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Suggested amendments or corrections will be considered by the Editor.

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Northern Ireland Assembly

Tuesday 8 February 2011

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

Members observed two minutes' silence.

Ministerial Statement

Higher Education: Tuition Fees and Student Finance

Mr Speaker: I have received notice from the Minister for Employment and Learning that he wishes to make a statement.

The Minister for Employment and Learning (Mr Kennedy): I welcome the opportunity to update the Assembly on the latest developments in our work on the future policy for higher education tuition fees and student finance arrangements. In particular, I advise Members that Joanne Stuart has provided me with an update to her report, 'Independent Review of Variable Fees and Student Finance Arrangements', which I am immediately making available on the Department for Employment and Learning's website. A copy has also been placed in the Assembly Library.

As Members will recall, on 12 October 2010, my predecessor, Lord Empey of Shandon, made a statement on the independent review of variable fees and future student finance arrangements. The review was carried out by Joanne Stuart, the chairperson of the Institute of Directors in Northern Ireland. The publication of Ms Stuart's original report coincided with the release of the findings from Lord Browne's review of the English system of higher education. I am grateful to Joanne Stuart for her original report and for the update to it.

In her original report, Joanne Stuart made a number of recommendations on future fees and funding arrangements. She recommended that tuition fees should remain in place at current levels, rising in line with inflation. She recommended changes to the qualifying thresholds for entitlement to the maintenance grant, which would mean that a greater number of students would be eligible for the maximum

maintenance grant and that more students would be eligible for a partial grant. In addition, she recommended that we retain the higher maintenance grant in Northern Ireland, which is almost £570 more than the maximum grant currently available in England.

The report further recommended:

"that this position is reviewed in light of the outcomes of the Browne review in England, particularly if recommendations of that review could impact significantly on student flows between Northern Ireland and England."

In line with her recommendation, my predecessor, Lord Empey of Shandon, asked Joanne Stuart to update her report in light of the Browne review and the outcome of the comprehensive spending review, which was announced on 20 October 2010. As Joanne Stuart acknowledged, the environment in which her update has taken place has undoubtedly changed from that which existed during the completion of her original report. She has considered a range of additional external factors that were unknown or incomplete when the original review was completed. They include the coalition Government's changes to the fee structure and repayment terms in England, following the Browne review; the Welsh Assembly Government's changes to the fee structure in Wales, following the Browne review; and the coalition Government's comprehensive spending review and the Northern Ireland Executive's subsequent draft Budget proposals for 2011-12 to 2014-15, particularly as they relate to my Department.

As well as considering all that additional information, Joanne Stuart spoke to various bodies concerned with the changes, including the higher education institutions, the National Union of Students-Union of Students in Ireland (NAS-USI), the Employment and Learning Committee and others. In the report and update

Joanne Stuart recommends that the tuition fees and financial support model should incorporate the three elements of tuition fees, maintenance grants and repayment terms and that those should be treated as a complete package. That is a sound approach, to which I would add that maintenance loans, although not in the Stuart review remit, are also part of the package.

The updated Stuart report sets out recommendations, including the retention of the basic fee at the current level of £1,310. For those who are unfamiliar with the basic fee, I should explain that this lower fee is most commonly used by the College of Agriculture, Food and Rural Enterprise and further education colleges. The report also recommends an increase of the higher fee cap to between £5,000 and £5,750 from the current cap of £3,290. It further recommends the alignment of the maintenance grant thresholds for household income levels to those in England — in other words, we extend the £19,000 household income qualifying threshold for entitlement to a maximum grant to a threshold of £25,000. It is recommended that the higher maximum grant of £3,475 be maintained and that the repayment threshold at which loan repayment will commence be increased to £21,000 from £15,000. The report states that we should adopt the UK Government fee structure for non-Northern Ireland-domiciled students studying at Northern Ireland higher education institutions — in other words, set a basic fee level of £6,000 with a maximum fee cap of £9,000 for students who come to study in Northern Ireland from the rest of the UK. The detail of and rationale for the recommendations are set out in the updated Stuart report.

There is significant public interest in these issues, and it is for that reason that I have released the updated Stuart report now. Joanne Stuart's recommendations are not necessarily what will happen to the funding of higher education; rather, they are an important element of a process within which all voices will be heard through a public consultation. In due course, decisions will be made by the next Assembly.

As the Assembly considers the draft Budget and prepares to vote on a final Budget settlement, it must be aware that there are significant implications for the future funding of higher education. Members of all parties must be aware of the consequences that flow from the Budget settlement. It would be irresponsible

of me, as Minister, not to draw the attention of the House to that fact. To that end, yesterday I briefed the Chairperson and Deputy Chairperson of the Employment and Learning Committee on the Stuart update. I acknowledge and express my thanks for the positive and open-minded way in which they are engaging on these issues. I also circulated a copy of the update to Executive colleagues.

It may be helpful if I give Members a sense of the implications of Joanne Stuart's recommendations and how they might contribute to the forthcoming consultation document. First, it is important to set out the key factors that should influence our thinking on student finance and funding arrangements. We all agree that we want to develop a "Made in Northern Ireland" model that strikes the right balance between being affordable to the public purse and to students and graduates, maintaining access and continuing our proud record of having the best higher education participation rates in the United Kingdom for those from socially disadvantaged backgrounds, and promoting excellence in our higher education institutions and allowing them to remain internationally competitive.

Joanne Stuart's original conclusion was that we must have tuition fees. The Stuart update focuses in particular on two options: maintaining the status quo or increasing the maximum fee cap. Maintaining the status quo is rejected, as it would not address the deficit in higher education funding. Indeed, on the basis of the calculations and assumptions in the Stuart update, there would be a shortfall of between approximately £40 million and £65 million per annum upon roll-out to a full three-year cohort. Instead, Joanne Stuart recommends an increase in the maximum fee cap to between £5,000 and £5,750.

As I told the House in response to recent questions for oral answer, I am committed to doing what I can to minimise the impact of any such fee increase on Northern Ireland families. My officials are working on the details of the budgetary implications of the recommendations in Joanne Stuart's updated report, and the forthcoming consultation document will set out a range of options. There will be broad support for Joanne Stuart's recommendations on maintenance grants, and I am considering whether it is feasible, including financially, to include that support in the consultation paper.

I note Joanne Stuart's recommendation on repayment arrangements. Repayment is a critical area, and we need to ensure that students, their families and others fully understand it. Students do not need to pay up front to participate in higher education, and I intend to ensure that that continues. No student and no family will be required to pay fees up front. I repeat that fundamental point: no student and no family will be required to pay fees up front. That is part of my determination to ensure that access to university is based on ability to learn not on ability to pay. Students can defer payment of their tuition fees through a tuition fee loan that is repayable only after they have left higher education and are earning above a certain income. Even then, repayment is not based on the amount that they owe; it is based on the income that they are earning above the threshold. At present, repayment begins once borrowers are earning £15,000, and they repay 9% of the income earned above the threshold. For example, on a salary of £16,000 borrowers will repay £7.50 each month, irrespective of whether their student loan debt is £5,000 or £10,000.

The new proposals in England and Wales will increase the repayment threshold from £15,000 to £21,000, and Joanne Stuart recommends that we adopt that model. Repayment is managed through the tax system. Historically, there has been no scope for variation across the UK Administrations, as Her Majesty's Revenue and Customs systems could not have coped. However, the introduction of the new regime in England and Wales for new students from 2012 means that there will be two systems. The first is the existing £15,000 threshold for students already in higher education, which attracts a low rate of interest and is repaid for up to 25 years, at which point any outstanding loan debt is written off. The other system is the new £21,000 threshold for students entering higher education in academic year 2012-13. It will, depending on income levels, attract a higher rate of interest and will be repaid for up to 30 years, at which point any outstanding loan debt will be written off. Either of those models could apply in Northern Ireland, and the public consultation will seek views on both options.

10.45 am

I note Joanne Stuart's recommendations on adopting a different fee regime for students from Great Britain who want to study in Northern

Ireland. Although a relatively low number of students from other parts of the UK study here, I understand the rationale, which is primarily about minimising the potential displacement of Northern Ireland students if significant numbers of students from Great Britain seek to come here to avail themselves of lower fees. I am still considering that issue, and Joanne Stuart's recommendations will obviously inform my thinking.

Finally, the Stuart report and update includes a recommendation on the need for better communication to ensure that parents, prospective students and careers teachers have a better understanding of the student finance package and its benefits, such as not having to pay up front to access higher education. I welcome that recommendation, and I am considering how best we do that.

I hope that the statement has given some sense of what are emerging as the likely consultation proposals that I plan to bring to the Executive shortly. I am sure that all Members will appreciate that I cannot and will not make pledges that neither my Department nor the Northern Ireland Executive can afford. As I have stated, my officials continue to work on the details of the budgetary implications of those issues. That work is in its final stages, and I plan to bring a paper to the Executive in late February or early March with the intention of launching a public consultation as soon as possible thereafter. That consultation will include options on the complete package of tuition fees, maintenance grants, maintenance loans and repayment terms. In addition, I understand that Joanne Stuart will brief the Employment and Learning Committee tomorrow and that, in a subsequent session, officials will engage with the Committee on the next steps in the process.

I am extremely grateful to Joanne Stuart for her hard work and commitment in producing her original report and subsequent update. I remain committed to bringing forward a "Made in Northern Ireland" model for our future student funding and finance arrangements. I have clearly indicated that I am committed to ensuring that access to higher education here is based on the ability to learn, not the ability to pay. No student or family will be required to pay up front for their fees.

I reiterate to Members the importance of a mature and responsible debate on the issues. Such a debate will allow consensus to emerge on proposals that are affordable for the

Executive and graduates; protect and maintain our widening participation record; secure appropriate investment in our higher education institutions; and maintain the excellence of our universities.

Higher education confers benefits, and it is right that the beneficiaries should contribute towards the cost. As the Employment and Learning Committee said in a recent press release, we need to balance how much tuition fees should be and how much public finance should be given to the universities. That needs to be done in the context of the current financial and economic realities. Our approach to higher education funding also needs to protect and promote the excellent standing of Northern Ireland's universities and colleges and their contribution to our regional economy.

Although a vote in the Assembly will, in due course, determine the level at which tuition fees are set, it is important to reflect, as Joanne Stuart has done, on the fact that whatever model we come up with should be looked at in the context of the total package, not just as one element. I have always recognised the importance of giving the Assembly and the public a say on these issues. I remain committed to doing that through further engagement with Members and through forthcoming public consultation processes.

The future of higher education is of immense significance to the future of our economy and our society. Our excellent universities produce graduates who make Northern Ireland highly attractive to inward investors. They are drivers for social mobility, and they enrich Northern Ireland's cultural and social life. That is why I am committed to protecting and promoting the excellence of our universities.

For individuals, access to higher education opens up career pathways and opportunities that might not otherwise be available. That is why I am committed to ensuring that access to our universities is based on the ability to learn, not the ability to pay. In light of that, the Executive and Assembly would do Northern Ireland a disservice if we were to allow the discussion of the future of higher education funding to be based on the consideration of short-term electoral gain rather than on an evidence-based approach. Joanne Stuart's updated report has made an important contribution to such an evidence-based approach. I trust

that all Members will now reflect carefully on the updated report and ensure that their public statements are based on fact, not fear, and contribute to a serious, mature debate, not electioneering.

I pledge to the House that I am determined to ensure that no young person, no student and no family will be required to pay upfront fees and that access to university will continue to be on the basis of the ability to learn, not the ability to pay. I ask all parties in the House to join me in achieving a "Made in Northern Ireland" solution that secures fairness, affordability and excellence.

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

thank the Minister for his statement and for the briefing that he afforded to the Deputy Chairperson and me yesterday afternoon. I place on record the Committee's thanks to Joanne Stuart for her report. She has appeared before the Committee, and she will be with us again tomorrow morning.

The Committee agrees with the Minister that the decision on where to set tuition fees should take account of maintaining access, widening participation, tackling social exclusion and improving social mobility. Above all, fees should be fair. The Committee has approached the issue with the seriousness that it deserves and has not made rash pronouncements.

Joanne Stuart's first report was completed in March 2010 and, as was said it would be, was revised last autumn after the Browne review. There are some startling differentials in the outcomes. In her initial report, she said that the fees should not rise. Taking an evidence-based approach, to which the Minister referred, she set out the evidence for making that statement against the levels of social deprivation and the lower income thresholds and, indeed, the success that we have had here in widening access to universities for people from poorer socio-economic backgrounds. We are keen to know what has changed for such a leap to be made on tuition fees and for a recommendation such as what we have heard from the Minister to be made.

Will the Minister outline what his Department has contributed and what, if any, policy proposals regarding fees his officials have developed? Thus far, it seems that Joanne Stuart has been forced to do all the heavy lifting.

The Minister for Employment and Learning:

I am grateful to Mrs Kelly, the Chairperson of the Committee for Employment and Learning, for her interest and involvement and that of the Committee in this work. She said correctly that the Committee has been very responsible in dealing with this important issue.

It was necessary for Joanne Stuart to update her original report in the light of the Browne review and his recommendations for the rest of the United Kingdom, particularly England, and, indeed, in light of the budgetary considerations that we now face as a result of the comprehensive spending review, which was announced in October 2010. With that in mind, it was timely and important that Joanne should update her report. That was a recommendation in her original report, so my predecessor acted correctly on that. That report is published today. I know that the Committee is meeting Joanne Stuart tomorrow, and my officials will also be available for further consultation.

The Member asked what departmental officials and I have been doing to bring forward views on the issue. My officials and I have been active in consulting widely with key stakeholders — that makes me sound like an estate agent — by which I mean universities, student bodies and other interested parties. We are considering models, and I have been in contact with my counterparts Leighton Andrews in Wales and Mike Russell in Scotland, as well as with David Willetts in Westminster. We are looking at models for bringing forward proposals for the consultation document. It is important that the consultation document is brought to the Executive and made available for wider public consultation so that everyone can have a mature and responsible debate on this important issue. Final decisions will have to be concluded during the next mandate.

Mr Bell: I thank the Minister for his statement. It is the first time that I have been accused of being positive and open-minded.

Given the financial cut as a result of the Barnett consequential, does the Minister believe that Northern Ireland would be best served by ensuring the twin aims that young working-class people can still access university on ability to learn and that our two universities and higher education colleges remain leading world-class British colleges of excellence? I say that as a working-class boy who accessed university.

The Minister for Employment and Learning:

I am grateful to the Member for his question and for his undue modesty. I have tried to say in the statement today and I underline my view that access to university should remain on ability to learn and not on ability to pay. That is my fundamental guiding principle and that of my party, and I believe that it is shared by all parties in this House. We would do well to remind ourselves that we have a very good record for widening participation and attracting students from poorer socio-economic areas. In fact, we have the best record in the United Kingdom. I want to preserve that, and I am publicly committed to maintaining that record.

The Member will be aware that there will be consultation in the near future to look at targeting issues such as the most able and the least likely. Therefore, I am committed to ensuring that access to higher education remains based on ability to learn and not on ability to pay. The Member is right that we have to find a balance. Not only must we keep affordability and access levels, we have to ensure and protect the world-class universities that have served us so well in Northern Ireland.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. It is important to remind all parties that, at one time or another, they opposed student fees. I am not surprised that we are discussing the issue today, considering that the Minister's party stood with the Tories in the last Westminster election. The Minister kept saying that access to university is about ability to learn and not ability to pay. I am concerned about where we are coming from on that issue. We are talking about increasing student fees even though the first Stuart report stated that there should be no increase. The old saying is that he who pays the fiddler calls the tune: will that be an option in the consultation document? Devolution is about us making decisions for our people, including our students.

Mr Speaker: Will the Member please come to her question?

Ms S Ramsey: I will, a Cheann Comhairle. The Finance Minister says that there is no issue about increasing fees in his Budget, but I am concerned about who runs the Department: is it the Minister, or is it Queen's University?

The Minister for Employment and Learning: I thank the Member for her question. She raises

an interesting issue, one on which she would do well to examine her own party's record.

We need to realise that it involves cost. Potentially, the Member, presumably on behalf of her party, is inviting me, as a member of the Executive, to create a black hole of up to £80 million. That may be good electioneering, but, practically and financially, it is not in the real world.

11.00 am

I ask all parties to maintain their good, mature response to the debate. It is important that we do not descend into party political arguments that end up in cheap electioneering. I warn the Member off that dangerous and unwise approach, as, ultimately, it does no service to students, graduates, universities or anyone who is remotely interested in higher education. I hope that we can work together.

It is clear that the draft Budget's implications for my Department are not good. I want to work with my Executive colleagues, including the Minister of Finance. If the Member's Executive colleagues have money to give me to fund student fees and to make courses free or, indeed, to support students in any way, I will not be precious about it: I will accept money from the Minister for Regional Development, the Minister of Education or from whichever quarter the necessary money comes.

The guiding principle must be to seek a Northern Ireland-based model that is best suited to the needs of students and universities and which is based on ability to learn not ability to pay.

Mr McCallister: I thank the Minister for his open and honest statement about the challenges that face us all. It is important that the premise of ability to learn over ability to pay and Northern Ireland's record on student numbers are maintained. Does the Minister agree — and it is worth reiterating — that there is a responsibility on all of us in the House, whatever our viewpoint, to face budgetary realities? Does the Minister agree that we must have the debate in that light?

The Minister for Employment and Learning:

I thank the Member for his question. I agree strongly that we set out the issues, which are difficult, complex and which will require important and, potentially, difficult decisions to be made, in a mature and responsible way. Surely it is the test of what is called a five-party mandatory coalition to address those issues.

If the coalition works properly and cohesively, it should take a collective view on those issues and not descend into party politics and cheap electioneering.

Mr Lyttle: I agree that we need to set electioneering aside. The House needs to send out a clear message that no one should be deterred from higher education by cost. A more sustainable model is needed. When will the Minister deliver detailed proposals that allow us properly to assess the balance that is being struck between students, universities, state and business to provide a more sustainable higher education model in Northern Ireland, and when exactly will consultation commence?

The Minister for Employment and Learning: I am grateful to the Member for his important question. I have factually set out Joanne Stuart's updated report. I encourage all Members, parties, interested people and key stakeholders — said the estate agent again — to study the report in detail, as it has significant implications. Arising from that, and on completion of the budgetary process, which, in itself, is important and the House will decide on in coming weeks — *[Interruption.]*

Mr Speaker: Order. Minister, you may continue.

The Minister for Employment and Learning:

What I intend to do then is to bring forward to the Executive, in late February or, at worst, early March, proposals for an options paper for full consultation with everyone throughout Northern Ireland. That is my intention. We are working on proposed models and we will bring forward that paper to the Executive as quickly as we can to seek Executive agreement on it. I am not in the business of being a popular or unpopular martyr on those issues. We will seek to get Executive agreement for that consultation, which will be a full and proper consultation that will stretch over the period in which the House will go into election mode, if it is not already there. Then the new Assembly, and whoever is the Minister, will bring forward the proposals as necessary on the future funding for higher education.

Mr Weir: I thank the Minister for his statement. To follow on from the previous question, given the need that prospective students and universities have for certainty on funding, will the Minister indicate what he sees as the timescale for a final decision on fees? Is he indicating that there will not be any impact on 2012-13?

The Minister for Employment and Learning:

I am grateful to the Member for his question. He raises a significant issue. The decision is one that will have to be faced early in the life of the new Assembly because if we get approval for the consultation process at Executive level, as I hope that we will, the process will take 12 weeks, which will carry us through until late May. It will then be for the House and the Minister to make recommendations and to bring forward proposals.

The clock is ticking. It is an important issue, and certainty is required by students, parents and, not least, universities, which will need to know how their finances will be managed over the coming years. It is important that we have that mature reflection and that people treat the issue with due regard, to allow us to be in a position for the new Assembly to make an early decision on it, however difficult that decision may be.

Mr Butler: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I note that he said — as he did at the time of the Browne review — that he wanted to see a solution here in the North of Ireland, yet, on the face of it, it seems that he has accepted lock, stock and barrel the Browne review, an English solution to the North of Ireland's problem. Given that we need a vote in the Assembly, as the Minister said, and that there are some parties that are still implacably opposed to tuition fees, what is the Minister's plan B if that vote does not support an increase in tuition fees?

The Minister for Employment and Learning: I am grateful to the Member for his question. I understand, from reading recent news reports, that he may not be a Member of the new Assembly. Of course, one cannot guarantee that any of us will still be Members, and I am not suggesting that. I am not saying that that is one less problem for me to deal with — *[Laughter.]* What I am saying is that these decisions have to be faced. We can live in a world where nobody takes a hard decision and we blame political rivals or competitors for various things.

My basic point is that, in what is described as a five-party mandatory coalition, there is an expectation among the wider public that we will look at those issues together to try to achieve a fair and secure resolution that keeps student fees at reasonable levels of affordability,

protects widening participation and protects the status of our universities.

That is the task ahead, not only for this Assembly, in its dying embers, but the new Assembly. I hope that Members will approach the issue on that basis.

Mr S Anderson: I thank the Minister for his statement and for giving Members notice of the full text. The Minister spoke of a shortfall of between £40 million and £65 million per annum. Under the proposals in the statement, how many families does the Minister estimate will end up paying more, and how much of that shortfall will be made up each year?

The Minister for Employment and Learning: The Member is obviously referring to the budgetary position that my Department finds itself in. That is slightly separate from the statement, which is largely a factual report of Joanne Stuart's updated recommendations to me.

With regard to the budgetary considerations, we are significantly trimming back funding to higher education. Those proposals are there, and the universities are not impressed by them. They are concerned about the quality of the education that they will be in a position to provide. However, we are where we are financially, and we seek to make those efficiency savings and to bring them forward in a responsible way. However, unless the Executive provide further support, there will undoubtedly be a further negative impact on funding to our universities and on how higher education is funded in Northern Ireland. That is my concern, and those are the issues that we have to deal with.

The Budget is in draft form and not yet confirmed. I will continue to make representations. Obviously, the Executive's priority remains improving the local economy. We have to ensure that our students and the high standards and quality of our further and higher education are key to that economic revival. It would be very short-sighted to impact on that negatively, and I am very conscious of that. I know that the First Minister and deputy First Minister made that important point and had that important point made to them when they were in Washington in the latter end of last year. I very much hope that that view will be endorsed at Executive level. However, those are the harsh financial realities in which I find myself in charge of this Department. I am seeking solutions and will look for the support of all parties.

Mr Beggs: The Stuart report recommends retention of the basic fee at current levels for agricultural and further education colleges. Outside of the Department of Agriculture and Rural Development, however, other Departments have impacts on costs. I am thinking of the Department of Education with its teaching colleges and the fact that there are too many trainee teachers and too few vacancies, as well as the associated costs of nurses, doctors and allied medical professionals. Have there been detailed discussions at the Executive and have decisions been made to ensure that there is a coherent and collective approach to the total costs that will be incurred in this sector?

The Minister for Employment and Learning: I have adopted a collective approach to this matter and will continue to do so. Last week, I was somewhat surprised to learn that the Minister of Agriculture and Rural Development had not applied the inflationary increase to the budgets of the colleges under her jurisdiction. It surprised me because, for at least three successive years, that same Minister had no difficulty in applying those increases. I can only imagine that it was a peculiar form of electioneering and an attempt to gain cheap advantage.

11.15 am

If I were cynical, if I were bitter and twisted, I would highlight that the same budget cut funding to the Young Farmers' Clubs of Ulster. That cut seemed to be unfortunate and peculiar, but perhaps there are political reasons for it.

Mr P Ramsey: I understand that the subject of student fees is very difficult. However, it is clear that devolution has put the economy at the heart of building Northern Ireland. A highly educated workforce is key to that. The SDLP will not and cannot support the fees increase and will urge other parties in the Executive to resist and reject them.

Are the DEL budget assumptions the prime reason for Joanne Stuart's recommendations? I ask that because people will look at the recommendations cynically and say that they are not independent. Where is the evidence behind those recommendations?

The Minister for Employment and Learning: I am grateful to the Member for his question. Let me state, absolutely, that Joanne Stuart's work has been completely independent. Neither I nor my Department sought to intrude upon that or

to influence it in any way. With the report, what you see is what you get.

As I informed the House earlier, Joanne Stuart's update to her report is important. It was a recommendation in the original report that she should update matters on the back of the Browne review in particular and in light of the comprehensive spending review. Those considerations and that wider context — not simply the Northern Ireland Executive's budgetary considerations, but the wider financial world that we now live in, with the block grant and the current financial resources in our nation — are not without importance.

I assure the Member that Joanne Stuart acted independently, and her report reflects that. It is a challenging report to the Assembly, to me and my Department, to the Executive and to those of us who will be charged with bringing her recommendations forward.

I am slightly disappointed to hear the Member talk of a predetermined outcome, because I am not making a judgement on Joanne Stuart's report at this stage. I am still engaged in carrying out studies, speaking to interested parties and looking at models for a Northern Ireland-based approach. I am doing that so that we can go back to all the people and say that this is the best effort that we can collectively make, not on a political basis but on the basis of what is best for the students and the universities that we seek to serve.

Mrs McGill: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I regret that Joanne Stuart's report was commissioned in 2008, yet we still have not got the issue sorted at this late stage. Mention has been made of the independence of Joanne Stuart in compiling her reports.

If, for example, Queen's University decides that it wants to increase its fees to £9,000, as has been mooted, what control will the Department or a future Minister, whoever that may be, have over that decision?

The Minister for Employment and Learning: I am grateful to the Member for her question. I am loath to enter into a largely speculative debate.

The approach hitherto taken by Queen's University and the University of Ulster has been constructive and helpful, and has been mindful of the financial restrictions and the overall

context in which the debate is taking place. It would not be wise for me to speculate on how any of the universities will react. We should work through the problem and achieve the Northern Ireland-based solution that we all seek. I hope that the Member will add her contribution to that.

Mr K Robinson: I thank the Minister for his measured statement on what could be an emotive subject. With one or two honourable exceptions, the response from Members was also measured, and Members were attentive to what the Minister said about this difficult problem. In light of the importance of higher education to our regional economy, does the Minister agree that the issue of tuition fees requires a corporate approach from the Executive?

The Minister for Employment and Learning: I am grateful to the Member for his comments. They reflect the mood and tone of the House, which I welcome and appreciate. I did not enter politics to raise student fees and to become an even more unpopular figure. However, that is not the issue. The issue is wider than personal and party political considerations, and the mood of the House demonstrates that. Members want a fair and reasonable solution to the issue, and I am working with everyone involved to achieve that and will continue to do so. I reassure the House of that, and I particularly want to encourage those who are cynical and sceptical and have one eye cocked towards the election. An election is important, but more important to students, parents, graduates and the universities is the long-term stability and security of higher education in Northern Ireland.

Mr McDevitt: The Assembly was created to give hope to future generations, not to tax the hopes of this and future generations. The SDLP, Sinn Féin and the DUP are all opposed to an increase in student fees, and in the House of Commons on 9 December 2010, the Minister of Finance and Personnel, Sammy Wilson, said that he was fundamentally opposed to such an increase. Given all that, will the Minister take this opportunity to create a unity of purpose in the Chamber and tell Members that he also opposes an increase in student fees? Will he also commit to taking the matter back to the Executive so that we can take this issue off the agenda before the election and give hope to future generations in the region?

The Minister for Employment and Learning: I am grateful to the Member for his contribution.

Until the Member spoke, I had considered Colin Firth to be the leading contender for this year's Academy award for best actor. *[Laughter.]* However, if Academy members are watching today's proceedings or get the opportunity to watch them, they may find a new contender. *[Interruption.]*

I have tried to set out the updated report on behalf of Joanne Stuart today. I heard what the Member said, and I also heard the passion with which he said it. Although I understand that passion, I must deal with the situation as I find it. I am working through the issue and will continue to do so. There is no — *[Interruption.]*

Mr Speaker: Order.

The Minister for Employment and Learning: The Member, having asked the question, might be interested in listening to the answer.

Some Members: Hear, hear.

The Minister for Employment and Learning: There is no deliberate intention on my behalf to raise student fees, nor is there any malice. However, against that, I have responsibilities as the Minister for Employment and Learning and as a member of the Executive. Throughout the process, I have consistently been open and honest, and I continue to be so. I seek the co-operation and help of Mr McDevitt and Members from the other parties as we work through this difficult issue.

Ms Lo: I thank the Minister for his statement; he has a difficult job to try to balance the books. Now and again, the two universities here have mentioned the need to consider greater flexibility on the cap on student numbers. Would the Minister consider reviewing that, so that the universities could spread the costs and help to balance the books?

The Minister for Employment and Learning: I am grateful to the Member for her question, and I thank her for her sympathy as well. She will be aware of Sir Graeme Davies's review into the future of higher education, which is out for public consultation. The capping of student numbers at particular universities, both Queen's University and the University of Ulster, is included in that review. There is, perhaps, an opportunity in the review to refocus things. I will not express an opinion because it is a live consultation, and we want people to contribute to it. It is based on a wider time frame than

the current debate focuses on. Nonetheless, it remains an important aspect, and I encourage all Members and all political parties to involve themselves in that consultation.

Mr A Maginness: I thank the Minister for his comprehensive statement. Nothing gives rise to greater resentment than student fees, and I have no doubt that increases in those fees will give rise to great resentment among young people. The Minister is handicapped by two things: first, Westminster's decision on the fees in England and the Barnett consequential on that and, secondly, the Department of Finance and Personnel's decision on its Budget, which will engage a deficit of around £68 million. Given that, and given the fact that the Minister is committed to a genuine consultation, does he feel that the proposals in Joanne Stuart's report can be amended or altered, bearing in mind that he is handicapped by the double whammy that he has received with regard to his budget?

The Minister for Employment and Learning: I do not underestimate the task before me. However, it is not before only me, it is before the entire House and the entire Executive. This ought not to be a party political issue. I am working hard to ensure that it does not become party political and that the Executive and the Assembly take corporate responsibility for it. I welcome the tone of today's debate. We have had a bit of toing and froing but, in the wider frame, most Members accept the enormity of the task before us. However, it should not be beyond our wit or ability to bring forward a sensible outcome with help and co-operation from each other.

Mr McClarty: I thank the Minister for his statement. I also thank the Minister, the Department and Joanne Stuart for all their hard work on this important issue. It has created the opportunity for some to electioneer and, as we have already heard, that opportunity has not been missed.

To what extent will the future level of tuition fees be determined by the Budget settlement voted for by the House?

The Minister for Employment and Learning: One crucial element of the issue is the current deliberations on the draft Budget. Members will be aware that I have raised concerns about the level of funding and its impact on and implications for higher education. A lot of the burden of my Department's efficiency savings has been placed at the door of higher

education, and, as I said earlier, the universities are concerned about that.

However, we are where we are. Very soon, the draft Budget will become, one imagines, a final Budget. That potentially makes my task, and that of the House and the Executive, even more difficult. My only hope, and my expectation, however misplaced, is that we will address the issues together.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. In his statement, the Minister referred to the consultation paper going out and then back to the Executive. Can he tell us whether it will include options for having no fees or having a fees freeze? Or will the only options in the paper be for a rise in fees? I would appreciate an answer.

The Minister for Employment and Learning: I am grateful to the Member for his question. Let me confirm that the options paper will contain as many options as we can possibly include. I will not second-guess it, because work on it is ongoing. A full range of options will be available for a full and proper public consultation.

Mr Speaker: That is the end of questions to the ministerial statement. Members may take their ease for a few moments.

Executive Committee Business

Sunbeds Bill: Consideration Stage

Mr Speaker: I call the Minister of Health, Social Services and Public Safety, Mr McGimpsey, to move the Consideration Stage of the Sunbeds Bill.

Moved. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Mr Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendments that deal with enforcement, principally through fines and the creation of restricted zones, together with the Minister's opposition to clause 3. The second debate will be on amendments that deal with the creation of duties, including duties to provide information and to provide protective ear-wear. I am sorry: I meant to say "eyewear". The third debate will be on the licensing of sunbed premises.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill. The Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. I remind Members to address all the amendments in the group on which they wish to comment. If that is clear, we shall proceed.

Clause 1 (Prohibition on allowing use of sunbeds by persons under 18)

Mr Speaker: We now come to the first group of amendments for debate as shown on the grouping list, and this includes the Minister's proposal to remove clause 3.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move amendment No 1: In page 1, line 3, leave out subsection (1) and insert

"(1) An operator of sunbed premises who —

(a) allows a person who is under 18 to use a sunbed on those premises, or

(b) allows a person who is under 18 to be present (except in the course of providing services to the

operator for the purposes of the business of the sunbed premises) in a restricted zone on those premises,

commits an offence."

The following amendments stood on the Marshalled List:

No 2: In page 1, line 20, at end insert

"(4A) Subsections (4B) and (4C) have effect for determining what is for the purposes of subsection (1)(b) a restricted zone.

(4B) If a sunbed on the sunbed premises is in a wholly or partly enclosed space that is reserved for users of that sunbed, every part of that space is a restricted zone.

(4C) If a sunbed is in a room on the sunbed premises but not in a space falling within subsection (4B), every part of that room is a restricted zone." — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 3: In page 1, line 22, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 4: In clause 2, page 2, line 24, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 5: In clause 4, page 3, line 9, leave out "level 3" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 10: In clause 5, page 3, line 42, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 13: In clause 6, page 4, line 17, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 17: In clause 8, page 5, line 6, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 22: In clause 9, page 5, line 20, leave out "level 4" and insert "level 5". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 25: In clause 10, page 5, line 32, leave out “level 4” and insert “level 5”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 26: In clause 11, page 6, line 6, at end insert

*“‘registered medical practitioner’ means a fully registered person within the meaning of the Medical Act 1983 (c. 54) who holds a licence to practise under that Act.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]*

No 27: In clause 14, page 6, line 41, leave out “level 4” and insert “level 5”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 30: In clause 18, page 8, line 19, at end insert

“(2) Subsections (3) and (4) have effect for determining for the purposes of this Act on which premises a sunbed is sold or hired where—

(a) the order for the sunbed is taken on certain premises (premises A); and

(b) the sunbed is despatched for delivery in pursuance of the sale or hire from other premises (premises B).

(3) Subject to subsection (4), the sale or hire is to be treated as taking place on premises A.

(4) But if—

(a) premises A are not in Northern Ireland; and

(b) premises B are in Northern Ireland,

*the sale or hire is to be treated as taking place on premises B.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]*

The Minister of Health, Social Services and Public Safety: Amendment No 1 inserts an additional offence, proposed new subsection (1)(b), which makes it an offence to allow a person under 18 to be present in a restricted zone on the sunbed premises. That amendment was suggested by the Committee for Health, Social Services and Public Safety during its scrutiny of the Bill, as a restricted zone is included in the Sunbeds (Regulation) Act 2010, which extends to England and Wales. The amendment ensures that a person under 18 cannot, for example, accompany his or her mother into the room where the sunbed is housed. It aids enforcement of the Bill, and I am thankful to the Committee members for their input.

Amendment No 2 enhances amendment No 1 by providing three new subsections that provide a definition of “restricted zone” referred to in the proposed new subsection (1)(b).

Amendment Nos 3, 4, 5, 10, 13, 17, 22, 25 and 27 raise the fines for most offences in the Bill — namely, in clause 1 and in clauses 2, 4, 5, 6, 8, 9, 10 and 14 — to level 5 on the standard scale of fines for offences punishable on summary conviction only.

Level 5 is a fine not exceeding £5,000. That amendment was suggested by the Committee for Health, Social Services and Public Safety during its scrutiny of the Bill, as it was thought that a fine with an upper limit of £5,000 was set at a more appropriate level. I am thankful to the members of the Committee for their input.

Amendment No 26 provides a definition of “registered medical practitioner”, as that was not previously defined in the Bill.

I will now turn to clause 3 and amendment No 30. Members will have noted from the Marshalled List my intention to oppose the Question that clause 3 stand part of the Bill. The reason is that I wish to replace clause 3 with amendment No 30, which inserts three new subsections at the end of clause 18. That arose from a doubt that clause 3 was within the legislative competence of the Assembly. Amendment No 30, which inserts new text at the end of clause 18, has the same legal meaning as the original intention of clause 3, but it clarifies the position and ensures that the prohibition of the remote sale or hire of sunbeds to under 18s is done within the legislative competence of the Assembly.

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

Before I go into my set speech, I wish to say that it has been a pleasure to deal with the departmental officials throughout our scrutiny of the Bill. There are people who, perhaps, have a rather jaundiced view of the benefits of devolution, but when one sees what can be achieved when the Committee, the Minister and the officials work together, it is remarkable. As a result of that, we have legislation on the use of sunbeds that is among the strongest in Europe and that will do a lot to protect young people from the harmful effects of the use of sunbeds. The Sunbeds Bill was the first major piece of legislation that I dealt with when I took up the chairmanship of the Committee, and it has been

a very pleasant experience. Not every interface between the Committee and the Minister and his team has been as pleasant, but this one has been good news for all concerned.

On behalf of the Committee for Health, Social Services and Public Safety, I welcome the Bill's Consideration Stage. The Sunbeds Bill is timely and welcome. Having looked closely at the Bill and what it has to offer, I am confident that it will make a significant step forward in protecting our young people against the dangers of sunbeds. The Bill will provide robust legislation to regulate the use of sunbeds by those over 18 who choose to use them.

The Bill was referred to the Committee on 25 May 2010. To ensure that there was enough time to scrutinise this wide-scoping legislation, the Committee sought an extension to 4 November 2010. As members will confirm, the Committee needed that time to go through the Bill's many complexities and to hear what people had to say about its proposals. The Committee received written submissions from 30 organisations and individuals, and it took oral evidence from those who represented the widest possible range of interested parties in the time available. The Committee's report concluded on 12 October 2010.

The Committee's detailed scrutiny led to a recommendation to the Department that 12 amendments be made. I am pleased to report that all those recommendations were accepted by the Minister and are reflected in the amendments that we are considering today. I thank the Minister for his co-operation and for taking on board the Committee's recommendations. We can safely say that there are unlikely to be any divisions on the Bill and that everyone is singing from the same hymn sheet.

I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and departmental officials during the Committee Stage. That helped the process along and paid dividends when it came to agreeing recommendations for amendments. My previous experience has been that some officials from other Departments would say, "The answer is no. Now, what is the question?" I am glad to say that the officials from the Health Department said, "The answer is yes. Now, how can we work together on this particular issue?" That augurs well for ongoing legislative scrutiny.

Before I talk specifically about the amendments in the first group, I wish to provide a brief synopsis of the work undertaken by the Committee and an overview of the key issues that we identified as we scrutinised the Bill. There was a major issue around the need for a licensing scheme rather than a simple registration scheme. That issue was raised with the Minister at Second Stage. During that debate, he made a commitment that he would consider subordinate legislation for licensing. We see that as a major step forward. Obviously, we would have the sanction of removing the licence from someone who is not adhering to the provisions of the Bill.

There was also concern about the levels of fines and fixed penalties, which the Committee believed were too low to act as proper deterrents. A recurring theme throughout the debate will be that the Department reacted to that and significantly increased the fines to a level that I see as a very strong deterrent to those who would abuse the use of sunbeds.

We also discussed the concept of a restricted zone in premises where sunbeds are in use to assist local authorities — district councils, in our case — with enforcement. The Minister referred to that in his opening statement. Many witnesses raised the problem of the use of sunbeds by children in private homes. There was also concern about the delegated powers in the Bill. Those are all issues that I will return to later.

Other important issues were considered by the Committee that do not relate to the amendments being debated today. The Committee was concerned about the commencement dates for the subordinate legislation provided for by the Bill. The Bill allows for subordinate legislation, which would govern various features, to be introduced at a later date. Those include information to be provided and displayed, protective eyewear and training and technical requirements. The Bill does not specify dates for the commencement of the subordinate legislation. Much of the evidence received by the Committee urged that specific dates for commencement be added to the Bill. The Department explained that its intention is to introduce the subordinate legislation as soon as possible and that officials are already working on the detail. Officials indicated to the Committee, in public session, that they expect most of the subordinate legislation to be introduced within

12 months of the Bill becoming law. Again, that is very welcome.

The Department resisted putting definitive dates in the Bill for two main reasons. First, the work has to be done to develop, for example, the technical requirements for sunbeds and training courses. That work needs to be consulted on, and the outcome of that consultation needs to be incorporated in the draft subordinate legislation. Secondly, the officials working on the Bill may find themselves diverted to potential crises such as swine flu. If there were a definitive date in such an event, the Department could be in a position to break its own law. However, officials made it clear to the Committee that they are working on aspects of the subordinate legislation and are keen to see it brought forward within 12 months of Royal Assent.

