to the proposer of the motion, Mr Bradley, talk about some of the issues that identify people

on the autistic spectrum. I agree that difficulty with social skills and interacting with people are determining factors. However, those are not exclusive to people with that condition. Were the matter not so serious, I might talk about people in the immediate vicinity who have those issues. The point that I want to make without undue levity is the difficulty in constraining a condition that is on a spectrum. There is a question of whether we disassemble the argument that is being put forward.

Mr D Bradley: Since the Member met the parents of children with autism, the children themselves, and others, he will probably be aware that there is quite a stringent diagnostic process to go through before a person is deemed to be at this or that point on the spectrum. So, it is not the case that people will come along without stringent and professional diagnosis.

I am glad that the Member mentioned the positive contribution that the UUP made to the autism debate and to services. I welcome that, and remind him that his colleagues Mr McCallister and Mr Savage supported the Bill at the beginning. That was very welcome as well.

I direct the Member's attention to a 2010 paper from the Assembly Research and Library Service entitled 'Autism Bill', which states:

"In spite of the existing guidance and case law, meeting the definition of disability contained in the DDA is likely to continue to present challenges to those with autistic spectrum disorders. The Bill seeks to amend the DDA in a way which widens the scope of the existing definition in a way which would encompass autistic spectrum conditions."

In order for discrimination against autistic spectrum conditions to end, it is necessary to amend the legislation. That is one of the main aims of the Bill.

Mr B McCrea: I thank the Member for his comprehensive intervention. I spoke to Mr McCallister today — I know that Mr Savage will support this — and he was most insistent that I should be here because, unfortunately, he cannot make it. I assure the Member that Mr McCallister is absolutely committed to dealing with the serious issues that have been raised. Not only have I met families and people that are on the autistic spectrum; I have also engaged, as has Mr McCallister, with Autism NI, Arlene Cassidy, Eileen Bell and a number of other people.

The Member will, of course, acknowledge that there are a significant number of bodies that seek to address the issue and that there is a diversity of views about the best way forward. It is with that in mind that we look forward to the Committee Stage of the Bill, when we can identify the best way forward.

Mr D Bradley: The Member is correct: there is quite a wide range of advocacy groups for people with autism, but all of those groups, as Michelle O'Neill pointed out earlier, are of one mind about the necessity for legislation. What they differ about are the interventions that are most effective, and that is an issue that I will leave to them.

Mr B McCrea: I thank the Member for that. The House will properly give the legislation due scrutiny. The issue, which I am sure the Member will acknowledge is at least a consideration for us all, is that there is a wide variety of conditions, not all of which have their own Bill. People will look at us to see what way we approach the issue. That may well be the appropriate thing to do, but there are other issues that will come along. We are a relatively young and immature legislative Assembly, so it is appropriate that we do not make rash decisions that actually have implications.

Mr Craig: Will the Member give way?

Mr B McCrea: I will, but I want to finish with one last thing. Go ahead.

Mr Craig: I thank the Member for giving way. The Member talks about the immaturity of this House, but will he acknowledge that the Mother of Parliaments has already passed legislation on this issue? It is wrong to say that there are no legislative criteria out there when the Mother of Parliaments at Westminster can pass legislation on the issue.

We can talk in circles for ages on the issue, but will he recognise that the Bill will do away with a discriminatory factor in respect of autism and ASD, in that it is not properly defined in existing legislation and there are individuals who keep falling outside the scope of that legislation? We are correcting discrimination. That is why the debate about cost is secondary. There may be such implications, but they will have to be dealt with in another debate.

Mr B McCrea: I thank the Member for his intervention. I will deal with those points in

reverse order. There are cost implications. I have absolute respect and support for people who are struggling in some very trying situations. The Member has met the same people that I have, but there are implications and we, as an Assembly, need to make sure that we are aware of exactly what they are. In relation to his earlier point about legislation at Westminster, he will, no doubt, be aware that there are different conditions and different strategies over there, and that what was appropriate over there may not necessarily be appropriate here.

