
NORTHERN IRELAND ASSEMBLY

EXECUTIVE COMMITTEE BUSINESS

Diseases of Animals Bill

Consideration Stage

Monday 1 June 2009

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

ASSEMBLY BUSINESS

Resignation of Mr David Burnside MLA

Mr Speaker: I wish to advise the House that I have received a letter from Mr David Burnside informing me that he has resigned as a Member of the Assembly with effect from today. I will notify the Chief Electoral Officer that a vacancy exists in accordance with section 35 of the Northern Ireland Act 1998.

The Minister of Agriculture and Rural Development (Ms Gildernew): Cheann Comhairle, the Consideration Stage of the Diseases of Animals Bill will not be moved today. I have informed the Agriculture and Rural Development Committee about my reasons for not doing so today, and I will discuss the matter further with the Committee this week. Go raibh míle maith agat.

Mr Ford: On a point of order, Mr Speaker. Some of us who have no connection with the Executive or with the Committee came to the House today fully expecting that the Consideration Stage of the Bill would be taken. Would it not be good manners for the Minister to ensure that all Members of the House are informed if Consideration Stage is not to be moved, together with the reasons for that and some indication as to when it might happen?

Mr Speaker: I thank the Member for his point of order. It is up to the Minister to decide and, obviously, she has indicated that she is not moving it. That is where it rests. It is the responsibility of the Minister and the Executive, along with the Business Committee, to decide when the Bill will be rescheduled. The Consideration Stage has not been moved, so we will move to the next item of business.

EXECUTIVE COMMITTEE BUSINESS

Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009

The Minister for Social Development (Ms Ritchie): I beg to move

That the Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 be approved.

I seek the approval of the Assembly for regulations relating to child support that were laid before the Assembly on 26 March 2009. The making of packages of child support regulations is a regular process, the purpose of which is to ensure that legislation remains up to date and transparent and that the child maintenance system operates as well as possible.

The package comprises three regulations that require the Assembly's approval: regulations 3, 5 and 8. As I will later refer to the "old" and "new" schemes, it may be helpful to Members for me to explain those: the old scheme applies to child maintenance cases in which the application was made before 3 March 2003, whereas the new scheme applies to cases in which the application was made after that date.

Regulation 3 allows the Department to disregard return-to-work credit for old scheme maintenance assessments. That credit is paid for a maximum of 52 weeks, and it is intended to help people to move into work for at least 16 hours a week and prevent their return to claiming benefits. As the credit is disregarded in the assessment of National Insurance, housing benefit and tax credits, it would be inappropriate to treat it as income in the calculation of maintenance payments; to do so would undermine the principle of the credit. It is possible to disregard the credit under the new scheme rules, and, therefore, no equivalent amendment to the new scheme regulations is necessary.

Regulation 3 also makes an amendment that is required because the equalisation of the state pension age of men and women will be phased in between 2010 and 2020. The disability premium in income support is disregarded as income for the purposes of child maintenance assessment, and, under the current rules of the old scheme of child support, it is disregarded to the age of 60, which is the qualifying age for state pension credit. The amendment is needed to allow the disability premium to be disregarded in line with the increasing age of qualification for pension credits.

Regulations 5 and 8 amend the regulations to allow the recalculation of maintenance should a non-resident parent take steps to divert income, thereby reducing his or her maintenance payments. The amendment became necessary following the decision of a tribunal in Britain. The case involved a non-resident parent who was driving

down the amount of net income that could be included in the maintenance assessment. However, the judge held that the assessment could not be altered because the regulations, as worded, did not allow for that.

Under the old child maintenance scheme, half of pension contributions are disregarded for the purposes of maintenance assessment. Under the new scheme, contributions are wholly disregarded, and, from April 2006, the cap on pension contributions was removed. Therefore, it became possible to put 100% of earnings directly into pension contributions. A small number of people began to increase their pension contributions significantly and lived on other income that was not assessable for the purposes of calculating child maintenance. As a result, their maintenance liability was reduced.

Regulations 5 and 8 restore the original policy intention by amending the departure direction regulations for the old scheme and the variation regulations for the new scheme. They allow an alteration of maintenance liability when the parent with care is aware that large contributions to a pension scheme are reducing the non-resident parent's net income.

All the above amendments are made under the confirmatory procedure. When amendments are made to a series of regulations, as in this package, some other amendments can be made. If made as stand-alone amendments, they would be subject to the negative procedure, for which the approval of the Assembly is not required.