The Committee was concerned about whether a provision is needed to prohibit those with skin type 1 from using sunbeds. The Committee is aware that the Republic of Ireland intends to introduce its own legislation to regulate sunbed use in the future. Indeed, the Royal College of Nursing (RCN) gave evidence that the use of sunbeds should be banned full stop. There is considerable merit in that argument. However, with hindsight, the Committee felt that that may be taking the legislation too far, particularly when the draft legislation had made no provision for it. Speaking personally and as a member of the Committee, rather than as the Committee Chairperson, I must say that I was very tempted to consider it at one stage. I have never used a sunbed in my life, which is pretty obvious given my pale skin. As far as I am aware, none of my family has ever used a sunbed. Listening to the evidence, I was almost tempted to back the call for a total ban. However, the Committee decided not to do so, as we feel that the legislation that we have is deliverable.

In the middle of our consultation, it became apparent that our colleagues in the Irish Republic were hinting at bringing in legislation that would ban the use of sunbeds by people with what is known as the Celtic skin type. I do not know how exactly that is defined. However, I believe that people with red hair, freckles and a certain type of skin have the Celtic skin type. It is prevalent throughout Northern Ireland and the Irish Republic. The problem is that, as yet, we do not know what the Irish will do in respect of the legislation. These are the very early stages. It would be good if there was some

consistency between the two jurisdictions for the very obvious reason that, if there were very tight regulation in Northern Ireland, people in Strabane, for example, could go across the camel hump bridge — or whatever it is called — and avail themselves of sunbeds in Lifford under much more lax legislation, or vice versa. Therefore, we thought that there was some merit in that. Unfortunately, the Irish legislation is still at a very early stage, so we do not know where we are going. Of course, at the moment, the Irish are dealing with more important issues than sunbeds with their election campaign.

The legislation may include an outright ban on sunbed use by over 18s who have the very fair skin type that I mentioned. The Committee discussed that issue with departmental officials at its meeting on 14 September. The officials indicated that the issue had not been consulted on and that substantial research would be required before making a decision on whether the concept was desirable, workable, necessary or possible.

However, the departmental officials stated that the intention was to emphasise the risks associated with using sunbeds for people with fair skin in the written information provided. It was noted that the Bill also included a power to introduce compulsory training when such accredited courses become available. Such training courses would have to include coverage of the risks associated with fair skin. The Committee agreed that that was a suitable method of addressing the risk and that it would keep itself informed on the developing legislation in the Republic of Ireland. On reflection, we took a fairly balanced decision on that issue, despite the fact that it came to the Committee very late in its consideration of the Bill.

11.45 am

I will now comment on the first group of amendments, which concern enforcement. The Committee welcomes amendment Nos 1 and 2, which introduce the idea of a restricted zone. Enforcement of the Bill will be carried out by local authorities. The Committee received evidence from Belfast City Council and from the Chief Environmental Health Officers Group on the difficulties associated with enforcing clause 1 as originally drafted. They suggested introducing the concept of a restricted zone in premises where sunbeds are in use. Persons under 18 will be prohibited from entering such

a restricted zone. The Committee agreed with that position and welcomed the Department's commitment to introducing an amendment on that issue.

Amendment Nos 3, 4, 5, 10, 13, 17, 22, 25 and 27 deal with the level of fines and fixed penalties. The Committee noted that the Bill allowed for fines from levels 1 to 4 under the Fine and Penalties (Northern Ireland) Order 1984. That is a standard scale for offences punishable on summary conviction. A level 1 fine is £200; a level 2 fine is £500; a level 3 fine is £1,000; and a level 4 fine is £2,500. A level 5 fine is substantially higher at £5,000.

The Committee considered the level of fines and noted that, in clauses 1, 2, 4, 5, 6, 8, 9 and 10, the fine was set at either level 3 or 4 rather than at level 5. The Committee felt that fines ranging from £200 to £2,500 were not sufficient deterrents, and that was echoed by much of the evidence supplied to the Committee, such as that provided by the British Association of Dermatologists. The Committee was, therefore, pleased that the Department indicated that it was tabling an amendment to bring all fines, with the exception of the fine provided for in clause 7, up to the level 5 amount of £5,000. The Minister addressed that in his opening remarks. The Committee strongly welcomes that amendment.

Opposition to clause 3 and amendment No 30 are linked, so I will comment on them jointly. On 3 February 2011, the Committee received a briefing from officials who advised that an issue had been identified with the legislative competence of clause 3. That matter has now been resolved, and the functions of clause 3 will be dealt with by a new subsection at the end of clause 18. The Committee was reassured that the amendment to clause 18 will have the same effect as the original intention of clause 3. The Committee was content with the Department's explanation for amending the Bill in that way and agreed to vote down clause 3 and to support amendment No 30.

That is all that I have to say about this group of amendments. I am sure that other Members will wish to comment.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. Sinn Féin welcomes the Consideration Stage of the Sunbeds Bill. It has been some time since we debated the principles of the Bill. As the Chairperson pointed out, the Committee

had lengthy and worthwhile debates during evidence sessions with various stakeholders including cancer organisations, charities and local government representatives. Over 30 organisations submitted written evidence to the Committee. Sinn Féin supported the principles of the Bill from the very start, and we listened very carefully during all those evidence sessions. As a result, a number of amendments were suggested to the Department, and we are pleased that those have been taken on board and are being moved today.

Sinn Féin welcomes amendment Nos 1 and 2, which bring into play arrangements to have restricted zones in areas or premises where sunbeds are in operation. Perhaps I misheard the Minister, but when he moved the amendments, I think that he referred to children following mothers into sunbed areas. However, these are changing times, and many a man now uses a sunbed, so the legislation is obviously equally valid for men and women. That amendment should make enforcement easier for local councils and environmental health officers in carrying out their roles.

The other amendments in the group deal with the level of fines. When considering the original fine levels, we decided that they were not high enough to deter bad practice. We welcome the amendments, which will allow for fines to be maximised.

Finally, the Minister set out the reasons for opposition to clause 3 and the impact on amendment No 30. The Department assured the Committee that that was necessary because of potential problems with the legislative competence of the Bill. Sinn Féin is content with what is effectively a tidying-up clause.

Mr McCallister: There is general agreement on the Bill, and the Committee's hard work in scrutinising it has certainly paid off. I concur with the Chairperson and the Deputy Chairperson that this is an excellent example of the Assembly working at its best. The Minister, departmental officials and the Committee scrutinised the Bill and worked together to look at what was needed to change and improve it. They worked collectively to come up with the necessary changes to make the Bill an effective and worthwhile piece of legislation. The House can take pride in having delivered the Bill to protect people in Northern Ireland.

Other Members laid out the case for all the amendments, and the Ulster Unionist Party supports that. Amendment Nos 1 and 2 complement each other and will add to the protections in the Bill. I accept the Deputy Chairperson's point that the legislation applies to all of us. Of course, Mr Speaker, I have never used a sunbed; that is why I am this colour.

The other amendments refer to the level of fines. When the Committee considered the issue, there was concern about having a meaningful level of fine. It is important that the Minister and the Department took that issue on board. The case has already been made for opposition to clause 3 and the subsequent amendment. This has been a good piece of work by the Minister, the Committee and departmental officials. We support the amendments.

Mr Speaker: I call Mr Alex Easton.

Mr Easton: Thank you, Mr Speaker.

Mr Speaker: I am sorry; I meant to call Tommy Gallagher first. I apologise for that.

Mr Gallagher: Thank you, Mr Speaker.

The Bill is a welcome development to the SDLP, coming as it does against the rising incidence of skin cancer. I also refer to the constructive approach taken by everybody involved, particularly the Department, members and all those who gave evidence.

Members referred to the dropping of clause 3 in favour of a later amendment. The entire Committee agreed on that. Amendment Nos 1 and 2 refer to the restricted zone and persons under the age of 18 and has some useful steps about enforcement. The only exception regarding persons under the age of 18 being in that zone is specified in clause 1(b) of the amendment: the only people allowed in there are those employed to carry out maintenance, for example.

The SDLP also welcomes the amendments that increase fines by 100% — from £2,500 to £5,000 — for people convicted under the legislation. We welcome the Bill and feel that it is an important step in improving public health and addressing concerns about the growing incidence of skin cancer.

Dr Deeny: As a member of the Health Committee, I reiterate what has been said: the

Bill is a very good example of the Chairperson and members of the Committee, our clerical team, the departmental officials and the Minister all working together. It is good news.

As has been mentioned, the legislation is as strong as any that probably will exist in Europe for protecting the skin of our population. In some sense, we are leading the way. It is also supported very much by all the health professionals. I have no doubt that the legislation, when it comes into being, will save lives and decrease the number of our population with skin cancer, so it is good news for health professionals and our population.

I will not go through all the amendments, but I, with the rest of the Committee, support them all. When we discussed clause 3 at length with departmental officials last week, we saw right away that it made sense to remove it and deal with the issue by amending clause 18. I support all the amendments and the removal of clause 3.

Mr Easton: I support the Sunbeds Bill. I echo the words of my party colleague Mr Wells: it shows what can be done with the Department, the Minister and the Health Committee working together. Hopefully, it is a good lesson to learn.

I welcome the Bill's Consideration Stage and I support the first group of amendments. I welcome and support amendment No 1, which clarifies clause 1(1). I also welcome and support amendment No 2, which clarifies where the restricted zone is situated for the purpose of clause 1(1). I am also supportive of amendment No 4, which increases the fine for anyone who is convicted of being in contravention of the Bill.

I support amendment No 5, which increases the penalty for those who are guilty of operating a sunbed in licensed premises unsupervised. I am also content with amendment No 10, which raises the bar for those who fail to provide information to users. I support amendment No 13, which raises the penalty for failure to display information. I also support amendment No 17, which raises the penalty for licensed sunbed providers who fail to supply protective eyewear. That is vital to protect the sight of those who use a sunbed.

I support amendment No 22, which raises the penalty for the failure to train members of staff who operate a sunbed, and amendment No 25, which raises the penalty for those providing sunbeds on licensed premises who fail to

comply with all requirements that are requested of them in conjunction with the Bill. I support amendment No 26, which redefines “registered medical practitioner”. I am also content with amendment No 27, which raises the penalty for those who refuse to permit an authorised officer on to their premises, and amendment No 30.

I commend the amendments, with the exception of the Minister’s opposition to clause 3, which I do not support.

Mr Callaghan: As members of the Health Committee will know, I was not a member of the Committee when the Sunbeds Bill passed through the majority of its treatment by that Committee. However, from what has been said in the House today and from informal discussions with colleagues, it is fairly clear that there is widespread warmth and appreciation for the degree of co-operation from the Minister, his officials and the Department. I pay tribute to the members of the Committee for the diligence and enthusiasm that they have shown towards this very productive measure.

The Chairperson made reference to what may forever become known as the camel’s hump conundrum and the way in which some of these issues are dealt with along the border region. It strikes me, as someone who grew up in the border area, that there was a time when the camel’s hump itself was known as a restricted zone. Thankfully, however, we have moved on from the days of that zone to dealing with new restricted zones.

A few important issues arise as regards how the Department may co-operate and communicate with the Republic in future in respect of the scope and substance of regulation and restrictions and also the levels of fine. On a practical day-to-day level, there would not be much point in a fine in Strabane being £5,000 if the fine for a similar breach in Lifford were only £50.

In effect, it would make nonsense any deterrent on a commercial basis. Leaving that aside, I echo what my party colleague Tommy Gallagher said, and I am happy to support —

Mr Wells: Will the Member give way?

Mr Callaghan: Yes.

12.00 noon

Mr Wells: Perhaps the Member has better contacts in County Donegal than I have.

I think that the way forward is to urge the Irish authorities to take this very progressive legislation on board and use as much of it as possible as a template for their laws. Far be it from me to tell the Dáil what to do — I would not suggest such a thing for one moment — however, the level of fines, the principle of licensing and the educational material could go a long way towards helping the Irish authorities to develop progressive legislation in the Twenty-six Counties.

Mr Callaghan: Absolutely. Any further cross-border harmonisation will be very helpful. There are institutional arrangements for bringing forward such matters, which I hope will be pursued by the next batch of Ministers on both sides of the border. I look forward to the day when Mr Wells has the opportunity to contest the seat in South Down for the Oireachtas. Perhaps he could share his wisdom all the way from Dingle to Downpatrick. Until that day, I am happy to take my seat.

The Minister of Health, Social Services

and Public Safety: I thank all Members who contributed to the debate. I very much appreciate the co-operation that there has been between the Health Committee and the Department and its officials. It has been very constructive. As far as the Irish Republic is concerned, legislation is still to be made there, and we will liaise with its officials throughout that process. Mr Wells’s suggestion about mirroring is very good, and I am quite sure that our Southern counterparts will listen to that point of view. We are seeking to make subordinate legislation within 12 months, but that will be subject to consultation.

Question, That amendment No 1 be made, put and agreed to.

Amendment No 2 made: In page 1 line 20, at end insert

“(4A) Subsections (4B) and (4C) have effect for determining what is for the purposes of subsection (1)(b) a restricted zone.

(4B) If a sunbed on the sunbed premises is in a wholly or partly enclosed space that is reserved for users of that sunbed, every part of that space is a restricted zone.

(4C) If a sunbed is in a room on the sunbed premises but not in a space falling within subsection (4B), every part of that room is a

restricted zone.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 3 made: In page 1, line 22, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Service and Public Safety (Mr McGimpsey).]*

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 (Prohibition on sale or hire of sunbeds to persons under 18)

Amendment No 4 made: In page 2, line 24, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Service and Public Safety (Mr McGimpsey).]*

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Remote sale or hire of sunbeds)

Mr Speaker: No amendments have been tabled to clause 3. However, I remind Members that we have already debated the Minister’s proposal to remove clause 3 from the Bill and to insert the relevant provisions later in the Bill.

Question, That clause 3 stand part of the Bill, put and negatived.

Clause 4 (Prohibition on allowing unsupervised use of sunbeds)

Amendment No 5 made: In page 3, line 9, leave out “level 3” and insert “level 5”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Duty to provide information to sunbed users, or buyers etc.)

Mr Speaker: We now come to the second group of amendments, which impose new duties on sunbed premises or operators. The amendments are listed in the grouping list.

The Minister of Health, Social Services and Public Safety: I beg to move amendment No 6: In page 3, line 14, after “information” insert “and such other information”.

The following amendments stood on the Marshalled List:

No 7: In page 3, line 21, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 8: In page 3, line 25, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 9: In page 3, line 39, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 11: In clause 6, page 4, line 5, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 12: In clause 6, page 4, line 14, after “information” insert “and such other information”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 14: In clause 8, page 4, line 38, at end insert

“(3A) A person (the ‘seller’) who sells a sunbed to a person and who fails to comply with the requirement in subsection (3B) commits an offence.

(3B) The seller must provide a person who is buying the sunbed with protective eyewear.

(3C) A person (the ‘hirer’) who hires a sunbed to a person and who fails to comply with the requirement in subsection (3D) commits an offence.

(3D) The hirer must provide a person who is hiring the sunbed with protective eyewear.” — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 15: In clause 8, page 4, line 40, leave out “subsections (2) and (3)” and insert “this section”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 16: In clause 8, page 5, line 4, at end insert

“(5A) In proceedings for an offence under subsection (3A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(5B) In proceedings for an offence under subsection (3C), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission

of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 18: In clause 9, page 5, line 10, leave out “the requirement” and insert “a requirement”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 19: In clause 9, page 5, line 12, leave out subsection (2) and insert

“(2) The operator must—

(a) meet such requirements in relation to training as may be prescribed; and

(b) secure that such employees or agents of the operator as may be prescribed meet such requirements in relation to training as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 20: In clause 9, page 5, line 14, at end insert

“(2A) A person (the ‘seller’) who sells a sunbed to any person and who fails to meet such requirements in relation to training as may be prescribed commits an offence.

(2B) A person (the ‘hirer’) who hires a sunbed to any person and who fails to meet such requirements in relation to training as may be prescribed commits an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 21: In clause 9, page 5, line 18, at end insert

“(3A) In proceedings for an offence under subsection (2A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3B) In proceedings for an offence under subsection (2B), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 23: In clause 10, page 5, line 26, at end insert

“(2A) A person (the ‘seller’) who sells a sunbed to a person and who fails to comply with the requirement in subsection (2B) commits an offence.

(2B) The seller must secure that a sunbed referred to in subsection (2A) meets such requirements as may be prescribed.

(2C) A person (the ‘hirer’) who hires a sunbed to a person and who fails to comply with the requirement in subsection (2D) commits an offence.

(2D) The hirer must secure that a sunbed referred to in subsection (2C) meets such requirements as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 24: In clause 10, page 5, line 30, at end insert

“(3A) In proceedings for an offence under subsection (2A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3B) In proceedings for an offence under subsection (2C), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

The Minister of Health, Social Services and Public Safety: I support amendment No 6.

Such other information has been added to that subsection to enable the Department to prescribe other information that it considers necessary to users of sunbeds. For example, information that is not health-related, such as to highlight that it is illegal for a person under the age of 18 to use a sunbed on those premises. That term has been added to other parts of the Bill and is reflected in amendment Nos 7 to 9, 11 and 12.

Amendment Nos 14 to 16 refer to clause 8, “Protective eyewear”. They will place an additional duty on sellers and hirers of sunbeds to provide their clients with protective eyewear and, subsequently, will provide sunbed operators with a defence. During the Health Committee’s scrutiny of the Bill, the Department noticed that sellers and hirers of sunbeds would not be subject to the same provisions as those operating sunbed premises. These amendments seek to rectify that loophole. I am thankful to Committee members for their input.

Amendment Nos 18 to 21 refer to clause 9, “Requirements in relation to training”. They will ensure that sellers and hirers of sunbeds will be subject to the same training requirements as staff operating in sunbed premises and, subsequently, will provide sunbed operators with a defence. During the Health Committee’s

scrutiny of the Bill, the Department noticed that sellers and hirers of sunbeds would not be subject to the same provisions as those operating sunbed premises. These amendments will rectify that loophole. Once again, I am thankful to Committee members for their input.

Amendment Nos 23 and 24 refer to clause 10, "Requirements in relation to sunbeds". They will place a duty on sellers and hirers of sunbeds to ensure that their sunbeds meet the same technical requirements as those operating in sunbed premises and, subsequently, will provide sunbed operators with a defence. During the Health Committee's scrutiny of the Bill, the Department noticed that sellers and hirers of sunbeds would not be subject to the same provisions as those operating sunbed premises. These amendments will rectify that. I am grateful to Committee members for their input.

The Chairperson of the Committee for Health, Social Services and Public Safety: I hope that the media cover this co-operation between the Department's officials and the Committee as much as they cover our disputes. On Saturday, I told a journalist that we would be bringing a group of departmental officials before the Committee on Thursday to answer very pointed questions on a certain issue, and she replied with a text message saying, "I'll pray for them." So, although there can be difficult times with the Committee, there are times when we get a high level of co-operation.

In my previous comments, I should have mentioned the Committee staff. Apparently, I am not allowed to name individuals, but I must say that both the previous and present Committee Clerks have worked tirelessly, along with their teams, to bring about total agreement with everyone on the issue, so I pay tribute to them.

There is a serious aspect to all this, because, as we know, melanoma is one of the most serious forms of cancer known to man. The death rate is very high, and, in Northern Ireland, various statistics indicate that, every year, at least one person dies as a result of the misuse of a sunbed. Indeed, some figures indicate that the problem is quite prevalent. Consequently, the serious intent behind the legislation is to ensure that we bring under strict control the use of something that can, if misused, kill.

The amendments that deal with that very issue are in the second group. Amendment Nos 6, 7, 8, 9, 11 and 12 relate to clauses 5 and

6. They allow the Department to prescribe what information, other than strictly health information, that will have to be displayed in sunbed premises. The Committee was content that the proposed amendments would allow information to be given to people who were hiring sunbeds for home use so that they could note that it is illegal for under-18s to use a sunbed. The Committee noted that, as per its request, every sunbed hired will have a sticker advising people of the health risks and stating that it is illegal for people under the age of 18 to use them.

Amendment Nos 14, 15 and 16 relate to clause 8, which deals with protective eyewear. The provision of eyewear was raised by several organisations, such as the British Medical Association and the Association of Personal Injury Lawyers. The organisations noted that protective eyewear should be provided free of charge to all sunbed users and that the clause in the Bill should be amended to allow for that. The Department noted that providing eyewear free of charge was no guarantee that it would be used. In addition, the Committee was concerned that free eyewear should not lead to a use-it-and-dispose-of-it mentality, which would be environmentally unfriendly. The Department proposed an amendment to ensure that sellers and hirers of sunbeds provide eyewear to their clients and to provide a defence for those sellers and hirers. The Committee was content with the amendments.

Amendment Nos 18, 19, 20 and 21 relate to clause 9, "Requirements in relation to training". All the evidence showed support for training. However, many believed that training should be extended to sellers and hirers of sunbeds, as well as to those operating sunbeds on commercial premises. The Department proposed an amendment to clause 9 to ensure that all persons who sell and hire sunbeds are trained in the same way as those who work in sunbed premises.

Amendment Nos 23 and 24 relate to clause 10. There was a broad welcome for that clause. For example, the British Medical Association stated that all sunbeds should adhere to the British and European standards. Cancer Research UK stated:

"that all sunbeds manufactured and sold in the European Union (EU) should carry a prominent, clear and permanent warning, highlighting the risks associated with use."

The Department proposed an amendment to ensure that sunbeds sold or hired meet the same requirements as those in sunbed premises and to provide a defence for sellers and hirers. Again, the Committee welcomed those amendments, and I commend them all to the House.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. Again, Sinn Féin welcomes this group of amendments around duties. Amendment Nos 6, 7, 8, 9, 11 and 12 are to ensure that proper information of any nature has to be displayed in premises where sunbeds are placed and to be given to people who hire sunbeds for home use. It is vital that information on health risks is displayed to ensure that over-18s who use sunbeds make informed choices about their use.

Amendment Nos 14, 15 and 16 deal with the provision of protective eyewear, not earwear, as the Cheann Comhairle originally said. He gave me a vision of someone wearing earmuffs while on a sunbed. On a more serious note, the amendments will ensure that those who sell or hire sunbeds will provide protective eyewear for users, which is to be welcomed.

Amendment Nos 18 to 21 deal with requirements in relation to training, and it is vital that all sellers or hirers of sunbeds do so with adequate training so that they can be responsible in carrying out their duties.

Amendment Nos 23 and 24 relate to clause 10 and are, again, welcomed by Sinn Féin, in that, whether sold or hired, all sunbeds should carry a universal warning of the dangers of their use.

Mr Easton: I support amendment Nos 6, 7, 8 and 9, which clarify and expand the supply by operators of information on the health risks associated with the use of sunbeds. I also support amendment Nos 11 and 12, which clarify the information to be displayed by operators in sunbed premises. I support amendment No 14, which clarifies that a sunbed operator must provide protective eyewear, whether on their premises or when hiring out a sunbed.

I am content with amendment No 15, which is purely technical. I support amendment No 16, which clarifies the duty of the sunbed supplier in relation to protective eyewear and explains that the individual user of the sunbed is responsible for wearing the protective eyewear supplied. I also support amendment Nos 18 and 19, which

clarify the requirements in relation to eyewear. I support amendment Nos 20 and 21, which clarify what constitutes an offence or defence in relation to training. I also support amendment Nos 23 and 24, which clarify what constitutes an offence or defence in relation to the requirements of the owner or provider of a sunbed.

The Minister of Health, Social Services and

Public Safety: I thank Members for their contributions and for their support for the group 2 amendments, and I am grateful to the Committee for its valuable input and helpful suggestions throughout its scrutiny of the Bill.

Question, That amendment No 6 be made, put and agreed to.

Amendment No 7 made: In page 3, line 21, after “information” insert “and such other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 8 made: In page 3, line 25, after “information” insert “and such other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 9 made: In page 3, line 39, after “information” insert “and other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 10 made: In page 3, line 42, leave out “level 4” and insert “level 5”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 5, as amended, order to stand part of the Bill.

Clause 6 (Duty to display information notice)

Amendment No 11 made: In page 4, line 5, after “information” insert “and such other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 12 made: In page 4, line 14, after “information” insert “and other information”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 13 made: In page 4, line 17, leave out “level 4” and insert “level 5”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8 (Protective eyewear)

Amendment No 14 made: In page 4, line 38, at end insert

“(3A) A person (the ‘seller’) who sells a sunbed to a person and who fails to comply with the requirement in subsection (3B) commits an offence.

(3B) The seller must provide a person who is buying the sunbed with protective eyewear.

(3C) A person (the ‘hirer’) who hires a sunbed to a person and who fails to comply with the requirement in subsection (3D) commits an offence.

(3D) The hirer must provide a person who is hiring the sunbed with protective eyewear.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 15 made: In page 4, line 40, leave out “subsections (2) and (3)” and insert “this section”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 16 made: In page 5, line 4, at end insert

“(5A) In proceedings for an offence under subsection (3A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(5B) In proceedings for an offence under subsection (3C), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 17 made: In page 5, line 6, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (Requirements in relation to training)

Amendment No 18 made: In page 5, line 10, leave out “the requirement” and insert “a requirement”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Amendment No 19 made: In page 5, line 12, leave out subsection (2) and insert

“(2) The operator must—

(a) meet such requirements in relation to training as may be prescribed; and

(b) secure that such employees or agents of the operator as may be prescribed meet such requirements in relation to training as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 20 made: In page 5, line 14, at end insert

“(2A) A person (the “seller”) who sells a sunbed to any person and who fails to meet such requirements in relation to training as may be prescribed commits an offence.

(2B) A person (the “hirer”) who hires a sunbed to any person and who fails to meet such requirements in relation to training as may be prescribed commits an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 21 made: In page 5, line 18, at end insert

“(3A) In proceedings for an offence under subsection (2A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.”

(3B) In proceedings for an offence under subsection (2B), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 22 made: In page 5, line 20, leave out “level 4” and insert “level 5”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (Requirements in relation to sunbeds)

Amendment No 23 made: In page 5, line 26, at end insert

“(2A) A person (the “seller”) who sells a sunbed to a person and who fails to comply with the requirement in subsection (2B) commits an offence.

(2B) The seller must secure that a sunbed referred to in subsection (2A) meets such requirements as may be prescribed.

(2C) A person (the “hirer”) who hires a sunbed to a person and who fails to comply with the requirement in subsection (2D) commits an offence.

(2D) The hirer must secure that a sunbed referred to in subsection (2C) meets such requirements as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 24 made: In page 5, line 30, at end insert

“(3A) In proceedings for an offence under subsection (2A), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3B) In proceedings for an offence under subsection (2C), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 25 made: In page 5, line 32, leave out “level 4” and insert “level 5”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 (Exemption for medical treatment)

Amendment No 26 made: In page 6, line 6, at end insert

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 (c. 54) who holds a licence to practise under that Act.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 11, as amended, ordered to stand part of the Bill.

Clauses 12 and 13 ordered to stand part of the Bill.

Clause 14 (Obstruction of officers)

Amendment No 27 made: In page 6, line 41, leave out “level 4” and insert “level 5”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 14, as amended, ordered to stand part of the Bill.

Clause 15 (Registration of sunbed premises, etc.)

Mr Speaker: We now come to the third group of amendments for debate. The amendments deal with licensing arrangements, and are shown on the grouping list.

The Minister of Health, Social Services and Public Safety: I beg to move amendment No 28: Leave out clause 15 and insert

“Registration or licensing of sunbed premises or operators, etc.

15.—(1) Regulations may make provision for—

(a) registration by district councils of—

(i) premises which are used as, or which are proposed to be used as, sunbed premises;

(ii) premises on which the sale or hire of sunbeds takes place or is proposed to take place,

and for prohibiting the use for those purposes of any premises which are not registered in accordance with the regulations;

(b) licensing by district councils of—

(i) premises which are used as, or which are proposed to be used as, sunbed premises;

(ii) premises on which the sale or hire of sunbeds takes place or is proposed to take place,

and for prohibiting the use for those purposes of any premises except in accordance with a licence issued under the regulations; or

(c) licensing by district councils of—

(i) operators of sunbed premises;

(ii) persons who sell or hire sunbeds,

and for prohibiting a person from operating sunbed premises or from selling or hiring sunbeds except in accordance with a licence issued under the regulations.

(2) Regulations under this section may—

(a) create offences punishable on summary conviction with a fine not exceeding level 5 on the standard scale;

(b) provide for defences in relation to any offence created by the regulations;

(c) provide for section 13 or any provision of Schedule 1 or 2 to apply with modifications;

(d) provide for district councils to have power to charge fees in relation to registration or licensing;

(e) provide for district councils to have power to revoke licences in such circumstances as are prescribed;

(f) provide for appeals against decisions of district councils to a court of summary jurisdiction.” —
[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

The following amendment stood on the
Marshallled List:

No 29: In clause 17, page 7, line 39, after “under” insert “section 15 or”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

The Minister of Health, Social Services and Public Safety: Amendment No 28 provides a complete redraft of clause 15, which now enables the Department to introduce either a registration or licensing regime using subordinate legislation. The draft also provides for the option of licensing, either for sunbed premises or for operators of sunbed premises. In addition, it enables the details of a registration and/or licensing scheme to be provided in subordinate legislation in relation to offences, defences, fixed penalties, levels of fees, licence revocation and appeals.

Amendment No 28 came about as a result of Members asking during the Bill’s Second Stage for a licensing scheme to be included. Although it was not thought possible to include such a scheme in the Bill within the time frame, I am thankful to Members for their suggestions and to officials for working to include that provision.

Amendment No 29 ensures that any regulations made to introduce a registration or licensing scheme for the sunbed industry must be laid before and approved by a resolution of the Assembly. In short, that means that any regulations will be subject to a debate in the House.

The Chairperson of the Committee for Health, Social Services and Public Safety: We may be dealing with the last group of amendments, but they are probably some of the most important. As the Minister said, amendment Nos 28 and 29 deal with licensing. The possibility of a licensing scheme was a major issue discussed during Committee Stage. As introduced, the Bill did not allow for licensing; it allowed only for registration. Departmental officials told the

Committee that licensing had been considered but had not been brought forward due to a lack of time to consult and deliberate on the issue. However, Committee members and other MLAs expressed concern during Second Stage. The Committee felt that, without licensing, the Bill lacked teeth. Indeed, that sentiment was echoed by practically everyone who submitted evidence to the Committee, including the Ulster Cancer Foundation and the British Association of Dermatologists.

Therefore, the Committee is very pleased that the Minister has agreed to propose an amendment to allow for licensing. The amendment provides for licensing to be introduced by secondary legislation under an affirmative procedure at a later date. That will provide a means by which the Department can consult properly with, potentially, everyone who is affected by a licensing scheme on the details of the scheme before bringing it to the Committee and hence to the full Assembly for approval.

I want to pick up on one phrase that the Minister used in his speech on amendment Nos 28 and 29. He mentioned introducing:

“either a registration or a licensing regime”.

However, it is very much the will of the Committee and the House that licensing be introduced. If all sunbed operators were licensed, their licences could be revoked if they contravened the provisions of the Bill, and they would cease to trade. However, that would be a last resort. We like to think that through education and advice from district councils and through implementing the Bill, the power will never be required. Maybe I picked it up wrong, but I am slightly concerned that the Minister is still suggesting that registration is appropriate. Can he confirm that he means licensing? The words “licensing” and “registration” mean rather different things. Licensing means that there is a piece of paper that can be revoked, which means that someone cannot continue to practice.

With that one caveat, which I am sure that the Minister will pick up on, I am sure that the Bill will save lives. In 20 years’ time, people who would have died from a horrible form of skin cancer will be alive thanks to the legislation. Surely that is what the Assembly is about. It is about doing something positive for future generations.

I have never used a sunbed, but I have young daughters who have a different outlook on life to their father's, and they may well use sunbeds in the future. Therefore, on a personal level, I welcome the knowledge that they will be protected from the worst excesses of sunbed abuse and from the consequences of the sunbed industry not being regulated. I urge the early implementation of the Bill. Further stages should go through very rapidly.

I urge the Minister to continue on his campaign of health promotion, particularly on the issue of cancer. In answer to a written question, he quoted a figure of 2,300 deaths as a result of various forms of avoidable cancer; that is, cancers caused by lifestyle choices such as smoking, excess alcohol and the use of sunbeds. Those are the low-hanging fruit as far as preventing needless deaths in Northern Ireland is concerned. If we can reduce the number of people dying from cancer as a result of their lifestyle choices, we will make a major impact on the number of needless deaths in Northern Ireland.

I know that the Minister is committed to several other policies that will follow the sunbed legislation, on matters such as the display of tobacco products and the use of vending machines. There are a few other ideas in the mix, and those are to be welcomed. As someone who has lost friends and relatives to avoidable forms of cancer, it is dreadful to think that a different choice or a piece of advice or legislation could have saved their lives. Therefore, it is good to see that the Health Department is determined to bring in legislation to protect the community. With that slight caveat, I strongly welcome the Bill and wish it a fair passage.

12.30 pm

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. At Second Stage, Sinn Féin put on record its concerns about licensing sunbed providers. My party is content that the Department took those concerns on board. I appreciate what the Department said about the length of time available to allow it to introduce licensing at this stage, but I welcome the amendment, which provides for licensing to be introduced later. Therefore, I concur with the Chairperson's remarks and ask the Minister for clarification of his intention in that regard.

Mr Easton: I am happy to support the third group of amendments. Amendment No 28 refers

to registration or licensing of sunbed premises or operators. The Committee indicated that it was content with the proposed amendment, which was agreed with the Department, to replace the clause in order to allow regulations to be made for registration or licensing of sunbed premises and/or operators, including those that sell or hire sunbeds. I am also content with amendment No 29.

The Minister of Health, Social Services and Public Safety:

I thank Members for the points that they have made. As regards the licensing scheme and registration, it is not a case of either/or; it is very much the intention to have licensing. I can give Members comfort as far as that is concerned. I say on record in the House that it is the intention to introduce a licensing scheme. We are not going either for registration or for licensing. Registration will, effectively, be both, rather than one or the other.

I take Mr Wells's point about health promotion. I remind Members that we set up the Public Health Agency specifically to take forward health promotion and better lifestyle choices. Every year, 8,500 patients present with cancer in Northern Ireland. Annually, we lose around 2,300 patients, the figure that Mr Wells mentioned, to lung cancer alone, which is preventable loss. Frankly, that is down simply to smoking. If cigarettes were not available, that figure would plunge dramatically.

The issue under discussion, skin cancer, is the most common form of cancer, with 28% of all cancer patients presenting with it. Therefore, I am grateful for Members' support. This is very important legislation. As the Chairperson of the Health Committee said, it will save lives in the future.

Question put, That amendment No 28 be made.

Notice taken that 10 Members were not present.

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

Upon 10 Members being present —

Question, That Amendment No 28 be made, put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17 (Regulations)

Amendment No 29 made: In page 7, line 39, after “under” insert “section 15 or”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18 (Interpretation)

Amendment No 30 made: In page 8, line 19, at end insert

“(2) Subsections (3) and (4) have effect for determining for the purposes of this Act on which premises a sunbed is sold or hired where—

(a) the order for the sunbed is taken on certain premises (premises A); and

(b) the sunbed is despatched for delivery in pursuance of the sale or hire from other premises (premises B).

(3) Subject to subsection (4), the sale or hire is to be treated as taking place on premises A.

(4) But if—

(a) premises A are not in Northern Ireland; and

(b) premises B are in Northern Ireland,

the sale or hire is to be treated as taking place on premises B.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 and 20 ordered to stand part of the Bill.

Schedules 1 and 2 agreed to.

Long title agreed to.

Mr Speaker: That concludes Consideration Stage of the Sunbeds Bill. The Bill stands referred to the Speaker.

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

The sitting was suspended at 12.36 pm.

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

2.00 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Unemployment

1. **Mr P J Bradley** asked the Minister of Enterprise, Trade and Investment what steps her Department is taking to address the growing high level of unemployment in the South Down constituency and across Northern Ireland. (AQO 979/11)

The Minister of Enterprise, Trade and Investment (Mrs Foster):

I fully recognise the impact that the economic downturn has had on the local labour market, with unemployment having increased significantly since 2007. That is why in the draft Northern Ireland Budget, Invest Northern Ireland, in association with my Department, has proposed short-term employment measures aimed at boosting employment across Northern Ireland. Those measures will see over £18 million directed at creating in excess of 5,000 jobs and will build on the success of initiatives by my Department such as the short-term aid scheme and the accelerated support fund that were developed in response to the economic downturn.

My Department, through Invest Northern Ireland, continues to focus on boosting Northern Ireland's private sector productivity as the means of generating wealth and economic growth, which will lead to increased employment opportunities for all. That approach is clearly illustrated in the South Down constituency, where, over the past five years, Invest NI has offered £21 million of assistance to businesses. That contributed towards projects that plan to invest more than £76 million in the area and included support for high-quality projects by companies such as MJM Marine, B/E Aerospace and Thompson Aero Seating.

Mr P J Bradley: I thank the Minister for her answer and the reference to the £21 million for South Down. We will take the same again if she

has it. Is the Department making any specific attempt with regard to the hopeful return of our once-buoyant construction industry?

The Minister of Enterprise, Trade and

Investment: As I indicated in my last Question Time, certain sectors continue to do well while others continue to do badly. Construction is the one sector that continues to be stubbornly in the latter category. Invest NI has been working with companies to ensure that the supply chain that feeds into bigger companies can provide what is necessary. I can refer him to some instances around the Province, but I cannot think of one in his constituency at the moment.

We are working consistently with bigger companies to encourage the supply chain locally. In doing so, I hope that we can help the construction sector. However, the Member will understand that that relates to the housing sector, which, unfortunately, is still in a downturn, although I noticed this week that there is some welcome suggestion of stabilisation. It is also a difficulty, given the capital budget that we have to deal with over the next three to four years. The Member will know that that is not of our making. I would have liked to see more capital spent in Northern Ireland over the next three years.

Mr Frew: I thank the Minister for her answer. What is the status of the Mourne signature project, given the importance of the Mourne to the Province?

The Minister of Enterprise, Trade and

Investment: Two signature projects touch on south Down: the St Patrick's heritage trail and the Mourne signature project. Tourism has a strong offering in south Down; it could create sustainable employment. The investment from the Tourist Board in infrastructure in south Down to improve the visitor experience for those who visit provides an opportunity for the private sector to expand or create businesses based on increased visitor numbers.

The main element of the Mourne signature project is the Mourne coastal route, which will tie in and improve key amenity and viewpoint sites along the east coast from Newry to Belfast. Eleven letters of offer have been issued for financial assistance totalling £998,656. Other projects are being progressed. I am pleased to see the Mourne signature project move along. The Mourne are one of the most beautiful areas in Northern Ireland, and I am keen to see that we get the maximum

employment benefits out of what we are doing there with tourism.

Mr Cree: I thank the Minister for her replies thus far. One of our biggest problems in Northern Ireland is the high level of economic inactivity, estimated to be 30%. Does the Minister have any plans to tackle that issue in conjunction with her colleagues in DEL and DSD?

The Minister of Enterprise, Trade and

Investment: In my substantive answer, I made reference to the £18 million that is set aside for my Department in the draft Budget. Part of the reason for that money being set aside, in addition to the need to rebalance the Northern Ireland economy — we have spent a long time discussing the issues around that — is the great need to rebuild the Northern Ireland economy coming out of a recession.

A lot of Members have spoken to me about people who have lost their job and the need to get those people back into employment. So, that money has been set aside to deal with areas such as the agrifood sector, which tells us that it can give us somewhere in the region of 15,000 jobs up to 2020. We want to look again at call centres. Down District Council has done some proactive work to attract call centres into the Downpatrick area. I will urge Invest Northern Ireland to work with councils to get an offering in and around those areas. So, call centre work will be looked at again. Ordinarily, we would not be looking at those sorts of jobs, but it is very important to get jobs back into the Northern Ireland economy. We can start to rebalance after we rebuild.

Mr Deputy Speaker: Question 2 has been withdrawn. Mr Armstrong is not in his place to ask question 3.

