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Northern Ireland Assembly

Tuesday 13 September 2011

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

Members observed two minutes' silence.

Ministerial Statements

North/South Ministerial Council: Languages

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Speaker. With your permission and in compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the twelfth North/South Ministerial Council (NSMC) meeting in language sectoral format, the eighth since the restoration of the Executive and the Assembly and the first held in 2011. This statement has been agreed with junior Minister Bell, who was the accompanying Minister.

I attended the meeting in Armagh on 7 July 2011 representing the Executive as Minister of Culture, Arts and Leisure along with Jonathan Bell MLA, junior Minister in the Office of the First Minister and deputy First Minister (OFMDFM). The Irish Government were represented by Jimmy Deenihan TD, Minister of Arts, Heritage and the Gaeltacht and Dinny McGinley TD, Minister of State with special responsibility for Gaeltacht affairs. The meeting dealt with issues relating to the language body and its two constituent agencies, Tha Boord o Ulster-Scotch — hopefully, I pronounced that right — and Foras na Gaeilge, the Irish language agency. I will now present a summary of the issues that the Council discussed.

The Council received presentations and progress reports from Foras na Gaeilge and the Ulster-Scots Agency on the collaborative work and other activities of the two agencies. Those include further joint development of their lecture series 'Aspects of our Shared Heritage' and plans to provide evening community education lectures in conjunction with local councils; provision of joint information stands at events

such as the national ploughing championships, the Castlewellan agricultural show and the Stormont family fun day; the first accreditation system for Irish language editors, which was held by Foras na Gaeilge on 25 June 2011, and the launch of new supports for the Irish language translation sector; and approval of funding by Foras na Gaeilge for 50 summer camps that provide valuable opportunities for children to use Irish outside the school environment and for 47 festivals to promote the language in the community at large. They also include the approval by the Ulster-Scots Agency of almost 300 grants for grass-roots communities to undertake music and dance tuition and for 32 Ulster-Scots festivals, as well as an extension of the community workers scheme, which continues to impact positively on Ulster-Scots activities by improving capacity in community groups; and delivery by the Ulster-Scots Agency of a range of educational programmes, including eight after-school clubs and 32 community summer school schemes that will engage children and young people in Ulster-Scots language and culture.

The Council discussed progress on the development of the North/South Language Body's corporate plan for 2011-13 and its business plan and budget for 2011. The Council noted that the language body's 2007 accounts were laid in the Oireachtas and, indeed, in the Assembly on 10 June 2011 and that audit fieldwork has been completed for the annual reports and accounts for 2008 and 2009. Consolidation will follow as soon as possible. Draft accounts have been filed for 2010. The Council also noted that it is proposed to introduce a new, simplified consolidation process as soon as possible and that a further progress report on that will be given at the next NSMC language body meeting.

The Council noted that all draft schemes that are required to implement the recommendations

of the review have now been drawn up. Following consideration of comments that were made during the recent public consultation exercise, the approval of the board and the Finance Ministers will be sought, prior to submitting the schemes to the next meeting of the NSMC for approval.

The Council agreed that, in the context of continuing to achieve satisfactory progress, Foras na Gaeilge may continue to provide interim funding to existing funded organisations until the end of June 2012. A further progress report will be made at the next NSMC meeting in language sectoral format.

The Council noted the recommendations of the review of the Ulster-Scots Agency's financial assistance scheme. It agreed to hold its next meeting in language sectoral format in October or November 2011.

Miss M McIlveen (The Chairperson of the Committee for Culture, Arts and Leisure): I note that the Council proposes to introduce a new, simplified, consolidated process for publication of the language body's annual accounts and report. Can the Minister be much more specific about the timetable for delivery of that process and give assurances that there will be no future delay in the publication of accounts and reports?

Ms Ní Chuilín: I thank the Member for her question. The issue was raised by my predecessor, her party colleague Nelson McCausland. The lengthy and arduous accounting process is due to the fact that there are two jurisdictions, two sets of accounting procedures and two Finance Ministers. The overall audit trail has caused considerable delay. Consolidation is the way to proceed. We anticipate that consolidation will be defined by the next language sectoral meeting. Thereafter, there should be a consolidated process, which will make accounting much quicker and easier. It will certainly benefit both organisations in question.

Mr McMullan: Are the Ulster-Scots Agency's staffing arrangements appropriate to its needs?

Ms Ní Chuilín: Sorry. Can the Member repeat the question?

Mr Speaker: I ask the Member to repeat his question.

Mr McMullan: Sorry. Are the Ulster-Scots Agency's staffing arrangements appropriate to its needs?

Ms Ní Chuilín: In short, the answer is yes. A review of the agency's staffing structure was carried out in 2009 and, again, in September 2010. The review identified the most appropriate senior structure for the agency, including job descriptions. Indeed, descriptions for senior roles, with the associated level of grading, have been achieved. They will include specifications of the staff knowledge and skill sets that are required for each role.

Mr Swann: I thank the Minister for her statement. She mentioned the provision of joint information stands at events such as the national ploughing championships and the Stormont family fun day. Can she give details of other events at which those stands might be present and how costs will be borne out and apportioned between the two bodies?

Ms Ní Chuilín: Quite a list of events has taken place as well as those proposed, and I am happy to furnish the Member with the details, including the costs. I do not have details of the costs here. There is a list that is too long to read out, but I am happy to furnish the Member with all the details as requested. The joint approach by both agencies to get information out about their work is to be welcomed, and further activities of that nature can certainly be achieved with more joined-up working.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas atá sí i ndiaidh a dhéanamh. Ba mhaith liom a fhiafraí den Aire ar phléigh sí an tionscnamh "Líofa" ag an chruinniú chomhaireachta agus ar smaoinigh sí ar an tionscnamh a chur ar fáil ar bhonn uile-oileánda faoi Fhoras na Gaeilge, ó is eagraíocht í a bhfuil a Roinn féin ina hurra uirthi.

Did the Minister discuss the Líofa project at the North/South Ministerial Council? Has she considered delivering it on an all-island basis through Foras na Gaeilge, which is an organisation that her Department sponsors?

Ms Ní Chuilín: I thank the Member for his question. As he can see from the statement, Líofa is not mentioned. If Líofa had been discussed at the meeting, it would have been mentioned in the statement. I am happy to discuss Líofa in further detail with the Member at the Committee for Culture, Arts and Leisure on Thursday. In short, Líofa is just being taken forward by my Department. Foras na Gaeilge is assisting with that. We just need to see what

way the programme develops and what the uptake is before deciding on where to go with it and what to do with it in future.

Mr Lunn: From a quick count in the statement, there are about 450 separate events, which is terrific and is great activity by both organisations. Does the Minister have any figures for what all this costs? What is the level of funding to each organisation, and are there any plans to make them more self-sustaining?

Ms Ní Chuilín: I thank the Member for his question. I will furnish all Members with the list of activities that happened and the associated costs.

Needless to say, both organisations have funded the programmes from their budgets. The sustaining of such activities, particularly when they promote good and better relations throughout the island, is to be welcomed, and others, should they be from the private sector or other agencies, could lend themselves to such work and take some of the cost burden. I do not have all the definitive details at hand, but I am happy to furnish the Member and others with them.

Mr Irwin: Will the Minister provide more detail on the recommendations of the review of the Ulster-Scots Agency's financial assistance scheme?

Ms Ní Chuilín: To be honest, I do not have all the detail at hand. However, the Member is probably aware that there were three categories that the review concentrated on, namely, agency level, cross-cutting group level and specific group level. Some of the key recommendations relating to those categories are quite extensive, but, to give the Member a flavour of them, they include provision of strategic guidance to the groups through the development of a strategy for the sector and the agency ensuring that each of the groups delivers to an appropriate action plan.

The recommendations are with the Finance Minister for approval, but the agency was consulted throughout the review, so it will not be a case of imposing something on anyone.

Mr Ó hOisín: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas.

How will any recommendations from the review of Foras na Gaeilge impact on core-funded groups in the North?

10.45 am

Ms Ní Chuilín: I thank the Member for his question. The review of Foras na Gaeilge and core-funded bodies has generated a lot of interest, and there is a lot of concern. Officials from both sponsoring Departments have worked and will continue to work with Foras na Gaeilge to agree the detail of the review's proposals and a timescale for their implementation. The well-documented need for continued consultation in that sector was highlighted, and that work is being progressed. In that context and as mentioned in previous answers, the extensive nature of the review is the reason why we have proposed extending funding for Foras na Gaeilge and the language body until June 2012. That will help them to achieve the recommendations of the review and to work with the groups that are directly affected by that review. Go raibh maith agat.

Mr Hilditch: I thank the Minister for her statement. Given the many pressures that are on some of our other services, will the Minister indicate what, if any, good housekeeping measures were discussed at the meeting? Members heard of similar measures being taken in some of the other North/South bodies during yesterday's statements by other Ministers.

Ms Ní Chuilín: If the Member is referring to governance and efficiency, my response is that statements have been made by Mr Jimmy Deenihan TD about the pressures on the Irish Government's Budget. There has been much speculation on the back of those statements, but no decisions have yet been taken. Minister Deenihan and I have planned a series of meetings between sectoral meetings to look at efficiencies, governance, projects and better delivery, and those meetings are particularly important given the financial constraints that we all face. In addition, Minister Deenihan and I have agreed to work together and with both Finance Ministers to help to achieve those efficiencies.

Mr McGimpsey: I will follow on from the previous question. Bearing in mind the financial constraints that the health service, in particular, is facing and the difficulties that it is rapidly getting into, is it not appalling for the language body to have an accounting process in which the accounts for 2007 were laid only in June of this year and for which a consolidation process is now being proposed?

In her statement, the Minister outlined the introduction of:

“a new simplified consolidation process as soon as possible”.

Will she tell me on what date approximately that will be implemented? What does “as soon as possible” mean when trying to get some sort of financial discipline into that reporting?

Ms Ní Chuilín: I think that we could all agree that it is appalling that the Member for South Belfast is still playing politics with health. As to the consolidation of the accounts, the next meeting in language sectoral format is scheduled for 13 October, and I anticipate being able to confirm a specific date soon after that. Consolidation is about making the process easier and ensuring that people across the island can understand the workings of both bodies, how their accounts are compiled and what the money is spent on. Given the Member’s background, I would have thought that he would welcome that, rather than pouring water on the fact that people are trying to be more accountable and transparent. Well done — you are consistent anyway.

Mrs McKeivitt: Will the Minister provide to Members the results of the equality impact screening exercise on the core-funded Irish language organisations?

Ms Ní Chuilín: I am happy to do that. As far as I am aware, the results of that equality impact assessment have been published. However, I will check and make sure that they have.

Mrs McKeivitt: They have not been published.

Ms Ní Chuilín: OK. I will make sure that they are.

Mrs Hale: I thank the Minister for her statement. Is she able to elaborate on the extension of the community workers scheme, which continues to impact positively on Ulster-Scots activities by improving capacity in community groups?

Ms Ní Chuilín: There is quite a lot of detail on that in the statement, and quite a lot of work has been done by the Ulster-Scots Agency in that area. I am on record as having said that it is to be welcomed that that body changed the direction of its funding and took money from marketing, for example, and put it into the community. There is plenty of detail about the schemes. There are over 300 such schemes, including after-school programmes. If she wants

to know anything specific, I will forward the information to the Member and all Members. However, separate to what I have outlined in the statement, I could be reading this out for the next 10 minutes.

Mr Allister: Considering that the Minister did not even know that the core funding review had not been equality impact assessed, which is quite appalling for a Minister, I do not have much confidence in seeking any information from her. However, I will take the focus back to the appalling failure of financial management in relation to the Irish language bodies, which took from 2007 to 2011 to produce accounts. The Minister may not be appalled by that, but I suspect that the taxpayers who fund these quangos will most certainly be appalled. Does she not recognise that that is exactly the sort of issue that drains confidence from any public body and causes one to question why we are pouring money into these useless, non-productive quangos?

Mr Speaker: I ask the Member to come to his question, please.

Ms Ní Chuilín: I detected a statement rather than a question. If the Member wants to write to me, I am happy to answer his question. He actually writes to me quite a lot every day. Jim and I have become firm friends. If he asks a specific question, I will be happy to answer him.

Mr Allister: On a point of order, Mr Speaker. Is it in order for a Minister to mislead the House by suggesting that I wrote to her the other day —

Mr Speaker: Order.

Mr Allister: — when I write consistently to the permanent secretary?

Mr Speaker: Order. I ask the Member to take his seat.

Mr Storey: Salving your conscience.

Mr Speaker: Let me say to the Member — *[Interruption.]* Order. The Member should take his seat.

Mr Allister: You should be the last man to talk about conscience. *[Interruption.]*

Mr Speaker: Order. Let me say this to the Member: using that type of language is very unparliamentary. I warn the Member about accusing any Minister of misleading the House. I warn the Member. The Member should remain

in his seat. Let us move on to the next item of business.

Mr Allister: On a point of order —

Mr Speaker: Order. I am moving on.

North/South Ministerial Council: Inland Waterways

Mr Speaker: I have been informed by the Minister of Culture, Arts and Leisure that she wishes to make a second statement to the House.

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a Cheann Comhairle. Mr Speaker, with your permission, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding a meeting of the North/South Ministerial Council in inland waterways sectoral format. The meeting was held in Armagh on 7 July 2011.

The Executive were represented by me as Minister of Culture, Arts and Leisure and junior Minister Jonathan Bell from the Office of the First and deputy First Minister. The Irish Government were represented by Jimmy Deenihan TD, Minister for Arts, Heritage and the Gaeltacht. The statement has been agreed with junior Minister Bell, and I make it on behalf of us both.

The Council received a presentation and progress report from the chief executive of Waterways Ireland on its work, including the following significant achievements: the provision of 484 metres of additional moorings, of which 84 metres have been provided at Castle Hume in County Fermanagh; the sponsorship programme that is under way, with over 70 events being sponsored across all navigations; the provision of new publications to promote and support the use of the waterways; the completion of a number of product development studies involving relevant tourism authorities and local authorities with the aims of defining the future needs and future investment in the waterways from a navigational, recreational and tourism perspective; progress on the EU INTERREG IVC Waterways Forward project with 17 partners from 13 countries, which will include Waterways Ireland hosting a meeting of all parties from 13 to 16 September 2011; and the Lakelands and Inland Waterways initiative and a marketing campaign for the Erne-Shannon system, which continued in this period.

The Council discussed progress on the development of the Waterways Ireland corporate plan 2011-2013 and business plan and budget 2011.

The Council received a progress report on the restoration work for the Clones to Upper Lough

Erne section of the Ulster canal. Ministers noted that a preferred route had been identified and a preliminary design is now well developed. It was noted that planning would be applied for in both jurisdictions in summer 2011. Work on the strategic environmental assessment and plan has been completed and published, and work on the environmental impact assessment is ongoing. Waterways Ireland has held meetings with all relevant public authorities to advise them on the project.

The Council noted the Waterways Ireland annual report and draft accounts for 2010. The annual report and accounts will be laid before the Assembly and both Houses of the Oireachtas following the accounts' certification. The Council consented to a number of property disposals, all in the South of Ireland, and agreed to meet again in inland waterways sectoral format in October/November 2011.

Miss M McIlveen (Chairperson of the Committee for Culture, Arts and Leisure): What assurance can the Minister give following the July NSMC meeting that the full costs of the works from Clones to Upper Lough Erne can be met and are on course for completion, given press speculation that this project may be the casualty of budget cuts by the Irish Republic's Government?

Ms Ní Chuilín: I mentioned this in my previous statement. The Member is right: there has been quite a lot of speculation in the press about concerns around constraints on the Irish Government's ability to meet the full costs of the restoration of the Ulster canal, particularly from Minister Jimmy Deenihan TD. As I have said, I intend to meet Minister Deenihan to discuss this matter in full. It is vital. Members and the public across the island, particularly people from around Clones and Fermanagh, have raised concerns with me that this will not be achieved.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. Will the Minister explain how the interests of landowners affected by any major construction works will be protected?

Ms Ní Chuilín: There has been quite a lot of interest from concerned landowners, particularly in the South. However, a huge programme of consultation will be completed before any compulsory purchase order comes through. Work will be done with landowners well before anyone's property is bought. This process has been ongoing for some time, and speculation

in some of the local newspapers has not made things any easier. However, unless anyone tells me differently, I am led to believe that landowners have been consulted on the process and that they are being worked with on a regular basis.

Mr Swann: I acknowledge the Minister's statement. She mentioned property disposals made in the Republic of Ireland. Can she outline whether any property disposals are expected in Northern Ireland?

Ms Ní Chuilín: I have not been informed of any property disposals here, but I am expecting to be updated on that at the end of the week. I am meeting Mr Deenihan on a different issue concerning European funding, but I intend to raise the matter of the Ulster canal. Some of the questions raised today have not been covered by the information that I have received from my officials. Those will be raised and forwarded to Members where appropriate.

Mrs McKeivitt: Can the Minister explain why the Newry canal is not included in the remit of Waterways Ireland's corporate plan for 2011-13?

Ms Ní Chuilín: I am sorry; I did not catch that.

Mr Speaker: Can you repeat the question, please?

Mrs McKeivitt: Certainly. Can the Minister explain why the Newry canal is not included in the remit of Waterways Ireland's corporate plan for 2011-13?

Ms Ní Chuilín: The issue of the Newry canal has been raised locally. Work has been done on footbridges and environmental works, but I am not aware that there are any plans for a full restoration to a working canal. No such plans have been earmarked to be brought through in this mandate.

Mr Lunn: Mrs McKeivitt has stolen my thunder, so I will ask about the Lagan navigation. Are there any plans to restore that vital piece of infrastructure?

11.00 am

Ms Ní Chuilín: I visited the towpath recently and saw the Lock Keeper's Inn, the environmental work and the footpath, and I am aware of the different councils' involvement in that. Again, it is all down to money. I can appreciate the importance of full restoration, but it is really all down to budgetary constraints. Until there is a change in circumstances, I do not anticipate any further restoration.

Mr Irwin: With reference to the product development studies, the Committee was informed in June that studies have taken place on the Shannon/Erne waterway and the Erne, Foyle and Dublin city canals, and that studies in Northern Ireland are planned for 2011-12. Can the Minister confirm whether any of those studies have been completed in Northern Ireland? What assurances can she give that the studies will be implemented jointly with the relevant agencies and will involve the private sector?

Ms Ní Chuilín: I cannot confirm that. I will forward the information to the Member.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Given the folly of the neglect and dereliction that followed partition, particularly in respect of the Ulster canal, will you now give us an estimated cost of the restoration of said canal?

Ms Ní Chuilín: The full restoration cost is €35 million, which was committed by the Irish Government, with £40,000 per annum from us for the upkeep, based on full restoration. That is the full cost.

Mr Hilditch: Thank you for the statement. There were 13 countries involved in the EU INTERREG IVc project. Can the Minister indicate at this early stage any impact that the current economic situation has had on visitor numbers to the inland waterways and lakelands?

Ms Ní Chuilín: As I said earlier, we are meeting some of the 17 partners from some of the 13 countries this week in relation to the INTERREG programme. It is estimated that possibly around 70,000 to 80,000 people have attended different events as part of the waterways programme. In relation to the EU-funded programme, this week we hope to consolidate lessons learned, knowledge gained and what we would do differently. It is really good to listen to the experience of other countries — Holland has taken the lead on it — to learn how we can improve our waterways as an attractive option for tourism.

Mr McGimpsey: I thank the Minister for the statement. We are aware that a large number of people work for Waterways Ireland in Northern Ireland. Does the Minister have any information on any anticipated or possible job losses in Northern Ireland as a result of the financial constraints that all Departments are facing?

Ms Ní Chuilín: I have no information on anticipated job losses, despite the fact that there are financial constraints. Both bodies have already encouraged efficiencies, although there is a myth that they do not. I have no information that there will be any job losses, but I will check with my officials and, if there is any such information, I will let you know.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Will the Minister tell us what Waterways Ireland is doing to raise the profile of inland waterways as a key tourism product?

Ms Ní Chuilín: The marketing and promotion strategy includes not only Waterways Ireland but a market advisory group, which comprises the Northern Ireland Tourist Board, Fáilte Ireland and representatives from local government. Arising from a review in 2004, the marketing strategy was formulated for 2011-16 to take on experience gained since the last review, to talk to partners from other countries who are involved in tourism around waterways and to build on the success that they have achieved.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leis an Aire as an ráiteas a rinne sí ar Uiscebhealaí Éireann. Tá ceist bheag agam di. Will the Minister undertake to amend the legislation that governs Waterways Ireland to include the Newry canal in its remit?

Ms Ní Chuilín: I cannot give the Member a commitment to do that.

Mr Dallat: On a positive note, I congratulate Waterways Ireland on the excellent work that it has done to promote the lower Bann. Given the shortage of cash in the coffers of the two Governments, what discussions have there been about attracting investment from the private sector? Does the Minister agree that the potential for job creation in the lower Bann, for example, is immense if only we had the encouragement of and investment from the private sector to put money into much safer places than it did in the past, when it put money into property development?

Ms Ní Chuilín: I am not going to comment on property development, but I see the merit in trying to attract private investment. Private sector development on Lough Erne is already quite healthy, as evidenced by the boats and water tourism there. Securing additional EU money or private money for promoting tourism,

particularly for waterways, is something that I aim to make a priority. I see the value of it, particularly for the communities that live and work around the waterways, more often than not in rural areas. It would be a real boost to the rural economy if waterways were further developed.

Access to Justice Review

Mr Ford (The Minister of Justice): With your permission, Mr Speaker, I wish to make a statement on the Access to Justice review. Members will have heard me speak previously, in this Chamber and elsewhere, of the opportunities that the devolution of justice provided us with, including the opportunity to reshape our justice system to fit the needs of Northern Ireland. Members will also recall that, with that in mind, in September 2010 I commissioned a fundamental review to develop our thinking on how best to ensure access to justice in our society. Today, I am pleased to publish the report of the review and to begin a period of public consultation on its findings and recommendations.

Fair and effective access to justice is an essential element of getting justice right; it is critical to building confidence and is an important part of our vision for a future justice system. Our present system is built on providing financial assistance to those who could not otherwise find the money to pay for legal representation. However, I wanted a review that would examine other approaches and better ways of using the funds available. I thank Jim Daniell and his team for their very detailed work over many months to produce the report. I also thank those who offered comments or who otherwise contributed to it.

The report is a comprehensive analysis, containing 159 conclusions and recommendations. I encourage Members to read it carefully. Since I became Minister of Justice, legal aid has been one of the areas prompting members of the public to write to me. I know that many Members have also received correspondence about situations where the system appears not to work well. In my replies I have said that I expect the report to provide ideas for solving some of those problems, and I believe that it does. Public consultation on the report will last three months. Many people and organisations made representations to the review team as its work progressed, and I thank all those who offered ideas or who shared their experience of the system. It is important that all who wish to comment be given the opportunity to tell us what they think needs to be changed.

Having considered those comments, I will make a formal response in the new year. However, I reassure Members that the period of public

consultation will not hold up the delivery of changes that we are already making and which have been endorsed by the report. In the Justice Act (Northern Ireland) 2011 the Assembly legislated for new powers that will allow the recovery of legal aid costs from convicted defendants who can pay. That development has been endorsed by the report, and I will shortly be publishing proposals for commencing those powers.

The report suggests that responsibility for financial assessment for such a means test should fall to the Legal Services Commission (LSC). It also proposes that the Legal Services Commission should take on the responsibility for decisions to certify for the use of counsel in Magistrate's Courts. That responsibility currently rests with the judiciary, and I will want to consider carefully the views of the Lord Chief Justice and the Attorney General about the proposed change.

There are other areas where the findings of the report coincide with work already under way. The report highlights the importance of continuing to scrutinise legal aid expenditure, noting that, over the past financial year, spending on legal aid in Magistrate's Courts rose by around 38%. That was partly because of an increase in the volume of cases, but higher average costs also appear to have played a large part. A review of legal aid fees paid for cases in the Magistrate's Courts began last month, and that exercise will consider the issues identified in the report.

Running alongside the review of Magistrate's Courts fees will be a review of the fees paid for legal advice given to those under arrest and held in police stations. That is particularly important for people being investigated for criminal offences, and it has been endorsed as a requirement by European human rights case law. Good early advice is essential to ensure that a defendant's rights are protected. The report recommends improvements to current arrangements, particularly the establishment of a more formal duty solicitor scheme across Northern Ireland. There are useful models for that in other jurisdictions, and, picking up on those recommendations, the review that has just begun will look at how our system could be improved.

The report notes the public concern that has been expressed about what appear to be disproportionate costs to the legal aid fund

and to the justice system as a whole when defendants elect for trial by jury at the Crown Court in cases of alleged dishonesty involving goods or cash of relatively low value. In the past year, there were a small number of high profile cases. Although the report concludes that the right to elect for trial by jury should remain, it makes helpful proposals on how costs could be contained.

The report considers diversionary measures and alternatives to prosecution for less serious first- and second-time offenders, including fixed penalty notices, prosecutorial fines and conditional cautions. In recent years, some progress has been made in Northern Ireland, especially in the field of restorative justice, but the report suggests that a more ambitious approach could yield positive results. It suggests that Northern Ireland, with a centralised prosecution service and the PSNI covering the whole of the jurisdiction, is particularly well suited to such an approach. The report commends, in particular, the approach taken in Scotland, and we will want to look carefully at that.

The report looks at the possibility of introducing one standard fee to apply whether there is a guilty plea or the case goes to trial — as is the case in Scotland — as a measure to avoid unnecessarily prolonging some cases. It suggests that further research is needed, and I have asked officials to take the matter forward as part of the work already under way through the Speeding up Justice programme.