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

We will look at those issues at Committee Stage. I will pose a question to the Minister, and perhaps he will deal with it. He knows that, in another place, I have an interest in human rights. I want to ensure that the Bill is compliant with the European Convention on Human Rights, and we must check whether the Bill is competent. I also have some reservations about whether it is compliant with section 75 of the Northern Ireland Act 1998. We must address those issues, and I do not express a view one way or the other.

Earlier, we spoke about people with different views. People have concerns about those issues, and it is right that we address those concerns. Professor Brice Dickson, the former chief commissioner of the Northern Ireland Human Rights Commission, had this to say:

"Autism is a very wide spectrum and to say that everyone who has autistic tendencies is disabled ... would be going I think probably too far."

Mr D Bradley: I explained to the Member that the Bill does not, as it were, allow in everyone with autistic tendencies, and stringent diagnostic hurdles must be got over before someone is included.

The Member rightly cautions the Assembly in its infancy to be careful about how it legislates. However, I point out to him that the Disability Discrimination Act was amended previously to include cancer, HIV and multiple sclerosis. The floodgates were evidently manageable on those occasions, and I do not see why they will not be so on this issue.

Mr B McCrea: I make it clear to the Member, as he has intervened on a number of occasions, that I am not in any way opposing the treatment of, or provision of services for, autism. I do not

argue that changes will not be necessary or are impossible. I merely point out that, as a competent legislative Assembly, we ought to look at such issues to ensure that anything that we do is properly costed and has the intended results, and that we are not capable of doing the things that we want to do in a different or better way. That seems to be the appropriate way for a legislative Assembly to progress, and I look forward to dealing with such issues at Committee Stage.

I warned — I meant it in the gentlest of ways — that we are all here because we represent people and want to do the best for them, particularly for the people in most need. The danger for all of us is that we attempt to boil an ocean. We must not do that. We need targeted intervention for those who are most in need. I am sure that I am not alone in suggesting that that is the right way forward.

I do not want to say much more, but I want to bring out a few points. The Department argued that the cost of introducing the legislation is money that could be better spent on front line services such as attacking waiting lists. We have to consider the issue in the round. Are we doing right by everyone in our entire society? There may be issues about additional funding. I know that Members made genuine and positive interventions, and I was touched by the contributions. However, we cannot cut the health budget and then tell the Department that, by the way, it needs to do more. We have to address that issue.

I conclude my contribution by saying that I welcome the Bill's introduction. I look forward to an informed and reasonable discussion at Committee Stage. I am committed to the issue of resolving autism and helping those who do not get the services that they desire. I realise the problems that are pushed on them. I recognise that it is not only those children or adults who have autism who need help but those who care for them; that was mentioned by other Members. There is a need for respite and for the care of other children who may be involved. I am aware of a range of issues, and I am personally involved. I want to ensure that we do it right. We have to get it right for the people whom we are trying to serve.

4.00 pm

Mr P Ramsey: I am delighted to be participating in this debate, which is highly important for so

many people across Northern Ireland. I thank my party colleague Dominic Bradley for his passion, commitment and dedication to the matter, which is very close to his heart. I also thank all the members of the all-party group on autism. It was right to bring forward legislation that will end, once and for all, discrimination against so many people across Northern Ireland.

Autistic spectrum disorder is widely recognised in the Chamber as a serious and complex spectrum of conditions. Despite recent focus on the disorder, there is no doubt that the necessary structured services have not been in place to ensure that people with ASD, their families and carers have a reasonable standard of life. The SDLP supports the Bill, because it will remove ambiguity about the status of the condition as defined in the Disability Discrimination Act 1995 and will ensure that the social impairment is specifically recognised in law as a disability.

The SDLP is concerned, as are many other groups and individuals, about the fact that failed cross-departmental action has resulted in inadequate services for people with ASD, their families and carers. The SDLP and others have, therefore, concluded that to ensure that there is a much more co-ordinated cross-departmental approach to providing the necessary services, there must be a statutory obligation on Departments to deliver. Given the cross-cutting nature of the ASD strategy, it is much more likely to be delivered effectively if it is backed up by legislation. The Bill will create a cross-departmental statutory responsibility to deliver an autism strategy.

