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Northern Ireland Assembly

14 November 2011

The Assembly met at 12.00 noon (Mr Deputy Speaker [Mr Dallat] in the Chair).

Members observed two minutes' silence.

Speaker's Business

Public Petition: Knockmore Primary School, Lisburn

Mr Deputy Speaker: Mr Paul Givan has sought leave to present a public petition in accordance with Standing Order 22.

Mr Givan: The petition that is being presented today has come as a result of the draft proposal issued by the South Eastern Education and Library Board to close the mainstream part of Knockmore Primary School. Since that proposal was announced, it has generated a public outcry and has united that school and community even further, if it was at all possible to have even greater unity in Knockmore Primary School.

The primary school is a model of inclusion and integration of children of all educational abilities and religious beliefs, and the proposal to close the mainstream school in isolation segregates the school and fails to consider the indisputable impact on the 66 children in the special units. As a result, a petition was launched, and the public have demonstrated their outrage at what has been suggested.

In September, the Education Minister said:

"we must make sure that we support children with special educational needs". — [Official Report, Vol 66, No 5, p260, col 1].

At Knockmore Primary School, they do exactly what the Minister said in the House in September. Therefore, the Department and the board should be proud of what they have achieved at Knockmore Primary School, and, quite rightly, in March this year, they agreed a restructuring of the special units and recommended that capacity should be increased because of the good practice and quality of teaching that takes place in those special units. As recently as this year, the

inspectorate's report said that the provision of education for children with special needs is very good and, across the school, ranges from good to outstanding, yet this school is faced with potential closure.

This proposal is wrong in that it comes ahead of the ministerial viability audit that the Education Minister has recently announced. What is needed is a comprehensive assessment for that catchment area, which would provide a proper evidence base on which to take sound decisions for that part of Lisburn.

The deliberate manipulation of enrolment figures for Knockmore Primary School, which segregates a school that is truly integrated, is what is driving this particular agenda, through a statistical analysis by the South Eastern Education and Library Board. The board is trying to create something that the school has never been. It has always been united and integrated. For the board to segregate it in such a fashion is unacceptable. Financially, the school has a surplus, which is projected to remain for the next three years. Therefore, there is no financial driver for the proposal.

In conclusion, the petition highlights how the partnership arrangement between the South Eastern Health and Social Care Trust and the board has worked. The board and the trust have an agreement that states that they are committed jointly to a continuous process of co-operation and partnership. They have not done that in this case.

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

Mr Givan: The petition demonstrates that what is needed is for commissioners to back off and allow the school to continue to provide educational excellence. The 9,000 people who have signed the petition are saying, "Leave our

school alone. Let the children be given the best opportunity to progress, which they deserve”.

Mr Givan moved forward and laid the petition on the Table.

Mr Deputy Speaker: I will forward the petition to the Minister of Education and a copy to the Chairperson of the Committee for Education.

Ministerial Statement

North/South Ministerial Council: Environment

Mr Deputy Speaker: I have received notice from the Minister of the Environment that he wishes to make a statement.

Mr Attwood (The Minister of the Environment):

Mr Deputy Speaker, with your permission, in compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the thirteenth meeting of the North/South Ministerial Council (NSMC) in environment sectoral format, which was held in NSMC headquarters in Armagh on Friday 21 October 2011.

The Minister for Regional Development, Mr Kennedy, and I represented the Northern Ireland Executive at the meeting, which I chaired. The Irish Government were represented by Mr Phil Hogan TD, Minister for the Environment, Community and Local Government. The statement has been agreed by Minister Kennedy.

The Council welcomed ongoing developments in waste management. It also welcomed the closer working relationship between Departments to align policies where appropriate in areas of mutual benefit. Ministers received presentations on arrangements for dealing with food waste, including organic waste, where there are opportunities to do more on an all-Ireland basis given our mutual schemes.

The Council noted that environment Ministers launched the ‘Irish Recycled Plastic Waste Arisings Study’ jointly in September. The North/South market development steering group will now consider it. As I said to the House previously, only 30% of plastic waste on the island of Ireland is recycled. Of that 30%, only 30% is recycled on the island of Ireland. Those figures are not good. Clearly, there is a challenge for both Administrations to do more in that regard. The Council also noted the recent publication of a tender for a bulky waste reuse management best practice study and the first meeting of the quality protocols subgroup.

Ministers also welcomed ongoing progress towards implementing the EU landfill directive. The Council also noted that the Department of the Environment, Community and Local Government is willing to engage with the

Department of the Environment (DOE) and the Department for Environment, Food and Rural Affairs to consider current restrictions in the UK plan with regard to cross-border, trans-frontier, shipment-of-waste movements of mixed municipal solid waste from Northern Ireland to Ireland. That is an important matter. We have an unusual situation in which untreated waste can be moved from Belfast to Bristol but cannot be moved from Newry to Meath. There is some contradiction and tension therein, which could be interrogated further and worked through satisfactorily.

The Council welcomed the ongoing co-operation and sharing of experience between the DOE and the Office of the Revenue Commissioners in the development of the DOE's carrier bag levy project. I acknowledge the assistance of the Dublin Administration, as they have had longer, good experience of reducing the number of single-use and reusable bags and generating useful funds for central government. The model of practice in Dublin may be of assistance as we develop our model of practice here in Northern Ireland.

The Council noted that the removal of waste from a site at Ballymartin near Killeel was nearing completion and that work was expected to commence on a further site, if possible, later this year. Since the statement was agreed with Minister Kennedy, work at the Ballymartin site has been completed, and it is expected that initial work on the site on the Belfast Road, Newry will be taken forward in the very near future.

The Northern Ireland Environment Agency (NIEA) is continuing to develop plans to deal with the remaining illegal waste sites, of which there were 13 in total, and is working closely with its counterparts in Dublin City Council. Ministers discussed and commended the joint enforcement actions being conducted by the competent authorities. Those actions are ongoing and, indeed, in the very recent past, the authorities, North and South, conducted joint enforcement action on illegal waste issues.

Ministers noted that the North/South working group on water quality is considering a range of water quality issues, including abstraction and impoundment controls, nitrates, shellfish waters, bathing waters, the scope for all-Ireland beach awards and INTERREG IVa projects, with a view to the formulation of a work programme for agreement at a future meeting.

The Council noted that the North/South working group on water quality is continuing to drive and to oversee the co-ordinated implementation of river basin management plans and associated measures under the EU water framework directive.

Environmental reporting and research issues were also touched on, and all three Ministers welcomed the ongoing work on a common set of environmental indicators, including web-based presentation and the planned publication of 'Ireland North and South: A Statistical Profile', which should be in place next year.

The Council noted progress by NIEA and the Environmental Protection Agency (EPA) in taking forward joint actions on research to support the implementation of environmental policy and legislation and welcomed further co-operation in supporting researchers seeking European funding for priority environmental research under the EU seventh framework programme (FP7), INTERREG and LIFE+ programmes.

That latter point is crucial, given that we all now acknowledge the scale of European funding, which is €50 billion for FP7, and other environmental funding under different programmes. The opportunities to exploit simply have not been taken by the Department and the Northern Ireland Government. We have a lot to learn quickly from our colleagues in the South. They have the inside track when it comes to European funding and have created architecture in government to maximise the opportunities to draw down funding. There are issues, and we need urgently to learn lessons for the residue of FP7 and for when eighth framework programme (FP8) commences in 2014. That six-year programme has €80 billion of funds available for research and development and innovation.

The Council agreed to hold the next environment meeting in February 2012.

Ms Lo (The Chairperson of the Committee for the Environment): The Committee welcomes the Minister's statement, and we are very pleased to hear that co-operation on environmental issues has been not only productive but very constructive. We hope that that will continue in the future. Will he confirm that when more responsibility for dealing with fly-tipped waste is passed back to the councils, they will not be required to deal with any hazardous waste?

12.15 pm

Mr Attwood: I thank the Member for her question. As she rightly identified, constructive work is done on the environment on a North/South basis. That is why I find it increasingly frustrating that the St Andrews review of North/South mechanisms that was initiated in early 2007 has yet to publish its phase 1 report on existing North/South implementation bodies and co-operation. It is also frustrating that it has barely started, if at all, its phase 2 report on identifying opportunities for North/South developments going forward.

So, here we are in the eye of an economic storm, the scale of which we still do not know, given developments in Europe and beyond. Yet, opportunities to scope, identify and take forward North/South co-operation on a whole range of initiatives have barely been touched. If we cannot get our act together and get through the political fog that those North/South opportunities throw up, future generations on the island, both North and South, will live with the adverse consequences. It is a matter that needs to be addressed, and I am asking my Executive colleagues, the First Minister and the deputy First Minister and the leadership of the Irish Government, now that we have a new Irish Government, not to waste a further moment. A moment will arise this Friday when we will have a further meeting of the North/South Ministerial Council in Armagh, where those matters will have to be taken forward.

The Member identified that under recent contaminated lands legislation, new requirements for fly-tipping will be laid down. However, it is already the case that councils have significant responsibilities in the disposal of materials that have been identified in, for example, fuel laundering. So, councils already have responsibilities that will be extended to fly-tipping, as opposed to those areas of existing concern. However, it is clear that when it comes to working with councils on hazardous waste, the best advice and assistance will be provided to them to ensure that risks are mitigated.

Mr Weir: I thank the Minister for his statement. I refer him to the item in the statement that deals with the repatriation of waste. It obviously highlights the particular advance that has been made on the Ballymartin site at Kilkeel. Can the Minister give us any update on the timescale for the full removal of the remaining 13 or 14 sites

and whether there has been any progress on speeding that process up?

Mr Attwood: I thank the Member. I am pleased that he acknowledged the work at Ballymartin. That clean-up concluded at the end of October. Over 20,000 tons of waste and nearly 500 tons of leachate were removed. Fortunately, in that case, no chemical or hazardous waste was identified on the site. The task was immense, if at least less perilous, given that that no chemical or hazardous waste was identified. As I indicated, work on the Belfast Road, Newry site is due to commence in the near future. I know what the time frame for that is, but I do not want to comment further on it. However, I hope that during this calendar year, the waste at that site will be addressed.

I cannot recall off the top of my head, but I think that the original time frame for the repatriation of illegal waste at the 13 sites in the North of Ireland was up to 10 years. However, I will check that for the Member. That time frame has been agreed under a framework agreement between the Belfast Administration and Dublin, which, in this instance, is represented by Dublin City Council. That is the authority that is dealing with the Department of the Environment on this matter. There is no indication that there has been any slippage of that time frame, which may be implicit in the Member's question, given that that arose in another significant North/South project in the past number of days. Hopefully, more certainty will be created in that matter going forward.

I refer to previous answers that I have given on the Floor. The time frame that was originally indicated continues to be that by which we will be judged. If there is any contrary time frame, I will come back to the Member.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement. Will he share some of the experiences, to which he referred in his statement, in relation to the carrier bag levy? Will he also indicate when he proposes to introduce that levy? What projects or legislation will be held up in the interim if the levy is not introduced?

Mr Attwood: It may not have leaked out yet, but, then again, those things are not meant to happen around the Executive table. Last Thursday, the Executive agreed to further legislation on carrier bags because the original legislation, which was passed earlier this year

by the Assembly, had a limited mandate in that it was for single-use carrier bags. As we all know from shopping, reusable carrier bags are now commonplace. The evidence afforded to me confirmed that if we proceed as we will do — I will explain that in a second — with the single-use carrier bag levy, there will probably be a displacement. Rather than pay whatever amount for a single-use carrier bag, customers would choose to purchase a reusable bag at a slightly higher price.

The consequence of that would be that the intended revenue stream to government under the carrier bag legislation would not be realised, nor would the intended and more primary environmental considerations; namely, to reduce the number of carrier bags in circulation. The Executive agreed last week that further legislation would be brought to the Assembly, which would extend the carrier bag levy to all categories of carrier bags, single-use and reusable. It may well be that, in the fullness of time, by way of regulation, certain bags would be exempted. Those used by chemists, or by butchers for meat, may not be subject to the carrier bag levy, but that is for another day.

Independent of that, in order to create greater rigour around the law, I advised my Executive colleagues, and they, with a little hesitancy from the Minister of Finance and Personnel, agreed that the proposal in the original legislation that was passed earlier this year would still proceed independently of the new legislation on multiple-use carrier bags. The consequence of that is that the levy scheme for single-use carrier bags is intended to be in place by the 2013-14 financial year. The consultation to be concluded in respect of all that will provide a direction of travel towards that outcome.

There are still issues to be resolved. Her Majesty's Revenue and Customs (HMRC) is not being helpful to the devolved Administration in relation to the collection of that levy. It would be a simple matter for HMRC to use a computer programme to collect the carrier bag levy once it is introduced in the 2013-14 financial year. The Minister of Finance and Personnel is working with me to prevail upon HMRC to collect that revenue stream on behalf of the Northern Ireland Government going forward, but, at the moment, it is showing some resistance. There are major managerial, logistical and operational issues around the levy scheme, but I have created certainty around the single-use carrier

bag levy scheme, and I hope to create certainty, through new legislation, around reusable bags as well.

Mr Kinahan: I am glad that we are going to have a chance to discuss what we are going to do about the carrier bag levies. However, I would like to ask about water quality. I am under the impression that we are not likely to meet our EU targets. I wonder whether the Minister had a chance to discuss best practice in ensuring water quality improvements with his North/South Ministerial Council colleagues and whether any actions on best practice were forthcoming from the meeting.

Mr Attwood: On the current pattern, we will be able to comply with the requirements of EU water directives. However, it may have been hinted at in the question that new EU water directives will be coming down the track in 2016. Whatever the standards that we lived by and were faithful to heretofore, the standards going forward are going to be more rigorous.

One reason why I convened water and beach summits over the past few months was to make the Government and those who have an interest in these matters acutely aware that although we should be doing more in the current phase to address water quality, we need to get together to discuss future demands on water quality.

The consequence of all that is that some of our beaches that attain a high status for beach water quality would fail on the far side of 2016. The consequence of the new water directive is that more demanding requirements may be made of the North in respect of septic tanks. As was touched on during Question Time last week, we, unlike in the South, have a good regime in place. Unlike in the South, we are not likely at this stage to be on the wrong side of infraction proceedings because of issues around septic tanks. I am acutely aware of the issue. There was a TV programme the other day on which a specialist was talking about global water issues. Basically, the issues are that some do not have enough, and although the West may have enough, there is an issue with quality.

As the Member will be aware, good work has been done between the North and the South on water quality. The river basin management strategies are evidence that now that the South and the North have strategies in place for all relevant river basins, we are working in a much more co-ordinated way. Ultimately, issues

around the environment, water, wind and wave are such a shared and common resource and opportunity that the more that we work together and integrate what we are doing, the better that we will all be.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. Will he give us some indication as to what plans he has for the further integration of waste policies and tell us about any discussions that he may have had in that regard with his counterpart in the rest of the country?

Mr Attwood: I thank the Member for his question. That is an example of how, if we can cut through the politics around North/South, the potential future opportunities are nearly unparalleled for any North/South developments. What should we be looking at? We are about to review our waste management strategy in the North. In taking forward a new waste management strategy, we should learn from best practice on these islands and identify opportunities for doing things together on this island. I previously advised the House of a joint North/South study on the use of plastic recyclates. As I said in my opening remarks, there is a quite disturbing figure when it comes to plastic recycling on the island of Ireland: we recycle only 30% of what we could, and 70% goes into landfill. Of the 30% that is recycled, only 30% is recycled on the island of Ireland, with 70% getting exported. There are opportunities on the island of Ireland to recycle plastics more and to recycle higher numbers of plastics that get recycled more. Work is being done, arising from 'The Irish Recycled Plastic Waste Arisings Study', to identify where there might be commercial or business opportunities on a North/South basis to deal with plastics.

When it comes to food, we intend, in the next number of months, to launch a programme about how the hospitality sector disposes of food and packaging waste. Much more could be done in that regard.

That should be done on an all-Ireland basis, because the Republic of Ireland has a green hospitality scheme that deals with the issue of food and packaging waste, and, clearly, there are opportunities for one to learn from the other to deploy best practice and to integrate where possible. Those are just three examples of the scale of the opportunity to take North/South

action on recycling, waste disposal and waste management generally.

12.30 pm

As we roll out the procurement strategy through the three procurement groups for the three sets of councils, in all likelihood, there will be a need for some interim measures. As those procurements develop and get built and commissioned, in order to comply with EU directives, there may be some opportunity to dispose of some of our waste through mechanisms in the South. Ultimately, when the procurement plants are all commissioned, there may be greater opportunities on a North/South basis for trade in waste that cannot be disposed of in any other manner.

Ms P Bradley: I thank the Minister for his statement. I shall draw the Minister back to item 8. Can he expand on the problems due to the present restrictions on cross-border movement of mixed municipal waste from Northern Ireland to Southern Ireland?

Mr Attwood: I thank the Member for that question. As I indicated in my opening remarks, given that we are, for now, separate jurisdictions, movements from the North to the South are deemed to be transnational or transboundary in nature. The consequence of that is that there are European requirements that do not allow untreated municipal waste to move from one jurisdiction to another without a scale of treatment being applied to that waste before it goes across the border. Given that we are, for now, a member of the United Kingdom, that rule does not apply. That is why I was able to say that you can move untreated municipal waste from Belfast to Bristol or from Newry to Norwich, but, if you were to move waste from Newry to Meath — a plant is under construction for the disposal of waste in Meath — it would require to be treated. The scale of treatment is not necessarily that demanding, but some level of treatment is required to ship waste between the North and the South.

It is a difficult issue, and, although we might look for an opportunity to accommodate the disposal of waste and waste management generally on a North/South basis, it will escalate to a European-wide basis. Because you are dealing with so many member countries of the EU, what might be a local remedy for an Irish problem may not be the right remedy for a European problem. Nonetheless, we are looking at, interrogating and scoping out the issue and seeing whether something can be done.

Mr T Clarke: I also thank the Minister for his statement. Minister, your statement focused on illegal waste, but have any opinions been expressed on waste that was not deposited illegally? I am thinking particularly of Ballymena Borough Council. It was, at a time, issuing its own licence to lay waste in lands, and that waste has now caused contamination. More should be done about the borough councils to prevent the outfall of that being put upon the landowners.

Mr Attwood: That matter has not been flagged up before, and I am not aware of the situation in Ballymena. I am aware of situations around the North, including my constituency, where, in my view, the then local and regional government managed issues of waste disposal very casually. That may have led to contaminants being part of landfill. There was not sufficient regulation of how water and leachate came off those lands. I am not aware of the particular circumstances, but I will look at them. However, I am aware of other circumstances where the management of waste did not, in my judgement, live up to the standards that were necessary. That is why, as I have said on the Floor previously, I have advised officials that we will have a robust and, at times, uncompromising approach to the enforcement of environmental requirements when it comes to the application or removal of licences.

Without going into detail — these are live issues — there have been examples of consistent and absolutely best practice and the proper interpretation of licence conditions. There are businesses in the North that now know that there is a more rigorous and robust approach to ensure that the right standards are complied with when it comes to environmental law and environmental licences. If there are issues with respect to Ballymena, I would welcome hearing more from the Member.

Mr Swann: Thank you, Minister. You referred to the waste management companies in one of your answers. Are you committed to maintaining the three large waste companies that we have, or would you, perhaps, move to one large company or another alternative? If you are minded that way, what would the future be for the large companies already in place to deal with waste?

Mr Attwood: I accept the argument that, although we may continue the good progress made in waste management and recycling in recent years, where there is a healthy story to be told, when the Programme for Government comes out,

hopefully we will see a much more challenging target for recycling objectives in the lifetime of this Government and the period up to 2020-25.

Ultimately, however, I accept that, whatever the direction of travel may be for waste being recycled, there will be a need for alternative disposal. That is why we have procurement going on in respect of the three companies reflecting the 26 councils in the North. I am highly vigilant around that procurement process. It runs into hundreds of millions of pounds and stretches out over the next 25 years. Therefore, councils that are members of the three procurement groups and central government must be absolutely satisfied that all affordability and deliverability hurdles will be jumped.

I had a meeting with the waste management board just last week, at which the three procurement groups were represented, as well as their council sponsors. I made it very clear that I would continue to be rigorous and robust on the standards of affordability and deliverability. Although the direction of travel remains positive and the three procurement groups have moved at somewhat different paces, all three are nonetheless moving in a positive direction. I will robustly interrogate all that to ensure that the outcome reflects our waste needs, represents value for money and a price that the community and ratepayers in the North can afford and is deliverable with regard to planning and wider management issues.

I have said publicly that we need to see a single waste authority some time down the road. There has been scoping done on that. I have advised the procurement groups and the waste management board that that is my view. I believe that that is the right direction of travel. It will provide a more cohesive and co-ordinated approach to waste management strategy and produce efficiencies and better value for money. However, that is for another day, although that day may not be that far away. The issue for today is making sure that the three procurement groups fulfil the standards of affordability and deliverability. On that matter, I am sure there is a lot more to tell.

Mr Byrne: I thank the Minister for his statement. Further to his last answer, will the Minister outline what perceived benefits would come from a single waste authority? Will he also recognise that there is concern in the community that, of the existing three groups in the procurement process that is being followed, the

ratepayers may not get the advantage or benefits that they should if the new contracts are being negotiated as of now rather than five years ago?

Mr Attwood: I thank both him and the Member who asked the previous question because, given the scale of the issues — the hundreds of millions of pounds that are involved, the length of the contracts and all the factors that I outlined previously — this really is a matter that requires vigilance at government level and at Assembly and Committee level. I very much welcome the questions and encourage more interrogation of me and by me when it comes to this entire project.

The reason for that is self-evident. When I was in DSD, there were 33 housing associations. I indicated that, given the particular character of local identities and housing needs in the North, there should be between 10 and 15 housing associations to best manage housing association stock and newbuilds. That would also reflect the need for better efficiency and greater value for money. I hope that that work is ongoing in DSD as I speak.

Similarly, with respect to RPA, people will be aware that I believe the right number of councils for the North is 15. That number reflects local identity and loyalties, and it is a good model for the future, given the indicative savings under the ICE programme. It is also more consistent with the number of Westminster constituencies that we will have. For good reasons, 15 councils reflects what we need in the North and the need for efficiency and value for money.

Similarly, with the waste authority, whilst the three procurement groups were a consequence of issues in politics a number of years ago, it seems to me that the better model is a single authority. I am not going to do anything at the moment that would in any way impede the work of the three procurement groups. However, on the far side of that and perhaps sooner rather than later, this is a matter that we need to address and conclude.

Mr Allister: The Minister was anxious to assure us that there has been no slippage in the repatriation of waste to the Republic. However, if we examine his statement today and compare it with his parallel statement of just two months ago, there demonstrably has been slippage. He told us in September that work was expected to commence on the further two sites in Ballymartin in August —that was taken from the July statement of the North/South body — on

a site north of Newry in early September 2011 and on 13 sites further down the line. Yet, today, he tells us that work has been completed on only one of the sites at Ballymartin, the second one has not even been mentioned and there is some vague aspiration of starting work at Newry, which was meant to start in September. There has been slippage. Why has there been slippage in such a short period? Does that not bode ill for the overall plan of dealing with the outstanding repatriations?

Mr Attwood: I thank the Member for his question, which confirms, on the one hand, that you should beware the lawyer's mind but, on the other, listen carefully to the politician's words. The words that I used were "expected to commence", because there are inevitable circumstances beyond the control of the Minister or government that can lead to difficulties with a site. For example, the Member will be aware that issues around farming, such as slurry spreading, over the past number of months have become more uncertain because of the weather. There are interventions beyond the control of government that lead to having to revise how you do a bit of political business.

Similarly, in respect of repatriation of waste from sites, I was cautious in saying "expected to commence", because the principle on which we are moving forward is that we do not work on more than one site at a time. That is good practice because, when people began to dig at Ballymartin, we did not know if they might discover chemical hazardous waste. If there were material on the site that would put people at risk or peril, the management of that site might become somewhat different. Moreover, the scale of what you discover at any one site means that you have to manage it over a slightly longer period. Therefore, when I used the words "expected to commence", I meant that we expected the work at the Newry site to commence in September. There has been some slippage, but not in the commitment that, subject to what people find when they start digging up that ground shortly, the repatriation of waste from the Belfast Road site in Newry is expected to commence and be completed in this calendar year. If that changes further because of circumstances beyond my control, I will alert Members, but I think that I have lived up to the principle that the work was expected to commence, albeit that I note the lawyer's mind.

12.45 pm

Committee Business

Agriculture: EU Financial Corrections

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. All other Members called to speak will have five minutes.

The Speaker has received a letter from the Minister of Agriculture and Rural Development to say that, due to her attendance at an EU Agriculture Council meeting in Brussels today, she is unable to be present and junior Minister Anderson will respond to the motion on her behalf.

Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development): I beg to move

That this Assembly notes the latest announcement by the European Commission on financial corrections to be levied against the Department of Agriculture and Rural Development; expresses concern about the potential effect on the Executive's Budget; and calls on the Minister of Agriculture and Rural Development to make a full and urgent report to the Assembly on the extent of the financial corrections, the actions she is taking to address the issue of non-compliance and how, when and by whom these moneys will be repaid.

Before I deal with the content of the motion tabled in the name of the Committee for Agriculture and Rural Development, I want to acknowledge that Minister O'Neill is unable to be present to respond to the debate because she is in very important discussions in Brussels. Alongside counterparts from Scotland and Wales, she is meeting the EU Agriculture Commissioner to discuss the CAP reform proposals. She is also meeting the Secretary of State for Environment, Food and Rural Affairs, Caroline Spelman MP. It is good to see our Minister pushing our views in a UK sense. Hopefully, she will push our agenda on future CAP reform along with that of the UK. I welcome that and the fact that junior Minister Anderson will respond on behalf of the Minister and the Executive.

The Committee was prompted to table the motion because of an announcement by the European Commission on 18 October 2011

that requires the Department of Agriculture and Rural Development to pay back another £4 million pounds. The first component of the motion reflects that, and the second part invites the Assembly to express its concern about the potential effect on the Executive's Budget.

There has been much speculation about the total amount of money involved, some of which may be unhelpful or inaccurate. However, it is clear that, even before the latest announcement, Northern Ireland had already incurred fines and disallowances of more than £60 million for administering farming subsidies incorrectly as long ago as 2005. Last month, the Committee questioned officials about the sums involved and did not get very satisfactory answers. There is no doubt that that led to the state of confusion that we are in today. The Committee was very concerned about those fines.

I want to draw attention to 'Financial Auditing and Reporting: General Report by the Comptroller and Auditor General for Northern Ireland — 2011', which contains qualified audit opinions on not one but two potential financial corrections that the Department of Agriculture and Rural Development included, for the first time, in the 2010-2011 resource accounts as amounts due to be paid to the EU Commission. The report reveals that the Department calculated the risk to the European agriculture fund by examining 1% of single farm payment declarations. In submitting its report to the EU Commission, the Department assessed the risk to be in the range of £11.75 million and £18.38 million for the scheme year 2009. For the scheme year 2010, there has not yet been an EU Commission audit, nor has the Department been asked to calculate the actual risk to the fund for that year. Furthermore, as the Department does not know the Commission's intentions for 2010 or 2011, it has concluded that it would be premature to include any amounts due for those years in the report submitted to the Commission.

At the meeting at which the Committee questioned officials, there was speculation that, aside from the not insignificant amounts of £60 million and £4 million that we heard about a number of weeks ago, there might be a further £45 million outstanding. How was that £45 million calculated? I believe that someone has taken the midpoint between the £11.75 million and £18.38 million that I mentioned; let us say that that is £15 million. They are basically

hedging their bets. If you apply that over three years, you will get a total of £45 million. If that is government accounting, it is not as complicated as I thought. Perhaps the junior Minister will enlighten us today or the Minister will do so when she makes her statement next week. The question that I pose is this: if the Minister and the Department are on top of this, why are they still calculating £15 million year on year? Should it not be £15 million this year, £10 million next year and £5 million the year after? Is the problem getting better or worse?

Minister O'Neill's predecessor made a statement on disallowance to the House in September 2010. The then Minister said:

"Since April 2005, over €4 billion has been disallowed across the EU". — [Official Report, Bound Volume 55, p223, col 2].

She also said that she had significant concerns about the heavy-handed approach being adopted by the European Commission and that the Commission might be overestimating the risk to public funds. The implication was that the issue was not peculiar to Northern Ireland; and I recognise and accept that fact. However, I believe that, especially in the very unstable financial circumstances prevailing across Europe, the Assembly and the Committee are absolutely right to be concerned about the potential effect that the financial corrections might have on the Executive's budget.

If we are not entitled to the money in the first place, it is only proper that it is paid back. However, we should not have received the money in the first place. That is why the next part of the motion calls on the Minister to make a full and urgent report to the Assembly on the extent of the financial corrections. The Committee believes that, by bringing a full and urgent report to the Assembly, the Minister will be able to set out precisely how much money will have to be paid back and how much of it is to be returned because of non-compliance or disallowance; the extent of the fines or financial penalties included in the overall amount; and the scheme or schemes that the disallowances have been applied against.

Somewhat bizarrely and even though the disallowances and fines date back to 2005, I am led to believe that no money has yet been repaid. That brings me back to the Comptroller and Auditor General's report. In section 3, he questions the regularity of the Department's

accounts for 2010-11 because it included an amount of £19.4 million as due to be paid in financial corrections:

"to make good the shortfall in EU funding".

There are rather chilling words at paragraph 3.3.18, where he says that that:

"therefore represents a loss to public funds which falls outside the Assembly's intentions in relation to the proper administration of EU funding."

The Comptroller and Auditor General:

"concluded that expenditure has not been applied for the purposes intended by the Assembly and is not in conformity with the authorities which govern it."

Perhaps unsurprisingly, the Department disagrees with that opinion. However, the Comptroller and Auditor General holds to the view:

"that the losses are irregular as funds have not been applied for the purposes intended."

I mentioned the figure of £18.3 million for 2009, but I then said that the Department's accounts for 2010-11 included £19.4 million to be paid back to the EU. I assure Members that I am not involved in some creative accounting to get the figures to go from £18.38 million to £19.4 million. Rather, there is the small case of the second financial correction that I mentioned earlier, which dates back to 2003-04 and relates to the bovine premium scheme. The Department is due to repay £1.01 million. The good news is that that is a one-off financial correction that will not be repeated, as the scheme ended in 2004.

