

NORTHERN IRELAND ASSEMBLY

Tuesday 3 March 2009

*The Assembly met at 10.30 am (Mr Deputy Speaker
[Mr McClarty] in the Chair).*

Members observed two minutes' silence.

EXECUTIVE COMMITTEE BUSINESS

Building Regulations (Amendment) Bill

Royal Assent

Mr Deputy Speaker: I wish to inform Members that the Building Regulations (Amendment) Bill has received Royal Assent. The Building Regulations (Amendment) Act (Northern Ireland) 2009 became law on 2 March 2009.

MINISTERIAL STATEMENT

Public Expenditure 2008-09 February Monitoring Round

Mr Deputy Speaker: I have received notice that the Minister of Finance and Personnel wishes to make a statement regarding the public expenditure 2008-09 February monitoring round.

The Minister of Finance and Personnel (Mr Dodds): With your permission, I will make a statement regarding the Executive's decision on the February monitoring round.

As Members will be aware, the purpose of the in-year process is to help the Executive and individual Ministers to make the most of the resources at their disposal. In the more constrained financial position facing us this year, the Executive have made full use of the opportunities arising from the process, as particularly evidenced by the significant allocations made in the December monitoring round to support the local economy.

This is the fourth and final monitoring round of the 2008-09 financial year. The February monitoring round does not normally give rise to significant reallocations, and this year is no different. Following an initial discussion on 12 February regarding the overall financial position, last Thursday the Executive unanimously agreed the approach for the short period remaining in the current financial year.

As always, the starting point of the process is the identification by Departments of resources allocated in previous Budget processes, which, for a variety of reasons, will not be spent in this financial year. In this round, Departments have identified £20 million of current expenditure reduced requirements, and £4.3 million in capital investment. The reduced requirements were for relatively small amounts, across a broad range of business areas, with the Department for Employment and Learning (DEL) and my Department surrendering the largest amounts. I have provided full details in the table attached to the circulated copies of my statement.

The level of reduced requirements declared in the February monitoring round was significantly lower than the amount surrendered at the same stage in previous years, reflecting the pattern of this year to date. Although that obviously provides less scope for the Executive to make additional allocations at this point in the financial year, more significantly, it means that Departments are achieving higher levels of delivery of public services and investment, with the latter being a real benefit to the local construction sector in these difficult times.

That lower level of reduced requirements for 2008-09 can be explained, in part, by the relatively low level of growth in the block grant from the Treasury for this financial year of 0.5% in real terms. By comparison, the block grant is planned to grow by 2.2% a year in real terms for the next two years.

As part of the management of public expenditure throughout each financial year, Departments also provide regular forecasts of their expenditure. In the latest forecast, Departments are anticipating that some £18 million of current expenditure and £500,000 in capital investment will remain unspent at the end of this year. Again, that gives a relatively positive message about the performance of Departments this year. However, it is important to appreciate that the forecasting of public expenditure is not an exact science, as the underlying programmes are, within each Department, often complex and volatile. In addition, there is a bias towards prudent forecasts, with the actual level of underspend often substantially greater than that which has been forecast previously.

The need to consider the large margin of error inherent in the forecast information that was provided by Departments was, therefore, a key issue facing the Executive in the February monitoring round. Furthermore, that issue was considered in the context of the risk of an overspend at block level against the loss of spending power from a significant level of underspend at year end. Whether the reality meets the Departments' expectations will not be known until we receive their provisional outturn information in June. However, based on the messages that we are receiving from Departments, I expect a reduction in the level of underspend compared with the position last year, although not so great as to risk an overspend for the Executive as a whole.

Evidently, the level of overcommitment with which we concluded the December monitoring round, coupled with the low level of reduced requirements and Departments forecasting almost full spend against their current allocations, meant that the ability of the Executive to make significant allocations in this monitoring round was restricted. That had been highlighted to Departments as part of the December monitoring round, which will have provided sufficient time to adjust spending plans for the remainder of the financial year, particularly given that a large portion of spend was already skewed towards the final three months of 2008-09.

However, there were two important issues to address as part of this monitoring round. The first was the commitment from the 2007-08 Budget process that the Department of Health, Social Services and Public Safety (DHSSPS) would receive the first £20 million of available resources in the subsequent in-year monitoring processes. In order to enable the Executive to manage

the emerging pressures, that money has been spread over each monitoring round, with £15 million having been allocated to date. In order to fully comply with that commitment, the Executive agreed to allocate the remaining £5 million in this monitoring round.

Secondly, Members will also be aware of the measures that were previously agreed for funding for the response to the dioxin-contaminated feed incident, including the cost of the cull and hardship payments to local producers and processors. The original costing that was agreed by the Executive has now been revised downwards, and reflecting the ongoing and pressing needs of the local agriculture sector, the Executive agreed that any savings should be recycled into an increased hardship payment to those who were affected by the incident.

Following the £15 million that I allocated for the fuel poverty financial assistance scheme in December 2008 for 100,000 households, the Executive have agreed to extend the coverage with regard to those households in receipt of pension credit. The Executive further agreed that the matter will be dealt with when the payments crystallise. That leaves us to conclude the February monitoring round with a current expenditure overcommitment of £63.5 million — a reduction of £11 million on the December position. That is in line with our analysis of the position based on the information received from Departments and taking account of normal forecasting tolerances.

Turning to capital investment, the low level of reduced requirements, combined with a forecast of almost full spend, means that more capital projects are being taken forward. That is in line with the emphasis that we have previously placed on ensuring that public investment in infrastructure is delivered to plan. Indeed, the latest forecasts from Departments indicate that the total net capital investment this year will amount to some £1.5 billion, which will be the largest-ever level of investment in a single year in the history of Northern Ireland. That level of spend represents a real and meaningful achievement of the Executive in the most difficult of circumstances.

In conclusion, this should be viewed for what it is: a locally elected Executive and Assembly delivering for the people of Northern Ireland. I commend the February monitoring position to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement.

The conclusions that the Minister has drawn from the February monitoring round give us some comfort. I have acknowledged on previous occasions the proper focus that he has placed on performance and delivery, in particular on achieving the targets on underspend

this year. Consistent with previous comments, I would like to continue to develop that theme.

In last year's February monitoring round statement, forecast figures of departmental underspend in 2007-08 were £104 million in current expenditure and £49 million in capital expenditure. Subsequently, in June 2008, the provisional outturn figures showed a much greater level of underspend for the year of £177 million for current expenditure and £76 million for capital expenditure. What assurance can the Minister provide that the same pattern will not emerge for underspend in 2008-09, when we need to be maximising the use of available resource?

The Minister of Finance and Personnel: I thank the Chairperson of the Committee for Finance and Personnel for his comments. Importantly, he again raises the issue of underspend at the end of the year. He will be aware of the fact — because he pointed it out — that I have laid a heavy emphasis, in the Assembly and in the Executive, on the need for the Executive, Departments and individual Ministers to be seen to deliver on the allocations in each of their budgets.

He raised the issue of what the difference may be between the levels of underspend in actuality compared with forecasts. As I indicated in my statement, forecasts this year have, I believe, been more realistic throughout the year. Forecasting is not an exact science. Nevertheless, looking at what has been projected for the year end, we have reason to believe that the position that we have struck is the right position. At all times, we try to ensure that at no point do we end up with an overspend on the block position — which would be completely out of the question as far as the Treasury is concerned — but that, at the same time, we do not end up with a large amount of money underspent at the end of the financial year.

That is always the balance that must be struck, and I think that we have struck the right kind of balance in what we have presented throughout the year and at this stage in particular. The fact of the matter is that the amount of money that is being delivered, particularly through capital investment this year, has increased significantly from last year and is certainly on target in respect of net expenditure.

Mr Shannon: I thank the Minister for a very positive statement on the monitoring round. In the Minister's statement he referred to the agriculture sector. Obviously, in the recent past, the agriculture sector has had distinct problems. I declare an interest, but not as a pork retailer — which I suppose puts me in a position. However, I lost nothing as a result of the contaminated feeds incident before Christmas other than an increase in blood pressure and a receding hairline, although I do not think that I have any hairs left to go grey because they are all grey anyway.

That apart, one concern expressed to me about that incident was the effect that it had on the pig industry in particular. It was made known to me that a number of people with whom I do business lost a lot of money in the pork industry in the three weeks before Christmas. The Minister said that increased hardship payments will be made — and that is good news. How will that money be handed out to the many producers who had to dump the finished product as a result of the dioxin scare? In addition, pig farmers in Northern Ireland had a traumatic time, and I am keen to find out how it will be ensured that the moneys allocated will find their way to those farmers who suffered and lost out.

The Minister of Finance and Personnel: I am sure that Mr Shannon's receding hairline and so on was not entirely down to the dioxin-contaminated feed incident. If so, there has been a rapid deterioration in his position.

On 15 January 2009, the Executive agreed to introduce a cull, collection and disposal scheme to deal with the removal of animals in restricted herds that cannot enter the food chain. It was agreed that the cost of slaughtering and rendering the animals will be met, and on 29 January, the Executive agreed a hardship scheme for producers and processors. The Member asked about the details of that scheme, which is a matter for the Department of Agriculture and Rural Development (DARD) and the Department of Enterprise, Trade and Investment (DETI). The overall figure is £9.6 million to cover hardship payments to producers and processors.

10.45 am

I am glad to say that the tendering process and a reduction in the number of animals restricted has led to a reduction of some £1.5 million in the cost of the slaughter and disposal of the animals. As I said, that money has been put in to help to increase the hardship payments. That is a positive announcement, which will provide greater help for processors and producers as well as our agriculture industry at this difficult time.

Mr McNarry: I am not sure that the Minister fully appreciates the appreciation that I have for his problems, especially after hearing his statement this morning. The overcommitment in the February monitoring round highlights the risk that the Minister is taking in pushing Departments to spend, while, at the same time, hoping that the final outcome of underspend will equalise the overcommitment.

Following on from the probable write-off of over £10 million spent on consultants for Workplace 2010 and the loss of £4 million due to the spend on consultants for the Maze stadium project, will the Minister look at the highly paid in-house experts available to all Departments and check whether it is really necessary to employ them, as well as getting into the extravagance of contracting out to consultants?

The Minister of Finance and Personnel: The Member raises a couple of points. As he knows, the issue of consultants has been raised by many Members, across all Departments. He mentioned two examples of the use of consultants, but he will also be aware of the considerable amounts of money being spent on consultants in the Department of Health, Social Services and Public Safety, the Department for Employment and Learning, the Department for Social Development (DSD), the Department for Regional Development (DRD) and all the other Departments. We all want to see a reduction in the money spent on consultants. There is, of course, a role for consultants — even in local councils, there are certain points when the employment of outside consultants may be appropriate. However, we all want the spend on consultants to be looked at very carefully.

The Member knows that the figure that he quoted for the cost of consultants for Workplace 2010 is on the high side, but, in any case, a considerable amount of that money was not wasted because the work is still useful.

The Member made a general point about overcommitment and its risk. It is absolutely right that I, as Finance Minister, along with the Assembly and the Executive, ask Departments to deliver on the budgets that they have been given. That is the right approach, and I cannot understand how it is seen as a risk. Departments will always have reduced requirements; the Department for Employment and Learning, the Minister of which is the Member's party leader, has surrendered the greatest amount of reduced requirements this time. I do not see that as a criticism, although the Member described it as an inefficiency in a previous debate, a matter that I said he should take up with his party leader. However, it is sensible and prudent for Departments to surrender money that they cannot spend, so that it can be used for other purposes.

As the Member knows, when his party made its submission on the Budget, it urged the Executive to overcommit further — it said that the Executive were far too cautious in not making a greater level of overcommitment or budgeting for it. As I have indicated a number of times, Mr Beggs, who is in the Chamber today, said that if we extended the amount of overcommitment, we would be implementing one of the ideas suggested by the Ulster Unionist Party. Therefore, we are doing what the Member's party asked, so it is a bit late for him to criticise us.

Mr O'Loan: I recognise, and give credit for, the £1.5 billion capital spend for this year. Departments anticipate that some £18 million of current expenditure and £0.5 million of capital investment will remain unspent at the end of this year. Will the Minister explain why, as I understand to be the case, that was not formally declared for the February monitoring round?

The Minister stated:

“there is a bias toward prudent forecasts, with the actual level of underspend often substantially greater than that which has been forecasted previously.”

He also identified the:

“large margin of error inherent in the forecast information that was provided by Departments”.

From all I read, and from those two statements in particular, I do not get the impression of properly managed financial systems across the Departments, including the Department of Finance and Personnel (DFP). I wonder why high salaries and, in particular, large bonuses are paid to senior civil servants to carry out that job, as they do not appear to be doing it successfully.

The Minister of Finance and Personnel: The Member is being slightly unfair; if something goes wrong, one could say that the salaries paid to MLAs are out of kilter, and one may ask what the monitoring Committees are doing. However, I would not be so unfair, because everyone does their best in this process.

The Member raised issues that individual Assembly Committees will want to take up with their respective Departments and Ministers. There may be different reasons, such as planning and so forth, why certain projects have not come to full fruition by the end of the financial year. However, Departments are undertaking considerable delivery of projects. The big reduction in the scale of reduced requirements and the extremely low level of underspend that is forecast demonstrate that all Departments and Ministers are taking more seriously the need to spend, and deliver on, the money.

If the Member has issues about non-expenditure and about forecasting, those are matters for individual Ministers, whether in DSD, DRD or DEL. Committees and Members will wish to pursue those matters with each Minister and Department, because they, not DFP, manage the process. DFP monitors and observes the process; it hears the reports and tells Departments what they have to do, but it is for Ministers to deliver on such matters. I am sure that the Member will look closely at how all Departments have performed throughout the year.

Dr Farry: I thank the Minister for his statement. The capital spend of £1.5 billion is a considerable sum. However, in the investment strategy for Northern Ireland (ISNI), the figure for this financial year is £1.8 billion. Will the Minister clarify the current status of ISNI, and, in particular, the figures contained in that document?

Will the Minister elaborate on how he foresees the additional moneys for winter fuel payments being delivered? I am not sure that the financial systems to facilitate those payments are in place. In practice, will the June monitoring round be the first opportunity to

address that issue? No winter payments have been issued so far, and June is in the summer.

The Minister of Finance and Personnel: The winter fuel allowance is a matter for the Department for Social Development. DFP has made the funds available and has undertaken to find the additional amount when it is needed. The delivery, processes and timing are entirely for the Department for Social Development, and, therefore, the Member should direct his question to the Minister concerned.

I am glad that the Member pointed out that considerable amounts of money are being spent through the investment strategy. He stated the gross figure, but that includes capital receipts. In the current climate, it would have been an act of madness to go ahead and sell off assets that would not have realised value for money. If value for money can be realised in some instances, it will be sensible to proceed, but DFP would have been rightly criticised for proceeding where that was not the case.

Whether to proceed with the sale of assets is a matter for individual Departments; there is no diktat from DFP. Each Department decided that in the current climate, it was unwise to proceed with the sale of certain capital assets because that would have short-changed the taxpayers and people of Northern Ireland. The money that would have come from the sale of assets is not now available to reinvest on capital spend. However, net expenditure this year is between £1.4 billion and £1.5 billion, which is an increase of well over 30% from this time last year, and more than double the amount available in 2003-04 under direct rule.

A massive amount of capital expenditure is going on across all Departments. That is helping our construction industry and laying the foundation for a better infrastructure for the people of Northern Ireland in housing, health, education, roads, and so on for the future.

The good news is that the expenditure that is going on this year is set to increase next year, and will increase again in the year following that. When people talk about the help to the construction industry, help in jobs, and help in improving our employment prospects, that considerable amount of capital investment should be remembered.

When we concentrate on the in-year monitoring process and the small amounts that are available for reallocation, we should bear in mind that £1.5 billion in capital alone is being invested this year. In Government procurement overall, there is over £2.2 billion, which is a massive amount of investment by anyone's standards.

Mr Hamilton: The Finance Committee has taken an understandable interest in the Department's ongoing review of the in-year monitoring process as a whole. With that in mind, does the Minister consider that the

level of reduced requirements is sufficiently high throughout the year?

In seeking to avoid the perceived problems with the housing budget, and to ensure that there is ongoing support for our construction industry, does the Minister agree that the collective approach adopted by the Executive to the recent dioxins incident, where all Departments made a contribution to tackling the problem, is a pragmatic and sensible approach to a difficult issue, and one worth examining?

The Minister of Finance and Personnel: I thank the Deputy Chairperson of the Finance Committee for his question. He raises the issue of the in-year monitoring process and how that works in practice. We are committed to working on that issue and seeing how that can be improved. We are working alongside the Committee in all of that.

He also raised the issue of what can be done if it is felt that money should be found for a particular project. He cited the example of housing, and is aware that we have already taken steps in-year, by providing £20 million of extra allocations and giving the Department for Social Development flexibility to move some £10 million into social housing.

He asked about the general principle, the way in which money was allocated to deal with the dioxins incident, and whether that would apply. It could do, if the decision of the Executive was that we should reorder Budget allocations. It could be done, but as I have said previously — and some Members do not wish to pursue this aspect too readily or in too much detail — it can only be done by removing money from other budgets.

When it came to the cull and the hardship payments resulting from the dioxin incident, a formula was agreed. Money had to be found, and a formula was applied. Each of the Departments, according to the formula, gave up money to allow those payments to happen, because a sufficient degree of priority was accorded to the response. If the Executive agree that that is what should be done in respect of another matter, clearly, a formula has been set out.

Let us not forget the underlying principle — if we want to put extra money above the money that is in the baseline, in the actual budgetary allocations under the comprehensive spending review and the allocations under the three-year Budget, that money has to be found from other Department's budgets.

Mr F McCann: Go raibh míle maith agat, a LeasCheann Comhairle. I thank the Minister and welcome his speech this morning. There are very serious problems with the rising levels of court actions for repossession of homes in England. I know that that concerns everyone. Will the Minister tell us whether, if resources become

available shortly, they could be directed towards helping those people who are losing their homes?

11.00 am

The Minister of Finance and Personnel: We want to do everything possible to help people who are in difficult circumstances during this time of economic hardship. I shall come to specific points in a minute.

I hear people saying that at this difficult time, the Executive, the Assembly and the devolved legislature should not be doing some of the things that they are doing to help hard-pressed families, communities, vulnerable and elderly people, and so forth. I believe that one of our primary tasks is to help ordinary individuals, families and communities to get through this difficult time — and some of the measures that we have taken, such as free transport for the elderly and the introduction of fuel credits, are important.

The issue that the Member highlighted is another important area, which, depending on the level of resources that become available, I will bear in mind. Of course, it is primarily a matter for the Department responsible for overseeing that area; that Department has a budget and, if it so wishes, it could reprioritise and reallocate that budget.

However, with respect to the overall position, any recommendations that I bring to the Executive as Finance Minister must take account of all competing demands. Nevertheless, I am aware of, and I take seriously, as do my party and others, the importance of ensuring that people are helped through these difficult times as much as possible.

Mr McQuillan: I thank the Minister for his statement, which referred to an additional £5 million for the Department of Health, Social Services and Public Safety. Will the Minister explain how that money will benefit Northern Ireland?

The Minister of Finance and Personnel: As I said in my statement, the £5 million for the Department of Health, Social Services and Public Safety is the final instalment of the £20 million first call on available resources that was guaranteed to the Department in the 2007 Budget process. In order to manage the emerging pressures, those payments are spread out over each monitoring round.

The £5 million pounds will help in the following ways: £1 million is for improving access to elective care services; £1 million will go to cardio-vascular services; £2 million will be spent on appointing foster carers for children; and £1 million will be spent on improving long-term health provision and early-intervention services. Those measures will be widely welcomed in the community and in the Assembly.

Mr Beggs: I, too, welcome the Minister's statement, which shows that Northern Ireland will not be returning

funds to the Treasury. I hope that the money retained will be well spent.

The table at appendix A of the Minister's statement on the February monitoring round is unusual because many of the headings have zeros under them. Will the Minister explain why so many zeros are appearing under those headings? I understand that sums below £100,000 are not normally included in monitoring rounds. Given that he has included figures below £100,000, would it not have been better to have included those which appear as zero also?

The Minister of Finance and Personnel: I thank the Member for his comments and for his questions. I presume that he is referring to Annex A, the reduced requirements.

There are two issues. First, Departments' proposals to reallocate sums below a certain amount of money internally can be brought to the Executive and agreed without necessarily appearing in tables such as that one.

Secondly, these are reduced requirements that Departments are giving up to the Executive for possible reallocation elsewhere. Therefore, those amounts have been surrendered, and in the interests of clarity and openness, they are published.

I am happy to write to the Member, setting out the technical details of how small amounts of money are handled.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I also welcome the Minister's statement, particularly in relation to the fuel poverty financial assistance scheme. The Minister has already alluded to the logistics of payments from the scheme through DSD and deciding to include households in receipt of pension credit. Will the Minister give us some idea of the number of people involved, because, originally, 36,000 pensioners were not expected to qualify for a fuel poverty assistance payment? Subsequently, the Executive extended that. Will the Minister provide the House with the numbers of people involved?

The Minister of Finance and Personnel: It was suggested originally that people on income support would be entitled to the fuel poverty financial assistance scheme, but the Executive decided to extend that provision to pensioners who receive pension credit. They wanted to ensure that no pensioners who were in receipt of pension credit would be left out. The total number of people who are eligible for fuel poverty assistance is around 150,000, but the delivery of that scheme is a matter for DSD.

Mr Paisley Jnr: I thank the Finance Minister for his statement and for outlining the prompt and agile response to the dioxin-contaminated food incident. Furthermore, I welcome his allocation, since December, of £15 million to the fuel poverty financial assistance

scheme. Many of my constituents are feeling the practical benefit of that scheme, and I welcome that. Most people in Northern Ireland welcome the skilled moves that were put in place to deliver that effective reality for our constituents.

Will the Minister provide the House with more detail on the type of capital projects that will be implemented as a result of the remarkable package of £1.5 billion. Once that money is allocated and spent, it will be the single largest allocation of funding towards capital projects to have been made in the history of Northern Ireland. That should not go unmentioned in the House.

The Minister of Finance and Personnel: I thank the Member for his comments on the dioxins issue and the fuel credit. They are important initiatives that are of benefit to his constituents and to many of our constituents across the Province. The Member is right also to refer to the investment that will be made through the capital expenditure programme. As I said previously, this year's planned investment will increase by 6% next year, and it will be more than 30% higher than that of last year.

Mr Paisley Jnr asked for examples of investments that will be made. It is important to highlight the type of projects that money is being spent on, and I have mentioned some of them already. One can see the improvements that have been made to the Westlink, and the work that is being done there, for instance. The Department for Regional Development invested money in that project, as it did on the Dungannon to Ballygawley road and at Newry.

In the Health Service, £113 million has been invested in critical-care development and £6.8 million in pharmaceuticals at the Royal Victoria Hospital. We invested £40 million in the Ulster Hospital redevelopment; £50 million in the Downe Hospital, which will be an enhanced local hospital; and investment was made at Altnagelvin Hospital as well.

Some £127 million has been invested in Northern Ireland Water for the Belfast sewers project, and the 10 waste-water treatment projects that are under construction will receive an aggregated value of £90 million.

There are a number of education projects under construction in DEL, which will total £83 million. They include the South Eastern Regional College projects, over five locations, which have a total value of £49 million; the South West College, with a value of £9 million; the Northern Regional College, with a value of £9 million; and the North West Regional College, with a value of £16 million. Furthermore, work valued at £120 million is ongoing in the Belfast Education and Library Board. Those are just a few examples of the planned capital expenditure.

By way of putting that expenditure into perspective, one should remember that the figure for 2003-04 was

£680 million, and in 2007-08, it was £1.126 billion. This year, we are looking at a figure close to £1.5 billion. That is good news and shows that devolution is delivering for the people of Northern Ireland.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement.

As he said, the February monitoring round is not usually the time for significant reallocations. However, is the Minister confident that the necessary scrutiny of Ministers and the adherence to good financial governance are occurring? The Minister mentioned the surrendering process, which is in keeping with good financial governance. The Minister for Social Development surrendered money and, subsequently, referred to it as a smash-and-grab raid by the Executive. In my capacity as a member of the Committee for Social Development, I ask the Finance Minister to comment on that.

More specifically, as a Member who wants to scrutinise the monitoring round, I am concerned that I still find it difficult to do so. Does DFP intend to make that process easier for us all?

The Minister of Finance and Personnel: In response to a question from the Deputy Chairperson of the Committee for Finance and Personnel about the monitoring process, I have already indicated that I am happy to consider that process; we will work on that issue.

There is no doubt that the in-year monitoring process is an effective way to manage budgets of this scale; the same process is used elsewhere. The alternative would be simply to take a slice off every budget, put those moneys into a fund and wait to see what needs emerge. However, we could end up with vast amounts of money sitting in a fund doing nothing all year and then have a mad dash towards the end of the year to spend it. That would be a completely daft approach to public expenditure. The process is designed to ensure that the maximum amount of money is being spent in-year on the programmes and projects that have been set out in departmental plans.

We debated the DSD issue earlier, and the Minister for Social Development is keen to draw a line under all that, because the situation moved on pretty rapidly when the facts of life were spelt out. I am always keen to facilitate Ministers as much as possible when they bring forward bids. At the time that the social housing budget was reviewed, the emphasis was on fuel poverty. DSD was demanding money for that area, and accommodation was made for it.

That was done, so to then be accused of not doing what DSD wanted has left many colleagues perplexed and concerned, given that the matter had been agreed unanimously by the Assembly, including the Minister for Social Development. As we move forward, we want to recognise that the social housing budget is extremely important. I am committed to ensuring that

we deliver on the housing targets — including newbuild maintenance, among other issues — over the period of the Programme for Government. We will continue to work alongside DSD to achieve that.

Mr Weir: I thank the Minister for his statement. As we move forward with monitoring and the broader budgetary process over the next few years, the national economic picture will be vital. Therefore, will the Minister outline any further information that he has after his discussions with the Prime Minister about efficiency savings?

The Minister of Finance and Personnel: I am grateful to the Member for his question, which flags up an important issue. I have already had discussions with my Scottish and Welsh counterparts, and I will have further discussions next week with those Scottish and Welsh Ministers, as well as the Chief Secretary to the Treasury, on that and other matters. The First Minister and deputy First Minister have also had discussions with the Prime Minister on efficiency savings because according to the Chancellor's pre-Budget report, so-called efficiencies are not coming back to Northern Ireland in 2010-11, and that is a serious concern.

At the time of the financial settlement and the comprehensive spending review, it was agreed that all efficiencies that were made in Northern Ireland would be retained in Northern Ireland, and we intend to hold the Government to that commitment. All parties in the Assembly need to adopt a united approach to the matter. It is, perhaps, unfortunate that one party in the Executive is now agreeing to press ahead with not only those efficiency cuts but greater cuts.

I refer to the — what is it, “Conservative Ulster”? I refer to the Ulster Conservatives and Unionists - New Force, which includes Owen Paterson, the shadow Secretary of State for Northern Ireland, and is on record as saying in its policy document that it wants to see greater so-called efficiencies introduced from April 2009. It is important that the Assembly says that that is not what the people of Northern Ireland want, and it is not what the Assembly and the Executive believe to be the position. That must be made clear to the Prime Minister and the Chancellor. Unfortunately, they may use that against us in our negotiations.

11.15 am

The Chairperson of the Committee for Social Development (Mr Simpson): I thank the Minister for his statement. I also thank him for his commitment to support the extension of the fuel poverty payment scheme to households on certain benefits. Will the Minister clarify the position on the reallocation of approximately £10 million from the Department for Social Development urban regeneration programme to support the Housing Executive's maintenance and

improvement scheme? Is that money safe or has it been surrendered?

The Minister of Finance and Personnel: I am grateful to the Member for his comments on winter fuel payments. The proposal to reallocate £10 million came from DSD, and I was happy to accede to the request to move money from urban regeneration into the housing budget. As I understand it, that money has been allocated and is, therefore, safe for expenditure on the programmes that the Member mentioned. The fact that that could be done shows that sometimes Departments can, from the considerable budgets that have been allocated to them, take action to deal with some of the pressures that emerge — and that is just one example.

The money that comes in an in-year monitoring round — which could be £50 million or £100 million — is small beer compared to the £4 billion in the Department of Health, Social Services and Public Safety or the £2 billion in the Department of Education. All Departments have vastly more money at ministerial disposal than the DFP Minister and the Executive have at any in-year monitoring round.

It is important to point out that the initiative taken by the Minister for Social Development shows that if Ministers face a pressure, they can say that that pressure is more important than something else and that they could use their considerable budget — money that may not be spent — for other things rather than asking me for money from another Department. Therefore, that initiative was a good example of what can be done. It shows that Committees should be pressing Ministers. Instead of Committees saying that they need more money, they should be asking Ministers how they are using their budgets now and what they could be doing better with their money now, and ask them why are they are asking other Departments for help. Is there not something that Ministers could be doing, given the considerable resources at their disposal?

EXECUTIVE COMMITTEE BUSINESS

Financial Provisions Bill

Second Stage

The Minister of Finance and Personnel (Mr Dodds): I beg to move

That the Second Stage of the Financial Provisions Bill (NIA 6/08) be agreed.

This short Bill deals with routine financial matters that do not affect the overall quantum of Government expenditure in Northern Ireland. It is the first Financial Provisions Bill taken by the Assembly, but is the latest in a series of financial provisions Orders. The last such measure, the Financial Provisions (Northern Ireland) Order 2004, was taken forward during direct rule and came into effect on 1 April 2005.

Such a Bill is normally required every two to three years to deal with routine financial measures, including any minor and/or non-controversial amendments to governing legislation. This Bill contains five miscellaneous provisions requiring primary legislation.

The first of the financial matters in the Bill relates to the absolute privilege for reports of the Comptroller and Auditor General for Northern Ireland. At the time of original devolution, there were deficiencies in the Northern Ireland Act 1998, and a gap in the Scottish devolution legislation in that absolute privilege for the purposes of the law of defamation did not apply to publication of the Comptroller and Auditor General's reports. The Comptroller and Auditor General's view is that auditors should have uniform powers throughout the United Kingdom when they are reporting on the use of United Kingdom taxpayers' money.

On 27 November 2007, the Assembly passed a motion that provided absolute privilege for the purposes of the laws of defamation on reports prepared under article 8 of the Audit (Northern Ireland Order) 1987 by the Comptroller and Auditor General and published by the Assembly through engaging section 50 of the Northern Ireland Act 1998. That motion addressed an immediate operational need and it applies to the mandate of only the current Assembly. The purpose of the provision today is to enter that measure into statute, thus avoiding successive Assemblies having to vote on it. It also ensures that the arrangements for audit and accountability under the Assembly are at least as robust as those that existed under direct rule, and are similar to those in other jurisdictions. Therefore, the Bill represents an early opportunity to address through legislation the extension of privilege to all reports prepared by the Comptroller and Auditor General.

Clause 2 of the Bill gives authority to the Department of Enterprise, Trade and Investment (DETI) to incur

expenditure for activities that the Department considers benefit consumers in Northern Ireland. Support may be provided in whatever way the Department of Enterprise, Trade and Investment thinks fit, including through grants or loans, and on such terms as it thinks fit—whether repayment or otherwise. That would include, for example, expenditure in the management of consumer debt.

Currently, the Department of Enterprise, Trade and Investment lacks the specific authority to pay for the provision of debt advice. Instead, in order to make the payments, it relies on statutory powers granted to the Department for Social Development through the Social Need (Northern Ireland) Order 1986. The provision of a high-quality debt-advice service that is free of charge to the user is an important contribution to the anti-poverty strategy, and will be of particular relevance during the current credit crunch and generally difficult economic climate. DETI's debt-advice service has the funding that it needs to continue for a further three years from 1 April 2008.

In view of the increasing need for consumer debt advice and funding, it is important that expenditure on such advice is put on a proper and firm statutory footing, rather than relying on powers granted to the Department for Social Development (DSD). The current arrangement is not considered appropriate for ongoing expenditure, and DETI wants to put such funding on an appropriate, firm and statutory footing.

Clause 3 of the Bill empowers DETI to incur expenditure for any purpose that the Department considers will benefit the development of Northern Ireland's social economy sector. Members are aware that a social economy enterprise is a body whose activities are:

“(a) conducted as a business; but

(b) are so conducted primarily for social, environmental or ethical purposes or for other purposes beneficial to the community, rather than for profit.”

Examples of social economy enterprises are credit unions, housing associations, co-operatives, community businesses and businesses whose profits are distributed for the benefit of communities and people in Northern Ireland. That provision in the Bill will give the Department of Enterprise, Trade and Investment — as the sponsoring Department with policy lead in that area — the legal authority to provide financial assistance to the Social Economy Network, as the representative body of the social economy sector.

The Department funds the Social Economy Network on an extra-statutory basis, through annual Budget legislation, but wishes to use the Bill in order to put that funding on a more appropriate, statutory, footing.

Clause 4 of the Bill authorises the issuing of money from the Northern Ireland Consolidated Fund to the

Department of Finance and Personnel (DFP) to cover the costs of collecting rates on behalf of district councils. At present, my Department is legally required to recover the cost of collecting the district rate, and to do so by deducting it from the amounts payable to district councils. Historically, that income has been retained in the Northern Ireland Consolidated Fund and accounted for in the public income and expenditure account that is laid before the House prior to 30 September each year.