US Investment

4. **Mr McGlone** asked the Minister of Enterprise, Trade and Investment what discussions she has had, in the last 12 months, with the US economic envoy, Declan Kelly, in relation to any potential inward investment. (AQO 982/11)

The Minister of Enterprise, Trade and

Investment: I have met the US economic envoy to Northern Ireland on several occasions during the past 12 months, both here and in the United States. Mr Kelly was influential in organising the Washington conference in October 2010, which brought together two

dozen chief executives from some of the largest existing investors in Northern Ireland, such as Seagate, Allstate, Caterpillar and Citi, along with senior representatives from the key US target companies. There can be no doubt that the conference was hugely successful, and it resulted in new job announcements by both Terex Corporation and the Dow Chemical Company. Following the conference, a co-ordinated and strategic follow-up plan was put in place to maximise the opportunities that it created. Mr Kelly continues to provide valuable support to that work, acting as a key ally and influencer in Washington and in the US private sector.

Mr McGlone: I thank the Minister for her answer. How many jobs have been either supported or created as a result of those efforts?

The Minister of Enterprise, Trade and Investment: It is difficult to specifically say which jobs have come about because of an intervention by Mr Kelly, because he has been interacting with firms at a very high level. Who knows what conversations he has had that have resulted in a follow-up with Invest Northern Ireland? He is very much part of the team in Invest Northern Ireland; he is almost part of the in-house team now. He works closely with Alastair Hamilton and provides a very good sounding board for us when we want to discuss going over to America and influencing people there.

Mr Kelly has also played a vital role — this will be acknowledged by the MLAs for Foyle and East Londonderry — in the UK City of Culture bid by Londonderry. He provided strong support to the team in Londonderry. That has proved very useful, because we have great hopes for that city come 2013.

Mr I McCrea: The Minister will be aware that I refer to my constituency of Mid Ulster at every opportunity. Can she give any detail to the House on what support has been given by her Department to businesses and companies in my constituency?

The Minister of Enterprise, Trade and Investment: I thank the Member for his question. Like him, many other Members will be looking closely at their constituency in the run-up to 5 May. Mid Ulster has been at the very heart of engineering and the construction sector, which we mentioned earlier. Therefore, when the downturn came, we knew that there would be specific difficulties in the Mid Ulster

area. The Invest team has been working closely with a lot of the companies there and has been looking for opportunities for the Mid Ulster area. The Invest trade division has arranged a forum in Cookstown on 14 February for potential suppliers for the 2014 Commonwealth Games in Glasgow. We are looking for opportunities in that event. We are also looking for opportunities for local suppliers to become involved with the police and fire college just outside Cookstown. We discussed capital expenditure earlier, and I am pleased that that project is going ahead, as it will provide construction opportunities.

There have also been some good news stories in Mid Ulster. The Coalisland-based Autogen Manufacturing Ltd has secured orders in the Middle East worth over £5 million, and Anaconda Equipment International, with which Mr McGlone and Mr McCrea will be familiar, has secured work in Kurdistan and is pursuing more contracts in Russia. The message behind that is that we need to look outwith Northern Ireland and to the export markets to develop our companies, whether those are in Mid Ulster or across Northern Ireland. Northern Ireland will not provide the market for those innovative companies, so the Department and Invest Northern Ireland need to support those companies in finding work across the globe. I am pleased that those companies have stepped up to the mark.

Mr Kinahan: The Minister has touched on concentrating efforts outside of Northern Ireland. Have any businesses in Northern Ireland taken up the challenge of investment now, which was raised by Mr Declan Kelly at the Europa Hotel recently?

The Minister of Enterprise, Trade and Investment: I take it that the Member is referring to Mr Kelly's mention of banks and his comments, which were quite startling for some, on how people should get on and do business now, rather than waiting for things to happen. Mr Kelly made the point very well that we should not sit back and wait for circumstances to change but should take the opportunities where they arise now. However, that does not mean that we do not understand the difficulties that local companies face in accessing finance. The issue of the banks and how they deal with local companies continues to be a problem for us.

We are looking further afield for different mechanisms for accessing finance and, in the

near future, we will look at some venture capital funds. Indeed, having looked at DETI's draft budget, the Member will know that funds have been set aside for venture capital. We need to be more creative in how we get money to people, bearing in mind that the selective financial assistance rules are tighter now. We may need to look at different ways of getting businesses access to finance and making it easier for businesses to grow and expand. That will allow us to grow the economy in Northern Ireland.

Banks: Business Support

5. **Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment for an update on any discussions her Department has had with the local banking sector in relation to their support for local small and medium-sized enterprises. (AQO 983/11)

The Minister of Enterprise, Trade and

Investment: My officials and I maintain regular contact with the banks and ensure that the specific problems raised by businesses and their political representatives are brought to their attention. A new series of official-level meetings began between my Department and the banks in December 2010, and I will arrange further meetings as necessary. My colleague, the Minister of Finance and Personnel, met representatives of the British Bankers' Association, the banks and the Business Alliance in early December to discuss the relationships between banks and their customers.

Mr P Ramsey: I thank the Minister for her reply. I also thank her for her earlier reference to the awarding of the city of culture to Derry and the importance of that to small businesses in the city.

Does the Minister agree that banks could do a lot more to create financial liquidity to help and support local small business enterprises? Those businesses in my constituency are under serious pressure.

The Minister of Enterprise, Trade and

Investment: The Member reflects a question that has been put to me on many occasions. Although the banks indicate that they are open for businesses, many small and medium-sized businesses — some of them sole traders — have great difficulties with their banks. Much of it is about communication, with banks indicating that they will take prohibitive action against a business the following week, which gives the

individual or small company little time to deal with the issues at hand.

On behalf of the House, I ask the banks to be more understanding of the difficulties faced by sole traders and SMEs. When those businesses are in difficulties and are having to deal with cash flow difficulties, their minds are focused on those issues and not on their relationship with their bank, which was a lot easier in the past, when circumstances were not as tight. However, as I have said, we need to look at alternative funding mechanisms, and Invest Northern Ireland is doing that through the venture capital model. We are not familiar with the model in Northern Ireland, as it does not happen very often. The culture has been for businesses just to look to their bank and, in the past, that was fine. However, circumstances change, and we need to reflect that to help businesses.

2.15 pm

Mr McQuillan: What types of finance are available apart from venture capital?

The Minister of Enterprise, Trade and

Investment: I have already referred to the fact that I have set aside money for venture capital in my draft budget. Market failure exists in that section, and there is a need to put funds in to support high-growth-potential innovative SMEs to get off the ground and keep moving. In Northern Ireland, a lot of spin-out activity is happening out of our universities, and some of those companies are among the most innovative. I want to be able to support them with the venture capital initiative.

I noted an article in today's paper about Halo and Business Angels Network, which is a joint initiative between Invest Northern Ireland and InterTradeIreland based at the Northern Ireland Science Park. Again, that is money to help start-up companies to develop, and I hope that it is a success. We have a culture in Northern Ireland that banks are the only source of money; however, we need to move away from that to look for other sources.

Mr Gardiner: Why should that be so, and what can be done to improve the situation with the banks?

The Minister of Enterprise, Trade and

Investment: As the Member knows, unfortunately we have no statutory control over any of the banks in Northern Ireland, and I have often referred to the fact that we have

no indigenous banks. As a result, we only have the power of persuasion and embarrassment, and we have tried to use that over the past two years. As I said in my answer, we continue to speak to the banks and give them particular circumstances. When MLAs bring those circumstances to me, I write to the banks and bring them to their attention. I have met banks to discuss individual cases, and it is important to continue that interface so that they know about the difficulties in the business community.

Mr Deputy Speaker: Mr Raymond McCartney is not in his place for question 6.

Investment: West Belfast

7. **Mr Sheehan** asked the Minister of Enterprise, Trade and Investment for her assessment of the claims recently published in the 'Andersonstown News' in relation to the level of funding in West Belfast compared to other areas of Belfast. (AQO 985/11)

The Minister of Enterprise, Trade and Investment:

I was disappointed at the tone of the article in the 'Andersonstown News' on 20 January 2011. It contained a number of inaccuracies, most significantly the suggestion that the overall investment figures quoted for each of the Belfast constituencies was direct government funding rather than a combination of government support and company investment. Invest NI's chief executive subsequently received calls from members of the West Belfast Partnership Board dissociating themselves from the article and its message. They reaffirmed their view that Invest Northern Ireland had been actively trying to find opportunities to support their work in west Belfast.

I will put the record straight: since 2005-06, the amount of investment in west Belfast has been £52.49 million, stimulated by Invest NI assistance of £13.43 million. Some £19.86 million of that investment related to inward investment projects. Larger investments included those by LBM Holdings, Colorite Europe and Fusion Antibodies.

Finally, I reassure Members that my Department and Invest NI continue to work with clients and local partners to encourage further investment and employment opportunities for those living in areas such as west Belfast.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom

buíochas a ghabháil leis an Aire as an fhreagra sin. I thank the Minister for her answer. What steps has she taken to address the lack of funding by Invest NI in West Belfast, which experiences some of the highest levels of disadvantage and deprivation in western Europe?

The Minister of Enterprise, Trade and Investment:

I thought that I had answered that question in my substantive answer.

It is hugely disappointing that the 'Andersonstown News' should seek to put the headline "Invest NI shame" on its front page. It only leads to a lack of confidence among young people in west Belfast who are looking for work. When I looked at the new business starts offered into west Belfast during the period referred to in the article, I found that there were 640. Most of them were supported through the enterprise development programme, delivered in conjunction with Enterprise Northern Ireland. That compares with 568 in east Belfast and 710 in south Belfast. That proves the point that there is lot of activity going on between Invest NI and the local community.

I was pleased to meet yesterday representatives of Delta Print and Packaging, facilitated by Mr Attwood, to see how well it is doing in west Belfast and to listen to the company's further plans for that site. It is good to see the way in which that company has played a key role, both in west Belfast and in Northern Ireland in general, and to see the way in which technology has been used to develop that company into a very good, competitive company in west Belfast.

I recently visited another company in west Belfast, Label One, which has opened new offices in Ballygomartin. I was pleased to be at that opening, and I hope to visit that constituency again before the end of March.

Mr Humphrey: I assure the Minister that her answer was well and truly received and heard on these Benches.

Will the Minister inform us of the current position of the West Belfast and Greater Shankill Task Forces initiative?

The Minister of Enterprise and Investment: I thank the Member for his question. I issued a draft Executive paper in June 2009 outlining options on the way forward for the task force initiative, and I await a response from several colleagues, receipt of which will allow the issue

to be discussed by the Executive. The draft Executive paper details options for taking the initiative forward. One of them is to transfer responsibility for the initiative to OFMDFM. However, that is a matter for colleagues to decide. I hope that we will be able to discuss that Executive paper very soon.

Mr K Robinson: The Minister referred to her powers of persuasion and embarrassment. Perhaps she could use them in this instance. Given that many Northern Ireland firms bask in the status that a Queen's Award to Industry bestows, does she not think that it is unfortunate that some employers in the private sector are indicating to their employees that they may not be able to have the day off for the royal wedding in April, unlike their colleagues in the public sector?

The Minister of Enterprise, Trade and Investment: I very much hope that that is not the case. Apart from anything else, productivity would be particularly low if people were forced to work on a day when their colleagues in the public sector were enjoying the celebration of our future king's nuptials in London.

I look forward to some respite from the canvassing trail on that day and to enjoying it. I heard that productivity was very low yesterday because people took sickies. Someone said that 350,000 people took a sick day yesterday. I certainly do not want to see people being forced to take a sick day. I would much rather that their employer gave them a holiday to celebrate what will be a national event.

Mr A Maginness: If we could move from nuptials back to the real issue, I understand the corrections that the Minister has given in relation to the article in the 'Andersonstown News'. However, there still is a chronic problem in both west and north Belfast with unemployment and the number of people who are economically inactive. Does the Minister have any additional measures available to her that can assist people in west and particularly north Belfast?

The Minister of Enterprise, Trade and Investment: I hear the Member's call. I could hear other calls around the Chamber as well. Part of the £18 million that we secured in the DETI draft budget will be used to look at the areas that the Member spoke of. The hope is that we can deal with people who have lost their job by using tools such as the social economy,

which has a strong presence in the communities that the Member mentioned and, indeed, in the Foyle constituency. We hope that we can help those people back to work in a proactive way.

The work of the West Belfast and Greater Shankill Task Forces' employers' forum, in which more than 70 employers have taken part, is very useful. It is one of the successes of those task forces, and I know that the work that Mike Ryan does as chairman of that forum is much welcomed in that area. The £18 million will be used to deal with unemployment issues in areas such as those that the Member mentioned.

Electricity: Generation

8. Mr McCallister asked the Minister of Enterprise, Trade and Investment who owns power generation assets over 50 megawatts, currently and in May 2007 and if this meets her stated objective of encouraging greater competition in the electricity generation sector. (AQO 986/11)

The Minister of Enterprise, Trade and Investment: At the time of the establishment of the single electricity market in 2007, there were nine owners of power generation assets greater than 50MW operating on the island of Ireland. Since then, ESB has sold two generation sites to Endesa; AES has purchased Premier Power Ltd; BGE has commissioned a new gas-fired power station at Cork; and Viridian has significantly increased the capacity of its Huntstown plant. There has also been an increase in renewable generation in recent years. Five companies now have renewable generation assets of greater than 50MW each. In light of that, it is my view that there is good evidence of better competition since 2007 in the electricity generation sector.

Mr McCallister: I am grateful to the Minister for her reply. What effects will wind generation have on the overall mix of generation? Can the Minister provide the House with some idea of the cost of standby electricity generation from the major supply companies?

The Minister of Enterprise, Trade and Investment: The Member will know that one of the important aspects of wind energy is the cost of connection for wind farms. Many people who are looking at the possibility of setting up a small wind generator on their farm or at their business have told me that they are concerned

about the grid connection charges and the transparency of some of the grid connection issues. I had a meeting with Northern Ireland Electricity last week about that issue. I hope that a seminar or workshop-type event can be held in the near future, and I hope that the Ulster Farmers' Union will become involved in that. At that event, the Department and NIE will talk about grid infrastructure and the need to have connections made, perhaps, I would argue, concurrently with the planning application.

At present, as the Member knows, unless the planning application has been secured, it is not possible to apply for a grid connection, which causes a delay. NIE has told me why that is the case, but there needs to be more discussion about those issues. The Member knows that most of our wind generation is produced in the west of the Province. That is where the grid is not as strong, so there needs to be a lot of investment. To deal with that situation, we will need more investment in the grid over the next two to five years.

Mr D Bradley: Gabhaim buíochas leis an Aire as an fhreagra a thug sí. Ba mhaith liom a fhiafraí di cad é atá ar bun ag a Roinn le níos mó éagsúlacht a chothú i nginiúint an leictreachais.

Does the Minister's Department offer any specific incentives to encourage diversity in the generation of electricity?

The Minister of Enterprise, Trade and Investment:

Yes we do, in the form of the Northern Ireland renewables obligation certificates (ROCs). The Member will know that, recently, a consultation took place in which I suggested that those who have facilities for anaerobic digestion should get four ROCs. I hope that that will provide more diversity through wind, anaerobic digestion, biogas, tidal and wave power.

We are looking at the whole mix of renewables. I very much hope that that will happen, because I have provided an incentive through the ROCs scheme.

2.30 pm

Environment

DOE: Redundancies

1. **Ms Ritchie** asked the Minister of the Environment if he can confirm that there will be

no further compulsory redundancies within his Department if his budget proposals are brought forward. (AQO 994/11)

The Minister of the Environment (Mr Poots):

My Department has not had any compulsory redundancies to date. In response to the Executive's draft Budget 2011-15 and to inform the consultation process, I published my Department's draft spending and savings proposals on 10 January 2011. The savings proposals include a planned reduction of some 300 posts in the Budget period. That is an estimated figure based on current proposals and may change following completion of the consultation process. When the final outcome is known, I will be in a better position to consider the final impact on staff numbers and how proposed reductions will be managed. I will continue to do everything possible to avoid compulsory redundancies and I hope to manage reductions in staff numbers through natural wastage, closure of vacancies, redeployment and severance packages where appropriate.

Ms Ritchie: I thank the Minister for his answer.

Does he agree that resources to ensure the development of local social and economic infrastructure and good planning should be a priority for his Department and should not depend on the collection of planning fees, which are now a diminishing resource? Will he also comment on the status of Downpatrick planning office following our meeting last week?

The Minister of the Environment: That view conflicts with the previous Assembly, in which the Minister was Sam Foster and the cross-party Environment Committee agreed that the fee structure should support development planning. If we were to move away from that point and subsidise planning applications, we would be using public resources to subsidise development. I am not sure whether the Member is suggesting that we should cut funding for health, education, social development or roads to subsidise private people making planning applications, but I suspect that that is the tone of the question.

Mr Campbell: The Minister said that there have been no redundancies in his Department. Have there been any redundancies in the Northern Ireland Environment Agency (NIEA)?

The Minister of the Environment: We have reduced staff across the Department, mainly in the Planning Service. The corporate services

section of NIEA and the corporate services sections of all other sectors of the Department have been reduced significantly. We have amalgamated that work. The impacts of the cuts that have come about as a result of the Tory-Liberal pact, and the damage to front line services, are being minimised as far as possible.

Mr K Robinson: Will the Minister clarify the future funding of non-governmental organisations (NGOs), specifically in light of the extra funding that they are able to leverage for environmental protection?

The Minister of the Environment: I remain committed to funding non-governmental organisations. Those organisations will be the subject of bids, which we will assess as they come in. I assure the House that we will continue to offer fairly extensive funding to NGOs. I also recognise what the Member said about those organisations being able to leverage money that the Department would not be able to gain otherwise.

Mr Deputy Speaker: Question 2 has been withdrawn, and Mr McGlone is not in his place to ask question 3.

Marine Management

4. **Mr Lunn** asked the Minister of the Environment for his assessment of the establishment of a single marine management organisation. (AQO 997/11)

The Minister of the Environment: There is no need for a marine management organisation. My Department is the marine planning authority for the offshore region, and it is the marine licensing authority. It is also responsible for marine nature conservation. Proposals for a marine Bill envisage my Department as the marine planning authority for the inshore region.

My Department works effectively with other Departments on marine issues of mutual concern. I can see no reason to transfer responsibilities from the control of a Minister who is accountable to the Assembly and the electorate to a non-elected quango.

Mr Lunn: I thank the Minister for his definite answer. I was thinking about the confusion over who controls the foreshore and inshore waters. Is it the coastguard or the local council? The Minister will remember the tragic accident that happened along the County Down coast not so

long ago, after which it became clear that nobody had the authority to impose a ban on jet skis.

The Minister of the Environment: My Department is not responsible for the health and safety of people using waters for leisure purposes. As regards planning and the usage of waters, we will be developing a marine planning statement in conjunction with the other UK Administrations, and we are looking at producing a marine Bill. All that will help to clarify what can and cannot be done in offshore waters.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to co-operation with other UK authorities in the development of a marine management statement or something along those lines. I am sure that he will correct me if I am inaccurate. I am sure that the Minister has observed that the North is not an island. Will he, therefore, tell the House whether, given our common coastline, there has been any consideration of, or discussion about, improving marine management between the North and the South?

The Minister of the Environment: As the Member knows, there are areas of co-operation on our waters and waterways, including the Foyle, Carlingford and Irish Lights Commission, which probably needs to be replaced. The Member needs to reflect on the fact that we are part of the United Kingdom. The marine Bill will, therefore, be done in conjunction with the devolved Administrations in the United Kingdom and Westminster.

Mr Cree: In light of the fact that the Minister faces a £4 million gap in funding next year unless a plastic bag tax comes on line, does he recognise that we will be at serious risk of not meeting our commitments under the marine strategy framework and thus incurring European infractions?

The Minister of the Environment: I am in discussions with the Finance Minister on that issue, and I am very hopeful that it will not be a problem.

Area Plans

5. **Mr G Robinson** asked the Minister of the Environment for an update on the northern area plan. (AQO 998/11)

The Minister of the Environment: In September 2010, my Department requested that the

Planning Appeals Commission (PAC) hold an independent examination to consider objections to the draft plan. The commission has not as yet formally indicated a start date for the examination, the timing of which is for it to determine.

Mr G Robinson: I thank the Minister for his answer. Will he outline the position on Coleraine houses in multiple occupation (HMOs)?

The Minister of the Environment: The issue of HMOs in Coleraine is one for the northern area plan to look at and to put into context. I understand that there are difficulties and significant problems in some areas, particularly where HMOs are located in long-term residential areas. However, in other locations in the Coleraine Borough Council area, HMOs work as student accommodation in the winter and as holiday homes in the summer, and they have worked well in areas that did not have a residential background to begin with. Those issues will need to be properly and independently scrutinised by the Planning Appeals Commission before recommendations are brought back to my Department.

Mrs M Bradley: Will the Minister tell the House what lessons have been learned from the past to plan for the future? Is he satisfied that greedy, selfish property developers will not drive a coach and horses through future plans?

The Minister of the Environment: I am not sure how long we have, but I do not think that 30 minutes is enough to answer that question. As regards learning from the past, we need to look at sustainable development, for which there must be a need in the first place. Sustainable development needs to be done in a way that does not cause substantial damage to the environment and needs to meet the public's social requirements. It also needs to be balanced, because if it is too heavily weighted in favour of either environment or economic issues, it will not work. We must take all issues into consideration and take balanced planning decisions for the wider benefit and welfare of the public whom we represent.

Rev Dr Robert Coulter: I thank the Minister for his very good answers. Will he update the House on the state of judicial reviews that are holding up the development of other area plans throughout Northern Ireland?

The Minister of the Environment: There has been quite positive news on that. The judicial

reviews in Craigavon and the northern area have been withdrawn. The Craigavon area plan has now moved on, and the northern area plan is at the point where we have asked the Planning Appeals Commission to conduct its independent examination. It should normally take the PAC around one year or a bit longer to carry that out, and I will put a bit of pressure on it on that front, as I wish it to get the examination started quite quickly. It would normally then take the Department a further year to consider the PAC's report. We received the PAC report on the Magherafelt area plan just last week. I hope that the Department will be in a position to move forward with its final report on that over the next six months.

Environmental Projects

6. **Mr McDevitt** asked the Minister of the Environment how core environmental projects will be funded if the plastic bag levy does not raise the revenue anticipated in the Budget. (AQO 999/11)

The Minister of the Environment: The introduction of a plastic bag levy can only be implemented once the relevant legislative powers are in place. As it is anticipated that the earliest that a scheme could begin to raise revenue is April or May 2012, a range of environmental programmes around river restoration, environmental noise, marine resources, minerals mapping, fly-tipping and the repatriation of waste have been identified that may have to be suspended or postponed pending revenue receipts from the plastic bag levy.

My officials will draw up contingency plans to prioritise the environmental projects and the key element of each project. The prioritisation exercise will allow the Department to explore any alternative funding or delivery options, such as funding through INTERREG projects, increasing income in other business areas such as licensing, identification and introduction of efficiencies in current working practices, partnering with non-government bodies and volunteering initiatives.

However, even after exploring those options, it may still be necessary to postpone some of the environmental projects while monitoring the risk of potential EU infraction. Should the risk of infraction increase significantly, I will ensure that my officials continually review the position with a view to bringing forward elements of projects as

well as proposals for the reprioritisation of other work areas across the Department.

Mr McDevitt: I thank the Minister for his reply, but does he accept that the point of the plastic bag levy is for it to raise as little money as possible? We want to disincentivise people from using plastic bags. Therefore, is it not a bit strange, and indeed unwise, to earmark a whole load of environmental measures against a revenue stream that, if he truly believed in sustainability, he would not want to exist?

The Minister of the Environment: If the Member thinks that he will have a world without bags, he must be living on another planet. We propose to introduce a plastic bag levy. Some people will use other types of bags; they will buy bin liners, paper bags, and so forth. Paper bags are not necessarily any more environmentally friendly, so do not feel good if you are walking about with a paper bag, Mr Deputy Speaker. *[Laughter.]* Considerably more fuel is used in their transportation and considerable amounts of water are used in their manufacture.

We need to look towards single-use bags and ensuring that as little environmental damage is done as is possible. If that involves a levy or taxation, which yields funds that can be used to benefit other environmental schemes, then that is a good use of that money. I am wholly opposed to introducing taxes or levies on the basis of the environment and then throwing that money into a large pot to use for taxation. It has to be for the benefit of the environment.

Mr Ross: Irrespective of one's view on the plastic bag tax — and my view is fairly well known — does the Minister share my concern that businesses, independent retailers and the general public of Northern Ireland have not been consulted on the policy?

2.45 pm

The Minister of the Environment: The private Member's Bill went through its process, and I understand that a consultation took place. The plastic bag levy will involve a series of regulations, which will also require consultation, so there will be opportunities for consultation to take place. Even through the Budget process, there are opportunities for people to make their views known. They have done that, and I have received delegations on the issue from people who are involved in the manufacture and sale of plastic bags to wholesalers.

Mr Kinahan: I will pursue the point on the plastic bag levy. Will the Minister comment on the fact that the worst types of plastic bags for the environment are black bin bags, which I do not think the levy is targeted at, and not the thin bags that we pick up at the supermarkets?

The Minister of the Environment: The thin plastic bags have their issues. They are regularly seen in the sides of hedges, blowing about the streets, and so forth. They are unsightly. Plastic bags constitute about 0.3% of the waste that ends up in landfill, and they take about 500 years to disappear. However, quite a number of those who are involved in recycling can take the plastic bags out of the system. There is an opportunity to reuse them, albeit at a small cost. As technology moves forward, we will have better ways of dealing with plastic and the waste that is derived. I hope that we will find a good proper use for it after it has been used by the public, quite reasonably, for its original purpose.

Local Government: Planning

7. **Mr McQuillan** asked the Minister of the Environment, following the transfer of powers on planning matters, what safeguards will be put in place to ensure that policies and decisions are applied consistently across the 26 local council areas. (AQO 1000/11)

The Minister of the Environment: The Planning Bill will require councils to operate within parameters that are set by the Northern Ireland-wide regional development strategy, which is published by the Department for Regional Development (DRD), and by the Northern Ireland-wide planning policies, which are published by my Department. The Department of the Environment will also have powers to intervene in the preparation of local development plans in the unlikely event that a council fails to fulfil its responsibilities. In addition, the wider role of central government audit, inspection, performance management and monitoring will be critical in ensuring that planning functions are carried out in a clear, fair and consistent manner. To that end, the Planning Bill introduces provisions for the Department to access and to report on the district council's performance of its planning functions. Until local government reform, the Department is consulting on new service delivery and performance improvement frameworks for local government. That will allow performance indicators to be set and intervention

by the Department if a council's delivery of service falls below acceptable standards.

Mr McQuillan: I thank the Minister for his answer. Does he agree that unless safeguards are put in place, the whole credibility of the Planning Service is at risk?

The Minister of the Environment: I agree with the Member. That is why, when we took the Planning Bill to the Executive and the House, we indicated that we would consult on the draft local government Bill, which puts in place ethical standards, devises a code of conduct and identifies best practice arrangements. That draft Bill is out for public consultation, and it will be ready for introduction in the early part of the new Assembly term. Once that Bill is concluded and those standards are put in place, it will be the Executive's decision to transfer planning powers thereafter. I have no proposals to transfer planning powers ahead of that Bill becoming law.

Mr Dallat: I am sure that the Minister agrees that the fox should not be put in charge of the chicken coop. Does he accept that until all the political parties find agreement on the safeguards, there can be no return of planning to local councils given their history?

The Minister of the Environment: That is what I just said.

Mr Deputy Speaker: Mr McCartney is not in his place to ask question 8, and Mr Clarke is not in his place to ask question 9.

Plastic Bag Levy

10. **Mr Lyttle** asked the Minister of the Environment for an update on his Department's plans for a plastic bag levy. (AQO 1003/11)

The Minister of the Environment: As part of their recent Budget announcement, the Executive gave a commitment to introduce a levy on plastic bags. I support the collective Executive decision, and I am considering how implementation can best be achieved.

Members will be aware that Daithí McKay MLA introduced a private Member's Bill on single-use plastic bags to the Assembly on 6 December 2010. I believe that that Bill, subject to some amendments, may provide an opportunity to secure the passage of the necessary enabling legislation within the lifetime of the current

Assembly. My officials are working with Mr McKay to assess the position.

Mr Lyttle: Will the Minister provide further detail about his contingency plans for the plastic bag levy given the number of environmental groups that have raised significant concerns about its revenue-raising potential?

The Minister of the Environment: I am not sure why people would raise concerns about the revenue-raising potential. The more revenue raised, the more potential there is for that money to go into environmental projects and schemes. When the Executive brought their draft Budget to the public for consultation and to the House, they indicated that they wished to introduce the green new deal to Northern Ireland. I think that the green new deal is a policy and a proposal that is well worth supporting. It will deliver for people who are living in homes that are very poorly heated and those who are in fuel poverty. Therefore, we are making a positive move to ensure that we can raise money to put back into environmental projects.

Mr Bell: Will the Minister tell us what impact a plastic bag tax would have in towns such as Newtownards and in villages across Strangford, particularly on small family businesses and people who are vulnerable and cannot afford it? Ultimately, it is a tax that may not even protect the environment.

The Minister of the Environment: The Member can rail against this proposal if he wishes to do so. However, I have identified its advantages. The money raised will be put back into environmental projects that will deliver the potential for people who are living in fuel poverty in Strangford and elsewhere to come out of fuel poverty. I think that that is worthwhile and good.

As regards plastic bags and single-use bags, we have to get to the point where we use resources better as opposed to always using a virgin source of material and then throwing it away. Those days are gone. We are changing to better environmental practices, one of which is reusable bags.

Budget 2011-15: Local Government

11. **Mr Frew** asked the Minister of the Environment for his assessment of how the draft Budget will impact on local councils. [R] (AQO 1004/11)

The Minister of the Environment: The Executive's draft Budget necessitates a 6% reduction in the Department's opening current expenditure next year compared with the amount available this year. To enable my Department to achieve its objectives over the Budget 2010 period, a range of measures have been identified to deliver savings totalling £15.4 million, covering the reduction in the Executive's allocation from the 2010-11 opening baseline and other internal pressures, primarily the planning income shortfall and rising pay costs.

We will also have to manage a number of inescapable pressures on our finances next year, bringing the real scale of the pressure to around 12% compared with this year. Against that background, I have considered carefully where my Department's 6% reduction should fall. For the incoming year, I have had to reduce the resources element of the general grant by 6%. In later years, inevitably, there will be an impact on local government in areas in which my Department makes funding available. That is, unfortunately, unavoidable.

Mr Frew: I thank the Minister for his answer. Will he assure me that any new powers and responsibilities that councils receive over the next four years will be adequately funded by central government and that funding will not be pushed down to ratepayers?

The Minister of the Environment: The key current area that I have to transfer is the Planning Service, and that is why we are carrying out substantial work to right-size the organisation. That work involves ensuring that the funding is in place. Unlike the first questioner, I am not asking councils to cross-subsidise planning applications. We are also looking at how the Planning Service can raise revenue better, and we are reviewing fees. We hope to raise a further £4 million as a result of that review. Considerable work will be done in advance of planning being transferred to ensure that it is fit for purpose and is living within its means.

Mr K Robinson: I thank the Minister for his answer. Given the central role that transition officers have played in preparing for the review of public administration (RPA), what steps will the Minister take to ensure that their expertise is not dispersed and lost to us? Given the unforeseen break in their service, is he content that all those officers have been treated in a fair and equitable way by councils?

The Minister of the Environment: I expect that that will be the case. I hope that the officers who are supporting the RPA programme will be kept in place on the basis that councils are saving money as a result of the work that they are doing. The council clusters that are coming together need to get to the point at which they are making real, tangible savings, and the key role of those officers will be to identify areas where those councils can amalgamate, cluster and do things collaboratively, and, as a consequence, reduce the costs to ratepayers.

Road Safety

12. **Mr Burns** asked the Minister of the Environment how his Department intends to maintain road safety provision, given the reduction in grants to local road safety initiatives planned in the draft Budget. (AQO 1005/11)

The Minister of the Environment: I apologise for the delay, Mr Deputy Speaker, but I had intended to group this question with question 8, for which Mr McCartney was not in his place.

Budget reductions across all Departments are regrettable but unavoidable. I have sought to ensure that any reductions proposed to the road safety budget will not have any detrimental impact on the delivery of road safety in Northern Ireland or the current level of service and support. The reductions of £100,000 to the budget available for grants to local road safety initiatives and £250,000 to the budget for road safety research mean that the resources available for both those work areas will be maintained at or above the levels actually used in the current financial year. The reduction of £57,000 in the budget available for road safety campaigns will not affect my Department's delivery in that area. As in research, we have been able to deliver our objectives at a lower cost to the public purse.

Mr Burns: I thank the Minister for his answer. Does he accept that deaths and accidents on Northern Ireland roads are dreadful and tragic and that we should not be cutting back on road safety, which is a priority?

The Minister of the Environment: As I have indicated previously, road safety is my number one priority. I want to be careful about how I put this, but the past year was the best on record, with a terrific downturn in the number

of people killed or injured on our roads. Nonetheless, there were still 55 deaths too many, so there is still work to be done, which is why we are developing the road safety strategy. My Department is doing things smarter, and it is finding a better way of using the resources that are available to it and a better way of communicating with the public. As a consequence, we are achieving results with less money, which is something for which we deserve credit, not criticism.

Mr I McCrea: The Minister will be aware that I have raised the road safety issue on many occasions, and I certainly welcome the reduction in road deaths last year. Will the Minister give the House an idea of the work that he carries out in co-operation with the Police Service to get the message across that people should try to drive more safely?

The Minister of the Environment: My Department works very closely with the Police Service and, indeed, other bodies to get the road safety message across. The most recent advertisement to raise drivers' awareness of driving with due care and attention used real police officers, fire officers, ambulance drivers and paramedics. We will work with all emergency services. For example, in the drink-driving campaigns in the run-up to Christmas, we have a very close relationship with the police. In all such campaigns, we will continue to work with the PSNI, which is an absolutely essential and core element in continuing the drive for better road safety in Northern Ireland.

3.00 pm

Assembly Commission

Assembly: Jobs

1. **Mr O'Dowd** asked the Assembly Commission what measures it is taking to protect jobs in light of a reduction in its budget. (AQO 1008/11)

Mr P Ramsey: The Assembly Commission has been seeking to agree a budget for the next four years that will allow it to fulfil its statutory role while contributing to overall cost savings required across the entire Northern Ireland public sector. The Commission's proposals provide for a modest reduction in staff numbers across the Assembly secretariat to be achieved through vacancy management, including natural

wastage and filling posts from our existing staff resources. There are no plans for voluntary or compulsory redundancies.

Mr O'Dowd: I thank the Member for that answer, and I welcome his reassurance to the House that there will be no compulsory or voluntary redundancies. However, in numbers, what does a "modest reduction" mean for the Assembly Commission?

Mr P Ramsey: For a number of months, and before the discussion and the Budget proposals came out, the Assembly Commission has been deliberating on how to make the same savings as expected of the range of Departments. To date, we are achieving that. However, the Commission has set its target within its budget to try to ensure that there will be no enforced redundancies. At present, we have a staffing complement of 440. Just over 400 staff are currently directly employed by the Assembly Commission. A further 10 staff are employed on a secondment or agency basis. It is envisaged that the total number of staff employed by the Commission in the final year of the comprehensive spending review will be closer to the equivalent of 375 full-time staff. It is anticipated that that figure will be achieved through the retirement or resignation of existing staff.

Mrs D Kelly: Does the Member share my concern that the reduction in the Assembly Commission's budget is more of an attack on the scrutiny ability of Committees rather than an effort to save money? Will he assure us that, if there is a need for restructuring, it will begin at the top with management savings and not with the staff who interface most with Members?

Mr P Ramsey: Clearly, the Assembly Commission has been exercised, and I place on record its appreciation of its members and directors for their diligence and patience throughout the recent process. The circumstances worried us in the context of delivering a good and active service, including through Research and Library Services, Hansard and Committee staff. We were also worried about the overall effect that the budget could have on, for example, a reduction in staff. However, we are clear that we can make appropriate adjustments to deliver efficient and effective savings over the comprehensive spending review period without enforced redundancies.

Parliament Buildings: Car Parking

2. **Mr McKay** asked the Assembly Commission for an update on increasing car parking facilities in the vicinity of Parliament Buildings (AQO 1009/11)

4. **Mr A Maginness** asked the Assembly Commission for an update on its plans to increase car parking provision at Parliament Buildings. (AQO 1011/11)

Mr P Ramsey: With your permission, Mr Deputy Speaker, I will take questions 2 and 4 together.

The Assembly Commission fully acknowledges the difficulties experienced with parking in the Assembly car parks, particularly on sitting days. For example, that can be seen today. I was out at lunchtime, and there are no spaces.

Senior Assembly staff are in ongoing discussions with Department of Finance and Personnel colleagues in an attempt to resolve what is a difficult problem and to reduce car parking pressures across the estate. Following recent discussions with DFP, the Commission hopes to put in place two low-cost pilot schemes with effect from 14 February, as a possible means of increasing car parking spaces for staff. Those trial schemes will run to the end of March 2011 and will be subject to review.

The first pilot will involve the temporary transfer of daily management of the lower east car park from DFP to direct Assembly security staff. During business hours, access to the car park will be restricted to staff, other persons with official business in Parliament Buildings and visitors.

Security staff will also ensure that all vehicles in that car park are properly parked and that obstructions are not caused. The Commission will simultaneously put in place a park-and-ride scheme using the DFP car park at Rosepark House on the Upper Newtownards Road. That will enable users to leave their cars at Rosepark House and walk a very short distance to Annexe C, where they will be picked up by the Assembly people carrier for onward transport to Parliament Buildings. A return service will also be in place.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for his answer. Does he agree that there would be less pressure on the Assembly car parks if there was more car sharing or car pooling? What plans does the Commission have in place to increase the

percentage of employees who car share? Has it carried out any recent surveys on car sharing?

Mr P Ramsey: Car parking has been discussed at every Commission meeting that I have attended. I agree with the Member's comments about promoting and advocating car sharing. It is up to all staff to take heed of that, even as we discuss the matter today. There are, clearly, circumstances in which car parking is a crucial issue in increasing access to the Building because, as we can see today, high numbers of people use it. I will come back to the Member with details of any recent surveys.

Mr A Maginness: The mind boggles at the thought of Mr Storey, Mr O'Loan and Mr McKay sharing a car to come up to Stormont together. Incidentally, I do not know who would be the driver.

The issue of car parking seems to at least be being addressed in a general sense. However, does the Commission have any plans to address the issue of disabled parking?

Mr P Ramsey: Disabled issues are always very relevant to Commission meetings, and I understand that a major audit on disabled services throughout the Assembly and in the outside area has recently concluded. At present, four car park spaces are reserved for disabled people. They are located as close to Parliament Buildings as possible, with direct access through ramps from the upper car parks. Those spaces are mainly allocated on a first-come-first-served basis, but that should be subject to ongoing review in conjunction with disabled groups across Northern Ireland. We know too well the number of all-party groups that use this Building to have access to Members, and those numbers are increasing, because we see wheelchair users in the Building on a daily basis. That matter is under review, and I will ensure that it is discussed again at a forthcoming Assembly Commission meeting.

Mr K Robinson: The spectre of the Members from North Antrim sharing a vehicle together is worth selling tickets for to reduce the overheads of the Commission. It should contemplate that one.

I welcome the fact that the pilot schemes are moving forward. That is very worthwhile. However, will the Commission perhaps look at the possibility of a separate car park for the public if for no other reason than for security?

Mr P Ramsey: The Commission receives updated reports on security matters on an ongoing basis. That item is continuously on the agenda. A number of areas in the Stormont estate have been surveyed to look at increasing capacity across the estate. We are looking at specific areas for general car parking for the public, and there are difficulties with that. However, all efforts are certainly being made to maximise the use of the estate. The new car parking pilot schemes that I referred to will increase capacity by a further 40 car parking spaces, which is considerable and should meet present needs. However, when events are held in Parliament Buildings, for example by the Assembly and Business Trust, it brings in huge numbers of people and creates higher demand. The issue is constantly under review.

Parliament Buildings: Internet

3. **Ms S Ramsey** asked the Assembly Commission for an update on its plans to improve Internet access in Parliament Buildings. (AQO 1010/11)

Rev Dr Robert Coulter: Perhaps I should be included in that North Antrim team to keep the peace.