Not unreasonably, the final part of the motion calls on the Minister to report on the actions that she is taking to address non-compliance. I am sure that the junior Minister today and the Minister next week will stress the work that is being done on mapping and inspections, and that is fair enough. However, I return to the Minister's predecessor, who said in the House last year:

"The Department cannot rule out further corrections in respect of 2009 and later years, although our current work should militate against that."

Nevertheless, as I said, officials are now calculating corrections of £15 million year on year. The former Minister went on to say:

"We do not expect any Commission decision on disallowance until 2011. Of course, we will seek

to minimise it, both by bringing in new measures quickly and through negotiation.” — [Official Report, Bound Volume 55, p224, col 2].

I hope that junior Minister Anderson will be able to report specifically on what new measures were brought in, when they were brought in and how effective they have been.

The motion was brought to the House to get clarity on the extent of non-compliance and disallowance, and I want to know how much money will have to be repaid —

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Frew: — when it will be repaid and by whom it will be repaid. I also want to find out, in detail, what has been done —

Mr Deputy Speaker: Your time is up.

Mr Frew: — what is being done and what remains to be done.

Mr Murphy: Go raibh maith agat, a LeasCheann Comhairle. I support the motion. The issue is a concern. Any issue brought to the Assembly for which fines are incurred from Europe has to be a concern for us all. I would prefer the debate to have been held on a day when the Minister could be here to respond to it, as is the normal practice. Nonetheless, the Committee was concerned about going ahead with the motion today, fully cognisant of the Minister’s absence. I welcome the Committee Chairman’s remarks that the consensus on the Committee was that her attendance in Brussels was important for agriculture here and that that was where she needed to be. I look forward to junior Minister Anderson’s response in her stead.

As I said, this is an issue of concern. The context was the change in the EU’s method of paying grants, which were previously based on production. However, that led to butter mountains and milk lakes. In 2005, that changed to a single payment based on the land area being farmed. That was a huge change for the Department and for farmers right across Europe to administer. The maps that were then available to the Department had been produced by Ordnance Survey, and the eligible land was mapped on to those. That system was developed in 2005, two years before the Executive were reinstated in 2007. Concerns about the mapping exercise were raised by EU officials in 2006. That was disputed by the

Department, and it was an ongoing dispute between the Department and the EU until 2007, when the previous Minister of Agriculture and Rural Development came into office. It was 2008 before the matter was elevated to the Minister as a serious problem between DARD and EU officials.

It was known that the change of system would come in in 2005. Therefore, questions must be asked about what preparations DARD made to accommodate the new system and about why, when the EU raised concerns about the maps that DARD was using and the land that it considered to be currently farmed, it took until 2008 to elevate the matter to a serious ministerial concern. I look forward to a response today and, as the Chairperson said, to the Minister’s return next week and a statement on the issue.

It became clear that there was going to be a dispute and, potentially, fines. The Chairperson made reference to why we should pay back the money. That would be fine if we were paying back only the money that we were not entitled to, but we are paying back 5% of £300 million of grants, when the dispute is about only £60 million of grants. The return on that is substantially higher than the overpayment that was incurred. That is an injustice that continues to be challenged through the European courts.

1.00 pm

The mapping exercise for some 750,000 fields has begun. It should be brought to a conclusion as speedily as possible because, ultimately, that is the way to end the dispute between DARD and the EU and, subsequently, to engage with the EU. That was the three-pronged approach that was agreed by the Executive, the farming unions, the MEPs and the previous Agriculture Committee: engage with the EU, tell them what we are doing and offset the problems that had arisen. That approach should continue to serve us well as we try to put an end to this problem.

The levy is not confined to here. Levies have been announced for France, Greece and, I think, Spain. This week, a fine of £30 million was announced for Scotland. It is, therefore, a problem that extends across the EU. Nonetheless, our concern is the money that we want to have available to us, and we want to make sure that that is not being spent on fines in the EU. In that regard, we want answers as to why it took so long for DARD to catch on to the

problem. We would like to see the urgency with which the issue is being dealt to be displayed in getting the mapping exercise right. We would also like to see continued support across all sectors in letting the EU know that we consider the fines to be disproportionate to the problem that has been created. Furthermore, recognition must be given to the work that has been done, with some degree of urgency over the past number of years, on the substantial exercise of changing the old maps, examining aerial photographs and the remapping of every field across the North for which a subsidy is being claimed. That is the area that we want to focus on.

I look forward to hearing answers today. The Committee is right to raise this as a matter of concern, because we scrutinise the functions of the Department. We want answers, and we want to see the issue being dealt with quickly.

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Murphy: We want to pull together to make sure that we get the quickest possible solution to the issue. That will enable us to get onto a proper footing with Europe and to put the issue to the side for all time.

Mrs Dobson: I support the motion and the will of the Committee to bring this important issue to the House. A fine in the region of £100 million would be a body blow to Northern Ireland public finances and a bitter pill for our local economy to swallow at any time but especially in the present economic climate. The public will undoubtedly be extremely concerned at the potential scale of the fine that the Executive are facing as a result of DARD's mismanagement of the single farm payment scheme.

At a time when the Executive are beginning the process of redistributing the £400 million that had been set aside for the A5 project, it is appalling to think that a large chunk of that funding could be paid back to the EU in the form of a fine instead of being put to use to make a real difference across Departments. It could go towards introducing measures to alleviate fuel poverty, especially among pensioners and the most vulnerable, and tackling the inequalities in our preschool system, for instance. A small proportion of the money could go into the agrifood sector, of course, which is one of the few growth areas in our economy. The money would offer massive potential in fuelling job creation and furthering economic growth in that sector. At a

time of economic difficulty, we simply cannot afford to hand back money in this fashion.

In her press statement following the announcement of the Committee motion, the Minister said that the issue, which she described as technical and complex, required the co-operation of the farming industry. However, farmers have been co-operating with DARD for years on the issue and, as a result, have been penalised, often through no fault of their own. Their only mistake has been to place their trust in DARD and the farm maps issued by the Department.

DARD's continued errors in the farm mapping system have led directly to long-running inaccuracies in single farm payments. Farmers are fed up with co-operating with the Department only to be given retrospective fines. I share the concerns of farmers regarding their long-running issues with defective mapping systems, and I understand how their reluctance to engage with the Department and their mistrust of it has developed over the years as it has repeatedly tried and failed to find a solution to the issue.

Members should note that the Department's new and revised processes place the onus directly on farmers to carefully check their new maps, to identify any errors and to inform DARD. Any potential errors may still be of the Department's making and could result in farmers once again facing heavy retrospective fines. The Department has not yet arrived at a solution that delivers a wholly accurate mapping system to allow it to correctly manage single farm payments.

Despite working on this issue since 2006, with the secondment of 60 staff from the Planning Service, the Department, through its new land parcel identification system, has yet to find a full and penalty-free solution to this issue. We have now heard that it may be 2013, if not later, before DARD's maps are totally accurate in the eyes of the EU. I urge this Sinn Féin Minister to do what the previous Minister could not: forge a solution to this long-running failure and put an end, once and for all, to the heavy fines being levied on hard-pressed farmers and the Executive.

When the Minister makes her statement next week, I urge her to give a full and frank assessment of the scale of the fines that the Executive are facing. I also ask her to bring clarity to this issue to ensure that we never

again face mounting fines of this scale and nature. The Minister must also identify the financial scale and potential impact of any future disallowances that we expect to cover at the expense of other investments. I support the motion, and I await with interest the Minister's statement.

Mr McGlone: Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim buíochas le moltóirí an rúin seo. I thank the proposer of the motion, the Chairperson of the Committee, for bringing this very important issue to our attention.

In support of the motion, the simple fact is that the mapping errors came about because our farmers trusted DARD. They had no reason to question the accuracy of what the Department had told them about the measurements of their fields and holdings, and it was from those DARD-supplied maps that the farmers obtained the acreage that they copied to their first single farm payment application forms. There may have been some inaccuracies at the time, and I am not questioning that. However, I do not agree that farmers should be punished for those original mistakes. I also accept that there is an onus on farmers to ensure that the maps are accurate, but we must get real in some of these instances. Farmers simply do not have the technical instruments required to measure land or fractions of land nor do they have access to the information that satellites provide. DARD officials do have that information; they are provided with apparatus, which, I might add, is paid for by farm-owning taxpayers and which can provide the details and the minute measurements.

Potentially, the fines could top £100 million. We have heard that the Department has accumulated £64 million in fines over a three-period from 2005, and amid fears that they will impose a further £45 million of fines, EU auditors are now looking at the three most recent years. However, the Department has told us that a proactive approach has been taken, and although we are facing fines, the Minister has said that £82 million has been set aside to date. Mrs Dobson correctly asked where that money has come from. Is that money that would have been spent, as she said, on fuel-poverty measures or on our health service? Where would that money have otherwise been spent? Could it have been spent by the Department on flood alleviation schemes or on decentralisation

projects that could have benefitted our respective constituencies?

The Chairperson referred to the C&AG report, and I remember sitting in when that report was debated. The report said that £19.4 million had been set aside by the Department, and it suggested that those moneys had not been properly applied for and had been set aside for purposes for which they were not intended. What will be the effect of those fines and the setting aside of moneys to pay for them?

The Minister went on to say that her Department was working proactively. It is unfortunate that the current Minister is not here to provide the detail of how the decision is to be challenged in the courts, but I look forward to the junior Minister telling us what legal clarity has been provided to date. The Department states that it is seeking legal clarity and, indeed, that it is regularly in contact with the European Commission. Those of us seeking to deal with the issue, and who are debating those matters today, are anxious to hear from the Minister what the European Commission is saying about them and what points she has sought to clarify.

If it is the case that the Minister and her Department are proactively addressing the issue, it is surprising that she has appeared to have inherited this whole matter from her predecessor, Minister Gildernew. We want a retrospective account of the proactivity that has taken place. In other words, what has been happening at the Department over the past years if it is only now starting to be proactive? We, the taxpayers and the farmers, will be made to pay the bill for this. Faced with the situation, what did the previous Minister do to resolve it during her tenure? If she has left the issue as a legacy for the current Minister, in what way are we trying to get through it? Other than the occasional media sound bite on the matter, there has been a distinct lack of clarity.

To pursue a legal challenge can also be costly. What stage are legal proceedings at? As I stated previously, I require the Minister to update us on those legal proceedings, legal advice and the degree to which she is bringing proactive on them, given that there have been quite a number of years to deal with such matters. At the end of the day, we want to hear how this situation has come about.

Mr Deputy Speaker: Will you draw your remarks to a close, please?

Mr McGlone: Go raibh maith agat. We want to know how this situation has come about and the practical detail of how it will be resolved.

Mr McCarthy: I declare an interest as a recipient of the single farm payment. Like other Members, I am extremely disappointed that the Minister is not with us in the Chamber to hear our debate and to answer some pertinent questions. I welcome the presence of junior Minister Martina Anderson, but she will not answer our questions. She will simply stand up to read a prepared script. It will be a very welcome surprise if she can go further than that. I understand, however, that the Agriculture and Rural Development Minister will make a statement on the subject of this debate to the Assembly a week today. Given the fact that she will be a week behind, and knowing our concern, the Minister will have a chance not merely to make a statement but to give real answers to the real questions that we will raise here today.

The Chair of the Agriculture and Rural Development Committee and others have adequately covered the concerns of Members and expressed the absolute seriousness of this entire debacle. I call it that because it seems to me that, as time goes on, the demand from Europe grows bigger. I simply ask: when is it going to stop? Listeners to the debate will be forgiven for being completely confused by the millions of euro that we are talking about — a million here, four million there, 30 million somewhere else, and it goes on and on.

I understand that this disallowance saga started in January 2010. It started before then, but we were notified in January 2010 of a demand for the repayment — and here I go with more millions — of €34.45 million. On 15 July, the European Commission issued a further list of financial corrections amounting to €33.7 million. That brings us up to €68.15 million. We now face a possible further €45 million fine, which will bring the total to well over €110 million. That is outrageous. It is horrendous. In anybody's language, such figures are shocking. As the motion reflects, the question is how did we get into this mess in the first place. When will that money be repaid, and, as others have asked, where will the £100 million come from?

1.15 pm

In a statement to the 'Belfast Telegraph' on 9 November, the Minister of Agriculture and Rural Development stated:

"To date we have set aside £82m"

— to which Patsy McGlone referred —

"to deal with the fines up until 2009. None of that money has come out of any frontline service or any department budget."

She also said that court action had been launched to challenge the fines, along with a massive operation to remap some 50,000 fields. Where will that £82 million come from?

Mrs D Kelly: I thank the Member for giving way. I am sure that he will keep me right on this. As I recall, DARD officials informed the Committee that the money to repay the fines would come out of non-spend in the monitoring rounds. That is what I heard them say.

Mr McCarthy: I thank the Member for her intervention. Regardless of whether it comes out of non-spend or spend, £82 million will have to come out of somewhere. If it comes out of the Northern Ireland Budget, £82 million that have could be used in loads of other areas will be lost. Northern Ireland simply cannot afford to lose that amount of cash. We all know of many important outstanding local projects that could make good use of even a small proportion of that money.

In conclusion, the ordinary man and woman in Northern Ireland, on hearing of the huge fine, will simply ask why and how those huge errors happened in the first place? Who was responsible and why has no one or no departmental official been apprehended? Could the situation not have been avoided by catching on to what was happening before the auditors in Brussels were forced to impose such colossal fines on Northern Ireland? It most certainly should never happen again. I fully support the motion.

Mr Irwin: I welcome the opportunity to comment on a very important issue for the farming community in Northern Ireland. I declare an interest in the matter as a farmer who receives a single farm payment. In my opinion, the issue goes right to the heart of the Department's administration of the single farm payment since its inception in 2005. Mapping inspections and the unacceptably long wait for payments are a never-ending nightmare for farmers. I have lost count of the number of times that I have raised those issues with the Department. Yet, it seems that the process grinds ever slower, no matter how many times the issue is raised or how many promises are made about speeding it up.

From speaking to sources in the Department, I am aware of the fact that that part of DARD's administration simply is not working. I believe that it is incapable of dealing with the tasks set before it; I do not use those words lightly. I am aware of inspections that were carried out early in the summer that have not yet been entered into the system, even though it is now mid-November. That is an unacceptable situation, and one that the Minister must address immediately. The farming industry is under enough pressure as it is. A message must be registered with the Minister and the Department that every week a payment is delayed is a week of uncertainty for the farmer concerned. The fact that fines are being imposed should not, I feel, reflect poorly on the farming community, which is weighed down with mountains of form filling, red tape and administration, on top of having to manage its animals and crops.

I believe that, in the main, many of the discrepancies were small and the auditors were certainly nitpicking. Having said that, given that I, on behalf of scores of farmers, have had close dealings with the Department on the issue for a number of years, it really does not come as a surprise that we are facing fines potentially worth millions of pounds as a result of investigations by EC auditors. On the one hand, we have the ever-present overzealous hand of Europe, where there are elements of red tape, and on the other hand, we have a Department that remains ill-equipped to administer single farm payments.

Mr T Clarke: I thank the Member for giving way. I do not like his choice of language in saying that the Department is "ill-equipped". I think that it is too well-equipped. As a farmer, surely you accept that most of the farming community would say that the Department is more than well-equipped, given the ratio of officials to farmers. Given that mapping and the number of inspections that the farming community regularly tell us about are the problem, surely the responsibility and the embarrassment lie with departmental officials, and farmers have no hand at all in the issue.

Mr Irwin: I thank the Member for his intervention, and I fully agree with him. That said, however, farmers will not allow themselves to be made scapegoats. That will not happen. As the Member said, the problem lies fairly and squarely with the Department and its lack of preparation in administering the system.

I will give an example. I know for a fact that, some weeks ago, up to 18 members of Veterinary Service staff were transferred to undertake inspections for single farm payments, and they took a training course that lasted a number of weeks. Some 13 or 14 of them had not done four days' work on single farm payments when they were called back to the Veterinary Service. That whole process of training was a total waste of time as far as DARD was concerned.

The motion refers to how the moneys will be paid and by whom. I am sure that no one in the House today thinks that the agriculture industry should shoulder the burden of the repayments. That would not sit well with the industry.

I will be interested to hear the Minister's response, and it is frustrating that she is not in the House today to answer these important questions. The Minister has notified the House that she will respond on 21 November. I look forward to hearing about her plans to address these important matters. Fines are a large issue, but we need real and immediate action by the Minister to ensure that the system is fit for purpose so that further corrections can be avoided.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. I support the motion. At an Agriculture Committee meeting, my party colleagues and I argued against the motion being tabled for today; other Committee members are aware of that. I am, therefore, at a loss to understand why the Alliance Party Member is irate at the Minister not being present today, when he was told that she would not be here today but would be on 21 November. I wonder which meeting the Member was at if he is irate today but was not irate at the Committee meeting.

Mr T Clarke: Will the Member give way?

Mr McMullan: No, I will not give way. I am only up on my feet.

Mr McCarthy: Will the Member give way? Will the Member allow a body to reply?

Mr McMullan: No, I will not give way.

The last Member who spoke mentioned his disappointment at the Minister not being here. However, let us be quite clear: the Agriculture Committee knew that the Minister would not be here today. Indeed, I welcome the Chairman's comment, made with the backing of the

Committee, welcoming the Minister being in Europe today, because she is negotiating on fisheries and CAP reform, which is what we want her to do. The debate is turning into finger pointing and speculation, so let us put that issue to bed.

Mr McCarthy: Will the Member give way?

Mr McMullan: No, I will not give way. Please give my head peace.

Mr Deputy Speaker: Order, please. When it is obvious that a Member will not give way, no Member should persist. Continue.

Mr McMullan: Thank you, a Cheann Comhairle. In my view, there are two possible reasons for the situation. We must look back to 2005 and ask what and who started all this. There is no point in people shrugging their shoulders and scratching their heads about who started all this. We need to find out who in DARD knew the full extent of the issue. If something in DARD needs to be looked at, let us look at it. *[Interruption.]* The Member should not point; it is bad manners to point.

We must find out who in DARD introduced this situation and who knew its full extent. We do know that it was only in 2008 that the full extent of it was pushed to the Minister's door. We all agree that the fines from the Commission are far too high.

At present, we have money set aside to pay £80.6 million, £82 million or whatever the figure is. This is where the alarmism comes in. We hear speculation about £120 million or £130 million. Some of the words that were used here this morning were "could", "might", "unfortunate" and "possible". There was not one word of assurance. We are dealing with speculation. We know that there are fines to pay, but we do not know how much is going to be paid for 2009 and 2010. I hope Members agree that that is all speculative. We heard one of the MEPs on television yesterday going down the same line. We need to be a united Assembly on this issue. If we want the Minister to negotiate these fines, we must be totally behind her, otherwise it sends the wrong message to Europe. These speculative figures give the farming community a bad name.

Members, I would like you all to agree that we have to find out what happened here, and we

have to fix it so that it does not happen again. I totally agree with that.

Mr Buchanan: I support the motion. It is regrettable that this Assembly is debating an issue that could see anything up to £100 million in disallowances being paid back to Europe. I have no doubt, as I listen to the debate, that the concern is the detrimental impact that that payback will have on the Executive Budget. It is unfortunate that the Minister, as other folk have said, is not in the House today to answer some of the questions that are being put to her.

Mr T Clarke: I thank the Member for giving way. I do not like to correct him, but he was not at the Committee last week when the discussion took place. There was consensus that what the Minister has to do this week is extremely important for the whole agriculture sector. I defend the Minister on that issue; record that if you wish. That is the first point.

The thing that annoys most of us about this — and I am sure that, as a member of the Agriculture Committee, you will agree — is that if this debate had not been tabled in the first place, there never would have been a statement from the Minister. You will accept that this is not a new issue. This problem has been around for months if not years, as we are now hearing. The only thing that triggered the Minister to make a statement next week was the fact that the Committee pushed to have this debate.

Mr Buchanan: I thank the Member for his intervention; he is absolutely right. It is an issue that has been rumbling on for a number of years, and had the Committee not taken the initiative to push the Minister and bring a motion before the House today, it would have continued to rumble on and the Minister would not have set aside time next week to come before the House to make a statement.

I am sure that we are all aware that it was small technical discrepancies that led to the huge disallowance, and therefore it is imperative that a proper system is put in place now to minimise or to eradicate any future risk of financial corrections being levied against the Department.

This motion has not been brought to the House by the Agriculture Committee to embarrass or to criticise the Department, but the reality is that the Department must shoulder some of the criticism, some of the responsibility and

some of the blame for the situation that we find ourselves in. As I said earlier, this is a matter that has been rumbling on for some considerable time, with the magnitude of disallowance increasing year on year. It is only right and proper that questions are asked of the Department and the Minister on this matter. Why were officials not up to speed with the proper regulations on the delivery of the single farm payment? Is it the case that farmers were not provided with the correct information from the inception of the single farm payment?

The continual drip feed of information to the farming community over the years has contributed to the entire mess. We heard earlier in the debate about the situation with the mapping system for farmers and the whole debacle around that.

However, one of the more pressing issues is the extent of engagement that the current Minister and her predecessor have had with the European Commission in lobbying and negotiating to have the level of disallowance reduced or perhaps completely eradicated. It appears that any engagement or negotiations to date have proved fruitless because the penalties have continued to increase. That is one reason why it is important that the Minister comes before the House and makes a clear and concise statement on this issue.

1.30 pm

I know that the Department can and probably will point the finger at other countries on which penalties have been imposed and seek to justify its position in that way and satisfy itself that we are not alone in this situation. Irrespective of the situation other countries find themselves in, the reality is that this Assembly is faced with paying back up to £100 million to Europe. That money would have made a huge difference to our economy in Northern Ireland at this time. Other Members have talked about the difference that it could make in other Departments, and considering the difference that a small amount of that money could make to the agrifood industry, it behoves each of us to ensure that the Minister takes our position seriously, looks at this matter and sets in motion something that will rectify the situation and make sure that it does not happen again.

The Minister must now make a clear statement to the Assembly providing clarity on the severity of the financial contributions. In doing so, it

is important that she defines how much is for fines and how much is for penalties.

Mr Deputy Speaker: Bring your remarks to a close.

Mr Buchanan: As well as that, she must take action to address the issue of non-compliance in the future.

Mr Swann: A clear message from this debate to the general public, and the media in particular, is that the farming community and the farmers themselves are not solely responsible for the fines that are being delivered from Europe. A bad misconception is being put out there that mismanagement of EU funding by farmers has caused the fines. So, we need to ask how this has been allowed to happen.

The motion addresses the issue of non-compliance to ensure that fines will not be a recurring theme, but the Commission has already advised that further disallowances for the scheme years 2007, 2008 and 2009 are likely. So this predates our current Minister coming into office, and I acknowledge that she is in Brussels today doing very good work on behalf of the agriculture industry, and I acknowledge that we were aware of that fact in the Committee. Although it predates the current Minister, it does not predate the current departmental officials, and we need to look there if we want to apportion blame or look for answers. In their report, the European Commission auditors identified weaknesses in the way that DARD administered the EU funding schemes. Ladies and gentlemen, there are enough DARD officials, but maybe they are not in the right jobs. Maybe they should be out in the fields and the farmyards, not sitting behind desks dreaming up more schemes and how to implement them.

Last week, a senior official from the Department told the Committee that the penalties in relation to countryside management inspections were due to overzealous inspectors who had given some farmers two weeks to rectify problems but later had to withdraw that instruction because the rectifying of those problems, such as planting trees in the middle of November within two weeks, would have gone against good guidance and common practice.

DARD has a lot to answer for. Mr Murphy said earlier that the Department knew in 2005 that EU funding schemes were changing, and I do

not believe that DARD was in a position to administer a new scheme. It is unfair. Officials need further, better training in order to know how to implement those schemes on the ground.

I can cite one example that has been brought to my constituency office. It relates to field boundary restoration work under the countryside management scheme. In the DARD guidance booklet, there is a simple question on how far apart two fence posts need to be in order to meet EU compliance. That is not rocket science. In a single DARD information booklet, however, there are three different regulations as to how far apart those two posts should be. One diagram states that they must be 2.7 metres apart from edge to edge. The written instructions state 2.7 metres from centre to centre. It also states that one can comply with British standard 1722, which allows 3 metres from centre to centre. Therefore, if the Department's instructions, which it puts in its pamphlets to guide its inspectors, are complicated, an inspector who goes out onto a farm with a measuring tape will not be able to comply with that guidance no matter what measurement he gets, because he will not know what he is supposed to comply with.

I believe that Mr McGlone referred to the mapping issue. Again, DARD states in guidance on its own website:

"To improve on-the-spot checks ortho-photography has been available to inspectors since 2008 and by 2009 all inspections were supported by ortho-photography to ensure that the standard required by the Regulations is observed."

Inspectors still go out onto farms with plastic wheels to measure farm lengths, fences, gates and hedgerows. Therefore, as Patsy said earlier, if DARD inspectors do not have confidence in the ortho-photography maps that have been given as good guidance, what reassurance do farmers have?

The countryside management scheme and delivery of EU funding programmes have been a steep learning curve. DARD has been doing it since 2005. I would have hoped that it would have got there by now. We talk about future fines that are coming. What concerns me is that we are looking at further greening under the next CAP review. If DARD is not getting it right now, after six years, the Assembly has a lot to worry about and the farming industry has a lot to fear.

The Committee for Agriculture and Rural Development's motion does not portray some DARD officials as being at all effective and competent.

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

Mr Swann: I hope that, on her return from Brussels, the Minister will show not only that she is fit to challenge officials there but that she has the ability and strength to challenge her officials in the Department of Agriculture and Rural Development. I can assure her that if she does not, the Ulster Unionist members of the Committee will.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I will touch briefly upon the need for the debate, as other Members have done. It is an important debate. Differences of opinion related to when it would happen. The motion calls for the Minister to come to the Floor of the Assembly to give a clear statement on the issue. The Committee was made well aware that the Minister would give that statement next Monday. Sinn Féin would have preferred to have seen or heard the Minister's statement first, and if the Assembly still felt that a debate were needed, it would have had the debate then.

Mr McCarthy: Will the Member give way?

Mr W Clarke: I will in a minute.

Earlier, Mr McCarthy said that he was confused and concerned about why the Minister was not in the House, yet he sat in the Committee and agreed that the debate should go ahead even if no Minister were present. I welcome that junior Minister Anderson is here. It could have ended up like the Peter Hain Assembly: we would be sitting here waffling to ourselves. The Member agreed that the Minister's important business in Brussels would take precedence, and rightly so.

Mr McCarthy: I thank the Member for giving way. Week after week, a lot of waffling goes on in the Chamber. Nothing constructive comes out of it. I welcome the work that I hope the Minister is doing in Brussels on behalf of the agricultural community. She will have a week to familiarise herself with all the concerns of Members on this side of the House. There do not seem to be many concerns on that side of the House.

Brother McMullan mentioned the £82 million and waffled it to the side. Does Brother Clarke not agree that the Minister will have an extra

week in which to come back to the Chamber to answer the questions to the best of her ability and to satisfy not only us but the people in the community who want to know where the £100 million to pay back Brussels is going to come from? *[Interruption.]*

Mr Deputy Speaker: I remind Members to address other Members by their proper names. Those other terms may be for another place.

Mr W Clarke: I share the Member's concerns. At the end of the day, we are talking about public money; taxpayers' money not just farmers' money, and we all have a concern. We want to get a solution, and we need to move forward. That is what Members on these Benches are talking about. We need clear answers, and we need to know how we move forward to eradicate this problem for future years. With regard to who is going to give you the answers, Sister Anderson will do that.

This is a legacy issue, and, as I said, the ball was dropped under direct rule. This issue was lost under the Hain Assembly. There is a clear need to all work together to send out a clear message that we will resolve this problem and that we will look at the land mapping issue, which is of the utmost importance when the European Commission is looking for the answers.

For too long, DARD, or whoever, allowed certain aspects of farm mapping, such as laneways, gorse, scrubland, rivers and planning sites, to stay within farmers' farm maps. Planning applications were passed for numerous sites on land, and farmers continued to claim single farm payment on that. However, I do not think that that was totally the farmers' responsibility. In my opinion, the Department was not robust enough in dealing with that issue. However, we are where we are. We need to move on, and as the Member across the way said, CAP reform is upon us. There are many elements to CAP reform, including a change in the system from a single farm payment to multi-payments. It is important that we have a robust system for mapping, because there are extra responsibilities on the way, such as greening payments and young farmers' payments. Therefore, it is very important that we have in place a robust management system.

I am confident that we are working away towards that. As you can imagine, about 750,000 fields need to be accurately mapped. That is a considerable amount of work. People have said

that the Department had a considerable amount of time, and I agree with them. It should have been more in the Department's thinking to get the task done urgently. It is not about dragging your feet, burying your head in the sand and thinking that the EU will not see it. As others have pointed out, the issues are the same throughout Europe. In Germany, Greece, Spain, Italy, Cyprus, Malta, Holland, the UK and Italy, they are being asked to pay up to €60 million. I support the motion.

Mr Allister: Undoubtedly, this is an important issue for now and for the future. I have three points to make about the EU's role, and I will then say something about DARD. First, I find it pretty rich that an organisation whose accounts have been in such a shambles that they have not been able to be signed off by the auditor for 15 years should be the body that is pointing the finger and raising issues with member states. If it had put its house in order long since, it would be coming to this matter with much cleaner hands. Secondly, there has been inordinate delay in the auditory processes of the EU, which creates its own problems and is a contributor to the fact that this has become a protracted issue.

It is within that window that I have some sympathy for the Department of Agriculture and Rural Development here in Northern Ireland, because, as I understand it, whatever the signs in the wind were, it was not until 2010 that definitive findings indicated flaws and difficulties in 2004, 2005 and 2006. It was not until September 2011 that we had an indication of further problems up to 2007. It was that time lag of many years that, undoubtedly, made it very difficult for the Department to get ahead of the system and put in order what had been found to be wrong. In part, that is why there has been a delay in putting things right. The auditory process of the EU contributed to the difficulties that we are in now.