For Members' benefit, I am happy to summarise the content of the regulations, which amount to a tidying-up exercise. Amendments are needed to child maintenance legislation to ensure that people who receive employment and support allowance are treated in the same manner as those in receipt of income support or income-based jobseeker's allowance.

In addition, people on benefit who were in hospital for more than 52 weeks were subject to a reduction in their benefit entitlement. Under the rules of the new scheme, their child maintenance liability was reduced to nil. The reduction in benefits after 52 weeks in hospital no longer applies. That means that anyone in that situation will be subject to the flat rate of maintenance liability. Therefore, the child maintenance rules are now redundant, and the Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 will enable us to omit the provisions that relate to the hospital reduction in order to remove any possible confusion.

The amendments affect and simplify the use of parts of the decisions and appeals regulations for staff in the child maintenance and enforcement division (CMED). Information regulations are also amended to clarify the type of offence for which various bodies' officials are

liable should they make unauthorised disclosure of information obtained during their employment.

The Deputy Chairperson of the Committee for Social Development (Mr Hilditch): The Committee for Social Development considered the regulations at its meetings of 26 February and 2 April 2009. The Committee understands that the amended rules are designed to improve and simplify child maintenance enforcement measures, thus ensuring that appropriate support is secured for children. The Committee endorses actions that require absent parents to live up to their responsibilities and to provide for their children. The Committee therefore recommends that the Assembly approve the Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her explanation. Anything that improves the shambles that was previously the Child Support Agency (CSA) must be welcomed. As the Minister said, this is a tidying-up exercise that will increase the degree to which absent parents provide for their children and ensure that parents with care will not take the full burden for that.

Ms Lo: I support the motion to amend existing legislation through the regulations. We welcome anything that will help parents with caring responsibilities to obtain their full entitlement as they look after and bring up their children.

The Minister for Social Development: I thank Members for their contributions to the debate and the Committee for Social Development for its support and endorsement. I agree that the changes that the regulations will make are about improving and simplifying child maintenance regulations to ensure that money flows in a timelier and more efficient manner to children who are in urgent need of it. The regulations are all about supporting those children. I hope that I have covered all the issues that were raised. Put simply, the Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 make important but beneficial changes to the child support scheme.

Question put and agreed to.

Resolved:

That the Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 be approved.

PRIVATE MEMBERS' BUSINESS

Civil Service: Equal Pay Claim

Mr Speaker: I advise Members that a substantial number of individual equal pay cases has been lodged with the Office of the Industrial Tribunals and the Fair Employment Tribunal (OITFET). I therefore warn Members that they must not refer to specific cases and must confine their remarks to the general topic of the motion. Should any Member disregard what I have said, I will immediately intervene. I know that Members are sometimes very inventive when they speak and end up straying outside the original motion. Let me say to the whole House that that will not happen this afternoon. In fact, if Members do that, I intend to ask the Member to take his or her seat, and I will move on to the next Member. If that is clear, we shall proceed.

12.15 pm

The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer will have 10 minutes in which to move the motion and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes. One amendment has been selected and published on the Marshalled List. The mover of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech.

Mr O'Loan: I beg to move

That this Assembly expresses its concern at the ongoing delay in settling the Civil Service equal pay claim; recognises that the staff affected were deprived of their proper remuneration over a period of years; and calls on the Minister of Finance and Personnel to ensure that all current and former Civil Service staff affected receive their back pay within three months.

I am mindful of the instructions that you have given, Mr Speaker, and I do not intend to cause you any difficulties.

I cannot support the amendment, as it would very much weaken the motion. This is a vital issue. There is a fundamental issue of fairness for 9,000 current and former civil servants, primarily in the administrative officer (AO), administrative assistant (AA) and executive officer 2 (EO2) grades. Those staff were deprived of pay to which they were entitled for many years. That is the fundamental point that we must not overlook.

The Government are the employer in this case. That puts a clear duty on the Minister of Finance and Personnel, Mr Dodds, whose presence at this debate I welcome, to behave properly towards his employees. With respect to the Minister, I do not think that he has done so to date. The staff affected are predominantly

female and Catholic, groups that have historically been disadvantaged in the Civil Service.

Just over a year ago, the Finance Minister at the time, Peter Robinson, announced that he wished to achieve a negotiated settlement on the matter. He indicated that the cost of the settlement might exceed £100 million in back pay alone. A year later, there is no settlement and no sign of one. Staff and unions have been forced to lodge claims with an industrial tribunal, which they did in February.