I thank the Member for her question, and I know that she is articulating what has been on the minds of a number of Members over the past period of months. Prior to the Christmas 2010 recess, the Assembly Commission agreed to install a dedicated Internet connection for use by Members and staff in Parliament Buildings. The Information Systems Office issued a request for tenders, and two companies responded. Technical clarifications were required before a preferred supplier was identified. It was necessary to carry out work to ensure that the terms and conditions of the contract did not expose the Commission to unnecessary risk, and a supplier has been appointed. The installation and switchover is expected to be completed in the next three to four weeks. The supplier has been informed of the urgency of the project and has been asked to prioritise the upgrade to web access during the installation.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I thank Bob Coulter for his answer. He will agree that, at certain times of the day in this Building, it is hard to get on to the Internet to access information. Given that this is a positive step forward, I would

appreciate it if he would outline the beneficial impact that it will have. Will he also outline the financial costs, so that we are aware of what is being done and of how much it is going to cost us?

Rev Dr Robert Coulter: I thank the Member for her supplementary question. The Commission sought to procure a high-speed connection that is capable of delivering the electronic access needs of Members and other users of Parliament Buildings. On a technical level, that includes a 20 megabyte-a-second always-on connection, with appropriate levels of e-mail and web browsing security. By way of comparison, that will provide a tenfold speed increase to the current provision with the ability to purchase additional capacity up to a maximum of 100 megabytes a second, should the need arise in the future.

Provision of Internet access to the specified standard requires investment in security hardware and an ongoing high-speed communications link. It is anticipated that the hardware element will cost approximately £45,000, with recurring annual costs of £14,600 for the communications link.

Mr Bell: Some of us are seeking to be part of the pilot scheme to use the Internet to download our papers so that we get all our mail electronically and save the forest of paper that we get. Currently, we receive more than 100 e-mails a day, and the system is simply no longer fit for purpose and is akin to something in the Stone Age. Local councils have better speeds, and the primary and secondary schools of which I am governor have better speeds. Those of us who want to communicate electronically to stop the deforestation that results from the amount of paper that we get cannot do so because the Internet in the House is no longer fit for purpose.

Rev Dr Robert Coulter: I accept the Member's point. First, so many staff and Members work in this place that the comparison of demand between a local council and this place cannot be made. Secondly, I agree, as I said, that the system is somewhat antiquated. We have had problems in the past, and I outlined that we are working on those. We look forward, in the very near future, to having a system in place that will meet the needs of the Parliament here.

Making downloads available and saving paper in the process is a valid process that must be looked at. In connection with a question that is

coming up, we are looking at that seriously for Committees and so on.

Mr McDevitt: Along with Mr Bell, I have volunteered to take part in the paperless pilot scheme. For that to work, we need to be able to bring into the Committee room or the Chamber a tablet, notebook or laptop that should not interfere with the electronic equipment.

What does the Commission need to do so that we can bring our equipment into plenary sittings and Committee meetings?

3.15 pm

Rev Dr Robert Coulter: The Commission is looking very seriously at that point, as part of the ongoing updating of the system so that we can, if possible, provide laptops in Committee for Members to download material, instead of having huge expenditure on paper.

Mr Deputy Speaker: Question 4 was grouped with question 2.

Assembly Commission: Budget

5. **Mr O'Loan** asked the Assembly Commission for an update on its budget in relation to the comprehensive spending review. (AQO 1012/11)

Mr P Ramsey: The Assembly Commission initiated an exercise to consider its costs as part of its contribution to the comprehensive spending review. As a result of that process, the Commission has presented a budget for the next four years, which represents a cut in real terms of 13.3% over the four years from 2010-11 to 2014-15. The consultation period for the draft Budget 2011-15 is ongoing, and, as part of that process, the Assembly Commission is engaged in agreeing an appropriate budgetary position. That will seek to ensure that delivery of services required to support the Assembly and its Members can be achieved.

The Commission has included a range of savings in its proposed budget but is mindful of the potential for further cost reductions through a programme of efficiency reviews across the Assembly. Although it is impossible to predict the outcome of the reviews in advance, further savings in the order of 3% to 5% could be realised over the four years up to the end of the comprehensive spending review period.

Mr O'Loan: I welcome what Mr Ramsey has said. I believe that further discussions are going

on between the Assembly Commission and the Department of Finance and Personnel, and there are underlying issues about the proper process. However, given the current process, can he give any reassurance to Assembly staff on their positions? Can he give a reassurance to Members that they will be properly and adequately served by the staff in the Building?

Mr P Ramsey: In response to a previous question, I said that we have around 440 staff. There is an absolute determination from all Commission members that there will be no direct impact on staffing through forced redundancies. We will try to do reduce costs through effective efficiency savings. However, we are mindful of the service provided to Assembly Members here and at their constituency offices, and it is our desire to protect that service.

Mr McCarthy: Given what the Member has just said, given the cutbacks in budgets, given what has been said about the provision of extra car parking space, and given that his colleague Bob Coulter mentioned that it will cost £45,000 for a new IT system, it will be a while before we have new car park or a new IT system in this place.

Mr P Ramsey: I do not think that that is the case. The car parking proposal was agreed at the Assembly Commission yesterday, and it will be in place within the next week or two at no huge financial cost to the Assembly Commission, because it is already in place.

IT provision has been discussed intensely at Commission meetings. We are looking at upgrading the provision and at having a pilot project, with paperless meetings, for example, and also at ensuring that Members can have access to e-mails. There are ongoing discussions to get to the stage at which Members can use their phones in the Chamber to access e-mails without their distorting the recording system. However, we are not talking about laptops or iPads in the Chamber.

Assembly: Engagement Directorate

6. **Mr Sheehan** asked the Assembly Commission to outline the engagement directorate's budget for 2011-12. (AQO 1013/11)

Mr Sheehan: I wish to point out an error in the question on the paper. It should read

"the engagement directorate's budget for 2010-11"

rather than "2011-12".

Mr Weir: I am tempted to say that I am glad that the Member corrected that, because I can give him an answer on the budget for 2010-11, but I cannot really give him an answer for 2011-12. The position for 2011-12 is still slightly fluid, depending on the final Executive Budget.

For 2010-11, the Engagement Directorate's budget was £5,827,949. A breakdown of that in the directorate's three main business areas is as follows: the budget for the Communications Office was £1,875,038; the budget for Outreach and the Education Service was £1,237,197; and the budget for Research and Library Services was £2,563,412. The remainder was allocated to the director's office. As the Member can see, the Engagement Directorate obviously covers more than what people simply think of as engagement, such as Research and Library Services. It covers a wider remit, perhaps, than the name suggests.

Mr Sheehan: I thank Mr Weir for that answer. I am aware that a lot of engagement and outreach has already taken place in the past year, such as Assembly roadshows and suicide awareness training. However, in light of the financial constrictions that are being placed on all Departments, particularly the Department of Health, Social Services and Public Safety and the Department of Education, does the Member agree that the Commission should instigate an effectiveness review of the engagement budget and those of other directorates?

Mr Weir: That is part of the Commission's ongoing plans towards meeting its budget targets and using money most efficiently. Even if we were not in a position in which there is pressure on budget lines, it is important that the Commission ensures that whatever it provides to Members and the public is provided as efficiently as possible. The Commission has agreed an efficiency review of all aspects of the Assembly, which will commence, more or less, at the start of the next financial year and will be an ongoing process. We believe that it will drive down costs and lead to a more efficient service.

It is important to point out the good work that is being done by the Engagement Directorate. Indeed, that front line service, if you like, is protected. However, as with all aspects, whether it is the Engagement Directorate or another directorate, we need to look at the efficiency review and use it as a device to ensure that the

best possible result has been achieved for the public money that has been spent.

Mr Ross: I also pay tribute to some elements of the Engagement Directorate's work, including that of the Education Service, which is excellent. Does the Member agree that although the Assembly roadshows are well intentioned, they cost significant amounts of money and attract relatively few members of the public and are one area in which it would be difficult to argue that value for money was provided?

Mr Weir: Evaluation has to be carried out in the round on everything that is done. That is the idea of the efficiency review. At times, innovative ideas are tried, some of which are more successful than others. Perhaps it is not appropriate to single out an individual idea. Some ideas will work better than others, and some will need to be adapted for the future. Therefore, it is a question of seeing what works. I suspect that those areas that prove not to be effective will be looked at as part of the efficiency review and perhaps not continued. Other areas may be delivered differently. Indeed, other areas in which there has been success will be built on. I will not comment on individual schemes. That is part of the wider context that we have to look at.

North/South Parliamentary Forum

7. **Mr McElduff** asked the Assembly Commission what progress has been made in establishing the North/South Parliamentary Forum. (AQO 1014/11)

Rev Dr Robert Coulter: I thank the Member for his question. It is good that the Commission is given the opportunity to outline to Members exactly what has been going on in that regard. I can look back over many years of work along those lines on behalf of the Commission.

It would be useful to provide Members with some background details. The initial proposal to establish a North/South Parliamentary Forum had its origins in the Belfast/Good Friday Agreement and the St Andrews Agreement. Both agreements make specific reference to the establishment of a forum comprising equal numbers of members from the Northern Ireland Assembly and the Houses of the Oireachtas on an inclusive basis to discuss matters of mutual interest and concern.

Building on the requirements of the aforementioned agreements, and as a result of discussions between the Commissions of the Assembly and the Houses of the Oireachtas in 2007 and 2008, it was agreed in October 2008 to establish two working groups, one in each legislature, with the specific remit to develop proposals for the development of a working North/South Parliamentary Forum.

On 21 June 2010, the two working groups held a joint meeting in Parliament Buildings, Stormont, to formally agree and finalise the arrangements and programme for an inaugural North/South Parliamentary Forum conference. The North/South Parliamentary Forum conference was held on 7 and 8 October 2010 at the Slieve Donard Hotel in Newcastle. The overarching aim of the conference was titled "Building Strong Pillars". A conference report was developed and was considered and agreed by the Assembly's North/South Parliamentary Forum working group at its meeting —

Mr Deputy Speaker: The Member's time is up.

Rev Dr Robert Coulter: Would you like me to bring the answer to a conclusion?

Mr Deputy Speaker: Yes.

Rev Dr Robert Coulter: If the Member will contact me afterwards I will conclude the answer to the question.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh fhreagra an dochtúra. I thank Dr Coulter for his answer. I welcome the progress being made towards the establishment of the North/South Parliamentary Forum, and I thought that the conference held in Newcastle in October was a useful step towards its establishment. When is it intended to publish and distribute the conference report to all members? The Member has said that that was discussed by the working group after the conference, so when will the conference report be published and distributed to all members?

Rev Dr Robert Coulter: The two groups that are working on it are currently discussing how they will proceed with that matter. As you know, things are a bit topsy-turvy down South at the minute, and things have been held up a bit as a result of that. However, we are working on it, and we will progress it when the opportunity is available to us.

Assembly Committees: IT

8. **Mr Callaghan** asked the Assembly Commission to outline any proposals there are to develop the use of IT within Committees for the benefit of Members, witnesses and observers. (AQO 1015/11)

Rev Dr Robert Coulter: The Commission is aware of the ongoing interest in developing the use of IT within Committee rooms. Further detailed information on the issues concerned was given to fellow Members in response to a question, and the Chairperson's Liaison Group (CLG) has been considering the electronic provision of Committee papers and the use of computer equipment in Committee rooms. Following a request from the CLG, a portfolio of commercial products and technologies has been identified that should be capable of supporting the distribution and use of electronic documents within designated Committee rooms.

Work to take that issue forward has been initiated, which includes the participation of a number of Members who have volunteered to take part in pilot exercises to test the suitability of the products and systems. The result of those pilot exercises and further analysis of technical alternatives will inform any decisions on the enhanced use of IT within Committees. I give that answer on the back of what has already been said in reply to another question.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle, Gabhaim buíochas leis an Chomhalta as an fhreagra sin. I thank the Member for that reply. I was actually hoping to be called to ask a supplementary to the previous question, but nevertheless I thank the Member for his reiteration of some of the previous points. One thing that occurs to me as a relatively new Member is that, at Committees, the opportunity for people in the Public Gallery to participate is sometimes a bit restricted and it can be difficult for them to keep up with what is going on. Can the Member give an assurance that the potential for IT to bring observers more into the workings of Committees will be a priority in any deliberations on this issue?

Rev Dr Robert Coulter: I thank the Member for his statement, but he has to realise that observers in Committees are observers; they are not members of the Committee. If they want to involve themselves further they would have to apply to the Committee to be able to do so. So much of our Committee work is put on the

Internet, and there are plenty of opportunities for observers to be well briefed before they come to the Committee and listen to its deliberations.

Mr Deputy Speaker: That concludes questions to the Assembly Commission.

3.30 pm

Mr Ross: On a point of order, Mr Deputy Speaker. Last week, my colleague Gregory Campbell raised a point of order about Members not being in their place to ask questions. You undertook to take that to the Speaker and to see whether there was a way in which the Speaker could encourage Members to be in their place or, indeed, to restrict the speaking rights of Members who continually fail to turn up and ask questions during Question Time. Can you update the House on whether the Speaker has made progress on that issue?

Mr Deputy Speaker: The Speaker considered the matter and expressed his concern to the House about the number of Members missing on different occasions. The issue has also been raised at the Business Committee on a number of occasions. Hopefully, the Whips and parties will be able to respond to that so that the Speaker's Office will not have to inflict punishments on Members in any way. Recognising the potential for Members to get answers, and the amount of work done by Departments to put together responses, it is important that Members are in their place and on time.

Mr McElduff: Further to that point of order, can we get around a situation where it is my understanding that a Minister can be answering questions in the Chamber while that Minister's scrutiny Committee is meeting here at the same time, which seriously disadvantages the members of that Committee? Whatever way that happens, through scheduling or whatever, that also needs to be addressed.

Mr Deputy Speaker: The Order Paper is very clear. The priority is the plenary, and if Members have questions down their priority is to be in for the questions.

Mr K Robinson: Further to that point of order, the Procedures Committee has been looking into Members not arriving in or questions being withdrawn at the last moment. Another matter is when a Member gets an answer from a Minister

and then leaves before the end of that session. Will the Deputy Speaker undertake to make sure that that is taken into account when looking at the overall picture?

Mr Deputy Speaker: I will refer that matter to the Speaker.

Executive Committee Business

Dogs (Amendment) Bill: Final Stage

The Minister of Agriculture and Rural Development (Ms Gildernew): I beg to move

That the Final Stage of the Dogs (Amendment) Bill [NIA 20/09] do now pass.

I am delighted that the Bill has reached its Final Stage, as the issue of public safety and dog control has been a priority for me since I took up office. I am also grateful for the broad support that the Bill received during its Assembly stages.

Although the Dogs Order 1983 provided a useful framework for dog control, it has clearly not dealt with all the problems caused by irresponsible owners. More needs to be done to deal with the serious concerns that we continue to face with stray dogs and dog attacks. *[Interruption.]*

Mr Deputy Speaker: Order. The Minister is on her feet. I ask Members to respect that.

The Minister of Agriculture and Rural Development: Go raibh míle maith agat, a LeasCheann Comhairle.

Tackling those issues has been a priority for me, and I firmly believe that the Dogs (Amendment) Bill will ensure that dog control legislation here now fully reflects and addresses today's problems. The Bill will, therefore, do three things: protect the public, promote responsible dog ownership and penalise irresponsible owners. It will reduce the number of stray dogs, make it easier for dog wardens to identify stray and other problem dogs, and allow dog wardens to respond more flexibly to problems with a dog's behaviour.

The Bill introduces the compulsory microchipping of dogs and empowers dog wardens to attach control conditions to the licence of a dog whose behaviour has led to a breach of the 1983 Order. The Bill also makes it an offence to own a dog that attacks and injures any domestic animal owned by another person. The Bill increases to a more realistic level the licence fee and the level of fixed penalties under the 1983 Order, increasing the resources available to council dog warden services. For the first time, district councils will be allowed to retain the proceeds from fixed penalties to support their dog warden service.

Microchipping will make it quicker and easier to identify lost or straying dogs and return them to their owners, reducing the number of unidentified dogs that need to be destroyed. Our destruction figures are still too high. The Bill will reinforce the licensing system and make it easier to identify problem dogs. It will also make it easier to trace stolen dogs.

If the introduction of compulsory microchipping is the first key provision in the Bill, the availability of control conditions is the second. The Bill will allow dog control wardens to protect the public and help to prevent further and more serious breaches of the law by attaching one or more control conditions to a dog licence where the owner has failed to keep a dog under proper control.

Those controls could make it a condition of the dog's licence that it be muzzled and leashed when in public, kept in a secure place when it is not on a leash, or kept away from certain specified places, such as parks or schools. In extreme cases of aggressive behaviour, the dog could be neutered. The requirement that a dog and its owner undergo a suitable course of training is a useful addition to that list. It is the result of a suggestion that the Committee made, and an amendment on it was agreed at Consideration Stage.

The availability of those control conditions will shift the focus on to the behaviour and management of individual problem dogs, whatever their breed. Those measures are important in tackling the minority of irresponsible owners who undermine everything that is good and positive about dog ownership. They are also important because they send out the message that casual and careless dog ownership is not acceptable in our society.

The Bill addresses the concerns that people raised with me during my review. As I said, microchipping will help to reduce straying and will reduce the number of unwanted dogs that are destroyed. It will also ensure that irresponsible owners are held accountable. Importantly, the Bill will improve the resourcing of council dog warden services to enforce dog control legislation.

Control conditions will allow council dog wardens to intervene early by putting controls on individual problem dogs. An attack on another person's pet now constitutes an offence. That recognises, for the first time, the grave pain and

distress that such attacks can cause, and it will, again, ensure that irresponsible owners are held to account.

As I said, the Bill will protect the public, promote responsible ownership and penalise irresponsible owners. The new measures will give us the strongest dog control legislation in these islands.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray): I declare an interest as a member of Craigavon Borough Council.

At the Bill's Second Stage, my predecessor on the Committee, Ian Paisley Jnr, addressed what the Committee believed to be the Bill's weaknesses. Those included the number of stray and unwanted dogs, which results in some 9,000 dogs being impounded each year and some 2,300 of those being euthanized; the level of resources that would be available to councils to enforce the Bill's provisions; and the role of dog owners.

The Committee is not convinced that those weaknesses have been entirely negated. Although the evidence that we received was, on the whole, supportive of the introduction of microchipping as a means of identifying a dog, the Committee was not totally convinced that that in itself would reduce the number of strays and the number of dogs that are being impounded and killed in Northern Ireland.

There was also a great deal of concern that microchipping, in conjunction with the licensing and tagging regimes that are already in place, would add a layer of bureaucracy and, with that, further costs. Although the Department stated that the additional incomes derived from allowing fixed penalty fines to be absorbed into dog warden services are sufficient, in conjunction with the increased licence fees, elected representatives of the councils said that those funds will be insufficient and that an additional burden will be placed on ratepayers.

In an attempt to reduce the level of bureaucracy, the Committee recommended that the Department consult with councillors over the next 12 months to assess whether there is a need for the dual identification systems of microchipping and tagging. I am pleased that the Department agreed to do that.

The Committee also recommended that councillors and the Department assess whether there are any alternative revenue-raising powers that would allow for the discontinuation of the licensing regime without an additional cost being levied on ratepayers. In any event, the Department may wish to keep the need for gap funding to deal with the deficit between the Department's estimation of additional revenues, brought about by the increased fees, and the availability of income from fixed penalties being under review.

Members expressed concerns on a few occasions about the additional financial burden that is being placed on councils as a result of legislation being brought through the House. That is certainly true of this Bill and the Welfare of Animals Bill. There is a need for the Executive to look at that collectively, instead of each Bill being brought by individual Departments and considered by Members or Committees in isolation.

I also wish to comment briefly on the role of breeders and breeding establishments. I appreciate that that matter is dealt with in the Welfare of Animals Bill, but it also has a read-across to the Dogs (Amendment) Bill in relation to the number of strays in Northern Ireland. It is imperative that the Department introduce subordinate legislation to place controls on breeders and breeding establishments. The Dogs (Amendment) Bill commences that process by ensuring that breeders must microchip dogs before selling them, but additional controls are needed for the licensing and registration of breeding establishments. That must be treated as a priority.

Controls could be reinforced if the Department were to consider adapting its APHIS system to allow for the maintenance of the database of microchipped dogs, which is a service that is not currently provided by the private sector in Northern Ireland. The Department should also consider whether that system should be resourced using the principle of full cost recovery. The Committee is aware that the APHIS system is to be reviewed during the next comprehensive spending review (CSR) period, and it recommends that the Department undertake a cost-benefit analysis of adapting the current system to allow for the recording, maintenance and availability of information about microchipped dogs. That would create a central point of reference in Northern Ireland, and ensure that the Department and other

authorised users can respond to additional requirements for information at a reduced cost to dog owners and ratepayers.

Finally, I want to comment briefly on the role of dog owners. The Bill goes a long way towards protecting the public and other animals from attacks by dogs. The Committee has been supportive of the control conditions that the Bill imposes, including the provision to train dog owners, which is a positive step. However, it is important that there be a consistent approach in the application of those control conditions, and the Committee has called on the Department to produce, agree and issue detailed guidance notes in conjunction with officials and elected representatives of the councils.

As I indicated previously, the Committee was not convinced that the weaknesses that were identified at Second Stage were addressed entirely. However, significant strides have been made. The fact that the Committee called for further consultation with local government and that the Department agreed is indicative of a desire to address the problems. In doing that, we will ensure that we, as a society, are protected from attacks by dangerous dogs, that we no longer contribute to the impounding of one dog every 58 minutes and that we demonstrate that we continue to be sickened by the deliberate killing of one stray dog every four hours. Subject to further consultation, the Committee for Agriculture and Rural Development supports the Bill.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank everyone involved in the process of drawing the Bill together. It is an excellent piece of legislation, which has involved a great deal of work by a great deal of people, including the current and previous Chairpersons of the Committee for Agriculture and Rural Development. The Chairperson, the Minister and her officials did an excellent job in guiding the Committee through some contentious issues.

I want to touch on a couple of issues. I agree with the Chairperson's point about the need for more consultation with councils. I also agree that the amount of legislation that comes down from the Assembly to local authorities needs to be looked at by the Executive, because there is an abundance of such legislation. I declare an interest as a local councillor, and although local authorities welcome those additional powers,

additional resources must also be put in place. It has been said that the Bill is cost neutral, but a number of people remain to be convinced of that. We will get a clearer understanding of the issues, including microchipping, after 12 months.

3.45 pm

There was a lot of debate in Committee about whether microchipping is necessary. We already have the licence regime, and we wondered whether both were needed. I felt that one cost should cover both microchipping and the licence. The Committee pointed out regularly that it did not want to penalise good, lawful dog owners. We want to do everything within our powers to help them, and we do not want to introduce legislation that will penalise responsible dog owners who want to abide by the law. We want to ensure that more people become responsible dog owners.

It was mentioned in Committee that the licence was needed to raise revenue to fund council enforcement officers and the dog warden service. It was felt that microchipping a pet would allow it to be returned to its owner more quickly, and I buy into that, especially as a dog collar or disc could be lost. I am a pet owner, and I would want my pet returned as quickly as possible. It would also reduce the cost to the local authority. The disc is needed so that the dog warden can identify from a distance whether the dog is licensed. So, there was a rationale for both elements.

I do not want dog owners paying large sums of money to have their pets microchipped. I want the Department to have discussions with local authorities on how this matter can be delivered and to look at best practice. I talked about a voucher system where an owner would pay the licence fee and bring a voucher to have the dog microchipped. Again, it is all about not penalising the responsible dog owner.

The Department said that a number of dog charities would be willing to microchip dogs cheaply. It is time for dog charities to speak up and say what they will do and how they will roll out microchipping. It is time for the charities to step up to the plate and encourage people to get in early and to get their dogs microchipped, preferably for nothing or as close to that as possible — perhaps £1 to £3. There should be a marketing campaign to launch the process and make the public aware of their

responsibilities. It is better to be first in, first served and to get it done for nothing. It would raise the marketing profile of what we are trying to achieve, which is to reduce the number of stray dogs and to have responsible dog owners.

There was a great deal of debate about the licence fee, and the Department proposed a figure of £50 in the consultation document. Obviously, the Committee was not happy with that at all. I felt that the Department was setting a high figure in order to reach an acceptable level, and that is what has been achieved with the figure of £12.50. There would be reductions for people on appropriate benefits, which is important, particularly for pensioners.

As the Chairperson said, the control conditions are an important element of the legislation, and they include muzzling dogs, neutering aggressive male dogs and providing training for the owner. Again, that goes back to responsible dog ownership, which is what we are trying to encourage.

It is fundamental to address the perception that an enormous amount of resources will have to be provided by local authorities. Therefore, we should work in partnership to address those concerns so that everyone is in a comfortable position.

This legislation, along with elements of the Clean Neighbourhoods and Environment Bill that is coming through the House, will give us the most robust dog legislation on these islands. It is important that we are leading the way and setting out clear legislation on responsible dog ownership. I hope that the Minister will clarify how far ahead we are.

In conclusion, I thank everyone involved in the Bill. This is good legislation.

Mr Beggs: I, too, declare an interest as a local government councillor.

Northern Ireland has had a particular problem with its large number of stray dogs. Those are animals that have not been reunited with their owners. The legislation's requirement for microchipping will make that aspect much easier to deal with. It is not acceptable that thousands of dogs have had to be rehomed in GB because they have not been claimed. I recognise that we have had an issue with too many unwanted pups, and perhaps neutering also has a role to play.

I also recognise that, in the Bill, there is an overlap between microchipping and licensing. The Committee tried to examine how that might be smoothed out so that we could rely on one system. However, neither I nor anyone else was able to identify how an income could be maintained to pay for dog wardens locally by coming up with one scheme that would do away with local licensing. That is unfortunate. However, as others have said, perhaps by examining schemes that might become available in the Department, that might be possible in the future.

The Bill is to be welcomed. It strengthens powers to deal with aggressive dogs, and it contains restrictions and regulations for dealing with dogs that have attacked persons or animals. The options for controls resulting from such action include, as others have indicated, muzzling and, importantly, training for the owner. There have been a number of indications, including on TV shows, that it is frequently owners' engagement with their dogs that must be worked on to bring about better behaviour. There is a challenge in that for all of us.

The fixed penalty offences are also very significant. They have proven to be very successful in other parts of the United Kingdom as an efficient method of dealing with issues. They are quick, they send a clear message, and they avoid expensive court time. I hope that the improvement can be brought about quickly and, therefore, offending behaviour will not be repeated.

I give the entire Bill a general welcome. It will reduce the numbers of stray dogs in the future. It will also be better for dogs. They will be reunited with their owners in a shorter period. It will be better for the local community. There will be less likelihood of attacks from aggressive dogs because of the control measures in the Bill.

Mr P J Bradley: I, too, welcome the Bill and support it. I declare an interest as I am an honorary member of the Northern Ireland veterinary association.

I will not repeat what has been said, as I am against duplication. If I were to repeat everything that has been said, it would be very contradictory.

I am for microchipping but not as a duplication of licensing or tagging. That many regulations now apply to dogs that I am reminded of the little dogs sent up in the sputnik satellites years

ago, all wired up and tagged all over the world so that they could be followed. Our dogs will be the same with all the legislation.

I am totally opposed to a triplicate system. A microchip should be a microchip, with a proper database to give all the information that is required. No one can tell me that we cannot design a microchip database equivalent to APHIS. Sheep and horses are tagged. Cattle are soon to be tagged. There is no reason why dogs cannot be tagged.

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

I was opposed to the £12.50 licence, and I agreed to it only reluctantly. It is certainly better than the Minister's earlier proposal for a £50 fee, which was reported on the BBC website on 6 October 2009 as a firm proposal, not a figure to play around with. Thank goodness that there was enough opposition to that proposal from my party and other parties. I welcome the fact that the fee has been set at £12.50.

I am glad that we got to this stage today. I thank the Chairperson of the Committee for Agriculture and Rural Development for his contribution. He covered everything that was said during our meetings and since we last met to discuss the matter.

Dr Farry: I declare an interest as a member of North Down Borough Council. As a non-member of the Committee for Agriculture and Rural Development, I pay tribute to the Minister, her officials and the members of the Committee for the work that they have done on the Dogs (Amendment) Bill. It is welcome legislation from our perspective, and it is a good piece of legislation. I would like to have said that it is excellent, but there are a few minor areas in which the Bill could have been strengthened. I will briefly re-emphasise those in a moment.

Like other Members, I believe that it is important that we encourage responsible dog ownership. That is what the Bill is designed to facilitate. It will signal to society that owning a dog is not a right but a privilege. Nevertheless, it is a privilege that people should seek to have. Dogs are pets for many families and are a source of companionship for many people, particularly those who are on their own. Dogs can have a positive effect on the mental health and general well-being of the population. Dog ownership serves a purpose for society as a whole.

Other Members have mentioned the problem of stray and unwanted dogs. In some respects, that will always be a problem, because it is the responsible dog owners who will be more inclined to microchip their dogs, as was the case with owners who wanted to go down the road of licensing. Nevertheless, microchipping will make it easier for owners to be reunited with lost pets and for irresponsible dog owners who have abandoned pets to be tracked down. It is also worth bearing in mind that the figures for dog destruction in Northern Ireland are out of line with what is happening elsewhere in these islands. Furthermore, there are considerable variations in the numbers of dogs that are destroyed across the district council areas in Northern Ireland. I will be interested to hear the Minister comment on that reality in her concluding remarks.

I want to say something about the measures that we have taken to deal with dog-on-dog attacks. Such attacks have been a source of concern in the community for many years. There have been a number of prominent incidents, as well as incidents that did not make the headlines. The fact that those incidents took place with a large degree of impunity has been a source of great frustration for dog wardens, councillors, other elected representatives and the community. The provisions in the Bill will go a long way to addressing that problem.

There is a minor loophole in connection with the law on trespass. We made clear our views on that last week, and the Minister will be relieved that I am not going to rehearse them. I will simply state that we have a small concern about that matter, and that we, perhaps, have not done as complete a job as we should have done. Nevertheless, the Bill is an important piece of work. It is landmark legislation that will be welcomed, not just by dog owners but by the wider community.

The Minister of Agriculture and Rural

Development: Go raibh mile maith agat, a LeasCheann Comhairle. I thank those Members who contributed to the debate today and throughout its earlier stages. The level of interest and engagement that has been shown here demonstrates just how important the issues of responsible dog ownership are to people across our community whether, as Stephen Farry said, they are dog owners or not. There are people who have been terrorised by stray dogs in housing estates and in different

parts of the North that, up to now, dog wardens could not deal with, but they can do now.

I will respond briefly to the issues that were raised by Members. Many Members expressed concerns that microchipping and other aspects of the Bill would be bureaucratic and would put a burden on councils.

I want to make it clear that microchipping requirements will not put additional burdens on councils. In fact, the Bill places no significant new statutory duties on councils. I have information that the Dogs Trust has given Belfast City Council a number of free microchips and will soon do the same in Derry. That scheme will be rolled out across all the council areas. Every council will have a limited number of microchips available to people who want to take up the offer.

4.00 pm

We have not put further statutory duties on councils. The minor changes that we have made to administrative systems will be more than offset by the additional income that we expect councils to get from the increase in the licence fee, which we estimate will be an additional £1 million, the increase in the level of fixed penalties and the retention of fixed penalty receipts by councils.

I will clarify: the proposals put forward in October were for consultation — they were draft proposals. Indeed, some councils had proposed a much higher licence fee than the £50 that was in the draft proposals. We felt that the fee needed to be somewhere between cost recovery and affordability. I can give that assurance to PJ Bradley, who said that it was a firm proposal. We are old enough now to know that you should not believe everything that you read or hear in the media. It was genuinely part of the consultation, but I drew back from it very quickly because the rest of the Bill's important provisions were getting lost in the furore over the increased licence fee.

In addition to the increase in resources to support dog wardens, the Bill will expand the range of tools at their disposal. It will help our dog wardens, who work at the coalface to make our communities safer. How many of us, either as an MLA or a councillor, have got on to a dog warden about a problem dog, only to be told that the dog warden cannot do anything about it? They will be able to do something about it now.

We will be able to make our communities safer and take action against a problem dog before it becomes a fatal problem and is involved in an incident where a child is maimed or killed.

To return to microchipping —

Ms M Anderson: Does the Minister agree, particularly given the incident in Derry in my constituency, that the fact that families or anyone else who sees such a problem dog will now be able to phone the dog warden and have that dog dealt with will be appreciated, particularly by families who have had to endure a horrendous experience and deal with children who have been attacked by dogs?

The Minister of Agriculture and Rural

Development: I thank the Member for that intervention. I spoke to the mother of the child who was attacked in Derry last year. She was absolutely traumatised; I hope that she has recovered well. I ask the Member to pass on my regards to that family. If that dog had been reported to the dog warden back then, preventative action could not have been taken. However, the control conditions in the Bill mean that those dogs can now be identified. Conditions can be put on the dog or the owner to ensure safer communities. That is important for all of us. The Member has raised the issue with me before in respect of Derry, and I am pleased that we have got to this stage.

We have also allowed councils a wee bit of lead-in time to get to grips with microchipping. We have given a commitment that microchipping will not be commenced for a year after the Bill becomes law. That will allow everyone affected by the introduction of compulsory microchipping plenty of time to get ready for it. My officials will, of course, continue to liaise with key stakeholders and councils, in particular, before the provision is commenced.

As I have said, the Bill will help to protect the public, promote responsible ownership and penalise irresponsible owners. It will tackle the serious problems of dog attacks, straying and unwanted dogs. It will send out the message that casual and careless dog ownership is not acceptable in our community. The legislation, taken in its entirety, will give us the most robust dog control system in these islands. Willie Clarke asked for further information on that. Once the provisions of the Bill are implemented, we in the North will be the only part of these islands where microchipping is compulsory.

We will be the only area where it is an offence to allow a dog to attack and injure another person's dog. Members have spoken about that today and at other times. I have had some absolutely heart-wrenching letters from people whose family pets were killed or injured by other dogs when they were out for a walk or enjoying our forests or whatever. The letters about dogs that have been killed by other dogs while trying to do their duty to protect children or their family have been among the hardest that I have had to deal with.

This is the only part of these islands where it will be an offence to allow a dog to attack and injure another dog or, indeed, any domestic animal, such as a cat. In Scotland, a system of control orders will be put in place that are similar to the control conditions introduced by this Bill, and a licensing system is in place in the South to register all dog owners. All those measures will be supported by the longest established network of dog wardens on these islands. We are leading the charge on this, partly in response to the high levels of destruction here, which Members alluded to today, and partly because it would be the most horrific thing if a child were killed by a dog and we had not taken action to try to prevent that from happening. The legislation will certainly encourage the protection of the public.

The Chairperson of the Committee mentioned bringing in breeding establishments under secondary legislation. I recognise where he is coming from, and I certainly support that. All reputable and good dog breeders already microchip pups when they bring them in to get their inoculations. It is anticipated that proposals for setting new standards for dog-breeding establishments will be brought forward in secondary legislation under the Welfare of Animals Bill once that is enacted, as the Member said. One of the first pieces of subordinate legislation to be introduced will regulate dog-breeding establishments.

Some Members talked about the requirement for collar tags once microchipping is introduced. The requirement for a dog to be licensed is already set out in the Dogs (Licensing and Identification) Regulations 1983. Collar tags still provide a quick visual identification where a microchip scanner is not available. That allows a neighbour, for example, to return a dog without the need for a dog warden. So, again, it is a practical step to ensure dog control.

Furthermore, as some enforcers noted during the consultation, a warden on patrol can see that a dog appears to be unlicensed when a collar and ID tag are absent. However, unlike tags, which can be lost or become damaged, microchipping provides permanent identification so that both systems can run side by side.

The Chairperson also talked about DARD setting up its own database or converting APHIS. I believe that that would be prohibitively costly to set up and unnecessary, because licensing and identification functions are provided for by the existing arrangements. Furthermore, a government-run database would replicate at taxpayers' expense a service that is already provided by the market. Therefore, I do not believe that that is necessary.

The issue of guidance also came up during the debate. Officials are working with the Dogs Advisory Group, which represents dog warden services, to develop guidance for enforcers. Officials have also initiated discussions with the Department of Justice on possible ways of heightening awareness in the courts. My Department, with the Dogs Advisory Group and other stakeholders, will also develop guidance for dog owners and the wider public.

Today's debate has been very useful, and there have been a lot of supportive comments, which I appreciate. I disagree slightly with Stephen Farry, because I think that this is excellent legislation. We cannot put everything in the Bill, but it enables us to make subordinate legislation to do other things. However, he was dead right when he said that dog ownership was a privilege, not a right. Careless and casual dog ownership is no longer acceptable in our community. It is not acceptable for someone to allow their dog to terrorise a housing estate, a street or, indeed, a townland. It is not a right for someone's dog to go out and attack other pets when it feels like it. We need to see more responsible dog ownership, and we can get there with this Bill.

I am also conscious that this was a long consultation. We met dog wardens in the Pavilion a number of years ago, primarily because, as I said, they are at the coalface. We have had fantastic support from dog wardens and councils. There were very different opinions at that meeting, as happens in any consultation, but, because our dog wardens have worked closely with us in the development of this

legislation, we have a Bill that will make their job easier and help to control the dangerous dogs that are a nuisance to our communities.

I commend everyone who worked with us on this Bill. I believe that it is excellent legislation. I thank Members here today for their contributions to the debate and at earlier stages. The interest and engagement shown here demonstrates just how important the issues of responsible dog ownership are to everybody, whether they are dog owners or not. It would be extremely remiss of me not to say that officials in my Department have worked hard to ensure that this is good legislation, and they have co-operated well with stakeholders and the Committee. I thank Members for their support for this important Bill.

Question put and agreed to.

Resolved:

That the Dogs (Amendment) Bill [NIA 20/09] do now pass.

Mr Deputy Speaker: Members, there has been considerable electrical interference with the sound and recording system. I ask that you switch your mobile phones not to standby, not to silent, but off.

Committee Business

Assembly Members (Independent Financial Review and Standards) Bill: Consideration Stage

Mr Deputy Speaker: I call Mr Peter Weir, a representative of the Assembly Commission, to move the Consideration Stage of the Assembly Members (Independent Financial Review and Standards) Bill.

Moved. — [Mr Weir.]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list.

There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 9, 13, 15 to 18 and 20, which are technical amendments relating to the independent financial review panel. The amendments also deal with the disqualification of MLAs' family members from the independent financial review panel or from being appointed Commissioner for Standards.

The second debate will be on amendment Nos 3 to 8, 14 and 19, which deal with the disqualification of the Attorney General for Northern Ireland from membership of the independent financial review panel or from being appointed Commissioner for Standards and technical amendments.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Notice taken that 10 Members were not present.

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

4.15 pm

Upon 10 Members being present —

Mr Deputy Speaker: We now have a quorum. Only 98 Members are missing.

Clauses 1 to 10 ordered to stand part of the Bill.

Clause 11 (Exercise of functions)

Mr Deputy Speaker: We now come to the first group of amendments for debate, which are technical amendments relating to the independent financial review panel and the disqualification of MLAs' family members from the independent financial review panel or from being appointed Commissioner for Standards. With amendment No 1, it will be convenient to debate amendment Nos 2, 9 to 13, 15 to 18, and 20.

Mr Weir: I beg to move amendment No 1: In page 4, line 37, leave out "this Act" and insert "this Part".

The following amendments stood on the Marshalled List:

No 2: In clause 13, page 6, line 14, leave out "such". — [Mr Weir.]

No 9: In schedule 1, page 16, line 5, leave out sub-paragraph (a) and insert

"(a) parent, child, grandparent or grandchild;". — [Mr Weir.]

No 10: In schedule 1, page 16, line 7, leave out sub-paragraph (b) and insert

"(b) brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);". — [Mr Weir.]

No 11: In schedule 1, page 16, line 9, after second "spouse" insert

"in any of the ways set out in sub-paragraphs (a) or (b)". — [Mr Weir.]

No 12: In schedule 1, page 16, line 10, after second "civil partner" insert

"in any of the ways set out in sub-paragraphs (a) or (b)". — [Mr Weir.]

No 13: In schedule 1, page 16, line 11, after second "cohabitant" insert

"in any of the ways set out in sub-paragraphs (a) or (b)". — [Mr Weir.]

No 15: In schedule 3, page 18, line 7, leave out sub-paragraphs (a) and (b) and insert

*"(a) parent, child, grandparent or grandchild;
(b) brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);"*. — [The

Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

No 16: In schedule 3, page 18, line 11, after second "spouse" insert

"in any of the ways set out in sub-paragraphs (a) or (b)". — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

No 17: In schedule 3, page 18, line 12, after second "civil partner" insert

"in any of the ways set out in sub-paragraphs (a) or (b)". — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

No 18: In schedule 3, page 18, line 13, after second "cohabitant" insert

"in any of the ways set out in sub-paragraphs (a) or (b)". — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

No 20: In schedule 5, page 20, line 13, leave out "the Schedule" and insert "Schedule 1". — [Mr Weir.]