Members will know that, in recent months, in response to the withdrawal by many solicitors from Crown Court cases, I had to consider the emergency introduction of a public defender service to ensure that unrepresented defendants would have access to the legal advice and assistance to which they are entitled under the European Convention on Human Rights and the Human Rights Act 1998. I am pleased to confirm that such withdrawal action has now ended and that the contingency plans that were being developed have not been necessary.

The report notes, however, that public defender arrangements are in place in Scotland and in England and Wales. Although the report emphasises the benefits of the independent private sector legal professions, particularly their clear independence from the state, it states that it is right to undertake contingency

planning to fill gaps in supply. Emergency measures are not required immediately, but, in response to the report, I would welcome comments on whether such a service should be introduced here.

The report rightly records that the interests of victims and witnesses are central to the justice system, and it notes the work that has been done and continues to be developed by the Department of Justice, the Criminal Justice Board and a range of public and voluntary sector agencies. That work remains a high priority for my Department, and, in the coming months, it is something on which we will work closely with the Justice Committee.

In looking at civil legal aid, the report considers how to give priority to the most vulnerable in society and how to encourage early dispute resolution. It finds that cases concerning family and children account for 70% of the current spend of civil legal aid, which is clearly a problem that needs to be addressed. Unlike the current proposal in England and Wales, which would remove private family law cases from the scope of civil legal aid, the review team recommends that legal aid should continue to be available for those who are financially eligible in such cases, but that the system should discourage the use of the court to prolong or reopen disputes. The report notes that many cases do not necessarily need to be resolved in a court hearing, and it recommends the use of mediation, collaborative interventions or other alternatives to court proceedings. It makes a number of detailed proposals on legal aid costs in family cases. For example, as legal aid for undefended divorce cases that are heard in chambers requires a minimum of legal work, it does not warrant the presence of counsel. The report proposes that legal aid funding in such cases should be limited to an appropriate standard fee.

11.15 am

The report also identifies public law children's cases as an area in which costs could be reduced without risking harm to the quality of the outcome. The number of parties that receive publicly funded representation, the level of representation, the type of legal representation that is appropriate to the court tier and the use of expert witnesses are identified as other areas in which savings might be made. In that area, the report's findings go much wider than

legal aid, and it recommends that there be a fundamental review of family justice in Northern Ireland. That is a key issue, and I would very much welcome views on the proposal.

I support the finding that many cases do not necessarily need to be resolved in a court hearing and the recommendation for the use of mediation and other alternatives. My views on that underpinned my decision to commission the review. Some of those are already being used in Northern Ireland, but the report recommends that they be developed further. For example, neighbour disputes and antisocial behaviour may be suitable for community-based alternative dispute resolution rather than applications before the court for injunctions or prosecutions.

One significant area that was examined was money damages cases. The report recommends that conditional fee arrangements — that is, no win no fee — should be introduced in Northern Ireland, with safeguards to prevent an escalation in costs with, perhaps, an insurance-based solution that enables plaintiffs to insure against the legal cost of losing.

The cost of civil legal aid, the importance of ensuring that limited resources are properly targeted and the need to ensure value for money are also recurring themes. We have already made significant changes that will reduce the cost of criminal legal aid, and the report recommends significant changes to legal aid fees in civil cases. It proposes the introduction of a standard fee structure and harmonisation of the rules for financial eligibility, and it suggests that consideration be given to increasing the contributions from those who can afford it and the inclusion of housing equity in the calculation of capital limits. On value for money, it recommends the establishment of a statutory registration scheme for providers of legally aided services, together with proportionate and cost-effective systems for monitoring quality.

The report recognises that contracting and best-value tendering could play a part in enabling market pressures to secure efficiencies in service provision. That issue is also addressed in the recent Criminal Justice Inspection report on the use of legal services by the criminal justice system, which was published before the summer. The report also considers the establishment of alternative business models that enable solicitors, barristers and

other professionals to work together in one organisation, as already happens in England and Wales. We will want to look carefully at the experience from other jurisdictions in considering that.

Section 8, which is entitled ‘Living within Budget and the Options for Further Savings’, sets out some detailed proposals for savings. I will consider them very carefully. The report has also made proposals for how we manage access to justice, recommending that all legal aid policy, which is currently split between the Courts and Tribunals Service and the Legal Services Commission, should be brought together in the Department of Justice as part of the new access to justice directorate. However, it states — I completely agree with this principle — that individual decisions on the granting of legal aid should be taken independently of government or political influence. It concludes that the body that is charged with such decisions should remain at arm’s length from the Department. Again, I completely agree with that principle. Whatever changes we make to structures will be to improve efficiency, reduce unnecessary costs and allow us to bring forward necessary reforms as quickly as possible.

The report is very comprehensive, and, once again, I thank Jim Daniell and the small review team for the amount of work that they completed in just 12 months. It is impossible to do justice to it in a brief statement today, but it provides a broad and far-reaching agenda of work for us to take forward in the months and years ahead. Given its importance, I encourage Members and the wider public to read it and comment as part of the consultation.

Mr McCartney (The Deputy Chairperson of the Committee for Justice): Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas seo ar maidin. In the absence of the Chairperson, Paul Givan, I speak on behalf of the Committee. Mr Speaker, you have provided with me some latitude to ask my question, so thank you very much. *[Interruption.]*

Mr Speaker: Order.

Mr McCartney: Níor chuala mé sin. I thank the Minister for his statement, and, of behalf of the Committee, I welcome the publication of the final report, ‘Access to Justice Review’. The Committee looks forward to discussing the findings and conclusions of what is, as the Minister said, a very detailed report. We look

forward to seeing Jim Daniell and his team and, no doubt, the Minister, before the Committee. Given the breadth and scope of the report, does the Minister intend to prioritise the various areas and recommendations that it covers when considering the implementation programme? Will he seek views on what the priority areas should be? What will be the timeline for that consultation? It is important that the Minister say whether there are any recommendations that he feels that the Department can take forward in the absence of the consultation process being completed. That concludes my remarks on behalf of the Committee.

On behalf of my party, I welcome the report. We look forward to the Minister and to Jim Daniell’s review team coming before the Committee. Can the Minister assure the Assembly that the guiding principles will be fair and equitable access to justice?

Mr Ford: I thank Mr McCartney in his role as Deputy Chairperson of the Committee — I think that it is the first time that he has had the opportunity to speak first in that role — and as a member of his party. I welcome the fact that, in both capacities, he has seen virtues in the report. I have no doubt that, in both of those capacities, he will engage thoroughly with Jim Daniell and, no doubt, with my officials and me.

He asked about the prioritisation of recommendations. In my statement I made it clear that some aspects were already covered in the 2011 Act, on which we will be able to carry forward work at an early stage. In other respects, when I say that the report is now out for consultation for 12 weeks, it is because, naively, I put it out for consultation genuinely seeking the views of the public and of the Assembly, particularly the Justice Committee.

Given that there are so many recommendations and that it is such a complex report, there will need to be a significant degree of prioritisation. I will certainly welcome the views that come into that, because I am determined that we should make as much progress as fast as possible on the spirit of partnership that the Department and the Committee have adopted so far. On that basis, we will be taking those forward, and the key principle of fair and equal access to justice for all, which the Member highlighted when speaking for his party, is a key principle for us.

We looked at affordability, and the report has considered that. It has also been doing that

in a way that ensures that we get access to justice; however, that may not necessarily be the adversarial court system that we have been used to. Nonetheless, we will seek to ensure access to justice. For example, that is why we specifically recommend that some issues remain in the scope of assistance in Northern Ireland that have been removed from scope in England and Wales.

Mr S Anderson: I, too, thank the Minister for his statement, and I place on record my thanks to Jim Daniell and his team for a detailed and extensive report. The Minister referred to the report's recommendations on diversionary measures on the community-based alternative dispute resolution. Although I understand the need to avoid expensive court cases where possible, some people might have concerns about softer options. What are the Minister's views?

Mr Ford: I thank Mr Anderson for his welcome of the report. When looking at alternative dispute resolution, particularly around the civil area, we are not necessarily looking at something that might be categorised as either a hard or a soft option. We are looking at something that seeks conciliation and a better result for all parties involved than we frequently see from an adversarial court system. Take the different methods of working adopted by the Youth Justice Agency: I certainly do not accept the premise that some options around youth conferencing are in any way easy compared with some of the more traditional systems. Indeed, the concept of a young person having to take restorative action, perhaps by meeting and apologising to the victim and doing community service, may be significantly harder for them than seeing a parent pay a fine for them.

Mr B McCrea: I thank the Minister for his statement and, indeed, commend the authors for the detailed and comprehensive report that is before us. There is much to think about and discuss. Given the complexities of the issues in the report and the necessity to engage not just with the Committee and the Assembly but with members of the public beyond the 12-week consultation process, will the Minister outline to us how he envisages we will deal with this in meaningful, bite-sized pieces?

Mr Ford: I thank Mr McCrea for his positive words. I outlined that to some extent in response to the Committee Deputy Chair. First, there is a consultation process, and that will enable

individuals and, in particular, the Committee, of which Mr McCrea is a member, to highlight priorities for action. The Department will, to some extent, have to reflect the importance of addressing particular issues. Some issues will be easier to address, and some will require primary legislation, which will take a bit longer. However, we will ensure that we take the widest possible view. Then, as each individual aspect of the review is implemented, there will be further opportunities for consultation and for public comment.

So, I do not see the 12-week process as the be-all and end-all. It will be the start as we seek to see how we will implement the review, and it will not be done in this Assembly session. It will take a considerable amount of time to carry through all the recommendations, but I believe that we have an extremely valuable opportunity to provide a justice system that works better for all our community. However, I will certainly be keen to hear everyone's word on the best ways to do that and on which points to implement first.

Mr A Maginness: I declare an interest as a member of the Bar. The report is comprehensive, and it would be wrong to be premature in making any assessment of it. Is the Minister prepared to protect access to justice, make it into a paramount principle and not sacrifice the quality of justice and legal services simply because of cost?

Might I ask one further question, Mr Speaker, about a specific aspect of the report? The report says that the Legal Services Commission should take on responsibility for decisions to certify for the use of counsel in the Magistrate's Court. That responsibility currently rests with the judiciary. Is there not an implication in that for the independence of the judiciary? If one is to remove that function from the Magistrate's Court and from district judges, will that not affect the independence of the judiciary?

Mr Ford: I am grateful to Mr Maginness for his work, and I notice that he at least, unlike some others, admits that he is asking more than one question. The specific point about the LSC certifying for counsel is an issue that will require considerable consultation with, among others, the judiciary. I am not sure that I share his concerns about the independence of the judiciary if that power is transferred from the judiciary to the LSC. However, I suspect that

there will be a variety of views on that issue, not least from his professional colleagues.

His other question was about protecting access to justice. I referred to those relatively minor cases where people have elected for trial by jury, and the report recommends that that be preserved despite the public concern that has been expressed. The idea that we seek measures to ensure that there is no abuse to finances while preserving the opportunity for a full trial before a jury is an indication that the report is about preserving access to justice, and I am determined to ensure that we maintain that. We will not go down some of the routes that England and Wales have adopted, which have been thoroughly negative in that respect.

11.30 am

Mr Dickson: I thank the Minister for coming to us this morning, and congratulations to Mr Daniell on the report prepared for us. I also congratulate the Minister on the innovative steps that he has already taken on access to justice, particularly in settling legal aid matters, over the summer. The alternative dispute resolution proposals are highly innovative and welcome, but will the Minister pilot some of those, as appropriate, so that people can see them working and to prove to the sceptics that ADR is a real and viable alternative in the areas that he outlined?

Mr Ford: That is clearly five in a row, but at least we have a welcome for the report, and I should be grateful for that.

The piloting of ADR mechanisms is the sort of issue about which I hope that the Committee will give me its views. There are significant opportunities for piloting alternative methods. For example, the current president of the Law Society sees particular benefits in mediation as part of his field of professional expertise. From my background as a social worker, I see significant need to move away from the direction in which family law cases have gone in recent years, which is to become excessively adversarial rather than have the opportunity to promote mediation. Whether we can run pilots in geographical patches or simply look at discrete areas of work and see how we apply them is the sort of issue that we need to follow through on in the consultation, but it is one on which I will be keen to hear views.

Clearly, there is an issue around family cases and some around minor monetary cases, where these things can perhaps be piloted in one area of work. It would be worth looking at that to see that we get the best possible opportunities for people to resolve such difficulties in a way that is more satisfying to both parties.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. I also thank the Minister for his statement. There is a lack of legal advice and legal representation in cases involving children and young people in issues outside family law. Children's risks go beyond public law and family law justice. Legal representation is absent at education or mental health tribunals that children and young people go to. How will the Minister address that deficit?

Mr Ford: I thank the Member for her welcome. I am not an expert on the operation of education tribunals. I understood that legal representation was available in mental health tribunals, but I will check that point and get back to her.

Mrs Overend: I thank the Minister for his statement. The review states that the right to elect for trial by jury "should remain as now". However, it suggests:

"ways of keeping the incidence and costs of these cases within bounds."

Does the Minister agree that this is a fundamental tenet of democracy and that he should be careful about tampering with it?

Mr Ford: I agree with the Member that the concept of trial by jury has been recognised by the report as a fundamental tenet, and if that is a tenet of our justice system, I have no intention of interfering with it. I will be interested to see whether others have comments to make during the next three months.

Mr Eastwood: I, too, welcome the report. Does the Minister agree that the welfare of children is paramount in our society — I am sure that he does — and that the burden of costs should not be prohibitive and a consideration in ensuring that children get access to justice?

Mr Ford: I agree entirely that the welfare of children is a very serious issue that at times has to be addressed by the justice system. However, when we look at alternative methods of dealing with family and children's cases, the issue for me is one not just of cost but

of what is the most satisfactory resolution to sometimes extremely difficult family problems.

From my professional background, I see little evidence that an adversarial court system is necessarily the best way in which to promote the long-term interests of a child who, for example, may have to get on with both parents in the future. That is why I believe that there are significant benefits from some of the ADR proposals in the report as an alternative to adversarial court systems. However, there will be occasions when it will clearly be necessary for people to resort to courts. Indeed, I know that, in certain circumstances at the moment, judges require people to seek a degree of mediation about things such as arrangements for children's welfare in divorce cases. It is a matter of ensuring that we find the best way of meeting the needs of children, rather than seeking any particular legal form of that.

Mr Lyttle: I welcome the commissioning of the report by the Minister and the substantive and comprehensive report that has been brought forward by its authors. Given that the report appears to consider a fixed means test for eligibility for civil legal aid, is there a concern that that might reduce, rather than increase, fair access to justice?

Mr Ford: I thank the Member for his question. There is a danger that if we apply a fixed means test that is too low there could be the issue of reducing access. If you look at the work that the Department has done over the past year in dealing with the means test issue for non-molestation orders, you will see that is not the way that we have been seeking to operate. We will seek to ensure that any means test is applied at a suitable level. However, it is also the case that, at times, people who could afford to fund their legal cases benefit from legal aid arrangements. We need to strike the right balance while ensuring that we get access to justice for the most needy in our society.

Mr Copeland: I also join in the congratulations that have been flowing towards the Minister. I particularly welcome the aspects of the report that deal with family law. As many of us know, it is an area that is sodden with tears and, on occasions, poisoned with venom. Will the Minister, in so far as he can, undertake to establish and identify those cases in which law is used as an impediment to justice and where, in the event of a breakdown, one partner

who has access to legal aid vigorously pursues the other partner who does not, almost to the point of bankruptcy? That matter has important relevance to these proceedings.

Mr Ford: I thank the Member. I think that he is possibly the first one to congratulate the Minister, as opposed to Jim Daniell and the team, so I will take that as a compliment; thank you very much.

However, he raises a serious point and one that I know he and other Members will have heard about, as I have, which is the issue of family disputes where one partner is entitled to legal aid and the other is not — perhaps somebody with fairly modest means, but who falls just outside the scope of legal aid — and the difficulties that arise with multiple court applications. Those issues need to be addressed as an abuse of process, and they do nothing for the welfare of an ex-partner or children. We need to cover those issues to ensure that we get the best possible resolution and that we deal with those multiple applications. There are references to it in the report, and I have no doubt that Mr Copeland and others will comment on it during the consultation period.

Mr Dallat: In these times of austerity, it is right and proper that we should discuss how we save money. I am sure that the Minister will agree that the court system still has all the trappings of bygone days when money was plentiful and men wore gowns and wigs. What plans does he have to dispense with those kinds of practices and bring the court system into the real world where the ordinary working-class people, who frequent it largely, can identify with it?

Mr Ford: Even by the standards of creativity that apply in the Chamber, that was a fairly good one. To the best of my knowledge, no part of the legal aid budget funds the purchase of gowns or wigs, save in so far as the recipients of fees through the legal aid system may choose to buy their own. Perhaps Mr Maginness, who is chortling to the side, could advise his colleague on his personal practice in such respects.

However, if Mr Dallat is making a valid point about the issue of access to justice and the courts being seen to be accessible and places where normal people do not feel intimidated by an atmosphere of wigs and gowns, then I agree with him. I welcome the fact that there have been moves in that direction in recent

years. However, it lies with the judiciary and the professional practices of solicitors and barristers to work through at various levels as to how they choose to present themselves in court, rather than being anything that the Minister should interfere in any more than I have done already.

Mr Allister: I declare an interest, of course, as a member of the Northern Ireland Bar. I regret that Mr Dallat would deny the follicularly challenged of us the option of having some head covering, but there it is.

There are so many things in the report, some of which one can empathise and agree with and others about which one would have very severe reservations. The report is entitled 'Access to Justice Review Northern Ireland', but my concern is that some proposals within it will, in fact, deliver the very opposite and diminish access to justice. On the specifics of civil legal aid, for example, the proposition that the equity that someone holds in their house should become a capital consideration — [Interruption.]

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

Mr Allister: I am sure that you heard the exhortations to that effect. That the capital —

Mr Speaker: Order. I insist that the Member come to his question. The Member will know that I have given a number of Members quite a bit of latitude this morning. Standing Orders are clear that there should be one question to a ministerial statement. However, because of the nature of this morning's statement, I have been prepared to give Members some latitude in coming to their question.

Mr Allister: Of course, you have allowed one Member two questions, and you have not yet allowed me one, yet it might be thought that I might know something about this subject.

With regard to civil legal aid, an imposition is placed on people who might be asset rich, in the sense that they have a house, but cash poor. How can taking into account the fact of house ownership and the value of that house ever help access to justice? Will that not, as one specific, diminish access to justice? Will going down the road of the American system of no win, no fee not increase damages, as lawyers walk away with 30% and 40% of the damages awarded, rather than save money?

Mr Ford: Despite the remarks about those follicularly challenged people entitled to wear wigs in court and the fact that I, as one appearing in the witness box, has never been able to do so, Mr Allister raises a significant point about the no win, no fee proposals, which the report recognises. There are significant issues within which checks and balances would be required, but no doubt he and others will wish to comment on that specific proposal as one way of looking forward. Similarly, specific issues, such as the sorts of amounts of capital that are taken into account and whether they include such things as equity in housing, will require detailed consideration. I do not think that it is something that we will resolve here this morning. It is an issue that needs to be followed through, because Mr Allister makes what some people will see as a valid point and others will see as a plea on behalf of those who have capital.

Mr Weir: I thank the Minister for his statement. The Minister mentioned alternative dispute resolution. In his statement, he referred specifically to community-based alternative dispute resolution and its use in family circumstances. Not all civil disputes outside of family disputes lend themselves to community-based solutions. What action will the Minister take to encourage the development of alternative dispute resolutions in other areas of civil law?

Mr Ford: I thank Mr Weir for that point. It is clear that a variety of issues come under the general term of alternative dispute resolution, some of which are community-based, as he highlighted, and others that, I suspect, may well provide openings for those with legal qualifications. Some of those who are involved in arbitration, for example, have specific legal backgrounds that would be of benefit in that regard. We are looking at a range of issues. Family matters are dear to my heart because of my background. I also think that a number of minor business disputes, for example, might fit into some form of slightly more formal but still alternative process. One of the key issues is to ensure that we find alternative methods that do not necessarily shut off the option of going to court, if necessary, as a last resort. They should, however, incentivise the reaching of an agreement, rather than incentivising the maximum level of disagreement, as sometimes happens in an adversarial system.

Mr Wells: Could the Minister survive on £680,000 a year? A barrister who appeared before the

Justice Committee complained that he would have to survive on that as a result of the Minister's savage cuts. My heart bleeds for him. There is a lot of concern about the fact that legal aid expenditure has increased by 38% in a single financial year, as the Daniell report indicates. Surely we need to put a cap on the amount that any individual senior counsel can earn. Let us put it at, say, £300,000 — they could survive on that.

Secondly, is it not time for the Minister to state what each senior counsel is given and how much money they have got from legal aid over the past five years?

11.45 am

Mr Ford: I am not sure how many questions were in that one, Mr Speaker.

I should make it clear to Mr Wells that the specific reference to a 38% increase in costs was specifically in relation to legal aid in the Magistrate's Courts in the past financial year. As a member of the Committee, Mr Wells will know that he has played his part in reducing Crown Court costs in the past while.

I am not sure whether there are any means by which the Department of Justice could cap the total amount paid to barristers in any one year, even if it should do so. I suspect that the issue has to be to ensure that there is value for money in the time spent by lawyers who are paid from the public purse for the work that they seek to do.

I shall ignore his first question about what salary I could live on, but I think the Member knows that Ministers are paid somewhat less than the figure he quoted.

There are serious issues here. We need to recognise that for many solicitors and barristers, particularly solicitors, in current circumstances and in areas of work such as conveyancing, there are relatively low earnings compared to a few years ago. Not all barristers and solicitors are earning £600,000 a year, or whatever it is. The only issue that I am concerned about is that those paid from the public purse provide value for money and that we find the best way of getting justice for the citizen rather than the best way of putting money into the pockets of lawyers, expert witnesses or anybody else. The issue has to be access to justice for the citizens of Northern Ireland.

On-street Parking Charges

Mr Kennedy (The Minister for Regional Development): Mr Speaker, with your permission, I wish to make a statement on the outcome of my review of my Department's proposal to introduce on-street parking charges to towns and cities across Northern Ireland.

As Members will be aware, the proposal to roll out on-street charging to approximately 30 towns and cities across Northern Ireland was included in my Department's budget 2011-15 as part of the revenue-raising proposal by the previous Minister. The issue generated widespread debate in all parties in the lead-up to the Assembly election in May, and my party had a manifesto commitment to review the proposal. On taking up office as Minister for Regional Development, I identified this as a major issue in my Department and immediately instigated an urgent review of the proposal.

As part of my review, I have consulted widely with local public representatives, town centre traders, local chambers of commerce and the Northern Ireland Independent Retail Trade Association (NIIRTA). I want to pay particular tribute to the association and its chief executive, Mr Glyn Roberts, for providing a major contribution to the review.

I visited Comber, Cookstown, Dungannon, Enniskillen, Magherafelt and Portadown, to name but a few, to hear what local people had to say on the matter. I also received representations from traders in Carrickfergus, Kilkeel, Downpatrick, Newtownards, Bangor, Larne and Armagh. The overwhelming view across Northern Ireland was that the proposal would have a detrimental impact on towns and, more importantly, the local economy.

Having listened to viewpoints across Northern Ireland, and after careful consideration, I have decided that I will not introduce new on-street car parking charges in the proposed 30 towns and cities. I have heard a united voice in opposition to the proposals and believe that not introducing the charges is the right decision in the current economic climate.

I recognise that on-street charging can provide vital traffic management improvements in certain circumstances. Indeed, on-street charging has been operating in Belfast since 1987 and in Lisburn and Newry since 2008. I am, of course, familiar with the scheme in Newry, which has

brought significant improvement to traffic flows and access to retail and tourist attractions in the city. I am always open to requests to introduce on-street charging from traders and local councils in any town or city where they anticipate traffic management or commercial benefits. A lot of work has taken place in Londonderry, and that might be a location where traders want to discuss further the introduction of on-street charging and the benefits that it can bring to city centre business.

As I highlighted earlier, this proposal is included in my Department's budget. I therefore have to find approximately £8.8 million from other areas over the Budget period to make up the projected revenue lost from on-street parking. Given the pressures in all areas of my budget, it is a difficult task. However, I am determined to minimise, as far as possible, the impact on front line services in my Department. I therefore propose to offset the £8.8 million shortfall with the following savings: £2 million from greater efficiency in my Department; a £2 million reduction in Roads Service's operational expenditure; £2.1 million income from off-street parking charges in provincial towns and on-street charges in some cities, which is a change and a correction to the statement that Members have before them, and I apologise for that, but for the sums to add up I needed to make that amendment and I stand humbly before the House; and a £2.7 million reduction in the subsidy paid to Translink, which I do not expect to lead directly to any increase in fares.

Let me explain each of those areas in more detail. It is important when we make changes to give a full explanation; I am not a Minister who makes an announcement and then people cannot understand how it is paid for. My 2011-15 budget also includes proposals to carry out a series of reviews of off-street car park charges and existing on-street parking charges. In the majority of cases, those tariffs have remained unchanged for 12 years and have fallen well behind rates charged in private car parks. Let me reassure Members that there is no profit in car-parking charges. The money received from parking charges and penalty charges on drivers who park illegally goes towards the costs of providing parking services, which include: the cost of traffic attendants; the management and maintenance of all car parks; the collection and banking of cash; the provision of lines and signs; departmental staff costs; and capital depreciation of car parks. In 2010-11, it cost

£22 million to run those services, whereas income from parking charges and penalties was in the region of £15 million. That means that it costs my Department approximately £7 million a year to operate parking services. Going forward, I want to work towards my Department's parking services becoming self-funding.