On 13 May, Department of Finance and Personnel (DFP) officials told the Committee for Finance and Personnel that they were meeting monthly with the Northern Ireland Public Service Alliance (NIPSA), the main trade union involved. Monthly meetings — not much sign of urgency there. The union tells us that the process is extremely slow. There was not even one meeting between 7 April and 13 May, when the DFP officials came to meet the Committee. Staff have had to resort to public meetings in order to put their case.

An offer was to have been put on the table by Easter, but that did not happen. Instead, DFP told NIPSA that it needed to perform a comprehensive grading review of the Technical Grade 1 (TG1) and Technical Grade 2 (TG2) grades, an exercise for which it wanted a three-month period. Let us be clear about one thing: the industrial tribunal route is not the best for anyone. It will eat up money, and it will last for ever. Therefore, the Government must negotiate. There is an absolute onus on them to do so. They must bring a new sense of urgency to those negotiations.

The Department of Finance and Personnel tells us that the issue is about equal pay for work of equal value, with which I have no difficulty. Comparability of grades is absolutely at the heart of the negotiations. My difficulty is that that was obvious at the outset. When Peter Robinson put forward his indicative figure of £100 million, it was clearly an informed estimate. He and his departmental officials had done their homework. Some indication of the necessary comparisons was obviously present, and any exercises ought to have happened at once. We should not be announcing the start of a particular comparability exercise a year later.

I am also very concerned at the stance being taken by the director of central personnel group on a critical point. On 8 April 2009, he wrote to staff saying that he wanted to resolve the equal pay claims in a way that will minimise the impact on public services. I am certain that that is simply a repetition of Lord Denning's "appalling vista" argument: in other words, the outcome is so appalling that they will not go there, no matter whether it is right or wrong. That is fundamentally and deeply unfair to the staff concerned. The two matters must be dealt with separately. A

proper settlement must be made. Then and only then the financial implications of that settlement must be faced. The financial implications cannot form a legitimate part of the negotiations.

On 13 May 2009, when the Committee met DFP officials, I put that challenge to them, and I was much happier with the permanent secretary's response than with that of his director. The permanent secretary said:

"the implications of that for the public services, no matter what they may be, have to be considered, but considered as a separate issue."

I agree with him; that is the only just stance to take. However, his Minister does not agree. On 15 May 2009, the Minister was reported in the 'Belfast Telegraph' as saying that the £100 million back pay settlement could result in cuts in public services. That is nothing less than moral blackmail on 9,000 civil servants. The message from the Minister is, "Do not ask for your rights, or your colleagues could lose their jobs". Of course, those remarks came from a Minister who would not revise his Budget to address those or other pressures, as the SDLP has repeatedly asked him to do. Yet, he now says that civil servants' pressing for their legitimate pay claim will lead to further job cuts in the Civil Service.

There has been quite a bit of talk about £100 million being available. Indeed, when officials write to me and other Members they talk about the Minister having banked £100 million to deal with the problem. Let us be clear: the Minister has not banked any money to deal with the problem; he has no money to put in the bank to deal with it. Therefore, when people talk about £100 million, let us identify what they are talking about. The £100 million from Downing Street is not real; there is not one extra penny piece in the Northern Ireland block or in the Minister's budget to deal with this matter. All that is on offer is permission to use existing money, already allocated for other purposes, and to borrow more money that will have to be paid back, on top, of course, of the additional borrowings that must be paid back as a result of the Chancellor's recent Budget.

I wonder how all that looks from the perspective of the 9,000 civil servants, who are, of course, relatively low-paid officials? How do they feel when they have to negotiate for their rightful salary with senior civil servants, who face no delay when allocating themselves large bonuses? How do they feel when they recall Peter Robinson's promise to settle the matter and then look at his expenses claims? They have no second-home allowance or a £400-a-month food bonus. I do not think that they would be at all pleased with Peter Robinson's put-down remark about people not being happy until he is sleeping on a park bench. I do not see much likelihood that Peter Robinson will

end up sleeping on a park bench, nor do I think that he is losing much sleep over his 9,000 civil servants.

That is why I cannot accept the amendment —

Mr Storey: Given that hundreds of the Member's and my constituents will possibly lose their jobs in the next few months, will the Member advise the House how much sleep the Minister for Social Development has lost after abrogating her responsibilities with respect to the Egan contracts? Perhaps, the Member might be a bit more liberal with his explanation.