1.45 pm

The third point that I want to make about the EU is that it is quite clear that what we loosely call fines are grossly disproportionate to the mischief found. I am sure that that will be an aspect of the case that is before the European Court of Justice. Sadly, of course, given the speed at which the European Court works, we are probably looking at another two years before we get a judgement. In the meantime, we have

yet to find out what flaws the EU will find for 2008, 2009, 2010 and this year.

I will now discuss some of the issues that arise. The Chairman of the Committee spoke about money having to be paid back in fines, etc. Perhaps we have all spoken in those terms, but my understanding is that money is not actually paid back but is now held back by Brussels in respect of other area payments to make up the shortfall. If that is confirmed, may we be told whether that has already happened? As and when it does happen, where will the shortfall that it creates be made up from? How, in resource and capital terms, will that shortfall, which might amount to £100 million, be met? Perhaps the Department will consider, as a gesture of its regret about how it has handled the issue, forgoing the largesse that it intends bestowing on itself for new headquarters. That might be a suitably contrite contribution from the Department, given the mess that we are in over fines.

There are key questions. It is also regrettable that the Minister seems to lack the vision and enthusiasm to tackle some of those issues. I received a written answer from the Minister to my question about the latest tranche of £4 million of clawback. She states:

“My Department is considering if there is merit in contesting this disallowance. However, there are likely to be significant practical difficulties in doing so as the onus will be on my Department to demonstrate that the Commission has either been manifestly unreasonable in its approach or has erred in its interpretation of EU legislation. This is much more difficult”.

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr McCarthy: The Member asks a very important question. The Minister clearly stated:

“To date we have set aside £82m to deal with the fines up until 2009”.

Does that not indicate that the Minister is not waiting for money to be withheld by Europe but has £82 million sitting somewhere, ready to hand over?

Mr Allister: I trust that it is not end-of-year funding or we will lose it. I am puzzled about whether, if there is a legal challenge before the court, that has frozen the demand, or whether there will be a clawback in the meantime, despite the ongoing legal proceedings before

the European Court. We need clarity on that. I doubt that we will get it today, nor would we have got it if the Minister had been here, because, frankly, she does not have a grasp of her brief at all, and we would have had read out to us what has been presented by the officials. Legions of questions need answers, and the sooner they are answered, the better.

Ms M Anderson (Junior Minister, Office of the First Minister and deputy First Minister):

Go raibh maith agat. As a Minister who is very much on top of her brief, the Minister of Agriculture, Michelle O’Neill, welcomes this debate and regrets very much that she is unable to attend today. As Members will be aware, Minister O’Neill is in Brussels today, representing our interests at the EU Agriculture and Fisheries Council. She is holding discussions with the EU Commissioner for Agriculture and Rural Development on the recently announced legislative proposals for the reform of the common agricultural policy.

Minister O’Neill recognises Members’ concerns on this issue; she has already declared her intent to make a statement on disallowance and compliance matters to the Assembly. I will address some of the concerns that were expressed in the House. The Minister’s intent to make that statement did not follow the motion being listed. In fact, it was the other way round: the Minister’s intent to make a statement to the House on 21 November was listed in advance of the motion being tabled. Of course, the Committee for Agriculture and Rural Development is entitled to select whatever motions it brings to the Chamber. The Minister is now scheduled to make her statement on Monday 21 November. In it, she will provide an update on disallowance to date, the concerns identified by the Commission and the action being taken by DARD to address those, along with a timetable for implementation.

As someone relatively new to this subject, I have been listening intently to the points raised and welcome all the information that the debate has generated. Junior Minister Bell and I have responsibility for EU matters in the Office of the First Minister and deputy First Minister. However, that might be stretching the point. I understand that this is not the first debate on single farm payments. Indeed, my party colleague, the then Minister of Agriculture and Rural Development, Michelle Gildernew MP MLA, made a statement on the disallowance of single farm payments

to the Assembly on Monday 27 September 2010. In her statement, Ms Gildernew advised Members that DARD distributes about £300 million of EU money each year across the agriculture industry. To get that money, DARD and those claiming it sign up to a body of EU rules that place onerous requirements on both parties. Ms Gildernew also advised Members of the various audits undertaken by the Commission and the European Court of Auditors from 2006 to date and their likely outcomes.

The recently published disallowance was among those mentioned. Although, at the time, the total known potential disallowance amounted to approximately €72 million or £64 million, it was noted that further corrections for 2009 and later years could not be ruled out. It was highlighted that DARD was working to mitigate that, but to cover contingencies, budget provision of a further £40 million was being sought. Jo-Anne Dobson wanted to know whether the money had already been set aside. Without pre-empting Minister O'Neill's statement, I would like to advise that, as at 31 March 2011, DARD has accrued liability of £64.9 million in its audited resource accounts, in addition to £11.2 million held for it by DEFRA. That amounts to £80.6 million.

Kieran McCarthy, Patsy McGlone and Jim Allister also asked where the money was coming from. In accruing the money, DARD has funded most of the actual and proposed disallowances that arose during the 2004-09 scheme years. That has been achieved, with DFP approval, out of end-year underspends from other Departments. In the main, those underspends would have been lost to our block.

Although that alleviates some of the financial pressures, it does not take account of any disallowance that might be applied for the 2010 year and further scheme years. DARD cannot rule out the possibility of further disallowances in years to come. However, at this point, any figure quoted would be speculative. There is still considerable scope for challenge and, indeed, for ongoing improvements in compliance, which would mitigate further disallowance.

I will clarify that as far as the handling arrangements are concerned, DARD does not pay the money back to the Commission, nor can it recoup it from the money that was paid to farm businesses, unless, of course, there has been an overpayment due to scheme non-compliance on the part of the farmer. However,

at some point, the Commission will deduct those disallowance amounts that have been finalised and published from DARD's request for money to cover single farm payments that have been made. DARD will then be required to cover the shortfall. As I explained, DARD has accrued the money to do so for the key known disallowances that have arisen during the 2004-09 scheme years.

I want to make a correction, because I know that people are, rightly, very focused on the figures. I said £64.9 million by mistake. That should have been £69.4 million, so I stand corrected on that. I want Members to take note of that in case there is any concern.

In looking at who is responsible, as Conor Murphy, Oliver McMullan and Willie Clarke said, many voices across Europe have been arguing that the Commission has been somewhat heavy-handed in all this. It is notable that many of the member states affected are not naturally regarded as countries that are lax in their controls. Tom Buchanan asked about negotiations with the EU. It is probably correct to say that DARD overestimated the scope to persuade the Commission to reduce disallowance.

It is easy for some to seek to blame the farmers, and it has been mentioned today that there are some concerns that that has been the case in some of the commentary that has been made outside. However, that is to miss the complexities of the controls that are bearing down on the farming community as a result of the Commission's requirements.

Of course, where individual farmers have breached scheme rules, I know that DARD will seek to apply the rules strictly. It has been expending considerable resources in getting the message to farmers that they must claim only on eligible areas. Ultimately, however, we and many member state paying agencies have had to realise that although we firmly believe that the Commission's approach is heavy-handed and disproportionate, the best way to minimise the disallowance being applied is to satisfy the Commission that its concerns have been met.

Paul Frew, the Chair of the Agriculture Committee, Conor Murphy, Robin Swann, Willie Clarke and others asked about the measures that will be put in place to improve the farm maps.

A top priority in that regard relates to updating and improving farm maps in close collaboration

with Land and Property Services, and the Agriculture Minister will have more to say on that when she comes to the Chamber next week.

2.00 pm

From the first audit in 2006, DARD moved to challenge the Commission on its findings in some areas while improving its systems and processes in others. DARD will continue to challenge where it has reason to believe that it is appropriate to do so. It has taken a case to the European Court on a technical issue arising from the 2006 audit. Although that is likely to take time to progress, I am sure that Members will agree that, if DARD has been advised that there is a reasonable chance of success, it should continue with the case. As far as improving its systems and processes is concerned, DARD has already made improvements to on-farm inspections. It now uses aerial photography, and it made those photographs available to single-application claimants earlier this year.

I hope that I have provided some clarification and addressed some of the points made during the debate. As stated at the outset, Minister O'Neill will provide more details on the matter in her statement next Monday. Go raibh míle maith agat.

Mrs D Kelly: I thank all Members who contributed to this important debate. I also thank junior Minister Anderson for replying and responding as best she could to some of the concerns raised during the debate. It is important to note that, in his opening remarks, the Chairperson put on record the Committee's appreciation of the fact that the Minister is on departmental business trying to represent the fishing industry in the North on the quota. We wish her every success. The last time that the EU gave any improvement to the North on the fishing quota, it was Minister Bríd Rodgers who, as Agriculture Minister, secured that improvement. Unfortunately, we have not had any improvement since, but, nonetheless, we wish Minister O'Neill well in her endeavours.

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

A number of Members highlighted correctly not only the concerns of the Committee but those felt across the agricultural and rural community about the impact that the fines and disallowances would have on our lives. Members wanted greater clarity on the shortfall,

not only about how it was to be made up but about what detriment, if any, it would have for the plans of the Department of Agriculture and Rural Development in areas such as tackling rural poverty and dealing with rural childcare. We would like to know whether the disallowances and fines have had any negative impact on moneys earmarked in the past to tackle those problems. I do not see how any Department or Executive could sustain such a loss to their budget without that having a detrimental impact across a wide range of other departmental responsibilities.

In the Chairperson's opening remarks, he mentioned the recent history and the Committee's interest in the issue. Following the elections in May, the Committee for Agriculture and Rural Development was reconstituted with some new faces as well as some stalwarts of the previous Committee. In those early days, the new Committee was briefed on a range of key issues by the Minister and her officials. We heard about the historical legacy around disallowance and the focus on getting new maps. However, I, for one, was disappointed that, when the latest announcement about a further £4 million in disallowances was made, I only came to know about it through the media rather than through any of the briefings by departmental officials. I do not know whether those officials were as surprised as me; maybe they hoped that the Committee might miss that point.

It was at a recent meeting of the Committee, as I think the Chairperson indicated, that we learned of the additional £15 million year-on-year potential disallowance, which, as I believe the Chairperson highlighted, was an estimate based on a range of possible disallowances. It is because of the uncertainty around the situation that the Committee wished to have this debate.

I know that many Members from across the parties referred to the Minister's intended statement next week. We certainly look forward to that, and she will certainly be better briefed on the concerns that Members articulated this afternoon and, hopefully, will give a very full response. As Members will know, there is limited opportunity with a ministerial statement to question the Minister on what she has said to the House. Therefore, it was important to have this debate, so that the whole range of concerns were given a full hearing. Junior Minister Anderson responded as best she could

and gave answers to some of the concerns raised. However, we look forward to what Minister O'Neill has to say next week.

Mr McCarthy: The motion asks:

"how, when and by whom these moneys will be repaid."

Although I pay tribute to the junior Minister for being slotted in at very short notice, those three important aspects of the debate simply have not been answered. Until they are answered, I, as a Committee member, will not be satisfied.

Mrs D Kelly: Thank you for that intervention. I come now to Members' remarks. Mr Allister stated that the audit procedures in the EU were an explanation of why we are so far behind. However, with regard to the who, what and where, some Members referred to it being a legacy issue that came under direct rule. I think that Mr McMullan referred to the waffle that prevailed in the Chamber at times today. Mind you, I suspect that some of that waffle was due to the absence of any Executive business. The simple fact of the matter is that we do not yet know because there is a drip-feed of information on the amounts of money involved. These are telephone number amounts of money. They are huge sums, and there were concerns that some of the money was being held back in monitoring rounds and then handed back over. However, as I understand it, the way the Executive approach their accounting mechanisms means that each Department is encouraged to overbid for the money it may be able to spend in any given time frame. So, the ability to have money set aside will be reduced substantially as Departments deliver on their projected spends. The Committee had concerns about whether that was good government.

Mr Murphy set out the timescale and some of the legacy issues around how this situation came about. That tied in somewhat with Mr McMullan's reference to the Hain Assembly and the waffle that pertained at that time. Nonetheless, as other Members pointed out, since 2008 it has been the responsibility of Ministers here to get a handle on that. Many Members are not yet convinced that that has been achieved, particularly as we see the sum of money that we have to pay back growing. There is a lack of confidence among the farming community and concern that they are being made to pay the price. Mrs Dobson, for example, made it clear that the farmers used

in good faith the maps that the Department supplied, and Mr McGlone said something similar. We know that it was up to the farmers to double-check those maps to some degree, but they relied on the technology that was available to DARD and thus used the maps in good faith.

Other Members raised issues around the level of disallowance and around money having to be repaid by some farmers. There is a lack of evidence where the evidential route is: it was based on maps that went back some time, and we all know how climate change has affected a number of farms, over the past couple of years in particular. If an aerial photograph is taken in November, potentially after torrential rain, it will look different to an aerial photograph of the same place taken in May. That is not necessarily the type of evidence that one would expect to be used in the modern age.

Mr Swann talked about the technology being available but questioned whether inspectors are up to speed on the use of that new technology. Other Members — Mr Buchanan and Mr Clarke in his intervention — talked about the number of inspectors per farm, saying that there were more inspectors than there were farms. However, Members are concerned that the inspectors are not trained well enough —

Mr Principal Deputy Speaker: Will the Member bring her remarks to a close?

Mrs D Kelly: We have not yet heard that from the Minister.

I thank all Members who contributed. I am sorry that I did not get to refer to all Members' contributions. This is a matter of huge concern, and we look forward to the Minister's statement next week.

Question put and agreed to.

Resolved:

That this Assembly notes the latest announcement by the European Commission on financial corrections to be levied against the Department of Agriculture and Rural Development; expresses concern about the potential effect on the Executive's Budget; and calls on the Minister of Agriculture and Rural Development to make a full and urgent report to the Assembly on the extent of the financial corrections, the actions she is taking to address the issue of non-compliance and how, when and by whom these moneys will be repaid.

Private Members' Business

Smoking in Cars Carrying Children

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.

Mr McCallister: I beg to move

That this Assembly recognises the damaging effects of passive smoking; notes that children are particularly exposed to second-hand smoke; and calls on the Minister of Health, Social Services and Public Safety to work closely with the Minister of Justice to bring forward legislation, in association with a public awareness campaign, to ban smoking in cars carrying passengers under the age of 16.

I am grateful to Members who will participate in the debate. My party and I believe that this is an important debate. There has been some suggestion that debates such as this are not relevant for the Assembly when there are pressing issues to do with the economy. To me, it is very relevant that we debate this type of public health issue.

Smoking kills more people in Northern Ireland than drugs, alcohol, obesity and car accidents combined, so it is right and proper that the Assembly take the issue very seriously and have this debate. We must try to move forward and determine how we will address the scourge of smoking and particularly the exposure of young children to second-hand smoke.

There are several strands to the debate. The long-established health risks from smoking have been well known for many years. It has also been known for a long number of years the extra harm that smoke does to a young body that is still developing as opposed to the harm that it does to an adult. That is why the motion is very relevant and why it is crucial that we have the debate. Smoke and the diseases that it can cause and make children more susceptible to are seriously harmful, as is the cost, not only the financial cost to our health service but the cost to individuals who will struggle with health problems for the rest of their life. In many cases, their life expectancy is cut short. It is well known that children who are exposed to second-hand smoke in cars or see a parent smoking regularly are much more likely to

become smokers themselves. That is something that we should and must address. Over a number of years, we have had some success in addressing the scourge of smoking through a tobacco strategy and looking at tobacco controls and associated issues, and we need to build on that. Too many smokers still act irresponsibly around young children.

2.15 pm

There are several areas that I want to examine. One of the main criticisms of this type of move is how it would be enforced. Most people are broadly in favour and supportive of it, but the big question is how it would be enforced. If we always considered that question, we might never legislate for anything. We need to work with the Departments of Health and Justice to examine what penalties there would be and how it would be enforced; that is where we have to begin. The police have said that they do not see a problem with enforcement. Looking at other issues that we have legislated on over the years such as seat belt wearing and car seats for young children, would anyone tell the Assembly that it has not made significant improvements to the safety of children and adults travelling in cars?

Mr B McCrea: On the point about enforcement, is the Member aware that 40% of drivers wore a seat belt before the seat belt law was passed but the figure rose to 90% once the law had been passed? A 1985 report estimated that those changes prevented 7,000 deaths or serious injuries and 13,000 slight casualties. Does he anticipate similar improvements if we could do something about the prevention of passive smoking?

Mr McCallister: I am grateful to my colleague for that point. Those are the types of argument that you hear when you want to legislate on something such as smoking in cars: that people act responsibly, that they would not do that and we should leave it up to the individual. Sometimes, the Government and the Assembly have to take that lead. We have to stand up and say that it is right that the Assembly legislate for this and it is right to send that very powerful message, as my colleague highlighted with the seat belt law. It is the same with seat belts and car safety seats for very young children. No one would dream now of bringing a baby home from hospital without having a proper car seat; in fact, I am not sure whether that is allowed. That is right and proper when you think

of the damage that can be caused. The same argument can apply to this.

In wanting to progress with a private Member's Bill, I approach the issue as someone who is broadly supportive of civil liberties. I do not like the idea of the nanny state. However, I do not think that it is right to say that we should not protect children who do not have a voice, such as a child of five years of age who does not know the risks of smoking and cannot tell a parent or adult that they should not smoke in the car in a confined space.

Some will ask what the point of the legislation is if we can ban smoking in the car but not in the home. The argument is that a car is a significantly smaller space than most people's home. I send out the message strongly from here that, if you are a smoker, go outside and smoke; do not inflict it on your children and other family members. People talk about drinking alcohol in the home, but there is not the danger of fumes coming from alcohol in the way that they do from cigarette smoke.

I am all for encouraging people to act responsibly and to take personal responsibility, but sometimes the Assembly and the Government have to take the lead, such as in the very good example that my colleague Mr McCrea quoted about seat belt wearing. I feel very strongly about this issue, and I have spoken to the Bill Office about progressing a private Member's Bill. I will be interested to hear the Minister's response. It is an issue that has to be dealt with and faced up to, and it is one that we should all act on. From speaking to colleagues, I believe that there is very broad support for the measure not only in the House but among the wider public, who are saying that it is sensible that we take the issue seriously, legislate on it and do something to protect children from the harmful effects of second-hand smoke. The consequences include an increase in infant sudden death syndrome, an increase in the risk of meningitis, respiratory problems and children going on to become smokers themselves. It is right and proper that we send out that message.

As I said, enforcement is not an issue. Think about the important public health message that it would send out. Think about what it would do for the Northern Ireland Public Health Agency's message on smoking and what it would say to people about the dangers of smoking. We

do not want anyone to smoke; ideally, no one in our society would smoke. However, at least grown adults make a conscious decision. They make the decision knowing all the risk factors, having seen all the health warnings on cigarette packets and having heard all the issues that have been debated. They can still make a conscious decision, albeit the wrong one. Children do not have that choice. That decision is effectively taken away from them by others who act irresponsibly and put them in a position where they inhale second-hand smoke in a confined space. There is an idea that, if you put down the window, you somehow cleanse the inside of the car, but most of us know that the smell lasts for days. We really welcomed the ban on smoking in pubs, clubs and restaurants. Those who frequent such places know that it had a huge impact. I ask the Assembly to support the motion.

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr McCallister: I look forward to hearing what the Minister has to say. I look forward to the debate on an important issue. I will bring forward a private Member's Bill if the Government do not legislate on the issue.

Mr Wells: It is good news that the honourable Member for South Down will bring forward a private Member's Bill, because he has a 100% success rate in that field.

Mr McCallister: Another press release.

Mr Wells: I hope that he will not quote me on that in the local press.

There have already been light-hearted aspects to this debate, but there is also a deadly serious aspect. According to a written answer given by the then Health Minister Mr McGimpsey, last year, 2,300 people in Northern Ireland died as a direct result of smoking. The vast majority of those people died of lung cancer. Lung cancer is one of the most horrible, excruciatingly painful and dreadful deaths that anyone can imagine. Two secretaries of mine died recently of lung cancer. Both had been heavy smokers. I worked with both of those people, and what they went through was absolutely dreadful. We are dealing with something that can lead to a lot of very horrible deaths.

The other statistic that people need to remember is that 81% of smokers want to give up. They

are desperate to give up. It is not a question of trying to force people to do something that they do not want to do. They want help to achieve their goal of being smoke-free. I am grateful to the Ulster Cancer Foundation for the stats, some of which are frightening. Each year, 300,000 children in the United Kingdom are referred to a GP as a result of the inhalation of tobacco smoke. That leads to 9,500 hospital visits per annum and a total cost to the National Health Service of £23.3 million. It is all so utterly needless.

I have no doubt that in today's debate you will get those who will say that this is a terrible infringement of civil liberties, that this is the nanny state and that we are almost into a Nazi-type situation of forcing people not to do what they wish to do. However, we have been here before. We have heard those arguments with regard to the banning of smoking in pubs and restaurants — one of the best things that ever happened in Northern Ireland and one that I enthusiastically supported. When the smoking ban was obeyed with very little difficulty in a spit-and-sawdust pub in the west of County Mayo in the Irish Republic, it gave the United Kingdom confidence to follow suit, and a ban has been introduced in the four countries. We have not needed squads of enforcement officers calling at pubs and restaurants throughout Northern Ireland to enforce the ban. There has been a 99% compliance rate, and it has been voluntary. Once the legislation was introduced, smokers respected it, and they have not been smoking in pubs and restaurants. Indeed, how often do any of us read in our local newspapers about any pub or restaurant being prosecuted for allowing smoking?

If the legislation is introduced, as I hope it will be, either through the Minister or through a private Member's Bill, I do not see police officers routinely stopping cars on motorways or dual carriageways to see whether there has been smoking or whether there is ash in the ashtray. It is more likely that large numbers of people will realise that it is illegal and will stop, and there will be enormous health benefits as a result. Equally, if someone is stopped for some other reason, perhaps for using a mobile phone or driving too fast, and the officer notices that he or she has been smoking, it may be added to the schedule of offences. However, I do not see it adding, to a huge degree, to the work of the Department of Justice and the Police Service of Northern Ireland.

We owe it to our children. Another alarming statistic is that second-hand smoke levels in cars can be as high as 10 times the concentration considered to be unhealthy by the American Environmental Protection Agency. That is a shocking statistic. It is unacceptable that we expose children — even children who may be being driven home from a hospital's maternity ward — to that level of smoke. It must be stopped. I would welcome a ban, because I believe that we owe it to future generations.

All of this has a cost. We are in times of restricted budgets for the health service. Can we allow those who wish to give up smoking and need that impetus and encouragement to continue to add to the burden on our health service of having to treat the related conditions? The treatment is often very expensive and extremely serious. The sooner a ban is in place the better. I support the motion entirely.

Mr Principal Deputy Speaker: Order. As Question Time commences at 2.30 pm, I suggest that the House takes its ease until then. The debate will continue after Question Time, when the next Member to speak will be Michelle Gildernew.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Principal Deputy Speaker: Question 4 has been withdrawn and will require a written answer.

Budget: October Monitoring Round

1. **Mr McDevitt** asked the First Minister and deputy First Minister whether the unallocated moneys designated for the social protection fund, the social investment fund and the childcare strategy in the October monitoring round will be ring-fenced and allocated without further delay. (AQO 721/11-15)

Mr P Robinson (The First Minister): The social protection fund and the childcare fund will operate as Executive funds. They will require bids from other Departments and the subsequent allocation of funding to those Departments by the Department of Finance and Personnel (DFP) on instruction from the Office of the First Minister and deputy First Minister (OFMDFM). Spend from those funds is, therefore, dependent on Departments seeking the funding.

Our officials are working with other Departments to assess funding options and to identify potential initiatives, including how the social protection fund might assist, for example, those in fuel poverty. We are confident that the allocated budget for the social protection fund will be spent this year.

The social investment fund will operate as an OFMDFM-led fund, which requires full business case approval. We are working through all the necessary processes to make that fund operable without delay. The Member will be aware that the policy is out to consultation, which will end on 23 December. It is not possible to spend under the scheme until those processes are completed. Some £79 million of the £80 million fund will be allocated across years 2, 3 and 4 and, therefore, cannot be spent in this financial year.

The outcome of the public consultation will inform how the social investment fund will operate, including the arrangements for funding. However, we expect that successful projects will display a clear link to the fund's four strategic objectives: building pathways to employment; tackling the systemic issues linked to deprivation; increasing community services; and addressing dereliction. We plan to put proposals on the development of the childcare strategy to the Executive later this year.

We are committed to ensuring investment in childcare, including the provision of additional funding in the current year, and we will carefully consider re-profiling funding in years 2, 3 and 4 in response to departmental bids.

Mr McDevitt: I thank the First Minister for his reply. Given that the First Minister has now admitted that he has to surrender money from the social investment fund because of the delays in getting the fund off the ground —

Mr Principal Deputy Speaker: Order. I ask Members not to walk in front of another Member when he is on his feet.

Mr McDevitt: Will I start again, Mr Principal Deputy Speaker? I thank the First Minister for his reply.

Seriously, given that the First Minister has to surrender funds that had been earmarked against the social investment fund, due to the delay in getting it off the ground, will he give a commitment to the House that there will be no more deserving funds to which to allocate that available money than the childcare fund and the other funds mentioned in my question?

Mr P Robinson: Had bids for the childcare fund been made, I agree that that probably would be the case. We do not originate the schemes for the childcare funds; they come from the various Departments. Although initial consultation with the Departments indicated the amount that we should bid for, when we had the money and sought schemes, they did not come forward to the extent that we needed additional money for them. As is the case with any other money not used in the financial year, it goes to the centre. It will be up to each Department to make bids for the money and the Executive to decide the most appropriate use for it.

Mr Spratt: Does the First Minister agree that educational initiatives that tackle low level

educational achievement and aspiration, particularly in failing groups such as young Protestant males, could get funding under the social investment fund?

Mr P Robinson: I outlined in my answer to the question from the Member for South Belfast the four main themes that the social investment fund is intended to assist. It will be up to each of the zones to determine the priorities within their area, but in the consultation document, we gave a very clear lead on the underachievement in education and the lack of ambition in many parts of the community. The House is well aware that that is seen in urban Protestant males in particular. I hope that the proposals will come forward from each of the areas to address that clear need.

Ms Ruane: Go raibh maith agat. The funds that the First Minister mentioned in his answer are all intended to address poverty and inequality. What, in his view, will be the likely impact on child poverty of the coalition Government's welfare reform agenda, specifically as it relates to child tax credits and child benefit?

Mr P Robinson: I do not want to steal the thunder of my colleague, who will answer a later question on child poverty. However, it goes without saying that if there are reductions in the amounts that are available under so-called welfare reform, it will have a detrimental impact. In reality, child poverty is family poverty, and if the funds that are available to those who have been receiving them are to be reduced, it is bound to be unhelpful statistically, quite apart from the unhelpful nature of those reductions to the families concerned.

Mr Elliott: A number of areas of Northern Ireland were brought together in the social investment fund. What criteria were used by the Department to bring those areas together? Why, in particular, were the north-west and the border areas put into one area?

Mr P Robinson: There is no simple answer to the question. There could have been more areas and they could have been composed in different ways. What we put into the consultation document made sense as an attempt to group areas that have roughly equal levels of deprivation, perhaps even increasing the area covered to ensure that that was the case. However, it is a consultation document, and if the Member has a better idea of a means of division, we are happy to look at it. I hope

that the community sector and the third sector will look at the document to see whether there are better ways in which we can do things, not only by looking at the zones identified in the document but at the general proposals.

Maze/Long Kesh Development Corporation

2. **Mr Givan** asked the First Minister and deputy First Minister for an update on the process to appoint the Maze/Long Kesh Development Corporation. (AQO 722/11-15)

Mr P Robinson: A public appointment process to select a chairperson and up to six members for the Maze/Long Kesh Development Corporation is under way. I cannot comment in detail about the process, as it is ongoing, and although I have not yet had sight of the report, I expect to be given it in the next 24 hours. However, in a verbal report, we have been informed that the panel is concerned that, overall, the pool of appointable candidates does not have a sufficient breadth of relevant experience to cover fully all the responsibilities of the corporation. We will announce the outcome of the competition in due course.

The regeneration of the site has the potential to act as a social and economic generator, in line with our commitment to maximise the economic, historical and reconciliation potential of the Maze/Long Kesh site. Initial development of the two anchor projects will provide a catalyst to attract further investment and, we hope, thousands of jobs.

Mr Givan: I know that the First Minister will agree with me that the site represents one of the best investment opportunities for Northern Ireland. Therefore, it is critical that we get the membership of the board right.

I am interested to know in what ways those who have applied, or the pool of candidates, have been deemed to be deficient. Furthermore, does the First Minister agree that Lisburn City Council has always been committed to the project and has always shown energy in working towards this development opportunity? Does he agree that it is very important that the board, as it is developed, harnesses that support and commitment from the council?

Mr P Robinson: Any application process will bring forward those whom it is felt are

appointable and will leave behind those whom it is felt are not. The difference in this case, and what has been indicated to us, is that although there are a number of people who are appointable, there is a requirement to have certain skills and competencies represented on the overall board. It is felt that the applicants are somewhat light on private sector, business and financial experience, and that is an area that we will need to look at.

We have some room to manoeuvre if we choose to do so, because although we originally sought a board of six members, we can increase the corporation beyond that. Therefore, we could advertise for further potential members. The deputy First Minister and I are strongly of the view that there should be council support and representation on that corporation, and I hope that we will look at that matter when we receive the report.

Mr A Maskey: Go raibh maith agat, deputy first principal Speaker. May I ask — *[Laughter.]* You will forgive me for a bit of job misallocation this afternoon. However, I thank the First Minister for his responses so far. Is he in a position to give us any further information on what the development corporation's priorities may be?

Mr P Robinson: There are clearly two significant projects, Mr Principal Deputy Speaker. I hope that you are enjoying your new title.

The project that we are certain that we want to move forward with is the proposition that there should be a peace and reconciliation centre — call it what you may. We have applied for European Community funding from the Special EU Programmes Body (SEUPB). We should know the outcome of that, I hope, before the end of this month.

We are also very keen for the Balmoral agricultural show to move from Belfast to the more agricultural setting of Lagan Valley. That would be a strong anchor to the site, should the show choose to move and should we be able to negotiate an agreement. Again, we hope that those would form two key components to the site, around which it would be possible to build very significant business and commercial units and to generate literally thousands of jobs in and around that general area.