I am sure that, through constituency work, all Members have met carers of people with ASD who are burned out and deeply frustrated by a system that delivers only in parts. In many cases, carers are close to breakdowns, because, after years of caring, they are no longer able to cope with the emotional and psychological damage. The lack of proper support for many people with autism has led to unnecessary mental health breakdowns and terrible living conditions for people who, in many cases, could live fairly independent lives with some support.

People with ASD, of whom there are many in our communities, need particular help at transitional points in their lives and a highly structured environment and routine to function effectively.

Those transitional points include moving from primary to secondary school; leaving the parental home to living independently post-school age; moving from education to employment; and continuing lifelong education. Parents are often very worried about the ability of their autistic child to cope after either one or both of them has passed on.

There is a lot of concern that many people, particularly adults, are living with autism without being diagnosed. Given the number of children now being diagnosed, it seems very likely that many adults have been undiagnosed and are, therefore, vulnerable and living impaired lives. Such people are liable to suffer all kinds of abuse. There is little doubt that the underlying cause of mental health problems suffered by many people in psychiatric care is autism. There is also little doubt that many people in prison have, as an underlying condition, autism and had there been earlier intervention, they may not have ended up in the situation in which they now find themselves. We need to ensure that, as part of the strategy, proper audits are carried out so that the number and circumstances of people with ASD is widely known.

It is important that I put on record some examples of the cases in my constituency. I recently met a mother in my office who is at the age at which most people should be looking forward to retirement and to beginning to take life somewhat easier. However, she has a grown-up son with autism and is on the edge of mental and physical breakdown because of her constant, virtually round-the-clock work to try to care for her son. She should not be taking antidepressants. She should be getting adequate support to look after the son whom she loves and to maintain her physical and mental health. If anything happened to her, her son would probably have to be institutionalised, which is her big worry and concern. The state would then have to take on all his care needs.

Therefore, even from a pragmatic perspective, it makes sense that that mother should get the help that she needs now. It is a terrible indictment of our statutory system that she has to turn to elected representatives to get the help that she needs to care for her son. What is terribly worrying is that there many people who do not seek that help and are living with that burden, day in, day out.

The SDLP honestly and honourably supports the Bill. We will try to ensure that the social impairment that results from autistic spectrum disorder is defined as a disability and that there will be clear statutory responsibilities across a number of Departments in the formation, periodic reviews and, most importantly, delivery of the autism strategy. The SDLP supports the Bill, but we need to ensure proper support and a decent life for so many people.

Over recent weeks, I have received e-mails and telephone calls, and people have called into my office appealing to me directly, to make sure that I support the Autism Bill. Those are cries from people's hearts, whose family members may have passed on. They want to ensure that, for future generations, we have a proper anti-discrimination and equality law that will protect other children as they grow up.

Mr I McCrea: Like most other Members, I support the Bill. As a member of the all-party group on autism, I am delighted that we are here today for the Bill's Second Stage. That is a welcome development, and I have no doubt that the Bill's implementation will result in delivering positive change for people with ASD. I particularly welcome the fact that the Bill will require the establishment of a cross-departmental approach to ASD.

Clause 3(1) states:

"The autism strategy must set out how the needs of persons with autism are to be addressed throughout their lives."

A lifelong approach and the points of transition in an individual's life are prioritised in all the strategies and action plans. It appears that it is in that area of transitions that the cross-cutting nature of services and co-operation between Departments, agencies, and voluntary and community groups becomes most important.

Transitions are particularly difficult for people with ASD to manage because routine and predictability help them to learn, to interpret and to make sense of social rules and situations. It is vital that services plan and work together to smooth life transitions from preschool to lifelong learning. Such a strategy is vital for people with autism. It is the missing piece of the puzzle for many sufferers of ASD. A lifelong approach that stretches beyond health and social care into education is vital for young people with autism. I believe that we need legislation in order to see

action on a cross-departmental strategy. That is included in the legislation, and we need the buy-in of all Departments to deliver effective and fair services for sufferers and their carers.