Some months ago, Translink was notified by my Department of the levels of revenue support that it can expect over the Budget period. As a result, it has been able to bring forward developed financial plans for the next few years which balance the need for it to operate profitably with the need to maintain an overall public transport network. For this year, Translink has, to date, been able to operate without increasing fares, but such an approach requires it to operate as cost-effectively as possible and it is necessary to sometimes review the frequency and use of services in those circumstances. In the present economic climate, avoiding fare increases for as long as possible is important and contrasts with the situation in other parts of the British Isles. Part of the thinking is that an approach that minimises fare increases stands the best chance of growing the numbers of fare-paying passengers who use public transport. Combined with measures to prioritise public transport, such as the Belfast on the Move initiative, I hope that Translink can generate more funding for itself, rather than overly rely on public subsidy or reimbursement.

Currently, Translink receives some £70 million in funding from my Department. That covers direct subsidy to the railways, reimbursement of concessionary fares and fuel duty rebate for bus services. That level of support is expected to be maintained next year before it drops materially in 2013-14 and 2014-15. Nevertheless, I believe that it is necessary to reduce the level of Translink subsidy by a further £1.3 million in 2013-14 and £1.4 million in 2014-15 because I expect that it can grow numbers of fare-paying passengers and resulting income in the interim.

I emphasise that I hope to protect the levels of subsidy being provided to rail users, given the plan to introduce new trains on to the network. I do not intend that that additional saving will impact on fare levels, and I will look closely at that area as I agree Translink's financial plan. I appreciate that some people may not be happy with a slight decrease in funding for public transport. However, given the tight budget that I inherited and the potential for Translink

to generate additional income, I believe that the change can be managed internally without impacting front line services.

Turning now to the efficiencies in the Department, the spending and savings proposals in its 2010 budget set out spending plans on the basis of a flat admin budget across the four years of the Budget period. The Department has initiated plans to live within that allocation by absorbing pay increases and other pressures within its admin budget. That involves using natural wastage efficiencies created by people leaving the organisation due to age retirement and other reasons. It also involves an ongoing programme of organisational reviews that will look at efficiencies in the use of staff and general administrative expenditure.

My revised plan identifies a further £1 million in efficiencies from the Department for Regional Development (DRD) staffing budget in years three and four of the Budget period, which are 2013-14 and 2014-15. Those new pressures will also be addressed through organisational efficiencies and natural wastage opportunities.

My Department will use established procedures for dealing with any staff surpluses that arise, including redeployment to other duties within either DRD or other Departments. I wish to make it clear that there are no plans for staff redundancies. My Department will consult fully with trade unions and staff as appropriate in taking forward proposals for the efficiencies that are required to live within budget.

Finally, Roads Service will make its £2 million reduction in operational expenditure through savings on repairing low-category carriageway defects that have not yet become hazardous and that will now have low impact on the public.

I believe that today's announcement about not rolling out new on-street parking charges demonstrates how a local Minister listens to the views of local people and delivers outcomes that reflect their needs. I also believe that it will help local businesses in what is a challenging time economically across Northern Ireland, and I am pleased that I have been able to deliver on a commitment that my party gave during the recent election campaign.

I hope that Members and traders across Northern Ireland will welcome the decision that I have taken today. I commend the statement to the House.

Mr Spratt (The Chairperson of the Committee for Regional Development): I thank the Minister for his statement and, indeed, for briefing me and the Deputy Chairperson yesterday. It is disappointing that we will see a 100% increase in off-street car parking fees over the next two or three years. Although there is an argument that Belfast should not be the only place to feel the pain, it is equally true that Belfast enjoys a greater public transport provision, unlike towns in rural areas where the inadequate transport structure necessitates bringing cars into towns. That will therefore adversely impact on rural dwellers. I also note from the Roads Service website that there are approximately 76 DRD car parks throughout Northern Ireland, with about 15,600 spaces, where no tariffs are charged at all. Perhaps spreading the load would have been better.

12.00 noon

Will the Minister assure the House that the increased charges, coupled with the reductions in rural bus services, will not be detrimental to our most vulnerable citizens, such as the elderly, those with a disability, young people, rural dwellers and, indeed, the unemployed? Will the Minister also advise whether any thought has been given to the disposal of excess land assets that are currently held by the Northern Ireland Transport Holding Company?

Mr Kennedy: I am grateful to the Chair of the Committee for Regional Development for his questions. I am sorry that he did not feel it possible to welcome the announcement that gives huge relief, I believe, to many traders in a great many towns in Northern Ireland. However, I understand his points of concern.

First, let me say that there will be no additional increases to tariffs in Belfast as a result of today's announcement. Even after tariffs are increased in line with the existing budget proposal, Belfast charges for either on-street or off-street parking will still be much lower than many private sector car parks. On average, all urban and rural areas will increase by a similar percentage. I understand the Member's points on the impact that any increase will have, particularly on those who are most vulnerable, and I know that Translink also has to bear that consideration in mind. I am in discussion and am reflecting with Translink and the Northern Ireland Transport Holding Company about the assets currently held by the holding company

and how we could move forward on an issue such as that.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. Indeed, a lot of traders in my constituency from Newcastle and Kilkeel would also welcome the statement.

Will the Minister give a commitment to work with local government and chambers of commerce, particularly in the towns that were considered for charging, to develop traffic management plans? I am thinking of Newcastle in particular, where there are seasonal pressures with the high number of tourists visiting the town. Obviously, parking is a problem at certain periods of the year.

Mr Speaker: The Member should come to his question.

Mr W Clarke: Will the Minister give that commitment?

Mr Kennedy: I genuinely thank the Member for congratulating me on the announcement, which overturns the earlier decision of his party colleague, the previous Minister. I really am beginning to feel loved and cherished, but with some way to go from other people.

I am happy to give an assurance that my Department and Roads Service will work with chambers of commerce and other local authority people to ensure that traffic management plans are sensible and well designed for towns and, indeed, cities across Northern Ireland.

Mr Nesbitt: Yesterday, I heard an Executive Minister announce the need to save £22 million from his departmental budget with no indication of how he intended to do it. Today, I hear another Executive Minister announce the need to find £8.8 million and explain in great detail how he intends to do it. Does the Minister have an opinion on which one is the better form of government?

Mr Kennedy: I am very grateful to the Member for his question. I can claim, with some modest success, that I have not only brought forward a change but have explained that change in some detail to the House in an open and transparent way. I much prefer to leave others to judge how that is reflected upon.

Mr Byrne: Again at the risk of love calling the Minister, I very much welcome the statement.

I think that it is a very good statement on the three issues relating to on-street car parking charges. It is a welcome boost, particularly for retailers in provincial towns who were concerned about the damage that on-street car parking charges would cause.

The Minister outlined some efficiencies, which I welcome, to fund the decision not to bring in the charges. Will he give serious consideration to a comprehensive review of how car park attendants operate in Northern Ireland? There is a serious concern that they are damaging business in many provincial towns. Let us review the actual cost of the traffic warden system in Northern Ireland.

Mr Kennedy: I am grateful to the Member for welcoming the proposals and changes that we have made. I know that there is concern in some quarters about the role of the system operators. However, we all have to realise that their job is an enormously difficult, challenging and unpopular one, almost akin to being a Minister or, indeed, a Member of the House. I am prepared to look at ways in which we can move forward. As outlined in my statement, collecting the money and managing the car parks and the attendant staffing issues cost my Department year by year. I hope that, at some stage, we can move to equalise the situation so that it does not cost the taxpayer ongoing sums of money. Traffic wardens and attendants do a difficult job and, largely, they do so professionally. However, I will look at the issue.

Mr Dickson: I welcome the statement, particularly because it appears to be a U-turn from where the Assembly was previously and because traders from Larne and Carrickfergus, which are in my constituency, were fearful about the effect that the charges would have on their trade during these difficult recessionary times.

I turn directly to the savings that you propose to make, Minister. I seek an absolute assurance that the reduction in Roads Service operational expenditure will not affect road safety in Northern Ireland, which is of vital importance.

Mr Kennedy: I am grateful to the Member for welcoming the announcement. Having had representations from people in many towns and, indeed, from public representatives and chambers of trade and commerce, I know the strength of feeling out there and the pressure that many of our small and indigenous retailers are feeling at this time. It is good that we can

lift some of that burden. This is not a panacea for all their ills, and I am not promoting it as such. It is, however, an important acceptance of the problems that small retailers face; in particular, their competition with multinationals that operate in shopping centres with free parking and other facilities. I think that it will help to level the playing field to an extent and hope that it is welcomed.

Safety on the roads and in all of the areas for which I have responsibility remains a key priority. Even in challenging economic times, safety will always be a key priority.

Mr I McCrea: I welcome the Minister's decision. I sat on the former Regional Development Committee, and when the original decision was announced, I opposed it. Therefore, I welcome the Minister's common sense decision to reverse the proposal to introduce on-street parking charges. In the statement, the Minister refers to a new figure of, I think, £2.1 million of income that he intends to find from off-street parking charges. As the Minister will be aware, in my constituency, there is currently free parking in Cookstown's town centre. Can he confirm whether that will continue or whether it forms part of his proposal to introduce charging in certain car parks?

Mr Kennedy: I am grateful to the Member for welcoming the broad thrust of the proposals. We will have to reflect on certain changes. Essentially, he is asking about new charges for car parks where it is currently free to park. I can confirm that the current proposal to increase existing tariffs includes the introduction of charging to 28 car parks where parking is free. Those charges will be introduced in the near future. My announcement of new on-street parking charges does not apply to those off-street car parks. The introduction of further charging in off-street car parks that are currently free will be considered routinely in my Department's annual tariff reviews.

I visited Cookstown to hear representations, not only from elected representatives but from the local business community. I will confirm for the Member as quickly as possible the up-to-date situation for Cookstown.

Mr Lyttle: I note the Minister and his party colleague's criticism of other Ministers' financial forecasting while waxing lyrical about the success of their own. However, I also note that the protection of the subsidy for rail users in the

next year is one that is based on "hope" and that the reduction to public transport funding for 2013-14 is based on "expectation". I am not sure where those foundations are set.

The Minister forecasted correctly objection to his cut in public transport funding. I seek his assurance that that reduction will in no way delay the introduction and operation of the recently and expensively purchased modern train fleet?

Mr Kennedy: I pay tribute to the Member for his valiant defence of his party colleague on the Executive. *[Laughter.]*

The cut will not impede the purchase of new trains at all. The new trains have been a real success — no pun intended. *[Laughter.]* What has been heartening about the upgrading of rail services throughout Northern Ireland has been the fact that it has led to greater train usage. That is a very good thing indeed. It is part of the argument and debate that we had yesterday on the Londonderry to Coleraine line. We want to bring about a positive outcome to all those issues.

Mr Allister: Mr Speaker, it may be a first, but I want to welcome the ministerial statement on the reprieve that has been granted to towns that are faced with the threat of on-street car parking charges, particularly Ballymena and Ballymoney. With regard to pain, the Minister referred to the fact that 28 car parks will now come into the charging regime. Can he, by writing or otherwise, identify any of those car parks that are located in my constituency, North Antrim?

Can he also explain why DRD car parks seem to run at such a loss whereas private car parks, where the charging regime is not that different, are very profitable operations? Does that not suggest inefficiency in the running of departmental car parks?

Mr Kennedy: I am flattered in the extreme that the Member has found it in his heart to welcome my ministerial statement. The entire House can share in my unrelenting joy in celebration of the enormity of the statement that the Member has made. *[Laughter.]*

I will provide the House and the Library with details of the 28 car parks that have been mentioned. The Member refers to the difference between private car parks and those that are operated by my Department. Realistically, anyone who parks in Belfast city centre to facilitate either

work or shopping sees a significant difference between some of the private car parks and the DRD ones.

12.15 pm

I have already said that this whole operation costs my Department £7 million, and we need to move to a situation where there is no cost to the Department. How do we do that? Is it simply about increasing charges — clearly not — or is it about getting greater efficiency from staff and resources?

Mr Storey: I welcome the Minister's statement. I want to press him further on the issue of the 28 car parks. Despite what his colleague from Strangford said about the detail, it is unfortunate that he had to inform the House that he will place in the Library the information that affects 28 car parks that are currently free. In my constituency, Townhead Street car park in Ballymoney is a vital facility for trade in the town. Will the Minister undertake to provide not only a list of the 28 car parks, but the rationale for choosing them?

Mr Kennedy: I am happy to respond to the Member directly on the issue that he has raised.

Mr Doherty: Go raibh maith agat, a Cheann Comhairle. I join my colleague Jim Allister in welcoming the Minister's statement — *[Interruption.]*

Mr Speaker: Order.

Mr Doherty: I also thank the Minister for the briefing that he gave me and the Chairperson of the Committee yesterday. On the savings that you are going to make, you say that there will be a £2 million reduction in Roads Service's operational expenditure. You talk about low category carriageway defects. Will you give some explanation about the criteria for determining such defects? Is there not a danger that those repairs will become more costly — I have a pun here — further down the road?

Mr Kennedy: I had not realised that my powers of mediation were so extensive. *[Laughter.]* I feel that I am drifting into territory currently owned by David Latimer. There may well be views on that.

Going back to the point raised by Mr Dickson about road safety and carriageway safety, there are relatively routine minor carriageway defects that can be improved on a more systematic

and ongoing basis instead of sending people out to do a particular patching job when it is not absolutely essential. All of these things are carefully assessed on the basis of safety, and that will continue to be the case.

Mr Beggs: I too welcome the Minister's statement and his decision to abandon the proposals of the previous Minister and those that were contained in the budget for on-street car parking charges.

Is the Minister content that the proposals will be supported by NIIRTA? Will he confirm that both the Larne traders and members of Carrickfergus Chamber of Commerce are agreed on the dangers of this form of charging, so that we will not be endangering our town centres, which are obviously in great competition with out-of-town shopping?

Mr Kennedy: I thank the Member for his encouraging remarks, which were completely unscripted. I assure him that NIRTA is completely behind and understands the detail of the announcement that I made today. I hope very much that it will be able to welcome the proposals and join the growing band of people who have done so. The towns that he mentioned, Larne and Carrickfergus, through their Chambers of Commerce, their traders and public representatives, have sent the consistent and unanimous message that on-street car parking charges are a burden too much. They are an unfair burden in a highly competitive area and in the current challenging economic circumstances. My announcement today will find a broad welcome throughout towns and cities all over Northern Ireland.

Mrs D Kelly: I thank the Minister for his statement; however, I recognise that some devil in the detail has yet to be declared about car parks. Minister, will you assure the House that there will be no further diminution of the timetabling and scheduling of Ulsterbus and the other services that are operated by Translink?

Mr Kennedy: I thank the Member for her positive comments. In the operational decisions that are taken by Translink, every effort is made to take account of local circumstances and other issues such as value for money, and it will continue to consider those issues. I have an obvious interest in that area and I will also want to be assured that it is doing so.

Lord Morrow: I am more concerned with what the Minister has not said today. What he did say seems all right, and it was well scripted by the civil servants who know how to draft these things. I am also concerned that, in one of his replies, he said that he would place the information that was requested in the Assembly Library. We are all looking forward to seeing that.

How does the Minister draw a comparison between two towns of a similar size such as Dungannon and Cookstown? People must pay for car parking in Dungannon, but if they travel 10 miles down the road they do not have to pay for it. Does he accept that that places the retail trade on an unequal footing and an unlevel playing field? Should there not be a level playing field when it comes to parking, with all towns either charging or not charging?

Mr Kennedy: I am grateful to the Member. With his characteristic directness, he did not quite rain on the parade, but he certainly brought forward his direct approach. However, it would have been too much to expect Lord Morrow to join in with the celebratory mood.

The point that he raised is actually a fair one. There are anomalies in the systems that have existed over a long period, and it will take considerable work to equalise those. I am happy to look at particular issues in particular areas, and I will readily do so. Although I have been in my post for a relatively short period of time, I accept that I have inherited a system in which anomalies exist around equity.

Mr Copeland: I also join in with the throng who welcomed the statement. Does the Minister recognise that one of the implications that flowed from this issue was the recent withdrawal of a number of bus services in east Belfast, which were, in effect, subsidised by retail and other business interests? In one particular case, the provision of the bus service was a condition of the planning permission, yet, after the planning permission was granted, the developer in question was declared bankrupt. When approaching these matters in the future, might it be an idea to insist that the developer should pay a bond to provide for the subvention of the bus service for an agreed period? That will mean that such arrangements actually bring forward the benefits in reality that they promise on paper.

Mr Kennedy: I am grateful to the Member. He raised a couple of issues. The first issue was a

general principle about how we approach such things and the second dealt with a more specific case. I am happy to receive further information or correspondence from him, and I will seek to address the points that he raised.

Mr 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 first item of business when we return will be Question Time.

The sitting was suspended at 12.26 pm.

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

2.00 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Microenergy

1. **Mr McCallister** asked the Minister of Enterprise, Trade and Investment to outline her plans to support microenergy generation. (AQO 279/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): Microgenerators of electricity are incentivised under the Northern Ireland renewables obligation (NIRO), which is the main mechanism for supporting renewable electricity generation in Northern Ireland. Approximately 90% of those receiving support are microgenerators. In 2010, I increased the incentive level for new microgenerators using wind, hydro and solar photovoltaic technologies. In addition, in July this year I launched a consultation on a £25 million renewable heat incentive, which recommends support for generators, including microgenerators, to install renewable heat technologies over the next four years.

Mr McCallister: Why did Northern Ireland not embrace the feed-in tariff and renewable heat incentive when the low-carbon buildings programme ended, as England, Scotland and Wales did?

Mrs Foster: I have indicated to the House on many occasions that we did not have the authority to embrace the feed-in tariff (FIT) because we did not have the legislative capability. It came about in England and Wales through a change that came at a late stage to the Bill that was going through the House of Lords. It, therefore, did not include Northern Ireland, and we could not bring it in to Northern Ireland at that time. I did, however, ask officials to look at whether the feed-in tariff would be better for Northern Ireland than what we have currently, namely the Northern Ireland renewables obligation.

The cost of the NIRO is spread right across the UK, so the FIT would, more likely than not, apply just to Northern Ireland. In other words, the cost would just be spread across consumers in Northern Ireland. That would mean that it would cost more to implement the FIT for consumers here in Northern Ireland. I did not think that that was a road that we would want to go down, given the context of where we are on energy. However, as the Member will probably know, electricity market reform is very much on the agenda of the Department of Energy and Climate Change (DECC). Officials are working with DECC to ensure that Northern Ireland gets the proper incentivisation model moving forward. So this is an area of flux, and we very much need to be in the middle of it with DECC to make sure that Northern Ireland's voice is heard.

Mr A Maginness: I am very interested in the Minister's answer to Mr McCallister. Is the Minister indicating that her preference for microgeneration would be to have a feed-in tariff sometime in the future? As the Minister probably knows, it has been very successful in other jurisdictions. Given the paper that DECC produced recently, it might be the way forward for Northern Ireland.

Mrs Foster: As the Chair of the Committee knows, we looked at the issue in the previous mandate when he and his Committee carried out its work on energy. As I indicated then, we did not have the legislative authority, but we did some work. We very much wanted to look at the FIT as a possibility. We were not going to close our minds to it, because it is happening in the rest of the United Kingdom and, indeed, in the Republic of Ireland. However, I am concerned that the costs associated with introducing and administering a FIT could increase the cost to electricity consumers.

I know that, in all the things that relate to energy, we have to balance competing goals and look at sustainability and competitiveness. We also have to look at the cost to consumers, which is always part of the mix when I look at these matters. However, matters have moved on since the debate that we had last year about having a FIT just for Northern Ireland. Electricity market reform indicates the end of the renewables obligation in the United Kingdom in 2017, and, therefore, we will probably have to look at a new mechanism. We are discussing what that new mechanism will be, and I am sure that the Committee will be very much involved in that.

Mr Dunne: Is the Minister aware of difficulties around connecting to the NIE grid system? What pressure can the Minister put on NIE and the Utility Regulator to make such connections more streamlined and cost-effective?

Mrs Foster: I thank the Member for his question. This issue comes up from time to time among people who are trying to manage wind generation and find they are having difficulties not just with that wind generation but with the new anaerobic digestion. People can have difficulties getting a price indication from NIE, and there can be a delay with the grid connection.

As the Member probably knows, NIE operates under a regulatory framework determined by the Utility Regulator as detailed in its licence from him. It is required under that licence to provide a connection offer to all generation connecting into the distribution system in line with its connection charging statement. I think part of the difficulty is that the price indication is given at the end of the planning process, so it does not happen concurrently but consecutively. That causes some delay. However, I understand that NIE has recognised that it needs to have adequate resources in place to meet the increasing number of connection requests.

To me, an increasing number of connection requests indicates that more and more people are availing themselves of a mix of renewable energies. I understand that NIE is recruiting staff to deal with connections as well as recruiting managerial and administrative staff. I hope that we will see a more streamlined version of what is happening and has been happening over the past number of years. If we are to have the amount of renewables that we have targeted for ourselves, we need to get those renewables connected to the grid.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. In light of Community Energy Scotland's experience, what plans does the Minister have to help communities install microgeneration technologies to help achieve the renewable energy target for 2020?

Mrs Foster: I am not aware of the detail of the Member's question about Scotland, but I am happy to take some information from him. I had an interesting exchange recently with some members of the Fermanagh Trust about community benefits from wind farms. I have asked officials to look at that issue because

we know that, in some cases, companies bring a great deal of community benefit to areas where wind farms are hosted. I hope that other companies do the same. Huge investment has been made in wind farms, and communities should benefit from that. I am aware, given that conversation, that some areas of the United Kingdom seem to benefit a great deal more than some of the host communities here in Northern Ireland, and I have asked officials to look at that.

Golf

2. **Mr Hilditch** asked the Minister of Enterprise, Trade and Investment what actions her Department has taken, and intends to take, to promote Northern Ireland as a venue for international golf tournaments.
(AQO 280/11-15)

Mrs Foster: The recent successes of Graeme — I had better get his name right — McDo'ell or McDow-ell — I always get it wrong; I think I will call him G-Mac — Rory McIlroy and Darren Clarke offer us an unprecedented opportunity to promote Northern Ireland as the home of golf. I have, therefore, asked the Northern Ireland Tourist Board to work with key stakeholders to explore the possibility of holding a major golf event in Northern Ireland. We have been investigating the feasibility of securing the Irish Open in the next few years and aspire to holding the Open Championship sometime thereafter.

Mr Hilditch: I thank the Minister for her answer so far. Can she give us some assurance that the tourism marketing strategies will include golf and, in particular, the resource available on the north-east coastline?

Mrs Foster: All politics is local, but golf is the world's largest sports-related travel market, and therefore it is incumbent on all tourism partners to put golf right at the top of their agenda. I take this opportunity to congratulate our Walker Cup golfers Paul Cutler and Alan Dunbar. Yet again, two Northern Ireland golfers have represented GB and Northern Ireland and have done us proud. That is another indication of the importance of golf here.

We are rolling out a golf tourism campaign of £1.8 million to invite potential holidaymakers to come and visit the home of the champions. That campaign builds on an already busy schedule of year-round golf promotions. The Northern Ireland

Tourist Board, as I have said, has big plans for the future, but it has already supported golf events in the past, including the Senior British Open and the Ladies Irish Open, and, as some of you may know, we are working with the Galgorm Castle Golf Club. I was hosted there for the second successive year in July. That is a hugely successful event, which gains coverage on the Sky television network. It portrays Northern Ireland right across the world, and golf remains very much at the heart of what I do in tourism.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I do not know whether the Minister will be delighted that I am not resorting to a parochial issue today. Given the huge number of people who have travelled to New Zealand for the rugby World Cup, has the Minister had or does she plan to have any discussions with ministerial colleagues, either in the Executive or the Dublin Government, about the possibility of the rugby World Cup coming to this island at some stage?

Mrs Foster: As an Ulster rugby fan, I would be more than delighted to see the rugby World Cup come to the British Isles, which would probably be a more realistic thing to hope for. I will give all my support to that. We have a huge number of events coming up in 2012 and 2013, one of which is, of course, the World Police and Fire Games. That gives us a really good opportunity to promote Northern Ireland and all that we have to offer in sporting tourism. It certainly forms part of the package that I want to promote.

Mr Deputy Speaker: I call Mr Mike Nesbitt, who might return to golf perhaps.

Mr Nesbitt: You are very wise, Mr Deputy Speaker. Does the Minister agree that the potential for achieving the Tourist Board's goals for more tourists spending more per day and staying for longer lies not so much in the glamour of a four-day golf event but in the more mundane, day-to-day attraction of golfers who are here to play, rather than to watch?

Mrs Foster: I think it is both, actually. The Member is right to say that we want to attract more golf tourists to Northern Ireland, but the publicity that we will generate by holding major tournaments here will help us to do that. One of the reasons for the Home of Champions campaign that we have been running is to attract golf tourists to Northern Ireland to play the courses where our brilliant champions come from. That is proving very successful.

The Member is right about our tourism spend figures. We all know that golf tourists spend considerably more than ordinary leisure tourists, and, therefore, if we are to ensure that we reach those targets in the emerging tourism strategy, we need more golf tourists and more spending of their money in our villages and towns right across Northern Ireland.