Mr Copeland: Thank you very much, Mr Principal Deputy Speaker. I, too, thank the First Minister for his answer. I want to draw his attention to a

recent debate during which it was stated that the funding application to the SEUPB could be shared. Although he touched on that, will he give further information as to the mechanisms and the way in which that application may be brought forward?

Mr P Robinson: Mr Principal Deputy Speaker, suffice it to say that we have submitted an application for the project as we envisaged it. We have not released that application publicly, because SEUPB is of the general view that such matters are confidential until the body takes a funding decision, at which stage we will, obviously, release details of the application. We have not sought to share it with anyone. Of course, the final decision will come later in the process. However, I hope that by the next time that I am due to take questions for oral answer, we will know where we stand with this issue.

Cohesion, Sharing and Integration Strategy

3. **Mr Dallat** asked the First Minister and deputy First Minister for their assessment of the consultation responses to the cohesion, sharing and integration strategy which purported that the 2005 'A Shared Future' document was more cohesive in its vision for a shared society. (AQO 723/11-15)

5. **Mr McCallister** asked the First Minister and deputy First Minister for their assessment of the responses that have been received to the consultation on the cohesion, sharing and integration strategy. (AQO 725/11-15)

Mr P Robinson: Mr Principal Deputy Speaker, with your permission, I will ask junior Minister Jonathan Bell to answer this question.

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): Thank you very much, Mr Principal Deputy Speaker.

The consultation on the programme for cohesion, sharing and integration (CSI) attracted 288 written responses and included a wealth of views and material gathered from 11 public meetings and 15 targeted sectoral meetings. Those were in addition to the information that was collected through the omnibus survey. Our priority now is to achieve political consensus on the range of issues that will enable a final document and an associated high-level action plan to be published. To that

end, all parties represented on the Executive have nominated members to the cross-party working group. That group has been meeting almost weekly since Tuesday 27 September, with, I think, one exception, and it will meet more regularly if necessary.

The public consultation's purpose was to garner wider opinion on the draft proposals, to enable all points of view to be considered and to draft the final version of the policy. The individual responses and the consultation analysis will inform the group's work plan over the coming weeks as it seeks to agree on a strategic direction against each of the themes that have emerged.

I should, perhaps, Mr Principal Deputy Speaker, have said that, with your permission, I intend to answer questions 3 and 5 together because they are on identical themes.

We recognise that the consultation process raised a number of important issues, which I can come back to. The good news is that we carried out a consultation, that we are listening to what was said in it, and that we are trying to tailor our document to provide something that will be really useful in taking forward good relations policy.

2.45 pm

Mr Dallat: I welcome the junior Minister's positive response. I certainly agree that the House needs good news about such issues. Is it not a sad irony, however, that the consultation found that the document drawn up by a direct rule Minister was more desirable than the one drawn up under the present Administration?

Mr Bell: I welcome and encourage your positive contribution. Junior Minister Anderson and I also welcome the very positive cross-party contributions that we have seen. This is not the time for point scoring. The Ulster Unionists and the SDLP had their chance to deliver a document but they significantly failed to do so. They could not even agree on a document that would go to the Executive. I appreciate that it is hard for them to see someone else come along and actually do the job, get universal agreement on that job — including agreement from the Ulster Unionist Party — and put it out for consultation.

It was important that we got to work on young people, for example. I worked as a social worker

with young people for 21 years. The response from the youth sector was this: "You have, in parts, demonised young people. So what you need to do in your document is to reflect the positive contribution that they have made". Was that a criticism? Yes. Was that criticism right? In my opinion, it was. Will the final document reflect what was in the consultation? It will. Will we have a better document than the one that we had before? Yes, and it will be better because of that constructive criticism from the youth sector, which also gave us a lot of encouragement. It may not be perfect, but half a loaf is better than no bread.

Mr McCallister: It is probably good that the junior Minister left the Ulster Unionist Party on that principled stand over the CSI document. I congratulate him on continuing with his good work. Given Joanne Wallace's response to the group and to the Committee for the Office of the First Minister and deputy First Minister, which my colleague chairs, and her criticisms of the document, how committed is he to redrafting the entire document?

Mr Bell: I think that the paucity of the Member's question is reflected in the fact that he has to go back to a previous century, but then maybe that is where his party actually is.

The reality is that the Ulster Unionists and the SDLP had an opportunity. What they needed to do was to get a document agreed by the Executive and put it out for consultation. Did they fail? They clearly did. Now, I do not want to shine a light on the SDLP on this point, because I know how difficult it is for that party when a light is shone on it. [Interruption.] The Member for South Belfast is shouting from a sedentary position. The reality for him is that we got a document —

Mr McCallister: Nobody likes it.

Mr Bell: We got a document agreed by the Executive. Mr McCallister is shouting, "Nobody likes it". If that is the case, why did the Ulster Unionist Minister agree to it being put out to consultation? [Interruption.] So, the reality is that —

Mr Principal Deputy Speaker: Order.

Mr Bell: — we need to get agreement on a way forward. You may joke, point score and fail, but the reality is that we need to get a document that reflects the good work that is being done

on the ground. I see people in the Suffolk Lenadon Interface Group coming together, which is in contrast to the immaturity that I see here. In my constituency, I see conflict murals coming down and images reflecting a positive heritage going up. I see children from my area meeting children from a different area, and the same thing is happening in Foyle. The community folks are well ahead of your simple point scoring.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his comments so far. Will he confirm that the lesbian, gay, bisexual and transgender sector was also contacted during the CSI consultation and that its views will be taken on board by the five-party working group?

Mr Bell: I am happy to confirm that all groups have been involved in the programme, which reflects the needs of all groups in all sections of our society. The programme for cohesion, sharing and integration will benefit everybody in our community, but its core focus must be on tackling sectarianism and racism. We want to build a strong community in Northern Ireland in which all people, regardless of their race, colour, political opinion, age, gender, disability or sexual orientation, can live, work and socialise in a context of fairness, equality, rights, responsibilities and respect. The House and the watching public will look at the Members who are trying to shout me down when I speak about fairness, equality, rights, responsibilities and respect. That is probably more worthy of Basil Brush than Basil McCrea.

The programme recognises the promotion of equality of opportunity as being an integral aspect of building a better future for everyone. That is what it is about and is what the community is interested in. Some communities are well ahead of us: progress is being made in Strangford, and I hear about what is happening in Foyle and in Belfast. We want not only to ensure that we have the programme but that we commit ourselves as a society to tackling hate crime and to developing a zero tolerance approach to all incidents that are motivated by hate and prejudice.

Mr Humphrey: Will the Minister confirm his and, indeed, this party's commitment to building the long-held commitment of a shared future? Does he agree that all parties in the House should

work together to ensure a final strategy for the benefit of all people in Northern Ireland?

Mr Bell: I am more than happy to confirm not only the position of OFMDFM but the position of our party to a 100% commitment to a shared future agenda. The Office of the First Minister and deputy First Minister has put its money where its mouth is. We have not only talked about the programme but have issued the document and provided 30% additional funding despite cuts from the Ulster Unionists and Conservatives. We are interested in building a shared future and reaching agreement on shared housing. The First Minister has led from the front on sharing and integration. We also have a coherent consideration of the issue of shared space. As I said, I have just come from an event in the Bowtown community in my constituency. That community has removed symbols of conflict and is developing a positive youth agenda. Frankly, folks, in this House, we should get behind such communities rather than joke about them.

Mr Principal Deputy Speaker: Question 4 has been withdrawn, and question 5 has been grouped.

Child Poverty

6. **Mr A Maginness** asked the First Minister and deputy First Minister for their assessment of whether the Institute for Fiscal Studies' declaration that it is 'inconceivable' that the Westminster Government will reach their child poverty targets applies equally in Northern Ireland. (AQO 726/11-15)

Mr P Robinson: With your permission, Mr Principal Deputy Speaker, I will ask junior Minister Bell to answer this question.

Mr Bell: We recognise the links between achievement in life and issues of poverty. We are committed to the goal of eradicating child poverty by 2020. The Executive published their strategy in March 2011, and we are now finalising a child poverty action plan and outcomes model.

Mr A Maginness: I thank the junior Minister for his response. The deputy First Minister agrees with me about the scandal and serious nature of the problem of child poverty. Given the pressing and difficult circumstances in which we live, what extra work can the Executive do to help to eradicate child poverty in Northern Ireland?

Mr Bell: The Member raises serious points, and he raises them very well. I will not reiterate the work on the social investment fund and the social protection fund, nor will I run through each area of ministerial responsibility. However, I will give you the key area.

As the First Minister said earlier, child poverty cannot be considered outside of family poverty, and the way to lift people out of family poverty is with a reasonable wage. That will reduce child poverty. Critical to that will be proper employment and ensuring that young people are set up with the employability skills necessary to meet the market in the 21st century.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I thank the junior Minister for his answers thus far. I am delighted that he mentioned the pilot scheme on reducing child poverty. Can he give us more details on that? What stage is the business case at?

Mr Bell: We are all fully committed to tackling child poverty, and the public service agreement targets were included in the objective of working towards the elimination of child poverty by 2020 and the elimination of severe child poverty by 2012. The honourable Member asks pertinent questions as to progress against those targets. We are looking at a monitoring framework for life opportunities that was published on 14 October 2010. It provided an assessment of progress against the Programme for Government commitment to reduce by half child relative income poverty by 2010-11. The assessment was that child relative income poverty rates had fallen in comparison to the 1998-99 baseline.

Mr Lyttle: Will up-to-date, Northern Ireland-specific child poverty targets be included in the upcoming Programme for Government?

Mr Bell: We are looking very seriously at how we can measure where our children are relative to other children in our United Kingdom. I am happy to write to provide the Member with specific details.

Ilex Regeneration Plan

7. **Mr Durkan** asked the First Minister and deputy First Minister why the regeneration plan, proposed by the Ilex company in Londonderry, is not mentioned in the draft Programme for Government. (AQO 727/11-15)

Mr P Robinson: The draft Programme for Government has not been published. Perhaps

the Member can explain on what basis he framed that question.

Mr Durkan: OK. As a supplementary, then, can I ask whether the 'One Plan' is included in the draft Programme for Government? If so, have any funds been ring-fenced for its implementation?

Mr P Robinson: We resent the fact that when we provide party leaders and Ministers with the officials' draft of the Programme for Government, we have it being waved from the SDLP Back Benches and leaked to the BBC. That does not help to build trust within the Executive. Indeed, it crushes the possibility of having further iterations of that document spread more widely among Executive colleagues. The last 10 iterations of the Programme for Government that I have seen do include the 'One Plan', but it will be for the Executive to approve the Programme for Government, and when it is published properly in the Assembly, the Member will be able to ask questions on it.

Mr Campbell: When are decisions likely to be made on issues that were among the commitments made in the original draft Programme for Government?

Mr P Robinson: The intention for the present draft that we have been working on is for it to go forward to the Executive during the course of Wednesday. With the permission of the Business Committee and the approval of the Executive, we want the Programme for Government — and, indeed, our investment strategy and economic strategy — to be published on Thursday. That is subject to the caveats that I have outlined.

Mr Principal Deputy Speaker: That concludes questions to the Office of the First Minister and deputy First Minister. I remind Members that they must continually stand in their places if they are looking to be called for a supplementary question. It is not enough to indicate once and then sit down.

3.00 pm

Regional Development

Altnagelvin Hospital: Transport from Fermanagh

1. **Mr Flanagan** asked the Minister for Regional Development what public transport services are

available for people from Fermanagh who have to travel to Altnagelvin Hospital.
(AQO 736/11-15)

Mr Kennedy (The Minister for Regional Development): The Member raises an important issue. I am very sympathetic to the needs of people in Fermanagh and other rural areas in accessing health and other services. Translink has informed me that it provides seven daily services from Enniskillen to Altnagelvin Area Hospital via either Omagh or the Ballygawley park-and-ride car park that are routed through Foyle Street, Londonderry. There are also seven daily services for the return trip. The average journey time from Enniskillen bus station to Altnagelvin Area Hospital and the return trip is around three hours using the Translink service exclusively.

However, we need to recognise the constraints that are faced in providing public transport solutions in rural areas, especially over significant distances and where there is a dispersed population. Nevertheless, because of the length of the journey time in that case, I have asked my officials to work with Translink to look at the possibility of using funding available from the rural transport fund to help to deliver a more direct service. I want to point out that members of rural transport partnerships in Fermanagh can also make use of their local partnership services to take them from their homes to Enniskillen or Omagh bus station and back again.

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his positive response, particularly the fact that he has asked officials to engage with the matter. I have raised the issue with Ulsterbus on a number of occasions, and its response has been that it is not viable for it to introduce such a route. Will the Minister go back to Ulsterbus and ask it to look at the number of people who would travel from Enniskillen to Altnagelvin Area Hospital if an adequate service were put on, particularly taking into consideration people who have to be in Derry for an early morning appointment?

Mr Kennedy: I am grateful to the Member for his supplementary question. I can say that that would be and is an operational decision for Translink. Obviously, it is obliged to operate as a commercial company, and, as such, it has to consider providing a service where there is clear demand for it unless that service is subsidised

directly. With that in mind, I am prepared to have that conversation with Translink.

Flood Prevention

2. **Dr McDonnell** asked the Minister for Regional Development to outline any plans for better co-operation and co-ordination between the Roads Service, the Rivers Agency and Northern Ireland Water in relation to flood prevention and the response to emergencies. (AQO 737/11-15)

Mr Kennedy: Through the Executive's flooding incident line, my Department's Roads Service, NI Water and Rivers Agency provide a co-ordinated response to calls for assistance from those who are affected during flooding events. The flood liaison group promotes co-operation and co-ordination between those organisations, the Northern Ireland Fire and Rescue Service and the local government emergency management group before, during and after flooding events. That group maintains and reviews on an ongoing basis a schedule of combined multiagency flooding hotspots to manage the risks that are associated with surface water flooding. That may include developing preventative measures, such as the design, guidance and promotion of sustainable drainage systems in addition to facilitating co-ordinated responses to emergencies.

The flood liaison group has developed best practice guidelines that provide a framework for the agencies involved to co-ordinate their responses to flooding incidents. That document establishes lines of communication and reporting across agencies. In addition, Roads Service and NI Water have advised that they are involved in the implementation of the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009, for which the Department of Agriculture and Rural Development is the competent authority, with Rivers Agency in the lead.

Dr McDonnell: I thank the Minister for his question. I really feel —

Mr Kennedy: It was your question. I answered it.

Dr McDonnell: Right, sorry. I thank the Minister for his answer and for putting me right there.

The Minister quoted a number of documents and all the rest to us. However, how long will it take to identify an effective and efficient strategy for co-operation across the agencies and to test it so that barriers that hinder flood

prevention and a rapid response are identified and acted on? It used to be Belfast that flooded, and we managed to fix that to some extent. However, I had a nightmare when I looked at villages such as Beragh in Tyrone, for example, where flooding continues to happen. Can we ensure that such flooding never happens again?

Mr Kennedy: Perhaps the lighting was bad for the Member, but the issue that he raises is important. A proper and co-ordinated response by all agencies is desirable, and I will play my part in that. It is important that we add to the list of agencies that I mentioned, because I believe that the Department of the Environment and even the Northern Ireland Environment Agency should have a role in all those issues.

As to the very regrettable and unfortunate recent flooding incident in Beragh and other places, Roads Service provided assistance at the time. It is evident that the flooding emanated from the river and that there were no issues associated with my Department's infrastructure. However, it will facilitate any works to be undertaken by the Rivers Agency.

Mr Beggs: The question rightly points out that co-operation between the statutory agencies is important, but does the Minister agree that one agency missing from the list is the Planning Service? There needs to be increased recognition from the Planning Service of how development upstream of a flooding area can have significant adverse effects on areas susceptible to flooding.

Mr Kennedy: I thank the Member for that well-made point. I want the Planning Service and the Department of the Environment generally to be more involved in the co-ordinated work of all the agencies.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. What responsibility do statutory agencies have for flooding in undesignated watercourses?

Mr Kennedy: As the Member will know, that creates a considerable problem because many areas that suffer from flooding, such as small rivers that burst their banks in excessive weather conditions, are undesignated courses. All agencies do their level best to improve the situation, and that working together seeks to improve the conditions. However, we will have to look to certain areas to provide a

more comprehensive response to some of the localised flooding caused by such incidents.

Footpaths: Backaderry Road, Leitrim, County Down

3. **Mr W Clarke** asked the Minister for Regional Development what plans are in place to provide footpaths at the Backaderry Road, Leitrim, County Down. (AQO 738/11-15)

Mr Kennedy: To make the most effective use of the limited funding available, Roads Service has an assessment procedure that compares and prioritises potential local transport and safety measures, such as the provision of footpaths at the Backaderry Road. That process takes into account a number of factors, including traffic volumes and collision history, and determines which are included in its works programme.

A recent reassessment of the Backaderry proposal indicated that it did not attract high priority in comparison with other potential schemes. On that basis, Roads Service advised that it currently has no plans to provide any new footpaths at Backaderry Road, Leitrim, County Down, but will continue to keep the situation under review. Although I fully appreciate the concerns of residents in asking for those measures, unfortunately, the number of requests for that type of work greatly exceeds the resources available to my Department.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Mind you, I do not agree with it. Hundreds of young people use the crossroads at that location to access GAA facilities and nursery provision, and there are businesses in the area. Therefore, I ask the Minister to look at the issue again and take into account the other criteria that I mentioned.

Mr Kennedy: I understand the disappointment expressed by the Member. My officials and I are aware of the close proximity of sporting facilities and, indeed, the playgroup centre. However, surveys have been carried out over the summer and early autumn, and they indicated that the route was generally little-used by pedestrians on a day-to-day basis. A vehicle and pedestrian count carried out on a school day in September 2011 recorded only four pedestrians in the peak morning hour. With that type of background and those figures, it will be difficult for it to

be carried forward at an early stage, which, of course, the Member would undoubtedly like.

Mrs McKeivitt: What priority has the Minister given to the provision of footpaths and street lighting in rural areas in South Down? Will he have early discussions with Roads Service to ensure that the unique topography of that constituency is given proper consideration in the provision of infrastructure?

Mr Kennedy: I am grateful to the Member for her supplementary question. I can confirm that Roads Service uses an objective assessment procedure to determine inclusion in programmed improvement works. That helps to ensure that all requests are considered on a fair and equitable basis across Northern Ireland and that resources are targeted on schemes and at locations that are in the greatest need of improvement. However, I will write to the Member about recent provision in her constituency of South Down.

Mr McCarthy: Does the Minister agree that, despite pleas by local residents using footpaths or roads, it is quite often the case that it is only after a serious accident or perhaps a fatality occurs on a busy road that Roads Service provides what the residents asked for in the first place?

Mr Kennedy: I am grateful to the Member for his supplementary question; however, I am slightly concerned at the message that it conveys. My Department looks at all applications objectively and in a fair and comprehensive manner, in an attempt to be as much help as possible in all cases. It is simply not always possible, because of the conditions or because of the available finance, for every scheme to be included. The Member should at least recognise that Roads Service officials all over Northern Ireland are seeking to improve their areas as quickly, effectively and efficiently as possible. I know that he would not want to imply any criticism of their important work.

Exercise Watermill

4. **Mr Gardiner** asked the Minister for Regional Development to outline the findings of Exercise Watermill. (AQO 739/11-15)

Mr Kennedy: The Northern Ireland Water mock incident known as Exercise Watermill is one part of the overall process of implementing and validating improvements made since the events

of last winter. The exercise was carried out on Wednesday 26 October 2011 and provided the company with the opportunity to test its procedures for dealing with an emergency. An external third party was contracted to monitor and evaluate Northern Ireland Water's performance and is compiling a report on the outcome of the exercise. Northern Ireland Water has already provided initial feedback, purely from the company's perspective, to the Regional Development Committee and, informally, to the Northern Ireland Authority for Utility Regulation and the CCNI.

Mr Gardiner: I thank the Minister for his reply thus far. Exercise Watermill appears to have been useful in dealing with water shortage, but will the Minister advise what action he has taken to reduce the 80% loss of water that escaped from private property and caused the shortage in the first place?

3.15 pm

Mr Kennedy: I am grateful to the Member for his supplementary question. He will know, as do others, about the considerable promotional and advertising campaign that NI Water has embarked on this winter under the banner "Don't wait. Insulate". I commend that campaign to Members. It is geared not only at householders but at those in business and those with development sites, at which there were significant leakages and losses of water from the system last year, which affected the overall situation. We want to encourage everyone to play their part.

NI Water, having carried out the major incident preparation, awaits the draft consultant's report, but, from its own evaluation, it has identified that the mobilisation of all teams worked well; that new information flow processes and the intelligent voice recognition (IVR) system were tested; that stakeholder communications and media handling capabilities were improved; and that the major emergency group headed by the CEO was highly effective in providing a strategic overview. I very much hope that, in conjunction with that and the winter awareness campaign, we can all play our part in limiting the potential for frozen and burst pipes.

Mr Spratt: The Minister mentioned that the Committee for Regional Development had been briefed by Northern Ireland Water. We have not yet received a full briefing on Exercise Watermill. Will he confirm whether the Department is

getting any further briefings from Northern Ireland Water? Furthermore, will he confirm that the Department will keep the Committee fully informed of its views on exactly what happened during Exercise Watermill?

Mr Kennedy: I am grateful to the Committee Chairperson for all the assistance that he and the Committee members have offered throughout the entire process. I want to continue to involve him and the Committee members as we enter the winter period. Northern Ireland Water has been implementing the recommendations of the Utility Regulator's report and the lessons learned in the company. It has improved its website, and there is increased capacity from 20,000 hits a day to 200,000 hits an hour. It has increased the number of telephone lines at the call centre, and there are more dedicated lines for elected representatives.

Northern Ireland Water also has arrangements in place to quickly increase the number of call handlers in an emergency, including a spillover contract with a third-party call centre. A revised major incident plan has been drawn up. The company has doubled the amount of bottled water, making available a quarter of a million litres of water, and has increased the number of customers on the critical care register from 600 to nearly 2,000. There has been progress, which has been helpfully assisted and monitored by the Committee for Regional Development. We look forward to continuing that work.

Mr Ó hOisín: Go raibh maith agat, a Príomh-Leas Cheann Comhairle. For comparative reasons and to address any mistakes that may have been made, are there any plans to repeat Exercise Watermill?

Mr Kennedy: The key will be the report from the independent consultants. We will avail ourselves of that and examine it in detail. We are now in the middle of November, and it could well be, although I am neither a prophet nor the son of a prophet, that, because of real weather conditions, we could enter any type of emergency at any stage. It will be important to evaluate the results of the exercise that has recently been carried out and apply any lessons from that and any further improvements.

Drinking Water

5. **Mr Copeland** asked the Minister for Regional Development for his assessment of the main changes in drinking water quality as outlined in the latest report published by Northern Ireland Water. (AQO 740/11-15)

Mr Kennedy: In the latest report on water quality, for 2010, the drinking water inspectorate assesses that the overall quality of water provided by NI Water continued to improve from 99.79% to 99.86% compliance with regulatory requirements. That figure is based on more than 100,000 tests carried out across the water network. Considering only the tests at consumers' taps, compliance increased from 99.74% to 99.81%. The level of microbiological compliance, which the Member will be particularly interested in, increased from 99.87% to 99.95%. The total number of reported events that may cause concern about water quality reduced from 55 to 36. Those improvements in overall water quality are the result of the investment in water treatment in recent years. However, we must continue to invest to maintain quality and address the condition of older water mains.

Mr Copeland: I thank the Minister for his very informative answer. Does he accept that the report shows continuing general improvement in the quality of water and indicates that we are meeting or are at least close to meeting the quality requirements that have been set? Will he give us some indication of how we perform against the rest of the United Kingdom?

Mr Kennedy: I thank the Member for his encouragement. The standards are important because they are European requirements. They are also important to ensure the quality of the water for our population. As the Member knows, water quality across the United Kingdom is compared using the measure known as mean zonal compliance (MZC), which is a comparator index that is calculated to best reflect the average quality of water at consumers' taps across a geographical area. It was introduced in 2004. In 2010, mean zonal compliance in Northern Ireland was 99.81%. It was 99.77% in Scotland, so we are better. It was 99.96% in England and Wales, so we need to make some improvements to catch up with our counterparts there.

Mr Storey: I thank the Minister for his comments about the quality of water. However, they will not sit well with my constituents in

Ballymoney, given the fact that some 3,000 households have been without water for almost a week. Although I appreciate that there has been an improvement in communication between Northern Ireland Water and public representatives, which has been helpful, it is a serious problem for the households that have been affected. Will the Minister inform the House when normal supply will resume? It is a very important issue. Can he confirm or deny that another contamination of the water supply took place at the weekend that could prolong the reintroduction of normal supply to the very needy households in the Ballymoney area?

Mr Kennedy: I am grateful to the Member for his supplementary question. I genuinely sympathise with those who are affected at this time. A notice was issued to residents in the Ballymoney area on 9 November, advising them to boil water before drinking or cooking with it. I assure the House that Northern Ireland Water is taking all steps necessary to resolve the incident and return services to normal as quickly as possible. We hope that early progress can be made.

The Member will of course accept that public health has to be our paramount concern. Northern Ireland Water continues to work with the health authorities and the drinking water inspectorate to resolve the water quality issues. The advice to boil water will remain in place until Northern Ireland Water and the Public Health Agency are content that any risk has passed and that water quality meets the normal high standard. The Member is right, and I thank him for his acknowledgement that Northern Ireland Water has provided regular information updates, not only to customers through the media but to elected representatives. Alternative water supplies have been provided to vulnerable customers, including schools and those on the critical care register. The drinking water inspectorate will carry out an investigation into the causes in response to the incident, as is normal practice.

Mr Dallat: I declare immediately that I am not from Ballymoney. Many other areas are now concerned that a similar incident may happen there. Has the Minister got a timetable for ensuring that compliance will be stepped up further to avoid the type of inconvenience that was thrust upon those 3,000 people in the Ballymoney area?

Mr Kennedy: I am grateful to the Member for his supplementary question. NI Water, in conjunction with the Public Health Agency, will take all necessary action and seek to resolve all issues. Safety of public health must be and is the priority, and that is taken seriously not only by NI Water and the Public Health Agency but by me as Minister.

Mr Allister: Staying with the Ballymoney issue, surely it beggars belief that, in 2011, residents are still having to boil their water almost a week on from the problem having been discovered. The Minister referred to Exercise Watermill, but, in Ballymoney, it is "Exercise Water Boil". Why has it taken the Department so long to get its act together, and has there or has there not been another incident of contamination?

Mr Kennedy: I am grateful to the Member, and I understand the anxiety and frustration that he reflects on behalf of the people in Ballymoney. The current advice to boil water will remain in place until Northern Ireland Water and the Public Health Agency are content that any risk has passed and that water quality meets the normal high standard. Northern Ireland Water hopes to be able to make a further announcement later today on the improving situation.

Northern Ireland Water: Advice Leaflet

6. **Ms S Ramsey** asked the Minister for Regional Development for his assessment of whether the production of an advice leaflet by Northern Ireland Water on dealing with frozen pipes this winter is an adequate response to this matter. (AQO 741/11-15)

Mr Kennedy: The production of an advice leaflet to inform customers of how to prepare for winter is only one element of Northern Ireland Water's overall programme of work, which has included improvements to Northern Ireland Water's communications, emergency planning and increased alternative supplies, among other measures. A public awareness campaign has been initiated, involving TV, radio, newspapers, information leaflets and NI Water's website, as well as other online outlets.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for that answer. I have seen the public awareness campaign, and it is quite good. So, Minister, that is one feather in your cap. We are aware of last year's difficulties, so are you doing any proactive work in targeting

the constituencies, businesses and homes that suffered most during that frozen spell?

Mr Kennedy: I thank the Member for her comprehensive vote of confidence in what has been achieved so far. It is important that, on a Northern Ireland level, we continue to get the message out. That important message is that we can encourage people to look out for themselves by insulating pipes, identifying where the stopcocks are and, perhaps, having emergency contact numbers available, not only for NI Water but for a local plumber.

I am pleased that elected Members have been part of that campaign. Recently, the Chair of the Regional Development Committee circulated to Members the hotline number so that they could report any leaks or problems. It is by working together in a collective and cohesive manner that we can best serve the entire community and deal with any issues that emerge.

3.30 pm

Question for Urgent Oral Answer

Regional Development

A5 Road Scheme

Mr Doherty asked the Minister for Regional Development to outline the contacts he has had with his counterpart, the Minister for Transport in Dublin, in relation to the recent announcement concerning the A5 road scheme.

Mr Kennedy (The Minister for Regional Development): The Minister of Finance and Personnel and I met my counterpart, Leo Varadkar TD, and the Minister for Public Expenditure and Reform, Brendan Howlin TD, in Dublin on 2 November 2011. The purpose of the meeting was to emphasise the importance of the Irish Government's investment in the A5 and A8 schemes being maintained.

Mr Principal Deputy Speaker: I will call Mr Pat Doherty to ask a supplementary question. After that, I will call each of the parties to ask a question.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his brief answer. Given the amount of work, public consultation and money spent so far on the A5, all of which led to a public inquiry, will the Minister assure the House that he is looking at a reprofiling schedule and not thinking of reallocating the moneys pledged by our Executive to it? When will the Minister next meet his counterpart Minister in the South, Leo Varadkar, given that the First Minister and deputy First Minister have already met Taoiseach Enda Kenny?

Mr Kennedy: I gently remind the Member and the House that I am the roads Minister. Obviously, I will look at the options available for utilising funding within the tight time frames of the current budgetary period. It is also important to state that, as well as the A5 scheme, there is the position of the A8 scheme. That is a Trans-European Network route, and any delay to that would give rise to significant concern. I am aware that the First Minister and

deputy First Minister met Enda Kenny in the margins of the inauguration of the president on Friday. The Member may also know that a full plenary meeting of the North/South Ministerial Council is scheduled for next Friday in Armagh. I do not wish to be a prophet or the son of a prophet, but I envisage some discussion on the issue not only in the run-up to that meeting, perhaps through officials, but at that plenary meeting.

Mr Spratt: Will the Minister advise the House what contingent priorities he has in place for the redistribution of any surplus finances that could come from the Executive as a result of the withdrawal of match funding from the Republic of Ireland Government? Has he any projects that may be given priority in the redistribution of such finances?