In recent years, autism has been underfunded. I welcome the Minister's commitment to autism, and even on Twitter, he has committed to providing funding for autism, but I do not believe that that is enough. I do not wish to get into political point-scoring in respect of who provides the money and matters like that, but I believe that people who suffer from autism, their families, carers and friends all want an Autism Bill. Many people feel that there is no co-operation between education and health, and that is what we hope to change in the Bill.

The Bill will ensure that data collection on ASD will be required and must be synchronised across Departments. That will inform existing and future planning of services and resource allocation. Currently, ASD data collection in the health and social care sector is manual-dependent. The Bill provides for a lifelong strategy that places the welfare of families at the centre and a government-sponsored ASD awareness campaign, including a first awareness level of training for civil servants.

The historic failure to recognise ASD has resulted in a tragic legacy of underfunding across Departments. As the amendment to DDA takes effect, all Departments will inevitably have to address the impact of legislative change to their policies, practice and provision. Clause 3 creates the requirement to undertake that exercise together in an effort to minimise duplication and maximise effectiveness.

In this climate of economic constraint, it is important and incumbent on all of us to play smartly for future challenges. Not only is cross-departmental commitment to joint planning for ASD good practice, it is an opportunity to look afresh at the resources that we have and how they can be used or redeployed while, at the same time, challenging all Departments to work innovatively with the voluntary sector to maximise the accountability, flexibility and creativity of all sectors.

The Bill will make a real difference for families. This measure assures families that government recognises the lifelong and whole-life reality of ASD. It gives assurance of the potential of service development in harsh economic times through shared funding initiatives across

Departments. The Bill makes it clear that ASD is a shared responsibility in our community. Duplication and confusion can, therefore, be addressed and transitions better planned, managed and resourced.

We have heard Members refer to constituency cases. All Members have had constituents come to their offices and speak to them about dealing with issues in respect of education and health. I do not want to pick out an individual case, but my staff and I are there to help people in as best a way as we can. Tragically, however, we have to help people in circumstances like this too often, instead of having things in place so that they do not have to go to their elected representative.

In an intervention during Basil McCrea's contribution, my colleague referred to the legislation that went through the House of Commons. I believe that it was Cheryl Gillan, a Conservative MP, who brought the private Member's Bill through the House of Commons. It has gone through that process, and it received Royal Assent on 12 November 2009. The House of Commons welcomed the Bill. In fact, I believe that there was no disagreement when the Bill was finally put. It is good that most Members across the House can join together, right a wrong and give families, carers and those who suffer from ASD a future that removes any discrimination outside of the Disability Discrimination Act 1995 and ensures that people with autism have rights equal to those of every other person. I support the Bill, and I hope that all Members will do likewise.

Mr Easton: I rise to support the Bill, which has been a long time in coming. For too long, people with ASD have been left behind. They were left out of the Disability Discrimination Act 1995 and healthcare initiatives here. To be fair to the Minister, he has increased funding, and Mr Gardiner and Basil McCrea mentioned the £100,000. We would like to see more than that invested in autism. That is why the Bill will create a joined-up approach from different Departments, which, I hope, will lead eventually to more funding coming from other Departments.

4.15 pm

Mr B McCrea: For the record, the Minister produced an extra £2.02 million to underpin the three-year action plan. Only last week, he announced a further £100,000.

Mr Easton: I thank the Member for his intervention. It is good that he is blowing the Minister's trumpet. Funding levels have increased.

Last year, the Minister of Health, Social Services and Public Safety published a regional strategy that took account of contact and networking among all those who represent people with ASD to improve and advance services. The Autism Bill adds to the regional strategy and enhances it substantially.

Currently, 20,000 adults and children who live in Northern Ireland have autism, and more than 5,000 children suffer from autism. The number of individuals who suffer from autism exceeds the combined number of those with Down's syndrome, Parkinson's disease and multiple sclerosis, as was mentioned by my colleague Mr Craig. In addition, 25% of those who suffer from autism have a learning disability. The remaining 75%, therefore, fall outside the DHSSPS programme of care model. ASD falls outside the Disability Discrimination Act 1995, so the amendment to include "social (including communication)" in the DDA is welcome. All other regions of the UK have implemented changes to DDA to take that into account, so it is vital that we fall in line with the rest of the UK.