Electricity Prices

3. **Mr D Bradley** asked the Minister of Enterprise, Trade and Investment what discussions she had with Power NI prior to the recent rise in electricity prices; and what consideration has been given to reviewing energy management structures. (AQO 281/11-15)

Mrs Foster: I have not met Power NI, but there have been a number of meetings over the summer between my officials, Power NI, the Utility Regulator and the Consumer Council as part of the annual electricity tariff review process. The Power NI price increase of 18.6% is, of course, disappointing and is challenging for both businesses and domestic consumers, especially in the current difficult economic climate. However, the price increase is largely due to rises in the wholesale cost of generation fuels, resulting in increased power generation costs, which lead to higher electricity charges. The increase in electricity tariffs has been scrutinised and approved by the Utility Regulator, who has the responsibility for regulating Power NI tariffs.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin, agus tá ceist agam di ar an ábhar chéanna.

Has the Minister's Department assessed the effect of greater competition, and is that providing any benefit to the consumer?

2.15 pm

Mrs Foster: Of course, we want to see more competition in the Northern Ireland electricity market. As the Member will know, Airtricity came into the market in June 2010 and provided a 14% reduction on NIE's — now Power NI's — prices. We are trying to encourage other companies to come in. The Member may have heard the Electricity Supply Board's (ESB) recent announcements about its intention to come into the Northern Ireland market. Other companies want to come in, and the more that do, the more

competitive prices will become. We have already seen that with just two players in the market. It is part of the wider European strategy to have an integrated market, not just between us and the Republic of Ireland but across the British Isles and in France. If we have a much broader regulated market, we will see more competition, and we will see the benefit of that in prices as well.

Mr Campbell: Further to the issue of competitiveness, will the Minister join me in expressing surprise that, setting aside the names and backgrounds of the companies involved, although there is a cheaper product available, more people have not taken advantage of the competitiveness of the market? That is a good thing, and because there is no yellow pack electricity, the product is identical and people can get it more cheaply than they could otherwise at a time of rising prices. We should encourage people to shop around and get a cheaper product.

Mrs Foster: That is surprising, but part of the difficulty has to do with the privatisation of NIE, which took place in 1992. A lot of people are still used to that brand, and, in many ways, the fact that NIE has now rebranded to Power NI may signal to people that there has been a change. Hopefully, people will start to look around for different price levels. It is about looking not just at electricity companies but at alternatives, such as gas. I know that the Member will join me in hoping that we are able to develop gas provision in the west, so that we give everyone in Northern Ireland the chance to have a choice of power supply and are not solely reliant on electricity.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. In previous answers, the Minister mentioned the hardship that some families and businesses, particularly small businesses, face because of rising energy prices. Has she had any meetings with the Utility Regulator or, indeed, some of the energy companies? There is a view that NIE's pension fund deficit is responsible for the rise in costs and that those are not just the result of the wholesale cost of energy.

Mrs Foster: I raised the issue of the NIE pension deficit with the Utility Regulator, as the Member would expect me to do. That deficit relates to the NIE transmission and distribution business — the part that has gone to ESB.

Power NI is a separate entity, which is subject to its own price review process. The current price increase is not being implemented as a result of the reported NIE pension deficit. The Utility Regulator expects NIE to manage its pension costs within the allowance provided in the current price control, which is in effect from April 2007 until March 2012. Within that price control, NIE receives an allowance for pension contributions. The pension deficit figure is on the distribution side, not on Power NI's side.

The Member may not accept that wholesale costs have caused the increase in power prices, but there has been a huge change across the world over the past year that has had a big impact on the cost of fuel across the world. The Japanese tsunami, the developments in the Middle East and many other events have had an impact on the price of electricity. Although we will continue to work with the energy companies, the Utility Regulator and the Consumer Council, which, the Member will accept, provides a useful source of impartial advice for energy consumers, the Executive are looking at what more we can do to mitigate what will be a very difficult winter. We wholly accept that a lot of people are already in fuel poverty. Indeed, from my perspective, many small businesses also have difficulty with costs. Energy prices are becoming a huge issue for a lot of small business, so we need to address it.

Mr Kinahan: The Minister touched on the difficulty of controlling prices. What other steps is she looking at to help the large number of people who are now moving into fuel poverty?

Mrs Foster: As the Member knows, the Minister for Social Development leads on fuel poverty. Nevertheless, I met him before the summer, which was before we knew of the scale of the price rises coming our way. We are formulating a strategy, and the First Minister and the deputy First Minister have been exercised as to how we might mitigate energy prices over the winter. We will say more about that in coming weeks, and, towards the end of the month, I will say more about how we can help to mitigate energy price rises.

Mobile Phones: Roaming Charges

4. **Mr Doherty** asked the Minister of Enterprise, Trade and Investment what discussions her Department has had with Ofcom, the mobile

phone industry and the European Commission to secure a further reduction in roaming charges. (AQO 282/11-15)

Mrs Foster: That is not a devolved matter. However, I am in discussion with Ofcom regarding mobile phone coverage in Northern Ireland. Improving access to 3G services is one of the key themes in my Department's 2011-15 telecommunications action plan and, indeed, in our bid for funding under the broadband delivery UK initiative.

Mr Doherty: I thank the Minister for her answer. Given that excessive roaming charges are a serious barrier to growing the all-Ireland economy, what steps is she taking towards the introduction of an all-Ireland mobile phone tariff?

Mrs Foster: As the Member knows, the matter was regulated by the European Union, which introduced a regulation in 2007 — amended in 2009 — on the maximum that could be charged for roaming charges, commonly known as the Eurotariff. The European Commission set a target for the difference between national and roaming charges to approach zero by 2015. Therefore, the issue continues to exercise the European Commission.

I have made my view clear to Ofcom, the regulator on the matter, that roaming is an issue in Northern Ireland because we do not have sufficient 3G coverage and are, therefore, often sent to roaming. The fact that we do not have the 3G coverage that we should causes problems, and that comes from the fact that the United Kingdom target of 90% 3G coverage is based on population rather than geography. Therefore, if big cities are covered, population coverage targets are hit. We have been suggesting and lobbying hard for geographical targets, so that Northern Ireland has its own mobile phone coverage target. The 4G spectrum will be on the market very soon, and we hope that we can have a regional target for mobile phone coverage, which would help not only with coverage but with roaming charges.

Mr Storey: In looking at mobile phone coverage issues, will the Minister take into particular consideration areas in Northern Ireland that have absolutely no coverage and have become black spots? I am thinking in particular of one area in my constituency, Dervock, where, when you enter the village, your mobile phone reception disappears. I welcome what the Minister did on the superfast broadband for

rural communities, but will she now give an assurance that she will go back to the providers and continue to put pressure on them to deliver a service for the benefit of our constituents?

Mrs Foster: I thank the Member for his question. It relates to those targets again because, unfortunately, providers will not deliver unless they are pushed to do so. I understand that the target for 4G across the UK is 95%, but that will not help people in Dervock because that target can be reached just by looking at higher-density population areas. In the telecoms action plan for the coming years, we need to push Ofcom and get that issue resolved and then see where infill solutions are needed, in the way that we have done with broadband. There is a need to do that for mobile, particularly with 4G, which will allow fast data to be processed in a way that it is not at present.

Mr P Ramsey: I follow on from Pat Doherty's question about roaming charges, which have a significant impact, particularly in cross-border regions. People living in Derry do not even have to be in Donegal to find themselves on O2 Ireland. It happens frequently to hundreds of people, who incur additional costs. Given the lack of co-operation from phone companies, particularly here, is it not time that the Minister supported a call for Ofcom to implement regulations that will, as Pat Doherty suggested, decrease roaming charges?

Mrs Foster: If the Member had listened to my response to the first question, he would have heard that that will come as part of a European solution in any event. I recognise what he said about phone coverage. I will let him and the rest of the House into a secret: when I am in Brookeborough, I am on something that I should not be on — and that is the phone. *[Laughter.]* Moving swiftly on, what I am saying is that I am on a Republic of Ireland tariff. There is a great need to have that matter sorted out and for the European Commission to deal with the issue. It is a cross-border issue, and the Commission really needs to get to grips with it. It tried to set a maximum tariff, but I fully accept the Member's point. It should be a zero tariff; there should not be any additional cost. However, that is an issue across Europe. It is not just on this island; it is a matter for the whole of Europe.

Energy Strategy

5. **Mr Dickson** asked the Minister of Enterprise, Trade and Investment whether her Department plans to produce an energy strategy to help improve energy security and energy independence. (AQO 283/11-15)

Mrs Foster: A new strategic energy framework (SEF) was approved by the Executive, and I published it in September 2010. It sets out clear priorities for Northern Ireland's energy future over the next 10 years and identifies the key energy goals of building competitive markets, ensuring security of supply, enhancing sustainability and developing our energy infrastructure. The framework also confirmed new renewable energy targets of 40% renewable electricity and 10% renewable heat by 2020.

Mr Dickson: What is the Minister's assessment of the strategy to date? What areas, if any, has she already identified for improvement?

Mrs Foster: Following the publication of the strategic energy framework, work was taken forward on the development of a framework implementation plan. That is being used to track the progress against the various SEF targets and will also be used to update the Committee for Enterprise, Trade and Investment regularly. The framework was launched in September 2010, so it is too early for a yearly adjustment or monitor, but I am sure that we will have that before the end of the year, after which we will see what progress we are making on those issues.

Since the introduction of the Northern Ireland renewables obligation (NIRO) for renewable electricity, we have moved from 3% to 10%. Things are moving ahead. I accept that it is a difficult context to keep pushing in that regard, particularly at a time of rising costs. As I have said previously, however, there is more than one goal in our energy policy. Sometimes, those are competing goals, and it is a matter of balancing all of them.

Environment

Mr Deputy Speaker: Question 14 has been withdrawn and requires a written answer.

Waste: Illegal Dumping

1. **Mr Newton** asked the Minister of the Environment to detail the total amount of illegal waste dumped in Northern Ireland from the Republic of Ireland in the last two years; and the fines and prosecutions that his Department has imposed as a result. (AQO 294/11-15)

2.30 pm

Mr Attwood (The Minister of the Environment): I welcome all Members back to the House after the summer recess, and I thank the Member for his question, the answer to which will surprise him as much as it surprised me. During the past two years, only one incident of waste from the Republic of Ireland has come to the attention of the Department. I say that that might be surprising because your intuition would tell you that it might be more than that, given the history of illegal waste disposal in the North. As of now, there has been only one report. I have asked that we check with the PSNI to determine whether it is aware of any other reports, but, ultimately, it is for the community to report to the Department or the police if they are concerned about potential illegal waste being dumped in the North of Ireland. As one of my officials said to me yesterday, the absence of evidence is not evidence of absence.

Mr Newton: I thank the Minister for his answer. Yes, I am surprised, given the extensive amount of media coverage on the issue of illegal dumping. My perception was that there is a strong cross-border racket in that area. Is the Minister convinced that he is getting as much support as he requires from the statutory authorities on the other side of the border to help establish whether it is a minimal problem, as he has identified it, or whether there is a need for greater coverage?

Mr Attwood: I thank the Member for his supplementary question. I cannot go into some detail because, although matters are brought to my attention as Minister, the Northern authorities, through the Northern Ireland Environment Agency (NIEA), and the Southern authorities work on enforcement, especially on criminal activity. They work together and with the Garda Síochána and the PSNI in tracking and taking action against those who may be involved in cross-border illegal waste activities. However, I am certain that the co-operation is working effectively. That is why, of the 17 sites where illegal dumping has been identified in the

North, two, in Trillick and Slattinagh, have been cleared. A site in Ballymartin in County Down is currently being cleared. Those may have been the critical sites, and, over the next five years, the other sites will be cleared at a disposal cost of 100% to the Republic of Ireland authorities. Eighty per cent of the cost of removing the offending items from the North to the Republic of Ireland will be met by the Republic of Ireland authorities and 20% will be met from our own coffers. That demonstrates that the Republic of Ireland authorities are fully engaged and fully committed to the issue and are very nearly fully funding it.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Given that an element of dumping is still taking place, does the Minister intend to reimburse the local authorities, which sometimes have to fork out for the bill? It is still an issue.

Mr Attwood: I thank the Member for his question. The question framed by Mr Newton was about dumping from the Republic of Ireland. If Mr Boylan has information that that practice is continuing in a major or minor way, I ask him to bring it to the attention of my Department, the NIEA, the PSNI and, indeed, the authorities in the South. As I indicated, if we, as MLAs, members of the community and citizens, have evidence, that evidence needs to be acted on. I encourage the Member to fulfil that. I do not intend to establish a precedent that, where there is illegal dumping of municipal or domestic waste that is then cleared by councils, the responsibility to reimburse councils should fall to central government. That would create a principle that is not sustainable. However, if there are issues around cross-border dumping of waste, that is a responsibility that falls to the respective Governments, North and South.

Mr Nesbitt: Has the Minister formed a view on whether the existence of three waste bodies is the best way forward?

Mr Attwood: That issue occupies my mind disproportionately at the current time, not least because the process of procurement is advancing, and we may be entering a critical phase in moving to some further developments with the three procurement groups. It preoccupies my mind disproportionately because we are talking about expenditure measured in hundreds of millions of pounds and contracts that extend over 25 years, and the responsibility for paying

for those contracts falls to the ratepayers of our local councils. Clearly, given the scale of the issue and costs, any Minister should be preoccupied with that issue. However, a decision has been taken, and the outworking of that decision continues. I have to be mindful of the contractual and legal situation that arises, but I acknowledge that, as we proceed with the procurements — if that is what emerges in terms of the affordability and deliverability of those three procurement groups — we must not lose sight of the fact that, in the waste hierarchy, recycling and reusing waste are the primary tools for dealing with municipal and domestic rubbish.

Carbon Emissions: Public Buildings

2. **Mr Gardiner** asked the Minister of the Environment what discussions he has had with the Minister of Finance and Personnel in relation to the reduction of carbon emissions generated by the public sector estate. (AQO 295/11-15)

Mr Deputy Speaker: Before the Minister answers, I announce that question 3 has been withdrawn.

Mr Attwood: I am grateful for the question, and I am grateful that Mr McNarry will not be in the Chamber to ask his question. I should point out to the members of the Ulster Unionist Party that I mean that with all due respect.

I should confirm that the issue of the government estate does not fall to me but to the Department of Finance and Personnel. However, it is important that we fulfil our obligations and stretch ourselves when it comes to carbon reduction and emissions. That is why one of my interventions as Minister — I view myself as an interventionist Minister — was to create a cross-departmental working group to ensure that our obligations on carbon reduction and carbon capture across Departments are pushed and pursued over the coming period. That and the other interventions from my Department should allow the North of Ireland to fulfil its obligations to Europe on the reduction of carbon emissions. Indeed, as I intend to announce in the near future, I believe that the North of Ireland is well placed to push itself further to achieve higher levels of reduction in emissions than those that we are internationally obliged to reach.

Mr Gardiner: I thank the Minister for his response. There are vast swathes of surplus

land in public ownership. Will the Minister comment on whether Northern Ireland Water land in particular could be better utilised for energy creation?

Mr Attwood: I want to be careful not to step on the toes of Mr Kennedy and his responsibilities for regional development and NI Water. That issue has not come on to my radar. Equally, however, I have created an interdepartmental working group to interrogate the issue of emissions reduction in government and its functions. Although NI Water clearly has a separate legal status from government, I would like to think and I anticipate that, during conversations at that interdepartmental working group, the Department for Regional Development (DRD) might come to me and express a view on behalf of NI Water on the very point that Mr Gardiner raises.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I think that we would all join in welcoming the progress here on the reduction of carbon emissions in recent years. However, has the Minister given any consideration to the reintroduction of a carbon reduction scheme, which would have played a major role in that progress and reduction?

Mr Attwood: As the Member will be aware, our obligations and a lot of the policy direction and strategy on carbon emissions emanate from the London Government. In that regard, the Member might make a good point.

I concur with him, though, that good progress has been made in recent years: compared with 1990 levels, carbon emissions have been reduced by 20%. Given that our target is to reduce 1990-level emissions by 25% by 2025, it is clear that we are on the right course to achieve those outcomes. That is why I intend, if the Executive endorse my bringing forward a climate and environment Bill, to include much more challenging emission targets in that Bill than the 25% by 2025 that we are currently obliged to fulfil.

We have to be careful because figures can disguise the full facts. However, if we compare our targets with, say, Scotland's, on the face of it we are substantially behind its potential achievement. Scotland aims for a 42% reduction on 1990-level emissions by 2025. Given the scale of the issue and the size of the North, it seems to me that we should stretch ourselves, and do so in a climate and environmental

Bill, to do what Scotland has done in setting challenging emission targets.

Mr Agnew: I thank the Minister for his answers so far. Does he agree that, in the absence of a climate Act, our 2025 target of 25% should be seen as a minimum target? If he will indulge me, does he also agree that we need to be careful that current reductions are not due just to recessionary factors?

Mr Attwood: I thank the Member for his questions. It is the function of all Ministers to indulge Members, so I will certainly indulge him further. Yes, that is my view: I would not declare in the Chamber that I intend to include a more challenging target in a climate Bill than that to which we are already committed unless I believed that 25% by 2025 is the least that we can achieve. The economic situation is not the least among many variables that would influence that target. However, in my view, the direction of travel confirms that 25% will be achieved. Consequently, achieving 35% and 40% is within our grasp.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí a thug sé go dtí seo. Ba mhaith liom an méid seo a fhiafraí den Aire.

Bearing in mind the outlandish views held by some previous Ministers of the Environment, will the Minister indicate his own views on global warming and climate change?

Mr Attwood: I thank the Member for his question. Go raibh míle maith agat. Let me make my view clear: I do not believe that the world is flat; I do not believe that babies arrive in the mouths of storks — I checked that out with my wife *[Laughter.]* and she tends to agree with me. I also have an open mind when it comes to the age of the Giant's Causeway. However, I do not have an open mind when it comes to the weight of science in relation to climate change and global warming. People should have their views, but it is the role of Ministers to take into account best evidence and the overwhelming view of science. In my view, Ministers who disregard best evidence and the overwhelming view of science do not fulfil their ministerial responsibilities as fully as they should.

Waste Oil

4. **Mrs Overend** asked the Minister of the Environment for his assessment of the facilities currently in place that are capable of disposing of waste oil. (AQO 297/11-15)

Mr Attwood: I am curious about where this question will go. I was about to read the answer to Mr McNarry's question. The answer in respect of waste oil is that, under current regulation, five facilities are entitled to accept, process and store waste oil up to a limit of 10 tonnes a day.

Three of them are entitled to process the waste oil, with a limit of 29,000 tons per annum. The NIEA monitors the impact of those facilities on air and water quality. Civil amenity sites also have the capacity, under licence, to store up to a limit of 1,000 litres of waste oil. I assure the Member that the NIEA has regulatory authority for those five sites currently under regulation and the civic amenity centres that have that capacity. I am advised that the NIEA is attentive to that matter.

2.45 pm

Mrs Overend: I thank the Minister for his response. Disposing of waste oil is very difficult, particularly for those working in the agriculture industry, which amasses a considerable amount of the product. Will the Minister detail how easy it is, or is not, to recycle the waste product?

Mr Attwood: As I said in answer to the previous question, it is my practice to rely on best scientific advice. Therefore, I will have to seek the best scientific advice from the NIEA about the appropriate waste disposal models and mechanisms. I do not deny that that is beyond my knowledge and competence. Nevertheless, if the Member has concerns about the issue, will she bring them to my attention? I am in conversation with the NIEA with regard to its monitoring, compliance and enforcement regimes to ensure that any waste disposal, whether it is tyres in a depot somewhere in the North, a waste disposal plant in the hills of the Black Mountain or the disposal of waste oil, has the right enforcement and, if necessary, more enforcements, compliance and monitoring in order to ensure that waste, especially waste that is volatile or a threat, is properly managed. I am anxious and attentive to that need.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. What financial incentives are in

place to encourage the production of biodiesel from waste oil?

Mr Attwood: I suggest that the Member refers the matter to the Minister of Enterprise, Trade and Investment, whose remit covers the detail to answer that question. I will bring it to her attention and ask her to reply to the Member.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister give details of the Department's waste management strategy, including any potential time frame for its delivery?

Mr Attwood: I thank the Member for his question. I confirm that I am reviewing the waste management strategy for Northern Ireland. If you compare where we are with regard to waste management, recycling and reuse compared to 10 years ago, you will see the progress that has been achieved. In 2002, we had municipal waste disposal targets of around 8%. Now, depending on the council area, the positive disposal of waste at civic amenity sites is between 26% and 50%. Overall in the North, we are disposing 34% of waste at civic amenity sites in a renewable way. Given all of that, and given the scale of the advance over the past 10 years where we had 8% of renewable waste disposal and we now have 34%, it seems that we should stretch ourselves on those targets as well. I will be bringing forward proposals to encourage councils to have much more challenging targets on the domestic municipal side and the commercial side because it is within our grasp to achieve much more challenging targets.

Development: Unfinished Buildings

5. **Mr A Maginness** asked the Minister of the Environment what plans he has to address the problem of unfinished buildings, particularly in coastal towns where developers have left sites in a state of dereliction. (AQO 298/11-15)

Mr Attwood: I thank the Member for his question, which, I think, is opportune and timely. Over the past number of weeks, I have been travelling around various parts of Northern Ireland visiting the councils and hearing of their experiences on such issues as local dereliction and development properties being left to go to rack and ruin. If you go to Portrush, Portstewart, parts of Derry or parts of a lot of our seaside and coastal resorts you will see evidence of

growing dereliction. Members are aware of the economic situation. In fact, just this morning, we heard that property prices are lower now than they were last November, so there has been a further downturn. The profile of dereliction in various parts of the North is a matter that needs attention.

As a consequence, I am convening a group in Portrush in the first week of October to interrogate the scale of dereliction in Portrush and Portstewart, determine what further interventions might be required by local and central government and determine what further obligations might be imposed upon developers and builders who have not let sites be developed or allowed them to be only partially developed. I am doing that in order to recognise that, given the scale of this issue in many parts of the North, there needs to be further co-ordination and intervention from all arms of government and the private sector. Out of that, I am hoping that the issue of sites in a state of dereliction might be mitigated, not least because of our challenging economic circumstances and the need to grow tourism and tourism spend.

Mr A Maginness: I thank the Minister for his very detailed answer. Everywhere you go, you find eyesores of unfinished sites or buildings that are derelict for other reasons. The Minister referred to interventions. Does the Minister envisage local councils being given power to intervene and to take over sites or to dispose of sites?

Mr Attwood: Councils have certain powers in respect of sites that are in dereliction, that might be a threat to public safety, that are creating a nuisance or that otherwise need intervention. The Department for Regional Development and the Housing Executive have the same powers. There may be an issue about how the Housing Executive, councils and DRD are availing themselves of the full suite of powers. I am mindful that councils will be somewhat hesitant to intervene, given the scale of dereliction and the potential costs. One intervention power that I am actively considering is for a planning authority to be allowed to require the owner or occupier of derelict land, the condition of which is adversely affecting the amenity of the area, to take whatever steps to clean up the land that the authority specifies. That power already falls to the planning

authorities in England, and it is the type of power that might have relevance here.

One thing is very clear. Given the scale of the issue and our economic situation, interventions need to be identified and progressed, because dereliction is going to be with us for a significant time, stretching over a number of years, perhaps beyond the next decade. This is the right time for government to show good authority, to intervene and to maximise the response from all of those who are responsible, including developers and owners.

Mr Storey: An issue that has been prevalent since before we entered into this economic downturn and faced the dereliction to which the Member for North Belfast referred is that of management companies. Will the Minister undertake to look at that issue? There are people in all of our constituencies who are in homes that they want to keep living in, but other properties have gone under the ownership of the receiver, and the management company has collapsed. Will he look at that issue again and see what can be done to address what is now a serious problem in respect of management companies?

Mr Attwood: I thank the Member for his question. I will certainly put that on the agenda for the gathering in early October that will interrogate the situation in Portrush and Portstewart, the results of which I anticipate will have application in other areas of the North where there is dereliction. Again, I am going to be somewhat cautious as to whether the legal responsibility for the conduct of management companies falls to the Department of the Environment. That is a matter that I will take advice on. However, you are right. Given the growth in apartment developments, especially in a lot of urban and coastal areas in the North of Ireland, and given that, in many instances, the management companies with responsibility for apartment developments have now walked off the pitch, gone bankrupt or whatever the situation may be, it is a matter that I will put on the agenda. Given that that meeting will be attended by representatives of other Departments, councils and other agencies, I am sure that I will get the best advice in respect of that.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. The Minister has outlined the examples in Portrush and Portstewart, and those are obviously a result of the planning process

and the economic situation. Does he agree that some planning policies have led to the situation in which developments in coastal areas are very much out of character? Will he agree to look at those policies to ensure that those kinds of developments do not take place again?

Mr Attwood: The policy and legal answer to that is that the planning authorities have deemed developments that you might consider out of character to be sufficiently in character to pass the planning test. That is, if you like, the legal and technical answer. However, I agree with the sentiment behind your question. I have spoken to officials about how we are going to manage planning applications for apartments in areas where there is a litany of existing planning applications for apartments that have not been activated. It seems to me that although we may have difficulty legally and procedurally to intervene, we are just creating further problems for future years if we continue to allow planning applications for apartments to be permitted in situations in which there is a legacy and litany of existing planning applications. In one part of one city in Northern Ireland, 3,600 apartment permissions for individual units have been approved, and still we are processing a range of new applications thereafter. I agree with the sentiment behind the question, even if those planning decisions must have been consistent with the law, planning practice and planning guidance.