Mr Speaker: I warned the House that there would be a difficulty if Members were to stray outside the scope of the motion. Members are beginning to stray from the motion, so I strongly urge the Member who moved the motion, as well as those who intervene, to stay as much as possible within its scope.

Mr O'Loan: I have no difficulty with the intervention. The Member will, no doubt, join in the debate on our motion on that matter next week. I hope that, in the meantime, he will speak to his own Minister of Finance and Personnel about funding for the issue.

I cannot accept the amendment. I do not think that the civil servants will be pleased with the lack of support from the Democratic Unionist Party. The amendment does not even accept their case. It accepts the goodwill of the Minister, even when he patently has not worked to a timely resolution. It looks for a solution "as soon as possible", which might be never. I ask for the Assembly's support for the motion and its rejection of the amendment.

Mr Hamilton: I beg to move the following amendment: Leave out all after the first "affected" and insert

"may have been deprived of their proper remuneration over a period of years; welcomes the commitment of the Minister of Finance and Personnel to resolving the issue and calls on him to ensure that all current and former Civil Service staff affected receive their back pay within three months or as soon as possible."

It is clear from the proposer's contribution that one of the objectives — perhaps the primary objective — of today's motion is not the resolution of the equal pay claim but rather the playing of party politics in the Chamber. More time was spent attacking the Minister, his party and his predecessor — the current First Minister — than on the critical issue of the equal pay claim.

I wholeheartedly support the principle of equal pay for work of equal value, as does the Finance Minister. That is clear from his public utterances. He is more than capable of speaking for himself, but I am confident that he will make his support for that principle clear when he speaks later. One can see from the Minister's actions that he is wholeheartedly supportive of that principle, as was his predecessor in the post, who initiated those actions. Indeed, it was a question from me to the previous Finance Minister that brought the matter of equal pay back into public light.

The Member who moved the motion is aware of the interest of individual Members, including me, in the issue. Therefore, to try to dismiss the interest of the current Minister, his predecessor or his party is to grossly distort the truth. We are deeply committed to seeing the principle of equal pay for work of equal value adhered to in the Northern Ireland Civil Service.

I understand the civil servants' frustration at the time that it takes to resolve the issue. I can sympathise with them for that. However, everyone involved should realise that the issue is extremely complex. If it were simple and straightforward, it would have been resolved a long time ago. There are a lot of reasons why it is not a simple or straightforward matter. We talk about notions of equal pay for work of equal value, but what does equal pay equate to? What is equal pay? There is no structure or format in place to define what equal pay relates to. The administrative staff to whom the mover of the motion referred are comparing themselves with those in technical grades TG1 and TG2, jobs that are being evaluated at present. I can understand that the job evaluation process adds to the frustration that the proposer spoke of, but it is absolutely necessary, if the claim is to be settled, that the foundations are firm and the figures are as correct as they can be. Therefore, a job re-evaluation is necessary. There is also the need for negotiations in the future with the Treasury on the matter or indeed within the Executive.

Mr O'Loan: Will the Member give way?

Mr Hamilton: Let me finish. Whatever the resolution, it will have to be brought to the Executive. If the Minister is to make the case to his colleagues on the Executive, he needs to have firm and exact figures to go on. That is the need for the review. That is simple and straightforward.

Another obvious benefit of having a job re-evaluation is to end the matter, so that in the future there is no rigmarole over claims such as the current one, and so that everyone is on the same playing field and moving forward on that basis. I will now give way to the Member.

Mr O'Loan: Given his agreement with me that comparability is at the heart of the matter, can the Member explain why the exercise in comparability is only starting a full year after the Minister at the time, Peter Robinson, said that he wanted to settle?

Mr Hamilton: That is a question for the Member to put to the Minister. I am sure that the Minister has heard the question and that he can answer it. All that I can say is that I can see the logic behind the decision to have the exercise.

I wish that the Member would appreciate the logic in having comparability. If that requires a job re-evaluation, it is important that it is done. I am sure that

Mr O'Loan would not want some figure to be plucked out of thin air. The question of timing is for others to answer. I cannot do that; I am not the Minister of Finance and Personnel.

12.30 pm

Mr Storey: Not yet. *[Laughter.]*

Mr Hamilton: I am not blushing; it is the sun.

Mr Kennedy: The Member is showing an attractive modesty.