Clause 2 relates to the development of a strategy for autism. That is important, as other parts of the UK have had strategies in place for some time, so we have been lagging behind. Wales is recognised as the first country in the world to have established a cross-cutting national strategy action plan for autism. That cross-departmental strategy is aimed at driving improvements for children, young people and adult services in health, social services and education. With it has come a significant level of investment in services and care for those with ASD. The Bill ensures that the Department will prepare a strategy on autism and will publish it not less than two years after the Bill's passing.

Clause 3 refers to the content of the strategy. It must set out how the needs of persons with autism are to be addressed throughout their lives, and that is vital. The strategy also has to reach across Departments, including the Department of Education, as provision for children with autism in our schools is required to facilitate a life plan.

The heart of the strategy must set out how the needs of families and carers of persons with autism are to be addressed. The Bill also

requests that staff in the Northern Ireland Civil Service who deal directly with the public are given autism awareness training, which is vital. It is important that we raise awareness of those who suffer from autism, as it is a life illness that affects a person's ability to speak and to communicate clearly as well as to concentrate. It is vital that we address the needs of those who suffer from autism and work to better their care and lives as well as those of their carers.

Mr D Bradley: I join the Member in welcoming the additional £100,000 that the Minister announced about a week ago to develop specialist adult diagnostic services, but very little can be done with that amount in that context. For example, psychologists are needed in the diagnostic process, but £100,000 would bring very few psychologists in to the system.

Basil McCrea mentioned the £2.2 million that underpins the three-year plan, but that is, in fact, part of the additional resource of £17 million for learning disability services. If my understanding is correct, people who have an IQ of over 70 do not have access to learning disability funding. Part of the Bill is aimed at modifying DDA so that people with an IQ of over 70 will not be discriminated against in the future. I thank the Member for giving way.

Mr Easton: I thank the Member for his intervention. Moneys for autism have been reduced from £2.2 million to £1.54 million. Perhaps we need some clarification as to why there has been a reduction in the moneys. I agree wholeheartedly with —

Mr B McCrea: Will the Member give way?

Mr Easton: No, because I am coming to the end of my speech.

Mr Storey: He has to defend the Minister.

Mr Easton: Go ahead.

Mr Storey: He is the John O'Dowd of the Ulster Unionist Party.

Mr B McCrea: Compliments indeed.

Members said that this is not about money, but their issue is that we had to make cuts. I think that the figure is £1.6 million, although the Minister will talk about that. It comes back to the argument that if there are to be additional resources, they need to be identified, costed and properly scrutinised. We have to make decisions

about where we want to take that money from, and I have no doubt that we will have the Member's support in finding additional funding for this very important issue.

Mr Easton: I thank the Member for his intervention. As usual, he is talking a load of nonsense. However, as I come to the end of my speech, I return to the issue that I raised earlier with Mr Bradley. The fact is that the Bill makes no provision for an advocate. He addressed that to some extent. Hopefully, as the Bill progresses and is finalised, and as we put in place all its strategies, we may be able to look at including provision for an advocate at some stage in the future. I support the Bill's Second Stage.

Mrs D Kelly: I thank the Minister for being present for the debate. I congratulate Mr Bradley, members of the all-party Assembly group and the staff for their work in formulating the clauses and drafting the Bill. I also thank the advocates and the many parents and families of children with autistic spectrum disorder. Constituents of mine are worried about the future prospects of their quite young children, and during the earlier debate on the Commissioner for Older People Bill, we were reminded by my party colleague Mrs Bradley that carers save the Northern Ireland Budget more than £3 billion a year.

Unfortunately, many carers, particularly carers of young children with autism, do not receive much help. That is often because the diagnosis is not clear, and they fall between two stools. For example, one lady with six autistic children does not get any respite care because her children have not been diagnosed with a severe learning disability. She does not have any direct payments in order to plan their care and, for the past five years, she has had inadequate housing to meet her family's needs. The list goes on and on. That is only one example.