Mr Kennedy: A number of schemes in the roads programme are sufficiently advanced to enable construction to proceed within the current Budget period, subject, of course, to successful procurement and the availability of finance. It is, perhaps, not that helpful to speculate about where those are. However, I can advise the Member that any number of Members, when they meet me in the corridor or ring me, give me advice about where and on what project it would be good to spend money. Of course, those projects include ones from all over Northern Ireland. As roads Minister, my commitment to the people of Northern Ireland is to enhance the road network all over Northern Ireland in a way that uses the resources made available to me effectively.

Mr Beggs: I have never quite understood why the A8 was linked to the A5, but will the Minister confirm that the A8 between Larne and Bruslee is the only section of single carriageway between the busy rural port of Larne and Cork?

Mr Kennedy: Yes; the Member's geography is spot on, there is no doubt about that. The A8 is a significant scheme, and its completion would be part of the completion of the Trans-European Network that has been long promised. So, I understand perfectly the Member for East Antrim raising the issue of the port of Larne, which is in his constituency, and the importance of the A8 to the area.

In the wider context, as roads Minister, I am concerned that we maintain the confidence of the construction industry and the road construction industry, in particular, because there is and will be widespread concern. Therefore, it is incumbent

on me to identify potential schemes and projects that can be carried forward to enable contracts to be let and to help ease the very significant pressure that a great many companies and firms are feeling at this time. I am in the business of assisting those companies and want to see improvements to the overall road network throughout Northern Ireland.

Mr Byrne: I welcome the Minister's statement thus far in linking the A8 and the A5, given that they were part of a joint project. Does he accept that the funding from the Executive is earmarked funding and that it would therefore be very difficult to change it given the circumstances? Does he further agree that the Roads Service project team has advanced the planning and development stage to the extent that all it is waiting for is the green light?

Mr Kennedy: I am grateful to the Member for his supplementary question, and he is factually correct. Given that the A5/A8 scheme was an Executive priority, the moneys allocated against it, if they are to be reprofiled, will go back to the centre for reallocation. As roads Minister, I am indicating clearly that I will have projects that will be ready to have money spent on them.

It is important that we move quickly to reassure local companies and road builders generally and that we are not helping to put further pressure on companies that face great uncertainty and are seriously worried about the high number of people that they continue to employ and want to employ. So, I will indicate to the House and have no shame in so doing that I am in the business of bidding for money, should it become available, so that we can spend money on roads all over Northern Ireland.

Mr Dickson: In respect of the situation in which we find ourselves, may I ask that you and your Executive colleagues work to ensure that none of the money that may have to be reprofiled as a result of the decision of the Irish Government ends up back in the hands of Treasury? I am sure you will agree with me and my colleague Mr Beggs that the A2 is also a priority.

Mr Kennedy: I would have been shocked, if not offended, if the Member had not raised the A2. I understand the importance that he attaches to that project, as do other Members for the East Antrim constituency, including my colleague Mr Beggs.

There is a danger that some, perhaps including some political parties, may not realise the importance of being able to spend money in time and being able to spend money, particularly next year, effectively on the ground. The significant danger is that the money will be lost and will go back to the Treasury. I do not think that anyone in Northern Ireland, least of all those in the road construction industry, would thank any political party, the Assembly or the Executive if that occurs. I am mindful of that, which is why I am actively looking at bringing forward projects that will spend the money, create jobs and give some comfort to that industry.

Mr Allister: I suggest to the Minister that now is the moment to face facts and cut adrift the sentiment and the politics that have hitherto driven the A5 project, which has now crashed so spectacularly. Does the Minister agree that the resulting mess has arisen in part from placing reliance on what turned out to be a broken promise of £400 million from the Dublin Government, with Northern Ireland having spent £30-plus million on the back of that, leaving it substantially the loser? Will he assure us that, in light of the renewed promise of £40 million, which could equally be broken, we will not continue to build our road structure on what could turn out to be broken promises and will instead do what should be done? The Minister would be shocked if I did not suggest that that would be upgrading the A26.

Mr Kennedy: I wondered, as the Member approached the end of his question, when the A26 would feature. He did not disappoint. I agree with him to the extent that I think we all have to realise that there is a significant difference between a contribution of £400 million and one of £40 million. That fact must be faced. We have to come to terms with that, no matter how any contribution is profiled and at what point it is profiled.

One concern that I have is that the mandate of this Assembly is due to expire in 2015, and we do not know whether the reduced Irish contribution will have begun even at that stage and will carry forward into further years. I have to be careful, as I cannot mandate or commit a future Assembly or Executive to spending money on that basis. We need to develop the conversation with the Irish Government to see what, if anything, is really possible. I expect that we will do that in the coming days, probably at the North/South Ministerial Council meeting on Friday.

Mr Agnew: Unfortunately, I have not had the opportunity to nab the Minister in the corridor, so I will take the opportunity now to remind him of the debate we had during election time on the 'Politics Show'. At that time, the Road Haulage Association said that it wanted not necessarily new roads but more efficient roads. Will the Minister prioritise any excess that he has in his budget towards maintaining our existing road infrastructure and making sure it is of a good standard and our roads are safe, and promoting and improving public transport services, on which there has been a history of underspend?

Mr Kennedy: The Member raises a reasonable point. Many people are concerned that, at the moment, we are not as able to maintain some of the roads in our authority as we might be, yet we are seeking to build new roads. That is an important point. Nevertheless, as I said, we also need to give comfort to the construction industry, including the road-building industry, which is facing concerns and worry at this time. It is my job to bring forward projects, both to facilitate new road building across Northern Ireland and to maintain the network we have in a proper and fit condition.

3.45 pm

Private Members' Business

Smoking in Cars Carrying Children

Debate resumed on motion:

That this Assembly recognises the damaging effects of passive smoking; notes that children are particularly exposed to second-hand smoke; and calls on the Minister of Health, Social Services and Public Safety to work closely with the Minister of Justice to bring forward legislation, in association with a public awareness campaign, to ban smoking in cars carrying passengers under the age of 16.
— [Mr McCallister.]

Ms Gildernew: Go raibh míle maith agat, a LeasCheann Comhairle. I listened carefully to what Members have said already. It is clear that passive smoking has a very detrimental impact on health, particularly children's health, given their high ventilation rates and the fact that their lungs are still growing. I welcome the comments today, although I am not so sure about Mr Wells's quite disparaging comment about bars and pubs in County Mayo. I am sure that he meant no disrespect to Mayo's tourism industry.

On a more serious note, many of us have young children and recognise the dangers that second-hand smoke can pose to them. We do our best to protect them from whatever dangers lie ahead. We insist on them wearing seat belts in the car and bicycle helmets when they play on bikes or go-karts outside. However, there is not such a high level of public awareness of the issue of second-hand smoke. I noticed with interest that there has not really been a public campaign on passive smoking since about 2003. We are talking eight years since there was a targeted campaign on the dangers of passive smoking, which is probably too long. The Minister should look at ensuring that we have an awareness campaign.

Children are very savvy nowadays. They will tell you what it is good to do from an environmental point of view and what you need to know. They are all very opinionated and punch well above their weight when it comes to making decisions in the home. I do not smoke, so it is not necessarily an issue for my own ones; however, if I were a smoker and I smoked around them, they are of an age now where they would tell me that that is

not acceptable. I would listen to them, but, unfortunately, that is not the case for everyone.

The mother of a very good friend of mine died when my friend was a teenager. Her mother was in her early 40s and died of emphysema. My friend, who is now around the same age as her mother was when she died, suffers from a very weak chest and has a high incidence of chest infections. Her GP told her that passive smoking before her mother died was a major contributor to her many chest problems. My friend does not smoke and never has done, yet passive smoking decades ago has had a detrimental impact on her health.

There is much that is positive in today's motion, and we should raise awareness now. On the negative side, I am not sure how well we could enforce a ban. If we were to take the time to legislate on the issue, I am not sure how well that legislation could be enforced.

I agree that the introduction of the smoking ban in pubs, clubs and public places had the impact of reducing the amount that people smoked. When some people who smoked 20 a day found that they had to go outside to smoke, they cut back to maybe 15 a day. That is to be welcomed, and it is the kind of change that legislation can make. Legislation can cut back on the amount that you indulge, so it could have benefits.

Mr McCallister: I am grateful to the Member for giving way, bearing in mind that we will scrutinise any such legislation that comes through at the Health Committee. Does she think that it would be any more difficult to enforce than the laws regarding mobile phone use, seat belt wearing in the rear of a car or children being in a proper child seat? I feel that it would not, and I wonder what her views are on that.

Mr Principal Deputy Speaker: The Member has an extra minute.

Ms Gildernew: It would be as difficult to enforce. There are probably still an awful lot more people using a mobile in their car than have ever been caught. I think that we have all chanced the odd wee telephone call when we should not have; a whole lot of us have done it and not been caught. The point is that that is hard to enforce as well.

I believe that there would be difficulty in enforcing the legislation and, as the Member pointed out, we would scrutinise the legislation,

should it come to the Health Committee. However, there are other pieces of legislation that are more of a priority: for example, the adoption Bill and the mental capacity Bill. I am anxious that we scrutinise legislation from the Department of Health, Social Services and Public Safety as quickly as possible and that it is legislation that will make a difference. That is my key point. A ban would probably make some difference to people's smoking habits, but a public awareness campaign could also do that. On the back of this debate, it is incumbent on the Minister to bring forward a public awareness campaign and to ensure that the message goes out. We cannot ignore the fact that more than six people a day in the North of Ireland die through smoking-related illnesses; 2,300 people every year —

Mr Principal Deputy Speaker: Bring your remarks to a close.

Ms Gildernew: The pressure that that puts on health resources is hugely wasteful, apart from the fact that a lot of people have their life curtailed as a result of smoking.

Mr Durkan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support the motion and congratulate those who tabled it. I stress that the motion is not about attacking smokers' rights; it is about protecting children's rights. We have already had an angry reaction in the media today from smokers who see this as yet another attack on their civil liberties. However, it is our job to educate them on the reasons and the need for legislation to increase the protection of our and their children from the dangers of passive smoking.

Members outlined the grave consequences of smoking and exposure to second-hand smoke, and Mr Wells gave a lot of statistical evidence on the dangers of passive smoking. Generally, I am reluctant to bandy statistics about, even more so in this case as a smoker friend of mine reminded me over the weekend that 100% of non-smokers die. Joking aside, research clearly indicates that children exposed to second-hand smoke are much more likely to suffer from conditions such as asthma, bronchitis, glue ear and other respiratory diseases. There are also links to sudden infant death syndrome.

Children are much more susceptible to damage from passive smoking because they breathe faster than adults and their respiratory systems are not fully developed. If the smoking takes

place in a confined space such as a car, the damage caused is even greater. It is vital for us to raise awareness of those issues for the well-being of our children. Not only will it protect their precious health, but considerable savings will be made by the Department of Health, Social Services and Public Safety. It is estimated that second-hand smoke is responsible for 300,000 GP consultations and almost 10,000 hospital admissions each year. That is a huge cost to the Assembly and to the taxpayer.

As Mr McCrea identified in his intervention about seat belt legislation, there is evidence that legislation can have a positive outcome. However, we can influence genuine behavioural change much more by education and public awareness than by enforcement. The awareness caused by pushing forward the legislation will influence people and change how they act.

Mr McCarthy: Maith thú, Mr Principal Deputy Speaker. I, too, support the motion, and I congratulate Mr McCallister on proposing it. We support all measures that can be introduced and, most importantly, sustained to improve the health of our young people. However, like others, I am concerned about how such a proposal will be policed. Nevertheless, every effort should be made.

Northern Ireland has come a long, long way in a reasonably short time in tackling the scourge of tobacco smoking. Certainly, we must all continue to look at ways of furthering the decrease of smoking and all other risks to our health. I put on record my gratitude and that of the Alliance Party to all the local organisations involved and the Health Promotion Agency for the work that they have done so far. I remember them coming to the Building on a number of occasions and getting the support of all the MLAs on preventing smoking in various areas. We have, therefore, come a long way.

Once again, I thank our research and library service for its excellent comprehensive information pack. All the facts relating to the discussion that we are having today are in that pack.

The vast majority of organisations and people want to see something done to protect our children and, indeed, everyone else from unnecessary illness by keeping them away from tobacco. I pay tribute to our Department of Health for its 10-year control of tobacco strategy. That is leadership. We fully support its efforts to bring the strategy's contents to fruition, and we

give it every encouragement to do just that. The same can be said for the authorities across the water and the 'Healthy Lives, Healthy People' document and, in particular, its six recognised strands, which are stopping the promotion of tobacco, which is important; making tobacco less affordable; the effective regulation of tobacco products; helping tobacco smokers to quit the habit; reducing exposure to second-hand smoke, which is exactly what we are debating today; and effective communications, warnings etc for tobacco control. It also mentions public awareness, as has been said. That is very important.

I pay tribute to John McCallister and the BBC. I woke up this morning to John's voice coming over the airwaves; in fact, I think that we have heard it every hour of the day since. That is what we need to hear most about. People will get the message and, hopefully—

Mr B McCrea: I wonder if I misheard you. Did you say that you heard John McCallister and that we needed to hear more from him?

Mr McCarthy: Maybe not at such an early hour as this morning, but that is what we call public awareness, and we certainly support it.

It is most interesting to note that, at Westminster, under the 10-minute rule, the Smoking in Private Vehicles Bill received its First Reading on 22 June of this year. Despite some MPs' disagreement, it passed that stage and will have its Second Reading on 25 November. Members may have noticed that the Tory MP who is the Prime Minister has expressed his disagreement with the proposal. Perhaps the motion is yet another attempt by some Members of the Ulster Unionist Party to extricate themselves from the clutches of the Tories.

Mr McCallister: That is a bit of a far stretch.

Mr McCarthy: It is worth noting anyway. It is also interesting to note what public opinion has to say about a policy on a smoke-free environment. The majority of our population prohibits smoking in their homes and vehicles. That is to be welcomed very much. The majority of people agree that legislation on smoke-free environments should also include vehicles in which children are travelling. Over 80% of children are aware that passive smoking is harmful. A large majority of the population agree that passive smoking is harmful and that a smoking ban in public places has been a good

thing. We are, therefore, making progress, and let us hope that we can continue to do so.

The message that smoking can and does kill is getting through. Legislators, such as we in the Assembly, have a duty to move to overcome that self-inflicted health hazard. As it seems that little or no legislation is emanating from the Assembly, perhaps this motion, if passed today, might trigger someone in the Department to get cracking and bring something forward. I see that the Minister is in the Chamber this afternoon. I notice that the Health Minister in the South of Ireland is to legislate next year to protect children in cars from passive smoking. That will happen next year. Can we not do something similar or get moving first? As far as I know, our Health Minister is supportive of the action: Mr Poots, now is your chance.

I welcome the submissions on the subject that our local cancer groups made. Action Cancer tells us that as many as 13,500 youngsters in Northern Ireland are at risk from somebody else's smoke.

That is surely appalling in anyone's language.

4.00 pm

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr McCarthy: Approximately 20% of drivers allow smoking in cars. Surely car owners must consider the health of the youngsters.

There is much more to say. I fully support the motion.

Mr Principal Deputy Speaker: Go raibh maith agat.

Mr McCarthy: I hope that the measure gets through, either through John or through the Minister.

Ms Lewis: I support the motion. As we have heard, smoking is the single greatest cause of preventable illness and premature death in Northern Ireland. It kills around 2,300 people each year and places a heavy burden on our health service. Of those 2,300 deaths, around 800 are the result of lung cancer, which is the most common form of cancer for men and women. Smoking also causes coronary heart disease, strokes and other diseases of the circulatory system.

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

In economic terms, the cost of treating smoking-related illness in Northern Ireland is in the region of £119 million a year. However, it is much harder to quantify the human costs for those who die as the result of smoking or for those who suffer from a debilitating illness that is directly caused by smoking.

Smoking not only causes harm to the person who is a smoker, it is harmful to non-smokers through their exposure to second-hand smoke, and children and unborn babies are particularly vulnerable. Second-hand smoke is defined as:

“a mixture of sidestream smoke from the burning tip of the cigarette and mainstream smoke exhaled by the smoker.”

Scientific evidence suggests that there is no safe level of exposure to it.

It is the policy of the Department of Health, Social Services and Public Safety to create a tobacco-free society. The objectives of 'A Five Year Tobacco Action Plan 2003-2008' were to ensure that fewer people started smoking, smokers quit, and greater protection was given against tobacco-related harm. It is shocking to note that in 2007, almost 9% of children aged between 11 and 16 in Northern Ireland were smokers. That is a very worrying figure as smokers usually start in their teens.

For some years, smoking has been banned in all public buildings, including places of employment, shops, clubs, pubs and restaurants. The Royal College of Physicians has noted that that legislation is supported by smokers and non-smokers. I believe that the ban has had a positive effect on society, not just on our health but on our economy. This is with particular reference to the food and restaurant industry in Northern Ireland.

In most European countries and in large parts of the United States of America, smoking in public places is outlawed. I, therefore, believe that banning smoking in cars in the presence of minors is a worthy policy. In fact, I know that there are moves under way to ban it in England through a private Member's Bill, which is due to have its Second Reading on 25 November. However, government policy in England states that the Government do not want to include cars under laws on smoke-free environments. Instead, they want to discourage smoking in cars through public awareness campaigns.

I, in no way, want to take away from the benefits of such a policy, but I am concerned about policing such a measure. As mentioned, the use of mobile phones while driving was banned years ago, yet many people still use their mobile phones while driving despite the consequences of that having been dramatically highlighted in TV advertisements.

Mr McCallister: The Member's colleague Mr Wells used the example of a pub in Mayo, although I am sure that Mr Wells has not been in many pubs in Mayo. The point that people made when arguing against the banning of smoking in pubs and clubs was that it was over-enforcement. However, that proved to be a complete non-argument, as it was complied with by virtually 100% of the people.

Mr Deputy Speaker: The Member has an extra minute.

Ms Lewis: I agree with those sentiments; you are absolutely right. I feel that whatever can be done by the House to make smoking in cars, specifically cars carrying children, even more socially unacceptable than it already is for the majority of responsible adults, is a good thing. I reiterate my support for the motion.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I thank the proposer of the motion, and I welcome the opportunity to speak to it. It costs the Department of Health, Social Services and Public Safety over £119 million each year to treat patients with smoke-related illnesses. Children and toddlers are at a much greater risk of the adverse effects of passive smoking due to the fact that their bodies are still growing and developing. They also breathe faster than adults and inhale smoke at a much quicker rate.

More recent studies have shown that exposure to second-hand smoke affects children's behaviour and learning ability, as well as there being the obvious health implications. That cannot be ignored. Children brought up in homes in which there is a smoker have scored lower in maths, in reading and in logic and reasoning tests. They are also more likely to be absent from school than children raised in a smoke-free home.

Studies have also shown that children exposed to passive smoking are more likely to have behavioural problems and may not develop mentally as quickly as other children. It should also be noted that being exposed to passive

smoking can lead to children and young people developing asthma, even though they were not born with it. Breathing in tiny amounts of smoke can bring on asthma attacks in children. Therefore, a child living or being in a home that is a smoking environment will have more frequent asthma attacks. That, again, has been proven by studies.

Society's views on the acceptability of smoking are changing, with fewer and fewer people willing to tolerate it. Therefore, we need to ensure that there is better education, a behavioural change and more campaigning to introduce further legislation. In April 2007, legislation imposing a total ban on smoking in workplaces came into effect. That ban has helped to protect people at work from the harmful chemicals that tobacco smoke produces. No doubt we all agree that that was a positive step, not only for people's lives but for the health service, because the cost of treating people for the effects of smoking runs into tens of millions of pounds a year.

The motion asks us to recognise the effects of passive smoking, of which I think we have no doubt. However, to introduce further legislation on top of existing legislation may not be the most productive way of protecting our children. Of course, we all want to ensure our children's health and well-being, but more laws can sometimes add to confusion. Perhaps we just need to use our available tools more wisely and smartly. Can that be achieved, and, if so, how? I believe that it can, by including private vehicles in the current legislation before any further legislation is introduced. We need more public awareness of the current regulations and further clarification and re-emphasising to the public of the law in that area.

Councils also need to address the lack of campaigning around the current smoke-free legislation. Employers and employees need to understand the law. In the present situation, it must be asked whether the public and working community take seriously the current ban on smoking in work vehicles. I do not believe that they do. Those caught smoking in a work vehicle normally respond to the penalty only when they are served with the threat of court action. Would it be the same if we were to ban smoking in cars carrying children under 16? Our councils' environmental health officers have great difficulty in enforcing the law as it stands. Do we need to add another layer to the process, and would doing so be an improvement?

Responsible parents and carers will do the responsible thing to ensure that their children are not exposed to the harmful effects of passive smoking.

Mr McCallister: I am grateful to the Member for giving way. Despite her argument, does she not accept what Mr McCarthy said, which was that an estimated 13,500 children in Northern Ireland are subjected to passive smoking? We need legislation to address that, because some parents or carers are not behaving responsibly. If the law as it stands were working, we would not have those numbers and the associated health problems.

Mr Deputy Speaker: The Member has an extra minute.

Ms Boyle: I agree. I am talking about the legislation as it stands, which, I know, environmental health officers in district councils find difficult to impose.

I believe that responsible parents and carers will do the responsible thing, namely ensure that their children are not exposed to the harmful effects of passive smoking.

Mr Deputy Speaker: Will the Member draw her remarks to a close, please?

Ms Boyle: It is my belief that parents will also make their children aware of the dangers. I agree, in principle, with the motion, which aims to protect the health and well-being of our children. I urge the Minister to listen to the motion and to bring forward legislation to deal with the issue.

Mr Dunne: I am grateful for the opportunity to speak in support of the motion, as it centres on the need to protect children, with which I am sure everyone here will concur. In recent years, much progress has been made in protecting children from the health risks that smoking entails, with a reduction in the number of smokers, which has helped to lower the extent of second-hand smoke. Adults are now protected in public places, and yet we still expose our children to second-hand smoke in many places. We need to protect the four in 10 children in the UK who are growing up in homes where people smoke. Despite progress, we can do more to protect innocent children who are unfairly subjected to smoke inhalation, especially while travelling in a car.

More than 13,500 children in Northern Ireland are at risk. Smoking just one cigarette in a car immediately puts the air quality into the “unhealthy” category, with a single cigarette emitting 50 times more particles than a car’s exhaust in the time that it takes to smoke it. Those figures are significant. I have seen the benefits of a smoke-free environment since the ban on smoking in public places was introduced in 2007; it has changed the environment in many places and made them much more welcoming. I am sure that many here today have shared that cleaner and healthier experience.

Having spoken to several charities, including the Ulster Cancer Foundation and Action Cancer, I fully share their desire to see full and real progress on the issue. I know that there is widespread support for such improvements. Indeed, they stress that although cancer is the main concern, smoking can also significantly increase the risk of asthma and chest issues, amongst other conditions. Children who live in homes where someone smokes most days are exposed to about seven times more smoke than those who live in smoke-free homes. There are real costs to our health service associated with second-hand smoke, with children’s exposure to second-hand smoke estimated to generate over 300,000 UK GP consultations each year.

Although legislation that protects children should be the priority, awareness can often make a real difference. Highlighting the risks of smoking in an enclosed atmosphere such as a car, for example, would go some way towards bringing the risks to the attention of those who subject young innocent passengers to smoke inhalation. Enforcement would need to be closely looked at should any legislation ever be introduced. However, we need to ensure that the most effective measure is introduced, be it through legislation, education or another measure.

This is not a means of targeting smokers. We need to work with them, along with all other parties, in promoting the protection of children and young people from second-hand smoke. Public health is and must remain a key priority for all of us here, and I know that much work has already been done by our Health Minister. There is wide support in Northern Ireland for the promotion of healthier lifestyles, particularly for our young people, and this idea may be one that is worth supporting. I support the motion.

Mr Gardiner: I support the motion. Each year in the United Kingdom, over 300,000 children visit their GPs and 9,500 are admitted to hospital due to exposure to smoke in cars. That costs £23 million. Research by the British Lung Foundation found that 51% of eight- to 15-year-olds have been exposed to cigarette smoke in a car. Over one third of children with a parent who smokes state that the parent smokes while the child is a passenger.

4.15 pm

Legislation needs to reflect the prevailing public view. The whole point of having a legislative assembly is that it passes legislation that reflects what people want. I draw Members’ attention to several important facts that indicate that we need to legislate on the matter to reflect the public mood properly.

First, smoke-free vehicles are already the norm. Seventy per cent of adults say that smoking is never allowed in their vehicle, and just 7% say that smoking is allowed when a child is present. Secondly, 78% of adults say that they would support a ban on smoking in cars that have children as passengers. Thirdly, legislation is needed because public awareness campaigns have been shown to be less effective than legislation.

Some common myths need to be dispelled. The adverse effects of smoking in a car are not really helped by opening car windows. That does not reduce second-hand smoke to a safe level, because a car is a very restricted area. Second-hand smoke in cars can be 10 times more concentrated than the level considered unhealthy by the United States Environmental Protection Agency. Legislation to ban smoking in cars would be the next logical law-making step.

The highway code already advises against smoking in a car, because it distracts drivers. The Smoking (Northern Ireland) Order 2006 bans smoking in vehicles that carry passengers in the course of paid or voluntary work, including buses, trains, planes and taxis. The next logical step would be to apply that ban to private cars. Let us make the norm the law. I hope that all Members support the motion for the sake of the health of our children and of the nation.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I also support the motion. It is interesting that no Member who has so far spoken has admitted to being a smoker. We

can assume that smokers continue to be social pariahs. If Members are smokers, they are not admitting it. I am not a smoker, I have to say.

Mr McCallister: I thought that you were going to be the first to admit it.

Mr Brady: No, absolutely not.

It is interesting that we already have legislation that bans young people from purchasing cigarettes. Indeed, there was recent publicity about the PSNI asking young people to participate in an exercise to catch out tobacconists, and so on, who were prepared to sell cigarettes to young people. That has been to the forefront in publicity drives. The proposed legislation would reinforce existing legislation. Mr McCallister made a point about seat belts. If people are stopped or see a checkpoint, they can put on a seat belt very quickly. Smoke can be smelt in a car, so if someone has been smoking recently, it is possibly easier to detect.

There are inherent difficulties in enforcing this type of legislation, and if parents took their responsibilities properly, there would be no need to talk about such legislation. The motion refers specifically to cars. Obviously, it could be argued that children could get out of a car and go into a house in which their parents are smoking. Again, that is irresponsible parenting. If parents are going to smoke in a house with young children present, they are showing a distinct lack of responsibility and should be taken to task for it. The other thing —

Mr McCallister: I am grateful to Mr Brady for giving way. I agree with his point about smoking in the house being irresponsible. However, a car is a very confined space. Most people's houses are significantly bigger than a car. That is why the motion is specific about cars. The message should go out that we should not be smoking in any sort of confined space, even our homes.

Mr Deputy Speaker: The Member has an extra minute.

Mr Brady: I thank the Member for his intervention, but I was really reinforcing the argument about parental responsibility. Indeed, you do not have to be a parent. If there are young children around — we are talking about children up to the age of 16 — and adults are smoking in the vicinity, it is going to cause problems. Mr Dunne made the point that it is not just lung cancer; there are many respiratory

illnesses, strokes and hypertension. All sorts of problems are caused by smoking. Over the years, a huge industry has grown up to encourage people to stop smoking. We have patches, chewing gum, and all sorts. It is a multimillion pound industry, yet, unfortunately, approximately 2,300 people die every year from smoking-related illnesses. Obviously, that campaign is not necessarily working.

The introduction of legislation like this would probably heighten awareness, and that is what it is all about. It is about educating people and getting the message through to them that smoking is bad for your health. It seems to me from personal observation in the street that young girls seem to smoke a lot more than young men, whatever the reason. Obviously, if that is carried through into adulthood, pregnancy, etc, it can cause serious problems. The danger of passive smoking has been proven and talked about over a number of years, so the message has got through, but many people are simply not willing to accept it. It is about education and responsibility. I certainly support the motion.

Mrs McKeivitt: As a reformed smoker, I welcome the motion. As the mother of five children, I will do all in my power to protect them, and all children, from the dangers of second-hand smoke. At every opportunity I get, I encourage all young people never to take up the habit. I welcome the debate and congratulate the proposer. I support the motion because I recognise the dangerous health effects on children exposed to second-hand smoke, particularly in a confined space. *[Interruption.]* I wish that John would listen to me when I am talking.

It is right that the Assembly should protect the vulnerable from toxic fumes in order to save lives. This step will build on legislation that has already been successfully implemented and will pave the way for future legislation to protect various other vulnerable groups in society. I welcomed the legislation in 2007 that prevented smoking in the workplace. In my opinion, it not only saved the health service money but, more importantly, saved lives. Then, in 2008, the Assembly increased the age threshold for smoking and purchasing cigarettes from 16 to 18. This motion is another step forward in the fight against nicotine.

Various health groups have demonstrated through research that second-hand smoke is

harmful to the health of those who are exposed to the fumes, adults and children alike. The potential side effects of passive smoking for children include bronchitis, pneumonia, asthma and other respiratory diseases. That has already been mentioned. Some also argue that smoking around newborn children can increase the risk of cot death. Through continued education and by implementing legislation, we can protect young people from these health risks.

A report from the Tobacco Advisory Group tells us that, each year, over 300,000 children in the UK go to their GPs with illnesses such as bronchitis and pneumonia as a result of being exposed to passive smoking. When we break down those visits and think of this with a pound sign, it is also clear that the Health Department can make huge savings if we take measures to reduce children's exposure to second-hand smoke. Health groups have also carried out research to assess children's exposure to second-hand smoke. Research undertaken by the British Lung Foundation states that more than half of the number of children aged between eight and 15 have been exposed to cigarette smoke in cars.