Mr Weir: It was appropriate, Mr Deputy Speaker, that you gave indications that Members were to switch off their mobile phones because, given the general level of interest that the debate has excited, it would be a tragedy for posterity if the remarks were lost.

Amendment No 1 is a minor drafting amendment that changes the words "this Act" to "this Part". That relates to the fact that there are different commencement provisions relating to different Parts of the Bill. Amendment No 2 is a technical drafting amendment that simply removes the word "such", which is unnecessary. Obviously, it can be seen that we have gone through the Bill in fine detail.

Amendment Nos 9, 10 and 15 reflect the final agreed position of the Assembly Commission, the Committee on Standards and Privileges and the Ad Hoc Committee on the definition of "family member" used in schedule 1 and schedule 3 to the Bill in relation to the disqualification of family members of the Assembly from being appointed as or serving as panel members or as the Commissioner for Standards. Great-grandparents, great-grandchildren, great-uncle, great-aunt, great-nephew and great-niece are removed from the definition of "family member", so members will be delighted to hear that their great-grandparents are now entitled to become

the Commissioner for Standards. I am not sure what is the opposite of spinning in a grave — perhaps celebrating in a grave. There may be rejoicing tonight among all the great-grandparents of Assembly Members that they are now eligible for the post.

Amendment Nos 11, 12, 13, 16, 17 and 18 are technical amendments that are necessary to ensure that only those who are related to a spouse, civil partner or cohabitant of a Member in the ways that are set out in sub-paragraphs (a) or (b) would be disqualified. Amendment No 20 is a minor technical amendment. I look forward to Members' contributions — maybe that should be Member, singular — to the debate with pleasure.

The Chairperson of the Ad Hoc Committee on the Assembly Members (Independent Financial Review and Standards) Bill (Mr Cobain): As the Chairperson of the Ad Hoc Committee, I thank the members of the Committee, those who provided evidence and the Committee support team for the time and effort that they put into the Bill and the Committee report. The Ad Hoc Committee had six weeks to consider the Bill. Members were aware of the substantial work that had already been undertaken in preparing the Bill. The Assembly Commission carried out public consultations on the establishment of an independent body to determine Members' salaries, pensions and financial support, and the Committee on Standards and Privileges conducted an inquiry into enforcing the code of conduct for Members and the appointment of an Assembly Commissioner for Standards.

No one is unaware of the issues surrounding public confidence in elected representatives, and it is timely that the Assembly has taken steps to underline and increase that confidence. The Ad Hoc Committee welcomed the introduction of the Bill as a means of improving transparency and accountability of Members and providing reassurance to the public that there is an independent and objective process for the investigation of complaints against MLAs. The Ad Hoc Committee noted the mechanisms for pay and standards at Westminster and in the other devolved regions and took the experience of those legislatures into account during its consideration of the Bill.

The Ad Hoc Committee is content to agree to amendment Nos 1, 2 and 20, as they are technical in nature. With your permission, Mr

Deputy Speaker, I will turn my attention to amendment Nos 9, 10 and 15, which deal with the definition of the term “family member” used in the Bill. The amendments were proposed by the Ad Hoc Committee in light of members' concerns that the definitions used in schedules 1 and 3 were unnecessarily restrictive. Those schedules deal with the list of persons who are disqualified from serving on the independent financial review panel or as Commissioner for Standards. The Ad Hoc Committee recognised the intention that the list of disqualifications is to ensure independence and freedom from undue influence and bias but considered that the balance had not been struck and that disqualifications well into the outer reaches of the family were unnecessary.

The Ad Hoc Committee also noted written evidence from the Northern Ireland Human Rights Commission, which also regarded the list of disqualifications as being too extensive. The Ad Hoc Committee proposed to narrow the definition of “family member” to remove references to great-grandparent, great-aunt, great-uncle, great-niece and great-nephew. The Assembly Commission and the Committee on Standards and Privileges agreed to the amended definitions proposed by the Ad Hoc Committee, and I welcome the fact that they have brought forward these amendments today.

The Ad Hoc Committee supports all the amendments in this group.

Mr Weir: It says in the script provided to me that I should thank all Members for their positive contributions on the Bill, but, strictly speaking, I should thank the “all Member”. It would be remiss of me if I did not thank the members of the Ad Hoc Committee. As Mr Cobain indicated, there was a lot of detailed scrutiny, because this is an issue that goes to the heart of transparency and to the importance of ensuring that we get it right. Consequently, although the amendments may appear to be relatively minor, they are an indication of the level of detail that has been reached. I also thank the Committee on Standards and Privileges, my fellow members of the Assembly Commission and the staff of the secretariat for their contributions to the development of the Bill. I believe that the amendments will strengthen the Bill.

As indicated by the Chairperson of the Ad Hoc Committee, the initial list of disqualifications was unduly restrictive. I think it was imported

from other legislation elsewhere, and, to some extent, the initial wording contained a level of unnecessary nonsense, such as restricting great-grandparents. What has been put forward by the Ad Hoc Committee and embraced by the Assembly Commission and the Committee on Standards and Privileges is a sensible route. I am glad to see that all the amendments have been embraced by the Committee.

If there are issues regarding the remaining amendments, I will be glad to deal with them. However, it seems that there is consensus on the amendments in group 1, and I commend them to the House.

Question, That amendment No 1 be made, put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 ordered to stand part of the Bill.

Clause 13 (Contents of determinations: pensions, gratuities and allowances)

Amendment No 2 made: In page 6, line 14, leave out “such”. — [Mr Weir.]

Clause 13, as amended, ordered to stand part of the Bill.

Clauses 14 to 16 ordered to stand part of the Bill.

Clause 17 (Functions of the Commissioner)

Mr Deputy Speaker: We now come to the second group of amendments for debate, which deal with the disqualification of the Attorney General for Northern Ireland from membership of the independent financial review panel or from being appointed as Northern Ireland Commissioner for Standards, and technical amendments relating to the Assembly Commission and the Commissioner for Standards. With amendment No 3, it will be convenient to debate amendment Nos 4 to 8, 14 and 19.

The Chairperson of the Committee on Standards and Privileges (Mr O’Loan): I beg to move amendment No 3: In page 7, line 10, after “believes that” insert “, at a relevant time,”.

The following amendments stood on the Marshalled List:

No 4: In page 7, line 18, leave out paragraph (a) and insert

“(a) a complaint to the Commissioner that, at a relevant time, a breach of the Code of Conduct has occurred;” — [The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]

No 5: In clause 31, page 12, line 8, leave out “or make an affirmation”. — *[The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

No 6: In clause 34, page 13, line 10, after “any” insert “complaint or”. — *[The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

No 7: In clause 34, page 13, line 6, after “with a” insert “complaint or”. — *[The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]*

No 8: In schedule 1, page 15, line 27, at end insert

“(q) the Attorney General for Northern Ireland;

(r) a person who has been the Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.” — [Mr Weir.]

No 14: In schedule 3, page 17, line 34, at end insert

“(s) the Attorney General for Northern Ireland;

(t) a person who has been the Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.” — [The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]

No 19: In schedule 4, page 19, leave out lines 24 to 29 and insert

“(b) by notifying the Commission that liabilities may be incurred of such description and maximum total amount as may be specified in the notification.” — [The Chairperson of the Committee on Standards and Privileges (Mr O’Loan).]

The Chairperson of the Committee on Standards and Privileges: Amendment Nos 3 and 4 ensure that the functions of the commissioner are set out in the Bill in a consistent manner. The Bill provides for the commissioner to carry out investigations further to having received a complaint or when the commissioner believes that an investigation should be initiated but no complaint has been made. It is important that the Bill refer to those

two different scenarios consistently. Therefore, it is not appropriate that clause 17(1)(b) refers to investigations into

“a breach of the Code of Conduct”,

whereas clause 17(2)(a) refers to investigations into complaints that the conduct of a Member of the Assembly has

“failed to comply with the Code of Conduct”.

Amendment Nos 3 and 4 provide for the clause to be consistent in referring to investigating breaches of the code whenever they occur, rather than investigating the conduct of Members. The amendments will also ensure that the Assembly is not unduly fettered if it wants the admissibility criteria for complaints to allow for complaints to be made against former Members. I should clarify that it will be up to the Committee on Standards and Privileges to determine what the admissibility criteria should be. However, the Committee has not yet decided whether the commissioner should be able to carry out investigations into former Members.

Amendment No 5 is a technical drafting amendment that simply removes the unnecessary words “or make an affirmation”, because the reference to oaths in clause 31 automatically extends to affirmations. Amendment Nos 6 and 7 are also technical drafting amendments. Clause 34(1) correctly refers to a “complaint or matter”, whereas subsections (2) and (3) refer only to a “matter”. Therefore, for consistency, it is proposed that those references should be changed to “complaint or matter”.

Amendment Nos 8 and 14 will add the Attorney General or any person who has been the Attorney General at any time in the five years prior to the date of appointment to the disqualification schedules for independent panel members and for the commissioner. Members may be aware that the Committee on Procedures has commenced work on making provision for the Attorney General for Northern Ireland to participate in Assembly proceedings. One aspect of that work that the Committee on Standards and Privileges will have to take forward is providing for the Attorney General to have the same duties as Members in respect of the requirement to register and declare interests and to be prohibited in the same way as Members from advocating any matter on behalf of anyone else for payment or benefit.

The Committee on Standards and Privileges has, therefore, agreed with the Attorney General that the Commissioner for Standards should be able to investigate an alleged breach by the Attorney General of any of those duties. That will be provided for in Standing Orders.

However, that being the case, the Committee on Standards and Privileges also agreed that it is appropriate that the Attorney General should be disqualified from being the commissioner in the same way as a Member of the Assembly. Further to that, the Assembly Commission agreed to include the Attorney General in the schedule of persons disqualified from being a panel member.

4.30 pm

Amendment No 19 relates to paragraph 6 of schedule 4. That paragraph sets out the duties of the commissioner to consult the Commission about any liability incurred by the commissioner that the Commission may be required to discharge. On reflection, the Committee was concerned that that paragraph read awkwardly and would not be easily understood. The proposed amendment will not in any way alter the essence of paragraph 6, but will better clarify the duty in question.

The Chairperson of the Ad Hoc Committee on the Assembly Members (Independent Financial Review and Standards) Bill: I will comment first on amendment Nos 3 and 4 to clause 17. The Committee on Standards and Privileges agreed those amendments to provide clarity on the role of the Commissioner for Standards and to address the ambiguity in the Bill, as drafted, on whether the commissioner would ever be able to investigate complaints about the conduct of former Assembly Members.

The Ad Hoc Committee sought clarification on whether the proposed amendments would automatically include complaints against former Members in the admissibility criteria for complaints. The Committee on Standards and Privileges confirmed that it will be for it to decide whether the commissioner should carry out such investigations of former Members. No such decision has been taken. The Committee was advised that aim of the amendments was to ensure that there would be no legislative provision to prevent the commissioner from carrying out such investigations in the future.

In briefing the Ad Hoc Committee, the Committee on Standards and Privileges considered that such investigations provided an opportunity to address any procedural shortcomings and to establish the facts of what happened. That is valuable in addressing the matter of public confidence. The Ad Hoc Committee considered these issues carefully and, on balance, was content to agree the amendments to clause 17.

The Ad Hoc Committee was content to agree amendment Nos 8 and 14, which seek to include the Attorney General in the list of those disqualified from serving on the independent financial review panel or as the Commissioner for Standards. The Ad Hoc Committee supports all the group 2 amendments.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin supports all the group 2 amendments. Amendment Nos 3 and 4 set out the commissioner's functions in a consistent manner. As outlined by the Chairperson of the Committee on Standards and Privileges, amendment Nos 5, 6 and 7 are purely technical. Amendment Nos 8 and 14 would add the Attorney General or any person who has been Attorney General in the five years prior to the date of appointment to the list of those disqualified from being an independent panel member or holding the position of Commissioner for Standards.

As the Chairperson said, a future piece of work for the Committee on Standards and Privileges will be to ensure that the same duties apply to the Attorney General when declaring and registering interests. Amendment No 19 tidies up how the paragraph reads.

The Chairperson of the Committee on

Standards and Privileges: I thank the Members who spoke for their positive response to the Bill. It is encouraging to see how all parties in the House are committed to putting in place robust measures to ensure that Members are held to account for their conduct in an independent and transparent manner.

I also take the opportunity, on behalf of the Committee on Standards and Privileges, to thank the Ad Hoc Committee that was established to consider the Bill. I pay tribute to its helpful and thorough consideration. The work that it has done in conjunction with the Committee on Standards and Privileges in suggesting amendments, particularly about the distance of relationship of persons who might

be disbarred from being the Commissioner for Standards, was very helpful. The Ad Hoc Committee's general support for the Bill and for further amendments that the Committee on Standards and Privileges proposed is much appreciated. I read the Ad Hoc Committee's report in full. It fully supports the Bill and the remarks made in it will also help my Committee's future considerations.

Mr Weir outlined how we tabled amendments to the Bill to address the points that the Committee made. I believe that those, and all the other amendments, will strengthen the Bill.

I also thank the Committee Clerk and all Assembly staff who were involved in the Bill's creation. I also thank the Assembly Commission for its contribution to its section and to the general development of the Bill. The establishment of the post of Commissioner for Standards is a positive step forward for the Assembly. By increasing accountability, we enhance public confidence in the integrity of the Assembly and strengthen our democracy. Therefore, I commend the Bill and the amendments to the House.

Question, That amendment No 3 be made, put and agreed to.

Amendment No 4 made: In page 7, line 18, leave out paragraph (a) and insert

"(a) a complaint to the Commissioner that, at a relevant time, a breach of the Code of Conduct has occurred;" — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

Clause 17, as amended, ordered to stand part of the Bill.

Clauses 18 to 30 ordered to stand part of the Bill.

Clause 31 (Offences)

Amendment No 5 made: In page 12, line 8, leave out "or make an affirmation". — *[The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

Clause 31, as amended, ordered to stand part of the Bill.

Clauses 32 and 33 ordered to stand part of the Bill.

Clause 34 (Transitional provisions)

Amendment No 6 made: In page 13, line 10, after "any" insert "complaint or". — *[The*

Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

Amendment No 7 made: In page 13, line 16, after “with a” insert “complaint or”. — *[The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]*

Clause 34, as amended, ordered to stand part of the Bill.

Clauses 35 to 39 ordered to stand part of the Bill.

Schedule 1 (Disqualification from membership of the Panel)

Mr Deputy Speaker: Amendment No 8 has already been debated. I call the representative of the Assembly Commission, Mr Peter Weir, to move formally amendment No 8.

Mr Weir: Should it not be amendment No 9, Mr Deputy Speaker? I move it anyway, but, according to the groupings list, amendment No 8 is in the second group.

Mr Deputy Speaker: They are all being moved.

Mr Weir: All right.

Amendment No 8 made: In page 15, line 27, at end insert

“(q) the Attorney General for Northern Ireland;

(r) a person who has been the Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.” — [Mr Weir.]

Amendment No 9 made: In page 16, line 5, leave out sub-paragraph (a) and insert

“(a) parent, child, grandparent or grandchild;”. — [Mr Weir.]

Amendment No 10 made: In page 16, line 7, leave out sub-paragraph (b) and insert

“(b) brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);”. — [Mr Weir.]

Amendment No 11 made: In page 16, line 9, after second “spouse” insert

“in any of the ways set out in sub-paragraphs (a) or (b)”. — [Mr Weir.]

Amendment No 12 made: In page 16, line 10, after second “civil partner” insert

“in any of the ways set out in sub-paragraphs (a) or (b)”. — [Mr Weir.]

Amendment No 13 made: In page 16, line 11, after second “cohabitant” insert

“in any of the ways set out in sub-paragraphs (a) or (b)”. — [Mr Weir.]

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

Schedule 3 (Disqualification from being appointed or serving as the Commissioner)

Amendment No 14 made: In page 17, line 34, at end insert

“(s) the Attorney General for Northern Ireland;

(t) a person who has been the Attorney General for Northern Ireland at any time in the five years prior to the date when the appointment is to take effect.” — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

Amendment No 15 made: In page 18, line 7, leave out sub-paragraphs (a) and (b) and insert

“(a) parent, child, grandparent or grandchild;

(b) brother, sister, uncle, aunt, nephew, niece (whether of the full or half blood);”. — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

Amendment No 16 made: In page 18, line 11, after second “spouse” insert

“in any of the ways set out in sub-paragraphs (a) or (b)”. — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

Amendment No 17 made: In page 18, line 12, after second “civil partner” insert

“in any of the ways set out in sub-paragraphs (a) or (b)”. — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

Amendment No 18 made: In page 18, line 13, after second “cohabitant” insert

“in any of the ways set out in sub-paragraphs (a) or (b)”. — [The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

Schedule 3, as amended, agreed to.

Schedule 4 (Commissioner: further provision)

Amendment No 19 made: In page 19, leave out lines 24 to 29 and insert

“(b) by notifying the Commission that liabilities may be incurred of such description and maximum total amount as may be specified in the notification.” —

[The Chairperson of the Committee on Standards and Privileges (Mr O'Loan).]

Schedule 4, as amended, agreed to.

Schedule 5 (Consequential amendments)

Amendment No 20 made: In page 20, line 13, leave out "the Schedule" and insert "Schedule 1". — [Mr Weir.]

Schedule 5, as amended, agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Assembly Members (Independent Financial Review and Standards) Bill. The Bill stands referred to the Speaker.

4.45 pm

Private Members' Business

Carer's Allowance Bill: Second Stage

Mr McNarry: I beg to move

That the Second Stage of the Carer's Allowance Bill [NIA 13/07] be agreed.

Understandably, some Members are wondering why I have brought my Bill back to the House now. I have done so for a number of good reasons. I have recognised the genuine intentions of Members who regularly inquire about the progress of the Bill, and I have been taken by the growing support once again to raise the issue of pensioner carers from Members who are willing to support whatever can be achieved to move the issue forward. In particular, a suggestion was made to me recently that our Assembly could be the first to adopt legislation of this kind, making its delivery a test for the parity question by using the Bill to develop a pilot scheme here in Northern Ireland. That suggestion seemed to encapsulate the genuine goodwill that I have detected for the Bill to succeed.

As we all know, the issue focuses on two central aspects. One is parity, which is dealt with in section 87 of the Northern Ireland Act 1998. Here is the first test for the Minister for Social Development. I contend that the parity legislation does not require absolute parity, which is a rigidly enforced consistency in the delivery of benefits, nor must it be maintained in the designated areas of social security, child support and, pertinent to the Bill, pensions.

Importantly, the legislation requires the relevant Ministers in Stormont and Westminster to consult from time to time and, surely in this case, to examine the degree of flexibility open to stretch the parity regulation. On the issue of pensioner carers relating to my Bill, it is clear that the will and tenacity of our Minister, if driven favourably towards supporting the Bill, could and should have a major impact in making life a lot easier for the many deserving people who fit the category description of being a pensioner carer. The Minister needs to consult and negotiate a relaxation of any parity rigidity. After all, the Minister, and I compliment him for it, is in discussions with London and is arguing

the case for Northern Ireland to be treated differently on benefits.

Recently, when asked on Radio Ulster whether Northern Ireland could have a different welfare system, Alex Attwood said that it could not, as London pays the welfare bill and, if we change the system too much, it might take the £3 billion away. He went on to say that he was in negotiations with the British Government to see whether they could come to an arrangement. He said that he has three fundamental principles. First, we legislate for welfare in Northern Ireland, so he asks why we cannot legislate differently for London.

Secondly, he said that he wants to see whether, in practice, we do welfare reform any differently in operational terms. Thirdly, he said that the safety net of welfare has been withdrawn by the London Government.

In November 2010, the Minister also stated:

"The British Government may want a conversation with us about parity, so that they can fundamentally adjust the block grant and reduce the cost benefit of parity to Northern Ireland in a way that would damage the stability and lives of many of our citizens." — [Official Report, Vol 58, No 2, p65, col 1-2].

He continued:

"I will push parity to the limit. In recent years, and before I or my predecessor took office, things may have been done differently in Northern Ireland, and they may have been technically inconsistent with parity. Therefore, parity is not something that is never compromised." — [Official Report, Vol 58, No 2, p66, col 2].

He also stated:

"However, I will stretch the limits of parity in a way that does not prejudice the block grant or those who are on benefits. That is part of the conversation with Lord Freud. We must maximise the opportunities within the constraints of parity. Parity is contentious and cross-cutting and is of interest to Executive colleagues. I may be minded to break parity. However, if I were, it would go nowhere unless the Executive said, 'This is a line in the sand that we will not compromise on.'" — [Official Report, Vol 58, No 2, p64, col 1].

I contend that the Minister should argue for the right of the pensioner carer in Northern Ireland to retain his or her carer's allowance.

The second principle relates to the pensioner carer and the person whom he or she looks after. That person is usually a close relative, such as a husband, wife, mother, father, son or daughter, for whom his or her love and devotion does not evaporate upon reaching pension age. I asked what a carer's allowance is for. Is it not a payment for work done? If not, why is the allowance paid on a scale to the number of hours worked? If it is a legal payment that is based on hours worked — I contend that it can be nothing else, nor can it be paid for any other reason — why, then, is the payment of carer's allowance stopped by the state when the carer is in receipt of his or her entitlement in law to a state pension? I contend that the loss of the carer's allowance payment to carers who receive a pension is morally wrong and legally perverse.

In current circumstances, the right to a pension removes the right to the allowance. Surely, one right cannot cancel out another right, as is the case. In practice, carers simply do not stop caring or abandon their relatives just because they have reached pension age. For them, becoming pensioners cannot and does not mean that they have retired or are giving up being carers at home and that the state should then take over and do the caring for them.

On that point, there is also the third principle, which relates to money and the state regulations. The value of carers at home saves Northern Ireland alone around £3.5 billion each year. There is absolutely no risk, therefore, of the state intervening, charging in and taking over caring responsibilities. The country would go bust overnight if carers said no, they are not caring at home any more; if they said, "I am fed up depriving myself and the rest of my family from what other people call 'normality'"; or if they said, "I gave up my job. I have scraped long enough to find money to pay the bills. I just want to enjoy a holiday break like everybody else. I want to take the children and the grandchildren out somewhere nice for the day like anybody else. I would just love to be able to go for a walk. Could you not even give me a couple of hours off to go shopping and to get out and meet people, because that would be heaven for me?"

The state knows that that type of salt-of-the-earth unsung hero will not down tools, strike or even cause a fuss. The state takes advantage of that situation. Why else would the Government withdraw the carer's allowance when carers reach pension age? In doing so, the

Government make their intentions abundantly clear to me: they do not care about pensioner carers. They view them as cheap labour, as they view all carers.

My Bill would dramatically change that draconian, outdated, unjustified and uncalled-for opinion and the legislative prejudice against carers once they reach pension age. As I have said, those people do not retire. Support from my colleagues in the Assembly would at least launch a significant challenge and would hand to our Minister — if he is up for it — a magnificent opportunity to get behind direct action aimed solely at doing right by our pensioner carers. As a consequence, it could show those in Whitehall the gross indecency of what they are doing against pensioner carers and offer a positive way to correct such an unjust and monumental error.

I point to the recent success of achieving rate relief for carers, which has been beneficial for pension carers. It took some time, but, with the unanimous support of the Finance Committee and dogged determination to find a way, we scored a minor, but nonetheless significant, victory for carers on rates relief. As I said, it took some time, and that was mainly due to it being difficult to ascertain the correct number of carers who could benefit. However, the Minister, Sammy Wilson, stuck with the Committee and kept the door open until the Committee arrived at numbers that we could all stand over. I also give credit to the Department of Finance and Personnel (DFP) official who stuck with it, worked at the idea, and did not give up either.

That is a piece of good news from a Minister, which was not only beneficial, but which, in my opinion, was concrete evidence that, in that case, pensioner carers had been recognised and their status given ministerial approval. As Members know, the Finance Minister and I may battle over budgets, always for the best of reasons, but even when he is wrong, which he has sometimes been, he does not lose my respect for his office. Without Sammy Wilson's judgement call on that issue, without the DFP official's help and without the Finance Committee's resolve and support, that small, but nevertheless important, concession to carers would not have been made. I believe that it is the case that where there is a will, there is going to be a way.

I will now turn away from finance that has been committed by DFP to that other thorn being used

to attack my Bill: money. I have explained the parity issue and the importance of ministerial consultation, and I offered the Minister the choice of direct action achieved by negotiation. I have explained what I think a carer's allowance is for and why it should not be removed when a carer reaches pension age.

Let me do my best to inform the Members why I think that officialdom is being unhelpful in its attempts to convince the Minister for Social Development to scupper my Bill. Members will recall that the Bill stalled at the time when the Health Department and the Department for Social Development (DSD) combined to initiate a joint internal review of provision for carers in Northern Ireland. The review report was verified by Professor Judith Hill, and I was pleased that my Bill, with the help of other Members, had forced that review.

Overall, both Departments identified and recognised the essential work done by carers at home, and, arising from the review, Minister McGimpsey reported that he had secured an additional 400 respite packages and an additional 2,000 dementia respite spaces.

The then Minister for Social Development, Margaret Ritchie, decided to do nothing other than to stick with parity policy.

5.00 pm

I said at the outset that Members would be wondering about the delay with the Bill. Another reason was my waiting in expectation to hear from Minister Ritchie on her assurances to me that she would raise the issue of carers with the Chancellor and the Secretary of State for Work and Pensions and feed the issue into the ongoing review of the national carers' strategy. I have no record of hearing from former Minister Ritchie nor has there been a pick-up by her successor, Minister Attwood.

Members will also recall that, at the time, Minister Ritchie was armed and ready to kill off my Bill with the sharp instrument of a reasoned amendment. The Department for Social Development also produced a briefing paper, which clung to those arguments. Members who followed the passage of the Bill closely until then will also recall the issue of pensioner carers seemingly being savaged. The briefing paper stated:

"The whole issue of carer's income and allowance is being examined in-depth as part of the review of the national strategy for carers being taken forward by the Department of Health in Britain. The findings of the review are due to be published in early summer. The Department, in conjunction with the Department for Work and Pensions, will then consider what changes should be made to the carer's allowance."

The Department believed that it would be premature to seek to legislate in that area before the outcome of the review was known.

The briefing paper added that over 14,000 carer's allowance claimants over pensionable age were not receiving their carer's allowance because of the overlapping benefits rule, and a further 680 people received a reduced amount:

"It is estimated that the Bill would generate additional gross expenditure of approximately £38.6 million per annum, based on current claim rates ... That cost does not take account of the potential increase in claims by those who do not currently claim carer's allowance because of the overlapping benefits rule. A further factor that has not been taken into account is the projected rise in caring, which is the inevitable consequence of an ageing population."

The Northern Ireland Statistics and Research Agency (NISRA) estimates that the number of people over the current pensionable age will increase by 39% between 2006 and 2021. The number of people who are aged 65 and over will continue to rise after 2021, and it is projected that there will be twice as many people aged 65 and over in 2041 as there are today."

So heaven help us if you are a carer moving from nowhere or, as we are today, in 2041.

The briefing goes on to say that there is, therefore, the potential for costs to rise very substantially in the coming years. It states that if the Assembly were to pass the Bill, the Department would not be able to find the expected £38.6 million additional costs from its budget.

The Department's briefing adds:

"The state pension is designed to provide an income in retirement. Similarly, carer's allowance is designed to provide a measure of income replacement for those who are unable to work full-time due to caring responsibilities."

The allowance is not and never has been a payment for caring. That is what the Department is saying to every carer in Northern Ireland. If

that is the Department's opinion, why would we have the rejection that it is proposing for the Bill other than because it does not believe the allowance to be a payment for caring?

The briefing goes on to say that a person who is not working for two reasons — because of caring commitments and because they have reached state pension age — does not receive double provision from the social security system for income maintenance.

There were 16 points made during that briefing, and I would particularly challenge the four points that I have identified here. If the intention of the Department was honestly to wait until the review of the national strategy for carers by the Department of Health in Britain had been concluded — and it concluded some time ago — where is the evidence of our Department for Social Development moving either way on the issue of pensioner carers as it said that it would?

The Department says that 14,000 carers are being denied the carer's allowance due to the overlapping benefits rule. Where is the figure of 14,000 evidenced as accurate? I can point to the recent sorting out of rates relief for pensioner carers, when the numbers were dramatically reduced from the original figure given to DFP. It was only because of that reduction that the Committee and the Minister felt able to move, but we started off with high figures, so I challenge the figure of 14,000.

The Department also quoted estimates that the number of pensioners will increase by 39% between 2006 and 2021 and that the number of people aged 65 and over will continue to rise after 2021. Those are very interesting statistics, but where is the estimate for the number of pensioner carers? There is no estimate, so what is the relevancy of the other statistics? There we have it.

When the departmental officials speak for the Department, they are also assuming, in this case, that they speak for the Assembly. The departmental officials stated that if we passed the Bill, the Department would not be able to find the additional costs from its budget. The Department will not find anything unless it has the will to look for it. The problem is that it is not looking.

To rub salt in the wounds, in a most dismissive and arrogant manner, the departmental officials took the stance that the carer's allowance is

not and never has been a payment for caring. That is the most offensive comment that I have ever heard. Whoever in the Department coined that phrase or put it forward should go and have a good look at themselves and maybe count themselves very lucky that they are not carers. No carer I am aware of would ever agree with that statement.

That is the Department's robust reasoning for rejecting my Bill. It says that the allowance is not and never has been a payment for caring, which speaks for itself. That takes you back to what I said earlier; what is the carer's allowance for?

I am acutely aware of the financial restraints that have been in operation, effectively since last October. However, my Bill was rejected by the Department for Social Development long before last October. The circumstances that pertained to pensioner carers back then have not altered, except that I expect that many of those who would benefit from my Bill are suffering from greater hardship and are finding no easement whatsoever to their situation.

I would not demean the integrity of the pensioner carers by begging for change in the House. They are being short-changed and ignored by a Department for Social Development that seems only too obliging and willing to assert the rule of parity in defence of its apparent indifference to a section of people who are saving this country an absolute fortune. So, why not have a specific allowance for pensioner carers, based on the principle of a right every bit as secure as the right and entitlement to the state pension? It would be a specific allowance that the Department could afford and which would be subject to increases as and when the Department could afford to implement them.

I have had difficulty in closing this pitch — because that is what it is — to the House. I hope that those who spoke to me in support of the Bill outside the Chamber will do so inside it, and that, like me, they do not want the Bill to be killed. The Minister for Social Development may choose to kill the Bill, but I will not.

Members should hear from those who care: Carewatch told me that it would back the Bill 100%; I have also received correspondence from the Princess Royal Trust for Carers, Carers Northern Ireland and hundreds of letters, e-mails, phone calls and personal contacts, all in support of the Bill. However, it is up to the Minister whether he wants to kill it.

I will conclude with a letter that sums up why the House should support the Bill, a letter that is as relevant today as it was on the day that it was written. The writer begins by saying some nice things about me, which I will leave out. She continues:

"May I commend you on your courage in doing so and hope that something can be done to rectify this shaming legislation which victimizes the very people in our society who most deserve help in looking after a loved one. I am 77 years of age and am the sole carer of my husband who is also 77. He suffers from Alzheimer's, and although he still has a fairly good quality of life, we both know that this dreadful disease is progressive.

Through the Alzheimer's Society's helpful leaflets I learned that there was a carer's allowance available in cases like mine. So after filling in the requisite forms and sending them off to DSD, I received a letter from which I will quote the following:

'You are entitled to £48.65 a week from 16.7.2007. But we cannot pay you from 16.7.2007 because the amount of state payment you get is more than the amount of the carer's allowance we would pay.'

Why, Mr McNarry, do you think I get the state pension that they refer to?"

She underlines:

"Because I worked from 15 years of age until 61 years of age. My husband worked from 14 years until 65 years. There being a combined working and contributing NHS insurance and taxes for 97 years. I would add that in all that time neither my husband nor myself ever drew a farthing of unemployment benefit from the state. So it seems that we are being penalised for being good citizens. Please feel free to quote this letter — ",

As I am doing:

"in any debate or battle you will undoubtedly have in trying to push this legislation through. But anyway you have tried where many others pushed the carers on the back burner."

That letter is typical. However, it is good enough for me to rest my case on, because it speaks for the carers with whom most Members identify. I commend the Bill to the House.

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

The Chairperson of the Committee for Social Development (Mr Hamilton): I will begin by giving a brief recap of the Social Development

Committee's deliberations on the Carer's Allowance Bill before making some personal comments.

The Committee for Social Development considered the Carer's Allowance Bill on three occasions: 7 February 2008, 1 May 2008, and, latterly, 3 February 2011. The Committee received evidence initially from the Bill sponsor and, more recently, from the Department.

5.15 pm

As the House knows and has been eloquently set out by the Bill sponsor, carers are an essential and undervalued part of society. Estimates vary about the overall number and characteristics of carers in Northern Ireland. The 2001 census identified 184,000 people of different ages who were looking after elderly parents, disabled children or an infirm husband or wife. About one third of that group provided 50 or more hours of care each week. Perhaps one quarter of all carers receive practically no respite from their responsibilities, and that is particularly concerning given the amount of money that carers save the Health Service in Northern Ireland. Again, estimates vary, but that might be as much as £2 billion to £3 billion a year.

The Bill deals with a particular group of carers: those pensioners who are in receipt of, or who are potentially in receipt of, carer's allowance, which could be around 18,000 people in Northern Ireland. As we heard, the idea of the Bill is quite simple, and the Bill sponsor wants to help that group of people in particular. The Bill would ensure that carer's allowance is always paid to pensioners and that the rate at which it is paid would not be reduced because of any so-called overlap with a state pension.

Despite the substantial direct cost of the measure, which is estimated at over £50 million a year, on first reading, it appears to be a long overdue partial acknowledgement of the unappreciated contribution that carers make to society. Even in the short period between the scheduling of the Bill and today, the Committee has thought carefully about the outworkings of the Bill. I regret to report that there may be more than 10,000 carers in receipt of pension credit who will not receive any benefit from the measures proposed in the Bill. Indeed, it is also understood that there may be more than 3,000 other pension credit claimants who could conceivably be worse off should the measures be introduced.

I will explain the situation. The Department advised the Committee that the proposed changes to carer's allowance could lead to some pension credit claimants losing their automatic passport to housing benefit, for example. Furthermore, it was also pointed out that those unintended and unwelcome so-called savings to pension credit or housing benefit would be lost to Northern Ireland and would go straight back to the Treasury.

It is clear that the Carer's Allowance Bill will not consistently help pensioner carers, and it appears that it could be detrimental to some carers in certain circumstances. Furthermore, it is also clear that the overall cost of the Carer's Allowance Bill would be very high indeed. The Committee agrees with the sponsor that carers are not properly serviced by the welfare and benefits system. Indeed, when members reviewed the Social Security Agency's benefit uptake programme, they were particularly keen to see improved targeting of carers and those entitled to pension credit. In fact, benefit uptake continues to be a regular subject of interest for the Social Development Committee.

The Committee endorses the sponsor's sentiment in devising the Carer's Allowance Bill. On behalf of the Committee, I congratulate him on bringing forward the Bill and today giving carers some of the attention and a little of the recognition that they richly deserve but rarely seem to get. The Committee believes that although the Bill is well intentioned, it is an inconsistent and, therefore, inappropriate vehicle for the improvement of support for carers in Northern Ireland. Even if private Member's Bills do not complete their passage, they serve a useful function and at least allow crucial issues to be aired, as is happening today.

Carers and caring are important matters and worthy of debate by the Assembly. Although the Committee commends the sponsor for bringing the issue to the House, I do not believe that the Committee can support the Bill. The Committee will continue to raise the issue of support for carers as a key consideration in the ongoing debate on welfare reform in this and other jurisdictions.

I will move on to speak in a personal and party capacity. I echo the comments that I made as Chairperson of the Committee. I have huge sympathy for the needs of carers in Northern Ireland. All Members in the Chamber this

evening, including me, know someone — in their family, a neighbour or a member of their local community — who is a carer and is contributing tens and tens of hours a week to looking after some of the most vulnerable people in our society. I have had that family experience, as have others. Perhaps Members have even been carers themselves. Sometimes, we do not think of people as carers, because that is just what families do: they look after people with particular needs. Therefore, I have huge sympathy for the needs of carers.

I completely understand where the Bill's sponsor is coming from. I know that he wants to open up a debate on the subject and that he has focused on a particular area where he thinks that support could be delivered, and that is on the financial side. I have sympathy and empathy for the Bill's sponsor and those at whom the Bill is directed, and although the Bill is well meant and well intentioned, I am not sure that it is well thought out. There are three issues that I must raise as to why the Bill's passage could have very negative and unwelcome consequences, well intentioned as it is.

The first issue is one dwelt upon by the Bill's sponsor, that of parity. Every time I mention the word "parity", I see certain eyes roll. It is a well-worn, well-trodden path. It is, perhaps, an unsatisfactory argument, because it is blunt and it is used to kill off any other argument. However, it is one worth dwelling on. Northern Ireland benefits, as most Members know, from the maintenance of the parity principle, as outlined in section 87 and, more importantly, section 88 of the Northern Ireland Act 1998. We receive an annual subvention of roughly £3 billion from the Treasury to help us pay Northern Ireland's substantial social security bill. Figures are bandied about willy-nilly: £50 million for a footballer sounds like nothing. It is peanuts. Sometimes, when we are talking about the Budget of Northern Ireland or that of the United Kingdom, £3 billion may also sound like an insubstantial amount of money, but it is a huge amount. If it were lost to Northern Ireland, there would be massive negative ramifications, particularly for some of the most vulnerable people.

I accept that the social security system, which the subvention resulting from parity pays for, is far from perfect. All Members conduct constituency work relating to benefits. It is one of the biggest issues that we deal with and we know that the system is far from perfect. However, the system

is there in good times and in bad. It is a safety net for vulnerable people in our society. It is there to catch people when they fall. It may be that some people are perpetually being caught by it, while others, because of health reasons or employment problems, are caught for a brief period. It is to the overall advantage of Northern Ireland that we maintain parity, have that subvention and do nothing to threaten it.

As we all know, we have a higher level of dependency on most benefits than our counterparts in Great Britain. The Bill's sponsor, in moving Second Stage, referred to some of the Minister's comments about parity. Certainly, where there is a case to be made for welfare reform, we should make it. If there are special circumstances and considerations for Northern Ireland, we should make the case for them. We should be trying to persuade the Westminster Government that, because of the impact that a proposed reform will have in Northern Ireland, it may not be a good thing.

Mr McCallister: I am grateful to the Committee Chairperson for giving way. I share many of his views on parity, as he well knows.

As this is a Second Stage debate about the broad principles of the Bill, and as the Chairperson has spoken about the commitment to carers, would it not be best to send the Bill to Committee Stage? I do not just say that as one who has recently left the Social Development Committee. Would it not be good to scrutinise the Bill in Committee and to use that time to tease out the issues around and implications of parity to see whether there is a better way that we can deliver on the principles of this Bill for carers, as I think we all agree we want to?

The Chairperson of the Committee for Social Development: I thank the Member for his intervention. Let me address the first issue.

I have said consistently that playing a poker game with parity can be reckless and potentially very dangerous. I know that the Member, in responding to some of the comments that the Minister made previously, said that to play games with parity would be:

"an incredibly dangerous and foolhardy threat."

I know that he believes that we should not play fast and loose with parity.

I am sure that no one here would disagree with the principle of wanting to help carers. The

question is whether the Bill is the best way to do that. I will come to some other reasons why we should be very careful in our consideration of the Bill. I do not think that simply moving a Bill to its Committee Stage and building up expectations and hopes, only to come to essentially the same conclusions, is necessarily the best thing to do. There are other ways in which we can, to use the Member's phrase, tease out some of the things that could be done to help carers. I will address that issue in my concluding remarks.

I believe that threatening parity is a very dangerous game, which I do not want to play. It is not that we would simply be breaking parity with one benefit. There would be ramifications for the computer system that we operate, and there is a cost involved in that. I am disturbed by some of the views that were expressed about parity at the outset of this debate. I would have thought that maintaining the same social security system in Northern Ireland as that which operates in the rest of the United Kingdom is something that the majority of Members would regard as vital.