Mr Hamilton: In the circumstances, Mr Speaker, it might be a hospital pass.

There are other complexities, not least resources and budgetary implications. When Mr O'Loan moved the motion, he touched on those issues, and he is right: if someone has a right to equal pay, that right is absolute. However, there are clear budgetary and financial implications to the equal pay issue that render the motion ludicrous. The motion is not simply saying that the issue needs to be resolved or that there should be some agreement between both parties; it stipulates that the Minister of Finance and Personnel should ensure that:

“staff affected receive their back-pay within three months.”

If the figure is as high as has been estimated, that will be difficult to achieve. It is ludicrous to say that that can be achieved within three months.

There is access to £100 million, but the figure settled on could be much higher than that. By extension, there would be budgetary implications beyond that. Therefore, everyone involved — the staff, unions, Members and others — must be aware that the cost of settling the equal pay claim could be counterproductive for public services. That is a truism, and it stands to reason.

Mr Speaker and Mr O'Loan mentioned the individual equal pay cases that have been lodged with an industrial tribunal. They complicate the matter; the industrial tribunal and the lodging of thousands of cases do not help to resolve the issue in the quick manner in which the proposer of the motion, and the rest of us, would like.

I do not have an issue with most of the motion, but I disagree with setting a three-month deadline. It is crazy, ludicrous and barmy to set an arbitrary deadline by plucking a time frame out of thin air. I understand the frustrations of many in the House, and of civil servants particularly, but, in view of the complexities about which other Members and I have spoken, it is madness to pluck from thin air a time frame in which the equal pay issue must be resolved. It has taken one year to get to this point, and it could take another year to get all the work, including the job re-evaluation, done correctly, because it needs to be done thoroughly and properly. It is sheer madness, therefore, to say that the claim must be settled within three months. It puts

the Department in a poor position. If the Department takes on board the sentiments of the motion and opts for the requested tactic, why would the union want to negotiate? In those circumstances, the union would sit back and say that the Department has to come to it with a figure within three months. There is no incentive for a sensible negotiated settlement. It is so complex.

Mr O'Loan: Will the Member give way?

Mr Kennedy: Will the Member give way?

Mr Hamilton: I saw Mr O'Loan first, so I will give way to him.

Mr O'Loan: I want to point out an inconsistency in what Mr Hamilton says. He says that it is ludicrous to expect a settlement to be achieved within three months. However, his amendment calls on the Minister of Finance and Personnel to ensure that:

“all current and former Civil Service staff affected receive their back-pay within three months or as soon as possible.”

That suggests that Mr Hamilton thinks that it could be done within a three-month period. That is the kind of urgency that 9,000 civil servants and I want.

Mr Hamilton: The Member does not understand the difference between desirability and reality. If it were possible, I would like the issue to be settled in three days. However, the amendment is rooted in the real world. It gives the Minister the flexibility to go beyond three months to get it right, because there are many complex issues, and there are implications for future Budgets. It is an important issue, and we need to deal with it as urgently as possible, but we must also be realistic. I will give way to Mr Kennedy now.

Mr Kennedy: I was going to make the same point as Mr O'Loan.

Mr Hamilton: The issue must be sorted out, but it must be done on a proper and firm foundation. Hence the need for the job re-evaluation, beyond which there are also budgetary implications. We cannot try to shoehorn all the outstanding issues into three months. I would like the issue to be settled in three months, but we must be realistic; it could take considerably longer to get it right.

I would rather see the matter dealt with properly than have it rushed through for party political reasons and for the purposes of point scoring. I urge Members to support the amendment, which is realistic and rooted in the real world. We want the matter to be resolved as quickly as possible, but it must be resolved properly.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to take part in this important debate, and I thank the proposers of the motion for tabling it. Sinn Féin supports the motion and opposes the amendment.

The equal pay issue is a legacy of the direct rule era and has emerged as a consequence of the equality legislation that was introduced in 1976. Although Sinn Féin sees the matter as one for which the British Treasury has overall responsibility, the Assembly and Executive must deal with it now rather than wait until negotiations between the Minister of Finance and Personnel and the British Treasury are completed.

As Members mentioned, last year, the then Minister of Finance and Personnel, Peter Robinson, gave a commitment that the matter would be resolved and that the £100 million that would be needed to settle it could be found. In February of this year, the current Minister of Finance and Personnel, Nigel Dodds, and the permanent secretary of the Department of Finance and Personnel met the trade union NIPSA and agreed to resolve the issue before Easter. It is now June, and there has still been no resolution.