I am sure that that lady, like many others, is frustrated by the general lack of awareness. Many young children whom I have met look like quite normal children, as, indeed, they are, except that they have difficulties in interacting and have behavioural problems. Many people blame the parents for bad behaviour and for not bringing up their children properly, when, in fact, those children have a recognised disorder. Therefore, they require special treatment and consideration by health and other services.

Members who contributed to the debate have made it evident that there needs to be cross-

departmental working. Although the Health Minister is here, the issue cuts across the education and employment and learning portfolios. Lessons are to be learnt across all public sector agencies in contact with people with autism. In the same way as staff are trained to work with people with visual or hearing impairments, the Bill asks for special training and consideration to be given to agencies that provide services to people with autism.

Members have referred, rightly, to the funding and the budget for implementing the Bill. However, I venture to suggest that a lot of it is not rocket science. A lot of it is common sense. It is about joined-up government and joined-up service delivery, and it often does not require a huge budget. It is about doing things differently.

Ms J McCann: Does the Member agree that it can make economic sense to have that integrated services and early intervention approach to issues such as autism, because it saves money later?

Mrs D Kelly: I thank the Member for giving me the opportunity to speak as Chairperson of the Committee for Employment and Learning and to mention the young people not in education, employment or training (NEETS) inquiry report that we will launch in January 2011, all being well. One main recommendation is that early prevention and detection pay dividends in the longer term, not just to the individual but to society as a whole. The Member is quite right that that makes economic sense.

Mr B McCrea: Since we are being so friendly, will the Member welcome the attendance of the Minister of Education at this important debate, as we are going to talk about integrated solutions?

Mrs D Kelly: I am sure that the Ministers decided between themselves who would be present today. I acknowledge that. I said in my opening remarks that I welcomed the presence of the Health Minister because the subject crosses many Executive portfolios, most notably health and education.

Mr D Bradley: Ms McCann pointed out that the financial costs attached to the legislation can be matched to savings generated by reducing duplication between Departments as a result of an effective strategy. Any financial costs attached to legislation must be measured against the current human costs, the cost of

loss of earnings to families and the cost to the state. That is detailed very clearly in work that has been carried out in the UK, Canada and Australia, and here in the North in a publication by Autism Northern Ireland called 'Autism: The Costs'. Does the Member agree that any financial costs can be met through a phased programme of implementation within funding already available for DDA compliance?

Mrs D Kelly: There are some measures that can be taken quite swiftly that could make a real difference to people's lives.

I am a parent, and I know that although you love your children dearly, they can be very trying. That has to be the case much more so for parents of children with a disability. Those parents are to be commended for their work on behalf of wider society. They should be supported in that role. The Member is right to say that there is a loss of earnings by parents who provide that care.

The other point that the Member made was not just about care but phased implementation. That could be done in conjunction and consultation with the autism support groups. I do not think that people are making unreasonable demands. It should be seen in the context of working together to do things better and to provide better outcomes.

The Bill includes a requirement on each health and social care trust to:

"provide data on the prevalence of autism in its area in order —

(a) that it can publish and update the strategy; and

(b) that the Northern Ireland departments can effectively implement the strategy."

That is a critical starting point. It is something that we have learned in our inquiry into young people not in education, employment or training. We have to know the scale of the problem in order to know how we can deal with it. I welcome that as a starting point for the strategy.

A lot has been said, but I will make one final point. I have family members who have young people with disabilities. One of the greatest fears of an uncle of mine was for the future of his child after he was gone. After his own death, what would his child do and what would that child's future be? Surely we should give some reassurance that society cares, not just about how young people are given opportunities and

allowed to develop into adulthood but about their care into older age. That is something that this Assembly should do. We heard earlier today about how, by bringing forward the older people's legislation, the Assembly is putting democracy in action for older people. Let us have democracy in action for some of the most vulnerable in society: the children and young people who suffer from autism and associated illnesses.