Therefore, my Department has not been able to recognise that income in order to offset the departmental expenditure incurred through collecting rates on behalf of district councils. The money is already included in the Department's budget, and the clause is entirely technical in nature in that it allows for the alignment of Estimates, budget and accounts.

The final clause in the Bill relates to the repeal of the requirement to prepare finance accounts. That is a statutory obligation under section 10(2) of the Exchequer and Financial Provisions Act (Northern Ireland) 1950, which required DFP to prepare and lay the finance accounts of Northern Ireland before the Northern Ireland Assembly, and which is now redundant. The structure of Government accounts has developed over many years and has inevitably resulted in duplication of information. The information that was previously contained only in those finance accounts is now available in the public income and expenditure account and in departmental accounts, so there is no loss of accountability. Separate finance accounts are no longer appropriate and they represent unnecessary administrative effort.

As Members are aware, the Bill provides for a number of routine and technical financial provisions. I commend it to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin): Go raibh maith agat, a LeasCheann Comhairle. I am grateful to the Minister for his elaboration on, and explanation of, the general principles of the Bill. That will permit me to abbreviate my comments appropriately.

On 4 February 2009, the Committee for Finance and Personnel received a pre-introductory briefing from departmental officials about the background to the Bill and the approach that they took when they consulted with other Departments. The Committee recognises that the purpose of financial provisions legislation is to cover routine financial matters, such as minor amendments to governing legislation, or to regularise an existing practice. The Committee also understands that legislation is normally required at intervals of two or three years to adjust statutory limits and handle various non-controversial issues, and is regarded as a means of tidying up.

The Committee was advised by the Department that the Bill was technical and non-controversial in nature and did not, therefore, require a public consultation. The Department further explained that it had invited contributions to the Bill from other Departments in December 2007.

As a direct result, the Department identified a number of requirements for inclusion in the Bill. Those requirements included provision to confer absolute privilege to certain reports of the Comptroller and Auditor General for Northern Ireland; provision to enable the Department of Enterprise, Trade and Investment to incur expenditure for consumer purposes and expenditure relating to social economy enterprises; provision to provide for the cost of district rates collection to be charged on and issued from the Consolidated Fund to the Department of Finance and Personnel; and provision to repeal the requirement on the Department of Finance and Personnel to prepare finance accounts.

Prior to the introductory briefing, the Committee was advised by the Department that the provisions of the Bill would be a matter of interest to the Committee for Enterprise, Trade and Investment, the Audit Committee and the Public Accounts Committee. As such, my Committee issued copies of the draft Bill to the respective Committees for scrutiny. Upon reply, no issues were raised by the other Committees in relation to the Bill.

At the briefing session on 4 February 2009, members raised a number of issues with the Department, including clarification on the account treatment of the issue of money from the Consolidated Fund to DFP in order to cover the costs of collecting rates on behalf of district councils, and clarification on whether the accounting treatment from the Consolidated Fund to DFP had any negative or positive impacts on district councils. The Committee also sought a detailed written explanation on the repeal of the requirement to prepare finance accounts. Those queries were dealt with very satisfactorily.

The Committee recognises that the Bill is, in general terms, technical in nature and does not appear to raise any substantial issues of concern at this stage. Members also acknowledged that the removal of the statutory requirement to produce financial accounts — which were identical to the public income and expenditure accounts in every respect — will avoid duplication and will provide for a more efficient approach by the Department in the preparation of Government accounts in the future.

Overall, the Committee was generally satisfied with the briefing and clarification provided by the Department. Members will engage with DFP officials and other stakeholders as part of its consultation exercise on the details of the provisions of the Bill during the Committee Stage. In the meantime, on behalf of the Finance

Committee, I support the principles of the Bill and I support the motion.

11.30 am

The Chairperson of the Audit Committee (Mr Newton): I am grateful to the Minister for presenting the Bill to the House. For some time, the Audit Committee has been concerned about the issue of privilege for the reports of the Comptroller and Auditor General. Those reports occasionally deal with serious issues, such as fraud and impropriety.

Clause 1 of the Financial Provisions Bill has implications for the Comptroller and Auditor General's reports in respect of absolute privilege for the purposes of the law of defamation. The devolution settlement did not give absolute privilege to those reports. Previously, the Comptroller and Auditor General for Northern Ireland had enjoyed the same absolute privilege as his counterpart in Westminster. During suspension, the Comptroller and Auditor General's reports were published in Westminster and were, therefore, privileged.

The Audit Committee and the Public Accounts Committee (PAC) are persuaded that it is an anomaly that the reports of the Comptroller and Auditor General for Northern Ireland do not attract absolute privilege. To address that problem in the short term, on 27 November 2007 the Assembly agreed a motion — to which the Minister referred — whereby any report from the Comptroller and Auditor General that was prepared under article 8 of the Audit (Northern Ireland) Order 1987 should be printed and published under the Assembly's authority. That gave protection to the contents of some of the Comptroller and Auditor General's reports.

To date, that measure has been the legislative cover under which the Comptroller and Auditor General's reports have been published. However, the resolution applies only to the current mandate and to reports prepared under article 8 of the 1987 Order. Today, I am glad to give my support, and that of the Audit Committee, to a more concrete provision to protect the rigour of the audit functions in this Administration.

Clause 1 of the proposed Financial Provisions Bill contains a remedy to that short-term situation by extending absolute privilege, for the purposes of the law of defamation, to all reports of the Comptroller and Auditor General that are authorised or required by any statutory provision. The clause is intended to ensure that the Comptroller and Auditor General is free to present to the Assembly all relevant evidence gathered during the course of his studies and audits without having to defend defamation actions. The provision is more wide-ranging than the one agreed in the Assembly's resolution of 2007 in that it includes reports authorised or requested by any statutory enactment, not just those prepared under the 1987

Order. That will bring the powers of the Comptroller and Auditor General into line with those available to his counterparts in Westminster and Wales.

The Committee believes that the provision is fundamental to the practice of public audit and that the Assembly's auditors should be able to present all significant and relevant findings to the Assembly without the threat of legal challenge from third parties who are involved in the issues covered in the report. The Audit Committee supports the provision.

Mr B McCrea: I realise that much of the Bill is technical in nature, so I do not propose to detain the Assembly unduly. I will take the opportunity to ask a number of questions, because I did not have the benefit of seeing the briefings that were given to Committees.

Mr Newton talked about absolute privilege for the purposes of the law of defamation. Presumably, defamation occurs only when people have been wrongly accused. Although I totally understand the need to ensure the timely delivery of reports and suchlike, I wonder what redress people have if they feel that they have been defamed. Perhaps the Minister will address that issue at some stage. A situation would arise only if — in ordinary circumstances and at a later date — court proceedings might take place.

Mr Weir: I will speak through the Chair; I do not want to be chastised like I was yesterday. I want to elucidate the matter for the Member. Defamation can occur when somebody is wrongly accused.

However, truth can be a defence against defamation. Therefore, one person can defame another person, but, if he or she is speaking the truth, that can be used as a defence, in the same way as absolute privilege can be used as a defence in defamation proceedings.

Mr B McCrea: I thank the Member for his helpful intervention. That was the point that I was trying to make. I think that I have got it right: defence against defamation can occur only if it is proven that the truth will out. Therefore, if one person said that a particular thing happened, but it was later shown that, in fact, that did not happen, in that person's defence, it could be said that the absolute truth was not apparent.

Given that we give absolute privilege to the Comptroller and Auditor General, what procedural methods are in place for people who feel that they have been defamed, or for people who have not had a chance to put their case forward? In this instance, it is unlikely to happen, but we will have to consider who oversees the overseers. Perhaps the Minister will address that issue.

With regard to the legal position, it is interesting that, in cases such as *Pepper v Hart*, the comments that the Bill's proponents make now will be party to our

subsequent discussions. I ask the Minister to take that into account when he responds.

Mr Deputy Speaker: Devolution is working: we are getting free legal advice from a lawyer.

Dr Farry: I am in the unique position of sitting on the Committee for Finance and Personnel and on the Audit Committee, so I have been at both ends. I support the Second Stage of the Bill. It is largely technical in nature, and, as much as some Members would wish to engage in debate on the issue, I fear that that will be extremely difficult. The Bill is, essentially, a tidying-up exercise, which happens every few years, and it is important that we treat it in that regard.

I have only two points to make. First, I support the extension of full and absolute privilege to the Comptroller and Auditor General. That happens elsewhere in the United Kingdom, and Northern Ireland is in an anomalous position. Therefore, we are out of line on the issue rather than the rest of the UK.

Members are aware of the work of the Public Accounts Committee and of the number of important cases that have been highlighted. No doubt, other challenging reports will need to be addressed and brought to public attention in the months and years to come. It is important that the Comptroller and Auditor General has the freedom and confidence to tell us the awkward truths that we need to hear for the sake of the public's interest and that they are not overly inhibited through fear of the consequences of their actions.

It is also important that the Northern Ireland Audit Office is at arm's length from the Assembly. However, the Assembly has an Audit Committee that has a relationship with accountability. There is also financial accountability through the Assembly in the allocation of resources. Therefore, that relationship is fine, and it is balanced. It is right and appropriate, we should welcome it, and the extension is worthy.

Secondly, I want to address the social economy powers. In some respects, I am surprised that the issue has not yet been addressed through legislation. We are all conscious of the importance of the social economy, particularly in the context of an economic downturn when the emphasis may shift from foreign direct investment to more indigenous activities. In that context, the role of the social economy becomes more important, and, if the legislation can enable that to be developed further on a more sound and legal basis, that is to be welcomed. Is the Minister satisfied that those powers need to be clarified only in the Department of Enterprise, Trade and Investment (DETI)?

Thus far, much work on the social economy in Northern Ireland has been delivered under Peace II, with the involvement of other sponsoring Departments, including the Minister's own Department. Are we satisfied that there is full legal authority for the work

that has been done under Peace moneys up until now? I am aware of the legal toing and froing over some aspects of the absolute legal framework. Perhaps that matter could also be clarified.

Overall, the Assembly should accept that this is a routine piece of legislation. The Alliance Party is more than happy to see it go forward.

Mr Weir: Sometimes, Members debate legislation that is not very headline grabbing. I doubt whether this afternoon's 'Belfast Telegraph' will lead with the debate on financial provisions, and I do not expect it to be a hot topic on 'The Stephen Nolan Show' tomorrow morning. I suspect that the technical nature of this legislation is such that even the most technically-minded of anoraks — some of us in the Finance Committee are proud to wear that badge, and I see the Member who spoke previously nodding — would find it difficult to salivate too much over the details of the Bill.

Nevertheless, the debate has thrown up some surprises. Had someone told me this morning that the phrase "social economy" would be mentioned by a member of the Finance Committee, I would have thought that Jennifer McCann or Fra McCann might be favourites, rather than Stephen Farry. However, we have a debate in which social economy seems to be at the heart, and Jennifer McCann is not here, which is a sad loss to the debate.

I welcome the legislation. It falls into two parts. The more technical areas relate to the social economy and provisions for how collection of rates is dealt with within DFP. I echo Mr Farry's remarks in relation to social economy issues. I assume that legislative provisions are in place to cover other Departments, but it would be helpful were the Minister to clarify that. An issue has been raised, for example, regarding the legal powers of councils with respect to Peace money: that concern may be a red herring, but it would be helpful if clarification were given.

Another issue raised is that of absolute privilege for reports of the Comptroller and Auditor General. That is an important power. As indicated by the Member who spoke previously, it will bring our practice into line with the rest of the United Kingdom and will put the Comptroller and Auditor General on the same basis as Members of the Assembly, for whom absolute privilege is a defence against allegations of defamation. The nature of the Comptroller and Auditor General's work means that there is always the possibility that such allegations might be made. It is important that the Comptroller and Auditor General is free to bring all the facts into the public domain. Consequently, it is vital that Comptroller and Auditor General reports are covered by absolute privilege, otherwise, unwarranted protection may be given to people and we would be

unable to get to the heart of issues. I am not a member of the Audit Committee, but I welcome those provisions.

With such a high level of freedom of expression comes responsibility. However, the nature of the Comptroller and Auditor General's office is such that it is most unlikely that there will be any allegations without supporting evidence of the highest calibre. The Bill is designed to provide a safety net rather than a carte blanche for irresponsibility. It is well-grounded and has been designed to ensure that the Comptroller and Auditor General has an appropriate level of freedom when making reports.

Consequently, I echo the remarks of the Finance Committee, the Audit Committee, and those Members who spoke previously, all of whom welcomed the Bill. I hope it passes.

The Minister of Finance and Personnel: I thank the Members who have taken part in this short debate. I welcome the remarks of the Chairperson of the Committee, and I thank the Committee for its deliberations. If the Bill is passed today, I give a commitment that my officials will continue to work with the Committee when the Bill is in its Committee Stage. As has been said, the Bill is a short but necessary piece of legislation.

11.45 am

Several Members raised a number of points. Mr McCrea, Mr Farry and Mr Weir talked about the Comptroller and Auditor General and his reports. It is worth bearing in mind that until devolution, his reports were published with the presumption of parliamentary privilege, which is a long-standing practice at Westminster. It is one of the principles of public audit that an auditor of a legislature, a Parliament, or an Assembly should be able to present all relevant evidence to that legislature without threat of legal proceedings. Absolute privilege for reports is intended to ensure that the Comptroller and Auditor General will be able and free to present to the Assembly, without having to defend an action for defamation, all relevant evidence that has been gathered during the course of his studies or audits.

An audit has to deal with issues such as fraud and impropriety, and it needs to report fully on such matters, even when the evidence that is available is not to the highest judicial standards. Without absolute privilege, there is the potential for third parties who are involved in report issues to take legal action that will impede or delay the Assembly's access to full knowledge of cases in which there will be a significant degree of public interest. That could be seen as inhibiting the Comptroller and Auditor General from reporting freely and frankly to the Assembly. Through an earlier decision, the Assembly has provided absolute privilege to the Comptroller and Auditor General already. Therefore,

the purpose of this provision is to put that into statute on a permanent basis.

Mr Farry also raised the issue of the social economy.

Mr B McCrea: Before the Minister moves on to the next point, I want to say that I agree with and understand the need for the Comptroller and Auditor General to have absolute privilege so that he can bring information to the Assembly. However, there will be occasions when people feel that they have not had a chance to put their side of the story, for example. Normally, they would have redress to go to the courts. However, that will no longer be the case. I think that at the moment, people cannot even approach the PAC or the Audit Committee. Therefore, in the unlikely event that people have been misinterpreted, is there anything that we should be considering?

The Minister of Finance and Personnel: I understand where the Member is coming from. However, the process and approach of absolute privilege, which is being put into permanent statutory form, is not new. It is long-standing in most Parliaments and legislatures everywhere. Therefore, the Member's point is not new either. Obviously, individuals and companies, or whoever may be affected, will be concerned, but as Mr Weir said, normally reports are undertaken with the utmost seriousness and propriety. I think that there are procedures open to anyone, or any body, that is affected by the reports. The Member will know through his own research how that matter is dealt with elsewhere and how it has been dealt with here previously.

Mr O'Loan: I did not speak earlier because I was broadly comfortable with the different proposals in the Bill, which we will see in more detail when it reaches Committee Stage. However, in the light of what the Minister has just said, I want to ask him a question. Obviously, the Comptroller and Auditor General will use the protection that is given to him with due seriousness. The Minister said that the Comptroller and Auditor General might include matters in his reports on the basis of evidence and information that he has but that might not stand the ultimate test of judicial proceedings. That is what I understood the Minister to have meant. If that were the case and if such information were published, what would be the position for someone who reports on, or copies, that report? Would they have the same protection, and if so, is that covered by the legislation?

The Minister of Finance and Personnel: Those are matters of detail, which will be explored when the clauses are examined by the Committee. I am talking about the broad principle of whether it is right that there should be an absolute privilege. That has already been agreed, and the Bill will simply put that into statute. The Member raised a fair point, and it can be legitimately teased out in detail at Committee Stage. I

would be interested in coming back to that point at that stage. Today, there is wide agreement on the general principle, and matters can be teased out and considered in detail at the Committee Stage.

Mr Farry raised a point about the social economy. He mentioned the fact that DETI says that it has no specific legal authority, and the Bill will grant that. He asked about the position in other Departments. The provisions have arisen as a result of asking Departments what issues they thought needed to be put into the Financial Provisions Bill. I have not received any indication from any Department of any requirement to take similar action. I will confirm that in full to the Member and to the House, but my understanding is that there is no need to take any further legislative action.

I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Financial Provisions Bill [NIA 6/08] be agreed.

Budget Bill

Final Stage

The Minister of Finance and Personnel (Mr Dodds): I beg to move

That the Budget Bill [NIA 5/08] do now pass.

Here we go again. This is the third item on the agenda this morning. As we reach the Final Stage of the Budget Bill and on the heels of my statement to the House on the final monitoring round of the current financial year, I do not need to remind the House of the context of the global economic downturn in which the Bill has been presented. I do not want to take up much of the House's time, because many of the issues have been rehearsed already as the Bill has gone through its various Stages.

The overall unemployment level in Northern Ireland remains low, relative to the other parts of the United Kingdom, but that is of little consequence to those who have lost their jobs or who face that prospect. Members' contributions during the Supply resolution debate and the Second Stage of the Budget Bill served to illustrate the importance that the Assembly places on that vital strand of the devolved arrangements, particularly at this time.

I reiterate that the Executive had wisely placed growing a dynamic and innovative economy as their top priority in the Programme for Government. We have been able to make further announcements — particularly in relation to the December monitoring round — about delivery and about what we are already pledged to deliver. We have announced an extra £70 million of measures to assist low-income households and local industry. As we move forward into the next financial year, we will continue to build on the ongoing work to deliver practical support for the business community and for low-income households, including the most vulnerable people in society.

We have mentioned the net capital investment, with its consequential benefits for the local construction industry. It is set to reach an all-time high of almost £1.5 billion in the first year of the 10-year investment strategy for Northern Ireland. That is clear evidence of delivering for the people of Northern Ireland. Despite the difficulties of 2008-09, my earlier statement and the Budget Bill — which is technical in that it provides the legislative cover and authority to move the money on foot of the Budget — prove that the Budget has been managed prudently for the benefit of the people of Northern Ireland and local businesses.

Of course, we would like to have additional money from the block grant and elsewhere to do more, but, as several Members have said, the important thing is to ensure that there is delivery. We must ensure that the

allocation of resources is properly targeted at the most urgent and economically beneficial priorities for the local business sector and for families.

The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin): Go raibh maith agat, a Aire agus a LeasCheann Comhairle. . The Budget Bill provides the statutory authority for expenditure in 2008-09. It takes account of the outcomes of the year's monitoring rounds and includes the Vote on Account, which allows public expenditure to continue in the early part of the next financial year until the Assembly votes on the Main Estimates for 2009-2010 in early June 2009.

The House will also be aware that the Committee for Finance and Personnel recommended accelerated passage for the Budget Bill following evidence from the Department of Finance and Personnel (DFP) on 4 February 2009. That evidence session represented the culmination of a process of scrutiny by the Committee of in-year monitoring rounds in 2008-09, both in respect of the Department of Finance and Personnel as a Department and as regards public expenditure at strategic and cross-departmental level.

In October 2008, the Committee made a submission to the Executive's review of the Budget; it will be briefed on the Executive's response in early April 2009. The Committee is conducting an inquiry into scrutiny of the Executive's Budget and expenditure, which will run in tandem with the Executive's review. When the future Budget process is in place, the Committee plans to review the resources that are available to assist Statutory Committees — and Members in general — to undertake budgetary and financial scrutiny. That was mentioned earlier. The Committee will suggest practical arrangements or recommendations to enhance the Assembly's capacity in that regard.

The Committee also intends to review the processes for in-year monitoring of departmental expenditure by the Assembly and its Statutory Committees with a view to making recommendations to improve further the operation of processes and to facilitate more effective scrutiny. DFP officials are conducting their own review of the in-year monitoring process, and the Committee will want to examine the outcomes of that review as part of its inquiry. DFP's review is due to be completed by the end of March 2009; it would be useful if that were completed in time to enable the Committee to take forward its inquiry.

Those matters are for the future. On the Committee's behalf, I support the motion.

Mr O'Loan: As the Minister said, the Assembly has covered quite a number of issues already, and has covered the current one previously. I want to make some points by way of a summary of the Budget.

My party has argued the need for a revised Budget to counteract the economic downturn. It believes that it

has gained support from DFP officials — who, I presume, reflect the Minister's view to a certain degree — for the idea that some programmes may have run their course and that there is a need to reprioritise.

I was struck by the fact that when Wrightbus issued its unfortunate statement about 235 redundancies last week, it asked the Assembly to address certain issues; one was research and development and another was apprenticeship programmes. When such a request is made in the context of such a statement, the Assembly must take it seriously and recognise that the company speaks for the entire industrial sector.

The United States has responded to the economic crisis with a massive stimulus package. Several countries have created specific measures to upskill and train workers and to keep people in jobs so that they are ready when the upturn happens. Little of that has been seen in Northern Ireland. There has been no new Budget.

There is an ongoing review of economic policy in the Department of Enterprise, Trade and Investment (DETI), with specific reference to Invest Northern Ireland (INI). I have quoted John Simpson before, and shall do so again. During the week, he said that not enough ideas and new thinking are emanating from the board of Invest Northern Ireland and that the measures by which it measures itself are not impact-related.

It seems that the Finance Department has virtually abandoned the process of creating a regional economic strategy and says that it is now focused on dealing on the downturn; although it is not really. The Assembly will miss a significant opportunity to look to the longer term to provide for the upturn.

For the record, I will mention the significant pressures on the Budget, which include the loss of revenue from the decision to defer water charges, and the Civil Service equal-pay issue. There is also the £5 billion of efficiencies.

The Chancellor is threatening to make those real cuts. Given the level of Government receipts that were reported in January, we will be fortunate if there is no significant pressure to further increase that £5 billion. We know about the problem with capital assets realisation, and we know the consequence of the abandonment of Workplace 2010. The Civil Service estate is still not fit for purpose, and a significant amount of money needs to be spent on that.

12.00 noon

I want to refer to an issue that has not been addressed. I have always thought that the Assembly faces two major challenges, the first of which is the economy, and the second is reform of the public sector. We are losing track of that matter, and the Assembly's eye is not adequately focused on it. Much of the language that has been used on the efficiency savings is not the

right language. The language of people in various agencies and Departments, and of the Ministers, suggests that they are being forced to make the savings. Implicit in that is the suggestion that if they were not forced to make those efficiency savings, they would not take that approach. Achieving public-sector reform is not merely about implementing those efficiency savings; much more fundamental reform is required.

I am disappointed in what we are getting — or not getting — from the performance and efficiency delivery unit (PEDU), which was an interesting initiative. For example, PEDU has conducted a light-touch review of Land and Property Services (LPS), in which there are major issues on arrears and problems with the penny product. LPS is only now addressing the issue of vacant buildings, and revenue has been uncollected for many years, yet PEDU used only a light touch with not a great number of outcomes. Reform of the public sector has not been adequately addressed and remains one of our greatest challenges. Given that the Budget is as it is, I urge the Minister to use the opportunities that arise throughout the year during the implementation of the Budget to address economic challenges.

I welcome his statement on the recent BBC ‘Spotlight’ programme about unemployment, when he said that the construction industry, which has particular problems, should receive significant priority when money becomes available — I think that he said that that industry should be the first priority. It is an Executive commitment to deliver on that, particularly in relation to housing. I welcome the Minister’s indications that he accepts that the matter is a shared Executive responsibility, and he has given a personal commitment to address it.

Dr Farry: The Alliance Party supports the Final Stage of the Budget Bill and welcomes its passage, for no other reason than it ratifies the changes to the monitoring rounds during the financial year and enables all Departments to spend money from 1 April, rather than face a situation without money, or a Newt Gingrich-type situation whereby Government have to shut down because of a lack of funds.

I am grateful to the Ulster Unionist Party — or the Conservatives — for abandoning their notion to oppose the Budget. That was not a responsible approach, even from my position as a member of the opposition. It is important that the Assembly does not take the Alliance Party’s support for the passage of the Budget as support for the wider financial decisions that underpin the Budget. Like Mr O’Loan, I have major concerns about how the Assembly and the Executive are responding to the economic downturn. We have not taken sufficiently robust decisions and could have done more.

In order to highlight that assertion, I will refer to a number of issues. I note and accept that the Assembly will

spend a record and unprecedented sum — approximately £1.5 billion — on capital projects this year.

However, it is worth stressing that the Budget for this financial year referred to a net expenditure on capital of £1.4 billion, but in gross terms, the investment strategy referred to £1.8 billion. Therefore, there is, potentially, a £300 million shortfall in that respect.

I note that the Minister has said that the reason that we cannot do that is due to the capital receipts not coming through. Obviously, we understand why that has been the case because of the economic downturn. However, the disappointment that I have — and I know that it is shared by society overall, particularly by the business sector — is that the Executive do not have the flexibility and ability to respond by reallocating resources to close that shortfall in capital funds. We are not able to bring new resources to bear to deliver that £1.8 billion in capital investment.

If one looks at jurisdictions elsewhere in these islands and around the world, one can see an effort to accelerate capital spending in recognition of the fact that that we are in an economic downturn. In some respects, that is an easy way to get economic activity under way, but it also allows us to invest in a better infrastructure for society, which means that we are better placed to take advantage of a recovery when it comes.

Therefore, there is some sense of disappointment that we are not able to respond with greater flexibility to the situation in which we find ourselves. I say that while recognising on the one hand that we are talking about a record amount of money, but we have not delivered on the goals that were set out in those documents. I do wonder what the formal status of the investment strategy is, given that the numbers in that strategy are now significantly off course.

The £15 million set aside for winter fuel payments is an aspect of the spring Supplementary Estimates. I certainly support those payments being made — something had to be done for vulnerable pensioners during this winter. In a sense, the Executive found themselves in a situation whereby they could do little else, given that they had not undertaken other programmes with perhaps a slightly longer lead in. We are now in March, and moneys have not been paid. I am not sure why Ian Paisley Jnr was welcoming that money and how it has been making an impact on the pensioners in North Antrim. Perhaps something has happened there that has not happened elsewhere.

However, there is concern about why those payments have not yet been made. I appreciate that the Minister will say that it is the responsibility of the Minister for Social Development to deliver, but I think that that is a little bit silo-orientated. There is an overall responsibility on the Executive to address that. My wider concern is that the Executive have announced the extension of the

winter fuel payments to cover additional categories, and the Minister has been taking credit and praise for that today. That will, I understand, potentially involve spending an extra £7.5 million.

My concern is that the headroom that has been built in by the Department covered only the £15 million. The Minister suggested this morning that the additional £7.5 million needs to be found by the Minister for Social Development. Presumably that means finding it from elsewhere in the budget, and potentially surrendering it. The Minister is shaking his head, but I am happy to be corrected if I am wrong, and to receive a full explanation of where that £7.5 million will be found from resources. As far as I am aware it has not been allocated with any of the financial commitments that have been made so far with regard to actual money as opposed to a declaration from the Executive. Potentially, that issue may not be addressed until the June monitoring round, and if we are talking about sorting it out in June, that makes a farce of winter fuel payments.

It is important that we do not lose sight of the fact that living in a divided society, we are skewing our resources to manage division. At most times, in a normal situation, that would bring major opportunity costs, which deny us the ability to invest in quality public services or elsewhere in the economy. In an economic downturn, when there is a need for enhanced flexibility to reallocate resources, that puts additional requirements on budgets.

The cost of managing a divided society is, therefore, brought into even clearer focus. My party is happy to share its ideas with the Minister, but it is worth noting that the Deloitte report that highlighted the cost of division in society — ‘Research into the financial cost of the Northern Ireland divide’ — has, effectively, been sidelined by the Executive. I encourage the Executive to return to that report, because we must consider all the available options for finding savings in society in order to reinvest money for the benefit of all the people of Northern Ireland.

Those remarks aside, I am happy to support the passing of the Final Stage of the Budget Bill. Many of the issues that Members have highlighted during this debate will form the basis of a much fuller debate on the Budget (No. 2) Bill, which should take place later in the spring.

Mr F McCann: A LeasCheann Comhairle agus a chairde, ba mhaith liom labhairt ar son an rúin seo.

I support the passing of the Budget Bill. As I said during the Second Stage debate on 17 February, it is essential that the Assembly stand united in support of it. As we all know, these are very difficult times, not only in our society but throughout the island, and, indeed, all over the world. No one can argue against that. We can snipe at, and condemn elements of, the

Bill, but in the absence of any new thinking or any new suggestions on how we might move forward, that becomes nothing more than empty rhetoric.

I have said that there are many things that I wanted to see included in the Budget, and I argued in the House that we had to ensure that everyone felt ownership of the Budget and the Programme for Government. Unless we include all sections of our communities, especially those in need, we will fail. Nevertheless, the Executive have had to make hard decisions in order to ensure that the available resources are spread across all Departments.

The Committee for Social Development supported the Minister’s call for additional funding for the housing budget, and I make that call again today. That call has been heard, given the Executive’s record over the past 18 months, with tens of millions of pounds in additional moneys being given over the monitoring rounds to increase the housing budget. However, I have serious difficulties with how much of that allocation was spent on building new social housing.

Mr O’Loan: Will the Member give way?

Mr F McCann: No, thanks.

I also have difficulties with many of the Minister for Social Development’s decisions, not least her inability to deliver a housing programme without blaming someone else. Yesterday in the Chamber, we discussed the publication of the findings of the inquiry into the Department’s handling of the neighbourhood-renewal strategy, which is its main instrument for dealing with deprivation. However, the Minister has failed to address seriously the problems in delivering the strategy.

In the December monitoring round, the Minister gave back £5 million that was to be used for neighbourhood renewal — so much for dealing with social deprivation. Yesterday at Question Time, I asked the Minister to tell the House how much of her overall budget had been spent on social newbuild, but she refused to answer the question. That is a clear mark of her time in ministerial office. She fails to face up to her responsibilities of office, in the hope that it will all go away, but it will not. In answer to every question that was put to her yesterday, someone else was to blame for her problems. *[Interruption.]*

Mr Deputy Speaker: Order. The debate is on the Budget Bill. It is not to be a résumé of what the Member feels about the Minister for Social Development. Please return to the motion.

Mr F McCann: My points, Mr Deputy Speaker, are directly related to the way in which the Department for Social Development has handled its budget, so they are relevant to the debate. Much of today’s debate, not to mention yesterday’s debate on neighbourhood renewal, concentrated on the Minister for Social Development’s arguing that everyone else was to blame for her

budgetary problems. The point that I make is that if she handled her budget properly, not as many difficulties would materialise.

I am surprised, Mr Deputy Speaker, that you say that I cannot raise that issue. Many Members, on all sides of the House, have raised difficulties and problems. The points that I make are directly relevant to the Budget.

Mr Deputy Speaker: Order. I remind the Member to remain focused on the Budget Bill.

Mr F McCann: I say again that the issues that I have raised are relevant to the Budget Bill. As other Members have said, one cannot argue in debate that there are difficulties with the Budget, and with the Ministers who handle those budgets, and then say that we cannot raise the difficulties that we see with the Budget.

12.15 pm

The Minister for Social Development says constantly that social housing will cure the ills of the construction industry. However, between 93% and 95% of the homes built have been for the private market, and it is the collapse of that market that has had a serious impact on the construction industry.

The Executive did not ask the Minister to redirect £90 million from the Social Security Agency in the monitoring rounds — and just think about how many construction workers she could have put to work if she had gone ahead with the planned newbuild for the agency. The issues are all budget-related. She has yet to say how much money she has spent from last year's budget on getting construction workers into jobs and on buying houses. Looking at this year's programme, it seems that many houses will be bought rather than being newbuilds. Yesterday, the Minister spoke again about her mortgage relief scheme, and how she made a bid to the Executive to implement the scheme, which was refused.

The facts are that she announced that she was going to implement the scheme last February, and that she called for a consultation period in October 2008. However, she has yet to tell anyone what the scheme will consist of and how it will address the issue. Perhaps she will tell Members how many people have lost their homes during that period —

Mr Deputy Speaker: Mr Basil McCrea wishes to raise a point of order.

Mr B McCrea: Mr Deputy Speaker, I realise that you are well able to look after yourself in the Chair. However, you drew Members' attention to concentrating on the Budget, and there is — regardless of the rights or wrongs of your decision — an indication that the Member should concentrate on the Budget and not on sustained attacks on the Minister. Although you may not want to deal with the issue at this stage, my question is not about the substance but the direction from you.

Mr Deputy Speaker: That is not a point of order. I reminded the Member to focus on the Budget Bill, and I again remind him to do so.

Mr F McCann: A LeasCheann Comhairle, I am coming to the end anyway. It is a bit rich of the Member to raise that point, because he goes off the subject constantly.

Dr Farry: Will the Member give way?

Mr F McCann: No, because I am almost finished.

We need to get on with the business of providing leadership; we need to support the Budget and the Programme for Government and we need to ensure that we do so without any unnecessary delay. A LeasCheann Comhairle, I support the Bill.

Mr B McCrea: I shall attempt to keep to the topic and to resist the temptation to spend 15 minutes discussing the Minister for Social Development. In all seriousness, I have made my personal position clear: the economic situation facing the people of Northern Ireland and the wider economic world is so serious that it requires people to start working together. I find it strange, therefore, that Members who normally lead-off with that statement, as the previous Member did, then decide, while they are on their feet, to have a go at another Member or Minister.