I have to say that, when it comes to the Planning Service, although some useful progress was made over the previous mandate, I will leave no stone unturned in identifying how we can use the planning system to achieve best outcomes, especially best outcomes with economic benefit. I will outline all of that in a statement to the Assembly in the very near future.

Recycling

6. **Mr Lyttle** asked the Minister of the Environment to outline his Department's plans to increase levels of recycling. (AQO 299/11-15)

Mr Attwood: I thank the Member for that question. I touched upon this answer in my reply to Mr McGlone. It seems to me that, given the technical and council improvements in recycling, we should set more challenging targets. Therefore, it is my intention to bring forward a proposal whereby the recycling target by the year 2020 should be at least 60%.

Based upon experiences in other jurisdictions and our direction of travel, I believe that that is achievable in respect of municipal waste. The situation in respect of commercial industrial waste is somewhat more complex, because the evidence and statistical base is not as reliable as that for municipal waste. However, my officials are interrogating that issue to see what more challenging targets could be met in that regard also.

Mr Deputy Speaker: Time is up. That concludes Question Time.

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

3.00 pm

Ministerial Statements

Accident and Emergency Services: Belfast

Mr Poots (The Minister of Health, Social Services and Public Safety): I am grateful for the opportunity to make a statement to the Assembly on the important matter of accident and emergency services in the Belfast Trust, particularly in the light of the decision taken by the Belfast Trust on 7 September to close, on a temporary basis, the emergency department in the Belfast City Hospital.

The change will take effect on 1 November 2011 and will concentrate emergency department services in the Belfast Health and Social Care (HSC) Trust on the Royal Victoria Hospital and Mater Hospital sites. Those immediate changes will apply until there has been time to resolve a permanent way ahead through a full decision-making process.

Although this urgent decision on change is an operational matter for the Belfast Trust, I assure Members and the public that my Department has obtained assurances from both the trust and the Health and Social Care Board, as the commissioner of those services, that the temporary model of emergency department provision is safe and sustainable and that it will deliver high-quality care. I have insisted that all parts of this service have acted to ensure that there are appropriate emergency services for those who need them in the Belfast area and that the regional implications of that change, particularly in relation to the South Eastern, Northern and Ambulance Service Trusts, are well managed.

For people living in the greater Belfast area and beyond, I want to see a better emergency service than the one we have at present. The key to ensuring that such services are effective is the availability of expert decision-makers who know quickly what to do when faced with the wide range of conditions that need attention unexpectedly in A&E departments. For too long, we have been trying to cover rotas of doctors, which spread the time and attention

of those key doctors too thinly, meaning that the situation is too vulnerable to situations where junior doctors cannot get the advice that they need in managing patients who arrive with immediate needs.

I know that those changes will mean greater travelling times for some people in Belfast. The distance from the Belfast City Hospital emergency department to that in the Royal Victoria is 1.2 miles, and from Belfast City Hospital to the Mater Hospital it is 2.1 miles. Those distances are short compared with those that are the norm in rural areas, and they will be more than offset by the improved sustainability and safety of a model of care in A&E that ensures that the right medical rotas are in place in a way that is simply not possible in the status quo.

It has been claimed that the closure will place lives at risk. I deplore such ill-founded and irresponsible comment. The clear fact of the matter, based on expert clinical and management advice, is that, on the contrary, seeking to maintain the status quo would create risks that can no longer be managed safely. I recognise that there are major challenges in managing that change, and that is why I want the Assembly and the public to get behind the managers and clinicians in the Belfast Trust and all the other affected organisations to do all that we can to help make that temporary change work.

Although this urgent and necessary change has to go ahead now, my objective as Minister of Health is to ensure safe and sustainable emergency department service provision in the longer term. Any decision on the permanent reconfiguration of emergency department services will be a matter for me as Minister to determine, and it is a decision that I will take only after I have listened to what key stakeholders, in particular the public and their representatives, have to say through a process of effective engagement and open and transparent consultation.

When I spoke to the Health Committee at its meeting on 20 July 2011, I advised it that immediate changes to A&E service provision would be required in the interests of patient safety. In the light of the announcement by the Belfast Trust on 7 September, I want to further elaborate on why those immediate and temporary changes are required.

The drivers for change relate to the safety and quality of care; they are not efficiencies or cuts.

In fact, it is likely that some additional costs will arise in the short term as the trusts gear up to address this change. I repeat: this change is necessary to ensure patient safety; it is not a financial issue. I am very concerned that some people have chosen to try to make it an issue of finance, and I ask the House to be responsible when handling the issue today. The key issue is the need to ensure that there is an emergency service for Belfast and the nearby areas that works and meets the needs of the population.

The main reasons for immediate and temporary changes are: a shortfall in recruitment of suitably qualified medical staff, particularly middle-grade doctors; the need for adequate training and supervision arrangements for junior medical staff, especially at night-time; concern expressed by the Northern Ireland Medical and Dental Training Agency (NIMDTA) and by the General Medical Council (GMC) in August 2011 regarding the current level of supervision of doctors, especially on the Royal and Belfast City hospital sites, thus requiring immediate action, which has now been taken; a general shortfall in medical trainees in emergency medicine, not just in Northern Ireland but in other parts of the UK; changes in the Home Office immigration rules, which make it more difficult to recruit doctors from overseas, including locums and middle-grade doctors; and changes in the working practices of staff and the need to promote compliance with the European working time directive, which was designed to promote safer patient care and enhance the well-being of doctors who had previously worked very long hours.

My Department has been advised by the Belfast Trust and the HSC Board that immediate changes to improve supervision of junior doctors have been achieved, but that it has involved considerable rota redesign, significant reliance on locums, support from other trusts, and the goodwill of medical staff in the Belfast Trust. The HSC Board has highlighted that there would be inherent vulnerabilities in sustaining such immediate changes beyond an eight-week period; hence the need for further temporary change from 1 November 2011. For that reason, an emergency department service model involving temporary closure of the Belfast City Hospital emergency department will be put in place from 1 November 2011.

While further details on the actual model are being refined by the trust, the end of October 2011 will provide sufficient time for other local

trusts, the Northern Ireland Ambulance Service and GP out-of-hours services to plan for such a change. Inevitably, there will be additional pressures in other trust areas as a result of that change, both in terms of attendances at emergency departments and admissions to hospital. Therefore, as part of the contingency planning arrangements, further work is required on patient flows, and there will be a need for ongoing monitoring once the changes are put in place. However, I am sure that Members will agree with me that putting contingency plans in place now is a far better and safer approach than having unplanned cessation of services, especially over the winter months.

Let me say again: my first concern is the safety of patient care. There is, and there will continue to be, a 24/7 emergency service in the Belfast Trust. The changes are necessary to sustain that service provision. I am advised by the HSC Board that the Belfast Trust has looked at other options, including limiting opening hours in the Belfast City Hospital emergency department or putting in place a minor injuries unit on that site. However, the option that the trust has chosen, that is, a 24/7 service on the Royal and Mater hospital sites, will bring together greater medical consultant capacity on those sites and will provide better access to specialists outside of normal working hours and at weekends. That will be further complemented by specialty trainees and locum cover.

Such arrangements will address the issue of supervision of junior doctors, and rotas will be compliant with the statutory requirements of the European working time directive. It is my understanding that that there will be no staff reductions as a result of the changes, but that there will be a requirement for staff reconfiguration.

Under those arrangements, an important category of patients will continue to be admitted to the Belfast City Hospital when they face an unexpected need for urgent hospital care. That is because the proposed plan is to have a medical assessment unit and an acute assessment facility on site in the Belfast City Hospital. That will help patients with acute medical conditions, such as those who have been referred by a GP and it will provide rapid and timely intervention for patients.

There will also be patient pathways in place for specialty admissions when an urgent need

arises; for example, for patients who have certain cancers and renal conditions. Thus, while Belfast City Hospital will no longer receive self-referrals from members of the public who, up to now, have attended the A&E department there, it is anticipated that a proportion of people who need urgent care will still be admitted directly to the hospital without having to be assessed at one of the other busy A&E departments. To meet the anticipated increase in demand at the Royal, additional funding has been allocated to the Belfast Trust to undertake some refurbishment of the A&E department to create additional capacity. That will include a nine-bed short-stay unit in the emergency department, which will be open 24/7 for patients who require interventions with a length of stay of less than 24 hours. In addition, an acute medical admissions unit will operate 24/7 for patients who need a 24- to 48-hour length of stay. There is also a plan to relocate the eye casualty to alternative accommodation. Those changes, together with enhanced arrangements for ambulatory care, will assist in meeting the additional pressures on the system.

Some minor works are also in hand at the Ulster Hospital, which is likely to see additional patients as a result of the temporary closure. Those works include upgrading and bringing back into use a disused ward and creating a clinical decision unit to accelerate patient flow.

I reiterate the important point that the change will be subject to close and ongoing monitoring, but, in the longer term, a strategic decision will need to be taken on the provision of emergency department services in the greater Belfast area. As I said, that will be a decision for me, as Minister, to take. I will take that decision only after a full and open process of consultation and engagement. I anticipate taking a strategic decision on these matters later in 2012.

Finally, I emphasise that the public also have a role to play in making emergency services more effective by using the Northern Ireland Ambulance Service's 999 calls only when needed. In addition, individuals should think carefully about whether an emergency department is the most appropriate place for treatment of their specific minor ailment or injury. For example, it may be better to access treatment via their local GP or pharmacy.

I commend the statement to the House.

Ms Gildernew (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak on behalf of the Health Committee on this important issue. I think that it is fair to say that the Committee is of the view that the priority must be the provision of adequate accident and emergency facilities across the Six Counties. A&E services need to be configured in a way that meets the needs of the entire population in an equitable manner. Although the decision to change the provision of services must be given careful consideration, we cannot forget that, ultimately, Belfast currently has three A&Es within two miles of each other. I am sure that many of us from more rural constituencies would agree that that seems somewhat of an anomaly, given that some people have to travel for over an hour to get to their nearest hospital.

In respect of the statement, has the Minister engaged with the trade unions on the issue and sought to allay any concerns that they raised?

Mr Poots: Personally, I have not been engaging because this has not been my decision. This is a decision that trusts are taking on a safety issue. Certainly, next year, if we move to a long-term consideration of emergency services in the Belfast Trust area and beyond, we will engage in full consultation before arriving at a decision. I understand that trade unions are represented on the board of the Belfast Trust. Therefore, they have had the opportunity to participate in the decision-making process. They may well disagree with the outcome, but they certainly have been part of the process that led to it.

Mr Wells: I realise that the Minister has dealt with some of this in his statement, but there is still a view out there and an accusation being made that this is not an issue of patient care or of ensuring the proper rotas of clinicians but is, in fact, a money-saving budgetary exercise. Will the Minister comment on the fear of many that this could be a way of saving money for the Department?

Mr Poots: As it stands, it is actually costing the Department money, because we have to carry out works at the Royal site to ensure adequate physical capacity to provide the appropriate space for the clinicians, nursing staff, and so forth, to operate.

3.15 pm

This decision came about as a result of a number of factors. First, in June, the NIMDTA carried out a report on the supervision of junior doctors. The report raised some matters of concern for the Belfast Trust. The Mater site got a B2, which indicated that there were some problems but that they were not of serious significance and could be overcome. However, in the report, the Royal and, indeed, Belfast City Hospital sites were given an F grade, which is the lowest grading that they could receive, for the supervision of junior doctors. That was followed up by the GMC in August, when it indicated that it would withdraw services from the Royal and the Belfast City sites within 24 hours if the trust did not respond to the issue of adequate supervision of doctors. That is the critical nature of where we are today. This is not to do with money. It is to do with the supervision of junior doctors and, indeed, patient safety. Further to that, two registrars who were working in the Belfast City Hospital had given notice that they were to step down from their positions on 30 September 2011.

For all those reasons, it is physically impossible to maintain a service across three sites in Belfast. We have, therefore, arrived at a conclusion that we have based, first and foremost, on patient safety. Some people may say that it was wrong for the GMC to indicate that it was prepared to withdraw its support for the provision of doctors at the site. However, a duty of care needs to be applied in such instances. When junior doctors are left responsible for a decision-making process that is way beyond their pay grade, there is the potential for them to make the wrong decision, and had that happened, the GMC would not have fulfilled its duty of care. So, I am not critical of it for highlighting its concerns about the situation that prevailed in the Belfast Trust, particularly at the two aforementioned hospitals.

Mr McCallister: I want to ask the Minister about two points. Given the numbers treated at the Belfast City Hospital's A&E unit, is he confident that the structures at the Royal and the Mater will be able to cope? In an earlier answer, he mentioned that this will be very much doctor and consultant led. However, will the physical infrastructure on the other two sites be able to cope, given the many thousands of people who are currently treated at the City's A&E?

The Minister stated:

"it is anticipated that a proportion of people who need urgent care will still be admitted directly to the City".

Will he put a bit more meat on that and shore it up to give people absolute confidence that they can be admitted directly to the City Hospital's regional specialist facilities?

Mr Poots: I thank the Member for his question. We are currently creating a nine-bed short-stay unit in the emergency department at the Royal that will be open 24/7 for patients who require interventions and need to stay for less than 24 hours. We will also have an acute medical admissions unit that will operate 24/7 for patients who need to stay for between 24 hours and 48 hours and will enhance the arrangements for ambulatory care. All of those things will help to deal with the capacity issue.

The fact that the site will be covered by more senior doctors will ensure that there is a much better flow through the site. In circumstances where junior doctors are the decision-makers, they tend to engage in more tests, do more X-rays and go through more processes to satisfy themselves because they do not have the experience or the skills base. However, in circumstances where consultants and registrars, who have considerable experience in decision-making, are the decision-makers, the evidence shows that there is a much better flow of patients. That will, therefore, make a significance difference to the numbers of people who pass through.

The admissions unit at Belfast City Hospital will largely be for people who are patients of the hospital at, for example, the renal unit or the cancer unit. Such people will have been referred there by their GPs. That will take thousands of people directly to that facility, rather than their having to go through the Royal's A&E in order to be admitted to the City Hospital.

Mr Durkan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. The Committee recognises fully the need for reconfiguration and modernisation of emergency care throughout the North. However, given the capacity issues that the closure will inevitably create for the remaining A&E departments in the greater Belfast area — issues that Mr McCallister raised — the Committee is concerned that the statement

is premature and could ultimately undermine public confidence in the Health Service. We can scarcely afford to do that at this time of austerity and change.

Following on from the Minister's answer to the previous question, when will the nine-bed unit be ready? When it is ready, will there be more or less capacity than is currently available with the City Hospital's A&E department in operation? If the answer is less, can it really be viewed as a clinical decision?

Mr Poots: When the Member arrived at the point at which he said that the statement was premature, I was not sure whether he had listened to anything that I have said thus far. When the GMC indicates that it will withdraw its doctors' services within 24 hours if we do not respond, and the emergency response by which a level of cover is provided is not sustainable for more than a couple of months, one needs to make decisions as opposed to procrastinating, as the Member has recommended. It was not a hasty decision. It was an urgent decision that was based on need and what was required to ensure that there is adequate medical cover in the Belfast Trust area.

As regards the number of cubicles, and so forth, that are available, key to that particular issue is that there be adequate medical staff cover at senior grades, so that the right people are in the right location to see the community that needs their services. The Royal does not just act as a local hospital but as a regional facility for a range of services. It is totally unacceptable that the regional trauma unit is manned by junior doctors six nights out of seven. If people want that kind of service, they may get another Minister. It is not the kind of service that I want to be in place in the Belfast Trust, which provides that service not only to local people but to people right across the Province. We are not doing as well as we should on trauma care. I want to look at and address that area. It will certainly not be addressed by asking junior doctors to do that task. We need to move the service on.

Mr Spratt: The Minister mentioned the new trauma unit at the Royal. My understanding is that that building will take some time to complete. Given that, in 2010, the City Hospital's A&E department had 40,000-odd patients, does he believe that the Royal will be

able to cope with the additional numbers that it will get as a result of the department's closure?

Mr Poots: In and of itself, it will not. However, it is anticipated that not all the people who currently use the City Hospital will use the Royal. I mentioned that some people will still be admitted directly to the City Hospital. We are looking at the potential for a further 10,000 attendances at the Ulster Hospital, which has been making preparations for such a scenario. Three additional A&E consultants are being recruited to the Ulster Hospital, which will help it considerably. Two of those consultants will be in place from November 2011. Observation bed capacity in its A&E department will be increased. Additional nursing, allied health professional and social work support will be made available to improve the flow of patients. An older ward has been recommissioned and put in use to assist in that service.

The Mater Hospital is expected to pick up an additional 6,000 attendances. To assist it to cope, it has enhanced its facilities. The Mater already has a medical assessment unit in place. That will be augmented by a short-stay unit, improvements in patients' pathways for chest pain and urgent review to reduce unnecessary admissions. It is also working to improve the capacity in older people's services at the interface between community and hospital care.

So, a number of steps are being taken in hospitals other than the Royal to make up the shortfall that would exist were the services at the City Hospital to close.

Ms P Bradley: I thank the Minister for his statement. During the previous mandate, I worked in Antrim Area Hospital. In that time, we had the downgrading of Whiteabbey Hospital and the Mid-Ulster Hospital, and I saw at first hand how that affected service users and staff after what seemed like little or no planning. I welcome that you seem to have put preparations in place for both the Royal and the Mater.

Did the reconfiguration of services just start in May?

Mr Poots: From what I can see, there have been difficulties with recruitment for some time, which would have been going on before May. With regard to the services that are provided, we have had to make the decisions based on the availability of doctors, particularly those at a senior grade, and there have been challenges

with getting enough junior doctors. That led to the situation in Lagan Valley Hospital where hours had to be reduced. Initially, the hours were supposed to be reduced to cover 9.00 am to 5.00 pm, but we managed to get that up to 9.00 am to 8.00 pm. The trust is working to extend those hours further, and, ultimately, we are hoping to have a 24/7 operation at Lagan Valley again, hopefully with the support of local GPs. That work has still to be done.

The issue that we have is that there are considerable problems in recruiting doctors to A&E departments. The general public need to recognise that much of the work that doctors engage in is carried out in unsociable hours and that the interface that they have can very often be with patients who do not fully appreciate the care that they are receiving and who can engage in a very unbecoming way with medical staff, which is wholly unsatisfactory. Therefore, it should not come as a surprise to Members that doctors do not very often make A&E their first choice. There are many better options for them when it comes to the hours that they are expected to work and to the appreciation that is shown to them by members of the public, which does not involve violence or foul language.

Mr McGimpsey: I thank the Minister for his statement, for setting out his thinking on this issue and explaining how he arrived at the conclusion that, as he said, we have come to.

It is a controversial decision, particularly in south Belfast, and it merits explanation. I note that he says that there will be an extra 10,000 visits to the Ulster Hospital and that he has put steps in place for that, including three extra consultants. The Ulster Hospital was designed for 30,000 visits a year, yet it is currently receiving 70,000 a year and we are still some time away from the new A&E department being ready there. Also, the new critical care unit at the Royal, which Mr Spratt mentioned, is under construction and is probably still a couple of years away from completion. As a result, the A&E in the Royal is in temporary buildings.

My question, therefore, is about the Mater and City Hospitals. The Minister makes the argument that we cannot have three A&E departments in Belfast and that we must have two. Why did he choose to close the A&E department at the City Hospital and not that at the Mater, bearing in mind that the proposed future for the Mater is as a local hospital with

a minor injuries unit, whereas the City will continue to be a major acute hospital and a teaching hospital? Will he explain why he made that decision?

Mr Poots: I thank the Member for his question. It is relatively simple: if we go back to the NIMDTA report, the Mater received a B grade for its supervision of doctors whereas the City Hospital and the Royal received F grades.

Additionally, the registrars who resigned did not do so from the Mater Hospital; they resigned from the City Hospital. Therefore, clinically, it was considerably easier to maintain the service in the Mater Hospital than in the City Hospital.

3.30 pm

I did not make any decisions on the matter. This was an operational decision, taken by the Belfast Trust in response to patient safety issues and to ensure that patients are treated and cared for in an appropriate manner. It was also taken to ensure that junior doctors receive appropriate guidance, and it is absolutely critical that that should happen. Where will we be in a number of years' time if junior doctors continue to carry out work without getting proper guidance and support? Guidance is a key element in their training, and if we do not adequately and properly train doctors it will leave us in a bleak and dark place.

Mr McDevitt: As the Minister considers this decision to be operational rather than ministerial, will he confirm that, even with the new facilities that are to be added to the Royal Victoria Hospital, fewer beds will be available in A&E to the people of Belfast than are currently available in the Royal Victoria and Belfast City hospitals? Does he have confidence in the Belfast Trust, given that it appeared to allow a situation to evolve, over what one would presume was a fairly considerable period, which led to an operational decision being taken that is clearly not in the interests of the people of this city?

Mr Poots: I am satisfied that the current Belfast Trust management are taking decisions that are soundly based and will ensure that patient safety is a top priority. I am also satisfied that they are looking for the best outcomes for those who attend hospital.

The Member has the wrong focus when it comes to the issue of beds; it should be on the

people who actually man the hospital wards. We will have the appropriate personnel delivering services in the A&E departments, which is currently not the case. It is critical that we get the right people to carry out those services.

The Member may be satisfied if a member of his family were to attend one of those services late in the evening with internal bleeding or a serious trauma and to be treated by a junior doctor, as that would allow two emergency departments to be kept open. I prefer to travel 1.2 miles extra and ensure that I am treated by someone who has the experience and skills to deal with such a major emergency. *[Interruption.]*

Mr Principal Deputy Speaker: Order. I remind Members that when a question has been asked the Minister has the Floor. An Adjournment debate on this issue is scheduled for later today, during which everyone can say their piece.

Mr Poots: Capacity is being increased at the Royal Victoria and Mater hospitals, and the patterns of patient flow and decision making will also change. We anticipate that there will be a lower requirement on beds. There will be much better patient throughput as a result of having skilled people in place who can provide support and advice to younger doctors and ensure that decisions are made in a timely and appropriate manner.

Mr Dunne: I thank the Minister for his statement. I am very much aware that the A&E department at the Ulster Hospital in Dundonald is overstretched. How can it be expected to cope with more attendances as a result of the proposed changes?

Mr Poots: I thank the Member for his question. I covered the issues around A&E departments earlier, and it is absolutely critical that the appropriate cover is in place. As things stand, the Ulster Hospital deals with the greatest number of A&E patients. That may change after the changes are made. The Ulster Hospital has been looking for new consultants for its facility. The number of consultants will be increased from five to eight. Two of those people will be in place for 1 November, so the Ulster Hospital will have seven of the eight consultants required. The Ulster Hospital is also changing the facility itself, and patient flow will be improved considerably as a result of the actions taken.

We recognise that the Ulster Hospital has been under a fair degree of pressure, particularly

when the norovirus struck the wards over the summer. There was a very poor patient flow in that situation, but the steps that have been put in place should more than offset the additional numbers that are coming in.

Mrs Lewis: I also thank the Minister for his statement and for the clarification. When will the new critical care building at the Royal be operational? Does this change impact on those plans? Will there be an impact on Antrim Area Hospital?

Mr Poots: It will probably be 2013 before the new building at the Royal comes into play. It would have been desirable to wait until then to make these changes. Nonetheless, it was necessary to move ahead now because of the issues that I have outlined in today's discussion.

The previous Minister's idea was that we should wait until the Royal site facility and the Dundonald facility were open. Under his plans, the Ulster Hospital facility would not be open until 2020. That type of procrastination will not deal with the issues in the health service. We cannot wait for nine years to deal with issues. We need to deal with them now. That is very clear to me as we move ahead on this issue.

There may be some new attendances at Antrim Area Hospital. As things stand, a number of people from the Antrim Borough Council area attend the Belfast City Hospital site. The Northern Trust has been alerted to that. It has been indicated to them that they need to prepare for additional throughput at Antrim Area Hospital as a result. As the Member well knows, there have been a considerable number of problems in Antrim. Those have been improved on to some extent. We are building a new £13 million facility at Antrim Area Hospital, which I believe will considerably assist inpatient throughput and flows.

Mr Allister: Is it the case that what is termed the "temporary closure" of the City Hospital A&E department is but language deployed to give a soft landing to what is intended to be a permanent closure? Does the Minister think that the closure will be temporary?

Mr Poots: This decision has been taken because of circumstances, and, therefore, it is a temporary decision. Should we decide that the Belfast City Hospital A&E department should be closed permanently, we will go to the public and have a proper public consultation exercise.

We will engage with the public, the trade unions and others before making such a decision. This is not a ministerial decision on the permanent closure of a hospital but a trust's response to an urgent need and an urgent circumstance that has arisen for it. That is why the closure is described as temporary.

Mr McCarthy: In the last paragraph of the Minister's statement, he refers to the public having a role to play. I totally agree with that. Does he have any plans to launch a publicity campaign to ensure that the public knows when to go and when not to go to accident and emergency in order to reduce the number of people waiting in those departments? As I understand it, the number of people waiting for more than 12 hours is increasing. Would a publicity campaign help to direct people away who should not be at an A&E unit?

Mr Poots: It may well help. Another thing that may help, in which the Member may be interested, is a pilot scheme running in the Southern Trust in which a GP is engaged in triage. That has been tried in Manchester and, as a direct result, 20% of admissions to the A&E unit have been screened out. We are not in a position to indicate whether that will happen at the Royal site, for example, from 1 November, but the Belfast Trust is working in close consultation with the Southern Trust to identify the success or otherwise of that project. We may well be in a position to install a GP in triage, and, if that is the case, I think the general public will quite quickly get the message that they can come to A&E but they will not necessarily be admitted if the GP does not deem it suitable to do so.