4.30 pm

Mr Girvan: I support the Bill. However, in doing so, I want to make a few points that deal with a number of elements in it. Autism affects not only those who are being dealt with through the Department of Health, Social Services and Public Safety but other areas of government, such as education and social security. I have dealt with a number of agencies on behalf of people who have been diagnosed as being on the autistic spectrum and found that they treat people in the most appalling manner. The Bill would help to provide proper training for those on the front line who deal with people. It has been extremely difficult to get some agencies to adopt a positive approach, so this legislation would be extremely helpful in achieving that.

Much noise has been made about the cost of implementing the Bill. However, as far as I am concerned, we are trying to address an inequality. Equality is peddled regularly in the Chamber. For those suffering from the condition and the families who must deal with them, there is an inequality. We have to take on board all aspects of people's daily living, not just what they have to deal with from a health perspective. To deal with the situation properly, we need to encourage people to come forward.

Mention was made of how we can promote training through the Bill. There needs to be buy-in, so I am sad to see that few members of other Committees and Ministers from other Departments are here, because they will be responsible for delivering funding through their Departments to ensure that training happens. It was said that minimal cost would be involved. I do not know whether that is true. However, we need to support the legislation, and I am glad that it is before the House today.

Every Member who contributed to the debate mentioned facts and details relating to those who suffer from the condition. As far as I am concerned, autism and ASD support groups

have done a fantastic job in helping to bring about this legislation, and I congratulate them for lobbying the all-party Assembly group on autism (APAGA) and the Member who introduced the Bill.

Another point that needs to be made is whether the £100,000 from the health budget is, in fact, additional funding. In interventions, some Members indicated that the amount of money coming forward in recent years has increased. I do not know whether that is accurate, but, in the light of what has been said, it does not appear to be. I am not necessarily saying that we need to spend a lot of money to make things happen, but it needs to be recognised that the condition exists and that it requires special attention. Special conditions need to be put in place to ensure that those suffering from the condition are not put in jeopardy.

I am in favour of the motion, because the House owes it to people who suffer from autism and ASD to have the Bill pass its Second Stage. Such people form a large section of the community, and they do not always receive an early diagnosis, which is a problem that, in the past, was probably endemic in our society. People who are now adults may have suffered all their life without being diagnosed. Another challenge is for the Department of Education to get social workers to identify young people in school who have not been diagnosed. That was another major problem in the past. Early intervention procedures and resources must be put in place to deal with those who have been diagnosed.

Mr B Wilson: As a member of the Assembly all-party group on autism, I welcome the fact that the Autism Bill has reached Second Stage. I congratulate the chairman of the group and all those who put so much work into it.

As other Members pointed out, there have been a number of important and positive milestones on the journey towards meeting the needs of people with autism. Second Stage is another important milestone on the way to eliminating the discrimination against those people with ASD who fall outside the vision of the Disability Discrimination Act 1995. The all-party group on autism proposes that the Government create a legal obligation for action on ASD by enshrining it in legislation. That is the approach taken by the Autism Bill, and the all-party group believes that that is the way forward. The Bill has widespread support among the general public

and from seven of the eight voluntary agencies that are involved in autism.

As previously indicated, a number of research projects on autism have been carried out in Northern Ireland. Those include the Northern Ireland Assembly Research and Library Service's 2008 reports, 'Improving Services for People with Autism Spectrum Disorder (ASD)', 'Autistic Spectrum Disorder (ASD)' and its 2010 report on the Autism Bill. Those were independent research reports, all of which support the principles of the Bill. In addition, the Assembly all-party group on autism carried out a consultation in March 2010, which resulted in an 80% approval rating for ASD legislation.

The Equality Commission and Disability Action confirmed that the new Bill would bring clarity. Many Members will recall the walk for legislation rally in which we participated in 2008. All the political parties were presented with a petition that was signed by thousands of supporters of the Bill. Again, all but one of the ASD-specific voluntary organisations supported the general principles of the Bill. All 26 councils have given some positive support for the Bill, and the political parties in the Assembly with, perhaps, one exception, have all agreed to vote for it. Some parties have included in their manifesto their belief that action on ASD should be treated as a priority. There is considerable support among political parties and the general public for the Autism Bill.