If we are serious about tackling issues, we must find a way forward. In a previous debate, I noticed that Members were discussing the big challenge that we face — namely that the block grant may be reduced; that we must ensure that Westminster does not decide to do that; and that all parties should join together to deal with that. Some Members also took the opportunity to take a sideswipe at the Ulster Unionists about their link with the Conservative Party. I speak as an elected member for the Ulster Unionist Party; however, the situation behoves all of us to use whatever —

A Member: — *[Interruption.]*

Mr B McCrea: Sorry?

A Member: Go ahead.

Mr B McCrea: The situation behoves all of us to use whatever influence we have to ensure that the finances are made available to the Assembly. In other debates, we have talked about the emergency powers that we need to tackle issues. I wonder whether the Minister will address the fact that as far as closures are concerned, shops in Lisburn, which is in my constituency, are dropping like flies. Although Lisburn offers the premier shopping experience in Northern Ireland by far, it certainly cannot —

Rev Dr Robert Coulter: Ballymena.

Mr B McCrea: Ballymena may be a close second, but Lisburn is still number one.

I wonder whether the Minister has any way of helping to address the issue whereby rents have plummeted but rates have not. As I understand it, and unless the Minister can explain otherwise, we have no powers to help our retail friends.

Mr Hamilton: Is the Member aware of the passage, yesterday, of the Rates (Regional Rates) Order (Northern Ireland) 2009, which froze the non-domestic regional rate this year, and proposes to do so again next year? That will benefit businesses in Northern Ireland, including some of the retailers that the Member is talking about, to the tune of £8 million.

Is he also aware of the imminent introduction of legislation for a small-business rates relief scheme, which could assist some businesses, including the retail businesses that he is talking about, to the tune of 25% off their rates bills? I am sure that the Member will join me in welcoming those innovations and initiatives from the Minister of Finance and Personnel, which aim specifically to help some of the businesses that he is talking about today.

Mr B McCrea: I am always grateful to have the benefit of my friend's experience on rates. I have spent some time discussing the cap on industrial derating and other issues related to rates — I know the matter very well. I am bringing to the Assembly's attention the fact that although there are powers that we seek to take in the future — through the RPA and the small-business rates-relief scheme — the situation facing our economy is dire. There are businesses that will not qualify for the proposed rates-relief scheme because they are substantial retailers, and they are close to closing down.

The Minister of Finance and Personnel: It is precisely for that reason that in the December monitoring round, we decided to freeze all rates for non-domestic properties, big and small, from April this year — people will not even have to wait until 2010 for the benefit. Therefore, we have dealt with the Member's points.

Mr B McCrea: I accept that the Minister is looking at those issues. However, although I might sound like the proverbial broken record, I wonder whether we need to look at making cuts. When I was talking about industrial derating, I argued that companies would either fail or go elsewhere if rates bills were not reduced. That was the argument that I made on manufacturing, and it was eventually taken on board. I see with my own eyes that businesses are failing now.

The Minister of Finance and Personnel: That is a new proposal that has not been advanced until now. What services, which would otherwise be paid for through rates, is the Member proposing to cut?

Mr B McCrea: Minister, I have heard that argument before.

The Minister of Finance and Personnel: What is the answer?

Mr B McCrea: Forgive me — I have heard that argument before; Minister Hanson put it to me when I argued for a cap on industrial rates. He said that the money from those rates had already been factored in, and he asked me where I would find the money to pay for a cap and what services I would cut. I answered that no rates whatsoever will be collected if there are no businesses.

The Minister of Finance and Personnel: That is a cop out, and the Member knows it. His proposal is interesting, because I have not heard it from any other member of his party — if he is proposing cuts, it is worth exploring his comments. What cuts does he propose to make and in which Departments? If he does not answer that question, his proposition is not serious.

Mr B McCrea: Minister, I am prepared to answer that question, but —

Mr Deputy Speaker: Order. Please make all remarks through the Chair. This sounds like a conversation between Mr Basil McCrea and the Minister — will the Member include all of us?

Mr B McCrea: As you know, Mr Deputy Speaker, it is my policy to try to take interventions, whenever possible, in order to argue a point. In that instance, I was responding to an intervention, but I will, of course, direct my attention to all other Members through you.

To save the Minister from having to get to his feet again, I will answer his question about where cuts in services can be made. The Assembly will have to consider making genuine efficiency savings, because the money that had been expected, whether from capital receipts or rates bills, is not forthcoming; companies are failing, and the retailers that have gone out of business no longer pay rates bills. The Assembly will have to make up the money that is now absent from the Budget from somewhere else. Where can the Assembly make cuts in order to find that money?

A large company in my constituency employs more than 500 people who are now on a four-day week and who have taken a 12.5% pay cut. When it comes to finding the extra money, the Assembly will have to examine seriously wage inflation in the public sector. We cannot expect simply to watch cuts being made in the voluntary sector and short-term working being introduced in the private sector without taking remedial action in the public sector. The Assembly must hold collective discussions on that issue.

I am not trying to put people on the dole — quite the opposite. However, we face a harsh financial reality, and having noted the considered manner in which the Minister dealt with matters in his statement, I am putting forward my view in a similarly considered

manner. If Members are serious about tackling financial issues, they must resist the opportunity to take petty party-political potshots and find a way to work together. Quite simply, the money to do everything that Members would like to do is not available, and, therefore, the Assembly must prioritise. When the UUP argued the need for a review of the Budget, I took on board the argument presented by the Minister and others. Their response was that a review would be too difficult, other means could be found and that Ministers had to take responsibility for finding savings in their Departments.

The Department that I know most intimately is the Department of Education, in which I can see that cuts are being made; inflation in the price of fuel, and the rising cost of maintenance and job evaluations are not being funded. When the Department makes bids that are described as inescapable, they cannot be met because there is no money available in the monitoring round.

Dr Farry: Will the Member give way?

Mr B McCrea: No; I will give way in a minute.

That saving must come from somewhere. Cuts are being made, and it is mendacious for Members not to state openly where that is the case. We should be honest about that.

Dr Farry: I am almost tempted to suggest a merger as a possible approach. I welcome the Member's bravery in making certain points today.

The large school estate is inefficient, and many small schools with small catchment areas are under threat. A disproportionate amount of the education budget is spent on school buildings rather than on pupils' needs. There is a requirement for a sustainable schools policy, whereby the number of shared and integrated schools can be increased. Does the Member consider that the Minister of Education should accelerate such programmes to realise resources that could be reinvested in education or elsewhere in the economy?

Mr B McCrea: Part of what the Member said is lost on me; it is the same old, same old. He could not help starting off with a dig about mergers. When I was speaking, some Members remarked that I was being courageous. That reminds me of 'Yes Minister' and the courageous —

A Member: The very courageous —

Mr B McCrea: If Members who are speaking from a sedentary position wish to stand to make their points, I will give way.

Sometimes, Members must point out that the emperor has no clothes or highlight the challenges that we face. Anyone who walks around our towns and cities sees businesses that have closed down and must realise that that has a devastating effect not only on the owners of those retail concerns but on their employees. Those

closures also reduce the rateable take and will subsequently affect every person in the community.

12.30 pm

I am asking Members whether there is a way in which we can try to alleviate the immediate pressure that these folks are under — which is largely coming from rates — not at the end of the year, not when we get the small-business rates relief scheme, but now.

Mr Hamilton: Does the Member accept that a freeze on the regional rate for non-domestic properties this year and the proposal to do the same next year is, effectively, taking into account inflation, a real-terms cut over both periods?

I am interested in the Member's innovative proposal. I would support the notion of reducing rates both for domestic and non-domestic customers, but that is a decision and policy that would not come without consequence. I do not think that the Member has been as full and free in outlining those consequences as he should be.

Will the Member outline to the House why, in coming forward with this innovative and novel idea — and it is the first time that I have heard it being espoused by him or any member of his party — he has waited until today, until the Final Stage of the Budget Bill, and did not come forward with this innovative and novel idea yesterday when we were striking the non-domestic regional rate for the incoming year? I would have thought that that would have been a much more appropriate time to bring forward such a proposal.

Mr B McCrea: There are issues of merit in what the Member has said, but some parts of his speech were rather shallow. The reason that I am bringing forward these issues now is that when I met traders and commercial interests in Lisburn, as I did recently in relation to parking fees and such matters, it was explained to me that one particular person who had owned four shops in Lisburn, now owns two, and will shortly own one. Mr Hamilton will be aware of the travesty that that represents. In that one shop, five people were employed. Now, only one person is employed there.

As an elected representative, I listen to what people say and I look around and see that there is a very real problem. People have spoken to me about the level of rates that they are being asked to pay. People asked me whether there was something that they could do. I spoke to the rates office to ask when the latest revaluation was coming out, and asked whether that would give us any succour — would it help?

I am grateful for the Member's support, which is what I think he was indicating, to this innovative idea. All that I did was to ask the Minister whether there was any provision for us to have the powers to secure

targeted intervention. It comes down to this: some rates from some companies that stay open are better than no rates at all, which is where we are heading now. I see it with my own eyes, and I wonder whether there is anything that we can do about it. I will not detain —

Mr Hamilton: Will the Member give way?

Mr B McCrea: I was just about to finish, but, yes.

Mr Hamilton: Maybe I should sit down, then, Mr Deputy Speaker.

In principle, I support the idea of keeping our rates as low as is possible, whether for domestic or non-domestic customers. I would support reductions if they were plausible. That would not come without consequence. The merit of the Member's proposal can be judged only if he were to outline — in explicit terms — exactly what the consequences of the cut that he proposes might be. He cannot simply stand up here and say that the non-domestic regional rate should be cut. The Member should have risen yesterday and made such a proposal when we were striking the non-domestic regional rate for next year. Why has the Member waited until today to suggest the idea?

I accept that the Member has genuine, valid concerns, as do I and other Members, and that is why I support the measures that the Minister is bringing forward this year and has proposed for next year, but the Member's proposal strikes me as a little bit desperate and last minute, and inappropriate in time. It should have been brought forward yesterday — that was exactly the appropriate moment in which to debate what the level of the non-domestic regional rate should have been.

Mr B McCrea: I entered this debate by asking whether the Minister has any powers to intervene selectively. Are we able to target a developing problem? Part of that debate led us to other places.

Given that I am responding to a question asked by Mr Hamilton, it would be good if he were listening to me.

The point that I am making is a logical consequence of the debate. Decisions cannot be taken by one person, or one party, because doing so would result in exactly what is happening in the Chamber now: Members are rubbing their hands in glee at the prospect of the headlines tomorrow. My message for every Member in the Chamber is that the people of Northern Ireland look to all of us on this hill in the expectation that we will help them out. Being able to do that comes down to having honest and frank discussions.

Earlier, in the debate on the Financial Provisions Bill, concerning the Comptroller and Auditor General, we spoke about the necessity of allowing people to come to speak their minds. I assure Members that I am not attempting to advantage any particular person; I am attempting to find a resolution to a dire problem

that is ruining commercial centres. Surely we must be able to do something about that situation.

Mr Deputy Speaker, you indicated that you wished to finish for lunch, and I have taken longer than expected. However, I must put my points firmly. Earlier, a Member, risibly, commended the Ulster Unionist Party for changing its mind about being in opposition. Party politics are not the issue for my party in this matter. We changed our position because having made our points about the Budget, we lost the argument and must, therefore, move on. If Members are serious about democracy and really want to work together on this matter, they must begin by confronting some of the elephants in the Chamber — that is a metaphor, and not a reference to any Member. We must deal with these matters constructively. It may well be that as the smirks to my left confirm, I am in a minority of one, but, in the words of Mahatma Gandhi:

“Even though you be in a minority of one, the truth is still the truth.”

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

The sitting was suspended at 12.38 pm.

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

2.00 pm

Mr Attwood: This has been a somewhat curious morning in respect of the debates on the monitoring returns and the Budget, because one or two things have, it seems to me, begun to crystallise around the issue of our Budget and about where it may or may not be going over the next two years and beyond.

The first is that the Minister referred this morning to the fact that, and I use his words, there will be an increase in capital expenditure:

“increasing next year, increasing the year after”.

That is a brave presumption, because, as the Minister also conceded this morning, conversations commenced last week with the Prime Minister, and will continue, as he indicated, in coming days and weeks, about what can be presumed when it comes to the 2009-2011 Budget.

I am mindful that a DFP spokesperson briefed that the London Exchequer may be looking for upwards of £200 million in cuts — or efficiency savings, or whatever new title they might be given. In the context of DFP briefing that there may be an additional pressure on the Budget of up to £200 million, and when there are, clearly, issues being discussed between our Government and the London Government, it seems presumptuous and daring of the Minister to inform the House that there will be an increase in capital expenditure next year and in the year after.

The second curious point that I want to raise with regard to what I have heard in the past few hours are words that the Minister himself used in reply to a question that was clearly planted and pre-ordained between himself and Simon Hamilton. In the context of the Budget and the February monitoring returns, the Minister, in reply to that question, referred to — and I again quote his words exactly — that it may be the case that:

“there would be a reordering of Budget allocations”.

“Reordering of Budget allocations” were the words used by the Minister in the Chamber this morning. He went further and said that it may be the case that:

“there may be removing money from other budgets”

— in order to address identified needs. Among the issues to which the Minister referred this morning were the dioxin contamination incident, housing and maybe other issues

It is curious that at a time when the SDLP and many people involved in economics in Northern Ireland are saying that there is a need to look at our Budget and consider whether adjustments should be made, the Minister is using the language “reorder Budget

allocations” and “remove money from other budgets” in order to address some specific need.

When responding to the debate, I hope that the Minister will take time to explain what those words mean, because one interpretation — which is the benign interpretation and to which I am not yet driven to conclude — is that the Minister is moving to the ground of the SDLP argument, which is that there needs to be a reconsideration or a review of Budget allocations and that there may be a need to reorder Budget allocations and to adjust its priorities.

If that is the ground that the Minister is now moving on to, I welcome him to SDLP ground, and I welcome his response to the argument that the SDLP has been outlining for a long period. Given that those are the Minister’s new words and that we have been hearing them over the past number of hours, it would be helpful if he were to now throw more light on what he means when he talks about reordering Budget allocations and removing money from other budgets. If he is prepared to say that that is what happened in the situation with dioxins, I invite him to indicate what other Budget priorities he thinks the same might happen with.

As I understand from the comments of Mr McCann from West Belfast, there was a curious exchange this morning. I apologise that I was not in the Chamber for all of the debate, due to —

The Minister of Finance and Personnel: Or, indeed, for hardly any of the debate.

[Interruption] There is good reason for that, as I am sure that you will accept, because as we speak, evidence is being taken in the Senate Chamber about the budgetary concerns and issues with the devolution of justice and policing. Given that you are currently negotiating —

Mr Attwood: Given that the Minister is currently in negotiations with the Exchequer in London about what the Budget allocation will be in the event of the devolution of justice and policing, was it not curious that Mr Robinson made an intervention during Mr Dodds’s speech on the Floor of the House of Commons last Wednesday when the procedural motion about the legislation that will be discussed in the House of Commons over the next two days was being debated? I see that Mr Dodds is nodding approvingly. Mr Robinson made an intervention while the Member for North Belfast was making a speech, putting on record for all to hear — not least his senior partners in Government — that:

“no end date has been agreed for the devolution of policing and justice”.

Mr Robinson took time out on the Floor of the House of Commons, in public, to drive the point home and to put on the record that there is no end date for the devolution of justice and policing. If that is not

sending a message to your partners in Government, I do not know what is.

However, let me come back to the debate —

The Minister of Finance and Personnel: Thank you, Alex.

Mr Attwood: There will be a lot more for the Minister to reply to before I am finished.

It was curious this morning that in another choreographed move, Mr Simpson and the Whip for Sinn Féin — Carál “get used to it” Ní Chuilín — asked about the SDLP’s approach in Government to budgetary issues, including the budget for social housing. It was curious because what neither Mr Simpson, nor Ms Ní Chuilín nor the Minister said about the Minister for Social Development’s input into the Budget negotiations was that, in November, she — nearly alone among her ministerial colleagues — made proposals to the Executive as to how the Budget could be distributed in order to respond to the economic downturn. That was in response to a specific question that was asked by the Office of the First Minister and deputy First Minister (OFMDFM). At that moment, the DUP and Sinn Féin in Government did not respond to the Department for Social Development (DSD) Minister’s proposal about how the Budget should be spent in order that the economic downturn could be addressed.

Were that not bad enough, when the Minister said in December that he was returning moneys to DFP and looking for approval to spend those moneys on budgetary matters to deal with the economic downturn, what did Sinn Féin and DUP in Government do? They dismissed the Minister for Social Development’s paper and ignored her advice about using the Budget in order to maximise return in an economic downturn by assisting our construction industry. I welcome the fact that although the Minister of Finance and Personnel did not agree to that approach in December, come January, his position had changed somewhat and, as he outlined this morning in his reply to Mr Simpson’s question, he agreed that money that was in the DSD budget could be reallocated for housing.

An argument that the Minister would not accept in December because of the weight of evidence and public disquiet, he agreed to in January. I welcome that, and I trust that that will now work itself through in the terms in which the Minister spoke this morning. If there is going to be a reordering of Budget allocations, the principles that the Minister established in January, in agreeing that the reallocation of money should go back to DSD for housing, and in the letter that he sent to the Minister for Social Development, in which he said that he accepted that there was a materially disproportionate impact on the construction industry through housing stress and unmet housing

need, should be put into practice. I welcome the fact that the Minister also said those things publicly on the Floor of the House. I hope that the Minister, if he fulfils the words that he used this morning in respect of reordering budget allocations, will ensure that that works itself through in respect of the housing budget, the other priorities of Government expenditure, and need in our society.

It seems that the sands are shifting, and that the sands may even be shifting in DFP when it comes to how the Budget should be spent — and I am sure that the Minister will want to deal with that in his reply. However, it is not just the SDLP that is saying that; it may not just be the Minister who is hinting at that; it is also the view of the leader of the Ulster Unionist Party, Sir Reg Empey. Last week, he came before the Committee for Employment and Learning and made the following observation — this is the note of the recording taken by Committee staff:

“The question is, to what extent do you revisit targets that you set yourself? Now, just because they are hard to achieve doesn’t mean you shouldn’t have a hard to achieve target, but I think we have reached the point where hard to achieve is one thing, impossible to achieve is another. And, in some of the targets we are moving strongly into that territory. I think one would need to do that exercise first and I think there is a case for revisiting some of our targets so that we can see what is achievable and maybe we will have to revise some of them down in the short term and if there is a budgetary consequence to that then obviously we will have to address that because it could still take more money to achieve a lower target.”

Those are the indications from the Minister for Employment and Learning, which are contrary to what he may have said publicly two or three weeks ago.

When it comes to the budgetary situation, and the consequences of what we are discussing and voting on today, the sands are beginning to shift. In my view, the sands have shifted quite remarkably, even in the past two or three weeks since the last occasion when we were on the Floor of the Assembly discussing the issue of how we spend our Budget and what the priorities in the Budget should be.

Look at the evidence of the past two weeks, which is available for all to see, and which Mr Basil McCrea said that he picked up from constituents and businesses in his part of the world. Let us rehearse and remind ourselves of what the evidence has been in the past 14 days in respect of how the economic situation in the North has developed and why we should now be seen to respond to those developments in a way that does what the Minister said, which is to revisit some of the Budget priorities. In January, the number of people claiming unemployment-related benefits went up 2,200 to 38,400, which is a bad figure. However, behind that there is even worse news. The annual increase in unemployment in Northern Ireland over the past year is the highest in nearly 40 years. If one looks behind that, the number of jobs lost in Northern Ireland in the

year up to January was 14,700 — the largest recorded rise in the history of Northern Ireland.

Furthermore, 80% of that occurred in the last six months of 2008 alone. Therefore, the figures, evidence and information that have come into the public domain over the past two weeks show that the situation is becoming more acute and that it requires a more interventionist and acute response from Government.

2.15 pm

Considering how that is reflected in Northern Ireland's constituencies and wards gives one a sense of why Government must urgently revisit the Budget: on 18 February, we had the loss of 21 jobs at Zavvi in Belfast city centre; on 13 February, Stream indicated that it might seek redundancies; on 28 February, we heard from Wrightbus that 235 jobs could go to the wall; and as I speak, Translink is in conversation with its employees about potential redundancies. The service sector — in past years a key reason for unemployment falling to an historic low — is now experiencing its fastest rate of unemployment growth in a decade.

That is what is on public record in the past two weeks alone; the next two weeks may be no better. In those circumstances, I hope that the Minister will look again and reconsider what he said this morning — the re-ordering of Budget allocations.

In an effort to be constructive, I say to the Minister that, at this time, there are reasons why re-ordering Budget allocations and making appropriate interventions have particular added value. I will not rehearse the SDLP's argument — investment in social housing is the best delivery mechanism by which to achieve the biggest impact in the shortest time across a range of indicators. That argument is self-evident and compelling; I do not intend to repeat it.

However, there are other sectors in which appropriate intervention now can make a difference. Given comments made by the Minister of Finance and Personnel's colleague Mr Sammy Wilson some of what I will say may be particularly timely and appropriate.

However, there have been some opportunities for our manufacturing and wider industry base in the North in the past two weeks. Willis, a company that makes water-heating systems, secured a major contract in North America to supply its energy-saving solar devices. At the same time, jobs were created in Newry by GEM and in other IT back-office support work. A huge investment is being made on the headland between Whitehead and Larne, not far from the Environment Minister's constituency, to store wind power in caverns to create green, clean and cheap energy.

Bearing in mind the general economic performance of the North over the past two weeks, those are clear examples of where to target and to direct economic

interventions. In the past fortnight, the Manufacturing Forum said that in its view INI was not fit for purpose in trying to sustain the North's manufacturing base beyond the IT and the financial sectors. That should prompt the Government, the Finance Minister and his colleague in DETI to consider what interventions are needed to maximise those industries and manufacturers that — even in the present difficult environment — are demonstrably fit for purpose, fit for competition and fit for business.

I will make two final comments. In many ways, they are small and symbolic matters because the SDLP has indicated that it will publish a wide range of proposals on the readjustment of the Budget in an effort to ensure that the Executive and the Assembly are fit for the challenges that Northern Ireland people expect them to address.

These two issues were mentioned by one or two other Members earlier in the debate. The first is the issue of the Civil Service bonuses for which the Budget makes provision. As Members are aware, evidence given to the Committee for Finance and Personnel indicated that all permanent secretaries received maximum bonuses in the past year.

In a reply to a question for oral answer in the House on 23 February 2009, the Minister said that he had received a report on Civil Service pay and bonuses. I look forward to what the Minister does in due course about that report. I do not understand how bonuses are being paid at such a level when there may be issues about the conduct and management of Government. That suggests that there should be a question mark over whether those maximum bonuses should be paid.

I could give many examples, but I will give only two because I want to be cautious. The Department for Employment and Learning and the Department of Education have now spent almost six years undertaking a review of teacher training in the North. The Minister for Employment and Learning said that the review had not been his Department's "finest hour". Although a review of a critical issue such as the delivery of teacher-training provision in Northern Ireland has been ongoing for six years, a report has not yet been issued.

The officials who occupy senior positions in Government — some of whom may receive maximum bonuses — should be asked questions about why a situation that the Minister described as not being the Department's finest hour does not have consequences regarding accountability, including personal financial accountability.

Yesterday, we heard that costs that were paid to a member of the legal profession would not have any consequences for the staff in the Department of Health, Social Services and Public Safety who may have had some responsibility for, or involvement in, the

management of the Brangam Bagnall and Co contract. It was hoped that the Department of Agriculture and Rural Development would raise £200 million from the sale of the Crossnacreevy site, but the Minister now knows that that was a grossly inaccurate assessment of that land's value. Some people now value that land as low as £5 million or £6 million.

Clearly, people gave that advice to the Department, but what are the consequences? Where does the buck stop when it comes to the management of Government in respect of officials who receive state salaries and who may also receive substantial bonuses of up to and including £10,000, which some permanent secretaries received last year?

My only experience of a bonus system is that of the Policing Board. Each year, the Chief Constable comes to the Policing Board and makes recommendations about the senior management team of the PSNI. I assure the House that not every senior police officer in the PSNI receives the maximum bonus every year. There are differentials among the senior officers, which are based on their performance over one year. That is my only experience of the management of a bonus scheme.

I find it difficult to reconcile some of the evidence that I have outlined — and there is much else besides — with the fact that all our permanent secretaries each receive a £10,000 bonus. I ask the Minister to consider those issues when the time comes to deal with next year's Budget and the payment of those bonuses.

The measures that I have outlined are small and symbolic but, over the course of two years, can have a significant impact on the Budget. When the SDLP publishes its wider proposals, they will have a more significant impact on the Budget than those I have mentioned. The proposals will mention the number of senior civil servants at grade 5 and above in each Department — the staff who receive the types of bonuses that I am talking about.

From my experience of Government, I know that there are many good officials across all Civil Service ranks, including the senior ranks. I acknowledge their work and compliment them on it. However, as the Minister might be aware, the SDLP has tabled a question to all Departments in the past three weeks. The question asked about the total number of staff in each Department, and, in particular, the number of staff in senior grades — that is grade 5 and above.

To date, virtually every Department has responded, including the Department of Health, Social Services and Public Safety, the Department for Social Development, the Department of Culture, Arts and Leisure, the Department of Education and the Department for Employment and Learning. The only Department that has not yet responded is the Department of Finance

and Personnel. The Minister has written to me to say that he intends to reply as soon as he can, and I look forward to receiving that response.

However, the question is a serious one, and it may be particularly serious for DFP, which some say has a much greater number of senior civil servants than other Departments. Not only must we view those matters in the light of efficiency and performance, but we must consider other questions, too: what is the right profile of senior civil servants at grade 5 or above across the range of Departments, and what opportunities may exist, over two years of spending rounds, to reconfigure that number and make some savings?

Those are only a flavour of the issues that the SDLP and I believe need to be addressed. I ask the Minister to reply to some of those questions today, if he cannot reply to all of them. In particular, will he enlighten us further as to what he meant this morning in his reply to Simon Hamilton's question about dioxins and the housing budget? The Minister said that there could be, subject to Executive review, a reordering of Budget allocations.

The Minister of Finance and Personnel: The Member was not in the Chamber to listen to most of the debate — he was obviously tied up elsewhere — but he made the longest contribution to it at the very end.

I will try to reply to most of the points that relate to the debate. Obviously, today's debate is on the Budget Bill, which is necessary to ensure that there is the legal authority to pay money to the various Departments. Many of the issues that were raised, particularly those that were raised in the last speech, have nothing whatsoever to do with the Budget Bill. However, I will answer some of those questions in due course.

I want to record my thanks to the Committee for Finance and Personnel for its assistance in the accelerated passage of the Bill through the Assembly, a process with which the House is, by now, well acquainted. The Committee's assistance will enable the Bill to receive Royal Assent by 31 March and will thus facilitate a smooth continuation of public services into the new financial year. I join Members in welcoming the fact that the Bill has been unanimously supported — despite initial indications from certain quarters that they would oppose the Bill and table amendments to it, nothing transpired in the end. I very much welcome that, as, I am sure, will the people of Northern Ireland, given that, as a result of the Bill, money will continue to be paid to Departments after 31 March.

I will try to deal with some of the issues that were raised. It will not be possible to deal with all of them, given the amount of time that has already been expended and the fact that the debate ranged far and wide, over a large number of areas.

2.30 pm

I will pick up on a number of themes. An issue was raised in relation to what more the Assembly and the Executive could be doing, and reference was made to the Obama package. That is a staggering contrast when one considers the powers and the remit of the Assembly in comparison with the situation in the US. It is an interesting comparison. Nevertheless, with regard to borrowing —

Dr Farry: Will the Minister give way?

The Minister of Finance and Personnel: No, I will carry on and try to get through as many points as I can. Reference was made to borrowing and to capital investment. I remind Members who talked about borrowing that Northern Ireland has borrowing powers that Scotland, for instance, does not have. Indeed, Scotland and Whitehall are debating that issue. Some Members said that Northern Ireland should be doing what other places are doing with regard to borrowing. However, we are borrowing hundreds of millions of pounds under much more favourable terms than those negotiated under the previous Assembly. The previous terms lumbered us with a tie-in to council tax increases in England as regards the rate of interest.

The terms were renegotiated by our party, and they represent a better deal for the people of Northern Ireland. This is no thanks to the SDLP, whose Members give us plenty of advice, but who got that matter spectacularly wrong even though they had responsibility for the finance portfolio at the time. They were obviously asleep at the wheel. The fact is that we have borrowing powers and we are utilising them. To put the record straight, Scotland would like to have such powers.

As I said in my statement on the February monitoring round this morning, there is a net capital investment of £1.5 billion, which is a vast increase compared to what was happening under direct rule, and it is an increase of between 30% and 40% on what was being spent last year. That money is going into schools, hospitals, roads and housing, and so on.

In December, I announced in the Assembly that a number of projects and programmes were being held up as a result of legal challenges to the frameworks. Without having to get advice from anyone, we took action to accelerate that expenditure to ensure that those projects would go to market and would not get caught up in those frameworks. As a result, £115 million of work is coming to market. Those are important issues to remember.

In December, the Chancellor said in his pre-Budget report that Northern Ireland had the capacity to bring forward money from 2009-2010 into this financial year and from 2010-11 into the next financial year. We have already done that in respect of this financial year, and we will look at what we can do for next year: we will

take that decision in due course. Therefore, we are delivering the investment strategy, we are accelerating expenditure, where possible, and we are taking action with respect to procurement to ensure that money is not held up.

A number of comparisons were made between expenditure in Northern Ireland and elsewhere. We are taking whatever measures we can to bring forward expenditure in line with the Chancellor's announcement in the pre-Budget report.

During the debate, Basil McCrea — who has now gone to another event but was present for most of the debate — mentioned a number of matters in which further action might be taken. He suggested that, in the current climate, we should cut rates further. As I said earlier, we are introducing a small business rates relief scheme, and we are taking measures to ensure that from April 2009 further help will come to businesses through freezing the regional rate in real terms.

Of course, rates are made up of two elements — the regional rate and the district rate. One can continue to take measures as far as the regional rate is concerned, and we have done so.

Mr McCrea is a member of Lisburn City Council, which, along with many other councils, decided to increase the district rate. He asks what more can be done about rates: I respectfully suggest that, as a member of that council, he might want to consider what he can do. The Assembly has frozen the regional rate, and if he feels so strongly about the matter, he may want to do something about the district rate. That is a logical suggestion.

Mr McCrea mentioned that one way in which to pay for that is through an examination of public-sector pay. He was frank and open enough to admit that that is a brave thing to say, and he conceded that he might be a lone voice. When Members speak of teachers' and nurses' pay, they should be aware of the legal liabilities contracted as a result of national agreements. Public-sector wages are of significant benefit to local businesses. However, I heard what Mr McCrea said from the Benches, and his suggestion was also mooted in the Economic Research Institute of Northern Ireland (ERINI) report, which was described by Mr McNarry as a "worthy" report. Mr McCrea's proposal — or suggestion — that public-sector pay should be examined would not be widely welcomed across Northern Ireland in the current economic climate, particularly among those in the public sector. It will be interesting to see what emerges in policy development on that subject. Mr McCrea made the proposal, and I am sure that people will want to explore it in further detail. It is not on my agenda or on that of my party, but it will be interesting to see whether it gains currency in other quarters.

A number of other matters were raised. Mr Farry mentioned several issues. Mr O'Loan referred to a discrepancy between what officials in DFP have said and what I have said. He said that, in some Committee or other, DFP officials seemed to have supported a proposition that he had put forward about programmes that had run their course. I reject that interpretation entirely and so would the officials concerned. It is invidious to quote officials in a debate when they have no right to respond. If he wants to bait the Minister, he should do that, but he should not bait officials.

The Programme for Government put in place the primacy of growing a dynamic and innovative economy. As a result of that, the Budget is aligned to take account of that strategic priority over three years, and measures have been taken to implement it. During the year, through the in-year monitoring process, money has been redistributed where reduced requirements have been declared. That has boosted expenditure in a number of areas, particularly agriculture, roads, education and, in the Department for Social Development, the housing budget.

Reduced requirements are surrendered by Departments that are no longer in a position to spend the money on the purposes for which it was allocated. Therefore, it must be returned to the centre for reallocation by the Executive. The decision to reallocate the moneys in-year was taken unanimously in December. There is, however, a difference between that and the decision taken by DSD in January to manage its own budget proactively and to reallocate money from urban regeneration to the social housing budget. I welcome that: I had urged that decision and was happy to accommodate it.

As I said earlier in my statement on the February monitoring round, it shows that, when it comes to helping the construction industry or other priorities, in many cases, there is often greater flexibility and room for manoeuvre for Ministers in their own Departments. They have vastly more resources at their disposal in their budgets than the Executive have in an in-year monitoring process. Often, a large degree of those budgets will have been allocated; however, if Ministers so wish, there may be room to reprioritise. That money often dwarfs the amount of money that is available in-year for reallocation.

Mr Attwood referred to comments that were made earlier in the debate. I will clarify the situation for his benefit, because he was not here for the entire debate, so I do not know what he heard or picked up. When Mr Attwood, anyone other Member or anybody outside the House talks about reprioritising or reordering the Budget, what must happen is that money must come out of other Departments' budgets in order to pay for that. In response to his question on the dioxins incident, that is what happened there. Departments had to give up money, and surrender it in a certain way, so that it

could be redistributed. The Executive made the decision that that was a priority that they wanted to meet. There is no option that allows us have more money for X that does not entail taking money out of Y.