One way or another, the message needs to get out that going to A&E should not be the immediate response to every illness and that often people should make an appointment with their GP. A GP will respond quickly when people need to be seen quickly. It is not the case that people with a significant problem would be asked to wait for 12 or 14 days; they should be seen within 48 hours.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I speak as a South Belfast representative, although I am acutely aware that we could be dealing with a decision around the Mater Hospital or the Royal this afternoon. I am very concerned. Our job is to ensure that the public have maximum

confidence in the decision taken, and I wish the Minister well in his ability to instil that confidence. Our primary purpose here is to ensure that patients and the general public have access to the best possible emergency care after this decision.

I welcome the Minister's statement and his response to many of the questions. From my point of view, whatever the source of the current problem, we need to look at many more fundamental issues, perhaps including long-term management issues, but that is a discussion for another day.

In trying to maximise public confidence in this decision, can the Minister assure the House that the contingency plans that he referred to in some detail will be in place by 1 November?

Mr Poots: That is the plan. I cannot say that this decision will work perfectly in a highly pressured environment on a January night. It did not work perfectly last year or the year before, and it is likely to face significant pressures this year, next year and for further years because those peak periods can create anomalies and problems. I believe it will be a better service than is currently available, because we will have the appropriate clinicians available to see people who require emergency care, particularly people who have had major and catastrophic incidents such as heart attacks, strokes, major traumas, road traffic collisions etc. Those people need appropriate care, and this will help us to ensure that that care is in place and that the right people will be there to deal with people who need that emergency care.

3.45 pm

Private Members' Business

Policing: Part-time Reserve Gratuity Scheme

Mr Principal 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 in which to propose the motion and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Hussey: I beg to move

That this Assembly notes with regret the deduction of National Insurance and income tax from the £20 million part-time Reserve gratuity scheme; expresses concern at the security breach which put the identity and well-being of around 6,000 former part-time RUC officers at risk; and calls on the Minister of Justice to make a statement on the matter and detail what action has been taken in light of the security breach.

I begin by declaring an interest in the proposals as chairman of the Royal Ulster Constabulary GC Association part-time officers' welfare group. The motion, which I have the honour of moving, relates to all part-time officers who served between 1970 and 2009, but the vast majority will have had Royal Ulster Constabulary service only.

Over the 12 years of the campaign to recognise the service of the part-time Reserve, many Members past and present were lobbied, as were direct rule Ministers. The last Ministers to be lobbied were the Chancellor of the Exchequer, the Secretary of State and the Prime Minister, who paid tribute to the service of the brave men and women of the part-time Reserve and referred to the great debt that was owed to them. Clearly, debt has a different meaning in the office of the Prime Minister than it does in reality.

From day one, the intention was to provide some form of financial recognition for the service of part-time police officers through what have been described as the darkest hours of the Troubles. To those of us prepared to wear the uniform, it meant many hours spent away from our home with little financial reward. In the late 1970s, 100 hours of duty equated to a take-home pay of £50 to £60 per month. Many

part-time Reserve women served for over 25 years with the Reserve, it being their only form of employment, and, on retirement, their only pension entitlement was the state pension.

It would be wrong of me to proceed without mentioning the 72 who lost their life as a result of terrorist activity, the two part-time PSNI officers who lost their life as a result of a road traffic accident in Warrenpoint, the hundreds who were forced from their civilian jobs and those who were retired from the police as a result of injuries on duty and did not receive a pension. Although I will deal with the security breach later in my speech, I advise now that eight of those who were murdered had left the RUC at the time of their death.

The £20 million that was allocated to fund the package was negotiated at the Hillsborough talks, and it was always our belief that that payment would be a tax-free lump sum. No one expected a huge financial windfall, but it was believed that the payment would be a reasonable recognition of service. The proposals that were put forward for the scheme by the association were not accepted in their entirety by the Department of Justice. Amendments were made to several of the proposals, and it was not until fairly late in discussions that tax implications were mentioned.

Reference was made to other financial settlements, including those of the Royal Irish Regiment and the Northern Ireland Civil Service, where settlements were made with the tax liability being met by the employer. Deals were made by the various Departments with Her Majesty's Revenue and Customs, and the tax liability was met and payments made gross to recipients. That was not the case for the part-time Reserve: tax at 20% was deducted from earnings up to £2,917, with 40% being deducted from the balance.

I was awarded a gross amount of £8,314.41. Tax of £2,345.80 was deducted from that figure, as was £991.81 for the employer's National Insurance and £211.48 for the employee's National Insurance, leaving me a net payment of £4,765.72. For your information, I served for 26 years and was in the highest band — band six. Most of those who received that payment are not 40% taxpayers and never will be, but they are now obliged to claim a refund of the higher-rate tax that applied. I wonder what it cost the Treasury to process all the repayments.

Clearly, Her Majesty's Government have received a substantial return on the £20 million that they made available. In my case, of the £8,314·81, they took back £3,549·09 — approximately 42·5% of the award. The debt owed by the people of Northern Ireland to the part-time Royal Ulster Constabulary Reserve cannot be calculated in pounds, shillings and pence, but the fact that it was considered necessary to tax the payment indicates that the value put on the service of those brave men and women by Her Majesty's Government was not very high.

I will move on to the way in which the information about the payment of those awards was issued. Large white envelopes were used. In my case, the information contained in the window included "Omagh BT78 1HU" and the wording "Dear Mr Hussey, part-time Reserve gratuity payment". The Northern Ireland Civil Service and, indeed, the Northern Ireland Office and those associated with it are required to adhere to the protective marking scheme. On considering the marking, an official has to determine what the compromise of the information would be likely to do. For information to be treated as confidential, one of the definitions is that it would

"prejudice individual security or liberty".

For it to be treated as secret,

"The compromise of this information or material would be likely ... to threaten life directly, or seriously prejudice public order, or individual security or liberty".

It could be argued that both those definitions could apply, but, probably, the confidential marking would have been appropriate. That being the case, there are specific guidelines for the transmission of such information, which were completely disregarded.

I was made aware of the security blunder on Saturday 20 August, when I received a telephone call from a former Reserve member. She said that it now means that anyone who handled and delivered this envelope knows that someone living at her address has a connection with the RUC Reserve. She asked whether anyone who was administering that process had any common sense. She said that her home was attacked in 1986 when she and her mother were alone in the house. She told me that they had to relocate immediately, staying for some time in the section house. She was

concerned not only at putting her family through the worry that her personal details have been put in the public domain but that this serious breach of the Data Protection Act 1998 could have happened to other colleagues who reside in areas of the Province which, for them, still carry a personal security risk. My personal security is not a particular problem, because, as a politician, I am in the public domain, but that lady was clearly very upset when she spoke to me. I have removed all the personal information that she passed to me and I have referred the many e-mails that I have received from colleagues directly to the Department of Justice and the PSNI.

Before closing, I want to read to the House a letter that I received from a member of my committee, a lady who is a personal friend and for whom I have the highest regard:

"Thirteen years ago my car was set on fire, my house was petrol bombed. I was quickly moved with very little belongings to another location, and then spent six long months finding what I thought was the house I was going to settle into. At great cost to ourselves and none to the Government my husband had security cameras, recording systems and Sapphire fitted to the house. My mortgage had to be increased and my payment duration extended to enable me to live in an area the Police Security Branch and my family considered safe. My belongings when I finally retrieved them from storage were practically destroyed not counting what had been stolen and I had to start all over again ... After ten months sick leave from work, a transfer to another job location, a different car I finally lived with the matter until Saturday morning. I spend gallons on diesel going different routes to and from work, picking who my friends are, where I do my weekly grocery shop, updating myself with security alerts, looking under my car, sitting in the house in the dark rather than put the lights on, or worse still having my blinds and curtains closed when not needed, and have nothing to do with my Police colleagues outside of what social life I have.

Since Saturday morning I have had flashbacks. Last night at 02:30 hrs I was sitting at the living room window drinking coffee and playing everything back in my mind of the horrific night my family was moved because of the job I had. At lunch time today I asked to go home from work as I can't get this out of my mind. My stomach is heaving at the thought of having to go through a move again and at the moment feel physically sick".

The words of my colleague say it all.

There is a question that has to be answered: what action has the Minister taken to ensure that serving and former officers are guaranteed safety in their home? Many who were prepared to risk their life for the security of the Province have had their personal security threatened by gross incompetence. They feel that they have been treated with contempt by the Department of Justice and by Her Majesty's Government. A grovelling apology to the House will not be sufficient to satisfy the upset that this farcical set of circumstances has created.

Mr S Anderson: I can certainly stand here this afternoon and give my full support to the motion. I appreciate all Mr Hussey's work and the role that he played as chair of the RUC George Cross Association part-time officers' welfare group, and I know that he previously expressed frustration about the failure to make meaningful progress in the past. But we are here today and we have made progress, and I know that my party played a great part in securing the £20 million.

I turn to the issues addressed in the motion. It is certainly a disgrace that the brave men and women of the part-time RUC and the widows of those who have passed on are being treated in such a shoddy manner. All who served in the police during the Troubles displayed great courage, but part-time RUC officers were especially vulnerable because of their civilian jobs. Out of love for their country, they proudly wore the uniform of the RUC, and the terrorist threat could not have been contained without them, a fact that has been acknowledged by the full-time force. Belatedly, they were given some hope of recognition, when the announcement that they would receive a gratuity was made in early 2010. They have now been left with a bad taste in the mouth, and they feel shabbily treated.

The motion addresses two concerns. First, it is a disgrace that the gratuity is not exempt from tax and National Insurance. It seems to me that there has been a lot of ducking and weaving by the Secretary of State and the Justice Minister. The Secretary of State tells us that it is a matter for the Treasury in London. The Justice Minister tells us that he is merely the administrator of the scheme. Those two men are in positions of authority and influence, so they really ought to display more guts and determination. Where there is a will, there is a way. I suspect that officials in the Treasury and the Department who designed the details of the

scheme probably feel a lot happier. After all, by including tax and National Insurance, they have managed to cut costs, and they know that only a small percentage of former reservists will query the matter.

I know of an elderly man who served from 1972 to 1990. He is now 82, yet he had a large part of his gratuity taxed at 40%. As an elderly pensioner, is he likely to be earning in excess of £42,000 a year? He took time to seek professional advice and challenged the calculations but, instead of giving an answer, Her Majesty's Revenue and Customs (HMRC) asked him how the gratuity scheme was taxed. Take note: he was asked how the scheme is taxed. Surely, that says it all.

The second issue in the motion is potentially even more serious, because it compromises and endangers personal safety. Those who had been looking forward to receiving their gratuity are now feeling vulnerable and threatened. As we all know, the payments were issued in envelopes that clearly showed that they contained a part-time Reserve gratuity payment. The Minister cannot wash his hands of this fiasco. It happened on his watch, and his officials have blundered badly. An apology from the Minister is not enough. His reputation and that of his Department have been damaged. I look forward to hearing the outcome of his review of the incident, but, to be honest, this place is coming down with reviews or promises of reviews. A review cannot undo the damage that has been done.

All in all, this has been a comedy of errors, but those who feel threatened and vulnerable are certainly not laughing. Are we to repay their bravery by short-changing them and causing them to experience the stress and worry that they and we thought was a thing of the past?

4.00 pm

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Ní bheimid ag tabhairt tacaíochta don rún. We will not be supporting the motion. Our opposition to the gratuity payment is on public record, so I will not rehearse that today. It follows that the idea that a gratuity payment, in the circumstances in which it was paid, should be tax exempt will lead us not to support the motion.

The latter part of the motion is something with which there are issues. It was publicly

articulated that people felt vulnerable as a result of how the Department handled the correspondence to those involved. The Minister has publicly apologised for that, and we wait to hear the details today of how his Department will take steps to ensure that people are not exposed to such vulnerability in future. Go raibh maith agat.

Mr McDevitt: We are very happy to participate in today's debate. We are also happy to express our support to those in any walk of life who seek to have their rights as workers upheld. It is the view of the SDLP and, I think, that of the vast majority of people in this region that no matter what political context you may wish to put on the part-time Reserve and no matter how you wish to view the role that it played in contemporary policing in this region, those are separate issues from the rights of people who did a job to receive fair and equal treatment at the point at which they ceased to do so. It is for that reason that the party that I represent was always clear in its advocacy of equality and parity of treatment for part-time reservists along with any other former members of the RUC. It is for that reason that we have sympathy with the lobby that has been represented today in the House by Mr Hussey, which is one that is based on pretty sound grounds of equality and fairness. I do not wish to take the conversation much further on that point.

The second part of the motion relates to what has become an all-too-common occurrence in recent months; a failure to uphold the security of people in our community. Again, irrespective of how one may wish to interpret the context in which an individual may have a duty to be protected, the bottom line remains that every member or former member of any public service organisation has a legitimate expectation to be protected and to have the duty of care of his or her employer upheld. It is exceptionally disappointing that people, some of whom will have been directly or indirectly victimised by the Troubles, should have their security breached. It is an exceptionally serious matter.

I agree with Mr Hussey: it takes more than just an apology to fix it. It is the same for a former police officer as it would be for anyone else in any other aspect of life where their employer has failed in a basic duty of care towards them. We will happily support the motion on grounds of basic fairness and equality for all.

Mr Dickson: I echo the words of Mr Hussey in the Chamber this afternoon and place on record my gratitude for, and recognition of, the bravery of the RUC Reserve George Cross. I also express my regret that deductions of tax and National Insurance were made from the part-time Reserve payment scheme. Unfortunately, however, the Minister is playing the hand that he was dealt. People may not like that, but it was agreed by others prior to devolution and was handed to him in a way that he was unable to change, despite his efforts to do so. The figure of £20 million was agreed before the devolution of policing and justice, and Her Majesty's Revenue and Customs can operate only within the parameters of existing tax and National Insurance law in the United Kingdom. Therefore, the Department must administer the scheme that was set out in accordance with the law.

I know that the Minister has done all that he can to press the issue with the Chancellor of the Exchequer on several occasions, but, unfortunately, it appears that any opportunity to improve the details of the scheme arose long before he was given the task of delivering on a commitment that was made by others. Once that die was cast in the initial agreement, little or nothing could be done to reverse the situation, but I commend the Minister for his efforts.

I also add my expressions of concern about the gratuity scheme security breach. Clearly, that is very disturbing and a worrying situation for the part-time reservists and their families whose security has been potentially compromised. Having placed themselves in harm's way in the past to protect the people of Northern Ireland, they certainly deserved better, and I regret this administrative blunder that has led to such distress. However, a very important point has to be made. The error was made by administrative staff, not by the Minister. The Minister does not lick the envelopes or put the stamps on. For government to function, there must be reasonable reliance on public servants to undertake administrative tasks efficiently and effectively. Unfortunately, the incident has highlighted a particular area of incompetence. However, the Minister cannot involve himself in the administrative duties of the Department because that would undermine his ability to conduct his duties effectively, yet some Members in this Chamber and elsewhere are set on blaming him.

Perhaps the 'Belfast Telegraph' had it right when it stated that the calls for the Minister's resignation are "a foolish knee-jerk reaction" and that he could not be blamed for the administrative error. The paper also complimented the Minister on his quick and decisive reaction. I echo those compliments and commend the Minister for his swift response in initiating an urgent security assessment, establishing a helpline for those who had concerns about their security. I am sure that Mr Hussey referred all of his colleagues to that helpline. Indeed, when the organisation that was providing that helpline struggled to cope with the number of calls, the Minister's Department put in additional staff to strengthen the service that was being offered.

The Minister has tackled the error swiftly and efficiently, and I place on record my thanks for his efforts. I support the motion, and I ask the Minister to outline to the Assembly what steps are being taken to ensure that the mistakes that were made in this case are identified and what lessons can be learned from it for the future.

Mr Wells: I join other Members in paying tribute to the courage and dedication of those who have served the community for many decades and acted as a bulwark between the ordinary decent citizens of the Province and the terrorists. The part-time RUC Reserve did a magnificent job in very difficult conditions. Indeed, I remember talking to one member of the part-time Reserve in my constituency who told me that, at night, when he was out doing road checks, he often came across known IRA terrorists who had previous convictions for murder and other heinous deeds. During the daytime, he was delivering bread to the doors of the very same individuals. That is the level of risk that those men — the vast majority, of course, were men — were placing themselves in. He was on his own, delivering bread in a situation where he was a very easy target.

The fact that such individuals spent 10, 15 or 20 years protecting this community means that they should have been given the highest possible level of recognition and treatment. It is extremely regrettable that, as a result of an administrative mistake, tax and national insurance has been deducted from the gratuity that they so richly deserved. No one can put a monetary value on the work that those men and women have done for the Province. The type of payments that we are talking about is simply a token recognition of their value to society and

what they have done for the ordinary, decent citizen. However, having achieved that gratuity as a direct result of my party's negotiations, they have been shabbily treated by having large amounts deducted through tax and National Insurance.

When it comes to the issue of how those cheques were posted out, heads should roll. Frankly, it is absolutely inexcusable that whoever was responsible for putting those cheques into those envelopes left themselves in the position whereby they left individual former members of the part-time Reserve immediately identifiable.

I will give you an example. When my credit card comes through the post, the company concerned takes precautions as follows: it is in a plain white envelope, the address is handwritten and there is a postage stamp on it. Why is that done? So that no one handling that item of correspondence could identify it as my credit card. By the way, my credit card is, frankly, hardly worth having, but still. *[Laughter.]* The postman would be wasting his time if he opened my envelope. However, the company concerned is taking sensible precautions to ensure that it is not identified as my credit card coming to my address.

What were the people thinking when they decided to send out that cheque in an envelope that clearly identified the person as a former member of the part-time Reserve? I just cannot understand how such a basic mistake was made, and I hope that, when the inquiry is concluded, those who made absolutely fundamental mistakes will be disciplined and the person responsible will be removed from post. This is not rocket science. Did nobody sit down for one moment and say, "Hold on a minute; does that not identify who we are sending the envelopes to?"

I know that the vast majority of postmen and those who sort mail in Northern Ireland are honourable, upright people and, in many areas, including large areas of south Down, I am completely confident that the people who handle and deliver the mail in no way use the information that was so readily obtainable to identify, target and pass on information to sinister elements that Mr Smith or Mr Jones is a former part-time member of the RUC Reserve. However, the reality is that there are still one or two individuals out there who could make use of that information, and, if one former member of the part-time RUC Reserve's security has been

placed at risk as a result of this mistake, I see that as a very serious lack of attention to detail and thoughtfulness. I was flabbergasted to open my newspaper, discover this story and start to receive complaints from individuals. I could not believe that it had happened, because it is not the first time. There have been numerous previous examples, and it is absolutely unforgivable.

Mr Irwin: I welcome the opportunity to comment on the debate today and, like many other representatives in the room, I have directly assisted many constituents in applying for this payment. The considerable blunder by the Department of Justice in using entirely the wrong sort of envelope and not taking the very simple step of looking at the envelope to ensure that it was not possible to see what the letter is about is, of course, totally unacceptable.

This matter has caused concern to many people, and, indeed, a similar blunder was made by the Service Personnel and Veterans Agency in their war pensions payments only last year. That blunder affected many ex-security force members in Northern Ireland. Indeed, a number of people in my constituency felt let down by the Government over that situation. It is completely unacceptable to have a situation whereby government, while trying to be of service to people, actually do them a disservice. Many ex-members and their families are, rightly, very security-conscious, given the renewed terrorist threat from dissident republicans. Therefore, for those letters to be sent out with the content clearly visible was and continues to be a huge issue for them, and one can fully understand their concern.

The apology from the Justice Minister was inadequate and, given the very serious ramifications of the security breach, the Minister needs to explain in detail what went wrong. Who made the decision to use windowed envelopes, and why did no one feel the need to check them to ensure that the recipient's security was not unnecessarily undermined? Security surely must be one of the key parts of any Department, none more so than the Department of Justice.

I will move to the issue of the taxation of the payments. That is extremely infuriating as, again, it smacks of government giving with one hand and taking away with the other. A gratuity payment, by its very nature, should be offered in full, and no more so than when we consider the

great sacrifice made by members of the RUC and their families throughout the Troubles.

The Government's decision to tax that payment was unfortunate. Coupled with the security breach, it has left a bitter taste. However, I have spoken to those who received the payment, and they are grateful for the sum. I know that many others, despite the difficulties, genuinely appreciate those, including senior members in my party, who worked hard to make that gratuity payment special scheme a reality. I await with interest the response of Justice Minister David Ford and I thank the Members who tabled the motion.

4.15 pm

Mr Copeland: In addressing this issue, I seek to give offence to no one and to tread carefully. However, it is important that we understand that the men and women of the Royal Ulster Constabulary Reserve and their colleagues in the police force, the Ulster Defence Regiment and the regular army were among those who, in the darkest days of this Province, put themselves in harm's way. Now they find that an amount of money, which is not large, is given to them, with tax and National Insurance deducted from it. It is delivered to them in an envelope that identifies their place of residence and their former service.

It is hard to understand the impact of that unless, like some in the Chamber, you lived through it. Even to this day, turning the ignition of your car and the engine firing without the bonnet exploding brings a sigh of relief. To this day, it is hard to understand not letting more than one person into your car before it bumps down the kerb that separates the pavement from the road, so that, if a mercury tilt switch is under the bonnet, only one person will be injured, or the inability to hang work shirts on the line in case the neighbours see it.

All of that is not a symbol of grumpy men and women with a history of service approaching middle age. It is not a symbol of their living in the past but of the past living in them, because what a section of this society went through and was put through cannot be adequately quantified in words or represented and offset by money.

It is unfair to blame Minister Ford individually, although his colleague's notion of ministerial responsibility is, perhaps, somewhat skewed. However, someone somewhere took a decision that brought back a nightmare for a large

number of people. I had three people in my office who all expressed concerns, one of whom was identified when the forms were first sent out because the envelope delivered through the post had been tampered with.

I cannot begin to try to explain to those who did not live through that how the impact of events in the past impinges on the present. I know what it is like to get a telephone call from the guardroom in Hastings Street police station that begins, "There's been a shooting". The thumping heart, the dryness, the shaking, the drive to try to find out where to go to find out the truth and the relief when — thank God, in my case — it was not serious. No one can understand the way that comes back. In one case, which I can speak of because it was very close to me, it resurfaced 31 years after the event, with a thrashing in the bed and the quoting of courtesy as an essential quality and one that will smooth many a path; instantly known to anyone here as one of the definitions of being a constable in the Royal Ulster Constabulary.

Whoever made this mistake, Minister, with no vindictiveness speak to them and make sure, please, that it does not happen again. I support the motion.

Mr A Maginness: I suppose that because of our unhappy history and divided political loyalties, it is difficult for somebody like me to share the view expressed about the RUC and the RUC Reserve. Nonetheless, I have to recognise the fact, as do other Members, that members of the RUC Reserve were cruelly targeted because they were soft targets. They were targeted by the IRA in a murder campaign against them. Therefore, it should be recognised that those men and women gave to this society and that they suffered. We should all regret and be ashamed of that suffering. It is wrong that those people were targeted, attacked and, in some instances, murdered because they carried out civilian jobs and were accessible, contactable and targetable.

Special recognition is rightly given to those people. As an outworking of the Patten reforms, it is right and proper that a gratuity should be given, and that gratuity has been given. However, it seems rather shabby that the Government should give a gratuity and then say that it should be taxed and have National Insurance contributions deducted. I thought that

a gratuity was a gratuity. If £20 million was given as a global figure for a gratuity, it should have been £20 million, not £20 million minus 40% or whatever percentage it might be. Members of the Reserve can, quite rightly, say that they have been shabbily treated. It seems grossly unfair and insensitive to tax that gratuity.

Their situation is worsened by the incompetence of the Department in sending out envelopes that were clearly identifiable and exposed people, although perhaps not to the extent that some Members have suggested today, to a risk that they should not have been exposed to. I take the point that Mr Copeland made that it has brought back memories to people who served in the Reserve, and that is particularly regrettable. It was not simply incompetence; it was negligence, and it should be marked as such. It was inexcusable. The Department should, rightly, be criticised for the way in which it carried out the exercise.

The taxation issue should have been anticipated by the NIO, the Police Federation or whoever. It should not have taken people by surprise. When the Treasury gets its teeth into something, it does not let go. People should reflect on the way in which the exercise was conducted and the regrettable aspects. The SDLP supports the motion.

Mr D McIlveen: I am grateful for the opportunity to speak in the debate. I fully support the motion. I feel that it is another let-down in a long list that the part-time Reserve folk have had to endure. I feel that they have been treated abysmally.

I begin by acknowledging the debt that we owe those people. They are true local heroes. In my view, their treatment to date has been something of a let-down. I believe that we need to redress that balance immediately. I have been lobbied by a number of former part-time Reserve officers. One lady, who wishes to remain anonymous, wrote to me. I want to read a couple of words of what she wrote. She said:

"The payment is made in recognition of the particular circumstances of those who volunteered to serve the Police Part-Time Reserve, making themselves vulnerable within the community for the safety of others, with the accompanying risks and the demonstration of civic spirit which that volunteering exhibited."

The money owed should be a reflection of the exceptional sacrifices that those people have made for us. That has evidently not been the case. Tax and National Insurance have been taken out of the gratuity payments, and I agree that it is totally unacceptable that the gratuity package has been taxed. The only winner in this scenario is the Treasury. It seems that this is an entirely wrong way in which to thank members of the part-time Reserve for the service that they have given to Ulster.