I know that there are other Members who would love to breach parity, but those of us who have concerns about that should consider why those who would love to breach parity want to do that and what their political intentions would be in wanting to.

Mr F McCann: Will the Member give way?

The Chairperson of the Committee for Social

Development: Yes, I will give way before I move on to another point.

Mr F McCann: I know that we have had this debate many times in Committee. My colleague Mickey Brady has raised the issue of breaching parity on a number of occasions. He raised it in the context of the Law Centre's view that parity is not set in stone. Many of the welfare reform issues that we are dealing with are very punitive towards claimants, and Mickey has raised the issue of breaching parity because of the impact that the proposed reforms would have on the community. If we can stretch parity as much as possible under those circumstances, would it not be right to do so?

The Chairperson of the Committee for Social

Development: The Member needs to be very clear and very careful. Stretching parity or testing parity — the Minister uses various

phrases to describe it — is one thing, but breaching parity is something else entirely. I have every respect for the Law Centre, because it does tremendous work and has been beneficial during my time on the Committee in advising us about the ramifications of various welfare reforms and other issues. However, with the greatest respect to the Law Centre and, indeed, the Member, I am not particularly keen on going to the Treasury to play roulette with the £3 billion subvention that we receive: putting it on breach of parity and waiting for the consequences.

For political reasons that he is entitled to hold, the Member may not be that concerned about breaching parity with the British Treasury and a British social security system. However, I am afraid that I am concerned, not for political or constitutional reasons, but because of the threat that it would pose and the dangerous game that it would play with that £3 billion. The Member represents a constituency that has one of the highest levels of social security dependency in the whole of Northern Ireland and, indeed, the whole of the United Kingdom. He knows that a breach of parity, if, as is likely, it were to go wrong, would adversely affect the people whom he represents, and those whom I and other Members represent as well.

If welfare reforms or a piece of welfare legislation come forward, let us look at them. Let us consider carefully the implications for Northern Ireland. Let us raise those implications with the Department for Work and Pensions and anyone else who will listen. Let us push those points. However, I am not in favour of anything that threatens the £3 billion subvention, as well intentioned as the desire to breach parity may be.

The second point that we need to consider carefully is the cost.

Of course, a breach of parity would, at best, require the Northern Ireland Budget to pay for that breach. When the Bill was first introduced, Mr McNarry put forward a figure of £38.6 million as the estimated cost. Due to the success of benefit uptake campaigns and increases in the levels of carer allowance being paid, the estimated figure is now £51.8 million every year. Even my rudimentary mental arithmetic tells me that that is more than £200 million over the next Budget period. That is a considerable amount of money that is not covered anywhere in the draft Budget.

5.30 pm

The Minister has not expressed his support for the draft Budget for various reasons. I think that he would confirm that there is certainly not £200 million lying around anywhere in his draft departmental budget to pay for this. He has obviously been privy to the Executive's discussions. Perhaps he could enlighten us on what he thinks his colleagues' views might be if he were to ask them for £200 million. He may get a lot of sympathy, but, as someone once said to me, "Your pockets are full of sympathy, but that does not pay the bills." This is a very considerable bill. If we were to cover that bill, the money would have to come out of either the Department's budget or other front line services. When Mr McCallister and I raised concerns about comments by the Minister that we interpreted as perhaps signalling a threat to parity, John asked, "Is Alex Attwood, a Minister, really saying that front line services that are funded by the Northern Ireland Budget should suffer to fund his plans to oppose welfare reform?"

I agree that we should be careful about making promises and writing cheques that we then have to fund from other front line services. That is effectively what would happen with this Bill. Well intentioned as the Bill is, in all likelihood, we would have to take money from other front line services to pay for a shortfall of some £200 million over the next four-year Budget period. The Budget is already tough. Obviously, there is a relationship between health and carers. I can just imagine the response of the Health Minister if we came and asked for his share to help pay for this. I can also imagine the response of other Ministers, who have already gone through a very difficult draft Budget.

Another point worth remembering is that, because there are rules whereby people's receipt of additional money has an impact on what pension credit and housing benefit they receive, we would pay an estimated £50 million out of our Budget, but, because of the loss of pension credit, £37.4 million would revert to the Treasury. We would be out £50 million, whereas the Treasury's coffers would benefit by £37.4 million. I can imagine the Tory Chancellor of the Exchequer quite enjoying our passing that policy, but it would not necessarily be to our benefit. We would pay out £50 million, but that other money, in its entirety, would be lost to the people who need it and to our economy.

That leads me to my third concern. Well intentioned as the Bill is, if it were passed, it would not benefit everyone whom it intends to benefit. For me, that is the most critical concern of all. Many pensioner carers will not be helped, because any increase in income will be entirely taken into account in calculating eligibility for income-related benefits such as pension credit and housing benefit. We are told that more than 13,000 pensioner carers receive pension credit. However, 10,000 of those would see pension credit reduced and would, therefore, be no better off as a consequence of the Bill. Some 10,000 pensioners whom we would be trying to help would actually be no better off. If the Bill were passed, another 3,000 pensioner carers would no longer be entitled to pension credit and would, therefore, be worse off. I am certain that that is not the intention of the Bill, but that is why I and others are gravely concerned about it. They also would no longer be entitled to housing benefit or certain other benefits, and those who maybe need free dental treatment, glasses or fares to get to the hospital would no longer be entitled to receive such benefits. Pensioner carers would, therefore, be substantially materially worse off as a result of the Bill. As I said, I know that that is not the intention of the Bill, but that is what would happen and it is why I and others are gravely concerned about it.

At the end of his contribution, the Bill's sponsor read out a letter from a carer, who eloquently expressed her concerns and asked for some help. I am sure that that lady and others like her would not want to receive more if it meant that others in probably exactly the same position were to receive less. That is certainly not what I or any of us want. I know that Mr McNarry wanted to start a debate about carers. He certainly has done that, and I commend him for it. He is right about the fact that his previous attempt to bring forward the Bill resulted in the Department for Social Development and the Department of Health, Social Services and Public Safety carrying out a review of support provision for carers. A key conclusion of that review was, of course, that parity should not be breached. However, an uptake campaign which pushed carer's allowance and pension credit came out of that. I do not wish to steal the thunder of any of the Members opposite who repeatedly pushed this issue, but there is probably more to be achieved for less investment at central government level by trying to push pension

credit. Thousands of pensioners who should be receiving pension credit are not, and we could help many of them out, including those who have caring responsibilities.

The Bill's sponsor was right to say that the Executive have helped carers, albeit in a small way, during this mandate. My colleague Sammy Wilson brought forward a 20% uplift in the carer premium under the low-income rate relief scheme, which will benefit 2,500 people. That is a small amount, but — I have spoken to the Member about this — I am absolutely sure that that would not have happened had we not pressed the issue. It is a small but very welcome amount, because everybody who receives it will benefit. I welcome that.

Ultimately, I see this as an issue for the Department for Work and Pensions. Other reviews have been carried out across the water at Westminster. Mr McNarry railed against the Government. He directed some fire at the Department here, but I presume that he also directed some of that at Westminster and Whitehall. Given that they are the architects of the social security system framework, they have a huge responsibility to bring in serious reform that improves the position of a lot of carers.

I will go back to the basic point that everybody wants to see carers being helped and the contributions and savings that they make better recognised. However, I certainly do not want to see that done in a way that threatens parity or in a way that is to the cost and detriment of the people whom we are meant to be targeting. This is not a cost-free option, because, as I said, it would cost our Budget some £50 million. It would also cost 3,000 pensioner carers the critical income that they are in receipt of. We would make them worse off.

There is a huge responsibility on the Department for Work and Pensions and the new Secretary of State for Work and Pensions, Iain Duncan Smith, to come forward with real, meaningful and tangible reforms for carers that recognise them in a way that we all agree with. We may have issues with this Bill; however, we, as one, want to see carers getting a better deal. For some carers, this may represent a better deal. For others, it might not; and for some, it is a worse deal. Unfortunately, for everybody in Northern Ireland who sadly has to depend on social security benefits, a threat to parity is one that we cannot dismiss no matter what we think

of it. We cannot set that aside. We also have to consider carefully the very real cost of the Bill to our Budget. Members need to bear those issues in mind when considering the Bill today.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. The Bill is welcome. I welcome anything that raises the profile and the plight of carers. I am also delighted to see Mr McNarry leading the charge towards the breach of parity. That is very welcome and is to be encouraged.

Invalid care allowance or carer's allowance, as it is now named, has a chequered history. It was only after a European Court case in 1984 that married women were entitled to claim as carers. Before that, only single men, single women or married men could claim it. A Mrs Blake took the British Government to the European Court and won her case. In fact, the legislation was changed as she was flying back from Europe. We were told at that time that, because invalid care allowance was related to other benefits, it would not affect the likes of the old supplementary benefits.

Parity is something that we hear a lot about, and the Chairperson of the Committee mentioned it. I presume that, if we follow his logic, if parity were broken, we would all be struck down by thunderbolts, including the Minister. The Minister seems to have seen Lord Freud so often that he is now influencing British social policy, which I find difficult to believe. However, I am sure he will do his best to convince us at some stage that he is actually involved in doing that.

I agree with one or two things that Mr McCallister said, and perhaps the Bill should go to the Committee for scrutiny. Mind you, when Mr McCallister's Bill was passed, he got into his caravan and did a runner from the Social Development Committee, so I hope that that is not indicative of what we have to look forward to.

I accept that Mr McNarry has made a very good case for pensioner carers and continues to do so. However, there are a lot of other carers, including young people. There are also carers who are allowed to work to earn up to £95 a week and claim carer's allowance of £53.90 but, if they earn one penny above £95, lose their entire entitlement to that allowance. That is grossly unfair. They must be looking after the person for whom they are responsible for 35 hours a week to claim that benefit. However, £53.90 divided by 35 is £1.54 an hour, which is approximately a quarter of the minimum wage.

The Chairperson of the Committee mentioned the fact that carers here in the North are responsible for approximately £2 billion to £3 billion of savings a year. They are an isolated group who do not always get the recognition that they deserve.

The argument about breaking parity is used continually, but parity is about comparing like with like, which is difficult to do. It is difficult to compare what happens in parts of Britain with what happens here in the North and the position that people here find themselves in, particularly in relation to benefits. The big difference is that carer's allowance should be made a stand-alone benefit, because, to use that hackneyed phrase, it is inextricably linked to DLA and attendance allowance. Those allowances do not affect other income or benefits but, to qualify for carer's allowance, the person you are looking after has to be on either middle care or day or night attendance allowance, so they are very closely linked. We should look at that.

The Minister talked about stretching parity to the limits of flexibility, but, if we are to deal with parity, there must be a challenge to it. Some effort has to be made to break parity. There are many ways in which the administration of benefits could be greatly improved without the block grant or subventions for benefits being affected. The Committee completed a detailed and successful report on the administration of DLA. However, the breach of parity has not happened.

I do not see the point in saying that we will stretch parity to its limits. Parity is parity. Some say that welfare reform will not be implemented in the same form here as in Britain, but, at this point in time, that is simply not the case. It is parity legislation, and, until parity is changed, breached or challenged, we will be stuck with that draconian legislation, whatever the Minister might say in his attempts to colour minds on the implementation of social policy here. Welfare reform is welfare reform.

5.45 pm

The British Government, through DWP, have modified their welfare reform programmes so as not to make carers liable to sanctions if they do not engage in back-to-work activity. They said that carers are to remain on income support:

"until we have a clear and detailed plan setting out how we will reform the benefits system over the longer term."

That gives a clear message that carers will be affected, if not in the immediate term, then certainly in the long term. Carers are being targeted, as are people with mental health issues and autism. Some 76,000 people are migrating from employment and support allowance to jobseeker's allowance. All that is already happening, and people need to be made aware of it. Carers are being affected daily.

Although the Bill is probably flawed, given the impact that it would have, it is reasonable to accept that it could at least go to Committee. At that stage, a proper, longer and more detailed discussion could be had about carers, how they are affected, how they can be helped by carer's allowance and how that could be implemented in a proper and fulfilling way. Ultimately, all of us are very sympathetic to the plight of carers. The Bill certainly raises that awareness. Although its content may be flawed, it is worthwhile raising the issue. If I were really cynical, I would suggest that Mr McNarry was raising it because there is an election coming up shortly, but I know that he would not do that. I accept that he has a genuine and long-standing interest in and support for carers.

Mrs M Bradley: I thank Mr McNarry for bringing the Bill to the House, but I will not accuse him of doing it because there is an election. I concur with a lot of what he said. We all agree that we can only admire and appreciate the work that carers do. Some work 24 hours a day, but they do not get any recognition at all for it.

We would need to be a bit more careful if changes are made to the benefits here for the people we most want to help. We should all remember that there are family carers out there who do such work with no recognition of any kind. They do it as a labour of love for their loved ones, for members of their family, for their brothers, sisters, mother, father — whoever. We should do as much as we can for them all. Perhaps more work needs to be done in that regard. I think that it does, and I hope that we will come to that view today. I ask the Minister to reply to that and tell us whether we can do anything more.

Ms Lo: I pay tribute to the thousands of carers in Northern Ireland who look after their loved ones tirelessly day in, day out and who save the

state millions of pounds every year. I am hugely sympathetic to Mr McNarry's sentiment and motive in helping pensioners. Realistically, who would not be? I am not really talking about the election campaign or whatever. I know that a bit of extra income for a struggling pensioner would go a long way to help, because they are struggling to pay bills. The same can be said for those who look after their loved ones 24 hours a day.

I foresee many hurdles in getting the Bill passed, and we have to be realistic about that. As the law stands, state pension provides people with an income in retirement, and carer's allowance is designed to provide a measure of income replacement for those who are unable to work full-time owing to caring responsibilities. The rules and rationale for all benefit entitlements are that there cannot be double provision. As has been said, if the Bill is passed, we will breach parity. Constantly, we are told that we cannot breach parity and the consequences would be too great, not just because of the strain on the block grant but because of the difficulties involved in having a different administrative system, separate from the rest of the UK.

There are 17,800 carer's allowance claimants who are not currently receiving the allowance owing to the overlapping benefits rule. A further 700 receive a reduced amount. We have also been told that we will have to incur additional costs of £51.8 million if the Bill's proposals go ahead. That is a huge amount of money to be taken from our block grant, and we simply cannot afford it. Our ageing population means that we also need to consider the projected increase in caring, and that will lead to an even higher increase in future.

We also need to talk about equity. It is unfair to people on other benefits that are also affected by carer's allowance. The Bill focuses on the relationship between carer's allowance and state pension, but other benefits such as incapacity benefit, contributory ESA, maternity allowance and bereavement allowance cannot be paid in full at the same time as carer's allowance. The Bill therefore represents preferential treatment for carers who are over pension age, and it is important to point out that 61% of carers are under pension age and would not be assisted by the Bill.

It is also important that we have pensioners' interests in our hearts and minds always. We

must continue to increase the uptake of carer's allowance among carers and, in particular, among pensioners. Even though they do not get carer's allowance, they will still have underlying entitlement and will therefore get the carer's premium in other benefits such as housing benefit, pension credit, dental treatment and so on. We must help them to maximise their benefit entitlement.

For many carers, money is not everything. What is important to them is the practical help that they can get, such as a home help or respite care, so that they can get a break from caring 24/7. Although carers provide loving care for their loved ones, they can become worn out and exhausted. Often, practical support goes a long way.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): I will say a few words on behalf of the Committee and then speak as an MLA.

The Committee discussed the Bill on 3 February. The Bill would amend the Social Security Administration (Northern Ireland) Act 1992 to exclude the state retirement pension from consideration in the assessment of carer's allowance. Committee members welcome the sentiments behind the Bill and recognise and applaud the invaluable but often thankless work being undertaken by thousands of carers throughout Northern Ireland. However, there are issues with the Bill. It is estimated that it would cost £20 million a year to implement, and there is also the matter of parity with the rest of the United Kingdom. Therefore, at this stage, the Committee has not come to a collective view on the Bill. Rather, we have agreed to write, in the first instance, to seek the Department of Health's view on it. Pending Committee Stage, the Committee will certainly look closely at the issues involved.

Wearing my MLA hat, I think that all Members have received numerous representations from those who represent carers, and we have indicated the enormous benefit that carers provide to Northern Ireland by looking after very ill people, often family members and relatives. It is a thankless task, and we pay tribute to those who do it. Frankly, if we had to provide state care for all those who are looked after by carers, the Health Service would be bankrupt overnight. We are talking about at least £1 billion of value to society. Of course, those who are doing it

are not doing it for money or applause; they are doing it because they love and care for those involved. Therefore, we should pay tribute to them for the enormous amount of good work that they do.

When I was first elected here in 1982, which is probably before some Members in the Chamber were born, carer's allowance was £43 a week. Here we are, 28 years later, and I think that it has gone up — Mr Brady could probably give us the figure down to the last penny — by only 20%. In my time, it was meant to compensate those who had given up full-time employment to look after a disabled relative. In those days, £43 was quite a bit of money and could have been seen as adequate compensation for giving up perhaps a three- or four-day week. Needless to say, a few pounds more than £50 now does not cover losing a day's work, never mind a week's. Therefore, as it is presently construed, carer's allowance is in no way adequate remuneration for those who have often given up a full-time career to care for a loved one.

In 1984, in the Northern Ireland Government, we looked at social security parity. We found that the great difficulty with any form of change to welfare legislation was that, once you break parity, you open a can of worms. The concept of parity is very much to the benefit of Northern Ireland, and breaking it would lead to all sorts of difficulties. Of course, the principle is that, as UK taxpayers, we pay income tax, National Insurance, VAT, inheritance tax and capital gains tax at exactly the same rate as people in Surrey, Sutherland or south Wales. In return, the benefits that we receive should we fall on hard times or need to leave work to look after a disabled or elderly relative are exactly the same.

No matter how much sympathy we have for carers, the iceberg of social security parity is difficult for the Northern Ireland steamship to get around. That is the problem facing the Assembly, and, whether we like it or not — perhaps some of us do not like it — the discretion that the Minister has to deal with social security benefits is extremely restricted. Saying that in no way undermines the support that the Assembly and the public should give to carers. Both arguments can be made without being seen to slight, insult or offend those who do so much to look after disabled relatives.

One of the leading lights in the carers' movement in Northern Ireland is a certain Mr

McCormick, who is based in Newry. He regularly lobbies me on the issue, constantly sending me information about the monetary value that carers bring to Northern Ireland society. I applaud the work that his organisation does with support from the Prince's Trust. However, at the end of the day, I cannot see how we can square the circle. I cannot see how we can get around the social security parity issue. I know that Mr Brady and others say that we should break the link and go on our own. I do not know whether, legally, we can do that, and I do not think that we could afford to do it. We certainly cannot afford to set the dangerous precedent that breaking the link would undoubtedly be.

Mr Brady: I thank the Member for giving way. When I talk about breaching parity, I do not necessarily do it from a political point of view.

It is something that needs to be discussed. We are constantly told that breaching parity is like Armageddon. There are issues around the administration of benefit and the under-uptake of pension credit, which works out at almost £2 million a week for people aged 60 and over. There are issues that simply have not been addressed.

6.00 pm

Parity needs to be looked at properly. In 36 years of dealing with benefits, my experience is that parity has not been properly addressed. By definition, parity is comparing like with like. That has not happened. We are just told that if we break parity — you mentioned opening a can of worms. That can of worms would still have its lid on while we looked at it. We do not necessarily have to open it, but we have to address the realities.

Mr Wells knows that when I started in welfare rights, we were paying 33% more for electricity and 25 % more for gas, yet we were getting the same levels of benefit. In issues such as that, parity simply does not exist. It is selective parity, and we need to address that issue.

The Chairperson of the Committee for Health, Social Services and Public Safety: I have no doubt that the Social Development Committee — we have the benefit of the Chairman being present — may at some stage wish to have an in-depth analysis of the whole issue of social security parity, as the former Assembly did in 1984. We spent months doing so under Rev Martin Smyth, as Chairperson of the relevant Committee at the time.

We went in with the initial view that parity was not serving the community well and that we needed changes. To our horror, we discovered that breaking parity would cause a real mess, because, at that time, housing prices in Northern Ireland were a fraction of those in southern England, yet we were entitled to the same level of benefits. The cost of living in Northern Ireland was considerably lower than in many other parts of the UK, so, had we made that argument, we would have had an overall reduction in benefits.

I realise that, particularly in the mid-2000s, the situation may have somewhat reversed. House prices were rocketing in Northern Ireland, as were fuel and so many other costs. There are swings and roundabouts. The Province is now in a recession. Therefore, parity may benefit us. Then, however, we would have the other difficulty: if someone moved from Surrey to South Down, for instance — hopefully, voting for me — what would happen? Would his or her benefits change because of that move? At least, at the moment, people living anywhere in the United Kingdom can budget on a definite level of benefits.

Every one of the major benefits is tied to the UK equivalent. There is a slight variation around the edges, but it is tiny; 99% of it is set in stone. The other benefit of social security parity is that that money comes directly from Westminster into the Northern Ireland economy without affecting the block grant: it is demand-led. That is a huge benefit, because no matter how many people here claim DLA, the old incapacity benefit or jobseeker's allowance, and so on, the funding is unlimited. The Westminster Government are trying to put a ceiling on the overall level of payments. However, at the moment, if another 10,000 people became unemployed in Northern Ireland in the morning, which we hope will not happen, the Exchequer would pick up that tab without raiding Mr Attwood's budget or that of anybody else. That is another aspect of parity that we have to remember: not only the individual level of benefits, but their sum total.

I recommend that Members go to the Library and read the report. When we looked at this in the early 80s, having gone in with the view that parity should be broken, we came out with a view that it should not be touched at any cost. The only thing that the report recommended was an additional allowance for pensioners for winter

fuel. Of course, we have been able to do that. That can be done. However, in the case of every other benefit, we thought: touch it at your peril.

I have no doubt that a review is a good idea. I support that, but I think —

Mr Brady: I want to make a point that I think is relevant to what Mr McNarry said. When we talk about the level of benefits, we have to realise that here and in Britain, we have the worst and meanest pension scheme in the developed world. That must be borne in mind. We are talking about supplementing pensioners' income through carer's allowance and pension credit because the rate of what is a contributory benefit, which some people have spent 40 or 45 years working for, is still the meanest in the developed world. That is well documented, so there are other issues that we need to look at as well.

The Chairperson of the Committee for Health, Social Services and Public Safety:

That is a very strong argument for our MPs at Westminster — those who attend of course — to argue that the entire nation —

Mr Brady: We do not need MPs at Westminster because apparently the Minister for Social Development can influence policy from the Assembly. So, why do we need MPs?

The Chairperson of the Committee for Health, Social Services and Public Safety: The Minister went through Queen's with me, and I knew that he was a very powerful individual, having trained in law. I did not realise that he could swing opinion at Westminster to that extent, but I have no doubt that that is contained in a press release from his Department somewhere, so it must be true.

I will be serious about it. There is no doubt that the overall level of benefits for United Kingdom citizens in no way matches their needs. I accept that. I accept also that the uptake of benefits by pensioners, particularly pension credit, is very low. There is an urgent need to continue to lobby and to continue to give money to advice services to encourage pensioners to apply for their entitlement. However, that is the same in the Orkney Islands, the Isle of Wight or in Belleek. The problem of pensioners being loath to apply for means-tested benefits is all-pervasive. However, again, that is not an argument for breaking parity but an argument for an overall increase in benefits.

If we were to break parity to go down the route that was suggested, do we honestly think that Westminster would pick up the bill and pay for whatever extra we decide to vote on for our pensioners or disabled? I am afraid that it would not. Inevitably, it would say, as it has done on the reduction to the rate of corporation tax, "If you do it, you pay for it." Even this is a relatively small amount, but, inevitably, other issues that we could not afford would have to be addressed.

Another reason why Westminster would oppose a break is how could it withstand an argument from Tyneside, Cornwall or Cumbria that those areas should also break parity and have enhanced benefits? The whole system would simply disintegrate, and we would have a postcode lottery. In some parts of the United Kingdom, people would get one level of benefit, and if they moved to another, they would get a higher level. I think that it is absolutely unworkable.

I know that some people will go out of this Chamber tonight and argue that those who make that case do not care about the needs of carers. That is definitely not the case. We need to do everything that we can within this very restricted legislative framework to look after, cherish and support carers, because, as I said earlier, without them, we, as a society, could not survive. It could not be done, because the money simply is not there. If we were to try to add up the monetary value of care provided to disabled relatives by the unmarried daughters, the elderly sisters and the younger husbands, the total would be astonishing.

I had a phone call last night from a lady from Magherafelt who is looking after a profoundly disabled young man who has autism and Down's syndrome. That woman has given up her career and her social life, and she told me — I will not be too specific — that she gets two days' respite a year. Those two days are absolutely precious to that family because those are the two days of the year when they can get away and have a day without the responsibility of looking after a very tall, strong and hyperactive child in his teens. Two days is ridiculous, and we must address the issue of adequate respite care.

That is the sort of issue that the Assembly can deal with. It would not break parity if we could provide that lady with 20 days' care. She gets a meagre carer's allowance. It is tiny in comparison to the £30,000 or £40,000 worth of care that she gives to her child on behalf of

the state, without asking for a penny in return except for carer's allowance. I accept that those people provide an enormous value to society, but I do not think, Mr McNarry, with all due respect, that this Bill can get through.

I do not like to be seen to be opposing private Member's Bills. A lot of them, unfortunately, have crashed on the rocks and have been defeated as a result of petitions of concern or insufficient support. I appreciate Mr McNarry's motivation; he is absolutely pure in what he is trying to do. He is trying to help constituents who have come to him and said that they have a real problem. I sympathise enormously with him, but life is often full of choices about the lesser of two evils. As an individual MLA, I have to say that the lesser of the two evils here is to accept the status quo and to try to enhance what we do for carers. However, we should not do that by breaking such a fundamental rule that could have us debating for weeks what we will do, how we will pay for it and who will get what.

If the logical consequences of what some Members are saying were to follow, there might even be variations in social security payments in Northern Ireland. For instance, should someone who lives in north Down, faces high housing costs and has to commute to Belfast for work because there is no indigenous employment get a different level from someone who lives in Craigavon with its lower housing costs and easier opportunity and access to services? That is stirring up a hornets' nest, and the Assembly is not mature enough and has not been here for long enough to try to push the boat out to that extent.

I recommend strongly getting around a table and looking at all the aspects, but the Member has not done that. In the absence of a full inquiry and a Committee report on parity, we cannot decide to do solo runs and undermine such an important tenet of what has been part of our life since partition arrived in the 1920s. If we were net contributors to the British Exchequer, we might be in a stronger position. Unfortunately, however, since the late 1950s, we have depended on a subvention from London, and that does not put us in a strong position.

I also question whether, legally, we can, of our own volition, break parity. I suspect that we would have to go cap in hand to Westminster to ask for it. A motion in the House to break that link would probably be ruled out as not being legitimate.

There are many issues. I do not want to pour cold water on the Bill, and I would not even be opposed to its going to Committee Stage, but I suspect that it may not get there. I have to say that I think that the Bill is not going to run.

Mr McCallister: I pay tribute to my colleague Mr McNarry for sponsoring the Bill and for bringing this useful debate to the House. I do not doubt anyone's commitment to doing their best for carers, and I know that Mr McNarry is committed to the issue for personal reasons and as a result of following it up in his constituency. It is a vital issue, and one that we will have to address at some point.

I know that Mr Brady thinks that I have done a runner in my caravan. I assure him that I have been demoted and sent to the Committee for Employment and Learning. As much as I would love to have remained a member of the Committee for Social Development to scrutinise this Bill, alas, I am going to the Committee for Employment and Learning.

In an intervention to Mr Hamilton, the Chairperson of the Committee for Social Development, I said that I shared many of the concerns about parity. I am on record as challenging the Minister over parity, an issue that he has said he wants to look at. He has worked with Lord Freud on what changes he can make to the welfare reform proposals that the coalition Government in London are driving. Minister Attwood has spoken about what he wants to change, what needs to be improved and, perhaps, slowing the pace of that reform. He is well aware of my views on parity, as is the Chairperson of the Committee. I share the concerns about parity.

I support the Bill's proceeding to Committee Stage so that it can go through the scrutiny process, giving Committee members the chance to look at the issues that have been raised. The Committee could consider whether there are other mechanisms that can be used and whether there are amendments that could be tabled.

We have looked already at what Committee Stage is about. Mr Brady commented on my private Member's Bill, which benefited enormously from its Committee Stage. Earlier today, another stage of the Sunbeds Bill passed, and that Bill benefited enormously from its Committee Stage, out of which the Department of Health, Social Services and Public Safety and its Minister accepted a huge number of amendments.

Tonight's debate is about the Bill's broad principles, and I have not heard anyone dissent from the view that we have to support carers and acknowledge the vast contribution that they make to society and to their loved ones for whom they care. All age groups provide a caring role, including children of a remarkably young age.

6.15 pm

How do we support those families? How do we recognise that contribution? How do we show those people that they are valued? The issue that Mr Wells raised — respite care — is huge. Our constituency offices have probably all been inundated with calls about it. The issue is how we handle that respite care and how we provide the link between the Minister for Social Development building supported living and how social services interact and provide that support.

There are huge issues around carers and even issues around how we manage people when they get older and become too elderly to care for a son or daughter with a severe learning disability. The Committee should welcome the opportunity to scrutinise the Bill, to add to it and to build on what Mr McNarry has done. I hope that the Bill makes it through to Committee Stage, and I regret that I cannot be on the Committee to join in that scrutiny process.

The Minister for Social Development

(Mr Attwood): I acknowledge and thank Members for their various contributions. Going back to where Mr McNarry started, it is always a good time to have a conversation of this sort, not just around the issue of carers but around the broader issue of parity and how it impacts on Northern Ireland. In both regards, Mr McNarry emphasised that the Bill was not just about carers, it was about parity. It is very useful to bear down on those matters and to have that conversation and to see what more we should be thinking about on parity and what more we should be doing about carers. I welcome all that debate.

In doing so, I acknowledge the comments made by a number of Members, and latterly by Mr Wells, about the fact that if it was not for all the voluntary carers, the private carers, the ones who are not in receipt of any state aid in respect of their caring responsibilities — if it was not for that fabric of our society — not only would our society be much diminished, but a lot of vulnerable people would be even more vulnerable, with all the consequences of state responsibility and cost to the state.

That contribution to our society in respect of personal commitment and community support, and, ultimately, in fulfilling responsibilities that would otherwise fall to the state has to be acknowledged and welcomed.

I will deal latterly with some specific issues around the question of the carer's allowance and the core content of the proposed Bill, but I will start by dealing with parity. I welcome the considered debate around the issue of parity and generally dealing with that broad concept. Indeed, it seems to me that there is a new majority on the Floor of the Assembly represented in what I am going to say and in the comments of what Mr Brady said on behalf of Sinn Féin and what Mr McNarry said on behalf of the Ulster Unionist Party.

That new majority, which as far as I am aware had not existed heretofore, says that we should stretch the limits of parity even to the point of breaking it. I have not heard those comments made before in respect of this matter. Indeed, as other Members pointed out, when I made that very argument a matter of months ago, people thought that I was crossing a line in a way that was going to have a disproportionate impact, especially on those in need in the North.

Therefore, I welcome the fact that the debate on parity has moved on somewhat. That debate needs to move on even further in order to bear down on and interrogate all the arguments, the practical outworking of parity when it comes to the block grant and annually managed expenditure, which is money that comes from across the Irish Sea that is not part of the block grant, and how that impacts on the lives of people who receive welfare in the North.

One concern that I have had about the Bill is that there has never been a moment — certainly not, perhaps, since the time that Mr Wells was here in the early 1980s, when the matter was interrogated by the Committee under the chairmanship of Rev Martin Smyth — when welfare, because parity very much comes down to welfare, has had the profile that it has at present. As a consequence of the British Government's reform agenda, as they see it, especially universal credit and the parallel strategy of cutting back on the welfare platform through various interventions that they announced in the June 2010 emergency Budget and in the subsequent October 2010 Budget, the impact of the reform agenda and welfare

cuts that will be ongoing over the next four years has given the issue a much greater profile. I welcome that.

Therefore, I will repeat my strategy in that regard. Mr Brady might want to listen more closely this time. I welcome the fact that Mr McNarry has, essentially, read into the record of proceedings in the Chamber my views, based on a recent interview in which I scoped out the strategy. That was not news, however, because I had scoped out the strategy in the Chamber and elsewhere during the past months. The strategy is to try to convince the British Government that, when they legislate for welfare reform, they build into the language of that legislation, both primary and regulations, words that give us flexibility when we come to legislate for the same welfare reform.

This Assembly is the only devolved Administration that legislates for welfare. That was one provision of the Northern Ireland Act 1998. Therefore, if, when legislating for welfare reform, we have legal freedom in the words that we use, arising from words that are used in Westminster, we will have some legal flexibility when it comes to the application of welfare in the North. Whether that breaks parity, which it probably does, or stretches or pushes parity — whatever language you want to use — the point is that the Assembly will legislate for particular circumstances that exist in the North. Mr McNarry made that point in his opening comments. It is one that I make constantly. If we can win that argument, opportunities open up.

The second point that Mr McNarry made in his opening comments was that, at the same time as getting legal flexibility with regard to language in that law, we get operational flexibility when it comes to the practice of that law. We already have it in some regards arising from recent welfare legislation and historically. However, if we can have more operational flexibility in how that law is applied in real time, in jobs and benefits offices, for real claimants and, in particular, how guidance that is issued by the Department enables those who make assessments to ensure that they fall on the right side of claimants' interests, we will have opportunities to model welfare in a way that reflects our particular circumstances. That is the point that I was making in the interview that Mr McNarry mentioned. That is important.

To reply to a point by Mr Brady, I am not saying that I have authority over DWP Ministers on those matters. I have said that, yes, I will continue to negotiate with them on those and other matters. However, I have also made it clear that I believe that the House of Commons will derail some of those proposals.

In my view, in order to get what they want through, the Tories will give up on stuff that is in their draft proposals, and, in order to keep the Liberal Democrats stable, they will also concede on some issues. Therefore, the strategy is not simply me using whatever authority I have with Lord Freud to maximise the areas that I have outlined; it is also to use the power of the House of Commons, through Members of the House of Commons, to derail certain proposals.

Remember that, on one of the regulations arising from housing benefit changes proposed in the June emergency Budget, there was a tied vote on the House of Commons Floor. That is how close the House of Commons got to derailing one of the proposals of the Tory-led Administration, and so on and so forth when it comes to various other proposals that might arise in legislation over the next period of time, because, as I understand it, the universal credit Bill is going before the House of Commons next week.

Mr F McCann: I listened to the Minister on the radio last week, when he spoke about heading off to a meeting in England. I think that he may have been going to meet Lord Freud. During that radio interview, the Minister spoke about changes that he had made to incapacity benefit in advance of anything that had happened in England, but he did not elaborate on what they were. Will he do that now?

The Minister for Social Development: I actually tabled a written statement, which was circulated to all Members, when the British Government announced that they were changing their approach to the migration of people from incapacity benefit to employment and support allowance. I think that was around 10 or 12 days ago. What happened was that Chris Grayling, the Minister for Employment in DWP, went to the Floor of the House of Commons on Tuesday, I think — we got a heads up on it a couple of days before — and said that they were going to re-phase the migration of people from incapacity benefit to employment and support allowance.

The significance of that — I will not exaggerate the significance of that — is that I told Lord

Freud a number of months previously that that was precisely what I was going to do in relation to the migration of people from incapacity benefit to employment and support allowance: to re-phase it and re-profile the client group or customer group that was going to migrate in the first instance, starting with a younger age group rather than an older age group, etc. Now, as I understand it, Chris Grayling has announced to the House of Commons that he is going to do the exact same thing. He did not credit me with informing his view on that, I might add.

Nonetheless, the point is that — I go back to what Mr Brady said — in that regard, I think that there was preliminary proof of the argument that, if the House of Commons bears down on what the Tory-led Administration are proposing, and if we continue to make the argument in relation to what we are proposing through DSD, I think that we will be able to remodel some of that, perhaps not to the extent that you and I wish, but nonetheless remodel it to a significant degree. Time will tell. Lord Freud is coming here in March as part of a tour of the devolved arrangements.

All of that was raised last week at the Joint Ministerial Committee (JMC) meeting chaired by the Deputy Prime Minister, where, curiously, a welfare item was first on the agenda, and the Deputy Prime Minister called me to speak first, saying that he understood that Northern Ireland was different from the other devolved arrangements because we legislate on welfare. That was a consequence of a conversation that I had on the Isle of Man, where I told him that we are different when it comes to legislation and different in terms of our profile of disadvantage and need, the legacy of conflict and the risk of instability. That was recorded in front of all the other Administrations. Northern Ireland is a bit different. I want to exploit that argument, and the fact that that argument was even raised by implication by the Deputy Prime Minister suggests that somebody over there is listening. Let us see whether they listen to the extent that all of us want.

I will reply to some of the points made by Mr McNarry. He made a very interesting point, which seemed to be a variation on the core content of the Bill — he might want to correct me on that — namely, about pilot schemes. I would like us to run pilot schemes here. At the JMC meeting I just referred to, I raised with Lord Freud the fact that pilot schemes are being run in Liverpool at

the moment, not as part of the DWP departmental budget but more under the annually managed expenditure (AME) spending head.

I said to them that, if they are doing that for pilot programmes in Liverpool, they should be doing that here to see whether there is modelling of benefit needs that could work and could be consistent with the profile and circumstances that people face in the North. So, there is an opportunity.

6.30 pm

Some legal issues restrict Northern Ireland in running pilot schemes. In the past two or three days — I think that it was on Friday or over the weekend — I instructed officials to begin to prepare proposals that will get us over the legal obstacle that restricts us from running some pilot schemes. Nonetheless, I have raised with Westminster the issues of how we do that in law and how we get the money to run them. This might be a case for which that sort of initiative might be useful.

Mr Hamilton asked what the response of Executive colleagues would be if I went to them and said, "We need £200 million to pay for the contents of this legislation." I do not know what their answer would be, but did they not give an answer when three parties in the Executive — the DUP, Sinn Féin and the Alliance Party — were given a proposition to start a welfare hardship fund in Northern Ireland of £30 million a year over the next four-year CSR period? The response from the three parties that endorsed the draft Budget was to permit £20 million in year one only, with no guaranteed funding in years two, three and four.

Mr McNarry's sentiment is about helping people in need who might be in welfare stress and about trying to ensure that everybody has certainty going forward. I do not draw conclusions that are very sympathetic to that proposition on the basis of what the Executive endorsed in the draft Budget; namely, a hardship fund, the height of which was £20 million alone in year one, with nothing guaranteed in years two, three and four.

As I said, that is in stark contrast with my paper on welfare hardship. It was a long paper, and it was costed. We said what it would cost for various interventions to help people in welfare need. Even though that was a lengthy, costed paper that produced a figure of £20 million

in year one only and nothing thereafter, at the same time as the Executive endorsed that approach, they endorsed another approach that saw £20 million guaranteed for each of the four years for a so-called social investment fund for which no paper has yet been produced and for which there are no details. OFMDFM has yet to share any sense of what that is all about when there is very clear suspicion that it was developed in private, in secret, with elite groups in some parts of Northern Ireland and not with all groups in all parts of Northern Ireland. I would draw my own conclusions from that.

Mr P Maskey: I thank the Minister for giving way. I was interested to hear him talk about elite groups and all sorts of different types of groups. Maybe he would like to explain to the House who he thinks they are.

The Minister for Social Development: I do not know who they are. I am told — maybe there are people not very far away from the Member — that meetings have been going on for the past number of months to which a select number of groups have been invited. I hear from other groups that are not in that room that they do not feel that they are being included or being treated equally, and that the principle of parity is not being honoured. That is what they tell me. They feel that a programme is being developed over the heads of vast numbers in the community, and certainly over the heads of Departments in Northern Ireland.

I am the Minister for Social Development. I have responsibility for the flagship programmes to tackle disadvantage and neighbourhood renewal. I have not been given any piece of paper by anybody outside or inside government about what is being done with that £80 million. I will also say this —

Mr P Maskey: Will the Member give way?

The Minister for Social Development: I will in a second. I have informed the First Minister and deputy First Minister that I will be making proposals about how that £80 million will be spent. That will be done in a transparent and open manner.