That may be a difficult concept to understand, or, indeed, that may be what Mr Attwood and others intend to propose. We will all be interested to hear which budgets will be affected. I have no doubt that any proposal will be framed in the context of red tape and bureaucracy, and all that. However, if money is to be taken out of the Department of Health, Social Services and Public Safety, the Department for Regional Development or any other Department, Mr Attwood must be clear on that.

I am the one who has been pointing out to Members — whether they be Mr McNarry of the Ulster Unionists, Mr O'Loan, or others who are coming forward to say that we must revisit the Budget — that it is open to Ministers, within their remit, to reprioritise funds or to spend money differently. However, if those Members are saying that they want to reorder the Budget's priorities — in other words, re-examine departmental baselines — they must be open and honest, and say that that means taking money out of other Departments, because it is not me who is suggesting that.

The Minister of Health, Social Services and Public Safety is in the Chamber, and he has not come to me to say that that is what he wants to happen, nor has any other Minister. I think that all Ministers would indicate that they are spending their budgets in accordance with the Programme for Government. Much of the money that is being spent on capital investment is not only delivering better services and infrastructure for the people of Northern Ireland but is helping the construction industry at this time. Roads, hospitals, schools, education colleges, water plants, sewerage plants and other infrastructure cannot be built without such projects helping the construction industry. Of course, housing is included in that, and we have already indicated our position on that. There should be no lack of clarity on that matter.

Mr Attwood: Will the Minister give way?

The Minister of Finance and Personnel: No. We listened to Mr Attwood for half an hour, which really did stretch the limits. Instead of his trying to put words into my mouth, I have stated my position and pointed out the consequences of what people are suggesting.

At the end of the day, I am only one Minister, and if the Executive make a decision that they wish to take money out of one budget and put it into another, that is a matter for the Executive to agree on. I dare say, however, that there will not be much suggestion for that money to come out of one budget in particular. That is fair enough, but each party, and each relevant

and responsible Minister, will make the case for the Departments for which they hold the ministerial portfolio. I am simply pointing out a fact of life.

If I had more money, or if the Executive or the Assembly had more money coming from outside sources, such as Westminster — highly unlikely in the current circumstances — we would be in a different position, and, as such, we could have a debate on to where those extra resources should go.

In order to help our economy, we must ensure that we have proper delivery of the Programme for Government and the Budget; that all the money that is being spent is being properly and fully spent; that we do not end up in a situation in which money is handed back to the Treasury; and that we do not end up in a situation in which Ministers do not deliver on their investment strategies.

At the moment, Departments are telling the Department of Finance and Personnel that they are on track to deliver on their capital expenditure budgets, and that is to be welcomed. The out-turn of that will be seen in June, but it is important to stress that the Budget Bill seeks the authority and the legal cover to ensure that the changes that have taken place in-year are able to be carried through and that there is cover for expenditure for the first few months of the next financial year. I commend the Bill to the House.

2.45 pm

Mr Deputy Speaker: Before I put the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Budget Bill [NIA 5/08] do now pass.

Health Bill [HL]: Legislative Consent Motion

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of provisions of the Health Bill [HL] dealing with tobacco, and powers of suspension in relation to members of NHS bodies and other bodies concerned with health.

The Health Bill [HL] was introduced to Westminster on 15 January 2009, and it deals with a number of issues arising from the report entitled ‘High Quality Care For All’, which resulted from Lord Darzi’s review of the Health Service in England. The measures in the Bill apply mainly to the service in England, but they include specific proposals that are relevant to the devolved Administrations.

In the case of Northern Ireland, those include tobacco restrictions. Last month, I announced plans to remove cigarette displays in shops and to prevent underage access to vending machines. In addition, the Bill covers the introduction of new powers of suspension or removal of Northern Ireland members of UK-wide health bodies. I could have brought the legislation forward as an Assembly Bill, but it was essential that the legislation, particularly in relation to tobacco, was available at the earliest possible date in order to protect our children and young people.

The key provision of the Health Bill [HL] is the removal of displays of tobacco products at points of sale from retail outlets. The provision will grant new powers to my Department to allow that step to be introduced to Northern Ireland and to make decisions on where exemptions may apply. The main objective of the legislation is to reduce the number of children and young people who take up smoking. It will also support and help those who are trying to quit smoking.

Following the ban on the advertising and promotion of tobacco in 2002, the tobacco industry has responded by making displays increasingly larger — so much so that they are now a greater source of promotion and temptation to children and adults alike. Research shows that children and young people are particularly susceptible to advertising and that those who are exposed to tobacco advertising are more likely to take up smoking.

As a reformed smoker who started to smoke in my youth, I know only too well the damage that tobacco can do and how addictive it is. Thankfully, I no longer smoke, but I only wish that I had not started in the first place. I know that, particularly in today’s media-friendly environment, smoking can be portrayed as being cool. Advertising is making the decisions for children, and, before they realise it, they are hooked. Every action must be taken to prevent children from

getting on that malignant conveyor belt, which leads only to addiction and ill health.

The Bill also proposes provisions that would grant powers to my Department to control the sale of tobacco products from vending machines. The new powers will allow either for the prohibition of such machines or for age restrictions to prevent people who are under 18 years of age accessing them.

Vending machines currently provide a common and easily accessible source of tobacco for young people. Figures from the British Heart Foundation estimate that there could be as many as 1,500 children in Northern Ireland aged between 11 and 15 years who access their cigarettes locally from vending machines. At present, because vending machines are self-service, no routine age checks are carried out prior to purchase. That is why the restrictions are being introduced.

Mr Paisley Jnr: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No, I will finish my speech. I understand that Members will want to make comments then, after which I will make my winding-up speech; I think that that is the best way to proceed. Members will all have an opportunity to get on their feet and make points, which I can address during my winding-up speech.

Smoking remains the single biggest cause of preventable illness and premature death in Northern Ireland. Every year, around 2,300 people die from smoking-related illnesses. It is a major risk factor for serious health conditions such as coronary heart disease and strokes. It is also a major cause of health inequalities and is a principal cause of the gap in life expectancy between the rich and the poor. That is especially the reason that I am setting up a public health agency to tackle those inequalities.

I am sure that Members would agree that those statistics are shocking. As a society, we have a duty to protect our children from harm. As Health Minister, I have a duty to promote the good health and well-being of Northern Ireland's entire population. I make no apology for doing so. However, I have a particular responsibility to safeguard the most vulnerable groups, especially children.

We are all proud of the immense contribution that the cancer centre at the City Hospital makes to our Health Service. Pioneered by world-leading experts such as Professor Paddy Johnston and Professor Roy Spence, it is now recognised as an international centre of excellence. By investing at an early stage, we have made enormous strides in treating and thwarting cancer. During a visit to the centre last year, Paddy Johnston told me that if smoking were eradicated, lung cancer would hardly register as a statistic. That is a startling fact, which must not be forgotten. Indeed, in the words of Action Cancer:

“Every young person who takes up smoking is a potential cancer patient.”

Although much has been achieved in the field of cancer prevention, more is required. In 2008, I announced my intention to develop a radiotherapy centre at Altnagelvin Hospital to cater for patients in the west of the Province. That development has arisen in a further effort to treat patients as early as possible and as a result of increasing demand.

This morning, I listened to media reports on the matter. I must say that I am disappointed that some people are attempting to question the Bill's validity. I appreciate the concerns of some people in Ballymena about the Japan Tobacco International plant. However, I understand that much of its produce is exported outside of Northern Ireland. I also recognise the concerns of retailers who are worried that the Bill will have an impact on their businesses. I have agreed to meet industry representatives and shop stewards in the near future.

I remind Members that when smoking controls were introduced to ban smoking in restaurants and pubs, major concerns were raised about pub closures. Those concerns were unfounded. In fact, following the introduction of legislation on smoke-free premises in 2007-08, around 21,000 people set a date to quit the habit through the smoking-cessation services. That figure represents an increase of over 7,500 — or 56% — on the figure for the same period of the previous year. That is a success story on which I am determined to build.

I have said that I want to introduce the measures as early as possible. I hope that that can happen by 2010. I have not stipulated an exact date in 2010. Indeed, the legislative timescale in Northern Ireland means that a start date is not likely before July 2010. However, we cannot afford to delay the introduction of the measure. The Republic of Ireland has adopted similar legislation, which commences on 1 July 2009.

England, Scotland and Wales intend to adopt similar measures between 2011 and 2013. As Northern Ireland is the only part of the United Kingdom to share a land border with another European state, I do not want to wait four years. I am in the business of saving lives. If it is good enough to introduce the legislation in four years, we should not wait any longer than necessary. We must not put wealth before health. Are people really asking me to put economic concerns on tobacco sales before the health of our children? It is a matter of conscience, and I cannot do that.

We cannot, and must not, ignore the facts. In 2007, almost 9% of children in Northern Ireland aged between 11 and 16 were regular smokers; those children are three times more likely to die of cancer due to smoking than someone who starts in their mid-twenties. In fact, the vast majority of adult smokers in Northern Ireland

— 77% — started in their teens. Exposure to tobacco products increases the likelihood that a child will start to smoke, and countries that remove tobacco displays have experienced decreases in smoking prevalence among young people. Iceland has reported a decrease of more than 7% among 15- to 16-year-olds, and Canada has experienced a reduction of 10% over five years among 15- to 19-year-olds.

I will take every step possible to prevent our children from accessing cigarettes. Making cigarettes less accessible will discourage children and teenagers from smoking in the first place and will mean that they do not have a habit to carry into adult life. I ask all Members to support the motion, which is an important step in improving the public health of the population and helping to prevent deaths and illness caused by smoking.

I want to highlight the proposal to extend provisions that allow for the suspension of non-executive appointees on the boards of National Health Service bodies to enable the investigation of any concerns about their performance or activities. I must emphasise that that element of the Bill applies primarily to the National Health Service in England. However, as two of the bodies have Northern Ireland appointees, it requires the Assembly's consent.

At present, the options to address concerns about the performance of a non-executive director are, for many NHS bodies, limited. Where problems with non-executive appointees are identified, they would either be allowed to continue in their role, their resignation would be sought or their appointment would be terminated. The Bill proposes a suspension option to enable an investigation to take place while temporarily removing an appointee from his or her position. It is argued that that option provides greater assurances on public finances and patient safety and allows appointees to make representations on their own behalf. In Northern Ireland, those provisions will apply to only two UK-wide bodies to which we make appointments — the Human Tissue Authority and the Health Protection Agency.

The legislation will contribute significantly towards the primary aim of reducing the appeal and uptake of smoking among young people. The suspension provision aims to strengthen the ability to hold to account those who accept public office. I commend the Bill to the House.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I have been asked to speak on behalf of the Committee for Health, Social Services and Public Safety and to relay the Committee's views in the absence of the Chairperson and Deputy Chairperson, who are on other Committee business.

As the motion indicates, the Health Bill [HL], which is being debated in Westminster, contains two provisions

that relate to Northern Ireland and require the approval of the Assembly, namely the introduction of further tobacco restrictions and powers to suspend chairpersons and non-executive appointees of certain bodies. My comments, on behalf of the Committee, relate to the proposed tobacco restrictions.

In December 2008, the Minister informed the Committee in writing about the proposals on the sale of tobacco, and at its meeting on January 15, the Committee was content to note those proposals. In February, the Minister again wrote to the Committee to advise that the Bill had been introduced at Westminster and that he intended to proceed to introduce this legislative consent motion. The issue was further considered by the Committee at its meeting on Thursday of last week.

3.00 pm

The main issue of interest to the Health Committee relates to the proposed tobacco restrictions. Those are, as the Minister has indicated, the banning of the display of tobacco at the point of sale and the banning or restricting of the sale of tobacco from vending machines. In considering the issue, the Committee has had representations from the Northern Ireland Independent Retail Trade Association (NIIRTA) and received a written statement from Gallaher Ltd on behalf of Japan Tobacco International. A letter from the Minister of Enterprise, Trade and Investment to the Health Minister was also copied to the Committee.

The members of the Health Committee recognise that the measure is intended to further restrict the easy accessibility of tobacco products and further discourage smoking among young people. We fully supported the ban on smoking in public places when it was introduced, and we appreciate that the measure before the House today is another small step in the battle to prevent death and disease caused by smoking.

The first priority and major concern of the Health Committee must always be to ensure the health of the community. We are very concerned about the impact of smoking, and particularly the number of premature deaths from coronary heart disease and cancers that are caused by smoking each year.

The Independent Retail Trade Association was keen to stress to the Committee that it in no way opposed the legislation, that it takes its role in the community very seriously, and wants to play its part in protecting public health. Its concern was solely in relation to the timescale for implementing the changes. The association argued that in England and Wales, retailers will be given until 2013 to make the necessary changes; the Health Minister has indicated that he intends to implement them here from next year.

NIIRTA also claimed that it will cost each small retailer around £5,000 to make the necessary changes

to comply with the legislation and that for many small local shops, particularly in the present economic climate, it could mean the difference between survival and closure.

The Committee is fully aware of the role of small local shops in our communities and has no wish to see any small businesses go to the wall. Nevertheless, the Committee must be mindful of its health responsibilities, and it unanimously agreed to support the motion. The Committee also agreed to ask the Minister to consider carefully the views of the Independent Retail Trade Association and others about how and when the legislation is implemented. I support the motion. Go raibh maith agat, a LeasCheann Comhairle.

Mr Buchanan: I support the motion in principle as presented to the House by the Minister today. It is important to note that today's debate is only about endorsing the principle of the extension of the Bill to Northern Ireland, and that before any implementation of the legislation takes place, the Minister has to bring it back to the Executive.

There is no doubt that whatever measures are put in place to discourage children and young people from the deceptive notion that there is something glamorous about smoking must be welcomed. Children who smoke become addicted to tobacco for years, which in many cases leads to life-threatening diseases and premature death. Therefore, for the overall health of the people, it is important that our young people are weaned off that notorious habit. However, any new legislation must be introduced in a balanced and equitable way that creates a level playing field for small businesses and their counterparts in the UK.

I have concerns about the Minister's time frame. He has stated that he wants to force through the changes by 2010. That creates a concern for small businesses and retailers, who have already taken their role in combating the problem of smoking among the young seriously, and play a key enforcement role in ending the sale of tobacco products to underage children. They could now face, as has been mentioned, an average bill of around £5,000 to make the necessary changes to their premises by 2010.

Therefore, it is important that in the midst of this economic downturn, small businesses in Northern Ireland are treated on a par with their UK counterparts, which will have until 2013 to make such changes.

The owners of small businesses are not opposed to the motion; they can and will comply with the legislation when it is introduced. Yet, given the total impact on our 3,000 local shops, at a cost to our economy of almost £15 million at a time of recession, it is only right and proper that they have the same lead-in time as that afforded to their UK counterparts.

We must remember that the Executive have pledged to help small businesses, especially in the next 12 months. Therefore, to force this ban through by next year will have detrimental consequences for many of those small businesses. That is why I said at the outset that the Minister must take the proposal back to an Executive meeting before the implementation of any legislation. I am confident that a balanced view will be adopted at such a meeting.

I note that the Minister's colleague, the shadow Front Bench Minister for Health, Mike Penning MP, has said that the Conservative Party is opposed to the ban. In an article in 'Retail Express' magazine, he said that the ban could be the end of corner shops in most communities, as bigger shops will be able to absorb it but small shops will really suffer. I wonder how that position will affect the new marriage arrangements that have been made by the Conservative and Ulster Unionist Parties.

In concluding, however, I ask the Minister to give some indication as to whether smoking among our young people has increased or decreased in the past 18 months to two years as a result of the tobacco-control measures that are already in place and are being implemented.

Mr McCallister: It is good that Mr Buchanan is worried about my party's marital arrangements. I am sure that he has never disagreed with his wife.

What does the DUP think devolution is about? It is about the Assembly agreeing a policy, or deciding what is best for Northern Ireland. That is why the Minister will have the power to decide on the matters at hand. Mr Buchanan began by forcefully making the case for the legislation, and said, honestly, that it was important that it be passed. He then concluded by saying that we should let a few more people die before implementing the legislation and that it should be delayed until 2013.

Mr Ross: Will the Member give way?

Mr McCallister: I will give way, unlike the DUP Members.

Mr Ross: Will the Member accept that there is a difference between wanting to have proposals that will protect young people and stop them smoking, and what is being proposed, which, many people would argue, does not achieve that aim?

Mr McCallister: Then, perhaps, Mr Ross should wonder why the DUP will accept those proposals in 2013. If it is right to introduce them in 2013, surely it is right to do so in 2010.

Mr Paisley Jnr: Will the Member give way?

Mr McCallister: Why not?

Mr Paisley Jnr: It is not right to introduce the ban earlier, because it will create a distinct disadvantage

for our local traders. In fact, local traders will be expected to pay somewhere in the region of £5,000 to change the tobacco displays in their shops. That will cost Northern Ireland's retail sector £15 million. Retailers in England will have the same costs pro rata but will have until 2013 to change their displays. Our retailers are being told that those changes must be made earlier.

The Member is right: devolution must help local people; it must not disadvantage them. That is the essential point.

Mr McCallister: What of the disadvantage to those who die? Would that not register as a big disadvantage to those young people who become addicted to cigarettes and ruin their health and their lives? This is a public-health issue. The DUP has a track record of opposing a public-health agency.

The DUP seems fixated on making efficiencies, yet it does not say that the Health Service cannot function unless we, as the Minister is doing, place an emphasis on public health, and on guiding its promotion in a manner in which we have never done before. That is what the issue is about.

Mr Paisley Jnr spoke about small traders. Of course, the Ulster Unionist Party is very supportive of small businesses. If the Member's colleague the Minister of the Environment were to introduce proposals on draft PPS 5, that would provide a big advantage for small traders. Where is the DUP now? It is silent on that issue.

This is a health issue; it is about public health and about helping to protect our children from getting hooked on cigarettes at a very young age. The harm that smoking causes to children is disproportionate to the harm that it causes people who start later in life. More than 100,000 people across the UK die from smoking-related illnesses each year. The provisions in the Health Bill [HL] are another measure to try to combat that. It is absolutely vital —

Mr Easton: Will the Member give way?

Mr McCallister: OK, why not? Even though the Member never gives way to me.

Mr Easton: I am happy to give way to Mr McCallister in this debate. In the Committee for Health, Social Services and Public Safety, the Ulster Unionist Party actually agreed on the way forward. Claire McGill outlined that in her contribution, including the concerns for retailers. In Committee, Mr McCallister said that he supported the stance that retailers should get more time to implement the required changes, yet in the Chamber he says the opposite. Therefore, the Member must make his mind up.

Mr McCallister: I took exactly the same line in Committee as I take now. In Committee, I said that we have big concerns for small retailers. I said that we

need to look at what the costs are. Is that £5,000 a realistic figure, or is it a bogus figure? Has it simply been plucked out of the air? What are the realistic costs? How useful and vital are tobacco sales to small retailers?

What I said — in case Mr Easton cannot remember — is that it is right to introduce the Bill's provisions here. I also said that if 2010 is too soon, or if the timeline proves too tight, and the Minister has already indicated that he is happy to speak to retailers, some flexibility may be possible. However, the ideal scenario is that we move to implement the provisions as quickly as possible. We are the only part of the UK that shares a land border with another EU member state. The Republic of Ireland is moving on the issue this year, so issues will arise.

If it is right to introduce a ban on tobacco displays in 2013, surely it is right to do so as quickly as possible, while taking into account the concerns of retailers and those who must implement the policy. Governments in other parts of the UK can make their own decisions, and the Scots and the Welsh may decide on different timings.

In his opening remarks, the Minister made it clear that he is more than willing to engage in discussions in order to make the transition period as painless as possible. However, we must return to the point that it is a public-health matter. The health and well-being of our young people and of some of the more vulnerable people in our society is at stake.

Mr Neeson: Does the Member agree that in many parts of Northern Ireland, small retailers' tobacco sales are hit hardest by tobacco smugglers?

Mr McCallister: The Member is correct. Whether it be smuggling, theft and other illegal activities or be it PPS 5, the final version of which the DUP must get on with and publish, much is hurting small traders. A great deal can be done to help retailers. The measure concerns public health, and I urge Members to stay on the public-health agenda.

The Minister gave some figures: in 2007, 9% of children in Northern Ireland aged between 11 and 16 were regular smokers, and 80% of that group were addicted by the age of 19.

3.15 pm

Mr Ross: Will the Member give way?

Mr McCallister: Well, why not.

Mr Ross: I will return the favour later. I have been listening to the Member speak for several minutes, and he is giving an emotional argument about how banning cigarette displays will save lives. Will he tell us how the proposal to ban the display of cigarettes will stop people taking up smoking when there is already existing legislation to stop young people from smoking? What

will that do to improve public health, because he has not outlined that yet?

Mr McCallister: One would think that Mr Ross had just arrived in the Chamber. His colleagues support the motion in principle, yet say that it is fine to ban tobacco displays in 2013, but not in 2010 or 2011 or whatever date is decided. If it is right to do it —

Ms S Ramsey: Will the Member give way?

Mr McCallister: I will, certainly. *[Interruption.]* If it is right —

Mr Deputy Speaker: Order. Several Members want to talk at the moment — we will all be puffing if we carry on this way. So, Mr McCallister, do you wish to give way to a Member on your right?

Mr McCallister: Ms Sue Ramsey.

Ms S Ramsey: I thank the Member for giving way. I did not want to intervene, because it is quite useful to watch the theatre that is going on in the Assembly. I remind the Member of the debate that we had on banning smoking in public places, and I will speak in the debate later.

One argument that was made to the Health Committee was that there would be a downturn in the number of people attending theatres if smoking was not allowed on the stage. The Assembly did not accept that bogus argument and supported the ban on smoking in public places. I am, therefore, concerned about people cherry-picking issues on smoking cessation.

Mr McCallister: I thank the Member for her intervention. That could be argued for just about every issue. For example, the Minister mentioned that the smoking ban was supposed to be the death knell for pubs and clubs. The same argument could be made about drinking and driving and rural pubs, although no one would support that.

Mr Ross might not think that it is right to introduce the ban in 2013, and that is fine. That is a matter for him. In that case, why does Mr Ross's party support the principle of the motion but he just does not want the ban on tobacco displays until 2013? The policy works or it does not — it has worked in other parts of the world, such as Canada, which has a system — *[Interruption.]*

Mr Deputy Speaker: Order. I remind Mr Ross to make his remarks through the Chair.

Mr McCallister: I have already given way and I have been very generous in the number of interventions that I have taken from Mr Ross — his party does not usually extend the same courtesy to me or any of my colleagues.

The point is that this issue is about public health and about sending out a clear message. The Minister will, I believe, work with retailers, because the issue is not

about hurting small businesses, it is about health. The intention is to get this policy to work and to improve public health and keep children safe and away from smoking. That is what the debate must focus on. If it is right to ban tobacco displays in 2013, it is right to do it now as quickly as possible, and work with the industry to achieve the easiest and most painless way forward.

I commend the motion to the Chamber.

Mrs Hanna: I welcome the legislation and the opportunity for us in Northern Ireland to play our part in removing displays of tobacco at the point of sale — in other words, taking them from the sight of customers.

As a member of the Health Committee and a health professional, we must support our health colleagues, whether those working in hospitals, those who work for organisations such as Chest, Heart and Stroke Northern Ireland and the British Heart Foundation, and the cancer charities — the people who are tackling this issue at the coalface need our support. I am hopeful that this movement, along with other work and initiatives in education and health promotion, will deter young people in particular from starting to smoke.

Some excellent research supports the view that advertising normalises and, for some people, glamorises smoking. We want to support small retailers, who are often at the centre of communities, and we will work with them to implement the concealment of their tobacco products. However, our support must not cost people their lives.

The Minister outlined the awful cancer statistics, and he described the huge and growing gap between the rich and the poor in our society. Many of the people who smoke have neither the time nor the support to kick the habit; it is so highly addictive that doing so is extremely difficult.

I am not sure whether vending machines are included in the legislation, and perhaps the Minister will clarify whether any decision has been taken on their location. If they are to be locked, how will that be policed? Perhaps the Assembly is missing an opportunity and should be banning all vending machines.

Mr McCarthy: I support the Bill. Given that the Assembly is debating an extremely serious subject, I am slightly disappointed by the flippant attitude of the DUP.

Mr Paisley Jnr: What about the effect on jobs?

Mr McCarthy: The DUP talks about jobs, but health should be its priority, as it is mine.

Tobacco kills — full stop. The Assembly must show leadership, as it has done in the past, and I have no doubt that it can rise to the occasion again. The changes will cause some pain to shopkeepers, and the Alliance

Party sympathises with them. However, they will find ways and means to overcome any difficulties.

The objective of the Bill is simply to protect children and young people from becoming hooked on what I call “coffin nails” — Members know what will happen to the majority of smokers. I do not know why it has taken the Government so long to tackle the scourge of tobacco. The figures show that some 700 unfortunate people in Northern Ireland die from preventable lung cancer every year. The Assembly can, and must, help to stamp out the suffering of smokers and their families. I hope that the Assembly will support the Bill.

I pay tribute to the various bodies in Northern Ireland that have promoted, and continue to promote, the no-smoking philosophy. The Health Promotion Agency, the Ulster Cancer Foundation and Action Cancer, together with other bodies, help smokers and, in particular, young people to kick the habit or not to start smoking in the first place.

The Bill should help to prevent young people from starting to smoke. Surely that is the goal of everyone, in the Chamber and in Northern Ireland, who subscribes to the philosophy of prevention being better than cure. Not only will that give young people a healthy start in life, but in years to come, it will relieve the Health Service of massive expenditure that could be invested in important front line services. From time to time — indeed, at every opportunity — everyone in the Chamber complains about the lack of some type of health provision.

The Minister was brave enough to say that he was a smoker in his youth. I am not sure how many other Members smoked at that time, but I can commiserate with the Minister. A long, long time ago, I remember jumping onto a tractor and cart being driven by my brother. I took out a packet of fags and some matches, and I lit up.

My brother told me that I would rue the day that I had lit that cigarette. I told him not to be silly. It took me 35 years after that fag to rue the day: 35 years of coughing, spluttering, fighting for breath and not being able to play hurley or football. That is the effect of young people getting hooked on these coffin nails.

People should remember that we have to get through to the young people. There is criticism from the DUP about what that has got to do with the Bill. These people are not stupid. They know that advertising is big business, and they advertise. No matter what product is advertised, people will buy it. They will get hooked on it. That is what this is all about; to try and prevent them from smoking in the first instance.

Mr Paisley Jnr: Maybe the Member is not aware — maybe he did not see it through the cloud of smoke — that the advertising of tobacco products was banned

several years ago. The debate is not about banning advertising. There is nothing to do with advertising in the Bill — maybe he has not read it.

Mr McCarthy: I am sorry; the Member seems to have wrongly picked up what I was saying. If one goes into a shop and sees some glamorous colours — whatever they are advertising — one is attracted to that. Certainly, young people will be attracted to that.

I fully support the efforts that are being made by the Minister today. Cigarettes and tobacco products should be out of sight and out of mind, as the Minister has said, and the danger for young people should be out of reach. That is why I support the proposal.

Mr Easton: Thank you, Mr Speaker — sorry, Mr Deputy Speaker. You have not been promoted yet.

The motion is critical the health and well-being of our society. I refer to the provision of the Health Bill [HL] in relation to tobacco.

I will focus my remarks on the deadly impact of tobacco and highlight why the banning of advertising of tobacco is in the best interests of our society. There is already much good work being undertaken in advising and educating our populace on the dangers of smoking. Across my constituency of North Down, the local schools — in their personal and social education — focus on the negative impact of smoking and encourage prevention. That is reinforced in churches, youth organisations, voluntary and community sectors — they all deserve praise.

Let us consider why we need to stop advertising that encourages smoking. Across the globe, smoking is one of the foremost causes of disease. Annually, some four million people die from diseases related to smoking. In reality, a life is lost every eight seconds. We know of the 4,000 chemicals inhaled through smoking. We know of the 43 molecules directly linked to cancer, and some 401 others that are toxic or harmful. We do not need to highlight the harm caused by benzene or the wood alcohol, methanol.

It is because of the life-threatening diseases associated with smoking that the provisions of this Bill are key. I am referring to lung cancer, heart attacks, strokes, chronic bronchitis, emphysema, and much more. My grandfather died of emphysema, so this is a personal issue for me.

When we consider banning advertising, we do so for clearly defined reasons. Let us consider the facts: 10% of smokers will die before the age of 55, compared with 4% of non-smokers. Let us analyse further: 28% of smokers will die before the age of 65, compared with 11% of non-smokers. Significantly, 57% of smokers will die before the age of 75, compared with 30% of non-smokers.

In the face of this overwhelming evidence, is there anyone who regards the provisions of the Bill as unnecessary? Rather than advertising tobacco, we should be advertising the benefits of giving up smoking. Let us promote the fact that within 20 minutes of your last cigarette, your blood pressure and pulse are returning to normal.

Mr Beggs: Does the Member accept that allowing cigarettes to be displayed in the most prominent position in any retail outlet — directly behind the sales counter — is advertising? That is encouraging and enticing people who shop, and young people in particular, to purchase tobacco and cigarettes that will endanger their health.

Does the Member accept that allowing that to continue permits advertising, which, in turn, encourages more young people to take up the habit?

3.30 pm

Mr Easton: I take on board what the Member said, and I do not disagree. However, some Members are failing to appreciate that no one is against the proposal; everyone is for it. The problem is with time constraints for small businesses and with how they will meet costs. No one is against the Bill, and Ulster Unionist Party Members must accept that point.

Within eight hours of smoking one's last cigarette, carbon monoxide levels in one's blood begin to return to normal. Within a day of smoking one's last cigarette, the risk of having a heart attack has decreased, and within two weeks, lungs and circulation perform more efficiently. Of course, prevention is better than cure, so we want to stop people from taking up smoking, and that would benefit those people, as well as the Health Service.

Having set out the case for banning cigarette advertising, I encourage the Government to focus on the needs of small businesses and independent retailers, which deserve assistance. In many cases, small businesses are the lifeblood of local economies due to the employment that they provide, so they deserve some form of assistance in implementing the provisions of the Bill, which it is estimated will cost each retailer £5,000.

Sadly, small businesses have been the first to feel the bite of the global recession, and they are hurting from the impact of the credit crunch, so they must be given consideration as they carry forward the provisions of the Bill. The people behind those businesses are reasonable and responsible, and they deserve the assistance of the Government in implementing what are reasonable and responsible proposals.

Having said that, the motion is critically important, and the Bill's proposals must be implemented as soon as possible. Every day that the banning of tobacco advertising prevents someone from taking up smoking,

or assists someone in quitting, is a day of healthier living for that individual and a positive day for the Health Service. Therefore, our failure to implement the provisions of the Health Bill is simply not an option.

Mr McCallister suggested that the DUP was opposed to the setting up of the regional agency for public health and well-being. That is not the case, and if he checks the Hansard report, he will discover that we did not vote against it. All we wanted to do was to keep the various agencies within the board, and if he and the people of Northern Ireland read the Hansard report, that will be confirmed.

With regard to Mr McCallister's comments about efficiency savings, the DUP has offered proposals whereby millions of pounds could be saved. Unfortunately, because the ideas are from the DUP, and even though the money could be made available, the Health Minister does not wish to save those nursing jobs and residential homes.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. My name is Sue, and I aspire to be a non-smoker. I thought that I should get that out of the way. *[Laughter.]*

Mr B McCrea: We are right behind you.

Ms S Ramsey: I am glad to hear that. I saw Basil coming in, and I thought that Starsky and Hutch were arriving to defend the Minister, although the Minister does not require defending with respect to this Bill — he is quite capable of defending himself. Nevertheless, I am glad to see those Members in the Chamber.

Irrespective of what is happening within the party opposite, most Members have welcomed the opportunity to speak in the debate and will welcome the passage of the motion. I take on board the points raised by Members and people in the community, and I am aware that representatives of the Independent Retail Trade Association are in the Public Gallery.

Nevertheless, public health is the issue at hand and, during the debate, I was struck by the Minister's reference to comments from Professor Paddy Johnston, who we all hold in high esteem as one of the leading lights in cancer research. Those comments helped me, and they raise a subject that must be considered.

In the past couple of days, many statistics emerged in briefing papers that were submitted to the Health Committee, and although I do not intend to go over them, it was made clear that smoking remains the number one cause of preventable deaths. The younger a person starts to smoke, the harder it is for him or her to give up. Kieran McCarthy mentioned that point, and I am sure that a sizeable proportion of Members started to smoke at an early age, because it was perceived to

be the done thing. We must now re-educate people that smoking is wrong.

In an intervention, I mentioned the evidence given to the Committee by people involved in theatres. They argued that the number of people attending theatres would decrease; however, that has not proven to be the case. In fact, in America, the number of people attending theatres has increased as a result of the smoking ban.

Listening to the debate, it struck me that many Members, people and parents in the community criticise big supermarkets and shops for displaying chocolate at checkouts.

The reason why we criticised that was because it influences children and young people as they are going through checkouts. All Members have witnessed that. Bringing children through checkouts, when they see chocolate, becomes a nightmare. It is a battle to try and get kids through checkouts.