The positive news is that the majority of people in Northern Ireland welcome the motion. The British Lung Foundation tells us that a survey of more than 1,000 homes in Northern Ireland found that 88% of people support legislation to ban smoking in cars when children are present. Indeed, many smokers welcome the motion. They will often tell non-smokers not to start smoking because they know how difficult it is to quit. I know that only too well myself. Research suggests that more than three fifths of the number of smokers want to quit. I welcome the public awareness campaign to prevent adults from smoking in cars when carrying passengers who are under 16 years of age. I also call on the Department of Health, Social Services and Public Safety to continue to educate children on the dangers of smoking in the hope that fewer people will take up the habit and more lives can be saved. The Department should also continue to provide much-needed help to those who are trying to quit smoking.

I hope that today's debate will also encourage smokers to think twice about lighting up around children and non-smokers. I hope that future motions will follow to address the protection of other vulnerable groups in society, such as the elderly, people with underlying health

issues, disabled people and pregnant women. Nineteen years ago, when I was pregnant with my first child, the midwife gave me advice on the harm and risks of passive smoking while the baby was in the womb. That advice should now go a step further, with smoking banned in cars when passengers are under 16 years of age. I encourage the Minister of Health to issue leaflets or advertising in that regard immediately. Given the fact the one in every two smokers will die from smoking-related illnesses, that message could not be clearer.

Ms P Bradley: I thank the Members who brought forward the motion. First and foremost, I congratulate Karen. I have been a smoker, a non-smoker, and a smoker again. I will admit that freely. However, like Karen, I can speak in the debate with conviction about the vile and disgusting habit of smoking. I do not believe that there is a smoker in the country who would not stand up to say that and to admit that he or she dislikes it. Although we do it, we dislike it. Therefore, I have been there; I stopped but I have started again.

I also wanted to ask Mickey whether his comment about young women was directed at me. I would like to think so. *[Laughter.]*

When we become parents, our natural instinct is to nourish and to protect. That envelops every aspect of our lives. We painstakingly research how to make our homes child-friendly and spend copious amounts of money to satisfy the quest for a safe and secure environment for our children. As MLAs, we are lobbied continually by parents on issues that affect children directly, such as education, child poverty, child protection, internet safety, depression and suicide. Indeed, today, in the Long Gallery, Childline launched its new school service to help children to recognise and to protect themselves from all forms of abuse. Therefore, the Assembly is no stranger to child issues. It takes all issues surrounding the protection of children seriously. I do not believe that any responsible parent would put his or her child's health at risk intentionally. However, through lack of health education, some fail to recognise the consequences of second-hand tobacco smoke in the closed environment of a car.

Unfortunately, it is not just adults who are at risk from the adverse effects of passive smoking. The motion highlights the dangers of second-hand tobacco smoke and the long-

term effects on children's health. As mentioned earlier, research suggests that children are twice as likely to suffer from bronchitis, pneumonia and bronchiolitis when they have been exposed to second-hand smoke. As Ms Boyle stated previously when speaking specifically about second-hand smoke in cars, smokers should be aware of the fact that their children's bodies are still growing and developing, with the effect that their breathing is faster than that of adults and, therefore, they inhale a percentage of the toxic poison that emanates from tobacco smoke.

Statistics show that children who are subjected to second-hand smoke in an enclosed environment are twice as likely to have respiratory and blood disorders. It is important, therefore, that the Assembly supports an education programme that is targeted at smokers in particular and highlights the dangers of breathing in second-hand smoke.

We, as an Assembly, should encourage smokers to ensure that the principle of protection that we follow in all other aspects of our daily parenting is implemented to prevent our children from being exposed to secondary smoke. I support the motion.

4.30 pm

Mr Givan: I support the motion and commend Mr McCallister and Mr Gardiner for proposing it. On the radio this morning, I heard some people very foolishly and irresponsibly suggest that this is not an important issue for the House to be debating. I honestly think that the House should debate and take action on this issue. People who have suggested otherwise should reflect on what they have said. They are trying to score cheap points about the Assembly, but playing politics with an issue as serious as this does them no service or credit whatsoever.

We come to this motion on the basis that a child does not have the same rights as an adult to challenge people who smoke in their vehicles. The House and the Government should always act in a way that protects people who cannot protect themselves. That is what the motion would do.

I have a mild form of asthma, which is usually sports related, but before the ban on smoking in enclosed public places was introduced, my asthma was triggered by somebody smoking near me in a restaurant and it caused me to wheeze. Therefore, I was delighted when the

ban came into place. In fact, before I was a member of Lisburn council — although the Health Minister was at that time — it banned smoking in enclosed council premises before the universal ban was introduced. Arguments were put forward then that it would damage business and stop people from going there and hosting conferences and that we should not do it ahead of other areas, and attempts were made to stop it. However, I was proud of the fact that Lisburn council took the initiative and put the ban in place before any other public organisation did so.

This is an opportunity for the Assembly to take action that will pave the way for others to follow. The argument has been put forward that you cannot enforce the ban, but that is wrong. Members have highlighted the fact that the police can detect you for using a mobile phone in a vehicle. Therefore, I think that this issue would be easily enforceable. Obviously, it would create a much bigger problem if you were to take it to the next step and say that you can go into people's homes and deal with it, but excuses cannot be put forward to try to justify doing nothing.

I hear people who are opposed to the ban saying that if you introduce it for this type of issue, where do you draw the line? However, the fact is that, for years, Governments have been legislating on such issues to try to protect their citizens, and we should not stop now. This is an issue that we can take forward and legislate on, and I would certainly support it.

A number of weeks ago, I was coming to Stormont, and a van followed me the whole way from the M1 junction at Lisburn to the Westlink. The van driver did not have his window down, and a four- or five-year-old child was sitting in a child seat, and I am pretty certain that the driver went through three cigarettes in the time that I travelled from Lisburn to the Westlink. When I glanced in the rear-view mirror, I got angry at the fact that that child had to suffer because the adult was smoking in the vehicle and damaging the health of the child, and the child could not stop him. This legislation would give that child the right to be protected from an irresponsible adult smoking in a vehicle.

As my colleague Ms Bradley said, the vast majority of smokers and non-smokers are responsible individuals. However, this motion will put in place a deterrent to try to change

the attitude of the minority of irresponsible smokers, because if you do not have deterrents in society, you will not be able to tackle those people. Whether it is through ignorance or a general lack of responsibility, they will continue to damage individuals. Therefore, you must have a deterrent in order to change the attitudes of people who are reluctant to change.

The motion sets out the right message, and I would support legislation coming forward to bring it into law.

Mr McClarty: Since it is confession time, I will say that I, too, am a reformed smoker. Although I support the spirit of the proposal to protect children from the potentially damaging effects of secondary smoke, I am hesitant to give it my full backing, because I believe that it will be difficult to enforce, it will interfere with parental responsibilities and it will intrude upon freedoms within private space.

Of course, legislation as proposed will be more than difficult to enforce. Although it is relatively easy to pick out someone who is using a mobile phone while driving or someone who is not wearing a seatbelt, it is less obvious whether a person is smoking in a car in the presence of young people under the age of 16. Age is difficult to estimate. Often, children as young as 12 can be taken for twice that age. Must we stop those people to ask for ID or persuade children to turn in the offending smoker, even if that person happens to be a parent?

Although there is evidence that similar legislation has been introduced in other parts of the world, I am curious to know the level of compliance in those places and how the law is actually enforced. I have read that some apply the law to children who are legally eligible for child car seats. That makes the offence more easily visible, but disregards children who are too old for car seats or who have physically outgrown them.

Such legislation suggests an intention of this legislature to assume responsibilities that should remain with parents and guardians. Governments should aim to protect children only beyond the capabilities of parents and guardians. A responsible and informed parent will know not to smoke in the presence of a child, whether in a car or a living room, in order to protect that child's well-being. We do not need a law to tell us to do that. Of course, there will always be parents who flout their responsibilities to their

children, but it is not a solution to create laws to ensure good parenting.

It is very disappointing, as everyone agrees, that some adults continue to smoke in an environment where there are children present. I believe that if they are willing to subject children to a smoke-filled confined space in a car, they will have no hesitation in subjecting them to their smoke in the home. Do we then present legislation that bans smoking in the home? Although that would benefit the child, we would be overstepping the mark by invading private lives and space. A private vehicle is as much a private space as a home. Are we, therefore, overstepping the mark here, too?

Mr B McCrea: I just want to check that the Member is seriously advocating that if there is a proven cause of death of young people, and we can take steps to prevent it, that would not rise above civil liberties. They are young people with no decision-making ability of their own. We have a way of preventing death or serious injury, and I am really surprised at you putting forward that argument. I am just checking that I am hearing you right.

Mr Deputy Speaker: The Member has an extra minute.

Mr McClarty: The point is that it is so difficult to police. We have a law that bans the use of mobile phones while driving, but all Members here, in their travels between their constituencies and this place, see people flouting that law every day. Some here may even have flouted it themselves. Despite the fact that a law is in place, people still use mobile phones in their cars. Of course we have to protect our children, but I suggest that even if a law were put in place, there would still be a large number of people flouting it.

Mr Poots (The Minister of Health, Social Services and Public Safety): I thank everyone who has spoken today on this important health issue, particularly the Members who brought the motion before the House.

As Minister of Health in Northern Ireland, the appalling toll of premature death and avoidable illness that is caused by the use of tobacco products is of great concern to me. Despite the significant progress that my Department has made over the past decade, more than 2,300 people die prematurely every year as a result of tobacco use. Thousands more suffer

from illnesses such as cancer, heart disease and respiratory disorders as a direct result of their addiction to cigarettes. Tobacco-related illnesses place a huge burden not just on our health system but on our economy, with the private and public sectors paying for the cost of thousands of sick days taken each year as a result of smoking-related illnesses.

Today, almost one quarter of adults in our society are regular smokers. That rate rises to almost one third among those who work in routine or manual jobs. Although I accept that we have come some way from the late 1960s, when over half of the population smoked, current smoking rates remain far too high compared with those in countries such as New Zealand, where they are as low as 14%.

My Department's new tobacco control strategy, which is due to be published this year, outlines the direction that we intend to take in order to reduce smoking prevalence over the next 10 years. As in the previous plan, the key areas for targeted action will continue to be prevention, with fewer smokers starting the habit; cessation, helping more smokers to quit; and protection from harm caused by second-hand smoke.

Our latest survey figures show that almost one in 10 children aged between 11 and 16 in Northern Ireland are regular smokers. Those children are becoming addicted to using tobacco well before they are at an age at which they can make an informed adult choice. In spite of all the public health messages that advise young people about the dangers of smoking, thousands of them are recruited to the tobacco industry every year. That is why we need to take further action.

Next year, therefore, I will introduce legislation banning the display of tobacco products from the point of sale in shops and the sale of tobacco from vending machines. In addition, I intend to introduce a Bill to the Assembly that will ensure that repeat offenders against the current age-of-sale laws are penalised for selling tobacco to underage children. Members may also be aware of the announcement made last year by the Secretary of State for Health in England on the potential for requiring plain packaging of cigarettes. Consideration is at an early stage; it has already happened in Australia, and my officials will be in close contact with their Department of Health counterparts to

ensure that the implications of such a measure for Northern Ireland are fully understood.

Investment in services aimed at helping people to quit smoking has paid off, with the numbers of people accessing them growing year on year. In 2010-11, more than 34,000 people set a quit date — an increase of 44% over the previous year. We must build on that success, and some of the proposed legislative measures that I have outlined will help people in their attempts to quit by reducing the ubiquitous presence of tobacco products. Some eight in 10 smokers have tried, at some point, to quit smoking, with 78% identifying the health issues as the main reason for doing so.

Although prevention and cessation are very important, the focus of today's debate is protection and on how we can protect children from second-hand tobacco smoke while they travel in private vehicles. That is why I was stunned this morning when I heard Chris Ryder saying that the Assembly should not be debating this motion. What could be more important than protecting our children's health? I will not take lectures from people outside who, perhaps, do not care about children's health. We do care, however, and this House should debate the motion, because it is a good one.

Passive smoking is a health issue that I take seriously, particularly when it affects our children. I remember sitting in restaurants with children in a buggy while people beside us smoked several cigarettes between their meals. It was disgusting behaviour by those individuals, but it was something that we could not do anything about at that time. I am thankful that that is not the case anymore, that people cannot do that and that our children are protected. The available scientific and medical evidence demonstrates the clear health risks that are associated with exposure to second-hand smoke. A number of respected organisations around the world, including the World Health Organization, the British Medical Association and the International Agency for Research on Cancer, have all concluded that there is no safe level of exposure.

Children are particularly vulnerable to the effects of second-hand smoke, as they breathe more rapidly and inhale more pollutants per pound of body weight than adults.

The Royal College of Physicians' 2010 report, titled 'Passive smoking and children', affirmed

that children who are exposed to second-hand smoke have an increased risk of asthma, lower-respiratory infections, bronchitis, middle-ear disease, bacterial meningitis and sudden infant death syndrome, as well as general reduced respiratory function. Tell that to the children, Mr Ryder.

4.45 pm

Smoke-free legislation was introduced in 2007, with the aim of protecting people from being exposed to second-hand smoke while in their workplace. In spite of all the naysayers who doubted that the legislation would be successful, it is now recognised as one of the most important public health initiatives for generations. It is also one of the most popular, with more than nine tenths of the population supporting it. Contrary to Ms Boyle's information, the level of compliance has been reassuringly high. The latest figures, which bring us up to the end of June 2011, tell us that 98% of businesses are compliant with the no-smoking requirement.

Mr McClarty: Does the Minister agree that among those who do not comply are people who smoke in their works vehicle? A works vehicle is a place of work, as per the law. Therefore, people are not allowed to smoke in their works van. The majority of those who do not comply are found to be smoking in their works vehicle.

Mr Poots: Quite clearly, they should not be. I will come to that in a moment. I have heard what the Member has said. I am somewhat surprised and disappointed, but this is a democracy, and he is entitled to say what he said. Nonetheless, I vehemently disagree with his point of view on this issue.

Now that that legislation has firmly bedded down, we can turn our attention to other problem areas where people are exposed unnecessarily to second-hand smoke. A number of health and voluntary organisations, including the British Medical Association, Action Cancer and the British Lung Foundation, have been calling for the past couple of years for a ban on smoking in cars when children are present. They have cited recent studies to support their arguments, including one by the University of Aberdeen that showed that smoking in a car exposes children to levels of smoke that compare to levels that were found in bars before smoke-free legislation was introduced. That is scary.

In addition, research that was commissioned by the Chartered Institute of Environmental Health in Wales showed that dangerous levels of second-hand smoke remain in a car for at least one hour after a cigarette has been smoked. That is why consideration should be given to banning smoking in all vehicles, not just those that carry children. What is to prevent a parent from smoking on the way to picking up a child from school? The smoke will linger for a full hour after the child has been collected.

The argument for introducing a ban on smoking in cars, to apply to all private vehicles or only to those in which children are present, will be vigorously debated. On the one hand, there is a strong case for wishing to protect children, or even others who are not smoking, from the harm that is caused by second-hand smoke. On the other hand, we have the case that Mr McClarty makes: that this infringes on people's rights, particularly when related to private property. I make no apology: making it more difficult to smoke is a tool to help people to quit smoking. One MLA who recently quit informed me that smoking 40 cigarettes a day for 40 years at £6 a packet at today's cost will have cost him £186,000 over that period. That would pay for something like two daughters' weddings. *[Laughter.]*

Mr Wells: I know that the honourable Member has at least one daughter. If he is budgeting to spend £50,000 on her wedding, that will be some send-off. She is a very lucky girl.

Mr McClarty: He is a Minister and you are not. *[Laughter.]*

Mr Poots: I assure Mr Wells that I come from the same school of economics as he does. She will not get that spent on her.

The majority of smokers are reasonable people and, as I indicated, would like to quit. However, in spite of all the awareness-raising activities and educational campaigns, there will always be that small minority of people who will continue to expose children to second-hand smoke in confined spaces. Mr Givan made that case.

A study of 1,000 adults in the UK that was carried out in 2010 revealed that 15% of adults smoked in the car when children were present. Banning smoking in private cars is a somewhat emotive issue. Although there will be many supporters, there will also be a number of people who feel that it is a step too far. That is why I asked officials in my Department in early September to

commence work on an action plan and timeline for developing a consultation package on banning smoking in cars as soon as possible.

The work is expected to be completed next spring. The consultation will seek views from the public on whether a ban should be introduced and, if so, under what circumstances it should apply; that is, whether it should apply to all private vehicles or only to those in which children are present. Views will also be sought on whether my Department should follow the example set by Wales and commit to a comprehensive public awareness campaign in an attempt to change behaviour, with legislation under consideration only if that approach fails.

To ensure that the public will be fully aware of what a ban would involve, my Department proposes to put together a detailed consultation package that will seek views on implementation, enforcement and penalties. To assist the development of the consultation, my officials held discussions with the Department of Justice and local district councils last month and will meet other relevant stakeholders in the coming weeks.

Smoking in work vehicles has been illegal in Northern Ireland since smoke-free legislation was introduced in April 2007. In addition, legislation making private cars smoke-free has been introduced successfully in a number of countries worldwide, including several jurisdictions in America, Canada and Australia. Therefore, we know that banning smoking in cars is achievable. Several other countries, including Wales, the Republic of Ireland, Italy and the Netherlands are also considering similar legislation.

I am glad to see that there is considerable support from Members for banning smoking in cars, and, if the response from the public consultation were to indicate strong support from the people of Northern Ireland, we might be the first region in the United Kingdom to introduce such a measure. In the meantime, through the Public Health Agency, we will focus on encouraging people to voluntarily make their homes and cars smoke-free.

I remind those who would argue against such a ban on the grounds that it is unenforceable of other vehicle-related legislation such as the wearing of seatbelts, which is largely complied with without the need for heavy-handed policing, and of the legislation that was introduced to

stop smoking in enclosed public spaces. To those who argue for the rights of people to smoke a legal product on their own private property, I say: what about the rights of their children to breathe clean air?

Earlier, I spoke about the smoking prevalence rates in Northern Ireland. Many of the countries that I mentioned that have already introduced such legislation had considerably lower prevalence rates than us. I am not saying that, in itself, banning smoking in cars would have a dramatic effect on prevalence rates. However, it would add another building block to the wall of measures that has been put in place already. Everything we do with regard to tobacco control is moving us a step closer to de-normalising smoking, and, hopefully, that will result in fewer young people picking up the habit and, therefore, having to kick it at some point. In conclusion, I am in favour of banning smoking in cars, and I look forward to the outcome of next year's public consultation, which, I hope, will show support for legislation in the area.

Mr B McCrea: Most of the Members who have spoken have been in agreement. The point of discussion appears to be on whether it is possible to enforce a ban or whether you should take the approach of winning hearts and minds through a public information campaign. My colleagues Mr McCallister and Mr Gardiner are to be commended for tabling the motion. Mr McCallister has spoken at length on the matter, and even a little bit of that has been in the Chamber.

As Mr McCarthy said, this is a way of getting the message across. Talking about these important issues is out on the radio waves. It is not often that the Minister and I agree, but I agree with him and Mr Givan that the matter is absolutely the business of the Assembly. It is exactly the sort of thing that we should be talking about, and how dare people try to make cheap political points by saying that we should not be talking about this. The message should go back unanimously from all here that we will talk about what is important for our children. That is really important.

I probably take the same position as the Minister on enforcement. Maybe I am overstepping the mark, but I am absolutely 100% against smoking in any shape or form. If it were down to me, I would take the ashtrays out of cars. I would ban all smoking in cars. I would go so far as to say that, in this case, the right to life trumps civil liberties.

We have to be very careful about smoking, which is such an insidious addiction. When you look at how various drugs get you, nicotine is right up there, and is probably the worst addictive drug. We have to address certain issues for the public good. However, there is the issue of whether bans are counterproductive. There are similar issues to do with alcohol or maybe even obesity. Some of us who have been on the safer foods initiative know the challenges of diet. We have to make sure that what we do is not counterproductive and that we do not drive a product underground or make it cool by being so hard on an issue. However, as we move along the route of engaging with the public, we should be explaining why we should not be doing these sorts of things.

We have all heard the statistics. Mrs McKeivitt mentioned the advice that she was given 19 years ago. However, it is the case that women exposed to second-hand smoke were 23% more likely to have a stillbirth and 13% more likely to give birth to a child with a congenital heart defect. How can you take the risk if, as the Minister asserts, the effects of smoking can linger for one hour after you leave a car? That is outrageous. Looking at the cost to us as a society, smoking is estimated to cost the NHS alone £2.7 billion or £50 million per week. However, the overall economic benefit is £13.74 billion per year, according to Her Majesty's Government. We have talked in the Justice Committee about serious organised crime and the amount of money involved in tobacco smuggling. The effects are so significant and so large that we have to find some way to deal with it.

The issue with enforcement is that people appear to be making an argument that, just because something is difficult to do, we should not do it. People may ask, "What about speeding?" — I think that was part of the argument made over there — but when people speed, they break the law. Fellow Assembly Members, if the legislation proposed saves just one life, it will have been worth it. The issue is about leading people forward. The evidence put forward by the Minister —

Mr McClarty: Does the Member agree that the Minister's proposal of a blanket ban on smoking in cars would be much easier to police than a partial ban?

Mr B McCrea: I agree. When the consultation comes out, I would support a total ban. That is

what is required; it would be easier to enforce and would deal with the lingering difficulties. That is why I challenged the Member earlier. I have a lot of time for Mr McClarty, and I respect his right to put forward an argument. In this case, however, I cannot support his argument. I do not think anybody else here —

Mr McClarty: The Member is misrepresenting what I said. When I began my speech, I said that I support the spirit of the proposal. My issue was the difficulty of policing it. If the Minister is proposing a blanket ban on smoking in cars, I would support that.

The partial ban is much more difficult to police.

5.00 pm

Mr B McCrea: I am grateful to the Member for clarifying his position. I am pleased to hear that and would expect nothing less from the Member. We need to find a proper and better way of dealing with this matter.

We should not shy away from dealing with a difficult situation just because it is difficult to enforce. We have to go out and inform people why there is a problem. We must bring our people with us and explain to them the real tragedy that smoking brings, if left unchecked. We must explain to them that young people do not have the decision-making power or authority to change things, which means that we must legislate for their protection. Above all, we must explain to them that smoking is a filthy, rotten and horrible habit that cannot be condoned.

There were some Members — they are not in the Chamber, so I will not mention them individually — who said that they were not having a go at smokers' rights; I have to say that I am. Smoking is not the answer. This is an issue on which there is unanimity, from what I can hear. I did not hear anyone in the Chamber speaking against the motion. We have difficult issues, because there are people who gain employment from smoking and people who retail cigarettes. Smoking is not right: look at the damage that it does. This is a mature debate that we have to have with our society.

I look forward to the legislation that the Minister will bring and the consultation on that. That will no doubt provoke a debate in our society. I will be most interested to see which of us will stand four-square behind the sentiments that have been put forward today. I will be interested to

see who actually listens and speaks about these matters, as they are particularly important.

I have a comprehensive list of all the people who spoke. The contributions were most eloquent, and there was a lot of use of statistics. There were really good contributions to the debate. Sometimes, there is a danger of repetition when we all agree with one another, but different people brought forward different points from their perspective, which added real colour to the debate. We have had a mature and reasonable debate. It was not some limp thing. The Minister introduced an element of passion and energy at the end, which was a good thing. We should all look forward to the legislation, the proposals and the consultation that are coming out tomorrow. I commend my two colleagues for tabling the motion and commend all Members for the spirit in which the debate has taken place. I ask the House to support the motion.

Question put and agreed to.

Resolved:

That this Assembly recognises the damaging effects of passive smoking; notes that children are particularly exposed to second-hand smoke; and calls on the Minister of Health, Social Services and Public Safety to work closely with the Minister of Justice to bring forward legislation, in association with a public awareness campaign, to ban smoking in cars carrying passengers under the age of 16.

Prison Review: Final Report

Mr Deputy Speaker: As two amendments have been selected, there will be one hour and 45 minutes allowed for the debate. The proposer of the motion will have 10 minutes in which to propose the motion and a further 10 minutes in which to make a winding-up speech. The proposer of each amendment will have 10 minutes to propose, with a further five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Lynch: I beg to move

That this Assembly welcomes the final report of the prison review team; and calls on the Minister of Justice to initiate a plan to ensure that the report's recommendations are implemented and that progress is monitored; and further calls on the Minister to ensure that the appropriate scrutiny and accountability mechanisms are in place.

Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom fáilte a chur roimh an Aire anseo inniu le héisteacht leis an díospóireacht ar an ábhar tábhachtach seo. I welcome the Minister to the House for this important debate. I support the motion.

The review of the Prison Service is one of the biggest challenges that the Minister will face in his role as Minister of Justice, and he does not need me to tell him that. The Anne Owers review is the latest in a series of reports and reviews into the NI Prison Service. I do not wish to rehash details of those now. We should take this opportunity to establish a new beginning for the Prison Service. Suffice it to say that all the reports had a common thread: the Prison Service is not fit for purpose; it is living in a different era; and it is in need of fundamental root-and-branch change.

The Owers report, however, does more than highlight the major problems in the Prison Service. It sets out a clear vision of what needs to be done and emphasises the importance of acting urgently to realise the fundamental changes that are long overdue. In the words of the review team, "incremental improvements are not enough". The momentum must not be lost, and change must not be left to those who have been in charge to date. All the other reports demonstrated that the Prison Service is incapable of implementing even the most modest changes. The service has consistently reacted negatively to external reviews. In the

past year, the Criminal Justice Inspection report showed that the NI Prison Service lacked the capacity to deliver real change on the ground, needed more concerted action in response to critical reports and had a stream of unfinished business and that its action plans limped along. The report also found that the service lacked ownership and that there had been little systematic learning from the recommendations that had been implemented.

The Committee on the Administration of Justice took a similar view, which was that the response by the NIPS to the various inspection reports resulted in the development of paper-exercise policies and action plans but failed to recognise and address the bigger problems underlined in the recommendations. In the latest review, Anne Owers stated that little had changed in the eight months since her interim report. That clearly highlights the fact, Minister, that a completely new approach is needed. Unless an agenda for change is laid out and involves an implementation plan, accountability mechanisms, decisive leadership and, above all, political will, this report will run into the sand like all the others.

Last week, a document outlining an exit package for prison staff was published. It was detailed, with i's dotted and t's crossed. A similarly detailed and comprehensive package is needed throughout the Prison Service. In most walks of life, what gets measured gets done. The Prison Service's programme of change needs dedicated management. Oversight is vital in the monitoring and implementation of each of Owers's recommendations. A dedicated change management team should be put in place urgently and headed by an experienced person who can co-ordinate and oversee the complex change process that is required and report regularly to a steering group and the Committee for Justice. I understand that the complete programme will involve other Departments, particularly the Health Department and the Department of Education. Therefore, a ministerial team should also be established so that it can have an oversight role in the change process. Criminal Justice Inspection should be given additional resources to carry out independent monitoring of outcomes against recommendations and report regularly to the Justice Minister.

The Minister's top priority should be to keep the House updated. I call on the Minister to ensure

that this happens. He must take ownership and become the driver in the overall process of management. Leaving it to officials in his Department would result in little change. As I outlined, the NIPS has a history of resistance to positive change. The report also clearly states that the next six months are vital. I agree: a delay would give those with intentions of cherry-picking and a culture of resistance a chance to gain the upper hand, leaving the Minister with even greater challenges.

It is time for action. We have had too many reports. I read that there have been 23 — that must be a record. We are in a new dispensation, so let us move the Prison Service into the 21st century. The Minister asked for support last month, when the review was published. He will have my party's support and, hopefully, that of all parties in the House. However, we will hold him to account to ensure that the Owers review team's recommendations are implemented in full, so that we will not have to come back to the House as another report gathers dust like the previous ones.

I urge all parties to support the motion and amendment No 2. It is in our interest as political representatives to have a modern Prison Service that has public confidence; we should all agree on that. This is a golden opportunity that cannot be allowed to be lost, and the onus is on the Minister to ensure that that does not happen.

Mr Givan: I beg to move amendment No 1: Delete all after "Assembly" and insert

"notes the publication of the final report of the prison review team; calls on the Minister of Justice to initiate an immediate public consultation on the report; and further calls on the Minister, following the consultation period, to work with the Executive to agree a way forward."

I declare an interest: I have family members who have worked and still work for the Prison Service.

Dame Anne Owers's report was produced by academics and practitioners, all of whom are very well meaning individuals. Indeed, I do not think that anyone can deny that a lot of the work that they did was very comprehensive, given the time that it took and the different organisations that were engaged in the process. It is undoubtedly a comprehensive piece of work. However, justification for the continued investment of millions of pounds of taxpayers' money in the Prison Service requires the public

to buy into the process. That is why, as with the previous review of youth justice, for example, our amendment asks for the document to be made public and for the public to be able to have their say. No one should be afraid of what the public have to say on these important issues. The service provided through the Northern Ireland Prison Service requires public support. Some would say that, at times, the services provided to prisoners in the name of rehabilitation are unrivalled by what is available on the outside. Therefore, there needs to be public justification for the expenditure on the Prison Service.

I am all for the rehabilitation and reform of the individual who is incarcerated. Vast amounts of money are spent, and let us ensure that those resources are spent effectively. I believe that quite a number of recommendations in the report will do that, but there are some with which I have great difficulty. We need public support for what is proposed. The law-abiding citizens who campaign on education issues — as I did on Knockmore Primary School earlier today — health issues and so on will want justification for the expenditure on the Northern Ireland Prison Service.

If you ask people whether prison works — I hesitate to suggest it — most will say that they do not think so. It is in addressing that issue that I think the House will differ. Is the solution to move further along the pendulum of rehabilitation and reform, or is it to ensure that a deterrent is put in place in the system to address why prison is not working?

Lord Ashcroft, a founder member and chairman of Crimestoppers, produced a report following an extensive research project and a survey of thousands of people. In it, he states:

"If prison doesn't work, they say, make it work. For them, the problem with prison is not that it fails to turn criminals into model citizens, but that it does not deter criminals from breaking the law. As they see it, sentences are too short to begin with because they are determined by the availability of prison spaces, not by the seriousness of the crime. And once an offender has experienced prison life — free board and lodging, with complimentary satellite TV, PlayStation, pool table and gym membership — it is hardly surprising that they seem so willing to go back again and again. That is not to say people think prison serves no purpose. Even short sentences, though offering too little time for proper rehabilitation, give the public precious respite from the ... prolific offenders who

are responsible for the majority of crime, and those who repeatedly breach non-custodial punishments."