I will be announcing some of the detail over the next couple of days in meetings that I am having with neighbourhood renewal groups. I am doing that to build a much greater degree of disclosure and accountability into a process that

lacks openness and transparency in order to ensure that that money is spent properly.

Mr Deputy Speaker: Order. I remind all Members who contribute to get back to the subject that we are debating.

Mr P Maskey: I thank the Minister for giving way again. Perhaps he should speak to some of his party colleagues who are members of the OFMDFM Committee because the issue has been raised at that Committee on a number of occasions. The Minister talked about community representations, but the deputy First Minister gave an outline brief to NICVA and to community organisations. Perhaps the Minister should get his facts right.

The Minister for Social Development: It is curious that the First Minister and the deputy First Minister can find time to brief a Committee and to brief NICVA, yet they do not have time to brief the Department that is responsible for neighbourhood renewal and for tackling disadvantage. That only confirms my point: some people are in the loop and are told about proposals while others across Departments who may have a valuable contribution to make are not asked for their views. Those people have not seen any papers, they have not heard about any application process, and they have not found out what projects might be funded.

That is why I advised the First Minister and the deputy First Minister that my Department is working on proposals, some of which will become clear over the next 48 hours, to ensure that if there is a fund we spend it wisely and not on an exclusive basis. This fund has the appearance of being exclusive.

Mr Deputy Speaker: Order. I want to hear the word “carers” mentioned more frequently, so move on.

The Minister for Social Development: I turn to other matters that were raised by Mr McNarry. Everybody in the Chamber agrees with the sentiment behind, and the value of, the Bill. To a little degree, some of that was lost. For example, Mr McNarry referred to the “arrogant and dismissive” manner in which the carer’s allowance was described by the Department when it said that the allowance was “never intended” to be a “payment for caring”. I accept that that might not be the most delicate wording.

However, in defence of the Department, the allowance is called a “carer’s allowance”; its name tells the tale. The Department should not be described as “arrogant and dismissive” for using those words about what is, after all, a carer’s allowance. If it was called “not a carer’s allowance”, Mr McNarry might have a point; but its very name confirms the intention of the benefit or what its outcome might be.

The departmental officials said that the carer’s allowance was not intended to be a payment for caring; they said that it was an income-maintenance benefit for those who have given up the opportunity to work full time to care for a person with disabilities. That was the very point that Mr Wells made.

The 35-hour minimum care requirement for entitlement to the carer’s allowance is only associated with the minimum amount of care that a severely disabled person might be expected to need. In other words, people accept, as does the Department, that most carers, especially those who are in similar circumstances to the woman from Magherafelt and her severely disabled child whom Mr Wells mentioned, will spend far in excess of 35 hours a week providing care.

It is not accurate or fair to say that the Department is “arrogant and dismissive” when the name of the benefit and the entire thinking behind it is to help people who have given up work to provide care in such circumstances. I hope that Mr McNarry accepts that. He also said that Margaret Ritchie did nothing after the Bill was first tabled.

Again, that language, which is a little extravagant, does not accurately reflect what Margaret Ritchie did do. I will not go into all the details, as I am sure that people do not want me to detain them too long, but a number of issues were taken up by Margaret Ritchie. The review that Mr McNarry correctly referred to was conducted by the Labour Government, and there were to be Northern Ireland recommendations in that review. One of those recommendations was:

“the Social Security Agency should include an exercise on Carer’s Allowance as part of its Benefit uptake programme”.

That is a vital piece of work, given the profile of need and disadvantage in the North. Mr McNarry said that Margaret Ritchie did nothing, but as a consequence of that recommendation 3,100

people who may be entitled to carer's allowance have been contacted since the review was concluded in 2009, a further 2,000 have been targeted to determine whether they are entitled to carer's allowance in 2010-11; and, from the review until now, more than 1,100 people have successfully claimed for carer's allowance. That happened partly because of the benefit uptake campaign, which was a consequence of the Margaret Ritchie's intervention, and which arose from the review of which she was part and to which she committed herself.

As to what Margaret Ritchie and DSD tried to do with DWP, the review was undertaken by the Labour Government. At the end of that review, they said that they wanted to look more closely at the issue of carer's allowance through a 10-year strategy. However, as we know, events overtook that Government, and we now have a different Government.

I have been the Minister for Social Development for a number of months, and, until now, I have had difficulty in recalling any Member raising any issue with me about the 2008 review, the consequences of that review or what the Department is doing to take it forward. I can recall very few Assembly questions, motions or requests for meetings from any Member of the Assembly about that review. However, putting that aside, I acknowledge what members have said and reassure the House that, in any future conversations that I have with Lord Freud, I will ensure that the issue forms part of the narrative, consistent with what I said previously.

There are two or three other points that I want to mention. Mr McNarry asked where the figure of those 14,000 people who are over pension age and who are currently affected by the overlapping benefits rule came from, which was a fair question. In a private conversation with Mr McNarry before the debate, I told him that I would interrogate the numbers in greater detail, and I assure the House that I will interrogate the numbers some more after the debate. The figure of 14,000, which has now risen to 18,500, is evidence-based and was derived by DSD's analytical services unit from the pension payment system. Therefore, it is based on actual claim figures and is not taken from fresh air — 18,500 is the number of claimants over pension age who are affected by the overlapping benefits rule. Although I think that the figures need to be tested, there are good grounds and authority for signing up to the fact that the

figures are — *[Interruption.]* That is probably my wife ringing to ask me when I am coming home, but why she is ringing that number I do not know. *[Laughter.]*

In conclusion, I want to deal with some of the more technical and financial issues in the Bill and to make one further comment on parity. The Caravans Bill and the Autism Bill are examples of private Member's Bills that provide an important supplement to the legislative function of the Chamber.

6.45 pm

For particular groups, such as carers or those who have autistic children or adults to deal with, I also recognise that there is a point when legislative intervention to guarantee support, protection and, indeed, funds is a useful way to go forward. The Executive endorsed the Autism Bill to enable a full scoping out of what its consequences might be, given the acute issues that we have in our society with those who suffer from autism and related disorders. Similar to all the Members who spoke, I want to put on record that the sentiment behind the Bill, as well as some of its outworkings, is an important matter that we as legislatures should try to get our heads round.

Before I come to my conclusion about where I think the Bill should go, however, I must also echo some of the points that other Members, including Mr Wells, Mr Hamilton and even Mr Brady, made about some of the consequences of the Bill. In that regard, I thank Mr McGlone, because he, along with my officials, got to the heart of what the cost consequences of the Bill would mean to those who might —

Mr McGlone: Will the Minister give way on that point? I compliment Mr McNarry for introducing the Bill. I listened carefully to Mr Wells amply articulate a concern. It is the case that carers have a poor income and are not properly recognised for their work, either financially or in any other way. However, the minute I heard about the Bill, the first thought that it triggered was that I did not want to see any carer worse off, particularly financially, through lack of entitlement to income support or pension credit. Indeed, consequential to that, I do not want to see them any worse off in their housing benefit entitlement or, riding on the back of that, their entitlement to warm homes or cold weather payments. I almost said the warm weather payment, but that does not apply here. Mr Wells

really put his finger on that when he said that those matters need to be looked at so that no one will be left worse off financially or in any other way as a consequence of what we do. I hope that the Minister takes full account of that by whatever means necessary when moving the private Member's Bill forward.

The Minister for Social Development: I completely endorse those comments. I will try to show a pathway on some of those issues in my final comments. I do not know what the reference to the warm weather payments relates to, but I am sure that Mr Brady did not brief his party leader on it.

Turning to some of the financial and technical aspects of the Bill, I reiterate that carer's allowance is an income maintenance benefit for people who have given up the opportunity to work full time to care for a person with severe disability. Although many benefit recipients can satisfy the eligibility criteria for several benefits at the same time, a fundamental principle of the social security system since its inception has been that there should not be double provision for the same contingency. Where two or more benefits are paid to cover the same purpose, for example, as income replacement, only the higher or highest of the benefits is payable. The argument behind that is to enable finite resources to be focused most effectively on the people who face the greatest financial pressure.

In my view, that principle is sound, although I acknowledge that its outworkings mean that, in too many cases, people do not receive sufficient benefits to fulfil all the needs of their circumstances. Again in my view, that will be compounded by the £450 million of benefit cuts over the next four years that will come as a result of last year's Budget.

Where the basic state pension is a payment, carer's allowance will not usually be payable, due to the overlapping benefits rule. However, where someone receives less from a state pension than from carer's allowance, an amount of carer's allowance can be paid to make up the difference. In addition, where carer's allowance cannot be paid, the person will keep the underlying entitlement to benefit. That gives access to the carer premium in income-related benefits, such as housing benefit, or the equivalent additional amount in pension credits. That is the current architecture of carer's allowance.

Mr McNarry proposes, in essence, a new architecture by seeking to prevent regulations that provide for carer's allowance from being adjusted by reference to any state pension, with the purpose of ensuring that state pensions and carer's allowance could both be paid in full at the same time.

I wish to assure the Member, as I and everyone have said, that we are absolutely sympathetic to his aims of ensuring that the contribution of carers is properly recognised. Carers who need additional help can access income-related benefits such as pension credit. Where carers are entitled to carer's allowance, even where it is not payable because of the overlapping benefits rule, any income-related benefit that they receive will be automatically increased, leaving them up to £30.05 a week better off. That ensures that, even where the overlapping benefit rule applies, those on income-related benefits still see an increase in their income in recognition of their caring activities. Currently, over 13,000 pensioner carers are getting that help.

This is the crucial point made by a number of Members, including Mr McGlone in his intervention. The Bill does not help the significant majority of those carers, as any increase in income, if carer's allowance is paid in full, would be fully taken into account in income-related benefits. Receiving carer's allowance in addition to state pension would reduce or extinguish any pension credit and/or housing benefit payable. The Bill could see the outworking of the rule of unintended consequences by some poor pensioner-carers who end up out of pocket through no longer being entitled to pension credit and, therefore, not passporting to full housing benefit or automatically being entitled to help with the cost of dental treatment, fares to hospital or any of the other entitlements associated with income-related benefits.

I should perhaps point out that the overlapping benefits rule is not linked to age and does not apply solely to state pension and carer's allowance. A number of other income maintenance benefits are affected by those rules, for example: contributory employment support allowance, incapacity benefit, maternity allowance, contribution-based jobseeker's allowance and bereavement allowance — none of which can be paid in full at the same time as carer's allowance. Those points were made by Ms Anna Lo.

Given that carer's allowance has interactions with a range of benefits, it would appear that any intended legislation should reflect the relationship between carer's allowance and the full range of benefits, not only state pension. The Bill could, therefore, inadvertently discriminate against working-age carers, many of whom are already on lower rates of benefit than state pension. In addition to the risk that the Bill may not help poor pensioner carers, it has significant cost implications and ramifications for parity in wider social security matters.

As the Chairperson of the Committee for Social Development said, it is estimated that the Bill, which, as I said, is not financially advantageous to the majority of pensioner carers, would generate additional gross expenditure of approximately £51.8 million per annum, based on current claim rates. The additional cost would fall to the Northern Ireland block grant, although only £14.4 million of it would be paid to claimants, as £37.4 million would, in effect, revert to the Treasury. As I said earlier, I am prepared to push parity to its limits, but I have also said that it would be folly to break parity without working through its full consequences, especially upon those in need.

The rules of entitlement and rates of benefit in Northern Ireland are the same as those in England, Scotland and Wales, and Northern Ireland's benefit costs are funded in line with the actual entitlement of claimants. The result is an annual subvention from the national insurance fund of £395 million last year and £2.78 billion from general taxation to fund non-contributory and income-related benefits. That is why, as Mr Hamilton indicated, the overall pot of subvention for welfare is over £3 billion a year. That is the issue of parity, and we need to interrogate it as we proceed.

I have dealt with the issue of how Margaret Ritchie responded to the review. I hope that Mr McNarry accepts that.

I have said that I will look at some of the figures further, although, at this stage, I am satisfied that the figures I have quoted and referred to Mr McNarry are accurate. I have said that I will begin to profile this issue in my conversations with Lord Freud, especially over the next critical two months, because the British Government are beginning to get their heads around some of the issues that we have spoken about in this Chamber and that I have spoken about at length

to a range of DWP officials. As Members have indicated, there is substantial sentiment behind this Bill.

However, there is a concern about the cost consequences for the Northern Ireland block grant, the Northern Ireland exchequer and the vast number of people who otherwise would be entitled to carer's allowance or other benefits. We need to be cautious and vigilant about that matter.

My sense, having heard the conversation, is that this is not a matter on which the House should divide. Mr Wells picked up on that point. However, if the Bill should proceed to Committee Stage, the Committee must be mindful and vigilant to ensure that it interrogates the figures, in full and exhaustively, so that any decision that may be forthcoming after Committee Stage is informed by a rigorous interrogation of all the facts and consequences, not least for those whom the Bill intends to protect.

Mr McNarry: I thank all Members for their contributions to the debate. It was encouraging that it was a debate, and it was certainly encouraging for me. One did not need to dig down much below the surface to find that, in the Chamber, to which we come as our place of work and to represent people, we are what we ask people to believe we are. That came out in the debate. We do care. I know that we care about a host of things, but it has certainly shone through in the debate that we do care. The question is how, on this issue, we translate the manner in which we care into actually doing something. That is where I have slight differences with the fine words spoken by some Members during the debate.

I thank everyone here for staying behind to discuss this local issue, which is important to the people in our community whom we call pensioner carers. They are special people who live in special circumstances and deserve special attention. I cannot speak for them, but I can say that they are not interested in our reasoning on the issue of parity. It does not mean anything to them. They are not interested in the whole gamut of parity, how we interpret the effect that it has on them or how it should affect them or people like them in all parts of our nation. However, they express an interest in, and are entitled to, a reasoning that explains where the parity is between their entitlement to a carer's allowance and their equal entitlement

to a state pension. If we can answer that question in this House to the people who are asking for an answer rather than answering to Lord This or Lord That or to Governments that seem to be above it, we will be well on the road to doing what those people expect of us.

The issue of the timing of the debate on the Second Stage of the Bill was raised. Rather than being thought, it was said, and that is why it was raised. Let me assure the House that the reason for debating the Bill's Second Stage today is purely and simply, once again, to raise awareness and to give Members an opportunity to demonstrate to pensioner carers that, as far as Members are concerned, their case is still worth supporting. I hope that that is the case.

7.00 pm

I will deal with some of the individual contributions. I thank Simon Hamilton for his sweet words, but, in the end, he gave no support to the Bill. That is where we are. He talked about 10,000 people not receiving the benefit and the possibility that another 3,000 people would lose out. The problem, which has not been addressed in the debate, is that no one can yet produce for me or, I suspect from what he said, the Minister an accurate figure for pensioners who will benefit. That is what the Bill is about: benefiting pensioners who are carers. I have not introduced a Bill that states that it will not benefit or will potentially damage those people. There is no accuracy in that.

If Members look back on the Committee's previous reports, they will see that 14,000 was the figure originally talked about as the number of pensioner carers who would benefit from the Bill. That figure was reduced to somewhere around 4,000 amid all the confusion with departmental officials. There was uncertainty in the Committee about the actual number. The figure for pensioner carers who would benefit contributes to a distortion of the money argument.

Are we saying that, if the figure is 14,000 or 18,000, the Bill is a no-go because of the cost? Are we saying that, if it transpires that only 4,000 or 5,000 carers would benefit and no one would be disadvantaged, it might be doable? If the cost were not £50 million — Simon Hamilton was right to quote that figure — would it be OK if it were £10 million? Are we putting a price on the issue and saying that that might make a difference?

I have to challenge the assertions. I have to be honest that I challenge the assertions to myself, because I lack the facts and figures. I cannot find facts or figures that support the assertion that pensioner carers would be worse off as a result of the Bill. I do not believe that there is any evidence to suggest that they would be worse off; I cannot find it.

I do not want Mickey Brady to get carried away about me leading the charge against parity, and I know that he will not. Practical politics has always appealed to me. A challenge to parity seems to be a practical way to address this issue. Parity is the obstacle that is used to prevent us doing anything for these deserving people. Mickey Brady may have seen or heard about me leading charges in other places, and he might not have been so keen to praise me for those. Parity is the obstacle that is used. I appreciate everything that Mickey Brady contributed to the debate.

The Bill is presented to the House not as the finished article but as an opportunity to champion a debate and find a way around obstacles, which is part of the reason why we are here. I agree with Mickey Brady that the allowance should, perhaps, be considered as a stand-alone entitlement. That is another thing to look at, and it is what the discussion should bring out. That is probably what the Minister was talking about when he spoke about where he might go with the Bill, and it is the type of recognition that pensioner carers would accept so that they do not get asked this abhorrent question about why they would care for someone when they are not paid for it. It sticks there, despite the Minister's best efforts to change my mind.

I appreciate all that Anna Lo said and thank her for sympathising with the carers' situation. However, I ask her to consider, after we end our consideration of this, whether it is right that a carer loses his or her carer's allowance on reaching pension age. I am asking Members to be a bit more than sympathetic. Their sympathies are welcome, but I am asking them to go a bit further.

I welcome Jim Wells's speech as, I assume, the Chairperson of the Health Committee.

Mr Wells: It is important to point out that I spoke on behalf of the Committee in the first part of my contribution and then as an ordinary, rather obscure Back-Bencher from South Down

in the second part. There was a clear divide between the two. It is important that the Member makes that distinction. The bulk of my contribution was not made as Chairperson of the Health Committee.

Mr McNarry: I thank the Member for making that distinction. He did it more eloquently and better than I would have.

I sensed that the Member was saying to the Chamber that he was willing to wait for the Bill's advancement to Committee Stage. I appreciate his saying that, because that is where I would like to see the Bill move to after this stage, and that is why we are having this debate.

I also thank Mr Wells for acknowledging, as others have, the challenge to carers. However, it sounded as though — I am sure that he did not want it to sound like this — he was saying, “Good on you, carers, but just keep going as you are. We cannot afford to help you, because we cannot square the circle of parity”. That is the argument. However, I have got to know Mr Wells well enough over the years to realise that he does not lie down on anything, and I am, therefore, asking him not to chastise me in any way because I am not prepared to lie down on this. The issue is big enough for us to care about carers, and it is not exhausted. That is why I would welcome his support to take the Bill to Committee. I think that we can do better by moving this to Committee Stage in order to explore, develop and improve on the pensioner carers' lot.

If, after exploring, looking at and developing the Bill, we tell carers that there is no change, so be it. At that stage, they might accept what is being said here. I doubt it. However, it will be a direct reference to them. Until now, they have had a good hearing. I think that the transition from hearing to developing action is what we need to do at the next stage. I trust that we will allow the Bill to move forward to Committee Stage.

I thank John McCallister, who has maybe gone to check that his caravan is still in the car park, for his support to move the Bill from this stage to Committee Stage.

Some might have accused me of electioneering, but I have already dismissed that. As I was preparing these notes, I hoped that I was not detecting from other Members a form of satisfaction in trying to kill the Bill at this stage. I do not think that we should kill the Bill at this stage.

I thank John, who has now joined me, for his support. Having heard what he said, I regret that he will not be at the Committee if the Bill reaches that stage.

I will address the Minister's points. I was pleased to hear him make the distinction between the many unpaid carers and the large number of carers who are paid. There are many unpaid carers who come into people's homes. I do not know how they are categorised, but we call them unpaid carers. They are in our midst, and they do what they do. If I could do anything to help them, I would. If this Assembly could do anything to help them, we would, but, in this case, we can deal only with those who are categorised as carers who are paid. Otherwise, when they became pensioners, they would not lose that payment, and I would not be on my feet now. I draw no difference between those carers — I realise that no Member who has spoken in the debate has drawn a difference — but I ask that Members recognise why I am arguing for those who are paid a carer's allowance and end up losing it. It is taken away from them as soon as they reach pensionable age. That is the point of the Bill. It is grossly unfair to stop paying somebody who, as we all know, does not retire — not from that job. We take that payment away. I understand that it is called an allowance, but we take it away from them because we give them a pension. I think that that is unfair, and I believe that society in Northern Ireland and further afield thinks so too.

The Minister made the argument for flexibility, an argument that I ask him to defend. I ask him to be the champion for flexibility. I ask him and the House not to give up. I come back to some of the things that he said. When, until today, has his Department done anything about this Bill, which may have advanced the case of righting the wrong of taking away carer's allowance from a pensioner carer? That is my point. What has the Department done to advance the pensioner carers' case since the Bill was introduced? Had it not been brought back to the House today, it would still be sitting there, with people hoping that it would gather dust.

The Minister, and I have referred to him —

The Minister for Social Development: Will the Member give way?

Mr McNarry: Just let me finish this point. The Minister mentioned Lord Freud a lot. Unbeknownst to me, he clearly has a tremendous role to play in guiding a devolved Department in Northern

Ireland, even through the proposition of a pilot scheme, on which I noted the Minister's comments. As Mr Wells indicated, I had hoped that the Committee would enquire more deeply about a pilot scheme and perhaps work with the Minister and his Department to come up with something that might be enticing to Lord Freud.

It is encouraging that the Minister has built a relationship with Lord Freud. If it advances the cause of the pensioner carer in Northern Ireland, is there not even the possibility that we will get some gratitude from England, Scotland and Wales because we are also advancing the cause of the pensioner carers in those regions, who suffer exactly the same as our pensioner carers? Perhaps Lord Freud will take that on board as quickly as possible. I will give way now.

7.15 pm

The Minister for Social Development: I will not detain the House for long. I was not going to intervene during the response to the debate, but I reiterate that, as a consequence of the Bill being introduced and the Department's judgement, there have been successful interventions since 2008 to enable people to take up carer's allowance. I outlined that another 2,000 people have been targeted in the current benefit take-up campaign and that there has been an increase in numbers, so it is not true to say that nothing has been done. Those facts, which are verifiable, prove the point.

It was agreed that DSD would be guided and influenced by what happened in the Labour Government's review of carer's allowance. I explained what they did and what they concluded in 2009 and that it was going to be a 10-year strategy. However, they do not have the opportunity to implement that because they are out of government.

Crucially, the negotiations are about the general principle of parity and the flexibility around that, including the legal and operational aspects, which would cover as many aspects of welfare policy in the North as I can imagine, including, potentially, this one. The big prize is winning the argument with the British Government about parity now in real time and over the next months, as a consequence of which other opportunities would open up. That is a wise, balanced and proportionate strategy that could result in good benefits for Northern Ireland, including, potentially, for the very issue that we are speaking about.

Mr McNarry: I thank the Minister for his intervention. I have accepted and recognised his last point. It is extremely valuable to the debate and for the people I am talking about. I also acknowledge the increase in the number of people who receive carer's allowance, but he will understand and appreciate that I am not talking about carers; I am talking about a segment of carers called pensioner carers. They are still called pensioner carers even though they do not get carer's allowance. They are pensioners, and they are carers.

I am sure that the Minister pleased a lot of people with the assurances that he gave regarding future conversations with his friend Lord Freud. He said that he will ensure that the elements of the Bill in which he sees merit will be addressed during their conversations. I welcome that, and I welcome his commitment to interrogate the numbers. That is crucial to what we have been talking about all day. I remind him to concentrate on those who would benefit from the Bill as opposed to what people keep trotting out about this lot and that lot perhaps not benefiting. It is all ifs and buts. I agree with the Minister: we need to come to the facts and figures. I am convinced that, when we bore down on the figures, they will be shown not to be the bogeyman figures that some people seem to have referred to today, which is why I want the Committee to examine the Bill more fully.

I also acknowledge the Minister's comments about autism, which will be well noted in the House and in other circles. I thank him, generally, for what he has indicated he intends to do and will do, given the opportunity. I trust that he will do so in conjunction with the Committee, as he suggested, which I found helpful.

My Bill, like all Bills, was not the finished article on its publication. It deserves to go to the next stage of the process, and that is all that I seek at this stage. I ask for support to move the Bill to Committee Stage. I am sure that the House agrees that the people who will benefit from the Bill deserve the issues to go to the Committee, harnessed with the words with which the Minister concluded his contribution. In that vein, I commend the motion to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Carer's Allowance Bill [NIA 13/07] be agreed.

Housing Executive and Housing Associations: December 2010 Freeze

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes for the winding-up speech. All other Members who are called to speak will have five minutes.

Mr F McCann: I beg to move

That this Assembly expresses concern at the failure of the Housing Executive and housing associations to provide an effective and timely maintenance service to the tens of thousands of tenants who suffered as a result of frozen and burst pipes and heating loss during the December 2010 freeze; and calls on the Minister for Social Development to commission an independent investigation, with terms of reference agreed by the Executive, into how these bodies dealt with the crisis, including making recommendations to help ensure that their future emergency plans will be fit for purpose.

It is unfortunate that I find myself standing here today asking Members for support in the debate. It would not have been necessary to do so if the Minister for Social Development had acted appropriately and come to the House to make a statement before now. We would have benefited from hearing directly from the Minister about the problems faced by tens of thousands of Housing Executive and housing association tenants over the Christmas and new year period.

The Minister admitted that tenants had suffered seriously because of the initial collective response to the emergency caused by the freezing conditions. I will his words: "Things could have gone better". However, he went on to say that things improved dramatically and that the level of outstanding problems decreased. He claims that that came about as a result of his leadership in bringing everything under control. What surprises me is that he really believes that. What he says happened bears no resemblance to what actually happened. He has not said whether he was on the ground with his constituents at any time during the period to hear at first hand what was going on. As is well known, the Minister for Regional Development and the deputy First Minister went out and listened to people. They saw the situation for themselves.

Mrs D Kelly: The deputy First Minister and Minister Murphy visited my constituency. Will the Member give us an update on whether the

situation has improved and the problem been resolved? Furthermore, is the Member aware that, when there were burst pipes, NI Water could not find the stopcocks to turn off the water?

Mr F McCann: It is your constituency, so you should know the answers. That happened in Housing Executive properties in my constituency, and the people who came out could not find the stopcocks.

Mr O'Dowd: I will update the Member on her constituency. An investigation has been carried out by Water Service, which met residents. It is interesting that one of the lines of inquiry is that Housing Executive responsibility for alleyways to the rear of the homes may be the cause of the flooding. I will supply the Member with the letter.

Mr F McCann: The Minister also tells us that the site had regular contact with the Housing Executive. He continued to manage the situation, calling a meeting on 20 December to lay out further requirements in response. That was the week after the emergency began, on 17 December 2010. In fact, on 24 December, I spoke to senior staff of the Housing Executive to call for a full emergency response to the worsening situation. Again, that was days before the NI Water issue began to hit the headlines. In fact, I believe that it was my West Belfast colleague Jennifer McCann who, on 17 December, was the first person to raise the issue of burst boilers. From then on, the situation got worse and worse.

Although I commend the efforts of Housing Executive staff and others who worked in difficult circumstances, the Minister missed the point. It may be well and good to say that the Housing Executive handed out 4,900 electric heaters to people over that time, but that was totally inadequate to deal with the sub-zero temperatures. People were living in temperatures of -16°C , in many cases without heat or water.

On 23 and 24 December, I was on the phone constantly trying to report urgent cases, but I had great difficulty getting through. I e-mailed and sent text messages, but I got little response. Even the emergency lines that were set up on Christmas Eve for a time afforded those in dire need a very poor service. When I did manage to get through on the phone, I was informed that contractors would be out. However, in many cases, no one came. In one

incident, I phoned on behalf of a young woman with two children who was left with no heat or water over Christmas. Late on Christmas Eve, I spoke to the young woman's mother, who informed me that no one had made contact. Eventually, after additional calls, someone called with an electric heater and told her that he would be back after the holidays.

In another case, no one called out to a tenant who was left without water over Christmas. Eventually, days after Christmas, her frozen pipes thawed without help. Another case involved an OAP in my area who sat with burst pipes and water running down the walls waiting patiently for a contractor. It was not until neighbours alerted me to his plight that I was able to bring the required urgency to the situation and have it resolved. In another case in which heating had broken down, the person who called out refused to touch the oil-fired central heating system because it had not been installed by the Housing Executive. However, when the person was allocated the house, the heating system was already there. She sat in the freezing cold because of a silly dispute. How petty can you get? In yet another case, a boiler was replaced, but the tenant was told that it would not be connected until after Christmas because the contractors were too busy. I could list numerous cases in my area. The Minister talks about clusters in different areas, but, in many areas — certainly in west Belfast — people regularly faced such issues. It is evident that, in many cases, compassion, sensitivity and plain common sense were completely lacking.

We were informed that 30,300 work orders were placed between 17 December and 2 January. Of those, 16,000 related to heating requests, and, according to information given to us, many contractors did a good job. However, as I outlined, there are questions to be answered about a sizeable number of cases. Those questions are to be buried in a wider gateway report that may never see the light of day.

As early as 23 December, I called for an emergency response to the crisis on the basis of the unprecedented level of complaints that I was receiving from tenants who had been neglected, ignored and told lies by contractors. In normal circumstances, such treatment would be totally unacceptable; however, in the prevailing climate of the time, it was abominable. However, to listen to the Minister, you would think that the problem was sorted

out by putting in a few more phone lines and allocating a few more people to answer the phone. Those were important first stages in the process, but it is what happened afterwards that really counts. That is where the next failure occurred. It is apparent that, although calls were received, many people had to e-mail contractors, who simply did not respond. That was unacceptable.

The situation was unique, and it needed to be treated as such. Indeed, it deserved a separate inquiry, which would have helped to determine the facts of the crisis.

7.30 pm

To be honest, when I read the Minister's written statement of 31 January, it sounded like he had saved the day in the Housing Executive and also found time to pop in with his timely advice and save the day in NI Water. The Minister's statement went on to tell us that, between 17 December and 9 January, the Housing Executive received 24,777 calls and tens of thousands of repeat calls. Unless many of them were double orders, those figures do not tally. Maybe the Minister will explain and, while he is at it, advise us whether the call-out charge was paid to contractors for dropping a heater off at a house.

As for the response of housing associations, many went home and closed up shop for the holidays. In fact, my colleague from South Belfast tried to get in touch with one association when a serious flood occurred, only to find that he could not contact it or its maintenance contractors. In the end, I believe that the police had to force entry.

To my mind, it is clear that one glaring failing was the poor communication system between the Housing Executive and its contractors. As soon as it was identified that communication had completely broken down with two contractors when the holidays kicked in, the Minister should have immediately taken whatever steps were necessary to ensure that channels were open and the system working. It was totally pointless to bring in extra staff to answer phones if the only outcome was to be a long list of complaints sitting on a desk or in an inbox that remained unopened until after the new year. What was needed was for contractors to fulfil their obligations by carrying out the necessary emergency repairs. That did not happen in many cases. How does the Minister respond to that?

In the aftermath of the crisis, we were told by the Minister that all outstanding complaints were being attended to. However, I still hear of cases that have yet to be resolved. Some of them involve people who had no heating or hot water for two weeks after the crisis began. In many instances, a blame game is going on, with contractors disclaiming responsibility while placing blame on someone else. At the end of the day, poor, vulnerable people are suffering.

I wish also to mention the question of compensation for those people whose homes were destroyed —

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr F McCann: They have no means of replacing their furniture or their goods. Those people rely on benefits and have no extra resources for a sad situation such as this.

Mr Deputy Speaker: Your time is up.

Mr F McCann: We are asking the Minister to carry out an investigation into what happened over Christmas.

The Chairperson of the Committee for Social Development (Mr Hamilton): Briefly, in my capacity as Chairperson of the Committee, I will say that as you, Mr Deputy Speaker, the rest of the House and the people who put us here would expect, this is an issue that the Committee has taken a keen and active interest in since it developed over Christmas and the new year.

The Committee considered the issue on 11 January, and members indicated their considerable dissatisfaction at the apparent lack of effective communication between the Housing Executive, its contractors and, most importantly, its tenants in properties in need of repair. Members were particularly dismayed by the failure of communication channels for tenants and their representatives, and the consequent absence of appropriate information.

At the Committee's request, the Minister briefed it on 27 January. He did so at some length. All members present had the opportunity to ask questions and to raise issues from their constituencies. Members sought reassurance that lessons had been learned and evidence that there would be no repetition of the poor performance by —

Mr F McCann: Will the Member give way?

The Chairperson of the Committee for Social Development: I think that you have had enough time, to be fair. *[Laughter.]*

There would be no repetition of poor performance by the Housing Executive in such circumstances in the future. This is an issue that the Committee definitely intends to review further. It will look, in particular, at the Housing Executive's response systems and the performance of its contractors to ensure that this does not happen again.

Mr T Clarke: Will the Member give way?

The Chairperson of the Committee for Social Development: I will give way to my colleague.

Mr T Clarke: I thank the Member. As part of that review, will the Committee consider the case of some contractors going out in the early stages of the freeze and telling people that there was nothing they could do; they would come back after the holidays? It seems that those contractors will charge the Housing Executive for doing the same job twice.

The Chairperson of the Committee for Social Development: That issue of call-out fees was raised and was addressed by the Minister at that time, and I am sure that he will do so in his response to the debate.

Speaking in a personal and a party capacity, looking across from this side of the Chamber to the other side, there is a sort of SDLP/Sinn Féin squabble going on. Looking over from here, we think that some sort of cunning plan is being hatched and that there is a sauce for the goose, sauce for the gander situation. We could almost leave them at it, but the issue is far too serious.

I freely admit, and colleagues will back this up, that my constituency and some other areas of Northern Ireland were not as badly affected as some. However, some were very badly affected, and it is absolutely clear that the response of the Housing Executive in those initial stages was not good. The Minister will freely admit that, and I have heard the acting chief executive of the Housing Executive do likewise. Although there are questions to be asked about why it was not ready for that, the sheer volume of what hit the Housing Executive — just as it hit other organisations — makes it somewhat understandable, but not excusable.

Members from other constituencies, such as Trevor Clarke, will contribute today and say that there have been serious shortcomings, particularly in communication. The performance of some contractors, particularly on heating, has to be called into question. There were undoubted failings that need to be addressed and about which we need answers.

I want to raise two issues in the very limited time that is left to me. I had, and still have, grave concerns about the number of Housing Executive properties that were affected. Some 21,000 out of around 90,000 were affected; that is nearly one quarter of all Housing Executive stock. I think that about one in two Housing Executive properties in the west of the Province were affected. That is a massive percentage of stock that has not been replicated by any other —

Mr Humphrey: Will the Member give way?

The Chairperson of the Committee for Social Development: Yes; very briefly.

Mr Humphrey: I am grateful to the Member for giving way. Does he agree that one of the reasons why so many properties in the Housing Executive stock were affected is because there is no proper inspection of insulation? In fact, in many cases, no insulation at all has been installed.

The Chairperson of the Committee for Social Development: That is the second issue that I wanted to come to. The Department's focus for the past three and a half years has been on newbuild. It has been newbuild, newbuild, newbuild. We all understand that and do not disagree that we need newbuild social housing in our constituencies. However, that has, in my view and in the view of others, been to the detriment of ongoing maintenance in existing Housing Executive properties.

This crisis has made it very clear that some aspects of maintenance — particularly energy efficiency, in lagging and replacing boilers and heating systems — have not been up to scratch. The standard of maintenance has not been what we expect. At the minute, a Bill is progressing through the House to put additional responsibilities on private sector landlords. I support that. However, the Minister and the Housing Executive have a duty of care to the 90,000 tenants in Housing Executive properties, and they should act more responsibly towards

those tenants and do some of the work that Mr Humphrey talks about. The Minister should have an investigation or an inquiry into what has gone on. However, I do not want some sort of witch-hunt or kangaroo court.

Mr Deputy Speaker: Bring your remarks to a close, please.

The Chairperson of the Committee for Social Development: I could talk more, and others will talk about this. The response was bad at the initial stage, and we have to put on record that it did improve over the period.

Mr Deputy Speaker: Time is up. I call Mr John McCallister, who I am sure was in his caravan.

Mr McCallister: I have returned refreshed and ready from the caravan to speak on the debate. I can declare that my caravan was unaffected by the bad weather during the Christmas period.

The Chairperson of the Committee said that there seems to be a little squabble going on, and he also talked about a cunning plan. I am not sure who the lead characters will be. I can only assume that Ms Anderson will play the role of Queen Elizabeth I or someone suitable like that. *[Laughter.]*

Ms M Anderson: I have been insulted by better than you.

Mr McCallister: That does not surprise me. I will have to think of some cunning plan to get out of that one.

Like many others around the Chamber, I was contacted by constituents who live in Housing Executives properties and who had great difficulty over the Christmas period getting in contact with the Housing Executive and getting through on the emergency phone line.

People tried constantly not only for hours but for days and were still getting nowhere. That was of great concern to all elected representatives here and to councillors from across Northern Ireland, because the response was poor and inadequate and led to much distress among residents about how the issues would be dealt with. It caused problems of communication for elected representatives in getting that information to the Housing Executive so that it could sort out the properties quickly and so that repairs could begin straight away. When the Minister appeared at the Committee, he will have been aware of the feelings of its members.

I share the concerns that the Chairperson of the Committee raised about the seemingly disproportionately high percentage of Housing Executive stock that was affected during that period. Proportionally, it was out of kilter with what was experienced in other areas, so it is important to address the causes and find out how the Minister and the Department can take on board the issues and see what has to be done. If it is the case that there has been a lack of investment in maintenance such as insulation and lagging of pipes, as Mr Humphrey suggested in an intervention, those issues must be addressed.

We cannot continue with a system in which the Housing Executive is affected disproportionately at a time of crisis. The weather at that time was severe and, at one time, it looked as if Northern Ireland's infrastructure was grinding to a halt between that and the water crisis. We need to take stock of that and see what more the Housing Executive needs to do to address those issues and ensure that it is not caught out with a disproportionately high number of its properties affected by bad weather. That puts its emergency lines and its contractors under even more pressure and causes its system to be creaking to a halt. We were warned about the bad weather, and we were warned when the bad weather was coming to an end with the imminent thaw, so it will be interesting to hear from the Minister.

Mr T Clarke: Many of us believe that there has been underinvestment in the Housing Executive and its houses. Although there can be freak storms and weather similar to that which occurred at Christmas and regardless of whether there has been lack of investment previously, will the Member agree that, surely to goodness, supplying a householder with one 2 kW heater is insufficient to enable them to have heating for two weeks? If we can get the system in place to prevent a freeze in another freak weather occurrence, we have to do more to protect elderly people in particular than expect them to stay with a 2 kW heater for that period.

Mr McCallister: That is a useful intervention, because it reminds us of the effect that that can have on all our constituents. That is an unacceptable response. I take it that the Member meant preventing a freeze in homes. Even the Minister, brilliant as he has been, could not prevent an overall freeze. I am paying a glowing tribute to him.

I accept the point that the weather was so severe, but the response from different parts of government was inadequate. To leave constituents such as Mr Clarke's in that position was wholly inadequate, and we have to look at and address that.

Mr Deputy Speaker: Bring your remarks to a close.

Mr McCallister: Just on cue, Mr Deputy Speaker, I am finished.

7.45 pm

Mrs M Bradley: It is unbelievable that we are having this debate, because, a few weeks ago, the Minister for Social Development spent almost a full morning briefing the Committee for Social Development on the Northern Ireland Housing Executive's entire response to the crisis. His briefing was detailed and thorough, and he highlighted ways in which the service procedures were deemed to be open to improvement. It is imperative to stress that, prior to Christmas, the Minister had been proactive in making preparations for the imminent cold weather that had been well and truly forecast.

Ms Ní Chuilín: Will the Member give way?

Mrs M Bradley: Not just now. Had the Minister for Regional Development taken a similar stance, the Northern Ireland Water saga could have been different, and perhaps the whole situation for Northern Ireland would have been different. I feel that we are in the Chamber now for purely political reasons and that the motion is a true election vehicle. I am sure that the First Minister and deputy First Minister will recall the Minister for Social Development writing to them before Christmas so that they could have an Executive meeting to co-ordinate an overall response.

The Northern Ireland Housing Executive's response was slow to begin with, but it quickly kicked in, and, by 28 December, it had received thousands of calls and successfully dealt with 95% of them. Compare that to NIW, which, on the same day, dealt with only 1% of its calls. In the area where I live, people could not even get bottled water. They were left stranded without water for drinking or anything else, until members of a community group took their cars and drove to the other end of the city to bring water to them. So there we are — we can all make cases.

The motion, which Members of the party beside me tabled, is another demonstration of that party's fundamental dishonesty. It cannot face the fact that one of its Ministers froze during the freeze. It now wants to water down criticism of the Minister for Regional Development by pretending that others failed. The Minister for Social Development, like the Minister before him, handles situations when they come to him in the best possible way he can. He can deal with an issue when he gets it. However, we should listen to what we heard this morning from the Consumer Council. It said:

"NIW Water's failings were on a monumental scale."