As part of the legislative process, the Assembly all-party group on autism issued a consultation document on the Bill to get the views of the various bodies that were involved in autism. The document was sent to 38 consultees across all sectors, and 26 completed responses were received, which was a response rate of approximately 70%. The main findings of the consultation were extremely positive. The need for a cross-departmental strategy was widely supported by 80% of the respondents. They agreed that the new law should require the autism strategy to be cross-departmental; in other words, that all the relevant Departments should be required to work together to agree on and implement the strategy, but not in the piecemeal way in which work is carried out at present, which causes people to fall through the net. Given the diverse needs of the autistic population, cross-departmental accountability is central to the successful implementation of the strategy.

Some 72% of respondents to the consultation supported the need for autism legislation. One respondent noted that the Bill should promote fairness and provide access to and support for services based on the needs of the individual, not on whether such individuals comply with the requirements of the Disability Discrimination Act 1995. Another respondent claimed that the Bill would challenge the exclusion from services that faces many people with autism and their families and carers.

The consultation also highlighted the need for formal partnerships. Again, 72% of respondents agreed that the law underpinning a cross-departmental strategy should promote a partnership among Departments, public bodies and community and voluntary sector bodies, and they emphasised that such bodies had a lot of expertise that must be used. The consultation also highlighted the need for an agreed definition of ASD across all Departments and in guidance. That proposal received the support of 88% of respondents.

There are concerns, but they have largely been met by the Bill. The Bill can improve the lives of thousands of people with autism and their families, and, therefore, I support it.

The Chairperson of the Committee for

Education (Mr Storey): I speak as the Chairperson of the Education Committee, as it is important that the House be made aware of the Education Committee's scrutiny of the Bill. The Committee received its most recent briefing on the Autism Bill from Mr Dominic Bradley at its meeting on 3 November 2010. The Committee raised a number of issues, including the statement in the Bill's explanatory and financial memorandum that:

"The bill will not have significant financial implications."

That is particularly interesting in light of the requirement in clause 3(5) that all public servants:

"who deal directly with the public in the course of their duties are given autism awareness training."

I will come back to the issue of training later.

The Committee also raised possible unforeseen consequences of the Bill. For example, we considered whether the Disability Discrimination Act 1995 might mean that extreme shyness could be claimed as a substantial long-term social impairment under the Bill.

Mr D Bradley: Will the Member give way?

The Chairperson of the Committee for

Education: Yes. The Member's intervention will, no doubt, be as short as all the previous ones.

Mr D Bradley: I have no doubt about that myself. *[Laughter.]* The Member mentioned the example of extreme shyness. Under the Bill, it will be necessary for a person to have a diagnosis, and, as I am sure the Member is aware from his constituency work, a diagnosis is not simply handed out. A strict number of hurdles must be crossed before a diagnosis is complete. There is no laissez-faire attitude whereby something such as extreme shyness will qualify a person.

The Chairperson of the Committee for

Education: I thank the Member for his brevity. We raised those issues with the Department, and we still await a response.

The Committee raised the issue of the Department of Education's view, which was expressed in a letter to the Committee dated 25 August, that both the health and education sectors are implementing a strategic autism action plan and that a high priority is being given to partnership working between the Department of Education and the Department of Health, Social Services and Public Safety. It stated that there is also an active inter-education and library board ASD group that recently received an extremely positive Education and Training Inspectorate (ETI) evaluation.

The final issue that the Committee raised with Mr Bradley on 3 November was about a point that was highlighted in the Department of Education's briefing paper on autism from July 2009. That document pointed out that children with ASD often have other associated serious conditions and that if the autism legislation covers children with dual or multiple diagnoses, that raises the issue of discrimination against children who do not suffer from ASD. The Committee raised those issues during Mr Bradley's presentation, and it is only right and proper that the House be made aware of them.

The Committee for Education raised a few key issues on the Bill on 3 November. The Committee wrote immediately to the Department of Education on 4 November to ask for its views on the Bill as soon as possible, bearing in mind that the Bill was scheduled for introduction to the House.