The reason that the departmental officials have given for the delay is that that they have now recommended to the trade unions that there should be a comprehensive review of technical grades 1 and 2. Many people view that as a stalling tactic because it is clear that the engagement between the Department and the unions does not reflect the earlier commitments given by both the previous and current Minister of Finance and Personnel. As a result of the delay, NIPSA has initiated a number of industrial tribunal complaints. Mr Speaker, I know that you referred to those cases earlier, so I will not go into that. However, in all probability, they will take years to conclude and will involve huge costs.

Discussions with the Treasury have secured no additional finance, and although I said that the equal pay issue stems from the direct rule era and is the Treasury's responsibility, it is still incumbent on the Executive to resolve the issue and to give people the money to which they are entitled. After all, that is what the issue is about: giving people what they are entitled to.

We have heard of other problems in the Civil Service, including the under-representation of particular groups at certain levels. In particular, women and Catholics are under-represented at the higher grades, while young Protestant males are under-represented at the lower grades. It is estimated that almost 13,000 civil servants, mostly women and Catholics, are entitled to receive payments that have not been made to them through the years.

The 20% gap in pay between men and women might not be closed for another 30 years or more, in spite of decades of equal pay legislation. Women are still being treated differently from men as regards pay. The equal pay issue mainly affects women who were routinely denied promotion opportunities and, therefore, mostly occupy the lower grades. Sinn Féin believes that

responsibility for reimbursing those affected through loss of earnings as a result of discriminatory practices lies with the British Treasury, but it believes that the matter needs to be resolved now; many of the civil servants affected have retired and should not have to wait until the British Treasury and the Minister of Finance and Personnel reach an agreement. I call on the Minister to take the measures he feels necessary to reach a conclusion as a matter of urgency. Sinn Féin supports the principle of equal pay for equal work.

Mr Kennedy: I am grateful for the opportunity to participate in this important debate. The Ulster Unionist Party recognises the importance of the equal pay issue and of fair pay for all people. The issue has been batted around for some time, and I imagine that all Members have received many letters and representations about it, so it is therefore important that it is resolved as quickly as possible.

The UUP has strong criticisms of the way in which the Department of Finance and Personnel has handled this issue. Over a year ago, the then Finance Minister, who is now the First Minister, used what might be described as political opportunism to highlight the issue of the equal pay claims. However, it appears that when he or his officials considered the issue, they could do nothing about it, or else they have done insufficient work to resolve it.

That proves the old adage that talk is cheap. Talk allows for purely speculative figures to be carelessly tossed around; talk does not, it appears, require negotiation with the trade unions; talk does not require money to be pulled out of thin air; and talk, somehow, does not require difficult decisions to be made. The First Minister has put the current Finance Minister into quite a big hole by rushing into an announcement that neither he, nor his Department, nor the Executive were ready for.

We need some clarification on the DUP amendment. The motion calls for back pay to be issued within three months, and the amendment confirms the desirability of that. However, when proposing the amendment, Mr Hamilton moved some way from indicating a clear expectation that the issue would be resolved within three months. This is an opportunity for the Minister to confirm that it is his goal to resolve the issue within three months, and we look forward to the Minister confirming that, either by intervention now, or in his ministerial response later in the debate. I see that the Minister is not rising to speak at the moment.

When the First Minister, Mr Robinson, was the Minister of Finance, he declared that resolving the issue was a matter of moral obligation to those civil servants who are affected. That has been subsequently repeated by his successor, and I wholeheartedly agree with that. The Civil Service has underpaid many of its

staff over many years, and, as a result, there is a moral obligation to compensate them for that loss. However, there are other issues involved, including issues of grading, pension liabilities and, of course, expense. We need to see clearly what the cost will be and whether any consideration of the matter, or any plan for dealing with it, has been included in the comprehensive spending review. We suspect that it has not; therefore, we have yet another mess to deal with.

All of that leaves us in a very uncertain position. We need clarity as quickly as possible. We need detailed costings and a clear indication to the civil servants involved — some of whom are now retired, and some are still working — that when Departments or Ministers make promises, those promises will be fulfilled. This Thursday, civil servants will have the opportunity to tell the DUP what they really think of its “government by press release”, and they may well take that opportunity.