Mr B McCrea: Will the Member give way?

Ms S Ramsey: I will give way in a second; I want to finish this point. The legislation aims to make tobacco less accessible for children and young people. I know that we are not talking about advertisement, as such; but we are talking about it when we discuss display cabinets. This is about making tobacco products less amenable to children and young people. I take Mr Easton's comments about the retailers on board, and I will speak about that following Basil McCrea's intervention.

Mr B McCrea: Is the Member aware of the new point-of-purchase confectionery stands that are in place in the staff restaurant and in the Members' tearoom? Their effect is to increase the propensity to eat. She should be aware of the damage that creme eggs have caused to my honourable friend Mr McCallister, a man who, we know, is trying to lose a few pounds.

Point-of-sale or point-of-purchase stands — call them what you will — are still the most effective form of advertising bar none, and that is what we are trying to stop.

Ms S Ramsey: I do not know whether the Member is Starsky or Hutch, but I am glad that I gave way to him.

I raised that issue in the canteen the other day. I know that Members will not think it to look at me, but I am not a chocolate eater — I just did not have much luck. Perhaps, had I not started to smoke, and had I continued to play sports, I would not be as heavy as I am.

I agree with Basil McCrea; this is about a mindset. If a number of Members have raised that issue in the canteen, the issue regarding the display of tobacco products must be looked at also.

Earlier, I mentioned Professor Paddy Johnston; and Members should commend him, his staff and others for

their work in this field. The British Medical Association (BMA) is the organisation to which we look for advice and guidance on many health-related matters. In such cases, we always seek advice from the professionals. The BMA welcomes this proposal; but, importantly, it also states that, parallel to this, smoking cessation clinics and other resources should be available in areas where they are needed.

It is not solely a matter of banning smoking in public places or banning the sale of tobacco products; it is about ensuring that the appropriate services are available in the communities that we are talking about targeting. It is imperative that such services are available for the people who want to avail of them and who want to stop smoking.

Claire McGill spoke on behalf of the Health Committee because the Deputy Chairperson is in Great Ormond Street Hospital and the Chairperson — to whom I send best wishes — is off ill. Mrs McGill mentioned the Independent Retail Trade Association. If we, as MLAs, want to do our jobs properly, we should be seen to be acting as a conduit between the community sector and Government and between the community and voluntary sector and business people. If those sections of the community are raising an issue, the Minister must take it on board.

In his speech, the Minister said that he was willing to meet representatives from the Independent Retail Trade Association. That is a positive step, but I do not think that everyone was listening.

We have been told that it will cost up to £5,000 to redesign shop counters. Perhaps I am being naive, but who pays for the construction of the displays? People in the Public Gallery will be interested in that question. I do not want to provide free advertising for any company, but promotions in bars, pubs and clubs are usually paid for, and supplied by, the company being promoted. I am keen to know whether tobacco companies provide the display stands in shops. If they do provide them, who pays for their removal? Will the Minister provide us with a breakdown of costs?

The Minister is right. I welcome his commitment, but, according to some of radio and other media items today, he will be damned if he does and damned if he does not. I also welcome the acknowledgement that we are sharing a land border. The cessation of smoking in public places in the Twenty-six Counties was welcomed here, and we decided to introduce it on an all-Ireland basis. We should not wait until 2013; we should learn the lessons now. I support the motion.

Mr Shannon: I support the motion. Right across Britain, approximately 150 children start smoking every day, which, in itself, has got to be a reason for the legislative change. Half of those who go on to become regular smokers will die from diseases caused

by the habit. Research shows that approximately 20% of Britain's 15- to 16-year-olds — 16% of boys and 25% of girls — are regular smokers. Again, that is a cause for concern. That is the case despite an anti-smoking advertising campaign, attempts to educate schoolchildren about the dangers of smoking and the fact that it is now illegal to sell cigarettes to anyone under 18 years of age.

Thair ir neir 114,000 deaths adae wi' smokin' ivry yeir oan un-laafu sales accause they hook weans intae the habit. Quhan cigarettes wur upgraded tae an 18 aige leemit, Deborah Arnott, heidyin o' anti-smokin' charity ASH, leuked fer mair missures includin' a ban oan sellin' cigarettes fae machines. Neir a quarter o'unner aige smokers buy thair cigarettes fae thae machines.

Each year, approximately 114,000 deaths are attributed to smoking that began as a result of illegal sales — children who became hooked. When the age limit for the sale of cigarettes was increased to 18, Deborah Arnott, director of the anti-smoking charity Action on Smoking and Health (ASH), called for further measures to be introduced, including a ban on the sale of cigarettes from vending machines. Almost one quarter of teenage smokers buy their cigarettes from vending machines. Deborah Arnott also said that she wants big increases in the fines that are imposed on retailers who sell cigarettes to underage smokers. She said that she welcomes the raising of the age of purchase but that that will be effective only if the law is properly enforced.

Of those aged 16 and under, a massive 25% have kicked the habit early. That illustrates that the new smoking laws are, at least partially, working. However, the pressure needs to be kept on, and I support the Bill, which allows for further advertising to curb the attraction of cigarettes and is intended to ensure less attractive displays of the product.

Smoking is the biggest cause of preventative death and disease in society. Three quarters of those who smoke started as teenagers. For the overall health of the country, it is vital that further reductions take place. The latest figures show that 24% of those at secondary school smoke in their first five years there, as compared with 33% in 2003. Again, we see a trend away from smoking, which is one that we want to consolidate and improve on. Fewer adults smoking in the home is also a help, but we cannot become complacent. There must be careful observation of those purchasing cigarettes and rigorous enforcement of sanctions on those who make illegal sales to those who are underage.

When the ban on the active promotion of smoking and on cigarette advertising on TV and in other media was first initiated, the cigarette companies' response was to ensure that retail displays became even more

eye-catching and attractive, thus automatically drawing the attention of young people rather than adults to them. In order that we truly follow the ideal of making smoking less attractive to people, while still allowing those who choose to smoke the freedom to do so in their own home, with no knock-on effect on anyone else, we must ensure that smoking is not something that the young people in our communities consider. Possibly the best way in which to do that, as has been suggested in the Chamber already, is to adhere to the maxim, "Out of sight, out of mind".

Research has shown that young people are particularly susceptible to tobacco marketing at the point of sale, and that they are more likely to take up smoking as a result of exposure to such marketing. I have been to restaurants that have a Pringles machine, which vends crisps, right beside the machine that vends cigarettes — the attraction to young people is quite clear. The new proposals will ensure that that will not be an easy pick for young people. The machines will also be restricted to those who are over 18 years of age.

I am aware that the Minister has a desire to push for the changes to be made as soon as possible. Taking into account the fact that we are leading the way in upping the age limit for purchasing cigarettes, I support the drive to end the promotion of smoking and its attraction to young people. As I see it, no one wants a young person to start smoking — I think that we can all accept that, as it is the thrust of the debate. Therefore, the obvious temptation must be taken away. We are not restricting free will for those who are old enough to decide for themselves — any adult, man or woman, who chooses to smoke while knowing the risks has not had the opportunity to do so taken from them. The highlighting aspects of tobacco promotion are merely being removed. That is a good thing.

I am aware of the fears that small-business operators have concerning the issue, and we must understand those as well. I know that those businesses are in no way desiring to entice young people into smoking. They are firm in complying with the law and do not sell cigarettes to those who are underage. Therefore, I was heartened to hear the Minister issue the following promise:

"If the plans go ahead, the Department and local councils will work with relevant organisations in order to provide support, and to minimise any burden on business."

I intend to hold the Minister to that, and I look forward to hearing his implementation plans for that matter.

3.45 pm

As a young boy, I used to visit my grandfather, who smoked cigarettes all his life and lived until his mid-70s. When I was about five years old I asked him what it was like to smoke a cigarette. My grandfather gave me a cigarette and told me to take a deep breath. I turned green and was sick afterwards, and I never had the

wish to touch a cigarette again. That is a pretty drastic course of action, and I am not recommending that we do that. However, there must be some restrictions on promotion and advertising, and the motion does just that.

I was encouraged to hear the Minister confirm that, following the introduction of the smoke-free legislation, we have enjoyed great success, with over 21,000 people setting a quit date through smoking cessation services in 2007-08. The Minister is right: that situation must be built upon, and I believe that the Bill is the way to build upon it and, in doing so, save lives. I support the motion and ask Members to do likewise.

Mr Gardiner: I shall say a few words in support of my honourable friend the Minister of Health, Social Services and Public Safety who is introducing this measure today. I also express my gratitude to Mr Shannon for his positive support for the motion — contrary to some of his colleagues, mind you.

When I was my party's environmental spokesman, I believed in the principle that the polluter pays. Now that I am a member of the Health Committee, I believe that that principle should be extended to health legislation. There is no doubt that people who sell, promote for sale, or play a part in introducing young people to use tobacco are polluters. As with the environmental polluters, there is a cost associated with that pollution; as with environmental pollution, that cost is often picked up by the taxpayers.

There can be no doubt that the cost of healthcare directly attributable to the use of tobacco is enormous, as, indeed, is the cost of healthcare associated with the consumption of alcohol. Many smokers end up with serious life-limiting and life-threatening diseases, which have to be treated by the National Health Service at a great cost to the taxpayer and at a time when health budgets are being constrained. Around 75% of all adults in Northern Ireland who smoke started to smoke in their teenage years; 9% of children in Northern Ireland aged between 11 and 16 are now regular smokers. Those children are often three times more likely to die of cancer due to smoking than those who start to smoke in their mid-20s.

Vending machines are the main source of supply of cigarettes for 20% of young people aged between 11 and 15, compared to just 6% of adults. The British Heart Foundation estimates that, across the United Kingdom in 2006, 46,000 children purchased their cigarettes from vending machines.

Today's measure is timely. It is high time that we conformed to new national legislation, which prohibits the display of tobacco products for sale and means that shops that sell tobacco products must keep them out of sight. Cigarette vending machines would be illegal. That measure reduces significantly the ability of teenagers and children to purchase tobacco products,

and it reduces their exposure to visual marketing pressures. It has been shown that, where action has been taken to reduce cigarette advertising, there is an immediate 10% drop in cigarette sales.

For all of those good reasons, I support the Minister's legislative consent motion, and I welcome his comments about his plans to further restrict access to vending machines by those aged under 18. I welcome the comments of those Members who have spoken in support of the motion, and I also commend the Member who spoke on behalf of the Committee for Health, Social Services and Public Safety.

Mr Ross: In response to Mr McCarthy's accusation that the DUP has a flippant attitude to health, I assure him that that is not the case at all.

However, I want to focus on the part of the Bill that deals with the display of tobacco products. The damage to society and to individual health caused by smoking is clear-cut and indisputable. I have, and will, support measures that will save lives. Indeed, I supported the smoking ban, which, of course, protects non-smokers from inhaling secondary smoke in bars, clubs and restaurants.

I asked the Health Minister what impact the ban has had. It is probably too early for significant evidence to emerge, but a modest decrease in the number of smokers is being seen. More importantly, there is protection for non-smokers who go to restaurants and pubs.

I also supported, and spoke in the House in favour of, raising the age at which one can legally buy tobacco products. I support the Bill's proposals to phase out vending machines and I back the banning of 10-packs of cigarettes, to which young people are more likely to get access. Vending machines in particular can give people who are underage access to cigarettes, and those machines should be phased out.

I also do not believe that it is appropriate to advertise a product that can be so damaging to health. I am aware that some companies, such as Camel, used cartoon characters in an advertising campaign that, it could be argued, specifically targeted children, which is wrong. Of course, I also support any assistance that can be given to people who want to quit smoking.

However, for a number of reasons, I have some difficulties with what is proposed in relation to the display of cigarettes. I hope that the Minister will address some of those issues at the end of the debate, because I asked John McCallister what public health message was sent by banning the displaying of cigarettes. I am glad that Sue Ramsey at least tried to address that matter by explaining that displays could be seen as advertising.

I will go through the difficulties that I have, and I hope that the Minister will respond to them.

Mr B McCrea: Unfortunately, I was not in the Chamber to hear Mr Ross talk about point of sale. However, I will mention in my speech later in the debate that for 10 years I worked for Mars confectionery. I can give Mr Ross exact statistics about the impact of impulse sales from point of purchase. At its most effective, advertising is within the “arc of ease” — so a customer can pick products up. *[Interruption.]*

No, you asked the question, Mr Ross, you said that you did not get an answer. Let me tell you — *[Interruption.]*

I am sorry, Mr Deputy Speaker, but once I have the Floor, I have the Floor.

Some Members: Hear, hear.

Mr B McCrea: You asked the question, Mr Ross. You insinuated that Mr McCallister did not give an answer. The answer comes from the UUP clear and loud — advertising is not the way forward for products that kill people.

Some Members: Hear, hear.

Mr Ross: Well, that was not the question, and Mr McCallister did not answer my question. I will deal with that right now. I have no dispute about what the Member said. However, under current law, under 18s cannot buy tobacco products at the counter. If adults have impulse buys, I will not tell them that they cannot buy something. An adult is old enough to make his or her own decisions, and I do not think that it is the role of Government to interfere in an adult’s decision-making process.

I am not a supporter of big Government or of a nanny state. Ultimately, individuals must take decisions for themselves. I question whether an individual who has never smoked in his or her life would walk into a retail outlet to buy a pint of milk and a loaf of bread, then suddenly impulse buy tobacco products on display behind the counter. A smoker will buy them; a non-smoker will not.

Mr B McCrea: Will the Member give way?

Mr Ross: I will give way again in a wee minute, because the Member has not spoken yet in the debate, and I am sure that he will address those issues in his speech. I will give way later on.

I just do not believe that that sort of impulse buying will happen. I think that the marketing and displaying of a product is very different from advertising a product, which, in the case of tobacco, was banned many years ago. It is not particularly fair for a retailer to be forced to hide what is still a legal product; albeit, a product that can harm health, which I readily admit. To tell a retailer that he cannot display a legal product is wrong.

On a point that has been made by my party; if the legislation goes through, many retailers who are opposed, but resigned, to the legislation say that they will be disadvantaged, because they must comply with it much more quickly than retailers in GB. I believe that that puts them at a disadvantage, and it is something that I hope that the Minister will reconsider.

Mr Beggs: The Member said that that will put our local retailers at a disadvantage compared to other parts of the United Kingdom. The competition for retail here is between corner shops and supermarkets. If the Member and his party were serious about wanting to protect local shops, we should try to regulate the continual expansion of supermarkets, because that is where the competition is. Why is it taking so long to introduce planning policy statement 5, which will make it more difficult for supermarkets to expand? That is where the real competition is.

Another practical measure that could be taken is to consider cases in which there is a need to support shops because of a lack of choice regarding the small business rates relief. Those are two practical methods of helping local shops. To use this issue to continue to endanger young people’s health is most unfortunate and disingenuous. We should protect our young people’s health and also protect our local shops. Those are two separate issues, and should be dealt with accordingly.

Mr Ross: What is disingenuous is the emotional argument that banning the display of cigarettes will suddenly prevent young people from wanting to smoke. It is illegal for young people to buy tobacco products until they are 18 years old, when they become adults. Schemes to make sure that retailers do not sell tobacco products to under-18s are important. It is also important to prosecute retailers that sell tobacco to under-18s and to prosecute people who buy tobacco products for under-18s.

Mr B McCrea: I thank the Member for giving way. I waited patiently, but somebody else jumped the queue. Sue Ramsey indicated that she would like to give up smoking. For people who want to give up smoking, the enticement is in shops when they buy milk or their groceries — tobacco products are right in front of them.

The benefit is not for under-18s in that instance: it is for the people who want to give up smoking. I believe that everybody will join us in saying that we want to see people give up smoking voluntarily.

Mr Ross: I am glad that the Member did not mention how the proposal will save young people, because that is not the issue for over-18s. If somebody is an adult, they are wise enough to decide for themselves whether they will buy something. Plastered all over the displays that are behind the counters is the message that smoking is damaging to people’s health, and can kill. Adults

will read that message and can decide whether to take that course of action. It is not the role of Government to interfere in people's lives to that extent. They should not tell those people that they cannot buy something or cannot see the product that they want to buy.

Mr McCallister: I am grateful to the Member for giving way. When I was speaking, I highlighted some of the facts that suggest that young people get hooked on cigarettes and that many of them are addicted by the age of 18 or 19. That is all part of a strategy.

The Member seems to believe in a free-for-all; that people can do whatever they like when they are over the age of 18. He seems to think that when people reach that age, they are adults and can make up their own minds, and can decide for themselves whether they want to drink too much, smoke too much, or whatever. Consider the statistics and the health inequalities that desperately need to be addressed. Thankfully, the Minister is beginning to get to grips with those matters by setting up a public health agency. The Member's colleague Mr Easton mentioned that the DUP was not opposed to that proposal, but the DUP was opposed to the establishment of an independent public health agency. It wanted the agency to be stuck in a corner with something else.

That is exactly the type of agency that will shine a light and put a focus on public health. *[Interruption.]*

The Member may not care much about that issue. I was very generous with my time to Mr Ross. This is about preventing people from getting hooked on cigarettes early. As other people have said — even the Member's party colleague — it is about intervening early and stopping advertising at the point of sale.

Mr Deputy Speaker: Order. That was a very long intervention, Mr McCallister. Members should not abuse the courtesy shown to them, and I remind the House that interventions should be as brief and to the point as possible.

4.00 pm

Mrs Hanna: Will the Member give way? *[Laughter.]*

Mr Ross: I agree with you totally, Mr Deputy Speaker. I do not mind giving way to the Member, but I ask her to be brief. I will give way in just a minute, but, first, I want to address two of the issues that have been raised.

Mr McCallister again talked about protecting young people, but that is not an issue. Of course I do not want young people to take up smoking. That is why I supported measures proposed in the House to raise the smoking age limit to 18, and why I supported stronger enforcement against retailers who break that law or individuals who buy tobacco for young people.

As regards whether adults should be able to do what they like, as long as they are not breaking the law

adults should be able to make those decisions for themselves, because I believe in individuals having that freedom.

Mrs Hanna: Thank you for giving way; I will be brief. I am very concerned about the direction in which the Member's contribution is headed. The suggestion seems to be that we should not try to influence people over the age of 18 to look after their health and that we should not show them leadership. As a member of the Health Committee and a health professional, why would I not encourage and advise people not to take up smoking? Also, a person can be over the age of 18 but still be very young, and many are easily influenced by advertising. We must take that into account, as well.

Some Members: Hear, hear.

Mr Ross: I am not saying that we should not encourage people to be healthy and to give up smoking; rather, I am saying that, as a Government, we should not ban people from making a decision that is ultimately their own.

I want to make some progress here. We must look at the evidence that supports the specific proposal about banning the display of cigarettes. I have heard Members say today that banning those displays would reduce the number of smoking-related deaths or the number of young people who start smoking. If that were the case, I would be happy to support the proposal, but I must say that I question whether those proposals will achieve that aim.

As I have already said, cigarettes should not be sold to children. That is already the case, and I have talked about increased enforcement of ID schemes and the need for stronger enforcement measures against those who purchase cigarettes for children. However, let us consider examples from across the world. New Zealand, for example, is recognised as having some of the strictest anti-tobacco laws anywhere in the world, but its Parliament has said that legislation to ban the display of cigarettes would make absolutely no difference.

The Minister talked about Iceland. However, the display of cigarettes has been banned in Canada and Iceland, and there has been no reduction in the amount of cigarettes sold there. I think that the Minister also mentioned the 15-year-old and 16-year-olds who would stop smoking, but it is illegal for them to smoke anyhow. If we are taking the existing law seriously, then 16-year-olds, and, under the new law, 17-year-olds, will not be able to smoke and should not be buying cigarettes. As I said, neither Canada nor Iceland has seen a reduction in the overall number of people who smoke.

However, the evidence shows the impact of such a ban on retailers; we have heard about the million of pounds that it will cost them. When proposing legislation that tries to achieve a certain desired outcome, we must be careful about the unintended

consequences — in this case, that may well mean damage to the retail sector in Northern Ireland. I am not sure that the case has been sufficiently made that banning the display of cigarettes would improve the health of everybody in the country. I would naturally resist anything that places an additional burden on small shops without having that evidence in front of me.

I also find it interesting that both the Conservative Party — with which the Ulster Unionist Party has now joined up — and the Liberal Democrats have stated that if they were in power, they would reverse this legislation. I wonder how the Minister can square his position with the fact that his new partners would reverse the legislation if they came into power.

That said, I support continuing efforts to educate people about the dangers of smoking. As I said, I certainly support the proposal to ban vending machines, because it is a practical measure that can make a real difference. I would also support the banning of 10-packs of cigarettes, which, again, are more commonly bought by young people. That is important. We should continue our efforts to ensure that children do not start smoking, are not sold cigarettes and do not get other people to buy cigarettes for them. However, I remain unconvinced about some aspects of the proposals being outlined today. I look forward to hearing the Minister address some of those concerns in his closing remarks.

Mr B McCrea: At the outset, I declare an interest as a member of the Northern Ireland Policing Board. That fact will become relevant later, when I talk about the risks to young people.

I am fundamentally, absolutely and completely opposed to smoking. I am opposed to it because it kills people, it is addictive, and the costs to the National Health Service and to every taxpayer in this country are tremendous. I know that there are people in this place who make their living out of tobacco, but I cannot countenance its continued sale.

The question is sometimes asked as to whether smokers should even be treated in hospitals. The answer, of course, is that they must be treated, because humanity dictates that they are. Many of those people are addicted, and they became addicted when they were young and did not know about the implications of smoking. Therefore, we must help them. However, any proposals that we can introduce now to prevent people from becoming addicted, or to help them to give up this evil, should be supported.

I support Carmel Hanna's statement. However, I am completely confused by the ambivalence shown by the party to my left. On the one hand, Members from that party say that they support the proposals, that they are against smoking, and that they do not want to kill people, but, on the other hand, they trot out the line

that by the way, the Conservatives and the Liberal Democrats think that the display of cigarettes is OK.

If people are opposed to the display ban, they are opposed to it, and they should oppose it on principle. We are opposed to it on principle. It is not that we want retailers to be destitute — and we will look at that issue. At the same time, we do not want people who work in the industry to be thrown out on the street. We must also work on that matter. However, as other Members pointed out, the real costs of smoking are picked up by our society and by our National Health Service.

If I were asked, I would say that three major challenges face us: smoking; alcohol abuse in minors; and obesity. As politicians, we must start to show leadership. If there is a bank of cigarettes behind every shopping till, it sends out a message that smoking is socially acceptable. People talk nonsense when they say that smoking is illegal for people who are under 18, but when did that ever stop people who are under 18 from getting hold of that product? That is why we want to get rid of vending machines. Although they account for only 1% of sales, many young people buy their cigarettes from them.

Mr Ross: The Member will have heard me argue that I support that element of the proposals, because I understand how it will stop young people from buying cigarettes. However, I questioned how banning the display of cigarettes will prevent young people from getting hold of them, because they are getting hold of them illegally anyway and will continue to do so. What is proposed will impact negatively on retailers.

Mr B McCrea: I have tried to make this point several times. There is a multitude of things that we are trying to sort out, one of which is that people who wish to give up smoking should be given every assistance to do so, and putting temptation in their way is not helpful. I assure the Member that if sweets or crisps were no longer sold —

Ms S Ramsey: The Member mentioned earlier that he had 10 years' experience working for Mars confectionery. The key issue is about advertising and whether it is formal, professional or psychological advertising. Therefore, it might be useful for the debate if the Member could give us some trade secrets about how millions of pounds were spent by the company that he previously worked for to sell its products.

Mr B McCrea: I thank the Member for giving me that opportunity, and I will do just that. Not only was I in the business of selling confectionery, but I had some connection with the tobacco trade — with Philip Morris and Marlboro. Members will recall that when the ban on advertising tobacco was introduced, large posters were erected that did not contain any advertising

— they merely had one block colour, and at the bottom of the poster, it stated that the product would kill you.

Later, companies started to try to put advertising on shop fascias, in the same way as the ‘Belfast Telegraph’ and the ‘News Letter’ do, because they know that point of presence works. Therefore, when one gets into all those issues, the simple fact is that what sells most products is ease of access and availability.

That is why, if we believe that it is socially irresponsible to push a product that kills people, ruins lives and costs us a fortune, we should take every step to ban its display.

I hope that the Minister does more: I hope that he intervenes earlier than he has said he will, and I hope that he introduces legislation to regulate the selling of tobacco in the same way that we regulate sales of alcohol. It has exactly the same effect. Our young people —

Mr Paisley Jnr: I thank the Member for giving way, and I have no wish to cut him off in full stream.

However, the Member mentioned his membership of the Policing Board, and I, too, am a member of that board. The facts are as follows: 56% of all tobacco consumed in Northern Ireland has no duty paid on it. In other words, it is bought illegally. That is true of 33% of the cigarettes that are smoked in Northern Ireland — one in three. They are not bought from a retailer or vendor, but are either bought illegally and smuggled into the country, or bought abroad and brought back into the country. The advertising ban will not affect 56% of the tobacco sales in Northern Ireland and will not affect one in every three cigarettes smoked in Northern Ireland.

Mr B McCrea: The corollary of that is that 44% of all sales will be affected, and that is a worthwhile target. The Member talks of illegal sales and paramilitary involvement. If I had my way, I would make smoking illegal. It is detrimental to people: it is not right that the Health Service has to pick up the cost of it.

However, as others have pointed out, this is a democracy. We live in the free world, where, if one drives things underground, one ends up with worse problems. On that basis, I am prepared to let the sale of tobacco go ahead. It is against my better judgement: I advise people not to buy it. That is the way it has to be. We cannot make it illegal. However, I see no reason why it should be encouraged, and that is what point-of-purchase advertising does. Temptation is put in front of people, and even those who want to give up tobacco cannot do so because it is put immediately before them.

Frankly, I am really disappointed in the ambivalence that Members show on this issue in the face of tragedy. One hears of the deaths of young people, 30- to 40-year-olds and young mothers. Had Members attended Ulster

Cancer Foundation events, they would have heard about the tragic circumstances of young people who have lost their mothers or fathers. That we cannot countenance.

There may be financial loss. A Member asked who pays for tobacco stands. It is a long time since I had any involvement in the industry, but, in my time, they cost about £1,000, and the tobacco companies — not retailers — paid for them.

Retailers may lose sales and profit. However, when I worked in that sector, I was told that tobacco and newspapers were demand-led — people came into the shop and asked for them. So what is the loss? If there is compensation to be paid, we should be happy to pay it. The long-term savings to society are greater. Perhaps we should consider reducing the rateable value of small corner shops or, as my honourable friend Mr Beggs suggested, making corner shops and convenience stores genuinely competitive. However, we should not force them to make a living out of peddling things that kill people and ruin our young people’s lives. The evidence exists, and it is simply incontestable. We must stand up and be counted on this issue.

Mr Paisley Jnr introduced me to folk who represented the tobacco industry: I am sorry for them. However, I cannot countenance anything that involves selling tobacco, encourages its use among young people, or prevents people from giving it up. We should give real leadership on this issue, as Carmel Hanna said.

I thank the Minister for bringing this legislation to the House, and I ask him to expedite it with all possible speed and to engage by all means with retailers and the industry to find the best way of removing the spectre of tobacco from society.

4.15 pm

Mr Paisley Jnr: I resent it when a Minister comes to the House and presents an argument for something on an almost entirely emotional basis, and produces no evidence to support his argument. I would be quite happy to look at the evidence, and go through it line by line. However, when the argument to promote that action is purely an emotional one based on saying: look at this, children, and it kills you; look at this packet, and it will murder you; when it is produced —

Mr Deputy Speaker: Order. That is a visual aid, which is not allowed in the Chamber, particularly given the product, I would have thought.

Mr Paisley Jnr: When the argument is presented in such terms — look at this and you die — and has no bearing whatsoever on the reality of what happens, I think that that is wrong. There is an attempt, for a host of reasons, to blackmail Members emotionally into supporting the motion for that reason alone. My party has demonstrated, and said on the record — as have members of the Health Committee — that it will support

legislation and action, but not on an emotionally charged, or a blackmail-charged, basis.

Mr McCallister: Will the Member give way?

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

Mr Paisley Jnr: I will in one moment when I have made the point. I am happy to give way to you. We have plenty of time and I intend to use it.

I resent that blackmail allegation. I think that Members should resist it, and should not support the motion on that basis. If Members are going to support the motion, support it for proper reasons and not for the emotional reason.

Mr McCallister: I am grateful to the Member for giving way. If the Member accepts that it is right to introduce this ban by 2013, and if it is right to do it then, why is not right to do so as soon as possible?

Mr Paisley Jnr: I will come to that, because it forms part of my speech, and, indeed, part of the question that I want to put to the Minister, which I hope that he will be able to answer.

Let us put the issue of emotion to the side, and let us address the facts. For several years, Government have tried, in a number of ways, to influence people's consumption of tobacco. First, they taxed the product — and they have taxed it almost to death. What has happened as a result of that taxation? Consumption has remained the same or has increased. Secondly, the Government also banned the advertising of cigarettes and of the product. What has happened as a result? Has consumption collapsed or gone down? No; consumption has remained the same, at best, or has increased. Therefore, Government efforts to address the issue of consumption by the whip hand and by the hand of pressure have, quite frankly, failed.

Not so long ago, I asked the Minister a parliamentary question: did the higher rates of taxation cause anyone to suggest that they wanted to give up smoking? The Minister, quite truthfully, answered “no”.

Mr B McCrea: Will the Member give way?

Mr Paisley Jnr: In a moment. People's attitudes towards consumption were not affected if they were overtaxed

Mr B McCrea: Following the Member's argument, is he advocating the legalisation of cannabis and other drugs, which are equally harmful and also addictive? In fact, tobacco is more addictive, and that might be part of the reason that people have not given up. Is he advocating the legalisation of cannabis, because, surely, if people are going to smoke cannabis anyway, we might as well tax it?

Mr Paisley Jnr: There we have the irrational, emotional argument: oh, if you are going to encourage people to smoke, you therefore want to encourage

them to murder. It really does not do the Member any justice whatsoever to make that case. In fact, some might wonder what mind-expanding substances he is on outside the Chamber when he comes in to use those sorts of arguments in here. Quite frankly, it does him no justice whatsoever.

Let us turn to the real point. The Department gives us the argument that has been made by the Member for Strangford Kieran McCarthy. He said that he wanted to see a policy based on:

“out of sight and out of mind”.

If that is the basis on which the House is to legislate, we are kidding ourselves that we can put things out of sight and everything will be all right. It has been demonstrated that none of the measures that the Government have taken — whether high taxation, the banning of advertising or the banning of the public display of advertising outside shops — have affected consumption. The little measure of making cigarettes invisible inside shops will not suddenly address the consumption issue. It will not actually work.

Mr B McCrea: Will the Member give way?

Mr Paisley Jnr: I will give way in a minute.

There are issues towards which the Government should direct their attention in order to address consumption. I am opposed to smoking; I do not want my children to smoke. If I thought for one moment that one of my children would take up smoking as a result of my taking a different view on the proposed legislative action, I would not take that position. I take a realistic approach to the matter. There are four measures that the Government could take, some of which have been mentioned by my colleagues.

First, greater resources and manpower ought to be made available for an effective, targeted enforcement strategy by HM Revenue and Customs (HMRC). Some of the tax money that is raised from tobacco should be ploughed into manpower along the border in order to prevent the illegal smuggling of those goods into the country.

The people who really benefit from such policies as higher taxation and bans on advertising happen to be the paramilitaries in Northern Ireland. I know that it is not the Member's intention, so I will not accuse his party of wanting to encourage the paramilitaries — that would be wrong. However, these actions will have a consequence. Paramilitaries and other people who are involved in the illegal tobacco trade will be quite happy to thank Members for what they are doing.

Instead of people buying cigarettes from shops, where they will not see that product, the paramilitaries will be able to go around housing estates in Newtownards, Belfast, Ballymena and all over the Province and illegally distribute cigarettes to children and make

money themselves. Believe me — it will not make any difference whether they are under 18 or not.

Mr B McCrea: The Member has made the argument regarding paramilitaries to me previously. However, much to my disappointment, my party does not advocate making tobacco illegal. We are trying to decrease the propensity for it to be sold on an impulse basis, which is what the point-of-purchase argument is about. In particular, we are trying to prevent young people from getting access to tobacco, because, as Mr Shannon and others said, 75% of people who currently smoke started when they were teenagers. It appears that the Member's argument is that he is happy enough for tobacco to be sold as long as the Government get the taxes.

Mr Paisley Jnr: The Member misses the point. The measures that are proposed do not affect and impact on consumption. I have no doubt that the measures are well intentioned, but if they do not affect the consumption rate, they will not have the impact that we are telling the people of Northern Ireland, through the House, that they are going to have. If it takes someone to say that the emperor has no clothes on, I will say it.

Let us introduce measures that work. One of those should be to direct money to HMRC manpower. Another measure that would work would be to put money into and reinforce retail access prevention measures. In other words: no identity, no sale. Another measure that would work would be to punish and criminalise people who proxy-buy. I would far rather that people who buy cigarettes and give them to children be criminalised and punished. Those are the sorts of real actions that the House should take.

Mr B McCrea: Those are additional actions.