They have been let down by the security breach by the Department of Justice. I believe that the Minister must take responsibility for that in some capacity. I acknowledge that the Minister has established a helpline, initiated an urgent security assessment and instigated a review on how it happened. However, I call for much stronger action to be taken. The Minister ought to know exactly who is responsible for the incident and take the relevant action as a matter of urgency. The people affected and the general public must know that something on this scale will not go unnoticed and unpunished. I propose that the official in question be dealt with immediately to reassure us all that the Department is truly conscious of the gravity of the matter.

Anyone who came into contact with the envelopes in question now knows that someone at that address has connections with the RUC Reserve. Has the Minister considered reintroducing the special purchase of evacuated dwellings (SPED) scheme for those people? Is there provision and adequate reserves in his budget to ensure that if the lives of the people affected are brought under risk as a result of the blunder, they can be rehomed and assured that their safety is taken care of? It was a colossal error, and I believe that it must be dealt with as quickly as possible and taken as seriously as possible.

To sum up, I will talk about the people who have been let down. Fifty-three part-time officers died as a result of terrorist activity; 13 former part-time officers were murdered; and a further six died as a result of road traffic accidents or terrorist incidents when they were off duty. That is a total of 72. Those murdered on duty represent one in six of the losses of the RUC, and those who were murdered after they left the force represent over half the losses. Her Majesty's Government do not hold any record of the number of part-time officers who were

intimidated from their civilian employment or from their service with the RUC, but we can assume that there were many. From 1970 to 2004, 59 are recorded as having been medically retired as a result of injury on duty. One would assume that, having been retired through injury on duty, the officer would immediately qualify for the award of a police pension. A specific ruling was available under the RUC code.

Who let those heroes down? That is what we have to ask. Who dropped the ball in the Department of Justice that brought about this blunder? I ask the Minister to address those issues. I support the motion.

Lord Morrow: I want to make a few comments. I commend the movers of the motion for bringing it to the House and those who secured the £20 million way back during the Hillsborough talks. There was no doubt whatsoever that it was intended that the money, in its entirety, would go to the officers and that it would not be subjected to the rigours of the taxman. However, we have discovered that the taxman is definitely always waiting.

We have also been reassured today by Mr Dickson in particular that the Minister's hands are perfectly clean and that he has played a clean part in the events. I will take him at his word. However, the Minister could do something about a matter that, up until now, he has been emphatic that he will not do, but I would like to hear him use a different tone here today. Some people missed the opportunity to put in a claim, for real and legitimate reasons.

I ask the Minister, in the cold light of day following this debate, whether he is prepared to reconsider his position. I know the position that he has taken. Would he be prepared, in light of what has been and what will be said, to reconsider his position and give due consideration to those who genuinely missed putting in their application? I am aware of some — not many — who were left out and should be included.

4.30 pm

I understand that approximately 6,000 members will get a distribution of £20 million, which, at a quick calculation, is about £3,500 each, less tax. That is hardly a large sum of money by anybody's standards. However, it took the taste out of it when the Government stepped in and said that they would have their

clawback and their share of all the endeavours that those people had done over the years. Let it be said that the RUC Reserve and the RUC stood between sanity and insanity in this country and that there are many people alive today who would not be but for their endeavours and efforts.

I think that Mr McCartney's comments were in very bad taste. Here is a party that tells us that it is concerned about human rights and rights generally, whether they agree or disagree with them. However, they could not extend that concern today to the RUC Reserve GC. That is in sharp contrast to the SDLP's attitude. It took a constructive approach to the whole thing and said that it was prepared to support the sentiments expressed in the motion and would not seek to divide the House. I welcome that.

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

The real challenge for the Minister is to look again at the situation, give some reassurance to those who have not benefited and look at the extent to which the taxman will have a go at those who will. Because of the discrepancies and errors that have been made, the House should give that due consideration today and send out a forceful message, united as one voice, recognising that this award is most deserving. This is a gratuity payment. This is recognition of work and deeds done on behalf of this country and all its citizens, even those who did not agree with the RUC Reserve. The SDLP has been generous enough to acknowledge that in its Members' comments this afternoon. If this House sent out a united voice, the Minister and government in general should reconsider their position.

The Minister may not be able to do that, as Mr Dickson has said. His hands may be tied in relation to what the taxman has or has not done. However, there are some things about which his hands are not tied. He should acknowledge that, bring those things to the House today and say that he is prepared to give due consideration again, in particular, to those who missed out on the application.

Mr Allister: There are few sections of our society to whom we owe more than the police reservists, many of whom paid with their life for daring to defend law and order. I think today of the first member of the security forces killed in Ballymena, Mr Lamont, a reservist. I think of other gallant men, such as Eric Lutton,

butchered by wicked, evil terrorists. I then think of the survivors who gave so many years service and who get treated in the manner that they have been, in the nature, the extent and the administration of this gratuity.

For me, there are three issues: the appalling taxation issue; the appalling administration, which missed a third of potential applicants; and the appalling security breach. I will deal with them in that order. This was a negotiation that the DUP likes to claim much credit for. If it claims credit for it, it must equally accept that it botched it. The offer of £20 million was made in a letter to Peter Robinson in October 2009 in the run-up to the Hillsborough negotiations, where, it tells us, it had all sorts of leverage. It took its eyes right off the ball, and, instead of checking, double-checking and making absolutely sure that, like the previous gratuity for the UDR, this was going to be tax-free, it never bothered. If it did bother, it accepted that the gratuity would be taxed, such was its urgency to do the nefarious deal that it did with the former IRA party, Sinn Féin.

So, that was a negotiation botched. If the political leverage that was there had been applied, we would not be talking about the taxation. That should be an embarrassment to every politician. Effectively, any Member of this House, the House of Commons or the European Parliament who quits their office or is not returned gets a gratuity, of which the first £30,000 is tax-free. Yet here we have men who sacrificed beyond description. One of them spoke to me last week. He had served for over 30 years, but he got a cheque for less than £5,000, which is £3 a week.

Then we find that an inflexible, rigid, uncaring, unfeeling arrangement for the application meant that only two thirds of those who were eligible ever got the money. Although I commend the Member for moving the motion, I regret that he did not include this portion. It speaks for itself. If only 66% of those eligible applied, there was something drastically wrong with the advertising process that drew it to the public's attention. No one has to elaborate on that point, yet there has been a rigid refusal to deal with it. On that, I condemn the Minister for his inflexibility. He was more than happy to see deadlines pass, time after time, when it came to decommissioning, but he sticks rigidly to a deadline that shuts out those who sacrificed in the police Reserve.

I condemn the Minister for that, and I condemn him and his Department for the incredibly shambolic arrangements that gave rise to the security risk that has been posed to so many. The Minister tells us that his departmental officials told him that they could not write out to everyone who they thought might have been in the Reserve, even though they held their addresses, because there was a security risk. However, they can send out cheques and letters that compound that security risk. The manner in which this thing has been treated is quite appalling, and the Department has much to answer for.

Mr Deputy Speaker: I ask the Member to draw his remarks to a close, please.

Mr Allister: In passing the motion, we do not just pass it: we look for action from the Department, and I look for those who have been closed out to be given their share of the money yet.

Mr Weir: I speak towards the end of the debate. Unlike other Members, I do not have the police connections or any degree of personal connection, save that I grew up through the Troubles. I grew up in an area that, although not untouched by the Troubles, was largely regarded as one of the safer areas in Northern Ireland. I owe my opportunity to live a relatively peaceful life throughout most of that time to the bravery of the security forces: the UDR, the RUC, the British Army and the reservists. From that point of view, I commend the motion, because that recognition has been long overdue. Some of those brave men and women paid the supreme sacrifice through their actions, but all of them sacrificed through their families. As a result of their sacrifices, I was able to sleep safely in my bed at night. They held the line against terrorism for many years.

There is one element in what Mr Allister said that I can perhaps agree with: there are three issues to this. First, it is right that we acknowledge that it is worthwhile that at least there has been some recognition, albeit belated. For many years, the issue was ignored. Despite high levels of lobbying, successive Ministers simply turned a blind eye to it, but, through the work of reservists and through the position that was agreed at Hillsborough, we finally got some level of recognition.

I will turn to the imperfect elements of the issue in a moment, but at least something was achieved. Therefore, I take grave exception

to Members who in no circumstances would have given a penny to the reservists and to the criticism from the Member who spoke previously. This recognition occurred only because of the negotiations that took place at Hillsborough. The Member who spoke previously berates this party, but, if we had followed his advice, we would not be talking about £20 million; there would not be one penny for the reservists. There would not be a single bit of recognition, so I will not take any lectures from the Member opposite.

Mr Allister: You took your eye off the ball.

Mr Deputy Speaker: I ask the Member to address his remarks through the Chair.

Mr Weir: We are accused of taking our eye off the ball, but the reality is that the Member was not even on the field to look at the ball, let alone do anything of that nature. There are two main issues that I support. I welcome the motion that has been proposed and the support and indication of the more mature attitude that has come from the SDLP today.

As has been indicated, there has been a major breach of security, and I believe that it was entirely foreseeable. Mr Copeland talked about the memories of the past being dragged up for many reservists. However, it is not just the memories of the past but the fear of the future, namely that somehow the information could get into the hands of dissidents and, yet again, make people vulnerable.

Although I am sure that the Minister will tell us of the steps that he has taken, there must be people in the Department who are directly culpable for this gross negligence. I am not normally someone who seeks his pound of flesh, but I would like to hear from the Minister not simply apologies or announcements of investigations but about actions against those individuals to make them culpable for the appalling mess that they have created.

Finally, there is the issue of the taxation of the gratuity, which is clearly not what was agreed. At times, the Prime Minister tells us that he is a man who cherishes the Union and that the Conservative Party apparently cherishes the Union. Talk is all very well, but here is a distinct opportunity for them to give some measure of equality to those brave men and women of Northern Ireland who stood on the front line. Even at this late hour, I call on Her Majesty's

Government, through the Treasury, to reverse that decision and ensure that the money that has managed to be secured for those people is tax-free, that the National Insurance is not deducted and that the Treasury's penny-pinching attitude is reversed. I commend the motion to the House.

Mr Ford (The Minister of Justice): First, I congratulate Mr Hussey and his colleagues on securing the debate, which provides me with the opportunity to set out the steps that have been taken to address the difficulties that have arisen with the scheme recently. It is a matter of real regret that the conclusion of the gratuity scheme was marred by the unhappy circumstances surrounding the issuing of letters to recipients. I and all those involved in the running of the scheme have been upset by the potential compromise of individuals' identities as serving or former reservists, and I recognise the anxiety suffered by individuals who have been in touch with the Department since receiving their letters. Therefore, let me reiterate the apology that I have already made to those affected.

I am also pleased to be able to use this opportunity, as many others have during the debate, to underline the importance of recognising the service of the part-time Reserve. There have been difficulties with the administration of the scheme at its closing stages. There have also been disagreements about the terms of the scheme, which was passed to me by the Minister of State in the Northern Ireland Office, but there has effectively been no disagreement about the service that the part-time Reserve has given, the risks that reservists faced or the sacrifices that they made, including the 72 people, who, as has been said, made the ultimate sacrifice. They faced a disproportionate risk because they continued to live and work in the communities they served as part-time officers. Jim Wells, in particular, gave a very graphic example of that.

4.45 pm

Receiving a payment from the scheme is not intended to be in itself the measure of the community's appreciation of an officer's service. It would be easy in those circumstances to feel that the sum was derisory. Even though the payments were graduated and given a monetary value, it was never the intention that they should equate to a certain number of days' or weeks'

work. That sort of example has been unhelpful this afternoon. Rather, in setting aside the substantial sum of money to make ex gratia payments to these officers, it is intended that the part-time Reserve is given some meaningful recognition of the service that it has provided.

Discussion during the debate centred on the two main issues of tax and National Insurance and the security breach. Let me deal with some of the points that individuals made. It was always the case that the scheme, when it was presented to the Department of Justice, mentioned the payment of tax and National Insurance and that standard rules had to be applied by HMRC. In that sense, it has been suggested that administrative mistakes were made in the Department of Justice. They were not. The rules that were laid down by HMRC were imposed. It had been suggested that no effort was made to change that. Having personally written to the Chancellor after officials had failed with the Treasury and having then spoken to the Chancellor on a visit to Northern Ireland and made the case, I do not accept that anything more could have been done by the Department of Justice to deal with the case that was presented to it on devolution by the Northern Ireland Office.

Mr Wells: I am confused. The UDR payments came without any tax or National Insurance liability. As Mr Allister mentioned, someone who leaves their employment can take a gratuity of up to £30,000 with no tax or National Insurance deducted. The vast majority of these payments — perhaps all of them — were less than £30,000. Why could they not have been treated in a similar way to payments to any normal employee?

Mr Ford: I am no expert in tax law to advise Mr Wells in that respect. My understanding of the analogy of the £30,000 is that it is effectively dealt with as one of the redundancy payments when there is an allowance that is not taxable.

Mr S Anderson: Will the Member give way?

Mr Ford: Give me a second to finish this point.

The specific points were explored, and we were told that there was no alternative but to have tax and National Insurance payments deducted. I am not aware of the precise circumstances of the payment to the Ulster Defence Regiment. I am aware that officials went through great detail with HMRC, I then followed up with the

Chancellor, and we got no alternative to the rules requiring tax and insurance applying to payments made from the £20 million.

Mr S Anderson: I thank the Minister for giving way. Did the Department in fact seek advice from tax experts on how the scheme should be taxed?

Mr Ford: Yes, of course we sought advice. Indeed, there was ongoing discussion with HMRC, which was then followed up politically by me with the Chancellor, to seek to deal with the issue in a way that would meet the concerns of reservists who felt that they were not getting a fair deal. The reality was that we tried everything that we could, but we were unable to get the Treasury to change its collective mind. Therefore, the only option we had was to work within the guidelines that were laid down.

It may well be shabby. That word resonated around the Chamber this afternoon, when Mr Maginness described the behaviour of the Treasury as such. That does not alter the fact that it is applying the law as it applies to tax, and the Department of Justice had no alternative but to follow that. Regardless of whether or not Members want that to have happened and whether or not Members are baffled by it, that is the reality. Considerable effort was put into dealing with the issue, and it was unsuccessful because of an unwillingness on the part of the Chancellor to go beyond the £20 million as the overall gross payment subject to tax and National Insurance.

Mr Hussey: Will the Minister advise the House whether he asked the Chancellor if he would be prepared to treat this as an exceptional payment? The Chancellor would have had the authority, as I am sure the Minister is aware, to create this as an exceptional payment. He has, in the past, acted as other Chancellors have acted. Was the Chancellor specifically asked to treat this as an exceptional payment?

Mr Ford: I am not sure of the precise term; Mr Hussey refers to "exceptional payment". I made very clear to the Chancellor, both in writing and in personal representation, the feeling of annoyance that was being created; the comparisons that were being made, particularly with the Ulster Defence Regiment gratuity; and the strong feeling that there would be a considerable benefit were he to increase the amount payable in order that tax could be paid. He took no notice of those representations.

Mr Hussey: Will the Minister give way again?

Mr Ford: Very briefly.

Mr Hussey: I will be very brief. The Chancellor could have treated that as an exceptional payment. You are, of course, aware of the exceptional circumstances that applied to the Northern Ireland Civil Service and the Royal Irish Regiment, whereby the employers paid the tax and National Insurance and actually did a deal with Her Majesty's Revenue and Customs. I am sure that they did not pay the full tax and National Insurance, but they paid an amount towards it and made a deal. That issue was raised with your Department. Where did we go with that negotiation?

Mr Ford: I am sorry, but my understanding is that tax and National Insurance were paid at the full rate. I know that comparisons are being made about the percentage that was deducted. One of the difficulties is that, because of the way in which the payment was made, a large number of people had 40% tax deducted from their payment, but they have been given a form to reclaim that. Unfortunately, there was no other way to deal with that. The most helpful thing that could be done was to advise people on making the claim.

Mr Allister: Will the Minister give way?

Mr Ford: I am sorry; I have been giving way for a considerable period and have other issues that I wish to cover.

Of more concern than the tax and National Insurance issue is the security issue. From the very beginning, Mr Hussey said that there should have been full confidential cover in the way in which those communications were sent out. Clearly, that should have been the case. However, a number of Members, starting with Mr Anderson, made references to blunders by officials from the Department of Justice. In defence of those who work for me in the Department, I want to make it clear that no official from the Department of Justice was responsible for putting letters into envelopes, windowed or otherwise. The matter was dealt with by the Police Fund, which has, as the name suggests, significant links to the police and which one would expect to be — it normally is — fully cognisant of security issues. It was acting as an agent for the Department, and, in that respect, I accept responsibility for what was done. However, those who wish to criticise really

would do better than to criticise the generality of civil servants in the Department of Justice, who were not responsible for that issue. Clearly, there was a very significant administrative blunder that caused considerable concern, but that blunder was not made by the Department. What we now need to do is to seek to address it. I take entirely Conall McDevitt's point that the duty of care means that an apology is not enough. We need to see how we are addressing that.

Let me return briefly to some of the other points about the issues of take-up and tax, particularly those made by Lord Morrow and Mr Allister. The estimate I was given was that there would be in the region of 7,400 potential applicants: those who had served, had not been dismissed for misconduct and had not passed away. In practice, we got 6,200 applications. That is not, therefore, 66% but something more equating to 84%, and it is, in fact, more than double the number estimated by the part-time Reserve welfare group. I believe that that was a fairly reasonable take-up. Issues were raised about the security of writing out to people, which clearly created some difficulties. However, we had to split the £20 million among the eligible applicants, based loosely on their length of service, so there had to be a cut-off date for applications. Therefore, the suggestion that we should have kept the scheme open for ever simply was not possible. That is why I do not believe that the suggestions made by Lord Morrow and Mr Allister are possible. There had to be a date on which applications for the scheme closed. Indeed, extensions were granted to allow people to get their application in order, but there had to be a cut-off date to ensure that we got the details right.

Mr Allister: Will the Minister give way?

Mr Ford: Very briefly.

Mr Allister: On the point about the figure of 9,400, I hold in my hand a letter from an official from the Department of Justice that says that the figure was 9,400 and that the percentage of applicants was 66%. On the point that you had a set figure of £20 million to be divided among the number of applicants, you charged 40% tax, and there is now going to be a refund to many members. Where is that refunded money going? Why can it not be used for those who have missed out thus far?

Mr Ford: Those from whom 40% tax was deducted and who were liable to pay only 20%

or, indeed, no tax, would expect to get the refund to which they are entitled.

The Minister and the Department made the arrangements, which may or may not be regarded as shambolic. Mr Allister may wish to raise issues with the DUP about the negotiation of those arrangements, in which I had no part. I want to address the key issue, which Ross Hussey started with and others raised, about the actions that have been taken by the Department.

In response to the reported security breach, I instituted a number of immediate actions on Monday 22 August 2011. I am happy to give details to the Assembly. First, I sought an urgent assessment of the security implications of the breach and made it clear that, if that required action for any individual, as well as the general assessment, that action would be taken. The Department set up a phone line that was in operation that morning for recipients of gratuity letters who had concerns about their security. The Department is responding directly to those individuals and to others who have written to or e-mailed it. There were also complaints that the Police Fund was unable to respond to all the queries that it received; therefore the Department sent staff to assist the Police Fund in dealing with the work that has been created there. That has included, for example, issues such as the backlog in dealing with phone messages and issues that arose when, due to banking problems, payments were not made correctly.

As to the security threat, we have advised that anyone who believes that they are under specific threat should contact their area commander. I have also initiated an investigation into the breach of normal practice in respect of the security of those 6,000 individuals. I want to understand the decisions that led to that outcome and how those decisions were reached.

To date, 156 people have called the telephone helpline; nine have e-mailed; and nine have written to the Department. On Tuesday 6 September 2011, the Department wrote to all those who had contacted it in order to explain progress in the security assessment. Mr McIlveen mentioned the SPED scheme, which is open to anyone who has security concerns that are substantiated by the Police Service. The vast majority of those 156 people raised concerns that related to issues in the past. Relatively few have raised concerns about issues of today. I

appreciate fully that that does not lessen the anxiety of some of those reservists, which many Members expressed in the debate. Their anxiety needs to be taken into account. We need to do what we can to reassure those reservists because, however small that proportion is, it is creating difficulty for them. We will seek to continue that work to support those who feel particular difficulties and ensure that a proper individual assessment is carried out by the Police Service. If measures such as SPED are appropriate, they will be taken.

The investigation that I initiated on 22 August is nearing completion. I have had a preliminary briefing from the departmental security officer. I want to offer reassurance that the Police Fund recognises the need for appropriate security measures. Members have called for action to be taken against those whom they see as responsible. However, I trust that no Member would expect action to be taken without the due process that is being followed through seriously. Let me reiterate that, just as others have paid tribute to those who served in the part-time Reserve, it is important that we as a House commend them collectively for the circumstances in which they stepped up to protect the community.

Mr B McCrea: I am privileged to make the winding-up speech. I pay tribute to my colleague Mr Ross Hussey, who was instrumental in bringing the debate before the House. I also acknowledge — I hope that it is in order — that others, some of whom are present in the Gallery and some, no doubt, listening to the debate on the internet, will have profound interest in the issue. I pay tribute to them, too, for their sterling service. I hope that at least some comments that have been made in the Chamber will have been to their satisfaction.

5.00 pm

Many Members spoke eloquently about the contribution of the part-time Reserve. By their very nature, they lived in the community, often in dangerous situations. As Mr Hussey said, many of those, some of whom were murdered, did so after they resigned. That brings into perspective the disproportionate nature of the penalty that those brave men and women suffered for trying to do what they thought was right for all of us.

Sydney Anderson mentioned the fact that Mr Hussey had been involved in this. I also note that David McIlveen quoted his statistics from a paper that was prepared by Mr Hussey and his colleagues.

When is a gratuity not a gratuity? The answer is of course: when you take 40% of it away. Society has to decide whether to put the past behind us and deal with those issues properly. If so, being mean about a situation absolutely undermines the intent behind what you are trying to do. If you give money to people, you should not take it back. Several Members raised that point.

The challenge was thrown down by Mr Weir about calling on the Government to deal with this issue, and I support that. I hope — no doubt there will be a few comments about this — that his party's MPs will bring up the issue at Westminster too. This is something that we can deal with collectively.

The next issue is the security breach. One of the Minister's endearing attributes is that he is mildly spoken and brings calm to these issues sometimes; however, had this happened five, 10 or 15 years ago, the palpable sense of outrage and complete disbelief that we could send out papers identifying part-time RUC reservists would have brought the Government down. It is a serious issue. Although the Minister said that he would look at this, I do not think that we have yet found a way of addressing it. Make no mistake: it shakes the very foundation of what we are trying to do that we cannot find a way of delivering the post to those who have served us so loyally in the past. We have to address that.

If he gives me latitude, I will mention Mr Copeland, who started his address by saying that he wanted to give no offence. I will try to give no offence on this issue, but there are a few points that need to be said in an appropriate way for the record. Mr Copeland graphically described the difficulties facing people. It brought home to those of us who were not in the RUC or the part-time Reserve, as Mr Weir acknowledged, just what it was like to live under those conditions.

I will note, without the histrionics of some others, that when we claim victory for a negotiation it is disappointing if we do not quite get the outcome that we want. Therefore, rather than taking any particular blame or pointing fingers, we must all try to avoid making a mistake and see if we can get restitution.

I repeat that I expect to see a concerted effort from the colleagues to my left to see whether we can address the injustice of the gratuity being taxed.

I saw Members from Sinn Féin shaking their heads at some of the things that I said, and I

am disappointed by their approach. In recent days and weeks, I heard the attack that Members of that party launched against the Police Ombudsman, telling him about the things that were not done correctly. They questioned how we are to move forward if we cannot deal with the past and why we cannot deal with the issues. I also note that party's recent ard fheis, which was an interesting exercise in people talking about moving forward. Those of my colleagues who are not content with the motion are missing an opportunity. If they are serious about moving forward, we must find a way of dealing with the past. Simply demonising those who carried out a reasonable and proper defence of the people who they believed they were serving, does no one any justice.

Mr Hussey: My colleague referred to those who demonise those who served in the Royal Ulster Constabulary. Colleagues of mine are here today, one of whom was present at the Enniskillen bomb and who still has a blood-stained uniform in his wardrobe. That memory will haunt him for the rest of his days. As an 18-year-old part-time police officer, I saw the body of a colleague and that picture will be in my head until the day that I die. There is a lady here today, who, as a part-time police officer, continually had to go the homes of murdered officers and stay with their wives while the bodies were attended to. Those nightmares are always there, and, in some of the cases that I referred to, flashbacks are coming back to those concerned because some idiot could not put a letter into a plain brown envelope and post it out. An idiot did that, and someone's head should roll. There are people here today who suffer from nightmares because of that incompetence.

Mr B McCrea: I thank Mr Hussey for his intervention and for putting his point more eloquently than I could.

As I move to the conclusion of my contribution, I quote the Minister's own words back to him: "an apology is not enough". We need to find a way of addressing that issue. The issue of whether the Chancellor or the NIO was responsible for the decision to tax the gratuity is water under the bridge. What matters now is how we try to address this issue. The Minister said that the Department of Justice was not responsible for the security breach, but someone was responsible, and people should stand up and take responsibility for their actions.

In conclusion, my mother's father was in the RUC, and, all of my life, I have taken pride in the actions of its part-time and full-time members. I commend them, and I commend the motion to the House. I hope that it will be agreed unanimously.

Question put.