The vision behind this report is to make society safer by reducing reoffending, which is a noble objective with which no one in the House will disagree. What the report fails to acknowledge or provide any direction on is how to deal with prisoners who do not conform or engage in any attempt at rehabilitation and, indeed, aggressively challenge the system. No mention was made of those individuals. Anybody in the House who suggests to me that every prisoner is up for rehabilitation is kidding themselves. A system that fails to take that into account will ultimately fail in its entirety.

5.15 pm

The Minister stated that the model prison is one that supports and reflects human rights standards and ethical values. I really wonder about the type of prison service that we want to create. Is it one that gets bogged down in the quagmire of the section 75 agenda, the human rights agenda or the ethical standards agenda, where the victim will ask, "What happened to my human rights? What happened when the perpetrator —"

Mr McDevitt: Will the Member give way?

Mr Givan: In a moment, if I can develop this. The victim will ask, "What happened to my rights when the crime was committed against me?". When the report is considered, we need to ensure that we never forget the victims in the process.

There is no reflection of individuals who refuse to conform. Recommendation 38 states:

"Under-18s should not be held at Hydebank Wood."

I could not support that recommendation. It is an ideological, human rights agenda-driven objective that is certainly not based on the reality of what happens in prison. I was in Hydebank recently, where there were under-18s who could not be housed in Woodlands because of the difficulties that they present. In one case, when the father of a 15-year-old child came to visit, he attempted to pass the child drugs, even though he was behind a perspex screen. When officers came to stop that happening, the child attempted to break down the perspex barrier and almost did, only for the officers' actions in ensuring that that did not happen. It is brought to my attention repeatedly that there are those under the age of 18, whom many in

the House would define as children, who exhibit all the very aggressive and very challenging characteristics of adults. I could not support the recommendation that all children be put into Woodlands. Indeed, it would be to the detriment of those who are housed in Woodlands to have someone of that disruptive nature there. It would undermine what Woodlands is about. Therefore, I have particular difficulty with that recommendation.

It is important that there be consequences for bad behaviour, and the report does not highlight those consequences. It is important to have something that will act as a deterrent. That applies to those who are inside the prison and those who are on the outside — those either engaged in or considering criminal activity. I have raised this issue before, but why is it that the prospect of going to prison is the number one deterrent for individuals contemplating committing a crime until they have been to prison and then that deterrent value plummets because of their experience in prison? We need a fundamental assessment of why that happens. Do we move to a more rehabilitative approach or — what is needed — a strong deterrent approach, which is clearly absent from the current regime?

The report also highlighted the issue of preferential treatment, which the Minister talked about in his statement with regard to basic regime and those on adjudication, pointing to or implying some kind of religious discrimination in the prison. I put that to Dame Anne Owers, and she said that she did not know what was behind that. In his statement, the Minister spent a considerable time highlighting that and how important equality and rights are and how discrimination should not happen. However, there was no evidence whatsoever to merit the inference that has been drawn by the publication of those statistics. The Minister laboured that point in his statement, and he did a disservice to those who have served in the Prison Service. We need actual evidence to substantiate what was implied by its inclusion. Perhaps then we can have a better-informed discussion on why people are on basic regime or on more adjudication.

I will touch briefly on other recommendations. Statutory time limits require serious consideration, and the issue should not be rushed. The proposal on fine defaulters should be taken forward. They are getting off lightly by

spending a couple of days in prison. That will need greater consideration. With regard to full body searches, I put it to Members —

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

Mr Givan: — that they should be very careful in pursuing that approach. The use of drugs and contraband is endemic in prisons. Members need to be careful when trying to change something.

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

Mr Givan: I, therefore, move our amendment. Let us not be afraid of what the public think about this.

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

Mr Givan: The public's view on it may differ from the views of the Minister and others.

Mr A Maginness: I beg to move amendment No 2: Insert at end

“and that the implementation process begins without delay and is completed within 12 months.”

The Member who has just spoken leaves me breathless and almost speechless, with his 'Porridge' caricature of prison and the contrast between deterrence and rehabilitation. He is the Chair of the Justice Committee, and he indicated that, in general terms, he was supportive of the report. At least that is what I took out of his speech. However, every sentence that he uttered was a criticism or an undermining of the thrust and substance of Anne Owers's report, which is a culmination of many such previous reports — I think, in excess of 20 — that deal with the urgent reform of the Prison Service since the ending of the Troubles and the ending or supposed ending of a security-type prison system.

It is so difficult to answer in detail the misguided notions that the Member has presented to the House. The Member implied that, in some way, Anne Owers and her colleagues were do-gooders, academics or people who have no reference to the reality of prison life. That defies any sort of logic and any sort of factual position. Previously, Anne Owers was Chief Inspector of Prisons for England and Wales. We all know Paul Leighton; he was a Deputy Chief Constable of the PSNI. He is one of the most experienced officers in the Police Service. Clodach McGrory is a barrister, a

parole commissioner and a former human rights commissioner. Fergus McNeill is professor of criminology and social work at the University of Glasgow; he is the only academic on the team. Phil Wheatley was director general of the National Offender Management Service for England and Wales. A huge amount of experience was brought to the task of trying to reform our out-of-date, ineffective and excessively expensive Prison Service. Of course, the Member did not mention the expense in relation to the Prison Service, but it is an expense that exceeds anything on these islands.

The fact is this: if we have a Prison Service, we want it to work, and we want it to work well. We want to deter people from committing further offences and to ensure that further offences are not committed. We want to secure our society. We want to know that old people and vulnerable people are safe in their home and that young people in the street are not being accosted and attacked and being made the victims of crime. Yes, the way to do that is to deprive people of their liberty; they should be deprived of their liberty in circumstances where that is appropriate. However, it is also essential that people have an opportunity to be rehabilitated so that further offending will not take place. That is the essence of the report.

I and my colleagues — I am grateful to Mr McCartney and his colleagues for tabling the motion — have tabled an amendment that emphasises the need for a time-centred approach to the implementation of the report. It is absolutely essential that we have the discipline of targets and time limits to provide a proper context in which the report can be fully and quickly implemented. The Anne Owers report emphasises the urgent need for implementation, and it suggests that there should not be further delays or procrastination in carrying out reforms. Unfortunately, the hallmark of the Prison Service has been repeated delays and procrastination in relation to the much-needed reform of the system, which has led to a system in which prisoners are neglected and locked down for prolonged periods.

The Member mentioned Hydebank Wood. There, young offenders are kept watching TV and doing nothing for excessive periods, because they do not have proper access to the services that they require to re-educate and skill them to become worthy citizens in our community. That is the problem, and that is why they are watching TV. It

is not for pleasure but because of a lack of useful exercise and activities. Hydebank Wood needs to be completely reformed, so that all the skills and education services are administered by external services. Bring them into Hydebank. Clearly, there has been little or no success in rehabilitating those youngsters in prison, and it is necessary for us to bring people in from outside. If the Prison Service cannot operate effectively and cannot deliver the services that are necessary, let others from outside come in and do so. We must have no more of this nonsense whereby people are locked down, so that they cannot commence classes or have a proper period of time in which to skill themselves. The Minister needs to have a specific programme, and he has produced such a programme in response to the Anne Owers report. However, dates and time limits must also be set, and I know that, in his response, the Minister indicated certain time periods. However, those must be specific and precise, and we must also have the discipline of a timetable, because, otherwise, this will drift further.

Some Members want a further public consultation, yet this issue has been discussed for the past decade, and the people outside this Chamber realise that it has been discussed exhaustively. We now have another report, which is the proper culmination of previous reports and brings the critical need for urgent reform to our attention. It is absolutely essential that we move quickly on this. Time is of the essence, and we must seize this opportunity now.

In her report, Anne Owers talked specifically about dealing with the work practices in the Prison Service, which are antiquated and go back to the 1970s. She also talked about addressing the overmanning in the Prison Service. We have one prison warder for every prisoner, which is absolutely absurd. Why should that be allowed to continue? It is necessary that the exit package is implemented quickly, and I know that the Minister, through the Prison Service, has negotiated with the trade unions to permit an exit package that will commence in March of next year.

5.30 pm

That is good, and that is progress, but we have got to stick rigidly to that timetable and we have got to accelerate the process, so that we can see genuine reform. Those people who no longer wish to stay in the service should leave

it as quickly as possible. My party and I support that, and we support the Minister in his attempt to bring about urgent reform. That is essential. We can no longer sit back and say: "Ah well, it'll be all right on the night; it'll sort itself out in a period of time". These issues are too important to be delayed.

Mr B McCrea: Mr Deputy Speaker, the proposers of the amendments have advanced a number of arguments. I am not yet convinced about the merit of any or all of them. So, as you can see, backed by my entire party, *[Laughter.]*, we wait to see exactly what way the debate goes. We will listen with interest to the arguments that are put forward.

I have to say that the report is definitely on the liberal side of the agenda. I look forward to seeing if any of my fellow liberals are going to weigh in on this. The argument has been made, and it is a serious point, that we have to convince the people of Northern Ireland that these proposals are for the better of all concerned. People in general, and specifically those who have been victims of crime, need to be reassured that any steps that we take here will result, hopefully, in a reduction in crime, the number of criminals in prison and, potentially, even the cost —

Mr A Maginness: Does the Member accept that the present system has produced an excess of repeat criminal behaviour and that given that that is the present position, it is better to move to a new, reformed position, in which reoffending may significantly reduce?

Mr Deputy Speaker: The Member has an extra minute.

Mr B McCrea: Yes, I accept the argument put forward by Mr Maginness. I think that change is required. Certainly, there are deficiencies in many areas. In fact, those prison officers and others who are involved in the issue and to whom I have spoken have indicated that they would like to see change. It is worth putting on the record that many good people are prison officers who work really hard and who would like to see change. Thank goodness for reinforcements, Mr Kinahan. Such people would like to see change, because the job of a prison officer or any of the other support staff is pretty difficult.

A Member who cannot be here today said to me that going to prisons and seeing what it is actually like inside them changes your opinion.

In the past four weeks, I have been to three prisons, and each trip has informed my thinking. That is part of the reason why there is some difficulty with the consultation process. Prison is such a specialised and expert area that it needs people with background experience to investigate it diligently and come forward with recommendations.

It is important to say that it was put to me that some people think that this is just an exit strategy for Protestants, in much the same way as there was a change to the police. People are worried about whether that is the agenda here. So, I think that we have to reassure people that we are making a real attempt to change the service because it is too expensive; that the type of prisons that we had in the past are no longer appropriate for the future; and that there is a better way of doing things. Nevertheless, we should not hide behind issues: we should confront them.

I am also conscious of the exit package on offer to prison officers. The first thing to say is that it should not be coercive. It should be an option for those who feel that having considered their personal circumstances, they want to move on.

People who wish to stay should stay, and they should be respected and get the training and support necessary to help them to get through what will, undoubtedly, be a changing environment. I also have to say that a change manager is required. There will be so much work on a day-to-day basis that, frankly, it will be difficult to manage the whole thing. So a change manager with a change plan, which is properly costed and in which all the issues are brought out, will go a long way towards making the service more successful.

The issue with the DUP amendment, which other Members might address, is that there should not be too much delay. The trouble is that reports in the past have just sat on the shelf. As Alban Maginness said, it is clear that we need to make some changes — the question is which changes — so we have to make sure that we do not delay unnecessarily. However, we do not want to move precipitously and do the wrong thing.

I am not convinced about a number of issues. On the argument about whether everybody should be in the juvenile justice centre at Woodlands, I think that offenders should be in the most appropriate establishment to deal with what the risk assessment says is the issue. That is not

an age-related issue. In other areas, such as supervised activity, more pilots should be run. Nevertheless, my party is convinced that the report produced by Dame Anne Owers is a fine piece of work.

Mr Deputy Speaker: Will the Member bring his remarks to a close, please?

Mr B McCrea: We are interested in moving forward. We want to be progressive and to reassure the public that we are doing the right thing. We reserve our position at the moment.

Mr Dickson: The debate is not just about reform of the Prison Service but about what we want for our society in 21st-century Northern Ireland. At this milestone, it is important for us to remember the sacrifices made by our Prison Service over the past 40 years. At this time of remembrance, it is important that we remember the sacrifice made by prison officers. We must also remember and continue to provide support for the victims of crime, whom other Members mentioned. Those negatively affected by crime must be helped to deal with their experiences and to rebuild their lives. When considering major changes in the way in which we deal with offenders, it is appropriate that we recognise the needs of victims. I welcome the Department's continued efforts in those areas.

The report makes clear the real need for change in our prison system, particularly in the way in which we deal with offenders. It is evident that punishment is needed. It is also evident that to prevent reoffending, prisoners need to be supported. That is for the sake of not only the individual but society as a whole. Many prisoners suffer from serious mental health and other health issues, substance addiction and other problems that contribute significantly to offending behaviour. If unaddressed, those problems will lead to reoffending and further cost to the system. That does not even take into account the appalling suicide rate of prisoners and our failure to prevent that situation. Rehabilitation, therefore, needs to be at the centre of any future strategy. I welcome the recommendations in the report and the efforts made so far to make those in health and social care and in employment and learning work more closely with the criminal justice system, as others have said. We, of course, also need to deal with those who refuse rehabilitation.

Before discussing the amendments, I would like to commend the Members who tabled the motion

for highlighting the importance of effective oversight, in which the recommendations of the report are grounded. That is important in our Prison Service, as it is in other areas of the justice system, and will help to create the public confidence needed.

The DUP amendment calls for immediate public consultation on the report. As other Members said, I do not think that that party appreciates the report's sense of urgency. We must remember that, as already highlighted, it was written by people with expertise. It is important that things are done properly and that the public have confidence in the reforms being taken forward.

We should, therefore, consult on the aspects of the report that justify it, such as legislative measures to reduce delay. However, consulting publicly on everything would simply delay urgently needed reform and perhaps serve to cloud the situation further. Similarly, it is important that the Executive agree on the cross-cutting aspects. However, the majority of the report's recommendations are not cross-cutting, and given the urgency stressed in the report, we have an opportunity to press forward with those.

I will move on to the SDLP amendment. Although I share the SDLP's enthusiasm about reforms being implemented swiftly, we must ensure that they are implemented carefully and properly to balance the way in which the report is moved forward. The scale of the required prison reform is already being compared with the Patten reforms for policing. We know that those changes did not take place in such a short time frame. Setting aside 12 months for completion would mean settling for less reform than is needed, which I cannot support. The current strategic efficiency and effectiveness (SEE) programme has lasted for four years. A 12-month completion date is like trying to bulldoze through the reforms in one quarter of that time without appropriate care and thoroughness. The public would not thank us for that.

The importance of the report cannot be overemphasised. It is long overdue and will benefit our society as a whole by helping to reduce reoffending and by providing a modern, caring prison service that not only deals with those in prison but reassures victims of crime about safer communities. For the reasons that I have outlined, I support the motion and oppose both amendments.

Mr Weir: The debate has key three issues: process, content and timing. A number of questions need to be posed. Is reform or change needed? Yes, they are. The fact that events have moved on and the levels of costing disparities, albeit some of them justified, clearly show that some reform is necessary. That is why we have proposed our amendment and rejected the SDLP amendment. We have one opportunity to get this right, and the details are important. It is not the sensible way forward to stagger headlong into accepting and implementing the report in its totality.

The report has good parts. Members have highlighted the emphasis that is placed on increased collaborative departmental working. There has been a silo mentality, and, in the past, the Department of Health and the Department of Education have not had their full input. Although I have some reservations, the package seems to be reasonably well pitched to current prison officers. I have one caveat: if there were to be changes in personnel in the Prison Service, we cannot simply afford to divest ourselves of all those with experience. That would not be helpful.

The proposers of the second amendment have highlighted the qualifications of those who compiled the report; I do not doubt those qualifications. The fact that people have experience does not mean that they have been granted magical powers of infallibility or that any report should be treated as holy writ.

That brings me to the key elements of the report. Some of the parties opposite tell us that we should not consult in any way. Perhaps not surprisingly, the Alliance Party seems to have an imaginative solution that rejects full consultation and no consultation but instead suggests a halfway house. There has been no public consultation on the report, so it is not an issue of further consultation. Are we saying that we cannot trust people's opinions on the report? That is the implication. If we want community buy-in, we must have proper levels of consultation.

I agree with Basil McCrea about timing. We are not talking about undue delay, but neither should we be precipitous. This is our one bite of the cherry and we must make sure that we get prison reform right. The SDLP amendment, which time bounds the consultation to a relatively short period, is a foolish way forward.

5.45 pm

I have to say that although there are a lot of elements in this report that all of us can accept, as has been highlighted, there are elements that some of us have difficulty buying in to. I do not think that it properly tackles an acceptance that some people can be serial reoffenders, as the proposer of the amendment says. The way to tackle those people is absent from this report.

Similarly, I have grave reservations about recommendation 2, which would set statutory time limits between arrest and disposal. There is no doubt that quicker access to justice is something that, broadly speaking, most people would welcome. If we can get cases to court and have them dealt with, that is to the advantage of those who are accused and, indeed, of the victim. However, setting a statutory time limit would inevitably rebound on us. We would be left in a situation where the more complex cases would take longer to get to court. Are we simply going to release some of the most serious offenders on to the streets because they have not met a statutory time limit?

Similarly, a one-size-fits-all approach has been mentioned, and recommendation 38 deals with under-18s at Hydebank. Again, as Mr McCrea indicated, that recommendation should operate on the basis of risk assessment. A blanket proposal that says simply that no one under 18 should go to Hydebank is unacceptable.

There are elements in this report that it would not be right to move forward. We have to make sure that we get the detail right. That is why simply —

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

Mr Weir: Simply giving carte blanche to this report, without having a critical examination, a public consultation and, indeed, an examination of what needs to move forward, because we need to get this right —

Mr Deputy Speaker: The Member's time is up

Mr Weir: Simply giving a tick to this is not acceptable.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I support the motion, oppose the DUP amendment and, obviously, want to look at the SDLP amendment in the spirit that it has been offered. My main reason

for opposing the DUP amendment is that I see it as a delaying tactic. It is not that we do not trust people in the community and their views; that is very much not the case, and I do not think that anyone is saying that. It is the very fact that, as someone mentioned, there have been something like 23 reports on the prisons here. Really, we need to be doing something now about the reform that is needed, not delaying it again by putting it out to consultation.

Members raised a few points here. In the short time that I have, I want to specifically concentrate on women prisoners and young offenders. The economics of the whole situation have been mentioned again. I think that someone from the Benches opposite said that the cost of keeping prisoners in prison is down to the television sets, activities, and so forth that they have. I think that the real cost is the staffing ratio and the security mentality that is still in the prisons. That is where most of the cost comes from.

It is really important to state that this report again illustrates and highlights the need for a small, purpose-built prison for women, not a prison within a prison, as is the case in Hydebank. We need to take that forward. It is also worth talking about fine default, because somebody mentioned it earlier. That is another issue that will, hopefully, be coming through the Assembly very soon. Over half the women who went to prison in 2010 were there for non-payment of fines. That is a very important statistic. Also, most women who go to prison do not reoffend when they come out. We need to look at why we send so many women to prison.

When you send women to prison, you are not just imprisoning those women; you are having an impact on their families as well, particularly if they are the carers for their children, single parent families, and so on. We need to be looking at why, in 2010, over half the women who were put in prison were there for fine default. We have to understand that many people cannot pay fines now. When a fine is set in court, a person's ability to pay it needs to be considered. Often, it is not the case that the person does not want to pay the fine but that he or she simply cannot pay it.

I have to agree that offenders who are under 18 years of age should be moved to Woodlands. I have visited female prisoners and young offenders in Hydebank Wood. Mr Maginness is

correct to say that young people in prison need activity. They need to set their minds to tasks and to have activities to do during the day. In places such as Hydebank, it is very clear that that is not the case. People are locked up for far too long in all prisons. There should be controlled movement.

Someone mentioned full body searches. In the past, strip searches, as I would rather call them, have been used in prisons to humiliate and to degrade prisoners. That can sometimes be the case even now. We must look at that issue as well. We cannot simply ignore it.

When we look at the report, it is important that we see its aims. We are trying to move into a new era. We are trying to look forward. Prison reform is needed. We must look beyond the security aspect of prisons. When we look at controlled movement, for example, there is no reason why prisoners cannot be out of their cells for longer periods. There is no reason whatsoever why prisoners should be locked up as punishment and denied association with other prisoners.

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

Ms J McCann: Reform needs to be brought forward. To put the matter out to consultation will only delay reform. It needs to be done now.

Mr S Anderson: I oppose the motion and amendment No 2. I speak in support of amendment No 1, which my party tabled.

I am not opposed to the reform of the Prison Service. Indeed, all organisations, especially those in the public sector, should reform, modernise and adapt constantly to changing circumstances and times. However, that is not the aim of the motion or the SDLP amendment. They demand to proceed with indecent haste. They seek to ride roughshod over the Assembly's established and agreed scrutiny arrangements. In short, they are a recipe for making a mess of prison reform.

Of course, the motion and amendment No 2 come from the very same people who campaigned for the destruction of the Royal Ulster Constabulary. What was the result of that? Ten years later, the Police Service still suffers from the loss of much valuable policing experience. Although I pay tribute to the work of the PSNI, the loss of the RUC was a blow

from which we have never quite recovered. We must not make same mistake with reform of the Prison Service.

It is worthwhile noting that the Sinn Féin Members who tabled the motion have very particular experience of prison. The Assembly should be careful about taking guidance on prison reform from anyone who was convicted of terrorist-related offences. Let us not forget that during the long years of the Troubles, terrorists murdered prison officers and left others and their families scarred and traumatised. The Prison Service deserves a debt of gratitude. The exit package that is being proposed for prison officers is a step in the right direction. However, we must always remember the suffering and sacrifice of prison officers and their families over many decades. Any final settlement will need to take that sacrifice into account. Prison officers have been in regular contact with me, and I will do all that I can to ensure that they are treated in a dignified and respectable manner.

The SDLP amendment argues for even faster implementation of reform. That has been further reinforced by Mr Maginness in the debate. The report of the prison review team was published just a few weeks ago, on 24 October 2011. It makes some radical and controversial statements and proposals. This debate is not the time to go into them. That is not the subject of the debate. It is about the speed of reform. The motion and the SDLP amendment conveniently ignore the complexities of the issues and the overriding need to get reform right.

Napoleon Bonaparte said:

"Order marches with weighty and measured strides. Disorder is always in a hurry."

That is the danger in the motion and in the SDLP amendment. Our amendment recognises the need for an ordered, balanced and rational assessment of the report and for wide-ranging debate on the issues. It also recognises the role that must be played by the devolved institution and the general public. We can and will support some of the recommendations in Dame Anne Owers's report, but we have considerable difficulty with others, and we will not be rushed. As a party, we will take our time, and we will consult.

All the recommendations need to be carefully considered by the Justice Committee, the Assembly and the Executive. That is only right

and proper. We feel very strongly that there should be a period of public consultation. That is vital, especially bearing in mind the significance of what is being proposed.

Our priority at all times must be to protect the victims of crime and to support a robust criminal justice approach to the perpetrators. That will do much more to help to restore public confidence than what is being proposed by Sinn Féin and the SDLP. I know that the Minister is keen to keep the process moving, and I fully understand that we cannot stand still, but I hope that he will not be swayed by the arguments of Members opposite.

Shakespeare said:

"To climb steep hills

Requires slow pace at first:"

We are embarking on radical reform. The hill is steep. Let us take our time. Let us get it right. I oppose the motion and amendment No 2 and commend amendment No 1 to the House.

Mr McCallister: My colleague Mr McCrea has summed up more than I could ever put into words on this important subject. *[Laughter.]*

Mr B McCrea: Will the Member give way?

Mr McCallister: Yes, I am happy to give way.

Mr Weir: I wonder whether the Member is looking for an early release from this motion.

Mr McCallister: Yes, I might well be, but I want to hear the other intervention.

Mr B McCrea: I thank my party's deputy leader for turning up to give me moral support and to say that we are listening intently and following every single move that people are making and the arguments that are being put forward in what is a very important area. The issues have been brought forward, and we will make a serious decision at the end of the debate.

Mr McCallister: I am grateful to my colleague for that. I was almost waiting for Mr Anderson to challenge the Minister by using his Shakespeare lines and saying, "To reform, or not to reform: that is the question." I suppose the debate is probably over the speed at which we reform.

Mr McDevitt: I did not expect to be on my feet so quickly.

This is one of those debates where we appear to discuss an issue as if the past 15 years had not happened, or as if the past 15 years should not have happened. It begs a basic question about who the real prisoners in this debate are. Are they the many people whom we lock up for fine default only to release them two days later? Are they the boys? In response to Mr Givan, I do not know any other way of describing someone who has not reached the age of maturity. I do not know whether there is a debate about the fact that if you are under 18, you are simply not an adult — not in this United Kingdom, as Mr Givan would like us to refer to this place, not in this European Union, not even, as far as I am aware, in this civilised world. I do not think that they are the real prisoners in this debate. I think that the real prisoners are behind some bars on that long Bench over there. They are prisoners of their own past: prisoners of a rhetoric that has run out of steam and of an argument that has run out of any sense of validity. They are out of touch with their community. I can say that with absolute confidence because when you have the great privilege of representing a constituency like mine, you meet many people from the community that the party opposite purports to represent.

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

This is not a touchstone issue in that community. What is a touchstone issue is whether we find the courage in ourselves and in this House to reform everything around us in the spirit of the mandate that the people have given us through the Good Friday Agreement and through the subsequent agreements and elections.

6.00 pm

The real issue is blatantly obvious: a system that is no longer fit for purpose. It is a system that, tragically, is still riven with inequalities, which were starkly exposed in the report by Dame Anne Owers and her team. They are inequalities that remind us that if you are of one religious denomination and are in prison, you are nearly eight times more likely to be on a low regime than if you are of another denomination. They remind us that if you are young and from a socially deprived background, you are so much more likely to find yourself in an inappropriate care regime in the wrong type of custodial environment and, frankly, having your destiny predetermined by others, and not in a positive way, or a way that is likely to give you a second

chance or mean that you leave whatever arrangement you have been committed to in a stronger place, but the opposite. It is a system that condemns you to repeat your mistakes.

It would be very positive if we broke out of our cages and closed mindsets and stepped into some of the hard and sad realities that the report presents us with and faced up, as mature legislators, to addressing them. Colleagues quoted many people today. I am always struck by Martin Luther King, who used to speak about the “fierce urgency of now”. It is about knowing that there are times when you have to move, even if it means moving out of a comfort zone and into a new space. In moving, you do not just make life better for those who have been advocating change; you make life better for everyone. The time has come for this House to embrace the fierce urgency of now.

Lord Morrow: Listening to some of the speeches, I wonder what planet some people are on. It strikes me that there are people who just do not get it; I do not care how many reports come out or how much they hear, they will still not get it. I listened intently to a very animated Mr Maginness, who blamed society for every prisoner who is put away. He spoke of how the prison regime has failed everybody, how society has failed those people so that they now end up in prison, and when they go into prison, there are no facilities for them. They cannot do any work; they have no recreation, no libraries and no books to read. There are absolutely no facilities.

Mr McDevitt chastised these Benches for being out of touch. We just happen to have around three times the number of seats that his party has but we are still out of touch.

Mr McDevitt: On this issue.

Lord Morrow: On this issue, he says that we are out of touch. We have had about 20 reports on prison reform, how and why the prison regime is not working and why it does not produce. Some Members opposite are former inmates; they have tasted the system and seem to have come out of it quite well. They look healthy enough to me, and I suspect that when they were there, they used the facilities to educate themselves and to ensure that they got the very best from it. Yet we are told that it is still not good enough.

I am not going to be disparaging of the authors of the report, because I believe that they have been sincere. However, there are omissions

in the report. Whether that is deliberate or unintentional, I am not sure. However, nowhere in the report do its authors make proposals to change things. They simply say that the whole prison regime has failed, that it is not fit for purpose and it should no longer exist.

The report does say that what happens inside prison reflects what happens outside it, and that is true. We have had police reform; we all remember that. In the past, through the Belfast Agreement, courtesy of Mr McCrea's party, the gates of the prisons were flung open, and it was said that the way to deal with prisoners was to let them all out, send them home and tell them to have a good time. There is no indication —

Mr A Maginness: Did they reoffend?

[Interruption.]

Lord Morrow: Did they reoffend? I thought that Marian Price was let out and put back in again. She is locked away again.

Mr A Maginness: Will the Member give way?

Lord Morrow: I will, because the Member is obviously going to tell me about others.

Mr A Maginness: No, no. I am obliged to the Member for allowing me to comment. In fact, very few of those who were released under the Good Friday Agreement — out of I do not know how many hundreds of prisoners — reoffended. Does that not mean something? Does that not indicate that that programme of early release was, in fact, a proper one?

Lord Morrow: Mr Maginness fails to deal with the hurt and offence that that caused to the innocent victims; that is grossly missing from the report. I am not saying that there cannot be prison reform — I am not saying that at all — but let us make it clear by sending a message from this elected House that we have respect for victims, that we have a care and a concern, and that we strenuously believe that if you do the crime, you must do the time. I know that that is a cliché and that it is a bit worn out, but it still stands very true today. An open-prison regime that concentrates solely on the rights of the prisoner or the criminal and gives little or no regard to those who have suffered at the hands of those people will not stand the test of time.

There are those on the opposite Benches who look through rose-tinted glasses and say that criminals are not such bad people after all and that we must ensure that they have their

plasma TVs and their comforts. I could read out a reply that the Minister gave me about the comforts that have been provided for prisoners such as Dolours Price — if that is her name — and Marian Price and the money that has spent on the comforts that have been given to her to ensure that her human rights have been maintained. There is no talk of the human rights of her victims or those who have suffered at the hands of those criminals — not at all. They are surplus to requirements; they are just a figure in the background.

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

Lord Morrow: If we are to change our prison system, let us ensure that we take the public with us and that we do not ride roughshod over them as we did with the Patten proposals.

Mr Allister: A report of such length is bound to contain some positive matters, and so it does. However, its overall preponderance does not point the way to a better, more effective Prison Service. There has been much talk about why prison exists. Of course, it has and should have a rehabilitative effect and purpose but, first and foremost, prison is for punishment. You go to prison because you have offended against the law and deserve to go to prison. When you go to prison, you are there, of course, to see whether you can be rehabilitated but, first and foremost, to be punished for the crime that you have committed. It is the total absence of deterrents that hallmarks this report.