Mr Paisley Jnr: They are not additional actions. Those actions will make the difference, instead of pandering to a particular lobby to be PC or to be seen to do something. It is far worse to pretend to do something when that has no effect at all than to at least try to do something. We should try to do something that really will change the lives of people, as opposed to pretending that this measure will sort out the consumption issue. In years to come, we will be back in the House to say that another measure and another step are needed. Those steps have not worked.

A great deal of ignorance has been evident in what has been said about cigarette consumption; some of which has also appeared in the press. On 'The Nolan Show' this morning a Member said that the Bill would stop advertisement and display of tobacco products outside retail premises; such advertisements were banned long ago. Another said that the Bill would cut smoking rates; however, there is absolutely no evidence from anywhere in the world that it will have any effect on cutting smoking rates. Another said that

it will stop the display of tobacco advertisements on shop windows; that has not been allowed for 10 years. Someone else said that it will save lives. Frankly, the jury is still out on that claim. Looking at a product will neither change nor save your life.

The argument has also been made that vending machines should be banned outright. The fact is that in the Province most vending machines are located in licensed premises. A 10-year-old should not be in licensed premises where he or she would be able to obtain cigarettes from a vending machine. If people fail to police that, that is a problem for someone else. That issue ought to be dealt with.

The first point on which I gave way to the Member for South Down relates to when the Minister intends to put the legislation in place. Members can have different views and arguments about where the House should be on that point. However, I want the Minister to make it absolutely clear when exactly he intends to introduce the legislation. I have listened to him carefully: he said that it may be introduced after July 2010. Introducing the legislation before the rest of the United Kingdom — to gild the lily — will not have any greater impact than to allow retail premises in Northern Ireland to take their time, save money, and put in place the necessary changes that all other retail premises in the United Kingdom will have until 2013 to put in place.

I ask the Minister to assure the House that he will not press the start button on the legislation until it is ready to run in the rest of the United Kingdom. In another place, he can ask his colleagues and members of his party who sit in the House of Lords and the House of Commons to argue for that date to be brought forward if he so desires. However, the Assembly must not disadvantage the several thousand retailers in Northern Ireland who, between them, will have to spend more £15 million in modifying their shops to comply with the legislation.

I appeal to the Minister not to introduce the legislation before the rest of the United Kingdom but to do so simultaneously so that devolution is not seen as a disadvantage to those businesses. The economic argument that I make is simple: for the past year, all that Members have heard in the House is talk of the credit crunch and the pressure that it has put on people's pockets. The Assembly must not allow the Bill to apply additional pressure on people.

In a similar vein, I also ask the Minister to go to the kernel of the argument and to confirm to the House that he will not have to come back to the Assembly to press the start button on that piece of legislation but that it will be the Executive's decision; they will have to agree when it is introduced. If that is the case, will the Minister at least allow the Executive to make that decision on the basis of all the reasons behind the Bill,

which has hugely significant financial implications for our country?

It would be remiss of me not to mention the significant employer in my constituency. The fact that Gallaher/JTI is based in my constituency and employs approximately 1,000 people is incredibly important. That was dismissed by the Minister who said that the company exports most of its produce. Thank goodness that it does: Northern Ireland must export its manufactured goods. The company injects about £27 million in employees' wage packets into the local economy, throughout County Antrim and Belfast.

It would be remiss of the House not to recognise that swift and certain action that penalises the producer and the retailer will have a consequence on the product, which could, ultimately, result in that product being made elsewhere. It will still be smoked here. Consumption rates will remain the same, but cigarettes will be made elsewhere and imported to the country. Therefore, jobs in Northern Ireland will be lost.

I know that Members do not want to hear that fact, and some people think that it does not matter. In Northern Ireland's current economic cycle, it matters and is very important.

4.30 pm

Mr B McCrea: Will the Member give way?

Mr Paisley Jnr: I want to finish the point.

Therefore, the Minister should ensure that his actions do not jeopardise manufacturing or retail jobs in Northern Ireland in any way.

Mrs Hanna: Does the Member agree that the creation of smoke-free workplaces has raised awareness of the dangers of smoking and passive smoking? Does he agree that displaying tobacco products normalises those products, and, although looking at a product will not save a life or kill anyone, influencing somebody not to use a product that kills could save a life?

Mr Paisley Jnr: The Member's point highlights a number of issues. Almost one third of a cigarette packet is used to state that smoking is fatal. If people want to smoke, it is up to them and is their free choice.

During the debate, we have heard arguments about the position in the rest of the world. New Zealand's Prime Minister recently announced his Government's decision to remove a similar piece of legislation to this Bill. Talking about the proposed display ban, John Key told a television station:

"The reason is there is no international evidence that it actually works, and it's hugely expensive to do it. I don't support at this time to change from the current situation."

It was not the right time, because the economic credit crunch affects New Zealand as well as Northern Ireland.

I ask the Minister, when he responds to the debate, to provide some comfort that he will introduce the legislation only in line with the rest of the United Kingdom. Moreover, I urge him to ensure that jobs in Northern Ireland are protected and that the legislation is introduced with the Executive's approval.

Rev Dr Ian Paisley: We should view the debate in the context and atmosphere of employment pressures. I am totally opposed to smoking. I smoked one cigarette, and, unlike Mr Shannon, I was not green — I was red, white and blue. I never smoked another cigarette.

I want to respond to some remarks that have been made during the debate. One cannot compel people to take the road that you think that they should take. They must be converted to that view, and only conversion will remove what is damaging them. We should keep that in mind. I am not saying that if I had my way, I would wipe them all out. I am saying that I want to convert them to the opinion that has been offered by almost all Members — that we condemn smoking.

My son spoke at length, and I agree with his comments. Furthermore, I agree that we need to examine carefully matters that will affect people who want to work in Ulster. That must be done in such a way that does not put greater pressure on people. That is all-important.

I listened carefully to the Minister's remarks, and I hope that he will answer some of the questions that have been put to him. I will certainly be voting for the motion tonight, as will my colleagues; I do not think that any of them will be against it.

I welcome the fact that the Minister is going to talk to those people who are worrying about their own employment position. I trust that he will also meet with representatives from Gallaher in my constituency, and I hope that he will consider carefully what he should do about those matters. He should not just have a general meeting, which is what I know that some members of the Westminster Government do — they bring in a crowd of people, have a happy time and leave, but two days later those people find that they might as well not have been there.

I have been travelling to London with representatives of Gallaher every year for a very long time. Those representatives, who are in the Public Gallery tonight, were not at the first meeting, but I was, and we had wonderful talks with the Chancellor of the Exchequer. However, we got nothing done. I hope that the Minister will meet those people, listen to them, realise that that they wish to make a point, and take that into consideration as he makes his final decision.

I would also like the assurance that, whatever the Executive do about the matter when the Minister brings it to them, the final say will be in the Assembly and

that the Assembly will be entitled to say aye or no to the final settlement.

The Minister of Health, Social Services and Public Safety: I am grateful to the Members who spoke. The debate was long, and a number of important points was made. The general tenor of the comments that were made indicates that the House supports the legislation.

On that point, I will begin by outlining the situation as it now stands. I was asked whether I needed to go back to the Executive for a decision. The answer is no. The Executive decision has already been sought and agreed. I have agreed to provide a paper for the Executive, a consultation on regulations, and a commencement date. Those are the issues with which I must return to the Executive. That follows the process that was agreed at the Executive Committee meeting that was held on 15 January.

The Executive agreed to a number of points in the proposal. First, subject to timing and identification of acceptance, we should move to a position where the display of tobacco at point of sale is banned in Northern Ireland; secondly, the Department of Health should take further powers to ban or restrict the sale of tobacco through vending machines; thirdly, the necessary legislative cover for those changes should be advanced in the Westminster Health Bill [HL], which is due for introduction in the new parliamentary session; and finally, the Assembly's agreement should be obtained in due course by means of a legislative consent motion. That is the reason that we are here today.

I have heard Members say overwhelmingly that they support the legislation, although there is an argument about timing. I will try to address some of the points that were raised. Mr Paisley Jnr said that the consumption of tobacco has remained the same or has increased. That is not, in fact, true. Consumption of tobacco has actually decreased over the past number of years, specifically since the introduction of the ban on consumption in public places. In 2007, 25% of adults were smoking, but that figure has now reduced to 23%. There has been a steady reduction, but there remains a hard core from a generation ago of people who are now in their 30s.

Mr Ross said that no evidence was available, but, in fact, there is clear evidence from Canada and Iceland that shows that there has been a reduction of between 30% and 40% in the prevalence of people under 18 who smoke following the introduction of bans on tobacco advertising displays at point of sale.

Basil McCrea said that display stands at point of sale cost the tobacco companies approximately £1,000 to produce. However, those displays are renewed routinely; the tobacco companies spend that money and distribute the displays free of charge, because they aid sales and promotion of the product. Tobacco

advertising has a strong effect on young people; 11- to 16-year-olds are the target audience. Mr Ross said that it was illegal for people under 18 to smoke, so they should not be doing it. Well, listen — welcome to the real world. That actually happens, Mr Ross. You talk about not wanting a nanny state; well, your nanny must have been very careful with you, because you are divorced from the world that most of us live in.

Of the 150,000 young people between 11 and 16 years of age in Northern Ireland, some 9% — 13,500 young people — smoke. If we could achieve the 30% reduction that has been achieved in Canada, it will mean that 4,000 young people will be prevented from taking up smoking. If we were to achieve the sort of change that has been achieved in Iceland — a 40% reduction — 5,000 young people will be prevented from taking up smoking. As Mr Gardiner said, the onset of cancer is three times more likely among those who take up smoking as a teenager than it is among those who start smoking in their 20s. That is another reason why these measures are so crucial.

I am concerned about those issues, and that is why I have had to consider the element of timing. The longer we put this ban off, the more likely it will be that we will lose young people to the corrosive practice of smoking. I started smoking when I was a teenager, as did Sue Ramsey and Kieran McCarthy, and I found it very difficult to stop. Ian Paisley Jnr and others preach about smoking. I assume that as a son of the manse, he never smoked, but he is talking about something that he knows nothing about. To try to give up smoking after taking it up as a teenager is a very difficult thing to do.

One of the key triggers in breaking one's resolve is to have to go into a shop to buy a packet of chewing gum or a bottle of milk, only to be confronted by a display filled with cigarettes. The temptation is to buy a packet, telling yourself that you will smoke one and throw the rest away. There is a strong addiction factor.

Our Health Service is looking after people who smoke and who pay the consequences in the form of cancers, coronaries and strokes. The key is to stop young people from ever starting to smoke. That is why I feel so strongly about the issue.

Mr Ross said that it was unfair not to display a legal product. Well, listen, Mr Ross: top shelf magazines are legal, but they are on the top shelf for a very good reason. Are you saying that, for example, nude magazines should be on display? By your logic, that is exactly what you are saying. You are saying that it is not up to Government to tell adults what to do —

Mr Deputy Speaker: Order. The Minister should make all his remarks through the Chair.

The Minister of Health, Social Services and Public Safety: I will, of course, Mr Deputy Speaker.

Mr Ross also said that it is not up to Government to tell adults what to do. Well, listen: people cannot just do what they want. That is why, for example, when I bring forward termination of pregnancy legislation, I will be telling adults what to do. That is important, and is something that the entire House will take an interest in. If I were to follow Mr Ross's logic, people could simply do what they want.

4.45 pm

Mr Ross: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No, I will not give way. Mr Ross has had more than ample chance to speak. As I told Mr Paisley Jnr, I am now trying to respond to all the points that Members raised. It is a similar situation with pornography laws — one cannot simply let adults do what they want. Governments must take a view and be prepared to intervene. That is why we have devolution — so that we can be different from, or the same as, other parts of the UK, and that is a matter for us to determine.

The Irish Republic will start the process of banning the display of tobacco products in shops on 1 July 2009. Retailers in England, Scotland and Wales will start that process in 2011, not 2013, and it is a process that Government say will take two years. I am concerned that it will take that length of time, because, as I said, we can intervene with our cohort — even if we only hit the Canadian figure of a reduction of 30% in the prevalence of people who smoke — and affect 4,000 young people, who will then never get hooked on the corrosive and damaging conveyer of smoking.

Carmel Hanna and other Members made the point about vending machines, and it is a point well made. Ian Paisley Jnr said that vending machines are on licensed premises; however, they are also in hotels. Generally, vending machines sit in corridors, in lobbies and in other places where under-18s can go. Under-18s can access cigarettes from vending machines. British Heart Foundation evidence says that roughly 1,500 young people in Northern Ireland regularly buy cigarettes from vending machines. That is a conservative estimate and is the reason why we must introduce this policy. Vending machines are not sitting safely in well policed areas — far from it.

Thomas Buchanan asked whether smoking had increased or decreased among people since the recent measures were introduced. As regards young people, I do not know the answer to that. Those measures were introduced in 2007, the same year in which the last Young Persons Behaviour and Attitudes Survey was conducted. That survey is conducted every three years, so we will not know the answer to Mr Buchanan's question until the next one is concluded. Evidence certainly shows that the measures have had an effect

on adults, although any evidence that I have is purely anecdotal.

In 2007-08 we spent £450,000 on cessation services, which has been a key factor in helping people to kick the habit.

Dr Paisley asked whether I was prepared to speak to and meet retailers, representatives, shops stewards and advisers. Of course I am, and I prepared to listen to what they have to say and to talk to them. I spent a lifetime in business, including retail, so I have some understanding of retailers' concerns. However, I cannot accept the argument that it will cost each corner-shop owner £5,000 to replace the free stands that a manufacturer supplies, nor do I accept the argument about a massive loss of business.

We are not saying that cigarettes cannot be sold in shops. We are simply saying that cigarettes must be removed from those large stands that sit behind cash registers, and instead be placed under the counter. People will be able to buy cigarettes from the same shop that they always have done. Most retailers say that cigarettes sales are a curse, because the profit margins for them are so small, and the value of the cigarettes is so high, that if a retailer loses one packet, he loses the profit from carton upon carton. Cigarettes are, in effect, loss leaders. People go to a service-station shop to pay for their tank of petrol and to buy a packet of cigarettes, and, once there, they are tempted into buying a newspaper and a Kit Kat.

My experience is that retailers sell cigarettes because everybody else sells cigarettes. Retailers think that if they do not sell cigarettes, they will be disadvantaged. However, retailers would be far better off if none of them sold cigarettes, because shops cannot make a profit from cigarettes, given that the profit margins are so small. Pilferage levels are also very high. Therefore, cigarettes are a difficult product with which to deal.

I am grateful for Members' support in the House on this issue. Mr Paisley Jnr spoke about Members making emotional arguments. However, he then proceeded to make an emotional argument about how it would cost £15 million to rectify shops and about how the Ballymena factory would close.

Even the Gallaher Group is not saying that or anything like it. Nor is the company talking about relocating. Most of the products produced by the Gallaher Group are exported.

I am not saying that we should ban cigarettes, but I am seeking to stop those young people who are most susceptible to the form of advertising that we are discussing from starting to smoke. That is what the proposals are about — stopping young people from starting to smoke. Everyone should support that, and one should consider opposing it, including those who say that they support the proposals but whose tenor is

opposition, as with Mr Ross. Mr Ross's comments were extremely disappointing — there spoke a non-smoker if ever there was one. He has no experience of a lot of things. *[Laughter.]*

I have said that I will talk to retailers and factory employees; Dr Paisley and other Members raised that point, and it is a matter of concern. The earliest that the measures can be introduced is July 2010, which is two financial years away for retailers and businesses. I would have thought that that is a reasonable period of time. I will carefully consider the suggestions about vending machines, because there is a strong argument for banning them.

I thank all Members, because, by and large, they made very positive contributions. I take heart from the support that I have had in the House and commend the legislative consent motion to the House.

Some Members: Hear, hear.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of provisions of the Health Bill [HL] dealing with tobacco, and powers of suspension in relation to members of NHS bodies and other bodies concerned with health.

COMMITTEE BUSINESS

Assembly Commission Engagement Strategy

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

Mr Moutray: I beg to move

That this Assembly notes the Engagement Strategy developed by the Assembly Commission, which is aimed at improving public engagement with the Assembly, its committees and MLAs.

From the outset, I want to indicate that the remarks that I am making are on behalf of the Assembly Commission. I acknowledge the support of all members of the Assembly Commission in the development of the engagement strategy.

Today's debate marks the culmination of work undertaken by the Assembly Commission over the past year. The Commission has set out an ambitious vision of strengthening democracy and creating a better future for all. In order to achieve that vision, the Commission has set out a strategic priority to develop a dynamic and responsive strategy for outreach and public engagement. Put simply: engagement is the process of giving the public a voice and enabling them to contribute to the democratic process. The engagement strategy has now been approved by the Assembly Commission. *[Interruption.]*

Mr Deputy Speaker: Order. Will Members please resume their seats?

Mr Moutray: However, it is both timely and appropriate to allow Members from all parties to contribute to the ongoing debate in wider society on the role of our democratic institutions. The Electoral Commission reported that turnout for Assembly elections has declined from almost 68% in 1998 to just over 53% in 2007. A recent survey found that over half of Northern Ireland adults believe:

“people have no say in what Government does.”

Less than one fifth of adults believe that they have a say in what Government do. The statistics are even worse when it comes to younger people: almost one quarter of 18- to 24-year-olds strongly agree with the statement:

“People like me have no say in what Government does.”

Given that this generation grew up during the most peaceful period of the past 40 years in Northern Ireland, the challenge of strengthening democracy and creating a better future for all cannot be underestimated.

Against that stark background, the Assembly has developed a clear, consistent and long-term strategy

for engaging with the general public. The Commission hopes that the strategy will lead to an increased awareness of the role of the Assembly and a strengthening of democracy. The Commission does not underestimate the magnitude of the challenge. Significant long-term investment is required to increase public understanding of the Assembly. The Puttnam Commission stated:

“The public have a right to expect a Parliament which reaches out to all citizens and invites participation and interaction.”

The improvement of public access to Parliament Buildings is a primary objective of the engagement strategy. However, the Assembly already finds it difficult to meet the existing demand for access, particularly to Committee meetings. As a democratically representative body, it must be desirable for the Assembly to create more public understanding of its role and to foster the sense that it welcomes all visitors, and it is already successful in the latter respect. Typically, Parliament Buildings hosts 40 schools, colleges and universities and approximately 1,100 students per month. In addition, it hosts approximately 140 tours and events attended by about 6,000 people each month.

However, the Commission is all too aware that more must be done. Educational visitors are the engagement strategy's priority, and awareness and understanding of the Assembly should begin at school. The Commission's aim is to give as many schoolchildren and young adults as possible an opportunity to visit the Assembly as part of the experience of learning about our democratic institutions and processes and how they work.

Mr Shannon: Is the Member aware of a special event taking place on the May Day bank holiday? On that Monday, schoolchildren and families of MLAs and Assembly staff are invited to a family fun day. Several Departments will be involved, and, given that the event is taking place on a bank holiday, the invitation will be open to even more people from outside the Assembly. They will be able to take advantage of the opportunity to see inside Parliament Buildings and to visit the grounds.

Mr Moutray: I thank the Member for his intervention. I was not aware of that event but, thanks to him, I and many others know about it now.

I am delighted to announce that the Commission will launch a subsidised travel scheme later this year. The scheme aims specifically to encourage children from schools in areas of social and geographical disadvantage to travel to Parliament Buildings. Such schemes already operate in Wales, Scotland and Westminster, and it is appropriate to introduce a similar scheme for the Assembly.

However, as learning about the work of the Assembly is not solely dependent on a visit to Parliament Buildings, the Commission is developing a Northern Ireland-wide programme of educational activity. Building on the

theme of education, the Assembly will focus on engaging with young people. A youth forum will be established to consider, debate and make recommendations on issues of particular importance to young people. The youth forum will culminate in an annual youth assembly, the outcome of which will be debated by MLAs in the House.

The Assembly is the most important political institution in Northern Ireland. It is important, therefore, that it equips the current generation of young people with the skills and experience that will allow them to play their part in future political life, whether as MLAs or public servants. Society can only benefit from young people having an insight into the way in which democracy works.

The Assembly is committed to giving young people an understanding of how the legislature works. I am delighted to announce that an innovative postgraduate bursary programme will be established that will lead to the award of a masters degree in legislative studies and practice. The new programme, the pilot of which will be launched on 24 March 2009, is the first masters degree of its kind, and it will benefit those who want to play their part in future political life, whether as MLAs or public servants. The bursary programme will provide participants with the opportunity to gain experience of working in core business areas of the Assembly. All Members would freely admit that, at times, politicians and the media do not make good bedfellows. However, in a democracy, the public has a right to understand what the Assembly does and why.

5.00 pm

The Power Inquiry concluded that the media — television, newspapers and radio — remains the single most important source of information that the public draws on for political news and information. The Commission understands fully that demonstrating how the Assembly considers issues and scrutinises legislation, in a way that suits the needs of the media, is key to maximising coverage of the business of the House.

The Commission is in the process of making changes to media access to Parliament Buildings in order to further improve the level of media coverage. Last year, the Assembly made a significant investment in upgrading its broadcasting facilities, and we will continue to build on that investment by ensuring that all Committee rooms have broadcasting equipment installed. In future, rather than having to travel to Parliament Buildings to visit a Committee, it will be possible to view and hear proceedings using the Internet.

It is impossible to ignore the rise of the Internet. It is also interesting that technologies that seemed to be innovative only a few weeks ago are being overtaken by new technologies. The Assembly website was first set up in 1998 and now has more than 20,000 pages of

content. That is a huge asset. However, the website has not kept pace with technological developments. As a result, the Commission is committed to investing in the complete redevelopment of the website over the next 18 months.

We have already piloted some innovations. Some Members have heard of services such as Twitter. In fact, some Members are already using it. The Assembly is piloting its own Twitter service, which the public can register for, and receive, regular “tweets”. For Members who think that I am making that up, check out www.twitter.com/niassembly. It is essential that the Assembly, as an institution, is seen to be wholly transparent. The new Assembly website, when developed, will provide members of the public with the ability to view plenary sessions and Committee meetings live or through a playback function.

Users will also be able to subscribe to automatic update services to notify them when changes have been made; for example, when a Committee report or Bill is published. The Internet will deliver much more. However, it is only a tool, and it cannot, and should not, replace face-to-face engagement between MLAs and their constituents. The Assembly is committed to engaging with the public and their local communities. A roadshow with the theme ‘Your Assembly Your Say’ will take place from 18 March to 7 April and will pass through nine towns and cities across Northern Ireland, from Ballymena to —

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

Mr Moutray: The roadshow will provide the public with an opportunity to gain a better understanding of how the different mechanisms, processes and structures of the Assembly operate.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. Tá mé iontach sásta cead cainte a bheith agam ar an tairiscint seo inniu. Cuirim fáilte roimh an díospóireacht seo. Ba mhaith liom i bhfabhar na tairisceana.

I welcome the take-note debate that has been outlined by fellow Commission member Stephen Moutray. I speak in favour of the motion. As Mr Moutray has outlined, the engagement strategy is trying to deal with the disconnection between the Assembly and the wider community.

There has been a decline in voter participation between 1998 and the last election in 2007, and there has been a particular decline among younger voters. That is why I think that the strategy will be particularly important in trying to address that issue. It will also address disadvantaged groups, some of whom are disadvantaged because of their geography, others because of their distance from the Assembly. I am talking about citizens and young people in schools.

There are people who are disadvantaged because of deprivation and social disadvantage. In particular, I welcome the fact that a travel scheme will be put in place in an attempt to deal with that problem.

Furthermore, attempts must be made to reach out to minorities, because the strategy will not work unless it engages with everyone in society. Obviously, the politics of the past mean that there is a legacy with Stormont. However, I am not just talking about problems in engaging with unionists, loyalists, nationalists and republicans. There are also problems with our engagement with, for example, ethnic minorities — people who have come to this country in the past few years. In addition, we must engage with older people, people with disabilities, young people and gay and lesbian people, and the strategy outlines how the Assembly can engage better with those groups over the next couple of years.

Although we say that the Assembly has a job in hand, if one examines the figures that Stephen Moutray mentioned, one discovers that in 2007, approximately 50,000 people visited Parliament Buildings, and a similar number visited in 2008, including 35,000 adults and almost 7,500 children on school visits. Furthermore, there are approximately 500,000 hits a month on the website, inquiring about Committees and the questions that Members have asked. Although we must not rest on our laurels, and we must ensure that the engagement strategy develops over the next couple of years, quite a few people are interested in visiting the Assembly and the website.

Stephen Moutray mentioned media access, about which there has been some criticism. I know that politicians do not always get on with the press, but there has been criticism of the media having access to here, having information, and having access to Committees. The website is also an issue: it has been in existence for quite a few years, and there are plans to try to update it.

There are two further crucial areas that must be considered. First, educational visits must be a priority for the engagement strategy, because young people make up the category that is most disconnected from politics and the Assembly. Secondly, emphasis must be placed on the work of Committees. Most Committees attempt to hold some meetings in various places in the community. For example, on Thursday, the Committee for Enterprise, Trade and Investment will be going to Derry. Nevertheless, it is important to implement the strategy.

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

Mr Butler: Sin a bhfuil le rá agam, a LeasCheann Comhairle. Tá mé ar son na tairisceana seo.

Rev Dr Robert Coulter: I, too, welcome the debate on the Assembly Commission's engagement strategy. As a member of every Assembly Commission since the establishment of the Assembly, I think that I can safely declare an interest.

The Assembly Commission has been developing the engagement strategy during the past year, and it is gratifying to know that we can bring it to the Floor of the Assembly today, even with so few Members in the Chamber.

Earlier today, Members discussed important matters, including the Budget Bill and the Financial Provisions Bill. Irrespective of political perspective, those matters, although they may be considered mundane, ultimately impact on the whole of society, and that is hugely significant, because all too often, the yah-boo of politics overshadows the enormous amount of constructive debate and good work that takes place in the House. However, that is not unique to this Assembly or to this country. It is a fact of life that in almost every democratic legislature in the world, the perceived distance between politicians and the public is growing, and although the engagement strategy is not a panacea for all our perceived institutional woes, it represents a good starting point from which to proceed.

Our economy is in recession, and now it is more timely than ever that all Members, as elected representatives, take the opportunity to let the public have its say. That is why the forthcoming Assembly roadshows are so important. I welcome the fact that the roadshow will visit Ballymena, as well as eight other venues across Northern Ireland.

I have seen a lot of changes in the past 10 years, particularly in how the relationship between the Assembly and the media has changed over time. It is fair to say that the Assembly has been less than welcoming to the media in the past, but this Commission appreciates fully the significant role that the media plays in communicating the work of the Assembly to the public.

Stephen Moutray, the honourable Member who introduced the debate, said that television, newspapers and radio remain the most important sources of information that the public draws upon for political news and information. That is why the Commission has recognised the important contribution that the media can make in communicating the work of the Assembly. That is a relationship of which all Members and parties need to be supportive.

Since the establishment of the Assembly in 1998, there have been times when I have been disappointed in the attitude of the media towards the Assembly. When I was studying for my media degree and doing a thesis on the relevance of existentialism to television, it became apparent — again and again — that too many

people in the media think only of the next programme, and many think that controversy, confrontation and sensationalism are all that matter in media expression.

The media must take under its wing the fact that it, too, has a responsibility in the community for the corporate knowledge that goes out from the Assembly. The Commission is not asking the media not to deal with those who overstep the line and who do something wrong; it is asking the media to partner the Assembly in the engagement strategy so that, together, we can take forward the programme and let the people see the good side of an Assembly that does so much for them.

Mr A Maginness: I welcome today's debate. It is important that the Assembly acknowledges that the Commission has initiated a debate, which is useful for Members to express their individual points of view, as opposed to party points of view, on the work that the Commission is doing and, in this instance, on engagement. It is important that the Commission and the Assembly involve themselves in engagement and outreach with the public.

The Electoral Commission has produced some disturbing figures. The turnout for the 1998 Assembly elections was 67.9%, but in 2007, that had dropped significantly to 53.3%. That is a huge drop of 15% in the number of voters participating in Assembly elections.

I am not saying that the engagement strategy will remedy that, but there is an obvious need for Members to engage with the public in order to improve the reputation of the House and to attract people to its work. The Assembly is an important democratic institution, and we worked hard to establish it. Therefore, it is important that all Members become involved in the work of engagement. The ultimate success story will be to make politics work in the Chamber.

If politics works in this House, more and more people in the general public will engage with the work of the Assembly.

5.15 pm

Of course, the Commission is not a party-political body — it is non-partisan and exists to assist with the more technical aspects of the work of the Assembly. Part of that involves enhancing our technological facilities, to assist people communicating with us and to help us to communicate with the public. A great deal of work has been done on that and a great deal of money will be invested in extending our website to make it more sophisticated and technologically advanced so that people can take advantage of the information that is available from the Assembly. That is a very important advance; however, as Mr Moutray said on behalf of the Commission, there are many other aspects of our work.

Mr Moutray referred in particular to the youth forum and the youth assembly. Encouraging young people to be interested in the mechanics, politics and general working of the Assembly is a vital part of our work. A further enhancement and attraction is the postgraduate bursary that will be available to university students, as it will allow them to work in Parliament Buildings and gain an academic qualification arising out of their participation in the work of the Assembly.

There are many ways that the engagement strategy will, in a very practical and measured way, engage with the public. It is important also that we enhance the facilities for the press and the media in this Building, so part of the strategy involves allowing greater access for the press. The strategy is a serious and sustained effort by the Commission, and it is fair to say that there was no disagreement in the Commission on it. The strategy has the collective force and authority of all the Commission members, and its aim is to engage with people throughout Northern Ireland.

As Mr Moutray suggested, it is important for all Members to engage in the roadshows that the Commission has organised, which will be happening over the next month or so. I encourage all Members to participate in them — as a member of the Commission, I will certainly do so where I can.

Mr Neeson: As a member of the Assembly Commission, I fully support the engagement strategy for the Northern Ireland Assembly. It is important to point out that this is the very first engagement strategy, and I consider it to be extremely important to the development of the Assembly as a whole. Given that there is greater certainty now about the future of devolution, it is vital that we develop an outreach programme at every level.

It is essential, if we are to succeed, that we give ownership of the Assembly to everyone in Northern Ireland. That is a major priority of the Assembly Commission, and it is for that reason that we have developed a series of Assembly roadshows that will allow people to understand how the Assembly works and, by the same token, will provide opportunities for MLAs to interact with local communities. As Alban Maginness said, it is a great opportunity in which MLAs can participate. Some MLAs expressed disappointment to me that a roadshow will not be appearing in their constituency, but I hope that all the constituencies of Northern Ireland will be covered before the end of this mandate.

I have been greatly impressed by the work of the Assembly's Education Service, and it seems that the number of schoolchildren visiting the Assembly is increasing. It is important to try to develop an interest among young people, not only in the work of the Assembly, but in political life. Hopefully, as other

Members have said, the engagement strategy will encourage more young people to vote when they come of age.

I welcome the establishment of the Youth Forum and the youth parliament. A number of years ago, I chaired a youth parliament on several occasions in Belfast City Hall, and that was hugely successful. There are great opportunities out there.

It is also encouraging to see Committees going out into the community and holding meetings outside Parliament Buildings. By the same token, as Stephen Moutray said, there is a need to improve facilities in Committee rooms in Parliament Buildings to make them more accessible and more user-friendly. A space audit is being carried out in Parliament Buildings, which aims to improve facilities for elected Members and members of the public.

As chairman of the Northern Ireland Assembly Business Trust, I am delighted with the good relations that have been developed between Members and the business community and, in particular, I wish to thank the Speaker for all his help and assistance. Last month, a Speaker's dinner was held in Parliament Buildings. It was hugely successful and, since then, we have enlisted new members from the business community.

Other Members have referred to the relationship with the media — it is important to develop good relations. The fact that quite a large number of people watch 'Stormont Live' on Mondays and Tuesdays goes to show the importance of developing good relations with the media.

Finally, if devolution is going to work and be a success, it must be open and transparent and fully accountable to the people of Northern Ireland, and that is what the engagement strategy is all about.

Mr Ross: I thank the Assembly Commission for tabling the motion. Engagement with the public is extremely important. As individual MLAs, and as political parties, we should already be engaging with our constituents. I run weekly surgeries in my offices and attend group meetings. I also run personal websites and get involved with other community organisations. The onus may, therefore, be on individual Members to engage with the public. It is disappointing that more Members did not come to listen or participate in the debate on engagement.

My party is embracing new technology. Mr Moutray talked about emerging technology such as Twitter. Of course, there is also Flickr, YouTube and others, which are important in reaching new and younger people who are more au fait with such technology than some Members. As a relatively new body, the Assembly must do the same. I encourage people to engage with this body and to improve their understanding of what goes on in the Committees, the Executive and the

Assembly. Greater interaction between the legislature and the people whom we represent can only strengthen democracy and be a good thing.

People are, generally, interested in what goes on at Stormont. As has been mentioned, there are tours of the Building every day. We meet groups of people, students and schoolchildren almost weekly, and I meet a number of school parties through the Education Service. I agree with Mr Neeson's comments about it being a good service, and we must commend the good job that its staff do under somewhat cramped conditions.

It is important to get young people involved in politics, and every Member to speak so far has said so. Young people should understand that the decisions that are taken here impact on their lives, and will in the future.

For that reason, it is encouraging to see so many groups from schools and universities coming to Parliament Buildings. They are keen and eager to learn more about the political process, and that is a good thing. The report from the Commission referred to a purpose-built education suite, which is very important and is a positive and welcome recommendation of the engagement strategy. Such a suite will assist in teaching young people and university groups about devolution. It is also important that teachers and lecturers are kept up to speed with events, and the suite will host seminars, from which lessons and information can be passed on.