Dr Farry: The Alliance Party is willing to support the motion; however, I must stress that we will not resolve this issue on the Floor of the Assembly, through this, or any other, debate. The issue can be addressed only through a process of negotiations, which is preferable, or, ultimately, through a legal process. The Assembly is not qualified to give a clear determination of what the outcome should be; that is a matter for specialists in human resources to work out, and if there is a proper method for doing so, it should be followed.

Our purpose today has two aspects. The first is to give a clear statement that, when back pay is due on the basis of equal pay, and given that promises have been made, those promises will be honoured and followed through. Indeed, some Members said that that promise has been given already. To be fair, I think that we are all united on that principle; the timescale and the process are perhaps dividing us.

Flowing from that, the second point is the need to reflect the frustration at the delays.

12.45 pm

Mr O’Loan: The Member said that he thinks that we are all agreed on a commitment to that promise. Does he share my concern that the officials’ statement, which is amplified by the Minister’s comments on the potential impact that the matter will have on the public services, indicates that that is to be a factor in the negotiations? Therefore, does he agree that there is an attempt to not honour the commitment that the Minister of Finance and Personnel gave — on the face of it — a year ago?

Mr Speaker: The Member has an extra minute in which to speak.

Dr Farry: I am grateful for the intervention, and I have a few things to say in response. First, I am slightly uneasy at how the Member who moved the motion played off the civil servants’ statements against one another vis-à-vis the Minister. It is fair to take what one Minister said and contrast that with what another Minister, possibly his successor, said. That is part and parcel of the political and scrutiny process. Civil servants are not here to answer for themselves. More to the point, Ministers speak on behalf of Departments, whereas civil servants speak on behalf of Ministers and not as individuals. That is an important point.

Secondly, and more substantively, this is an inescapable bid. Equal pay legislation is in place, and, ultimately, it is within that framework that the issue will be resolved, as well as the question of whether it will go, finally, to an industrial tribunal. We can play politics and talk about the implications on the Budget, but the money will have to be addressed in one shape or another. It is important that we do not get fixated on the notion of £100 million as though a pot with that sum existed to be divided up in some shape or form. Whatever will be, will be. The sum may be less than £100 million, or it could be more. We will have to follow the logic and see where it takes us.

However, the money is not sitting here in an account. I stand to be corrected on this point, but I understand that the Northern Ireland Executive can draw down that money from the Treasury for a range of purposes, including possibly using it to address the equal pay liability that the Assembly inherited. I want the Assembly to focus on economic recovery and on investing in new resources that may come our way so that our overall economy can be improved. However, it is frustrating that, whenever we get additional resources, we have to go back and deal with legacy issues or inefficiencies in our system. As a consequence, Northern Ireland is missing out on many opportunities. However, that is a wider debate for another day.

The point was made earlier that the people who are suffering as a result of the situation tend to be the lower-paid civil servants. There is, quite rightly, a strong critique from many quarters about the size and nature of the public sector in Northern Ireland, its unsustainability, and public-sector pay versus private-sector pay. It is worth stressing that the pay for lower grades in the public sector is often less than that for equivalent posts in the private sector. However, in the upper reaches of the Civil Service, the opposite is true, in that public-sector pay is often better than equivalent private-sector pay. Consequently, we have a certain degree of economic crowding out. There is also frustration at the bonus culture in the Civil Service, and, on that point, we are talking about apples and oranges: equal pay is a different concept to the whole

notion of bonuses, so perhaps we can discuss bonuses at some stage.

Jennifer McCann referred to the equal pay issue affecting people from the Catholic tradition disproportionately, especially women. That may be true. However, it is worth pointing out that the issue affects a range of people across society, including male Protestants and female Catholics; it may just be skewed in one direction. Nevertheless, it is important to bear in mind the fact that the issue affects all constituencies, and, no doubt, Members have had that reflected in their mailbags.

The Assembly needs to give a clear message of intent as to what should be done, and, preferably, that that should be done quickly and within the three-month timetable that has been set out. This is not a binding resolution. Ultimately, the process needs to take its course but with some degree of urgency.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle.

I support the motion, and I will explain why we oppose the amendment. We understand the difficulties that are presented by the equal pay claim. The SDLP's motion sets a time limit of three months for its resolution. Mr Hamilton said that it was unrealistic to expect the pay claim to be resolved and for the money to be in the hands of the civil servants within that time.

Sinn Féin does not approach the issue naively. We understand that it will be a very difficult one. The reason we decided to support the motion and not the amendment is that —

Mr Weir: Is it because an election is coming up?