The Assembly divided: Ayes 54; Noes 23

AYES

Mr Allister, Mr S Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mr Byrne, Mr T Clarke, Mr Copeland, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mrs Lewis, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Poots, Mr Ross, Mr Spratt, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Hussey and Mr Kinahan.

NOES

Mr Boylan, Ms Boyle, Mr Brady, Mr W Clarke, Mr Flanagan, Ms Gildernew, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mr McKay, Mr McLaughlin, Mr McMullan, Mr A Maskey, Mr P Maskey, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr F McCann and Ms S Ramsey.

Question accordingly agreed to.

Resolved:

That this Assembly notes with regret the deduction of National Insurance and income tax from the £20 million part-time Reserve gratuity scheme; expresses concern at the security breach which put the identity and well-being of around 6,000 former part-time RUC officers at risk; and calls on the Minister of Justice to make a statement on the matter and detail what action has been taken in light of the security breach.

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker.]

Adjournment

Belfast City Hospital: Closure of Accident and Emergency Unit

Mr Deputy Speaker: I remind Members that the proposer of the topic for debate will have 15 minutes. The Minister of Health, Social Services and Public Safety will have 10 minutes to respond. All other Members who wish to speak will have approximately seven minutes.

Mr McDevitt: The House will be glad to hear that I do not intend to take my 15 minutes. However, I do not believe that the provision is there for me to allow anyone else to use it up.

Belfast City Hospital has served the community of Belfast city for some considerable time. Its accident and emergency unit has been an integral part of the fabric of the south inner city and university districts as well as many of the suburban areas in the greater south Belfast area. It has provided service in an impartial and fair way, and is seen as a local hospital to that particular community.

We live in an era in which we all must be attentive to the need to deliver a better type of health service and in which we must ensure that it is delivered to better standards than would, historically, have been the case. I do not think that anyone would really argue with that point.

However, what has caused so many people in South Belfast to be very concerned is the manner in which events unfolded over the summer. We first heard that the Department was thinking about launching a consultation about the possible future of A&E services at Belfast City Hospital, a piece of news that came as a surprise owing to its timing. Why? Simply because it has always been understood that any future change to A&E services across the city of Belfast would occur only when the critical care facility came online at the Royal Victoria Hospital. The Minister rightly reminds us that that facility is still some considerable way off completion.

Last week, matters took a considerable turn for the worse, with a decision taken on, we are

told, clinical grounds by the Belfast Health and Social Care Trust to close A&E services as of 1 November because, in its words, it cannot guarantee adequate clinical cover to ensure that services continue to the standards acceptable to modern regulatory codes. That decision begs a question, and some of the debate unfolded following the Minister's statement in the House earlier: how come a crisis emerged when we have known about the problem for so long? How come we have had a decision foisted on us on clinical grounds when the problem has been known about for so long?

The big issue that people have with this series of events is that no one is trying to say that things will be better after 1 November. What we do know for a fact is that there will be fewer A&E beds in Belfast city on 1 November than there are today. We also know for a fact that the facilities at the Royal Victoria Hospital are temporary and that, to try to mitigate the impact of the closure at the City Hospital, more temporary facilities will be added to the Royal. When winter really digs in, and the inevitable occurs — seasonal flu, winter vomiting and other unavoidable winter illnesses — where will the capacity come from to accommodate them? The only thing that we know about all this is that the capacity will not be there.

It is my view, and possibly that of many of us who represent South Belfast, irrespective of party allegiance, that the decision was entirely premature — it was made before its time — and that the crisis decision taken by the trust on clinical grounds was entirely foreseeable. The Minister must, therefore, commit to trying to restore proper clinical standards at Belfast City Hospital A&E as a matter of urgency, and he must guarantee the House and the people of our city that no significant or policy decisions will be taken about the future of A&E until such a time as the critical care facility comes online at the Royal Victoria Hospital, because anything short of that will inevitably lead to fewer resources being available to meet the needs of the city.

I am aware of the points that the Minister makes about the recruitment of doctors.

I have sympathy for those professionals at trust level who are struggling to meet that need. However, forgive me a moment of cynicism: it is an exceptionally convenient turn of events that several weeks after the Minister told us that

he was minded to do something, the clinical need to do it emerges. Once the clinical need is there, the event happens. The cynics will ask what chance is there that the Minister's proposed consultation will be able to be conducted in a free, unfettered and objective way.

5.30 pm

Before it all becomes a self-fulfilling prophecy, my call, and that of the SDLP in south Belfast, is that we step back from allowing the inevitable to happen and look at ensuring that the facilities that are at Belfast City Hospital A&E are properly staffed and resourced until such time as the Royal Victoria Hospital is able to absorb the extra capacity that will arise.

Mr Spratt: I, too, will not take too long. I thank my colleague from South Belfast Conall McDevitt for securing this Adjournment debate. It comes after the Minister made a fairly lengthy statement; perhaps many of the points were covered already in that statement. I accept that there needs to be changes in accident and emergency. Some difficult decisions have to be made about health, particularly when you look at the number of accident and emergency departments. We all strive and hope for a centre of excellence in the city of Belfast to cover all the citizens of Belfast, no matter which corner of the city they come from.

I accept that the trust had to make the decision for purely operational reasons such as medical cover and care, which the Minister told us about earlier. I also accept that the distances between all four accident and emergency departments, if you bring the Ulster Hospital into the scenario, are not great in comparison with the distance in other parts of the Province. It needs to be more widely explained, particularly to the residents of south Belfast, that the City Hospital is already a centre of excellence for cancer care and other specialities and is earmarked to become a centre of excellence for elective surgery. The Royal will be the centre for acute emergency care and surgery. I have asked the Minister to make sure that that message gets out to everyone.

Residents and constituents in the Donegall Road, Village and Sandy Row areas of south Belfast have safety concerns, whether they are ill-perceived or not, about going to the Royal. I am not so sure that those concerns are justified, so some reassurance needs to be given to people in that regard. Those of us who have to go in and out of the Royal and other hospitals from

time to time have not found any major problem. However, there is certainly that perception in certain areas of the city. That is another area of concern that needs to be addressed.

There is also the concern about the additional travelling time in going to the Royal. Again, there is work that could and should be done around that to make people understand that the extra few minutes in an ambulance or whatever means that they will go to a unit that will give them the best possible care.

Earlier, I addressed with the Minister an area about which I still have concerns. The new trauma centre at the Royal is not fully operational, and it will not be for up to two years. I have concerns about the 40,000 extra patients. I understand that the Minister has told us about minor units, and that needs to be welcomed. Anyone who has to go to an accident and emergency unit or who knows doctors who work there will know that many people arrive there who, quite frankly, should not be there. That is being addressed, and it needs to be addressed with the public by making the public more aware that other areas are open to them. Maybe if that were a bit better explained to them, fewer people would go to any of the accident and emergency units in Northern Ireland. A whole range of things needs to be done in dealing with closure and explaining clearly to folks exactly what is happening at the City. Having talked to the trade unions, I know that they understand that there will be no job losses and that the City Hospital will be running to full capacity without any reduction in staff or anything else.

In the Minister's statement earlier, he addressed the point that a number of people and organisations are persisting with the claim that the closure will put lives at risk. That is devious, dangerous and totally wrong. From whatever source they may come, those comments need to be tackled head on and regularly. All Members of the House and politicians from the area need to scupper those fears, because it is always vulnerable and elderly people who will listen to those concerns. That will give them serious cause for concern, particularly the folks who are in and out of hospital regularly. There is work to be done to reassure the public, particularly in south Belfast, on everything that is being put in place. I ask that the Department do that as soon as possible to try to allay some of the fears and reassure folks that the City Hospital

will continue as a centre of excellence for medical care in Northern Ireland into the future.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for securing the debate, which has given us all an opportunity to address the issue further. I commend the Member who has just spoken, Jimmy Spratt, because Jimmy has touched on an undercurrent that, so far, has been unspoken. It is helpful to get the little elephant out of the room, which is that a lot of people in Belfast, for understandable reasons, have had what I will describe as a more comfortable feeling with going to one hospital rather than another. That feeling was in the minds of many people and with good reason. Thankfully, although we still have difficulties in our city, the situation has moved on quite considerably, and we will all welcome that very much. In the back — and maybe even at the forefront — of the minds of some people who live in south Belfast there is a fear of having to go to the Royal in what they think is west Belfast, and vice versa. From my direct experience as someone who has been in and out of hospitals quite a bit in recent years, I can understand that. However, I believe and am satisfied that the situation has improved considerably, and we will all want to welcome that. It is the responsibility of all of us to try to deal with this in as mature a way as possible, without the rhetoric, some of which Jimmy referred to.

I heard a representative on TV at the beginning of the public debate a while ago, and that person, whom I will not name, spoke for about four minutes without even mentioning patients who might need emergency care. That person spoke about everything bar the need for someone who requires emergency treatment to be able to get it access to it and in very quick time.

Every one of us has at the heart of our concerns — I certainly do as a South Belfast representative, speaking specifically for that area — making sure that all the people in this city have direct and immediate access to emergency care if and when they, unfortunately, need it. That has to be paramount and uppermost in our minds. Therefore, all our concerns need to be directed at the types of contingency plans that the Minister referred to earlier and will, I presume, address again during the debate.

The capacity of other institutions to absorb an increase in attendance is of paramount

importance. The decision has been taken, and the closure will happen. Whether it is temporary or otherwise is a discussion for another day. We can be as cynical as we wish, but the decision is taken, and I want to make sure that, hand on heart, I can face my constituents and say that we have made representations to the Minister on specific issues relating to the capacity of other places to absorb the additional number of people who attend, what may happen to the workforce that currently services the City, and so on. However, the primary question is: how will the people who currently use the Belfast City Hospital facilities fare if they need to use those services in the future? That is the only issue that I want to address.

Having listened to the debate and to the Minister earlier, I too wonder about some issues. There was some discussion recently and then the announcement, which has been described as “premature”, was made. If everybody knew about it, why was nothing done sooner, rather than waiting or taking “premature” decisions? I am not entirely sure of the right way of all this, but I listened very carefully to what the Minister said earlier. If it has taken the clinicians, professionals, experts, consultants and doctors to say, “We are going no further with this”, where was the management? I do not mean in the past two weeks, because the Minister has been in post only since May or June. Where was the management over the past year or two when the problem was building up? I am not really interested in getting the answer to that today, but those are fundamental issues that need to be addressed in the longer term.

This closure has been described by the Minister as temporary. If the deficits are met, the service is stabilised and people are safe to attend hospital to get emergency care when they need it, the longer-term management of the service still has to be addressed. So I would like to think that lessons have been learned, and I presume and hope that lessons have been learned from the failure to either address or redress the difficulties that have brought us to the point where medical professionals are telling us that they are no longer prepared to stand over the situation. If medical professionals have said, “I am sorry but I am not prepared to stand over the situation any longer”, I fail to see how anybody can describe a decision as “premature”. I do not understand that. I would

like to think that decisive action would have been taken and a decision made.

However, like every other representative of the constituency, I am aware, as I said when the Minister made the statement to the Assembly this afternoon, that any other set of constituency MLAs could stand here and complain about or address the issue of the closure of an A&E department in their constituency. As a South Belfast representative, my primary concern is for the safety and well-being of the constituents that I have the privilege to represent, and I was satisfied, perhaps considerably so, by the Minister's responses earlier.

It is important to continue to make sure that the public hear as often and as clearly as possible what the contingency plans are; what measures are in place; and what responsible actions the public can take, which the Minister referred to on occasions, to reduce the pressure on A&Es, no matter where they are. I wish the Minister well in his task of convincing the public that the service that they will rely on will be safe and secure.

5.45 pm

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

Mr A Maskey: I hope that the public in south Belfast, or anywhere else, can look forward in the longer term to having safe and secure services.

Mr McGimpsey: I am grateful to Mr McDevitt for securing the debate. It is on an issue which, as Mr Spratt said, is causing serious concerns in south Belfast. It is a controversial decision. The A&E at the City Hospital is closing. It is an A&E that currently accommodates 42,000 visits a year; that is virtually 1,000 a week. We are on the cusp of winter pressures, and, as the weather gets colder, we will see a dramatic increase in the number of visits to all of our A&Es — not just for orthopaedic services but also by our elderly population and because of flu-related symptoms and so on. This is exactly the time of the year when we look to our A&Es to perform at their best.

We are all aware that, as far as Belfast is concerned, we have the Royal, Mater and City hospitals. The Mater accommodates 40,000 visits a year and the Royal around 70,000. The Royal is clearly our major A&E. The strategy

for the Health Service was begun by Mr Maskey's party, Sinn Féin, under Developing Better Services. It is useful to remember what Developing Better Services said, because that is the strategy that we have been following. Had capital funds and investment been available properly, as they should have been over the years, we would be much further on in developing that strategy, which was for a major new critical-care building at the Royal. I was personally pleased, as Minister, to go forward with that at a cost of, I think, £190 million. That will provide a brand new accident and emergency, intensive care, and acute surgery facilities — all that we would expect from a modern, up-to-date regional centre for A&E. That is now two years away from completion of its four-year build.

Under the strategy, it was always envisaged that the Mater would be a local hospital. Local hospitals have minor-injuries units, but, as an enhanced local hospital, the Mater would have certain other extras, not least ophthalmology services. That the Mater would have a minor-injuries service was laid down with Sinn Féin's signature very much underneath it.

The City Hospital would be a major acute hospital, a teaching hospital with an A&E. It was envisaged that that A&E would or should continue until the new Royal A&E service in the critical-care unit was in operation. That is why a gap is developing here. Those 42,000 patients a year who visit the City Hospital will not be accommodated in future; therefore, there will be a gap. So, you look to see where that gap will be filled. Well, it seems to me that it will not be filled at the Ulster Hospital, because the Ulster was designed for 30,000 visits a year, and it is already handling more than 70,000.

I welcome the Minister's announcement today that the South Eastern Health and Social Care Trust has recruited three extra A&E consultants for the Ulster. That will certainly help the hospital's throughput, although it begs the question why we cannot recruit three extra consultants for the City Hospital as well, because the lack of middle-grade doctors appears to be the problem or the issue here. That would allow, as was always envisaged, the City Hospital A&E to continue until the Royal has the capacity to shoulder the burden. Remember that the Royal A&E unit is currently in a temporary building. The Royal A&E was demolished several years ago to make way for

the critical-care unit, and it is currently housed in a large temporary metal building. It is a good temporary building, but that is what it is — temporary.

There will be serious disruption at the A&E at the Royal when the new critical care unit is ready and we have to locate from the temporary A&E into the critical care unit. A number of issues have been in the planning, upsetting the plan, turning it upside down and causing surprise. Frankly, that is where we are coming from. Had it been the Mater going to a minor injuries unit to remove staff from the Mater to the City, that I could have understood. However, taking staff to maintain the Mater A&E, for example, knowing that the Mater A&E will be a minor injuries unit in a couple of years from now, took me by surprise.

The Ulster Hospital also requires a new A&E. As the Minister said, under the current investment strategy for Northern Ireland plan, there is so little money going into health that it is nearly nine years away. Of course, if the money were available, it could be ready within two years, as it is all set and ready to go. Those issues are of concern to the population. It is about capacity. Will there be an A&E available, and will it be able to deliver the service for patients coming through the door within the 12-hour target?

As I said, there is the issue of winter pressures. There is also an issue that relates to the Minister's earlier remarks, when he appeared to say that the General Medical Council wrote to say that it was not going to provide support or cover for the City Hospital A&E, which, effectively, forced our hand. I need further clarification on that, and I would be concerned if that is what came from the General Medical Council (GMC). However, I will check the Hansard report to see the Minister's precise remarks. Nevertheless, I took it that the GMC was the cause of the issue, and we should not take that lightly.

There is a capacity issue and an issue of confidence. It seems to be a bad day for south Belfast. We are losing our constituency —

Mr Deputy Speaker: Will the Member draw his remarks to a close?

Mr McGimpsey: Yes, thank you. We are losing our constituency, and we are losing our A&E at very short notice with winter pressures coming. I need some more convincing.

Mr McCarthy: I welcome the opportunity to respond to the debate in place of my party colleague Anna Lo, who represents South Belfast. Unfortunately, she is unable to be present. I also thank the Member for South Belfast Mr McDevitt for securing this important debate.

Mr Wells: On a point of order, Mr Deputy Speaker. Could something be done about the PA system? There seems to be inordinate interference, which is making it difficult to hear. We all want to hear the pearls of wisdom from Mr McCarthy, but the present system is giving us deep difficulties.

Mr McCarthy: Can you not hear me, Jim?

Mr Deputy Speaker: The fact that it has been referred to will probably be picked up by our technical department and, hopefully, resolved.

Mr McCarthy: My colleague Anna Lo has met the Minister and written to the chairman of the Belfast Health and Social Care Trust on the issue. It is also an issue that I am familiar with as I am a member of the Health Committee. Indeed, I questioned the Minister on the day that he announced to the Committee the decision on the A&E at the City Hospital. Given the difficult financial times, the state of the budget and the lack of practitioners and doctors etc, we realise that there is a need for a review of the health estate and that the current provision of four accident and emergency units in Belfast must be looked at. Duplication must be avoided at all costs. We must also take account of the opinion of medical professionals on adequate and safe staffing in all our health service provision. However, before steps are taken to close the A&E unit at the City Hospital, it is important that there is sufficient provision in place elsewhere to ensure that the more than 40,000 patients who will be forced to travel further will not then be subject to excessive waits elsewhere. Currently, the Royal Victoria Hospital does not have the necessary infrastructure to deal with the arrival of such a large number of extra patients a year. With only 24 A&E cubicles, it is difficult to see how it will be expected to cope with that huge rise in the number of patients.

I accept the statement made by the Minister in the House today in relation to the A&E at the City Hospital. As it stands, the Royal is finding it difficult to cope with patient levels. In June 2011, 56 patients waited over 12 hours at the Royal. The Ulster Hospital in Dundonald,

which, surely, will also see a large uplift in the number of patients visiting its A&E, as has been acknowledged already today, had 155 people wait for over 12 hours in the same month. Therefore, although there may be a financial need for rationalisation in the health service, it cannot come at a risk to patient care or even at the risk of creating lengthier waiting lists for patients because the necessary infrastructure is not in place to allow the remaining accident and emergency units to cope.

I urge the Minister to ensure that he is taking all adequate steps, such as public education campaigns, to reduce the number of people who attend accident and emergency units when their needs could be much better serviced elsewhere. I mentioned that to the Minister following his statement today. I acknowledge that the Minister answered my question on that. He advised the Assembly of his efforts to help with that issue. Currently, too many people, for one reason or another, use A&E units as an alternative to visiting their GP. They use an out-of-hours doctor or visit a minor injuries unit. If those numbers were reduced, the strain on all our A&E units would be eased significantly. I sincerely hope that that message can get out to everyone.

I call on the Minister to ensure that every effort is made to put in place sufficient upgrades in surrounding A&E units to ensure that patients do not suffer unduly from any rationalisation in the health service in Belfast.

Mr Poots (The Minister of Health, Social Services and Public Safety): I am grateful for the opportunity to listen to Members' comments and to respond to the important debate on the changes to Belfast City Hospital's emergency department. I have already made a comprehensive statement on the matter this afternoon, and, in the interests of time, I do not wish to repeat all that was in that statement. However, I want to reiterate a number of points and deal with some of the issues that have been raised by Members.

Let me be clear at the outset that the safety of patients is my number one concern, and I want to assure the people of south Belfast that there is and will continue to be access to appropriate emergency services for all those who need them. The urgent and necessary decision by the Belfast Trust to reconfigure the emergency department services on two sites

and alter provision in Belfast City Hospital is an operational matter that was taken in the interests of safety and sustainability of services. Those who say that people will die as a result of the decision are wrong. We are doing this to ensure that the patients are dealt with safely and appropriately and to ensure that there is proper and adequate cover at our hospitals, something that has not been the case in the past.

As I explained earlier, I am advised that the Belfast Trust considered other options, including reducing the opening hours of the City Hospital emergency department or putting in place a minor injuries unit. It must also be remembered that the Royal site is the regional trauma unit for Northern Ireland.

The changes, as proposed, are not to take place until 1 November 2011, but that does not mean that acute admissions to Belfast City Hospital will stop. The model being designed for Belfast City Hospital, although it still needs some refinement, will see acute admissions to the hospital through a medical admissions unit and an acute assessment facility. Patient pathways will also be in place for certain specialty admissions.

6.00 pm

It should also be said that the future of Belfast City Hospital is not under threat as a result of the removal of emergency services at this time because of urgent requirements. The hospital provides a superb service, particularly in urology and nephrology, and is the regional cancer centre for Northern Ireland. One of the first things that I did as Minister was to propose further investment in the hospital through new lines for the radiotherapy unit in association with the proposal to develop the cancer centre at Altnagelvin Hospital. So, I am committed to ensuring that the Belfast City Hospital remains and remains as a teaching facility.

I will deal with the issue that Mr McGimpsey raised regarding the GMC. The GMC did threaten very clearly to withdraw teaching status on the back of the Northern Ireland Medical and Dental Training Agency (NIMDTA) report produced in June. The August response was a response —

Mr McDevitt: Will the Minister give way?

Mr Poots: I will give way.

The August response was a response to the report produced in June by NIMDTA. This was not some cynical, stage-managed exercise. It was the GMC's response to a NIMDTA report that gave the Belfast City Hospital and Royal Victoria sites F grades.

Mr McDevitt: I thank the Minister for giving way. I think that that is an important point that we all need clarity on. I have just heard the Minister say that the GMC threatened to withdraw the teaching status of the hospital. Earlier, I certainly got the impression that the Minister was saying that the GMC was threatening to withdraw medical cover. I welcome that clarification. I am sure that lots of people will do so.

Mr Poots: The GMC has considerable concern about the status of the junior doctors. It wants to ensure that they have adequate training, supervision and professional oversight. That is for two reasons: for training purposes and to ensure that junior doctors are not making decisions that they should not be making and that others are making those key life-and-death decisions. It is inappropriate to put junior doctors in a position in which they are making life-and-death decisions without having had the proper opportunity to have adequate training to make those decisions.

I also acknowledge that the south Belfast people who present themselves to an emergency department will have to do so at either the Royal or the Mater hospitals. Mr Spratt and Mr Maskey made the point that there are people in south Belfast who feel a little uncomfortable going to west Belfast. That should not be the case. Our hospitals should be neutral venues. However, Northern Ireland is an unusual place in many respects, and we still have throwbacks to the period of the Troubles.

Mr Wells: Will the Minister comment on the fact that the Mater Hospital is used equally by residents of the Shankill, the Crumlin Road, Ligoniel and Glengormley with no difficulty whatsoever? That seems to indicate a model by which all our hospitals in Northern Ireland could be seen as neutral spaces that everyone can use safely.

Mr Poots: That is the case. The Mater Hospital is used extensively by both sides of the community.

I understand why people in the Village and Sandy Row may feel a little uncomfortable about

going to the Royal. I have used the emergency department in the Royal. I have sat there for many hours with my disabled brother, and, as would normally be the case, I did not have any problems. Perhaps the fear that some members of the public have is misplaced. There are alternatives, of course. There are other sites that people can go to, including the Ulster Hospital site and the Mater, if they feel uncomfortable about visiting an emergency department in a particular area but need care. However, we have to get to a point where people can overcome those issues and problems. That should not be an issue that clouds our decision-making. Belfast City Council has something like 13 leisure centres because people will not cross boundaries, and that has added a huge cost to that council.

I note that the driving distance from the City Hospital to the Royal Hospital is 1.2 miles and from the City Hospital to the Mater Hospital the driving distance is 2.1 miles. That causes a further inconvenience for some people in south Belfast, but it has to be balanced against the need, which is far greater, to have safe, high-quality services with better access to senior doctors and greater supervision of junior doctors, especially out of hours and at weekends.

It is my understanding that there will be no staff reductions, which is a very important issue for the trade unions, but there will be a requirement for staff reconfiguration. The trust has discussed those changes with relevant staff and will continue to do so.

There will also be full communication with the public, other trusts and GPs on those temporary changes, and that will be done through a number of mechanisms. Advertisements will be put up in GP surgeries, pharmacies, post offices and our universities. The promotion of relevant information will be done through all appropriate media and press outlets. The changes will be promoted to the media through organisational advocates who will be mandated to explain the necessity for the changes and their value to patients. There will be extensive public advertisement of the changes in the run-up to the date of the service transfer; provision of relevant information through trust, board and other suitably accessible website facilities; and sharing of information with key interest groups, such as elected representatives, trade unions and other stakeholder interests, including GPs, through an ongoing programme of meetings.

I assure you that the changes will be closely monitored by the Belfast Trust, the HSC Board and me. Members will have gathered from the discussion that took place earlier today and, indeed, from this debate that this was coming and has been coming for some time. There have been evident signs that that was the case. I pose this question to the House: how was it that the Ulster Hospital was in a position to recruit three additional consultants to that facility and the City Hospital was not in a position to ensure that there was adequate cover of registrars and consultants to maintain the service there? I suspect that, if people were concerned about the City Hospital, perhaps they took their eye off the ball when they had the opportunity to ensure that the situation that I was given was not better for the Belfast City Hospital emergency department.

In the longer term, we have a strategic decision to make on the provision of emergency department services in the greater Belfast area. I reassure the people of Belfast and, in particular, those who live in south Belfast that I will not make any permanent decision without a full and open process of consultation and engagement. Consultation on these matters is likely to happen early in the new year, and, following careful consideration of those consultation responses, I anticipate taking a strategic decision on them later in 2012.

Adjourned at 6.09 pm.



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