I agree with that.

Ms Lo: I, too, cannot help but suspect that the motion is an attempt by Sinn Féin to move the focus of the spotlight from Northern Ireland Water on to something else.

Mr P Maskey: What about the Irish language? Ghettoisation?

Ms Lo: Sorry?

I got the sense from communities in south Belfast that many people believed that the Housing Executive was doing the best that it could under the circumstances and that Northern Ireland Water was the real culprit in the crisis, and that, rightly, an in-depth investigation is required to find out what went wrong and what improvements are needed to prevent a recurrence of that magnitude in the future.

I doubt that there is a real need for a costly and lengthy independent investigation into the Housing Executive, but I can see the value of an internal review into its contingency plan and the contractors' response.

Mr Spratt: The Member mentioned the south Belfast area. Although initially there were problems getting in touch with contractors, does the Member agree that the response in south Belfast was good after the Minister put co-ordinators in place? Indeed, we got very good feedback. One of the issues that the contractors raised was that some suppliers of heating parts and so forth were closed over the two-week period, so they could not get those parts and had to have them brought over from England. Fair is fair. We have to put some of those things on the record as well.

Ms Lo: I thank the Member for his intervention. I heard about that.

The Minister said to the Committee that:

"there were issues in the initial phase of the Housing Executive's response that should not have arisen."

That should be investigated. However, it is important to note that, as the crisis progressed, the Housing Executive stepped up its response and began to deal with the situation more effectively.

The main complaint throughout the constituency of South Belfast was the difficulty in contacting the Housing Executive. Telephone calls went unanswered; however, significantly more calls were answered by the Housing Executive than by Northern Ireland Water. People were also critical of the slow response times to repair reports and requests. In some areas, it took two weeks to reinstate hot water or to fix leaking pipes. When calls were logged with the Housing Executive, there was further delay in getting contractors out to the homes affected due, perhaps, to the lack of skilled contractors, such as plumbers and electricians. As Mr Spratt said, sometimes there was a lack of spare parts during the Christmas period. It is important that the Housing Executive looks at the performance of each contractor.

There are concerns about the lack of strategic response, with no focus on priority groups, such as the elderly and young families. Some young families' only heat source was one small electric heater for up to four weeks, and older people were unsure whether it was safe to use the heating. They had no heating for up to a week.

A serious issue arose in the Markets area, where new kitchens had been fitted in a number of properties. Stopcocks were either not properly or fully installed, with some actually placed behind kitchen cupboards or not fitted at all, making it extremely difficult or impossible to shut off the water supply, which caused major problems for tenants with burst pipes. The number of empty Housing Executive properties is a concern. Any internal investigation must consider a strategy that enables early access to those properties to address leaks or any other problems.

There was no joined-up government action on the distribution of water. Bowsers were installed in Taughmonagh only after my party office

made a call to request them. Although there were far fewer faults reported from housing association homes than from Housing Executive homes, three sheltered housing schemes in south Belfast had no water for several days. I delivered water personally to those sheltered housing schemes whose water supply was seriously disrupted. There is no doubt that the recent freeze was exceptional.

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

Ms Lo: The Housing Executive adapted its response as the crisis deepened. However, with more forward planning it could have coped better, at least at the initial stage.

Mr Easton: I support the motion, although I am highly sceptical of the motives behind it.

Ms Ní Chuilín: As the Member is aware, the statutory Committee has 11 members, and the Assembly has 108 Members. Although every Member's constituency seemed to experience extreme difficulties over the Christmas period and although we tried through questions to the Minister to get him to respond, it has taken until now to get the motion to the House. Therefore scepticism should focus on why constituents' needs were not met rather than on any back-and-forward fuss between Sinn Féin and the SDLP. I am not worried about the SDLP at all in the matter.

Mr Easton: I thank the Member for her comments; it is a pity that she was not as vocal in the Committee for Social Development as she is in the debate.

The winter was a testing period for many statutory agencies, never mind Northern Ireland Water, whose performance has been the subject of significant controversy. One must question the abilities of those agencies to prepare adequately and to work to resolve the issues caused by frozen and burst pipes at a time of extreme weather.

The bad weather had presented itself as a potential problem at the beginning of December and, once the first snow had cleared and another severe weather warning had been issued, I questioned whether the various agencies were adequately prepared or whether Christmas got in the way and exacerbated the situation and the problems arising from the thaw.

I know that many tenants of the Housing Executive or housing associations were without water, never mind heat, over the Christmas period. Many people were badly let down by the statutory agencies that they rely on. Those who are tenants of either the Housing Executive or housing associations are people in need, such as the elderly, vulnerable or socially disadvantaged. Water and heat are basic needs of the human race and, unfortunately, far too many people were left without either of those.

It is clear that many people who live in accommodation provided, ultimately, by the state were failed. Many waited weeks for necessary repairs to be carried out. That was wholly unacceptable in this day and age. However, I appreciate that there were unprecedented demands on the services — far more than was anticipated and more than the system could manage at any given time.

I note that the Housing Executive received over 20,000 unique telephone calls and tens of thousands of repeat calls. In fairness, in his statement to the House on 31 January, the Minister admitted that the initial call response could, and should, have been better. I question the ability of those agencies to face up to the problems posed by the big freeze, and question whether they were adequately prepared.

Mr Spratt: I thank the Member for giving way. I was complimentary in my last intervention to the Minister, but I will not be so complimentary this time. Does the Member agree with me that one of the problems with the Housing Executive is that there is absolutely no maintenance? There is no insulation in many houses and, to add to the cold, many of the houses, particularly in my constituency of South Belfast, are still single-glazed, and the Housing Executive has done absolutely nothing to remedy that over quite a number of years.

Mr Easton: I concur with the Member. We certainly need to look at a better balance between newbuild and maintenance schemes. There is certainly a big problem, and I have to mention the Bloomfield bungalows in Bangor for pensioners. However, I believe that the Minister for Social Development was responsive to the situation, as he was regularly on the TV and radio talking about the issues that tenants were experiencing. He led from the front and appeared hands-on. He never divorced himself from the situation, to be fair to him.

I would like to put on record my thanks to the engineers and call centre staff who worked incredibly hard over the Christmas period to resolve the issues that many people were experiencing. Nevertheless, many people's complaints were not responded to quickly enough at a time of extreme weather. As I said, there was an admission of failure by the Minister in his statement of 31 January, when he admitted that lessons had been learnt.

He has given a full account in his statement of what he did or did not do in preparation for the thaw, announcing that he had held meetings with personnel in the Housing Executive to discuss the planned response. Nevertheless, I support the motion, as I believe that it is only right that we look at the response of the Department and associated agencies to see what can be learned for the future.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I support the motion, which I think is timely, considering what has gone before. It is interesting that some people on the other Benches have talked about family feuds, when I have been witnessing internecine warfare for three and a half years — almost to the point of warfare, certainly — in their squabbles. We are not talking about feuding or quarrels; we are talking about how it affects people. That is ultimately what it is about.

I am glad that Jimmy Spratt eventually gave a balanced view of what actually happened, because I had a vision of the Minister in his Harry Potter mode running around waving his magic wand. He may be familiar with the fact that he looks slightly like Harry Potter — although I think he is slightly old to play the part. If we read his statements and listen to him, it appears that he not only solved the problems of the Housing Executive and DSD but contributed largely to solving the problems of the water service. That is commendable.

I wish I could get somebody to write a speech like Mary Bradley's. Apart from the jokes, it was sycophantic almost to the point of nausea. In relation to what happened, I go back to the point made by people on the other Benches and, indeed, by some of my colleagues: it is all about maintenance and preserving the stock.

Anno Lo talked about stopcocks being around the back of kitchen cupboards. That would not happen if proper maintenance was carried out. Those are the things that should be checked.

Lagging and pipes should be checked — and not when there is a freeze. The Minister quoted from the Saville report on how great the standard of housing here is, but maybe not now. Maintenance needs to be organised, routine and done regularly to ensure that what happened does not happen again.

About 70% of the problems with houses were internal. That was the reality, and the point has been well made that the number of Housing Executive properties affected compared with, for instance, housing association properties was totally disproportionate. That indicates that housing association properties are better maintained or of a better standard, because, certainly in my area, routine maintenance is not done on a regular basis.

However, I commend the local Housing Executive staff, particularly the manager, who was on call throughout Christmas and was the only one who could be contacted. I could not contact the advice lines that were set up, and I have said that to the Minister. It is great setting up those lines and people getting through but, ultimately, success is predicated on contractors and the fact that they get out and do something.

The example that I quoted from my constituency was of a lady who was out of her house for 10 days. She was suffering from cancer, undergoing chemotherapy at that time and obviously under stress. She had to move out of the house. Contractors came out on four occasions: the plumber one day, the heating engineer the next day, a plumber the next day, a heating engineer the next day. The heating engineer said that he had to send in a written report but, unfortunately, the contractor was not open until 7 January.

When the plumber came out for the final time, I happened to be there with a colleague who is a local councillor. Although the plumber did not think that it might be his job, he agreed to do something. That went on for 10 days; it went on for another two or three days. That is the type of stress that people were put under.

In another case, contractors went in and repaired ceilings. The person was told to let them dry out for a week or two. When they went to try to redecorate, the ceiling fell down around them because the plaster had not dried. Presumably it had not been put on properly. All sorts of issues need to be addressed. The Minister has nothing to fear

from an independent investigation done properly because, ultimately, it was people and tenants who suffered. This is not a political exercise. People can say whatever they want, but it was the tenants out there who suffered.

My water was off for 12 days over Christmas, but that was my problem because outside pipes had frozen and the burst could not be identified until the water was on again. That was the problem because I do not live in a Housing Executive house. I am beginning to be thankful for that, because not only might I have been without water for 12 days but I might have had the ceilings down around me.

Mr Deputy Speaker: Draw your remarks to a close, please.

Mr Brady: I ask people to support the motion because it is timely and essential.

Mr Deputy Speaker: Your time is up.

Mr Craig: I rise in limited support of the motion, because I find it a bit ironic that Sinn Féin has tabled this when their own —

Mr P Maskey: Will the Member give way?

Mr Craig: Already? After 15 seconds? No problem.

Mr P Maskey: I thank the Member for giving way at such an early stage. What is getting me with this debate is that if everybody is saying that they agree with an investigation, why has no other party asked for that investigation? It is a disgrace, and Members should be ashamed of themselves for not doing it.

Mr Craig: You asked the question: quite frankly, your party got in before anybody else, and that is the simple truth. The motion is yours and it is on the table. I think that you will find that it is not entirely true to say that no one else asked for an investigation. If you were a member of the Committee, you would know that that statement is not correct. We did grill the Minister on that issue and asked for it to be investigated.

I do find this ironic because if you look at what occurred over Christmas, the Housing Executive was not the only outside public body that had problems. In fact, the problems of another outside body, NI Water, led to even more problems for the Housing Executive. Just like every other Member in this Chamber, I was contacted by hundreds of people who were having difficulty with their water supply,

and whether you were in a Housing Executive property or a private house, it did not matter, the difficulty was the same.

Mr T Clarke: I would hate the Member to forget about the other agency that had problems in that period — Roads Service. Schools had to close because parents could not get their children to them. There were no safe routes to schools because of the roads conditions and the lack of gritting.

Mr Craig: Who was in charge of that?

There is no point in throwing stones, because they will come back to hit you with regard to how all those public bodies dealt with the conditions. There were arctic conditions, and Northern Ireland is just not geared up to deal with such conditions.

I found it unacceptable that, at the very start of the thaw, when the real crisis hit due to the number of burst pipes and the scale of damage being caused to Housing Executive properties, the Housing Executive failed to react quickly enough to the scale of the problems and disaster that were unfolding. The Minister has admitted that, and I pay tribute to him for what he did. He intervened very quickly and made sure that the Housing Executive got its act together and moved into gear. After that, the response to the situation rapidly became much better.

However, there were a number of issues that were not resolved, despite the Minister's intervention and all the good things that he got the Housing Executive to put in place. We are already on record as asking the Minister to investigate those issues.

As Mr Brady stated, there is a serious issue with contractors and who is responsible for what. He gave an example of a situation that took 10 days to resolve. All I can say to him is that he was very fortunate that NI Water was not involved, because I dealt with a problem that took three weeks to be resolved. The irony was that NI Water could not find the stopcock. Between that and contractors fighting in the house about whose responsibility it was to fix pipes, it took three weeks to get the situation resolved.

I have spoken before to the Minister about issues, such as three repairs being made within 20 inches of each other to a single pipe. Such cases are unacceptable; common sense has to kick in somewhere.

There is an issue around lack of maintenance in Housing Executive properties. I can take the Minister to a row of four houses — he knows about this example, because I have used it before — one of which had 35 bursts, another had 26, another, unfortunately, had 106 bursts because the tenant was away on holiday and the heating was off, and another had 32 or 34 bursts. Those houses have not been properly maintained for over 20 years. There is no lagging on the pipes and there is no insulation in the roof space. Those houses have been continually sidelined.

Unfortunately, that example is not unique. I can take the Minister to other areas in my constituency where there are similar problems. There is one estate for which maintenance has been promised for nigh on seven years, but it has never materialised. Given the current economic crisis, that maintenance is unlikely to materialise.

We need a better balance —

Mr Deputy Speaker: Will the Member bring his remarks to a close?

Mr Craig: We need a better balance between newbuilds and maintenance, because that is the only thing that will deal with crises like this in the longer term.

Mr Gallagher: Like other elected representatives, over the Christmas holidays, I dealt with complaints from Housing Executive tenants and others about problems caused by frozen pipes or a lack of heating. There is no doubt that the situation was a distressing experience for them.

I was one of those who contacted the Minister at that stage. He met Housing Executive officials on 22 December, just before Christmas, and told them that they needed to step up their response considerably because of the continuation of the very cold weather. As a result of that meeting, the Housing Executive improved its response after Christmas.

I will not support the motion, and I want to outline my reasons why. The motion is about distress and misery, and some thought about compensation must be associated with that. The only person who mentioned compensation and raised the issue at the Executive is the Minister for Social Development. Such an important motion should acknowledge and

encompass a compensation package for residents.

The motion also takes a narrow view of a serious problem. The situation also involved the Department for Regional Development, which was mentioned earlier. It is not difficult to understand why neither that Department nor its Minister are mentioned in the motion, because —

Mr O'Dowd: Will the Member give way?

Mr Gallagher: No; I am not giving way at this stage. The motion has upcoming election written all over it.

Today we received the Consumer Council's report 'Left High and Dry', which apportions blame directly to the Department for Regional Development. The Coalition against Water Charges recently said that the public have every right to be angry about the loss of water supply and the manner in which the recent freeze was handled.

I visited properties at Garrison in County Fermanagh where the tenants felt that the problems were in their houses. However, on investigation, it was found that the problems were because of a frozen pipe some 100 yards away, which was clearly the responsibility of Northern Ireland Water. If we are, as the motion claims, to put fit for purpose plans in place for the future, it has failed abysmally because it does not refer to a significant and central problem in the crisis, which must be fixed as we go forward. The responsibility for that problem rests with the Department for Regional Development. The motion refers to plans being "fit for purpose", and if we support it, we will have poorly considered emergency plans for the future because the issues affecting the households that experienced the worst problems have yet to be addressed. If poor insulation and outdated heating systems are to be fixed, investment is needed.

Sinn Féin signed up to the draft Budget, which has an almost non-existent social improvement dimension. It will be painful for that party to revisit that and admit —

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Gallagher: There is no support in the draft Budget for essential work to be carried out to ensure that those problems are not repeated in the future.

Ms M Anderson: Go raibh maith agat. Éirím chun tacaíocht a thabhairt don rún.

I support the motion. Like many other representatives, I dealt with countless constituents who were without heat or water, particularly over the Christmas period. The vast majority of them were social housing tenants.

8.15 pm

I stress at the outset, and most Members will agree, that in no way are we criticising Housing Executive staff, particularly those in my constituency in Derry. In fact, I am aware that many Housing Executive staff gave up their Christmas holidays to come into work to help those who needed it, and I commend them for that. However, those staff were failed by management and by the Department. I have been contacted by a number of workers, who informed me that the situation in the offices was chaotic. No effective plan was in place.

Mr Humphrey: I take the point that the Member is making about Housing Executive staff and their commitment to the people by coming in as volunteers. However, the management were the people who allowed the staff, despite the circumstances that prevailed, to go home on the Thursday and the Friday in the run-up to Christmas when there was a skeleton staff of volunteers. That was the fault of management and no one else.

Ms M Anderson: I absolutely concur with those comments, and I think that most Members would do likewise. No effective plan was in place, and it was clear that, whatever the contingency measures were when they were drawn up, they were absolutely ineffective. That is the reality of what happened during that period.

Other public representatives who tried to contact the Housing Executive or the housing associations will know that it was absolutely impossible to get through on the phone. I spent over an hour on the phone to BT on Boxing Day trying to get what I thought was a fault on the line fixed, but there was no fault. I then phoned the PSNI, also on Boxing Day, and reported the fact that the so-called emergency number that we were given was not working, and I asked whether the PSNI could intervene. However, the PSNI could not get through either.

Indeed, we resorted to sourcing plumbers and electricians to get emergency repairs carried

out. Despite the chaos, Minister, far from admitting that mistakes were made and that lessons needed to be learned —

Mr McDavitt: We do all recognise that everything could have been done a lot better. However, it is probably worth noting that, out of the thousands of calls made on 28 December, 87% were answered, in one way or another, by the Housing Executive. Unfortunately, out of the thousands made, less than 1% of calls were successfully answered by Northern Ireland Water. Perhaps being able to put those two figures in contrast helps us to understand the scope of what was happening inside the Housing Executive and inside Northern Ireland Water.

Ms Anderson: In a direct response to me, the Minister for Social Development insisted that the offices were open during normal working hours over the Christmas period. However, the people of Derry and the people in many other areas wanted the offices open during abnormal hours, such as on Christmas Eve, Christmas Day and Boxing Day — not just normal working hours. Whatever about 28 December, we were dealing with an absolutely massive problem in our constituency throughout those three days, and nobody from the Housing Executive or the housing associations was there to assist. No matter what party Members represent, I am saying that people in our community — those who were experiencing problems — realised that they could not get through on the emergency number. It was not only elected representatives who had that problem; it affected many others. Indeed, it was community activists, Sinn Féin activists and representatives who were on the street.

In many cases, senior Housing Executive staff could not be contacted at all. When my office managed to get in contact with one senior Housing Executive officer on his mobile phone — this goes back to the point that was made earlier — he was not at all pleased. He was not pleased that we were interrupting his outing to the Boxing Day sales at Junction One. He almost gave out to us because he was on holiday. Good for him that he had a few days off, because the vast majority of people were dealing with their roofs falling in, and there was nobody there to help them on Christmas Eve, Christmas Day and Boxing Day. That is the reality of the situation that we were facing. While thousands of tenants were struggling to get by without heat or water, senior Housing Executive managers

were enjoying their Christmas holidays as usual. Clearly, they did not think that it was a problem. Clearly, no contingency plan was in place.

None of this is about political point scoring, regardless of what Members are feeling about where the motion emanated from. If the motion had come from the party opposite, we would have supported it, such was the scale of the problem that we were collectively dealing with. The motion is about ensuring that lessons are learnt. Therefore, an investigation into NI Water is justified. I hope that we will get to the bottom of that situation, fix the problem and learn the lessons, just as we need to learn the lessons with regard to the Housing Executive to ensure that there is no repeat performance. The mistakes that happened over the Christmas period can be dealt with in future, and an independent investigation will achieve that. Many people were on the receiving end.

There are a number of other things that the Minister —

Mr Deputy Speaker: Will the Member please bring her remarks to a close?

Ms M Anderson: One of them, compensation, was mentioned earlier. Perhaps the Minister could address that.

Mr Deputy Speaker: The Member's time is up.

Ms M Anderson: We look forward to hearing from the Minister, but it is a shame that you could not support this motion and that your Assembly colleagues could not support it either.

Mr S Anderson: The motion should not be regarded as more significant than it is. Having listened to the debate so far and the sentiments expressed, many Members will ask why it was tabled. It was not tabled out of a sincere concern for Housing Executive tenants or any genuine concern about the performance of the Housing Executive. It is simply a diversionary motion, intended solely to take public attention away from the failures of Conor Murphy, the Sinn Féin Minister for Regional Development, who so badly failed during the recent extreme weather that he has twisted and turned and wriggled in every direction to evade taking responsibility for his failures.

When members of the Portadown YMCA entered their building over the Christmas period, they discovered some 20 burst pipes and the place flooded. They did not place responsibility at the

door of the Housing Executive — responsibility ultimately should lie at the door of Conor Murphy and his Department. However, Sinn Féin and Irish republicanism have a long history of not admitting responsibility for their actions, and so we have this motion. Sinn Féin blamed “the Brits” for everything that went wrong in this world, but things have changed. Conor Murphy, Caitríona Ruane, Michelle Gildernew, Martin McGuinness and all —

Mr Deputy Speaker: Order. The Member is well off the subject; I must ask him to return to it.

Mr S Anderson: OK, Mr Deputy Speaker.
[Interruption.]

Mr Deputy Speaker: I have a further point of order: as another Deputy Speaker said yesterday, the only “you” in this place is the Chair. All remarks should be made through the Chair.

Mr S Anderson: Thank you, Mr Deputy Speaker. What lies behind the motion is in part, as has been said, a pre-election family feud in pan-nationalism. Having said that, the Minister for Social Development's Department has the same failings as DRD, and the Minister may have found it convenient to escape in the smoke of Conor Murphy's failings. He should not be allowed to get away with those failings or to evade this situation. There are issues that need to be addressed.

In Craigavon, in my constituency, more than 550 tenants or properties were affected by the extreme weather between 17 December 2010 and 9 January 2011. There were more than 170 after-hours call-outs, more than 370 immediate call-outs in normal hours, and more than 420 emergencies were recorded. One question needs to be asked: how many of the problems were the result of previous repairs to Housing Executive dwellings? That issue has already been touched on. The standard of workmanship and past maintenance are relevant. Were those dwellings up to scratch? We need to ensure that all repairs are properly carried out and that a proper inspection regime is in place.

Along with my party colleagues, I was on the ground continuously over that period and dealt with numerous people in distress. Housing Executive staff worked very hard throughout that difficult time, and I commend them for that.

Of the 37 households in Craigavon that presented as homeless during the Christmas

period, 11 were still homeless as of 31 January 2011. That is almost 30% of the total, and that should not be regarded as acceptable in anyone's imagination. Those householders are the human face of a failure to properly prepare for and respond to sudden homelessness. That should not be allowed to be repeated.

This Sinn Féin motion is about giving cover to Conor Murphy and getting the spotlight off him. However, I understand that the BBC 'Spotlight' will be turned on him later this evening. Be that as it may, the Minister for Social Development needs to act to ensure that those Housing Executive tenants in Upper Bann and, indeed, throughout Northern Ireland, who were left with their homes in ruins, are helped urgently.

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

Mr S Anderson: Repairs must be carried out swiftly and to a proper standard. There must never be a repeat of what happened as a result of the weather conditions over the Christmas period.

The Minister for Social Development

(Mr Attwood): In all seriousness, I thank all Members for their contributions to the debate, which I will try to address. Before doing so, like other Members, I want to acknowledge the 300 Housing Executive staff who, at various points over the Christmas period, stretched themselves in order to respond to the situation, as did many contractors, although there were some failures. I also want to acknowledge the 95 volunteers from my Department who manned the phones for Northern Ireland Water. More than anyone else, however, I want to acknowledge the fortitude and resilience of tenants who experienced difficulties over the Christmas and new year period.

I have a very simple view of what being a Minister is about. I keep saying that, but it is accurate. A Minister needs to go into government and go into power. There is a big difference between the two. The difference between being in government and being in power is something that I sometimes have to explain to my officials. I am not one of those Ministers who think that arm's-length bodies or agencies are beyond his or her reach. I do not believe that. I believe that, consistent with the authority and vires of any ministerial office, especially in an acute and critical instance, a Minister — any Minister in any Department —

has an obligation to assert the authority of their office in order to ensure that critical situations are mitigated as far as is possible.

Therefore, I differentiate myself from other people, in that before Christmas, when the scale of what was beginning to arise became clear, I did not observe the gathering storm from afar. I did not wait until after Christmas or the new year to try to manage a difficult situation. I am putting on the record a note written by one of my officials before Christmas, which captured only some of what my conversation with the Housing Executive was about. It says:

"The Minister has asked: what is the demand for assistance with heating problems? What is the scale of the problems? What extra response maintenance is in place to deal with the situation? Will it be in place 24/7 and over Christmas? What extra resources are in place? What phone cover will be available over the Christmas period?"

The point of all that —

Mr McCartney: Will the Member give way?

The Minister for Social Development: I will in a second.

The point of all that is that when the situation became clear on 21 December and on subsequent days, in meetings and during phone calls in advance of Christmas — not after Christmas — I tried to ensure that what appeared to me to be a response from the Housing Executive that needed to escalate did, in fact, escalate. I acknowledge and accept the failings of the initial phase of the Housing Executive response, but because of the intervention and all the efforts of many other people in the Housing Executive and in other agencies, the response escalated in a way that measured up, although not without exception, to the difficulties that were being faced.

8.30 pm

Mr McCartney: Will the Minister share the response that he got to his questions and his response to those answers?

The Minister for Social Development: I shared all that with the Committee for Social Development. Perhaps the Member should go and check Hansard or speak to his colleagues who questioned me about those matters. I outlined the Housing Executive's response, which included moving the Belfast emergency

response to a different office to facilitate more phone lines and volunteers and greater access. As the figures confirm, it is clear that, in the initial days, the response was not all that it should have been. However, as Mr McDevitt stated, the figures for every other day compare very satisfactorily with those of Northern Ireland Water. The response was not all that it should have been initially, but it escalated.

Mr McCann asked how I responded to the emerging situation in and around 22 December. I have answered that. I wrote to the First Minister and deputy First Minister on 22 December stating that the Executive should convene as a matter of urgency to consider responses to the weather conditions, but people did not agree with me. If Members are going to ask me about my response, they should go and ask other people the same question. Those other people did not respond in the way in which I tried to respond in those circumstances.

Mr F McCann: Will the Minister give way?

The Minister for Social Development: I will give way in a second.

I welcome what Mr Brady said, which was that there should be a balanced view. That was not conveyed in some other Members' contributions to the debate. In the initial days, there was a poor communication system, but the figures confirm that that escalated and worked satisfactorily afterwards. I was in the call centre.

I want to nail something: I did not seek cameras to follow me around as I went into people's houses after the adverse weather. I did that privately. I got a phone call this afternoon from Sammy Douglas, whom some Members in the Chamber know. I hope that he will forgive me for mentioning him. He rang me because he had been spoken to by one of Carál Ní Chuilín's North Belfast constituents about my calling to her house personally on 28 December. I made many other such visits. I did not seek the glare of publicity; I thought that that was invasive. I spoke privately to those people about the situation that they faced, much of which was to do with NI Water.

Good questions were asked about contractors. However, I came to the Chamber only two weeks ago to explain that, because of the Department's interventions a number of months ago, there will now be a fundamental review of how Housing Executive contracts generally are

tendered and awarded. That is an attempt to drive performance in those contracts and ensure that there are terms and conditions that enable interventions if there is non-performance. The issue of contractor performance is not new. In fact, the Department intervened to try to correct it a number of months ago. I am glad that we are now doing so.

What has been said about the contractors' response over Christmas is true. All of that is being changed. People are asking genuine and obvious questions about whether it will happen again. One of the responses to the issue from the Housing Executive and me relates to contractor performance. We are evaluating every contractual performance to see where it did not measure up and what we will do to correct that in the short term while we correct the wider issue of contractors. I wish to point out that there is only one call-out charge.

Mr Humphrey: Will the Minister give way?

The Minister for Social Development: One second.

There is only one call-out charge. Regardless of whether a contractor gains access to a property that he calls out to and of whether he has to go back twice, three times or four times, he is entitled to charge only once. That is the rule, and any contractor who breaches that rule will have to account for it.

Mr Humphrey: I thank the Minister for giving way. I understand his frustration. The petty point scoring in the Chamber demeans the issue that we are debating.

The issue of contractors has been raised. I want to mention my constituent Mrs McCartney, who, having just come out of hospital after an operation on her legs, contacted the Housing Executive on 21 December to say that her boiler was busted. A plumber arrived to confirm that that was the case. She contacted me on 22 December. Throughout that week, I tried to contact the Housing Executive to get a resolution. When the Christmas and new year period passed and the Housing Executive staff went back to work, it transpired that a new boiler had not been ordered. The new boiler was not installed until 5 January. That woman, who was just out of hospital after two operations on her legs and was unwell, had to use a blow heater, which is very expensive and inadequate. She then found out that the contractor had not even ordered the new boiler.

There needs to be an urgent review. I welcome what the Minister is saying about contractors who seem to continually get contracts with the Executive even though their performance is less than good.

The Minister for Social Development: I thank the Member for his contribution. That is why we are conducting a case-by-case, contractor-by-contractor evaluation of the response. If there were failings with particular cases, those failings will be addressed, as will the overall contractor position, particularly for Egan contractors. However, in the round, the figures demonstrate that many of the contractors worked exceptionally long hours, put in emergency heating systems — I will come back to that in a second — and, in subsequent call-outs, left properties dry, warm and safe in many instances, especially after water was restored, as a lot of the issues involved were dependent on that service. That is what the evidence suggests.

Whatever the fiction might be, the evidence suggests that many contractors stepped up to the mark and fulfilled their contractual obligations. If they were not able to do so, it was because of circumstances beyond their control, because there were issues with parts, because water was not connected or because the damage to properties was so grave and severe that a multi-agency response was required to make them safe, dry and habitable again. The reason why a small number of people are still out of their property is that best advice from the professional and technical people is that tenants should not move back into their property until they have properly dried out, as trying to accelerate the drying-out process could lead to further problems down the road.

I want to deal with compensation, which Mr McCann raised. Before Christmas, I wrote to DWP in London about trying to help people because of the acute weather. I also wrote to OFMDFM twice about what feasible interventions were available to help people in need. There are two schemes available. One is under the Financial Assistance Act (Northern Ireland) 2009, which is a model that we should avail ourselves of in this case, and the other is under a special assistance scheme that was used for flooding. Over and above all that, I have tasked the Housing Executive with finding out what the actual heating costs might have been from the use of emergency heating systems, what it would cost to redecorate properties on a

sample basis and whether there is a facility to help people to reinstate their properties where damage has been caused. I think that I am the only Minister who is actually trying to deal with the issue, find out what the figures are, create a business case around that and help people in need by using either Housing Executive moneys, which might be feasible, or the Financial Assistance Act, which is the more likely option.

Mr F McCann: I notice that, when we raise a point about a case, it is petty, but, when a Member across the Chamber does that, it is completely different.

I want to make a point about compensation. I spoke to you about the possibility of allowing people to apply to the SSA for community care grants, which are specifically there to deal with people in need. You are talking about working out how much people —

Mr Deputy Speaker: Order, please. Will the Member speak through the Chair?

Mr F McCann: Sorry, Mr Deputy Speaker.

I know what you mean when you say — sorry, through the Chair — that people may be paid for the power that they have used. However, there are people out there who have lost everything, who are on benefits and who may be moving to a new address but have absolutely nothing to put in it. A mechanism needs to be found immediately to ensure that those people can tap into existing grants, such as those provided by the SSA, to get money.

The Minister for Social Development: I did not use the word “petty”. The acting chief executive of the Housing Executive said to me yesterday that, if one tenant has been let down, it is one tenant too many. That is the standard against which everybody else should judge themselves. Many tenants — this is the narrative that has come across from a lot of places — recognise what the Housing Executive has tried to do in very difficult circumstances and what it has actually done. I am not saying that it was all perfect, but Members must judge the hard, bad and unfortunate cases against the many cases in which the Housing Executive demonstrated its ability to step up to the mark.

The Member knows that, whether through the Social Security Agency or the other models of possible financial intervention, I have scoped and exhausted those routes. Having written to

the First Minister and deputy First Minister on two occasions, I hope that they will now respond positively and work with me and officials to create a scheme that can help those who are in greatest need in the way the Member demonstrated.

I accept that a disproportionate number of Housing Executive properties were affected. It is a fact that they are older than housing association properties. It is also a fact that the profile of people in Housing Executive properties is that they tend to be on welfare, and it is the case, as Members know and keep telling me, that there are people who simply cannot afford to pay their fuel bills and can therefore heat only one or two rooms. I hope that that is another reason why Members will support me in trying to get an increase in the social hardship fund that is now in the draft Budget, although not in an adequate way.

I will conclude with this: the fundamental point is that I have asked the Housing Executive for a new response, and a critical plan is in place. That plan needs to be escalated, and that is being done. We told contractors who are escalating their responses that they had to be in place by last Friday. In every aspect of the response to the Christmas situation —

Mr Deputy Speaker: Draw your remarks to a close.

The Minister for Social Development: — we have now put in place or are putting in place the systems and processes to ensure that everything necessary will be done in the future.

Mr Deputy Speaker: Your time is up.

The Minister for Social Development: That is why I think the motion is redundant.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank everyone who has taken part in the debate. I was going to remark on some of the Minister's points, but maybe I should start by setting the context of why we tabled the motion and why we felt it important that the debate was heard.

If your defence, Minister, is that you did better than NI Water, it is not a very high benchmark to set yourself. *[Interruption.]*

Mr Deputy Speaker: Order, please.

Mr P Maskey: That is the important point that I am making. Did NI Water mess up during the

holiday period? Of course, the answer has to be yes.

Mr A Maginness: Will you repeat that?

Mr P Maskey: Well, Alban, you are sitting very close to me. If you want it repeated, I will repeat it. *[Interruption.]*

Mr Deputy Speaker: Order, please. I ask the Member to make his remarks through the Chair because I am having extreme difficulty hearing what is being said.

Mr P Maskey: Tá brón orm, a LeasCheann Comhairle.

With respect, I will repeat what I said: that is not a very high benchmark to set. Did NI Water get it right during the winter freeze? No, it did not. Did it get things wrong? Yes, it did. Now, my point is: did the Housing Executive get it right during the winter freeze? No, and that is the point of setting the context.

Mr Humphrey: I am grateful to the Member for giving way. On the issue of Northern Ireland Water, will the Member confirm whether the Minister for Regional Development was offered aid and engineers from other water companies in the United Kingdom? Did he consider asking for the Army to be deployed to offset the hardship? If not, why not? *[Interruption.]*

Mr P Maskey: I thought he was going to make a serious point. I was going to comment later on what he said, but, there you go. That just shows where William Humphrey is taking the debate. He has dragged it into the gutter, and that is the wrong place to take it. It is too serious, and too many people were affected by what the winter freeze did to water and housing.

Like many people in the House, I had very little holiday time over Christmas. That was because we were working and fighting hard to make sure that our constituents, whether tenants of the Housing Executive or customers of NI Water, had their rights balanced. In one day alone, I spent six hours trying to get through to the Housing Executive. Did I get through? No, I did not. That was me, as an elected representative, who was supposed to have had a special phone number to get through. What were constituents supposed to do? If the Minister checks my phone bill from that period, he will see that hundreds of calls were made and received over a couple of days. It was probably the same for every Member. That is nothing to boast about

for me; I am an open and accountable elected representative for the constituency of West Belfast. That very important point has been missed in the debate.

8.45 pm

It is unfortunate that we had to table the motion. The fact is that the Minister did not come to the House. He may have gone to the Committee, but as, I think, Carál Ní Chuilín pointed out, there are 108 Assembly Members who each had problems with this issue. Things would have been much easier if the Minister had come to the House, and there would have been none of the misrepresentations that we have heard this evening. The issue affected thousands of homes right across the North of Ireland, and it is unfortunate that the Minister did not come to the House to report on it.

Whether the Minister was ashamed of the actions of the Housing Executive or whether he was afraid to face it is the House is a question for him. I will not ask him to answer that, because he probably would. The fact that a statement was not made in the Chamber meant that over 20,000 Housing Executive customers were treated with contempt, which is a bad way to do business. It was wrong that Housing Executive customers were treated in that way.

The Assembly research paper contains questions that were posed to the Department and the Minister. A couple of pages full of Members' questions are still awaiting answer. If the Minister wants to see the research pack, I am sure that Fra McCann will furnish him with a copy. There are unanswered questions, and that is wrong. The Minister should have stepped up to the mark and made sure that his Department was answering those questions.

Mr F McCann: Just before this debate, I went to the Library to get a copy of the research pack. The woman there said that it was very difficult to put it together because there were so many unanswered questions.

The Minister for Social Development: All questions have been answered, save one.

Mr P Maskey: Perhaps that is a coincidence because this debate was coming. Maybe the Minister thought that he would have been caught out.

I have some serious points. The Assembly is about ensuring value for money. I asked the

Minister how many boilers were changed, and he promptly responded. I think that somewhere in the region of 154 gas boilers and 27 oil burners were replaced in Housing Executive homes. My original question, which was taken out for some reason, asked for the housing association numbers as well.

I visited a housing association tenant's house one day during the freeze. It was an almost brand new apartment in west Belfast, but the girl had no heating for almost a week. The plumber told her that her boiler was busted and that it would take five days to replace it. We got on to the housing association's chief executive, who said that a replacement boiler had been found and that it would be installed the next day. The five-day wait had been reduced to one. When another plumber went out the next day, he found that there was nothing wrong with the boiler at all. A leak from the flat above was getting into the boiler. There was not a thing wrong with that boiler, but it could have been removed and replaced at a cost of something like £1,200. How many times did that happen? We need to ask those questions and get to the bottom of that stuff because, if that is happening, it is wrong. If people are making excuses and saying that they cannot fix a person's boiler because they need a new one, which will take at least five days, that is wrong. I fixed my own boiler in my house. I defrosted the condensing pipe, which took two minutes.

Those are some of the reasons why we tabled our motion and why we are asking for an investigation. We hope that an investigation could answer questions like that. It is a shame on the SDLP that it has not taken that on board. An investigation could answer some of those questions.

I do not have time to go through what Members said, but some important points were made. I started my remarks today with a sentiment shared by my party. It was wrong of some parties in the Chamber — maybe they were misguided — to say that we were using this issue to score political points.

Mr O'Dowd: I hope that there are not too many fools in the Chamber. Anybody who believes that Sinn Féin thinks that NI Water did a good job over the Christmas period is a fool. If you have any thoughts in your head that this is to deflect attention away from NI Water, get them out of your head. This is about the rights of Housing

Executive tenants. As the Minister said, many of them are on welfare or low incomes and cannot afford to heat their home.

Mr P Maskey: I thank the Member for that. I hope that all of you will take his wise words on board.

Anna Lo mentioned some of those points also, and I am disappointed that she feels that way. I think that we have dealt with this matter in a very straightforward way.

I will leave on this point. Sydney Anderson talked about the YMCA hall in Portadown and said that it may not have been the fault of NI Water or the Housing Executive. Whose fault was it? I take it that that is a private building. I know that the Member has been co-opted to the Assembly only recently, but private property is a private issue and has to be dealt with as such. If it belongs to the Housing Executive or is public property, owned by NI Water or any other Department, that Department should sort out the matter.

Question put.

The Assembly divided: Ayes 37; Noes 14.

AYES

Ms M Anderson, Mr S Anderson, Mr Boylan, Mr Brady, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Easton, Mr Frew, Ms Gildernew, Mr Hamilton, Mr Humphrey, Ms Lo, Mr P Maskey, Mr F McCann, Mr McCartney, Mr I McCrea, Mrs McGill, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Brady and Mr F McCann.

NOES

Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Callaghan, Mr Gallagher, Mrs D Kelly, Mr A Maginness, Mr McCallister, Mr McDevitt, Mr McGlone, Mr O'Loan, Mr P Ramsey.

Tellers for the Noes: Mr Callaghan and Mr McDevitt.

Question accordingly agreed to.

Resolved:

That this Assembly expresses concern at the failure of the Housing Executive and housing associations to provide an effective and timely maintenance service to the tens of thousands of tenants who suffered as a result of frozen and burst pipes and heating loss during the December 2010 freeze; and calls on the Minister for Social Development to commission an independent investigation, with terms of reference agreed by the Executive, into how these bodies dealt with the crisis, including making recommendations to help ensure that their future emergency plans will be fit for purpose.

Adjourned at 9.03 pm.



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