When you go through, for example, what the review team says are the desirable criteria for recruiting staff, the focus is on staff who understand prisoners, who will work with prisoners and who will accommodate prisoners. That is all very beneficial in its place, but it is not the primary objective of a prison regime.

You do not have to go very far into the report — only to page 9 — to find its political aspect. You read that prisons have political importance. It states:

"That is why this review was a key part of the Hillsborough Agreement".

Some who are uneasy with what the report contains should remember that they helped to bring the review about by agreeing to it as part of the Hillsborough agreement. Their fingerprints are all over it, in that regard. The

report states that the review was a key part of the Hillsborough agreement and:

“it is why the reform of the prison system, like the reform of policing, is an essential part of the move to a normalised society”.

What do those words mean? We all know about the reform of policing. It had certain key components. Will the same key components be part of the reform of the Prison Service? One of the key components of the reform of policing was an exit strategy to reduce the number of Protestants in the service. Is that subtle language, which states that the reform of the Prison Service must be “like the reform of policing”, being used to cover that?

We also know that the reform of policing involved a name change. Are we going to have a name change of the prisons? Are they no longer going to be Her Majesty's prisons? Perhaps the Minister, in replying, will confirm to us most robustly that that will not happen. I will listen with interest to see whether he does. Like the reform of policing, is the badge of the Prison Service to be changed? Is the crown to go? Let us hear from the Minister a robust denial that that will be any part of the agenda. When we read that the reform of the Prison Service must be like the reform of policing, alarm bells ring very loudly indeed. We wait with interest to see whether that is part of the machinations that are afoot.

It is no surprise, of course, that those who peopled the prisons and used them as colleges of terrorism should be the chief cheerleaders for a report that would radically reform the prisons, like the police were reformed. It is no surprise at all that their agenda continues to be the utter destruction of the Prison Service, which has been staffed by very brave people who faced the violence and terrorism of the IRA. We had to remember many of them at the weekend because of that. There are too many in the House who would trample on those memories as part of their political agenda —

Mr Deputy Speaker: Your time is up.

Mr Allister: — to destroy the Prison Service.

Mr Ford (The Minister of Justice): I am grateful for the opportunity to engage in debate on what I regard as a landmark report by the prison review team. In making his proposing speech, Seán Lynch highlighted that it is one of the key challenges for my Department. I do not disagree with him in that respect.

On one level, the report is about the sort of prison system that we should have and the steps that we now need to take to realise that. The case for the transformation and modernisation of the Prison Service has been well made by many commentators over the years. There are no longer any reasonable grounds on which the need for reform can be denied. On another level, however, there is a more significant issue underlying the report, which affects all of us in the Assembly and all those whom we represent. The fundamental question is: what approach should this society take to those who offend most seriously against its rules? I am clear that there needs to be punishment and that there are some cases where the crime or risk factor requires that punishment in the form of a custodial sentence might genuinely be for life, or the vast majority of a life. However, those are the exceptions.

6.15 pm

We also need a society that enables, encourages and supports those who have done wrong to play a positive and meaningful part in the future. That process has to start during an individual's time in prison and, crucially, it must be sustained in the period after. That is the key message permeating the review team's report. Dame Anne Owers and her team have emphasised that rehabilitation needs to be the core purpose of custody. The report is clear that custody should only ever be used as a last resort, and my Department is already working on a range of measures aimed at ensuring appropriate responses to the different levels of offending.

The report has also highlighted that our prisons do not and should not operate in isolation and that there is a need for collaboration with others, whether in the wider justice system, across other Departments or with partners in the third sector. Collaboration on healthcare, employability, education, learning and skills and other springboards to rehabilitation are all needed for a successful approach to reducing reoffending. I am pleased that the Executive have acknowledged the role that wider government must play in assisting in reducing offending. In the months ahead, I will work with ministerial colleagues to define clearly what more needs to be done in light of this and other reports to integrate properly the social and economic responses to offending with those of the justice system.

The amendment that has been tabled by Paul Givan and his colleagues calls for the initiation of immediate public consultation on the report. In reaching their conclusions, Dame Anne and her team have already consulted widely. The prison review team report is the last in a long line of reports to highlight the need for fundamental reform across the Prison Service and to underline the issues of governance, culture, size, working practices and many more that need to undergo radical change. Clearly, there are a number of recommendations, such as those proposing the introduction of statutory time limits or a presumption against custody, on which I would need to consult further. Implementing those recommendations would require legislation and so go beyond my powers as Minister. On those, I will come back to the Justice Committee and the Assembly for further consideration on the way forward.

I share the opinion of the review team that the broad sweep of the path ahead is absolutely clear. The challenge for us now is to follow it and to make progress as a matter of urgency. That is why, although individual recommendations may be subject to further consultation, I do not propose to initiate a period of public consultation on the report itself. Further delay would be damaging to the need for urgent action or, as Conall McDevitt referred to it, "fierce urgency".

The report also makes clear that there is an implementation role for wider government and that reducing offending should be a shared responsibility across the Executive. I agree with that view, and I look forward to working closely with colleagues in the coming months. However, given that the majority of recommendations are not cross-cutting in nature but fall exclusively within the remit of my Department — whether NIPS or the Department as a whole — there is no need under the ministerial code for me to agree with the Executive a way forward on the implementation of those recommendations. That is why I must oppose amendment No 1.

I take the prison review team report extremely seriously. I want to make it clear to the Assembly that work to implement the report is under way. For example, arrangements are in place already for the South Eastern Health and Social Care Trust to work in partnership with NIPS on the nine recommendations relating to healthcare, where it has shared responsibility. Last week, we launched the staff exit scheme, which will allow a significant number of staff to leave with

dignity and will pave the way for the Prison Service to be not only right-sized but refreshed.

The staff exit scheme marks a pivotal moment in the programme of reform for the Prison Service, allowing the pace of change to quicken and ushering in further critical changes over the coming months. The focus of NIPS is already visibly changing from a service that is centred around security to one that has at its heart the rehabilitation of offenders. As the report recommends, NIPS has already changed its corporate structure to establish a directorate that is wholly focused on offender services.

I turn to the amendment that was tabled by Alban Maginness and his colleagues. I welcome SDLP Members' acknowledgement of the urgency of reform, and I commend their eagerness to press ahead with implementing the changes that have been recommended. I share that sense of urgency and I am committed to doing all in my power to drive forward the reforms.

As I said before, change on this scale will not happen overnight nor, if it is to be truly effective and lasting, will it be completed within the next 12 months. Indeed, reference has already been made to the length of time taken for the PSNI reforms.

The SEE programme, through which NIPS will deliver change, is a four-year programme. Through each year of that programme, the process of change, with all its complex interdependencies, has been mapped out. In this, the first year, the focus is on preparing for structural changes and laying the foundations on which further reforms of structures, working practices and culture will be built.

We cannot afford to lose the momentum of change. Indeed, I believe that over the next six months, we will see the pace of change quicken significantly. Nonetheless, it is important that the process is done right and is done thoroughly. The reforms envisaged by the review team simply could not be implemented within 12 months, and that is why I cannot accept the amendment, although I entirely agree with the thinking behind it.

Again, I reassure Members that work is under way, with many recommendations already incorporated into the detailed implementation plan for the SEE programme or included in ongoing reforms of the wider justice system. Of the 40 recommendations that the review team

made, 28 fall exclusively to my Department to take forward. Of those, one has been achieved, and work has commenced or is well-advanced on 20 more.

As the review team said, the next six months will be crucial, and I anticipate that by the end of that time, a further nine recommendations will be fully implemented, with a number of others expected to follow. In light of that, I hope that the SDLP Members will not press their amendment.

Underpinning the recommendations of the report is the issue of proper and robust oversight. We cannot afford to allow the review to result in a report but no progress, as is said to have happened before. That is why I have tasked officials with developing an oversight mechanism. I will personally take the chair for examining that mechanism, and I will involve others from outside with independent representatives or NIPS non-executive directors. I have met the chief inspector about the role that CJINI needs to play in supporting those arrangements, and he is fully committed to be a part of, and inform, the oversight process.

In relation to recommendation 9, which puts forward proposals for random reviews of SPAR documentation, I have had discussions with the chief inspector and the Prisoner Ombudsman to ensure that ongoing arrangements to implement that recommendation are put in place as quickly and effectively as possible. To that effect, the Prisoner Ombudsman and chief inspector have agreed that CJINI, which has an established role of providing quality assurance across the justice system, is best placed to carry out those reviews, which will be informed by the Prisoner Ombudsman's own analyses of SPAR documentation. I welcome the review team's emphasis on the importance of oversight. The new oversight mechanism will reinforce the complex network of scrutiny bodies that is in place and to which NIPS is already subject.

As I noted, the challenge of reducing offending goes much wider than my Department and is the shared responsibility of the entire Executive. I welcome Dame Anne's recommendations that these important cross-cutting reforms should be overseen at the highest level, and I will consider further with my Executive colleagues the best way to take that forward.

Members highlighted a number of points in the report. Reference was made to fine defaults.

I assure Jennifer McCann that plans are well under way on the community-based alternative to fine default; supervised activity orders. Stewart Dickson talked about vulnerable prisoners and Alban Maginness talked about the need for learning and skills. I remind them that, last week, I opened the Donard day centre and the learning and skills centre at Maghaberry with the full support of the South Eastern Health and Social Care Trust and the Minister for Employment and Learning. I entirely accept the point that Alban Maginness made about the need to bring the standards at Hydebank Wood up to those now in operation at Maghaberry.

Jennifer McCann highlighted women offenders, where there is clearly a significant issue of dealing with the estate and the difficulties of working with Ash House in Hydebank Wood, although we should also take note that the report highlighted constructive and innovative work being done with women offenders, for example in the Inspire project. Peter Weir spoke about removing under-18s from Hydebank Wood. In the past 12 months, 12 young people were moved from Hydebank Wood to Woodlands as a result of case conferencing and examination of their best needs. So, only eight remain at this stage. Those are signs of small change and of the fact that we are moving in the right direction.

Several Members mentioned the exit scheme for prison staff. I repeat to Sydney Anderson that I believe that the scheme is devised in a way that will allow those who wish to leave to do so with dignity. Indeed, the union representatives have reflected that. I restate to Basil McCrea that the scheme is not to be compulsory; it is a voluntary scheme. In answer to Peter Weir's concerns about denuding the service, I should say that if we are looking for something like 500 out of 1,800 staff to leave, many with experience will remain.

Basil McCrea also highlighted the importance of having a dedicated change management team. Unfortunately, that has been delayed by some of the appointment processes, but it is well under way and will play a key part in ensuring that the change can happen. I acknowledge the issue that existing staff have with the working responsibilities and the need for that additional team of four people to deal with it.

Jim Allister referred to some extent to symbols and titles as they apply to the Prison Service. Those are operational issues for the Prison

Service, but I believe that if NIPS is serious about fundamental and end-to-end structural and cultural reform, it cannot fail to consider the symbols and emblems that are visible signs of the organisation's culture and focus. That is one of a range of operational issues that I will be expecting NIPS to consider as part of the change process over the coming months. NIPS has to deliver a transformation of its culture and it cannot move forward unless it addresses those sorts of issues along with others relating to staffing and estates, and so on.

Mr Allister: So that we are absolutely clear, is the Minister saying that he anticipates an end to our prisons being called "Her Majesty's prisons" and that he anticipates an end to the crown being part of the symbol of the Prison Service? Will he be clear on that? If he is saying those things, I want to tell him that there are many in the unionist community who will be appalled at the direction in which he is taking us.

Mr Ford: I think that it is a pity that we are getting hung up on symbols. It is the only issue that anybody has wanted to intervene on during my speech this afternoon. I said that we are looking at a process of fundamental and end-to-end reform that will affect every part of the working of the Prison Service and its culture. In those circumstances, although these issues are operational matters for the Prison Service, it has to consider them as it looks for the appropriate way to run in the years ahead.

Mr B McCrea: I think that that is a debate for another day, but I am not sure that you can say that the symbols are an operational matter. How do they affect operations? They are a symbolic and strategic matter, so I put on record that I think that you need to think again about that.

Mr Ford: I am not aware of Ministers having chosen uniforms, for example, in the past. However, it is an issue that, as Basil McCrea said, I am likely to face further questioning on in this Assembly or elsewhere.

I repeat that I believe that this has been a useful debate and has given us an opportunity to highlight the crucial issue of the future of the Prison Service. I am grateful for the interest raised across the House, and I thank those Members who raised issues looking at the work that my Department, the South Eastern Trust and other Departments have to do to ensure that we implement the reforms that are so well highlighted in the report as necessary. That

will give us the opportunity to transform NIPS into the organisation that we require for the future, which is one that makes society safer by reducing reoffending and, ultimately, offering enhanced protection and peace of mind for our families, friends and constituents and for the whole of this society.

Mr Eastwood: I begin by congratulating Mr Lynch and his colleagues for bringing forward this very important and timely motion. I agree with him that we need a new beginning for the Prison Service. We need root-and-branch change; incremental improvements are not enough. We need decisive leadership, and we have already had too many reports.

Unfortunately, Mr Givan suggests that our prisons are some sort of holiday camps. I ask him to confer with some people who are in Maghaberry now or have been there any time recently, because they might disagree with him.

Mr Maginness talked about the Owers report being a culmination of many other reports and said that we have had enough reports at this stage.

He said that the members of the Owers review team had a huge amount of experience and mentioned the urgent need for reform. He also said that the essence of the report is to ensure that there is a balanced approach to prisons; that we need a deterrent; and that we also need the opportunity for rehabilitation of those who are open to it. He stressed the urgency of the report's implementation and agreed with others that Hydebank should be completely reformed because it has had very little success in rehabilitating our young people.

6.30 pm

Mr McCrea said that we needed to convince the public of the merits of change. My clear argument is that the current system does not have public support, certainly not in my community. I was glad to hear Mr Dickson mention the need to have a balanced approach between punishment and rehabilitation. He highlighted the serious mental health issues in our prisons and the fact that suicide is a real concern. He also agreed that there was a need for urgency.

Mr Weir talked about the need for change and then proceeded to unpick the report as he went on. I argue that we have had enough reports and discussion and that it is now time for change.

I agreed with Jennifer McCann when she said that the DUP amendment was a delaying tactic. The fact is that time is of the essence. She is right to say that women's prisons and young offenders' centres are a huge issue in the report and that needs to be addressed. I agree that all the statistics, no matter how they are sliced, will tell you that, if you introduce young people and children to the judicial system very early on without the support that they require, they will only graduate through that system and end up in places such as Magilligan and Maghaberry.

I am glad to hear that Mr Anderson is not opposed to change. I agree that the reform of the prison system is on a par with the reform of policing in this part of the world. Thankfully, we got that right. What we now have, Mr Anderson, is people from my community risking their life every day to serve the people of the North of Ireland. I, for one, think that is a very positive step forward. It might be useful if you could recognise the risk that people are taking to do that.

Mr McCallister said nothing that I could agree or disagree with, because he said absolutely nothing. Mr McDevitt is right to say that the system is not fit for purpose and that the real change needs to be in people's mindset. It was interesting to hear Lord Morrow state that he does not care how many reports come out. He said that we just do not get it. In fact, he does not get it. The fact that anybody in the House could refuse to accept the findings of over 20 reports proves who does not get it, and on which side of the House they are.

I agreed with Mr Allister when he said that prison needs to be about punishment first, but, if we fail to rehabilitate young people and people going through the judicial and prison systems, the only people we really punish are the communities that they go back to and reoffend in. I am glad that Minister Ford supports the need for reform; in fact, he was emphatic about that. I request that he works towards that more urgently, but I accept his bona fides. In that regard, we will not push for a division on our amendment.

The bottom line is that the prisons —

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Eastwood: The prisons in this part of the world cultivate an environment that fails our

society and does nothing to end the cycle of reoffending.

Mr Deputy Speaker: Your time is up.

Mr Wells: It is normal on these occasions to summarise the points made about one's amendment, but unfortunately, at the very end of Mr Ford's speech, he dropped a bit of a bombshell. I make it absolutely clear to him that this party will oppose totally and emphatically any attempt to change the name of Her Majesty's prisons, any attempt to drop the crown from the badge of the Northern Ireland Prison Service and any attempt to drop the phrase "Northern Ireland" from the Prison Service name. Those changes are totally unacceptable to the unionist community of Northern Ireland. If that is the route that he is going down, we promise him a long and difficult fight ahead. These are not issues —

Mr Givan: I appreciate the Member giving way. Does the Member agree that the flippant manner in which the Minister dealt with this issue only when interventions were made and his cavalier approach in throwing this out at the tail end of a speech will cause outrage in the community that we represent? Twenty-nine officers lost their life. You may go to Millisle and attend the remembrance service there, but you undid all of that today by raising an issue that Dame Anne Owers did not even mention in her report: you will attempt to strip the Prison Service of its title and badge. You do a disservice to the office that you hold. You need to think seriously about what you have said and take it off the table before you cause any further hurt to the people who have served and currently serve in the Prison Service.

Mr Wells: Needless to say —

Mr Ford: I appreciate the Member giving way. It is clearly an issue that is causing a degree of concern. I do not believe that I was flippant. Mr Allister raised the issue in the last contribution that was made before my speech. I responded to that in as honest a way as I could given the nature of the issue, the manner in which it has to be carried through and the responsibilities of the Prison Service. That is why the issue was raised by me in the way that it was; it was not intended to cause any offence.

When I attended a memorial service at Millisle last Friday, it was, as it was last year, to entirely genuinely recognise the sacrifice that I have

referred to and the service of those who have been in the Prison Service in different difficult times. Whether or not we are worried about that, how we recognise that does not alter the fact that the Prison Service is engaged in a process of fundamental end-to-end reform.

Mr Wells: The question that I have to ask the Minister is this: had it not come in the form of an interjection, would he have revealed to anyone in the Chamber that he is going to make such a fundamental change to the symbolism of the Northern Ireland Prison Service? It came out as an aside. That is absolutely no way to treat the House or to treat the brave members of the Prison Service, of whom 29 laid down their life, hundreds have been injured and many have had to move home. They did not do all that so that the crown could be dropped from the Prison Service badge and its name changed at the behest of the nationalist community. These are brave people, and the Prison Service's name and tradition have to be recognised. The point that I would make is that nobody raised this as an issue. Until today, no one raised the issue of the symbolism of the name of the Prison Service. *[Interruption.]*

Mr Deputy Speaker: Order. The Member will resume his seat. I remind Members that remarks must be made through the Chair. We want to run a very tight regime in here. Continue.

Mr Wells: I make the point that nobody has raised these issues. There has been no indication that there is any problem with recruitment to the Prison Service because of the symbolism. Therefore, suddenly bringing this like a rabbit out of a hat at 6.40 pm, at the end of this debate, is disgraceful. I would like to ask the Minister, for whom I have a lot of respect, whether he can give us a guarantee that there will be no such change unless it is approved by the Executive and by a cross-community vote in the House. That is how fundamental these changes are. I am giving him the opportunity to give us an assurance that there will be no attempt to push this through as an administrative or operational decision and that it will be the subject of debate in the House, so that we Members, who represent the people of Northern Ireland, will have an opportunity to vote on that. I am waiting for his view on that.

Mr Ford: It appears that the Member is giving way, Mr Deputy Speaker. Operational decisions will be taken by the Northern Ireland Prison

Service. Ministerial decisions will be taken by me. Cross-cutting decisions will be taken by the Executive.

Mr Wells: Well, then the question I have to ask the Minister is this: is this a cross-cutting decision? I believe it is. It is also a controversial decision that can be put before the Executive or the Assembly. There is absolutely no way that this is going to be slipped through as an administrative or operational decision, without the people of Northern Ireland having an opportunity to have their say on it. If this goes ahead, it will be deeply hurtful to the people of Northern Ireland. It is unnecessary, it is unwarranted, it is an expense and it will not change by one iota how any individual prisoner will be treated in prison.

I had, Mr Deputy Speaker, settled myself down to a rather boring and mundane résumé of what was said. However, quite clearly, the difference is that we have those who have been inmates of the Prison Service, who have considerable experience and, therefore, a jaundiced view of what the Prison Service provides, and those on this side of the House who pay tribute to the Prison Service for what it has done for this community under terribly difficult conditions.

We have also a difference of view with the SDLP, which does not trust the people of Northern Ireland and does not want them to be consulted about those far-reaching decisions. If we were convinced that there was a need for consultation before Mr Ford's statement, we are absolutely certain that there has to be consultation now, given the import of what he has just said —

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Wells: Therefore, this cannot be allowed to go through without the public having a view —

Mr Deputy Speaker: Your time is up.

Mr Wells: — and the public's view is that we reject these changes.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Beidh mé ag labhairt i dtacaíocht an mholta seo agus in éadan an leasaithe. Ba mhaith liom mo chuid buíochais a thabhairt do gach aon duine a labhair sa díospóireacht inniu.

I will speak for the motion and against the DUP amendment. I accept the spirit of the SDLP amendment and its decision not to divide the House.

I want to put the Anne Owers report into context. During debates in the Assembly, people sometimes forget where things originated. The report came out of the Hillsborough Castle Agreement, where it was decided that there would be a review of prisons. Again — I have said this many times in the House — I heard no dissenting voices; I did not hear anyone say that there should not be a review of prisons, so I accept that everybody accepted that.

I listened intently to the debate on amendment No 1 and the reasons why there should be public consultation. During one Committee meeting, Alban Maginness referred to treading in treacle, and Anne Owers said that that was one of the observations that she made about the decision-making and reports in the past. She said that there was the ability for people to turn it into a treading treacle operation.

When the Anne Owers team came to give its first presentation on the interim report to the Committee, I did not hear any member say that it should go out for public consultation. We are seeing a retrospective argument today. People do not want to face the reality that there should be a fundamental review. This is a comprehensive insight, and I do not think that anybody denies that it is. I even heard people questioning Anne Owers's team today. Again, I did not hear any objections to any members of the team. As a result of the Hillsborough Castle Agreement, there was agreement to have a review of youth justice provision. People felt that there was a conflict of interest with one of the members of that team. Those observations were made, and that person was not removed from the team but asked to step down and become part of the secretariat. Therefore, if anybody had any objections about the people on the team, there was room for change. There were no objections. I do not think that we can now question the validity or the integrity of the people involved.

Importantly, the report points us in the direction of where progress can be made. I have heard debates in the Assembly about the Criminal Justice Inspection report on prisons, and most people accepted that there was a need for those recommendations to be implemented.

Anne Owers and her team said clearly that this was not an investigation and that it was not some sort of inspection. Instead, it provides us with a once-in-a-generation opportunity to bring our prisons into the 21st century, and most people accept that that is what we should do. We should have a prison service that is fit for the 21st century, and this gives us the opportunity to have that.

People have talked about why we tabled today's motion. Mr Anderson questioned the validity of Seán Lynch, Jennifer McCann and me, as former political prisoners, tabling the motion, and he is entitled to do that. About two minutes later, he went on to quote Napoleon Bonaparte as a person whose opinion would stand you in good stead. My recollection is that Napoleon Bonaparte was also a prisoner, and I would even call him a political prisoner. It might be a good idea for him to quote me, Seán and Jennifer more, instead of Napoleon Bonaparte.

6.45 pm

In her interim report, Anne Owers predicted what would happen, and we have seen it today in small measure. She predicted that there could be a culture of denial and that there could be a situation in which people would not sit down, look at the report in its broadest terms and ensure that it is taken forward in the spirit in which it was presented. She came to our Committee on a number of occasions, and I think we had a fairly reasonable, straightforward debate. It is only now that we are starting to see what I would contend are excuses to try to halt the progress.

The DUP amendment calls on the Minister to:

"work with the Executive to agree a way forward."

Not one of the DUP's Members gave any reason today why that should be the case. I thought that an explanation of the role that the Executive should have in taking the report forward would form a very important part of their argument, but we did not get that. In many ways, most of the Members who spoke from the DUP Benches did not go into the report. They had their own pet subjects, which ranged from whether people in prison should get PlayStations to what colour of uniform prison staff should wear. If that is the level of debate as we take this forward, God help us.

What became clear throughout the report and from the presentations by Anne Owers's team

was the need for change. The need for change is overwhelming and accepted. Now, we will see the challenge, and that challenge faces the Minister, the Department and the senior management of the prison administration. That is why our motion states clearly that we want to ensure that the recommendations are implemented. People will accept that we are not expecting all the recommendations to be implemented in full next week, next year or in the next 10 years, but there is a process that has to ensure that the heart of the recommendations is implemented.

People want to make comparisons with Patten and the reform of policing. I am not going to do that today. I am not going to list all the faults that are in our prison system; they are there, and they are itemised. I will make one comparison with Patten however. It is important for the Minister and his senior team to understand that, whatever the success of Patten, it was a fact that there was an implementation plan and clear oversight mechanisms. Therefore, whatever progress was going to be made, we were going to see it. It is the same with the Prison Service; it has to be transparent and out in the open. That is why I welcome the Minister's acknowledgement today that he will chair an oversight committee.

Anne Owers's interim report had five headline recommendations, one of which was key: implementation and oversight. From my perspective, two of her most important recommendations were recommendations 22 and 23. I am not saying that the other recommendations relate to operational matters, but they do relate to how our Prison Service will operate. There are issues around the use of the prison estate, the siting of prisons, the type of people who should be in prison and where prisoners should be housed. There are also issues around training, recruitment and exit packages. Crucial to that — I want to make this point in conclusion — is a sense that the people who want this to become like treading in treacle and who want to remain in the culture of denial and of burying their head in the sand, rather than confronting the issues that face us, will be given protection and a place to hide if there is not proper oversight and an implementation plan.

Sinn Féin will judge the report, the work of the SEE programme and the work of the Prison Service and the Department on those

outcomes. We want openness and transparency, an implementation plan and good oversight, so that after six months, 12 months, two years, three years, four years and five years we can sit back and say, "Here is what we agreed to do, and here is where we are". Therefore, if things run awry every now and again, as they can — it is part of the human condition — there is, at least, an explanation. However, we will not allow the report to join the list of reports that have been put on the shelf and allowed to run into the sand by people who were part of a culture of denial or of not wanting to tackle the issues.

Today, we will stand in opposition to the DUP amendment. We welcome very much the fact that the SDLP will not divide the House. We agree with the tone of the SDLP's amendment, as it calls for, if you like, a good implementation of the report that is well projected and well signposted. Our motion argues clearly that the report is a comprehensive piece of work and should be acknowledged as such. The report was asked for, it was delivered through the Hillsborough agreement, and, as I said in my opening remarks, no one spoke in opposition to the need for a prison review. That is why we tabled and will support the motion.

Mr Deputy Speaker: Before I put the Question on amendment No 1, I advise Members that, if this amendment is made, I will not put the Question on amendment No 2, as the wording of the original motion will have changed to such an extent that it would not be in order for the House to vote on amendment No 2.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 39; Noes 45

AYES

Mr Allister, Mr S Anderson, Mr Bell, Ms P Bradley, Mr Campbell, Mr T Clarke, Mr Craig, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kinahan, Ms Lewis, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Poots, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr S Anderson and Mr McQuillan.

NOES

Mr Agnew, Ms M Anderson, Mr Attwood,
Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady,
Mr Byrne, Mr W Clarke, Mrs Cochrane, Mr Dickson,
Mr Doherty, Mr Durkan, Mr Eastwood, Dr Farry,
Mr Flanagan, Mr Ford, Ms Gildernew, Mrs D Kelly,
Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle,
Mr F McCann, Ms J McCann, Mr McCarthy,
Mr McCartney, Mr McDevitt, Dr McDonnell,
Mr McElduff, Mr McGlone, Mrs McKeivitt,
Mr McMullan, Mr A Maginness, Mr A Maskey,
Mr P Maskey, Mr Murphy, Mr Ó hOisín, Mr O'Dowd,
Mr P Ramsey, Ms S Ramsey, Ms Ritchie,
Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Lynch and Mr McMullan.

Question accordingly negatived.

Question, That amendment No 2 be made, put
and negatived.

Main Question put.

The Assembly divided: Ayes 45; Noes 39.

AYES

Mr Agnew, Ms M Anderson, Mr Attwood,
Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady,
Mr Byrne, Mr W Clarke, Mrs Cochrane, Mr Dickson,
Mr Doherty, Mr Durkan, Mr Eastwood, Dr Farry,
Mr Flanagan, Mr Ford, Ms Gildernew, Mrs D Kelly,
Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle,
Mr F McCann, Ms J McCann, Mr McCarthy,
Mr McCartney, Mr McDevitt, Dr McDonnell,
Mr McElduff, Mr McGlone, Mrs McKeivitt,
Mr McMullan, Mr A Maginness, Mr A Maskey,
Mr P Maskey, Mr Murphy, Mr Ó hOisín, Mr O'Dowd,
Mr P Ramsey, Ms S Ramsey, Ms Ritchie,
Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Lynch and Mr McMullan.

NOES

Mr Allister, Mr S Anderson, Mr Bell, Ms P Bradley,
Mr Campbell, Mr T Clarke, Mr Craig, Mrs Dobson,
Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott,
Mrs Foster, Mr Frew, Mr Givan, Mrs Hale,
Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin,
Mr Kinahan, Ms Lewis, Mr McCallister,
Mr McCausland, Mr B McCrea, Mr I McCrea,
Miss M McIlveen, Mr McQuillan, Lord Morrow,
Mr Moutray, Mr Newton, Mrs Overend, Mr Poots,
Mr Ross, Mr Spratt, Mr Storey, Mr Swann,
Mr Weir, Mr Wells.

Tellers for the Noes: Mr S Anderson and
Mr McQuillan.

Main Question accordingly agreed to.

Resolved:

That this Assembly welcomes the final report of the prison review team; and calls on the Minister of Justice to initiate a plan to ensure that the report's recommendations are implemented and that progress is monitored; and further calls on the Minister to ensure that the appropriate scrutiny and accountability mechanisms are in place.

Adjourned at 7.14 pm.



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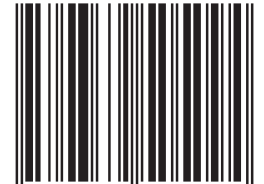
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