Engaging with young people on all levels is important. Members have heard about the Youth Forum, which is an interesting concept. I was here last year for the Youth Forum debate held in this Chamber. That was a useful tool for young people, and it was very encouraging to hear such strong opinions about issues affecting the people taking part. The interns programme referred to in the strategy is also useful. I have met interns who are at the Assembly at the moment. They have an opportunity to work with parties, MLAs, in the Bill Office and in other aspects of Government.

It must be recognised that most people cannot get to Stormont during the day, and they may get only a snippet of what goes on here in the news at home in the evening or in newspapers. As Mr Moutray said, we should be improving the media output by improving live streaming from the Chamber, and, indeed, from Committee rooms. That means that people who are interested — or school groups and their schools — will be able to watch proceedings live and gain a greater understanding of what we do.

Posting videos or snippets of Members' speeches online may be other ways to be considered. Mr Moutray also talked about Twitter, which may be useful, and may enable people who are following debates to get a snapshot of what is going on.

Mr Weir: Perhaps we could look at getting a special DVD of the best speeches. Perhaps that would be a top Christmas seller.

Mr Ross: I am not quite sure that it would be a top seller, but I think that it would be useful for people to get a snippet of what happened on a given day on issues in which they have an interest. It is something that we must look at.

Another way of engaging is through the all-party groups. In addition, the Assembly Committees meet with the voluntary and community sector all the time, and it is important that voluntary and community groups have the opportunity to come to Stormont to give evidence.

I have heard in the debate about Committees interacting. As a member of the Environment Committee, I know that on a number of occasions that Committee has gone to places such as the Giant's Causeway, Armagh and Castlewellan in order to conduct its business. That is a way of taking Assembly proceedings to the public. More people can access us and we are seen out and about, which is something that must continue.

Finally, it has not yet been mentioned in the debate, but I notice the inclusion of e-petitions in the strategy. E-petitions have been very successful, particularly in Downing Street. I have been lobbied on a number of occasions by constituents who want me to sign up to a Downing Street petition, whether on the recent Eames/Bradley recommendations or on other issues. It would be an important way for the public to register their concerns and comments to the Assembly.

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

Mr Ross: Therefore, I welcome the Commission's efforts in drawing up the engagement strategy, and I look forward to some of its proposals being rolled out over the coming months.

Mr Deputy Speaker: In quite a number of debates, Members have been twittering without realising it.

Ms S Ramsey: The Member had an intervention. I will probably take his extra minute and, hopefully, I will not twitter through it. Like all the Members who have spoken, I broadly welcome that the Assembly, as an institution, is engaging with the community. I do not wish to be the fly in the ointment, but there are some issues that I want to raise in the debate. I would appreciate answers today, but if not, perhaps I will get them in time.

As most Members have said, the engagement strategy was published just a few weeks ago. That was the first time that most Members — if not all — got to see it. We are told that the strategy is now part of a public consultation. I would appreciate some information on that. Is it the standard public consultation? How long

will it take? To whom has the consultation paper been sent? Has it been sent to the section 75 groupings? Are the roadshows part of the public consultation? If not, are we jumping before we actually consult on a document that the Assembly has sent out?

I agree with the Speaker's comments in his press release, in which he said that he was:

"looking forward to going into the community with the Roadshows and speaking with local people".

I agree with the Speaker. As someone who has a background in local government, I see the value of reaching out to local people and their communities. Alastair Ross touched on the fact that that is something that we do, for example, through our constituency services and constituency meetings.

5.30 pm

A key question, and an issue that has been mentioned, is who chose the venues, the times and the format of the roadshows. If answers can be given today that there will be additional roadshows, then so be it; we should be given that information. I am quite concerned that there will be only eight or nine venues.

We talk about engaging with all sectors of society, so we should genuinely engage with those who are most likely to be marginalised. How do we expect elderly people from North Belfast or a person with a disability from West Belfast to get to The Baby Grand? Is that genuinely targeting those who are most marginalised from the Assembly?

I do not want to come across as being very critical of the strategy, however. If there are answers to our questions, let us know. We should be acting as a conduit, but we need to send out a clear message.

Bob Coulter mentioned that he was a member of all the previous Commissions. Their outreach attempts did not work, so we should not assume that the same venues will work now. We need to propose new venues and talk to —

Mr Neeson: Will the Member give way?

Ms S Ramsey: Yes — briefly.

Mr Neeson: Does the Member agree that it is important that the roadshows are scheduled to go to every part of Northern Ireland — north, south, east and west — and that that should be an important part of the strategy?

Ms S Ramsey: I absolutely agree. We need to be told about it now, because we, as MLAs, will be selling the engagement strategy as much as members of the Commission. If we are genuinely going to engage, let us talk to the community groups and organisations, the farming and fishing communities, the Irish language groups, and the Ulster-Scots society, but we should be told. It should not be a matter of the Commission

versus the Assembly. The Assembly, collectively, should go out and give information to the people. I accept that there should be additional roadshows, and we should be told about them as quickly as possible.

I do not think that anybody could fault the work that is being done by the Assembly's Education Service. I accept that its staff work in cramped conditions and with resources that are not up to date or up to standard. However, I want to know whether its forward work plan will target areas of disadvantage. Will it target areas of geographical and social disadvantage? I want to know who it will target in my constituency.

If we welcome the strategy, we must consider this place itself. As Sean Neeson mentioned earlier, we need to give ownership of all of this to the people. There is a history to this place. If we are to succeed in really engaging with people, we need to consider the fact that the Assembly website is not bilingual. We also must examine the flags and emblems in this place. The Commission has not made any attempt to implement the European Charter for Regional or Minority Languages.

If we are sincere about outreach, the Commission should engage with people in my constituency and in others. If we are talking about being genuinely involved in getting schools and young people up here, is there an Irish-language officer in the Education Service who could give tours? If there is not, the strategy is not for all the people from the outset. If thousands upon thousands of pounds will be spent on the engagement strategy, we, as MLAs, should know the details from the outset.

The idea of MLAs using their constituency offices to engage with people is absolutely right. However, if we want to send out printed-paper documents, we find it hard to send out information through the free-post service as it is, because circulars tell us that we cannot do certain things. If the Commission gives us information to send out, where does that sit in relation to our providing financial information about our affairs? That issue must be cleared up.

I agree that the all-party groups need to be properly resourced.

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

Ms S Ramsey: However, if we are talking about engaging, we must openly and actively engage across the board.

Mr Attwood: From what I have heard during this debate, it is self-evident that we all should agree on a strategy for the Northern Ireland Assembly to engage with the wider community — not least because the fortunes of this Assembly have ebbed and flowed since 1998; not just during the days of suspension, but even last autumn, during the days of no Executive meetings.

Therefore, I welcome the document in that it establishes the principle of community engagement. However, like Sue Ramsey, I want to put on record — although perhaps a bit more forcefully — my concerns about it. Mr Moutray said that the strategy is the culmination of more than a year's work, yet we are now being asked to endorse a strategy that contains many explicit commitments that have not been costed. My question to Mr Moutray is: what is the cost of all the explicit commitments that the Assembly Commission has entered into in the strategy?

Let me remind Members of some of them: the Assembly will be represented at major events; there will be an Assembly festival every year, of which there will be seven or eight different dimensions; there will be a visitors' centre; a permanent exhibition; a retail and book shop; a dedicated education room; a mini-Assembly Chamber; live streaming; a ticket office; an electronic booking system; a public café; the replacement of broadcasting in the Assembly; an intuitive website; new media staff; and a new continuous professional development co-ordinator.

How much will all that cost? The Commission asks us to sign off on a document that states that those things will happen, and I want to know how much they will cost. That is a reasonable question at a time of economic stringency. The community with which we want to engage will not deny that the initiatives may be worthwhile and important, but it will ask how much they will cost.

The second issue is a possible contradiction, a point on which Sue Ramsey touched earlier. Paragraph 2 on page 4 states:

“This strategy will be the subject of a public consultation exercise.”

Is it or is it not a fully fledged public consultation exercise? If it is, we cannot make commitments to do things until the exercise is finished; if it is not a fully fledged public consultation exercise, let us say so. Let us admit that we are not having a fully fledged consultation with the people of the North with whom we are meant to engage. What is the answer to Sue Ramsey's question, which I have also asked? That surprises me, given that the report is the culmination of a year's work. What consultation was there with those who came through this Building over the past year — the teachers, educationalists, businessmen and students? I would like an answer. Given that we have all those mechanisms to consult the community, as well as an educational advisory service and an annual audit, what consultation has been held over the past year with the visitors to the Building to proof those proposals against what they thought was the best way to proceed?

I listened to Mr Neeson talking about a space audit. Every hour, somebody goes round every room in the Building to see whether we are in them; that is

preposterous. I know where I was this morning, and it was not upstairs in my room. I was in the Chamber in the morning, the Senate Chamber afterwards, and I returned to the Chamber this afternoon, just like many other Members. The space audit may be an evidence base on which to decide on accommodation in this Building. It is not much, if you ask me.

Finally, I have serious issues with the Assembly Commission, which has been guilty of grave error in the conduct of much of its business over the past year or two. That is why it is before a fair employment tribunal as I speak.

Mr Deputy Speaker: Order. That is outside the terms of the debate, Mr Attwood; please return to the motion.

Mr Attwood: It may or may not be. However, being before a court of law does not build much confidence in the community's mind, and we are talking about building confidence in the community.

Mr Moutray: I thank Members for their contributions this afternoon. The debate was generally constructive and useful, and the Commission fully appreciates Members' views. It is clear that Members from all parties welcome the need for the Assembly to engage with the public.

However, engagement represents a challenge for all working legislatures. The Assembly already finds it difficult to meet existing demands for access, particularly to Committees. It is not unusual to walk around the corridors of Parliament Buildings to find visitors to Committees waiting outside for a space to become free. However, greater understanding of the role of the Assembly, and fostering a sense that the Assembly welcomes visitors, must be desirable for a democratically representative body.

I have already mentioned the importance of young people to the future of the Assembly. The Assembly's Education Service has done much over the years to educate young people on what is happening in the Building. However, the facilities available for education are totally unsuitable. In the medium term, the Assembly Commission is committed to providing a dedicated space for education so that a wider range of programmes can be provided for more schools and for more schoolchildren, as well as for teachers and adult learners.

As I said earlier, the Assembly receives a huge number of visitors each year. Measures have been undertaken to improve the security of Members, staff and visitors, and those measures have attracted significant adverse publicity. Although the case for the new arrangements is clear, the perception of some people is that the Assembly has become less welcoming even though it now receives more visitors than before the new arrangements were implemented. In addition, much has been done to improve access and facilities for all visitors, but there is much more to do to improve

the welcome that visitors receive. That will include the development of a dedicated visitors' centre, incorporating a permanent exhibition on the work of the Assembly, as well as a public café.

Parliament Buildings is the home of the Assembly, but the Assembly is getting out and about with increasing frequency. Committees normally meet in Parliament Buildings, but over the past year, they have made significant efforts to engage with communities in their own areas. I have already mentioned the forthcoming 'Your Assembly, Your Say' roadshows, and the Assembly Commission's efforts to improve the way in which the Assembly connects with people who cannot come to Parliament Buildings. In addition, the Assembly is developing educational outreach programmes to increase the scope of its educational outreach activity.

The Commission is committed to engaging with people in their communities, and we will hold outreach events, public meetings and talks in communities throughout Northern Ireland. Over the next year, the Commission will hold roadshows not only in the nine constituencies that were mentioned initially, but in every constituency.

By meeting groups in the heart of communities, we will raise awareness of what the Assembly does, how it works, and how community groups and individuals can engage with the democratic process. In the longer term, we will introduce video-conferencing technology into the Assembly to bring MLAs closer to the public. The Assembly will also increasingly be represented at local events of strategic importance; for example, at the Balmoral Show.

The Assembly Commission is committed to engaging with the business sector, and it has worked with a wide range of local businesses to form the Northern Ireland Assembly and Business Trust, as my colleague Sean Neeson mentioned. The purpose of the trust is to advance and encourage business understanding of the Assembly and also MLAs' understanding of business. The trust has operated since 2002, and it has the support and involvement of all the main political parties in the Assembly.

The trust recently hosted Lord Mandelson, Secretary of State for Business, Enterprise and Regulatory Reform, and has also organised fellowships that place MLAs into local businesses. Recently, Declan O'Loan spent some time working in Mivan, while Simon Hamilton worked with easyJet.

The Assembly Commission has begun work on the development of a good relations strategy, and it is important that Members from all sides of the House contribute to the development of that strategy. Although some Members have raised issues, it would be inappropriate for me to pre-empt the collective view of the Commission.

The Commission has set an ambitious agenda for change in how the Assembly engages with the public, and we aim to deliver on it. It is important that the Assembly not only functions effectively as the devolved legislature for Northern Ireland, but that it is seen to be effective.

There are many detractors who will always be sceptical about anything that happens in the House and who will always be cynical about the commitment of MLAs to creating a better future for all.

5.45 pm

To those detractors, I have one point to make: exercise your democratic right, get out and vote and play your part in strengthening democracy. If you do not like it, change it. Engage with the Assembly and help us to create a better future for everyone in Northern Ireland.

The media have an essential role to play in scrutinising the role of the Assembly, and all of us strongly defend that role. However, the media also have a role to play in communicating the positive work that takes place in this House and the vital work of Committees. That is a role that the media embrace infrequently. A few weeks ago, the Assembly sat for almost eight hours and debated important issues for Northern Ireland, including a five-hour debate on the Budget and the future role of credit unions. Therefore, it was a surprise to find the main headlines of local news media focusing on a one-minute exchange on terminology between Members. The media must continue to scrutinise the work of this House and must also play their part in strengthening democracy and creating a better future for all.

I have outlined much, but not all, of the positive work advanced by the Assembly Commission. We do not underestimate the challenge of engaging with the public, but we need to make a start. I hope that Members from all sides of the House agree that this engagement strategy will help to improve the public's perception of our role, which is to work for them.

Question put and agreed to.

Resolved:

That this Assembly notes the Engagement Strategy developed by the Assembly Commission, which is aimed at improving public engagement with the Assembly, its committees and MLAs.

PRIVATE MEMBERS' BUSINESS

Members' Rights

Mr Deputy Speaker: Before we begin, I remind Members of their general duty to behave responsibly and to exercise caution to ensure that nothing that they say may prejudice any matter that may come before the courts. In particular, I caution Members that certain matters associated with the inquiry into the death of Mr Billy Wright are at present sub judice. In accordance with the requirements of Standing Order 73, such matters should not be referred to during the debate.

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 who wish to speak will have five minutes.

Lord Morrow: I beg to move

That this Assembly recognises the need for elected representatives to be able to protect the confidentiality of information brought to them by constituents and sources; acknowledges the importance of being able to pass on to the appropriate authority information in the public interest without breaching that confidentiality; believes that an erosion of these expectations and rights would seriously undermine the ability of the public representatives to perform their duty and, if unchecked, will emasculate the powers of the Assembly, and undermine the role and trust the public must have in its elected representatives to protect and represent them without fear of prosecution or interference.

In bringing this important motion to the House, I seek the support of the Assembly for the protection of public representatives who are regularly given information of an important and sometimes sensitive nature. Invariably, that information is given because it is in the public interest to have the particular matter examined. Such information would never have been disclosed if the discloser felt that his or her anonymity were not protected. The question for the House is whether public representatives should betray their source or informant, or should the person giving the information be totally satisfied that the information disclosed by the source will be protected.

(Mr Speaker in the Chair)

At this stage, I stress that there is a vast difference between information imparted in the public interest and that of a malicious nature. The protection of information, including the identity of the source, is not something to be taken lightly. If something is disclosed in confidence, that confidence should be respected. Where would public confidence lie if everyone using their freedom of speech were immediately shopped by their elected representatives? I suspect that there is not one Member of this House who has not, at some time, been given information of a confidential nature, with

the informant, or person who delivered the information, expecting their identity to remain confidential.

I venture to suggest that there are Members who hold information on the perpetrators of some of the worst atrocities that Northern Ireland has come through. However, nothing and no one is calling on them to disclose that information under the threat of prosecution. Similarly, when asked to disclose who fled their ranks for the greener fields of dissident republicanism, those Members will not be drawn. Although that is not right, it is their right to remain silent. That said, the authorities have yet to attempt that method of investigation.

In general, data protection legislation means that information cannot be disclosed that could harm the credibility, safety or security of an individual. There is an additional exemption for those covered by client confidentiality. Many professionals, including solicitors, journalists, clergy and doctors, are exempt from the threat of prosecution for not revealing the personal details of anyone whom they represent or deal with.

New attitudes towards the victims of domestic violence mean that the Public Prosecution Service and the police no longer have to rely on the injured party to provide a statement about his or her attacker. Instead, an investigation is carried out, and a case is built on the facts as gathered. That alleviates the victim from pressure and from fear of reprisals.

If journalists were made to name their sources, very little information would succeed in reaching the public domain. It is written in the National Union of Journalist's code of conduct that under no circumstances can sources be divulged, and, on the whole, the courts have accepted that. The code forbids journalists from divulging information that has been passed to them. It says that a journalist:

“At all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed”.

It states that a journalist should differentiate between fact and opinion. The code of conduct also says that a journalist:

“Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work”.

Those who have sought to legally challenge journalists to name their sources have made very little headway. It usually ends up with the reporter coming out a hero for standing his or her ground.

Why then should we, as public representatives tasked with speaking for constituents and their issues, be subject to a rule any different to the rules for the aforementioned? Constituent confidentiality is vital and something that public representatives strive to uphold.

In the Northern Ireland Assembly code of conduct, under the heading "Public duty", it states:

"Members have a general duty to act in the interests of the electorate and the community as a whole; and a special duty to their constituents."

Under the heading "Selflessness", it states:

"Holders of public office should take decisions solely in terms of the public interest."

Therefore, we are duty-bound, under statute, to address the inconsistencies and injustices that, unfortunately, occur in daily life. Not to do so would be to default on our roles, abandon our principles and, of course, betray our constituents.

If we in Government cannot be permitted to tackle issues on the strength of whistle-blower or tip-off scenarios, I suggest that very little would ever reach the Floor of this House. Gross injustices could come about if whistle-blowers are stifled, which is exactly what will happen if people lose their trust in Members' ability to deal meaningfully with issues. Client confidentiality should not be limited to the professions that I have mentioned; it should be automatically extended to cover public representatives.

In a question on 10 May 2007, a Member of the House of Commons said that it was wholly unacceptable that private and confidential correspondence involving constituency issues between a Member and a Minister was released into the public domain. In answer to that, Jack Straw said:

"I share his concern ... The issue is not about protecting the ... Members of Parliament; it is about protecting the rights of our constituents to correspond with us in confidence."

Taking another angle, I am concerned about what those who request such information require it for. What do they plan to do with it? Could it be that it is to hound or discredit a whistle-blower or to shine a more positive light on a potentially embarrassing or volatile situation that the individual concerned has exposed? If an incident or issue has been flagged up and reaches the public eye, it is vital that not only is that problem appropriately addressed but that the person who divulged the information is protected from any harm for their efforts.

I call on Members to support the motion, which is built on not only security but on freedom of speech. People will stop coming forward and will, therefore, continue in situations that are grossly wrong. Elected representatives are people who are elected by the community for the community to address their concerns and to speak out on their behalf. I am drawn to the use of the phrase "don't shoot the messenger". If Members are approached by someone who wishes to remain anonymous, we must respect their right, and that person should be protected, rather than pressured into disclosing more about the problem.

I commend the motion to the House, and I look forward to hearing what others have to say on it.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. Sinn Féin will abstain from the vote on the motion. We had hoped that the contribution of the first Member from the DUP to speak might have shed more light on why it tabled the motion at this time. However, following the comments of the previous Member who spoke, I am no further enlightened as to why the motion has been tabled. The speculation and suspicion that was in my mind before I came into the Chamber is only further embedded by the Member's comments. I am conscious of the guidance that the LeasCheann Comhairle issued before the debate started, so I will ensure that I stay inside the lines that have been drawn for us.

Sinn Féin supports parliamentary privilege. We do not support the abuse of parliamentary privilege. The motion, as it is worded, is too wide-ranging for us to add our names to, because we believe that it could be used to abuse parliamentary privilege. In the past, Members opposite have used the British House of Commons as a showpiece where they get up and name individuals, blaming them for all sorts of acts and leaving those individuals vulnerable to attacks from other sources with no right of defence in any court in the land. Therefore, we will not support any system that allows the abuse of parliamentary privilege and the abuse of other people's rights.

The proposer of the motion did not say whether he sought privilege for knowledge of criminal acts. Is the DUP suggesting that if someone comes to any Member of the House with information about a criminal act, we have the right to hold that information? Is no guidance contained in the motion to say that Members have a duty to take that information to the PSNI? I cannot consciously stand here in front of you and say that, under my parliamentary privilege, I will hold on to that information. Therefore, all those questions are still racing around my mind having listened to the previous Member who spoke.

Therefore, given that Members are somewhat restricted, and understandably so, in what we can say in the House, I will cut my comments short and say that the DUP has not given enough clarification about why it has tabled the motion. The motion is too broad-based and in our opinion, allows for the abuse of parliamentary privilege. Much more work would be required on the subject before Sinn Féin could sign up to any guidance or privilege to which the DUP referred. Go raibh maith agat.

6.00 pm

Mr A Maginness: I want to say at the outset that the subject of the motion is a complex legal issue. I am not certain that this particular motion, no matter how well

intentioned, addresses the issue, which is obviously very important. I suggest that the motion should not be put to a vote. Although the important issues should be aired and discussed, the motion should not be put to a vote in order that a more definitive position can arise from the debate.

Any privilege that Members of this House have is based on statute. No inherent privilege is based in this House; however, in the House of Commons, for example, an inherent privilege exists that does not arise out of statute. Therefore, the Assembly's situation is completely different from that of the Houses of Parliament. However, all Members instinctively and naturally accept the need for elected representatives to be able to protect the confidentiality of information that is brought to them by constituents or, indeed, that comes from other sources.

The question is whether that protection of confidentiality should be absolute or qualified. If it is to be qualified, to what extent and in what circumstances? It goes without saying that it is important for public representatives to be able to pass on information that is in the public interest without breaching confidentiality. The question is whether such a right exists at present. I am not certain that it does, in fact, exist in law.

I appeal to the proposers of the motion to ask the House to seek legal opinion and expert advice on this important issue; I have not seen any sort of legal advice that could inform the House properly on the motion. I want to see the legal basis of any such right that Members purport exists for individual MLAs.

Certainly, in the Republic, such a right was asserted in the Brendan Howlin case. In circumstances that were similar to those that have been discussed in the debate, a TD was expected to reveal his confidential sources to a tribunal of inquiry. He refused to do so. In that case, the Supreme Court decided that the TD did not have a right to protect his source and, therefore, he had to reveal it to the tribunal. That raises an important point: if a tribunal of inquiry is to carry out its work, it needs to be able to probe information and facts. That may require the disclosure of a source in order to provide proper and credible evidence to the inquiry so that it can carry out its task properly and thoroughly.

I do not believe that the law would be any different or much wider in Northern Ireland as regards giving an absolute right to a Member of this House. It is probably true to say that any erosion of the perceived right to confidentiality could undermine the public's trust and confidence in dealing with MLAs, with the result that that trust and confidence could be affected adversely.

The Assembly must consider the matter very carefully before reaching specific conclusions. There have been circumstances in the House in which a Member has purported to have got information from

the IRA — in the case of Conor Murphy, for example — about a killing in south Armagh.

In those circumstances, is it right for a Member of the House —

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

Mr A Maginness: In those circumstances, is it right for a Member to protect and to not reveal his source? I will leave that question to the House.

Dr Farry: We can speculate about the set of circumstances that has prompted the Members to propose the motion. I will judge the issue based on the wording of the motion, make general comments and avoid straying into particular cases that may be pertinent at the moment.

It is worth noting that the motion is almost a self-declaration, and its proposers could, perhaps, clarify its ultimate purpose. Does it call on another body to recognise that right, or do the proposers feel that motion will establish those rights? I have no difficulty with the wording of the motion. I am conscious that MLAs are not simply legislators whose role is to pass judgement on draft Bills. We also hold the Executive to account and represent constituents. In that sense, although our role is not the full equivalent of an MP under the British constitution, it mirrors it to a large extent.

MPs and MLAs have an important function to provide an effective challenge to the Executive and other authorities. Our role sometimes involves bringing information, which would not otherwise have been known, into the public domain. There are plenty of examples of situations in which such actions have been deemed to be in the wider public interest, several of which arose in the British system recently. That is important.

If there is potential to disclose such information, does that provide a fundamental barrier to individuals passing information to MPs or MLAs with confidence that that information will remain secure? A question mark about that matter could create difficulties. At one end of the scale, we might talk about serious matters of Executive misconduct or, indeed, criminal offences. At the other end of the spectrum, people might offer information on a constituency casework basis. It is a broad issue, and it is important that constituents have full confidence in our ability to respond to their needs.

I concur with remarks that public representatives must act responsibly and trustfully. I take on board John O'Dowd's comments on that matter and his perception of the situation. He, and others, might believe that privileges have been abused in the past. It is incumbent on MPs and other public representatives

to demonstrate discretion and responsibility when conducting their actions.

In some senses, the UK has an unwritten constitution, in which there are an implicit set of checks and balances. In Northern Ireland, given that we are in a subordinate situation, those balances are more formal. There is a tradition and an assumption to place trust in public representatives. In recent years, that trust has been called into question because of a series of financial and other scandals. There has been a loss of confidence in the system.

I appreciate that from some people's perspective, the ability to allow MPs and MLAs an unfettered sense of responsibility has, perhaps, been compromised to a certain extent. Nonetheless, it is important to return to first principles and recognise the basis of the function of a public representative, which is not unique to Northern Ireland and applies in other contexts. Furthermore, we must appreciate the importance of public representatives' ability to do a job, not only on behalf of their constituents, but in the wider public interest.

I await the rest of the debate with interest, but I am minded to support the motion.

Mr McCallister: Like other Members, I recognise the importance and need for elected representatives to treat with respect information brought to them by constituents. Every Member will have worked for constituents who have presented them with highly sensitive issues, which are often borne out of vulnerable positions. It is crucial that we respect the information that is presented to us as much as possible within the law. It is vital that the public have confidence and trust in their representatives if democracy is to work.

With that in mind, the Ulster Unionist Party recognises the merits of much of the motion. All Members will know that we are given the protection to speak freely in the Chamber — however, parliamentary privilege is extended to ensure that democratic debate is uninhibited. We cannot expect the extension of parliamentary privilege — in the Assembly or at Westminster — to all aspects of an MLA's conduct and life. In that regard, I question the link between protecting information given to MLAs by constituents with the undermining of the ability of public representatives to perform their duty in the Chamber and the emasculation of the powers of the Assembly.

How individual Members treat information given to them by their constituents is up to their own discretion and understanding of the law. They should know that if they make information public, they, and the person they represent, will be open to the rigours of the law.

There is legislation to deal with the passing of information to the appropriate authority in the public interest without breaching confidentiality. The Public Interest Disclosure Act 1998 — or whistle-blower

legislation — provides a framework of legal protection for individuals who disclose information to expose malpractice or matters of similar concern. The Act covers the raising of genuine concerns about crime, civil offences, miscarriages of justice, danger to health and safety or the environment, and the cover-up of any of those. It covers almost all employees in almost all professions.

We all want to protect those who confide in us and who trust us with information, but more important still is the protection of the democratic integrity of the House and the justice system. However, having said that, I respect and understand the principles of those who proposed the motion.

Mr Attwood: I did not anticipate being called to speak — I think that I have been ambushed by my own party in case I do not take the right line. I concur with Mr Maginness. I ask the DUP to consider not moving the motion — which has happened on previous occasions — given the context of the debate and having heard the concerns that were raised. Without prejudice to whatever the motivations may be behind the intentions of the motion, that would be the right course of action.

It would be the right course of action for several reasons. First, the language of such a motion must create certainty and avoid doubt; that should be the standard against which any motion of this sort in particular — although it applies generally — is judged. With a motion of this nature — which has implications for difficult issues of law, as Mr Maginness and others outlined, and where there are already existing legal provisions, as outlined by the Member who spoke previously — if the proposer of the motion wants to get the support and sympathy of the House, its drafting should be absolutely precise to remove doubt and create certainty.

I suggest to those who drafted the motion that although a great sense of the thinking behind the motion can be grasped, as Lord Morrow fully outlined, nonetheless, the motion must be measured against existing legal provisions, precedents and standards in other legislatures.

6.15 pm

Is the DUP satisfied that the wording of the motion is consistent and can be reconciled with the existing legal provisions that were outlined by Mr McCallister and by the existing requirements and standards that govern these issues in legislatures, including our own? That is a simple question, and the DUP must be able to say with certainty that it has measured and tested the wording of the motion against those standards.

I listened to Lord Morrow's remarks, and I have enormous sympathy for his position. In recent weeks, visitors to my constituency office have given me

certain information that is not only about individual cases but raises much more general issues about the conduct of certain people in my constituency. Therefore, I have a great sense of my obligations in respect of such matters.

Although I have not been given any specific information — for example, about an individual or about particular acts of criminality — I have been given information in the round about widespread issues of criminality that may involve a range of people and organisations. I have to decide what to do with that information, so I have a great deal of sympathy for Lord Morrow's point of view. However, I do not know whether this approach, whatever the motivation might be, is the right way to deal with the issue.

I want to be crystal clear about one point, which was touched on by my colleague Alban Maginness. In circumstances in which it is brought to our attention that criminal activity has taken place, and in which there may be information that is of interest to the police and the legal authorities — particularly when a case is live — the balance of argument may be swayed in favour of the obligation to pass that information to the PSNI.

I mention the case that Mr Maginness described only because it has already been raised and not to make a wider political point. However, when a Member of the House met members of the IRA, was the information imparted at that meeting not within the gift of that Member, and should it, therefore, have been passed to the police, given that there were issues about the IRA and that it was alleged to have been an illegal organisation? Furthermore, given that, in a particular case, information might have been made available to —

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

Mr Paisley Jnr: I thank all Members who participated in the debate. When my colleague Lord Morrow proposed the motion, he made it clear that no Member of this or any other House should be above the law. That goes without saying, so I was somewhat surprised that the Member for Upper Bann Mr O'Dowd said that the debate was about the privilege of the House. The debate has nothing to do with the privilege of the House. If Members wish to table a motion about privilege in the House and how it should operate, that is a separate matter, which may indeed warrant a debate at another time. However, the motion deals with something entirely different, which goes to the heart of our constitutional rights.

Edmund Burke made his feelings clear to his constituents when he said:

“Your Representative owes you, not his industry only, but his judgement”.

On that basis, the House has a responsibility to lay down a firm marker about the level of respect and position that the House and its Members should have when it deals with the public and when the public deals with it. The motion makes that abundantly clear and accords a proper standing to the Assembly and its Members. It seeks to protect Members so that they can do their job without interference or molestation and without being forced to compromise the people who send us here.

It is important that those principles and markers be laid down firmly. In moving the motion, Lord Morrow mentioned that other sections of the community appear to have certain protections. For example, the legal and medical professions have client confidentiality. Indeed, certain clerics and priests also claim confidentiality. Such protections — as well as those that are enshrined in the journalistic code, which Lord Morrow mentioned — are all recognised, and that is important.

We have brought to this House today a very important contest that examines where power and responsibility rest. Do they rest with the courts? Do they rest with inquiries? Do they rest with Parliament? What is the role accorded to Members of the Assembly in that contest? I believe that there is a struggle —

Mr A Maginness: I do not think that the Member was minded to do what I had suggested, which was not to move the motion. That might have been an appropriate way in which to deal with this matter. If the Member had not moved the motion, he could have referred this matter to the Committee on Standards and Privileges and let it consider the issue and substance of the motion. That might have been a reasonable way in which to deal with this matter.

The issues that have been raised have been raised properly. They are issues of great merit — nobody disputes that. However, they are complex. It would have been much better if the House was not divided, but had got proper legal advice on this matter, so that it could have come to a definitive view based on the advice of the Committee on Standards and Privileges.

Mr Paisley Jnr: I will come to that point; I will not avoid it. I was going to address that issue later on.

As I was saying, we should recognise that there is a struggle of constitutional proportions taking place. Are this Assembly and its Members to be slapped around and to kowtow to others, or have we been accorded a proper place? We should guard jealously the general position that the people have given to us. If we throw that away lightly, we will regret it in time. It has come to the point where this Assembly and its Members are starting to be challenged. Other people are pushing the envelope in respect of the role this Assembly plays. In other words, are the people really in control of this

country's destiny? We should lay down a firm marker as to where we believe the demarcation lines are.

In May 2007, in the House of Commons, Jack Straw was asked about correspondence between a Member of Parliament and a Minister. He made it clear that the names of constituents should be protected — even from freedom of information inquiries — because of the constitutional right of constituents to correspond freely. That right is not about protecting a Minister, a Member, or a privilege; it is about protecting the rights of the people, and that is what this motion is about.

I agree that, on the one level, this is a complex matter, but it is one that we should seek to grapple with immediately. This motion has been down for debate for two weeks. Members have had the opportunity to consider the motion and to speak to each other about it. Indeed, the Business Committee has discussed it. Members should have used that time wisely. They should not have to come to this House seeking to push the issue further down the pipe and talk about it at another time. Rather, Members should have come to this debate with their minds firmly cast on where they want to go. I take the point that that Members can take this matter forward in a number of ways, if the motion is supported. Mr Maginness suggested two ways in which that can happen. He suggested seeking legal advice or taking the matter to Committee on Standards and Privileges.

Those are matters that Members can then take forward. However, there must be a starting point, and that starting point has come. For that reason, we should pass the motion.

The Member for Upper Bann Mr O'Dowd said that this was about the privileges of the House — the motion is not about privilege as defined when a Member speaks in the House, it is about a much wider and more important constitutional issue.

I welcome the general comments of support by the Member for North Down Dr Farry and the general support and merit given to the motion by the Member for South Down Mr Wells.

It is a matter of public record that a number of inquiries are taking place in Northern Ireland. It is a matter of public record that an inquiry into the death of Billy Wright is taking place. It is also a matter of public record that several Members have been called to give evidence to that inquiry. It is a matter of public record that there are High Court proceedings taking place to compel Members to divulge their sources to that inquiry. Those are all matters of public record.

The House must decide whether Members should be allowed to be bullied, pushed or squeezed to name constituents in order to satisfy the ego of someone else, or whether the rights and liberties of the people of Northern Ireland, which we should guard jealously, should

be protected by our actions and by our judgements as to whether we name, or do not name, people. That is the matter before the House; nothing else.

Question put and agreed to.

Resolved:

That this Assembly recognises the need for elected representatives to be able to protect the confidentiality of information brought to them by constituents and sources; acknowledges the importance of being able to pass on to the appropriate authority information in the public interest without breaching that confidentiality; believes that an erosion of these expectations and rights would seriously undermine the ability of the public representatives to perform their duty and, if unchecked, will emasculate the powers of the Assembly, and undermine the role and trust the public must have in its elected representatives to protect and represent them without fear of prosecution or interference

Motion made:

That the Assembly do now adjourn — [*Mr Speaker:*]

ADJOURNMENT

The Provision of Hospital and Healthcare Facilities in Mid Ulster

Mr Speaker: The proposer of the topic will have 15 minutes in which to speak, and all other Members who speak will have approximately seven minutes.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. I thank the Business Committee for putting this item on the agenda for debate. The issue is very important as we try to provide healthcare facilities for rural areas of the North.

Mid Ulster is the centre of the North and has a population of approximately 95,000, 70% of whom live in rural locations. There is lack of access to public transport, many roads are in rural areas, and there is poor infrastructure due to neglect. It is unthinkable that an area such as Mid Ulster does not have a major hospital with acute services.

Yet, instead of working towards the goal of getting a major hospital for the area, the Department is trying to remove the limited services that we do have. Since Maurice Hayes was permanent secretary of the Department, the policy seems to have been to reduce services, transfer beds, say that a service is unsafe and reduce it further by closing hospital departments. Is the service now unsafe because it has been run down?

We have already had the closure of South Tyrone Hospital, the Tyrone County Hospital, Lurgan Hospital, Armagh Community Hospital, Downe Hospital, and a number of other hospitals. The maternity and major-surgery units in the Mid-Ulster Hospital have been closed, and it now has a limited accident and emergency service, a day clinic for minor injuries and limited opening hours for other services. There has been a reduction in the doctor red-eye service at Dalraida Hospital but no increase in the ambulance service that was promised when other hospitals were closed. Anyway, an ambulance is no replacement for a hospital bed or for surgery in an operating theatre.

There are no maternity services in Tyrone, the largest county in the North, or in south Derry. If one looks at a map of the North, the whole centre has been deprived of hospital and healthcare facilities, which makes the area unsafe as a place for people to have children or to live in. There is a lack of acute services to meet the needs of the people who live in the area.

We will be told that we need large numbers to provide those services, but we have a mass of people in the centre of the North who have been deprived of those services.

As the distance from there to Antrim is the same as from Antrim to Mid Ulster, distance is not an issue. Even the few respite facilities for disabled children or young adults in Mid Ulster have been diluted.

6.30 pm

The proposed closure of the accident and emergency department and remaining acute services at the Mid-Ulster Hospital will reduce it to a day clinic. It is also proposed to close Cherry Lodge children's respite facility in Randalstown, which is the only facility in the area, and it has limited capacity. It is proposed to replace that facility, but no such replacement is in sight.

Investment is continually being made in Altnagelvin Area Hospital, Craigavon Area Hospital, the Royal Victoria Hospital (RVH) in Belfast and to a lesser extent, Antrim Area Hospital. However, with the exception of the RVH, the built size of none of those hospitals was sufficient to compensate for the closure of that number of hospitals. Neither the size nor capacity of Craigavon Area Hospital, for example, has been increased to enable it to deal with the closure of the hospitals in south Tyrone, Armagh and Lurgan.

Several further issues also come into play. Members have been told that the review of public administration (RPA) will result in savings, but the issue is that £13.5 million has already been paid out on voluntary redundancies under RPA. We have also been told that there will be a reduction in front line services and that 700 nursing jobs will be lost in the near future. How long will it be before many of the top civil servants and board directors who have been replaced return to the Health Service as consultants and advisers, as happened in the teaching profession?

Over the years, various trusts and workers in the Health Service have said that the hospitals that are being promoted, such as Antrim Area Hospital and Craigavon Area Hospital, are in the wrong place. If a decision were being made today about where to build a hospital, neither location would be selected because of an insufficient population. The population must move in from the rural areas to make those hospitals viable as far as the Department is concerned. Despite those hospitals being in the wrong place and not providing a quality service, the Department will continue to invest in them, and, therefore, the situation will get even worse.

Members have been told that, over the years, the services from the Mid-Ulster Hospital and the South Tyrone Hospital worsened, and it became, therefore, unsafe to continue to provide healthcare in either. Subsequently, patients were transferred to either Antrim Area Hospital or Craigavon Area Hospital, but do they provide a safe service? Both hospitals are

overcrowded, and the services that were previously provided to local people have, therefore, been diluted.

People working in the trust have said that maternity services at Antrim Area Hospital cannot cope with the increased demand. Members know that maternity services in Craigavon Area Hospital cannot cope with the increasing number of patients, because no additional facilities were put in place. Again, local people have been deprived of services that they previously received.

Will the Minister guarantee that Antrim Area Hospital provides a safe service? In the House in March 2008, I raised the case of an elderly patient who was suffering from *clostridium difficile* and had been put on the Liverpool care pathway for the dying patient. The Minister of Health, Social Services and Public Safety said that he did not know what that was. I highlighted the case because local people had come to me. The patient's family told me that they had to intervene to ensure that their mother was taken off that care pathway. Fortunately, 12 months later, that woman is alive and healthy.

On that occasion, the Minister warned me that I was scaremongering and that he hoped that I could back up my comments with material evidence. I have done so, but I have yet to receive a reply from the Minister. He has not apologised for the hospital putting a patient on a pathway for the dying long before her time. I was right, and I hope that the Minister will take the opportunity to apologise. That woman's family are entitled to know exactly what happened and which consultant took the decision to put her on a pathway for the dying. What did the internal inquiry, which has never been made public, reveal, and what changes have been made to ensure that it does not happen again? Does Antrim Area Hospital provide a safe service?

The people of Mid Ulster deserve a better service. Members have heard about the legacy of past mismanagement and the running down of services and hospitals. We must ensure that those services and hospitals are rebuilt. In the past, the Minister's party made it clear that were it to be allocated the Health Ministry in the future, it would do so.

Well, there is silence there at the moment, because we do not see any rebuild at the present time; we see the closure of more and more hospitals.

People in the rural part of Mid Ulster are entitled to the same quality of Health Service provision as those who live in the cities, towns and villages across the rest of the North. We want healthcare facilities in the centre. I call on all parties to set aside their political differences and to come together to ensure that we get a proper healthcare facility there. If one looks at a map of the North, there is a complete vacuum in the centre. There are no acute healthcare facilities or maternity

facilities in the centre of the North. A representative of nurses and midwives appeared on television today and stated that people had to travel unsafe distances to get to hospital.

We should not stand idly by and let this continue to happen. We have witnessed the closure of a number of different hospitals — the South Tyrone Hospital, the Tyrone County Hospital, Armagh Hospital, Downe Hospital, and other facilities that have provided healthcare — yet, we do not see anything else being put in their place.

We have been promised that there will be a new hospital in the Fermanagh area. However, I am quite certain that we will come back here in the future and be told that Fermanagh does not have the mass or the need; that it is too much of an outreach area, and that a new hospital is not needed, which will save millions of pounds. If this is a savings exercise, we want to see an end to it. We want proper healthcare facilities in the Mid-Ulster Hospital.

This is not just about hospital services; it is about day-care facilities, health-centre facilities and facilities for GPs to provide proper services and care. It is about midwives and nurses in rural areas trying to provide a service against all odds, and it is about home-helps. All of those services have been reduced time and again. The main hospitals are being closed, and people are not in a situation to provide services. It is very important that we do not stand idly by and watch that happen in silence.

There is a poem by Martin Niemöller who, in 1946, made comments about those who listen in silence.

“When the Nazis came for the communists,
I remained silent;
I was not a communist.
When they locked up the social democrats,
I remained silent;
I was not a social democrat.
When they came for the Jews,
I remained silent;
I was not a Jew.
When they came for me,
there was no one left to speak out.”

In the hospital situation, let us say that they came for the Dungannon and South Tyrone Hospitals and closed them, and those outside the area remained silent because it did not affect them. They then came for the Omagh hospital, and divided the Omagh and Fermanagh people into different camps, and in dividing them, put the hospital where they decided, and the ordinary public remained silent. Now they have come for the Mid-Ulster Hospital, and we cannot remain silent.

We have to stop the rundown of hospitals at some stage. Let me tell Members: they are coming for Daisy Hill Hospital, Lagan Valley Hospital, the Causeway Hospital in Coleraine, the Mater Hospital, the Ulster

Hospital and Whiteabbey Hospital, because the present strategy in the Department seems to be to have one hospital. It used to be that there should be six golden hospitals; now it seems that there should be one — the RVH — and all funds and resources will go there. Sometime in the future, Altnagelvin Hospital will simply become an outreach clinic for the RVH.

We have to stop the decline before it continues along its present line. I hope that the Minister will look at the North in general and say: there is a rural community there, let us look at that rural community and target it to provide a proper healthcare facility in the centre.

Let us not continue the line of maintaining and rebuilding hospitals that were built in the wrong place in the first instance. Let us go west of the Bann and build a proper acute hospital that will provide all the facilities that are required. As I have said, the distance east and west of the Bann is the same; it does not matter where you start from. I want to see an improved hospital service facility. I want to see a stop to the rundown, and I ask Members not to remain silent, but to speak out now. It does not matter who the Minister is, or what party he is from. We should be speaking out on behalf of the constituents of Mid Ulster to ensure that they have proper healthcare facilities.

Mr I McCrea: I welcome the opportunity to speak in this important debate. However, I find it somewhat ironic that it is a Sinn Féin Member's name on the Order Paper expressing concern about the Mid-Ulster Hospital, because it was a former Minister from his party who launched the document that has brought about those proposals. That is an unfortunate position.

I wonder whether we have witnessed a genuine road-to-Damascus political conversion, in which Sinn Féin has done an about-turn on this matter, or is it simply political opportunism. Let us never forget that the original sponsor document emanated from his party's Minister, and the implementation of the processes in that document has brought us to where we are today. Indeed, our community has had to witness the constant drip, drip of an unfolding process that continues to undermine the services that are provided for it, and that is leading swiftly to the demise of acute-service provision at the Mid-Ulster Hospital.

It should also be noted that during the consultations emanating from the publication of the 'Developing Better Services: Modernising Hospitals and Reforming Structures' document, the then Sinn Féin Members — including our absentee MP for Mid Ulster, Martin McGuinness — were strangely silent. Indeed, to a hurt and concerned community, that silence was breathtaking. In the end, the Sinn Féin Members pledged their support to the Minister, and, therefore, accepted her proposals to downgrade the essential acute services that were being provided at the Mid-Ulster Hospital,

thereby leaving a vast geographical area of Northern Ireland devoid of acute-hospital provision.

I welcome the Member's conversion, and I hope that he continues his fight —

Mr Molloy: Irrespective of what other Members said, does the Member remember that this Member spoke out about the Mid-Ulster Hospital and the South Tyrone Hospital and disputed the loss of those services with her party? Furthermore, I traced the history of those measures not to Minister Bairbre de Brún, but long before that to a previous permanent secretary, Maurice Hayes, and to the direct rule Ministers who were in charge at the time.

Mr I McCrea: I was coming to that point; however, given that the Member has raised it, I will deal with it now. I give the Member his dues, because it is sometimes difficult for people in all political parties to speak out against their party's Ministers. On this matter, I accept that he has spoken out about the Mid-Ulster Hospital and the South Tyrone Hospital in Dungannon. I also accept the research to which he referred, which leads back to direct rule Ministers. However, at that time, the Assembly had an opportunity to change the policy. Unfortunately, there have been many occasions when direct rule Ministers took the people of this Province in a direction in which they did not wish to go.

Those of us who have genuinely opposed the downgrading of acute services at the Mid-Ulster Hospital over many years can rightly condemn the present proposals. However, it would be unacceptable if some Members were to play to the crowd and use the community's fears for their own selfish ends. I accept that Sinn Féin no longer holds the ministerial portfolio for health, but the stark reality is that its fingerprints are all over the proposals.

For many years, the DUP fought with conviction against any proposals to downgrade acute services. Indeed, my father, who represented Mid Ulster for many years as an MP and as a councillor in Magherafelt, consistently led the fight to oppose the proposals. It is unfortunate that since my election to Cookstown District Council in 2001 and to this House in 2007, I find myself in the same position.

Magherafelt District Council and Cookstown District Council have continually joined together to oppose any such proposals. Unfortunately, even in 2006, when further reductions in services took place, the present situation appeared to be a fait accompli.

6.45 pm

The Ulster Unionist Party holds that ministerial office now, and it is that party that will put the final nail in the downgrading of the Mid-Ulster Hospital, if not — as some believe — its closure. The hospital may not close today — in fact, I know that it will not close

today — it may not close two years from now or ten years, but some believe that it will close. We have to give some credibility to the notion that the hospital will close.

The previous Member who spoke referred to a number of services across the constituency. We have seen the proposals for Cherry Lodge, which plays an integral part in the lives of many people in Mid Ulster. In the past 24 hours, we have seen the closure of the acute services at Tyrone County Hospital, and a few years ago, the South Tyrone Hospital in Dungannon lost its acute services. That is unacceptable. The west of the Province is crying out for acute-service provision.

Last Friday, I met some senior officials of the Northern Trust at an accident and emergency department. I also met some of the nurses who were on duty that day. They want to keep acute services at the Mid-Ulster Hospital; they want to be able to provide the service that has been provided so excellently for many years, but, unfortunately, the continual erosion of services has left them in a position where —

Ms S Ramsey: I thank the Member for giving way. I agree that the Health Service provisions — be they acute care or primary care — should be free at the point of delivery. There is an issue about investing for health. I am a member of the Health Committee, so I am well aware of what is happening. Does the Member accept that for years, our health sector was mismanaged, affected by bad decisions that were made by direct rule Ministers, and underfunded? Will the Member join me in calling for additional money for the Health Service from the Finance Minister — his party colleague — so that we can have a focus on acute services across the North?

Mr I McCrea: I agree that the Health Service has been underfunded for many years. However, I am sure that the Member will accept that the Health Service received a lot more money in the current Budget than it did before. That is not to say that it has as much money as it needs. If we had an open cheque, I am sure that health would get its fair share.

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

Mr I McCrea: Will the Minister ensure that services are retained across the west of the Province? I raised that matter previously with the Minister at Question Time.

Mr Armstrong: I speak as someone who was born in the constituency of Mid Ulster, who still lives there and who relies on the Mid-Ulster Hospital in Magherafelt. My four children were born in the Mid-Ulster Hospital, as were five of my six grandchildren, so no one needs to tell me how important the hospital is to the local people.

Nobody wants to see any hospital being closed or downgraded, but we have to live in the real world — one

in which we are facing a worldwide economic downturn. Unfortunately, Mid Ulster is not immune to that.

In the last Administration here, I recall that a Sinn Féin Health Minister gave the go-ahead for the ending of acute services at the Tyrone County Hospital in Omagh. I have no doubt that many people in west Tyrone will not have forgotten that.

I have heard members from other parties criticise the Health Minister, but I have no doubt that much of their criticism is motivated by party-political considerations and that they are playing to the gallery.

Although a lack of resources is not the only factor in play on this issue, Members of other parties who are concerned about Health Service cuts should recognise that money is finite and that the Minister does not have a bottomless pit of money at his disposal. I suggest that they approach the Finance Minister to support the Ulster Unionist Party in its quest for more resources for the Health Minister.

Mr Molloy: I was reading a newspaper cutting outlining what the Member, before Mr McGimpsey took on the role of Minister of Health, Social Services and Public Safety, said about the closure of the Mid-Ulster Hospital and the bed waits in the Antrim Area Hospital. Will the Member explain why, all of sudden, he now accepts that the Mid-Ulster Hospital should close?

Mr Armstrong: I have no problem explaining that — the Mid-Ulster Hospital is not closing.

On the positive side, according to the Northern Health and Social Care Trust's current consultation, 'Modernising Health and Social Care Services: The future of Health and Social Care Services in the Northern Trust', it is anticipated that a wide range of services will be retained in the new multi-million pound facility at Magherafelt, where there will be enhanced facilities and staff training. Services will include: a nurse-led minor injuries unit; day-case surgery; outpatient services; diagnostics services; care for the elderly, including rehabilitation and assessment; palliative care and inpatient beds; and a co-located health and care centre.

In short, the hospital is not closing, but it cannot be denied that the local people will see the loss of A&E services as a major blow to the area. Experience tells us that the problem is not due solely to a lack of financial resources, although there is no doubt that funding will always be a major issue in the Health Service.

Not long ago, the Mid-Ulster Hospital's accident and emergency unit had to be closed temporarily due to staffing problems. There has long been an issue about attracting doctors to the Mid-Ulster Hospital due to a perceived lack of opportunities, because of relatively low numbers of patients as compared with a

city-based hospital. I recognise that the trust has attempted on a number of occasions to attract senior clinicians to the Mid-Ulster Hospital, but the reality is that medicine is changing and clinicians want to work in large teaching hospitals, where they can specialise in particular areas and improve their expertise. That is the reality, but it is clearly a problem for those of us who live in the west, where the population is smaller.

The concentration of acute hospital services in a number of key areas means that it is even more important than ever — particularly in the often-neglected west of the Province — that the Department for Regional Development devotes sufficient resources towards improving the road infrastructure. That will allow people to access hospitals in the likes of Craigavon, Enniskillen, Coleraine, Altnagelvin and Antrim more easily. Conor Murphy, the Minister for Regional Development and a member of Sinn Féin, can confirm that I am in regular contact with him about the dreadful state of the roads in Mid Ulster. I am sure that all Members for Mid Ulster will agree that the roads there are really dreadful and are a total disgrace because no money has been put into them this number of years.

Mr I McCrea: Does the Member agree that the fact that the roads are in such poor condition will mean that the time that it takes for an ambulance to get from a house to Antrim Area Hospital, for example, will be increased?

Mr Armstrong: We all know that if there are bad roads, vehicles cannot drive as fast, and we also all know that the Minister has put on new ambulances that may, perhaps, be able to cushion the journey over those rough roads. However, more money must be spent on our roads. I will not be letting up on that effort, and I will bring the matter to the notice of the Minister for Regional Development again.

I welcome the announcement that was made last autumn regarding the Health Minister's huge investment in the modernising and upgrading of the ambulance fleet. That will certainly assist in getting paramedic treatment to patients, and that money was very well spent. We must achieve a first-class Health Service for the people of mid Ulster; that is what I want to do, and I know that the Minister shares that aim.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Probably the only part of my speech that will share commonality with Mr Armstrong's is that I speak as someone who not only represents Mid Ulster but is from the area, and who has had extended family treated successfully, and others not successfully — that is no reflection whatsoever on the intensity of care available — in Mid-Ulster Hospital.

I place on record my comments about the accident and emergency departments at Mid-Ulster Hospital and Antrim Area Hospital. Despite the critical

pressures that staff are under and the vulnerabilities that they face, they perform like true heroes.

It is not often that Mr Armstrong and I disagree on issues. However, there is a need to inject a strong flavour of reality into the situation. It was said earlier that acute services at Mid-Ulster Hospital are not to close. For those of us with family who have suffered difficult circumstances, quick access and proximity to an A&E department is paramount. Whether people come from Pomeroy, Ardboe or up in the mountains in The Six Towns outside Draperstown, it is paramount that they can receive urgent care. It does not matter how good the road is, access to Craigavon, Antrim or Enniskillen is second-rate for people who live in those areas. By the time that they would reach any of those destinations to receive the necessary treatment, or by the time an ambulance would reach them — I will talk more about that later — their situation could have moved into the critical, or possibly fatal, zone.

Mr I McCrea: I am sure that, like me, the Member read an article in one of the local papers a couple of weeks ago in which a mother referred to the fact that her son had attempted suicide. Had it not been for the staff at Mid-Ulster Hospital's accident and emergency department, she felt that he would not have survived. He needed urgent treatment, and if he had had to travel any further, there was every chance that his life could not have been saved. Given what the Member has just said, does that not put into stark reality the need for retaining acute services at Mid-Ulster Hospital?

Mr Speaker: The Member has an extra minute.

Mr McGlone: I thank the Member for his comments. I read about the case, and that is one of the sadder examples in which — although fortunate for the person involved — access to medical treatment at the A&E department at Mid-Ulster Hospital in Magherafelt was available.

I will highlight a few stark realities. The A&E facility at the hospital has been reduced and downgraded. It now closes at 11.00 pm, and I have been in there with people at 11.00 pm when the doors close. It is quite simple: the patient must travel to Antrim Area Hospital or to some other hospital. Staff at Mid-Ulster Hospital are under strict instructions not to admit or treat people who arrive after 11.00 pm.

Another stark reality is that if that facility is shut, the existing waiting times of three to seven hours at Antrim Area Hospital's A&E department will become 12 to 15 hours before a person is treated. That harsh reality must be placed on record. If acute services at Mid-Ulster Hospital closes, people will, potentially, have to wait for 12 to 15 hours. Another fact is that Antrim Area Hospital regularly communicates with Mid-Ulster Hospital to establish whether it has any beds, instead of what we had been led to believe,

which was that people would be moved to Antrim Area Hospital to be treated there. That is an unacceptable situation.

We have been told that services are being modernised by moving facilities and trying to concentrate them in Antrim Area Hospital, when, clearly, its A&E department cannot cope. It has neither the beds nor the resources, and staff are under serious pressure.

I will move on to another aspect of healthcare in the area, which is the doctor-on-call service. Someone from the area around Pomeroy, Ardboe or Kildress might need a doctor, and that doctor could be in Ballycastle or Coleraine. In fact, the present proposal is that in order to get treatment from a doctor on call during those hours, that person would have to travel to Coleraine. That is a grossly unacceptable situation for those of us who live west of the Bann and who have seen acute hospital services stripped and denuded from County Tyrone.

7.00 pm

I will move on to the Ambulance Service. Again, it has excellent staff who are doing their best with limited resources. An extra ambulance was supposed to have been provided for use in Mid Ulster. I am very reliably informed that that ambulance could be as far away as Newtownabbey when it is required in Mid Ulster.

I welcome the upgrade to the ambulance fleet. I hope that it comes through and that it benefits my constituency. However, observers have told me that it is not an infrequent occurrence for ambulances in the existing fleet to break down. One person recently told me that a breakdown lorry travelling through Moneymore with an ambulance on tow is not an infrequent sight. That may be an unfortunate reality, but it is a reality nonetheless.

We are told that there are no doctors for A&E, and that, consequently, services must be centralised at Antrim Area Hospital. I may be approaching the situation from the perspective of an ordinary 5'8", but why can a contract not be developed that co-ordinates the services of doctors and consultants between Antrim and Magherafelt, in order to provide the service that people west of the Bann need and to which they are entitled?

I am also reliably informed that in other parts of the world the practice is to decentralise services outwards, rather than centralise them in large hospitals. Doing so ensures that the medical services needed by people in more rural areas are more accessible to those people.

Antrim A&E is already under severe pressure. Maybe some money could be saved by not producing glossy brochures that tell us everything in the garden is rosy, because it simply is not. There are intolerable pressures in Antrim A&E, and people are suffering. If we want to deliver a service, we must address those

bed pressures, and doctors must have at their disposal all the services and resources that they need.

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

Mr McGlone: Sure, just one wee minute, Mr Speaker.

In conclusion, is it acceptable to the Assembly that someone dies, not on a trolley — on which people are lying at present — but in an ambulance, because not even a trolley is available? I do not believe that that is acceptable to the Assembly. God forbid, but I hope that we avert such a situation.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I have listened with interest to the points made by Members. I certainly share their interest and concern about the provision of hospital and healthcare facilities in Mid Ulster. I would like to meet the people who “reliably inform” Patsy McGlone and other Members, because I do not recognise some of the scare stories that he is producing. Scaring is not the way to take forward a debate on the future.

Mr McGlone: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No, I will not give way. The Member has just sat down.

We are governed by a document and a strategy called ‘Developing Better Services’ that was actually developed by Sinn Féin, Mr Molloy’s party. That strategy allows for moving the hospital and Health Service estates into the provision of modern, up-to-date healthcare for the Northern Ireland population.

The reality is that medicine is changing. It has changed dramatically in the past 20 years. No longer does a general surgeon on a ward fix a broken leg, take out an appendix, remove tonsils and carry out a cardiac operation on the way past. All of those operations are specialised, and because that is the case, we have specialist teams. We have it that way because patients do better. The outcomes from the Health Service for patients have dramatically improved and increased in the past 20 years. That is why we are tailoring the hospitals to suit the situation.

Billy Armstrong made the point that there is a very serious revenue consequence with which I am dealing in the Health Service. We want to run a Health Service that is comparable to that in England, but we are currently £300 million short, which will rise to £600 million. In fact, if I had accepted the draft Budget that Mr Ian McCrea and his party were so keen for me to accept, we would have been a long way short even of that. I did not accept that draft Budget, and the Department received extra money. At the time, I said that that was as good as it gets. However, the reality is

that that is not enough. That is the other element with which we are dealing.

I noticed that Francie Molloy has an ongoing vendetta against Antrim Area Hospital. It is a very good hospital, and has dedicated staff who provide a first-class service. The hospital overwhelmingly hits the 95% target of treatment for accident and emergency patients within the four-hour target time. Mostly, the hospital achieves much better than that. There were some breaches over the winter period as a result of the onset of winter flu — the worst for 10 years — which not only increased the throughput of patients, but meant that we lost some staff.

That being said, the staff in the accident and emergency department of Antrim Area Hospital are very good. The department has an enormous throughput. The fact is that it is that sort of accident and emergency department in which specialist doctors want to work. Each night, the accident and emergency department in the Mid-Ulster Hospital in Magherafelt may deal with one patient who has suffered a heart attack. The accident and emergency department in the Antrim Area Hospital handles approximately seven such cases each night. That is what the head of accident and emergency services told me. That means that the staff keep a very high level of skill. It is about maintaining those levels of skill.

The Mid-Ulster Hospital in Magherafelt cannot maintain the sort of levels of specialism that are required to deliver what Members appear to think can be delivered in a local hospital. However, the fact is that we are increasingly specialising. We are not, as Francie Molloy suggested, coming down to one hospital. That is nonsense. There are nine acute hospitals in the system: six major acute hospitals, including the Royal Victoria Hospital, which is the regional acute hospital, and three smaller acute hospitals — the Daisy Hill Hospital, the Causeway Hospital and Erne Hospital. The Causeway Hospital was built 10 years ago. For the benefit of Mr Molloy, we are about to spend £260 million on a new hospital in Enniskillen. If that does not determine our intentions as far as the Erne Hospital is concerned, I am not sure what would.

What I heard was a disappointing litany of scares, half-truths and rumours from reliably informed sources. However, some sources are not that reliably informed. Mid-Ulster Hospital has over 500 staff, which includes approximately 250 nurses and 32 doctors. There are no plans to reduce that workforce by any appreciable amount as we deliver the new hospital that is planned for Mid Ulster. That new hospital will receive investment of approximately £25 million. At the same time, there will be investment in the Antrim Area Hospital of approximately £84 million, and a number of health and care centres will also be built, including one in Magherafelt.

We are trying to change the way that we do things. There is not a retreat from Mid Ulster — the hospital is not closing. The Tyrone County Hospital in Omagh is not closing either. Omagh is getting a new hospital at a cost of £190 million. If Members cannot hear and understand those messages, I despair. Antrim Area Hospital is a major acute hospital. If memory serves me correctly, it has approximately 450 beds. It also has a large number of staff who deliver a first-class service.

Francie Molloy talked about the Liverpool pathway for death, but there is no such thing. There is a Liverpool care pathway. That is in place because every year in Northern Ireland —

Mr Molloy: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No; I will not. The Member should allow me to speak. I have listened to him. I would have given way if it had been a serious contribution. *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: Every year, approximately 15,000 people die in Northern Ireland.

Most of them would like to die at home, but around 70% die in hospital. Of course, there must be protocols, and procedures must be in place to provide that end-of-life service. Therefore, whenever I talk about cradle-to-the-grave care, I mean it literally. It starts with maternity care and carries on all the way through to the end of life, and that end-of-life service is provided by the Liverpool care pathway.

Indeed, the Regulation of Quality Improvement Authority investigated the Liverpool care pathway, which was devised by the Marie Curie Palliative Care Institute and which is in universal use in the UK. That end-of-life service focuses on providing comfort, respect and dignity for the patient. The incident to which Mr Molloy referred was investigated, and recommendations were made, all of which were implemented. The report cannot be published because of data protection. That is the situation. *[Interruption.]*

If Members shout at me from a sedentary position, I do my best not to respond. *[Interruption.]*

The Health Service is changing, as is the way in which services are delivered. The Health Service has to change. Let me give another example: there has been a lack of investment in the Health Service over the past 30 years because of the need to fund a terrorist —

Mr Molloy: Will the Member give way?

The Minister of Health, Social Services and Public Safety: No, I will not give way.

Mr Molloy: If the Minister will not reply to comments that are made from a sedentary position, perhaps he will reply if I stand up —

Mr Speaker: Order. It is quite obvious that the Minister has no intention of giving way, so the Member should not persist in interrupting.

The Minister of Health, Social Services and Public Safety: As I said, when contributions are serious, I am happy to give way, and I normally do so. However, I will not give way in this instance.

After 30 years of funding a terrorist war, there are huge capital infrastructure deficits in Northern Ireland, not least of which are in the health sector. We need more than £7 billion, which is a huge sum of money. The allocation is less than half that, which means that we are a long way short of the amount that we need to provide the necessary investment, therefore meaning that I have to prioritise again. When one does not have enough money, one has to prioritise. One of the priority areas in the 10-year capital programme will be the Mid-Ulster Hospital, among others, and it will be part of the investment that I talked about. Billy Armstrong listed what we see as the future services in the Mid-Ulster Hospital under ‘Developing Better Services’ plan, which was introduced by a Sinn Féin Minister and supported by Sinn Féin.

Francie Molloy talked about hospital closures, but I have not closed a single hospital. I resent those types of spurious, silly accusations. Investment is coming forward and will continue to do so. It would happen faster if there were more money in the kitty, but the fact is that there is not. As I see it, the Mid-Ulster Hospital has a very secure future, delivering a slightly different type of service for Magherafelt and the surrounding area. That service will be absolutely essential for the future, and it will work in combination with the network of hospitals.

Let me focus on the key elements of accident and emergency and acute services. The Ambulance Service has a target response time of eight minutes, and the key is that each ambulance, whether it be an emergency A&E ambulance or an RRV, has a skilled paramedic on board. It is essential to get that paramedic to the patient as quickly as possible. Ambulances are not meant to rush out out, scoop up a patient and then rush them back to the hospital; ambulances take the A&E service to the patient. That is what the A&E ambulances and the RRVs do, and the target is to respond to 75% of life-threatening cases within eight minutes. The service is very close to meeting that target.

In addition, there is a four-hour waiting target for A&E units, and Antrim Area Hospital has a very good record in that regard, too. Antrim Area Hospital provides the main A&E unit for the area, but it also has support from other places.

Comments were made about County Tyrone, but health services in Northern Ireland are not delivered by county. The county line is an old regional boundary line that dates back to Tudor times, but we deliver by trust area and in accordance with trust boundaries. Of course, Magherafelt falls within the Northern Health and Social Care Trust area. The Northern Trust has two acute hospitals, as do the Western Health and Social Care Trust and the Southern Health and Social Care Trust. Those are the trusts that people in the area can access, but normally the blue-light ambulance will go to Antrim Area Hospital.

I have been to the accident and emergency department at Antrim Area Hospital on more than one occasion. It is a first-class accident and emergency service, which is provided by first-class staff, and I wish that Members would occasionally acknowledge that and acknowledge the work that is being done in our hospitals and throughout the Health Service. The Health Service is changing. It is getting stronger, it is getting better, and it is getting better for everyone, including the people of Mid Ulster.

Adjourned at 7.15 pm.