Mr O'Dowd: No. I was about to explain when someone called out.

There is a simple reason why we support it. To date, the matter has not been handled properly. For us to support an amendment that says "as soon as possible" or thereafter gives licence for the matter not to be dealt with properly in the future. A spotlight must be shone into the dark recesses of DFP, which makes those in that Department, from the Minister down, aware that the Assembly and its elected representatives expect the matter to be dealt with properly.

It is clear that the interaction between DFP and the trade unions that represent the civil servants has not been adequate or efficient. The last-minute cancellation of meetings between DFP and NIPSA, which have been reported, do not create a working atmosphere wherein NIPSA can believe that DFP is dealing properly with the matter and that it will be resolved. That is why Sinn Féin does not support the amendment and why it supports the SDLP motion.

After three or four decades of unequal pay, it is time that the matter was brought to an end. A figure of £100 million is discussed, but the bill could reach £400 million by the time it is resolved. However, that is a decision that the Executive will have to make, and a commitment that they will have to live up to. As with all political decisions, the implications of taking it will be serious.

Will the Minister let us know to what level of detail he has negotiated this with the British Treasury? From an answer to a question for written answer, I learned that he was last in contact with the British Treasury about the matter in November 2008. That is not good enough. The Minister should be beating down the door of the British Treasury to demand assistance in resolving the issue. The British Government started off the process of unequal pay; their Ministers presided over it for four decades; and they have a moral, political and financial responsibility to ensure that the money due to those workers is paid.

In recent times, a civil servant who works 30 hours a week in the local jobcentre arrived in my office. She showed me her payslip. She brings home less than £900 a month, out of which she has to pay child-minding and all the other expenses of a working mother. I was aghast when I learned that she had worked in the civil service for 20 years and yet brought home so little. Those matters must be resolved urgently.

Dr Farry was correct when he said that the matter will not be sorted out on the Floor of the Assembly. The frustration of the civil servants affected has brought it here. The announcement was made in a fanfare of publicity on 15 May 2008. Had the matter been dealt with properly since then, and those women workers who are particularly affected believed that the issue was being taken seriously by politicians, it would not have arrived on the Floor of the Assembly. It is regrettable that the House may divide on the SDLP motion, because that motion sends out a clear message to senior managers in DFP, the Minister of Finance and Personnel and the thousands of civil servants affected that the Assembly and Executive take the matter seriously and that it will be resolved. Go raibh maith agat.

Mr P Ramsey: As Danny Kennedy said, I am sure that every representative here has had doorstep discussions and has received letters and e-mails recently about the case for equality of pay across clerical and technical grades in the Civil Service. The affected civil servants have been very patient and tolerant until now because they expect to be treated with a bit of fairness.

The system is wrong, unfair and unjust for a lot of people. Many civil servants work in this Building to serve us daily; however, they are suffering from low morale and are not as motivated as they should be. We

have a duty of care to bring the issue to the Chamber. The motion is not a political stunt, and we are not trying to pull a wee stroke. Rather, the motion is saying that we support thousands of people in their claim for equal pay, whether they work in the Social Security Agency, Parliament Buildings or a Department. If things are wrong, they are wrong, and we are here to legislate and to ensure that the situation improves.

NIPSA argues that it has a convincing legal case for equality in pay scales and that clerical workers who are on an equivalent grade to technical grades, and whose work is of equal value, should be paid equally. That makes sense. The dispute has been going on too long.

I am concerned about the language used in the amendment that Simon Hamilton proposed. The amendment says that the staff affected:

“may have been deprived of their proper remuneration”.

I want Mr Hamilton to explain to the 9,000 civil servants who are waiting on backdated money how they “may have been” unjustly treated, because I think that it is very clear that they have been unjustly treated. The issue of equality in pay scales should be resolved. We have every right to give the Minister a mandate to pursue the issue and to fast-track the process.

Mr Hamilton: Is the Member saying that there should be no robustness in any settlement and that we should simply pay whatever we can give, or pluck a figure out of mid-air, or accept whatever figure the union offers first? Is he also saying that the rigidity of a figure should not be tested and that there is no need for job re-evaluations to compare the grades of administration staff with those of technical staff in order to correct the system and ensure that it is right and proper? I thought that his colleague Mr O’Loan had acceded to that point earlier in the debate. Is Mr Ramsey now saying something different?

Mr Speaker: The Member will have an extra minute to speak.

Mr P Ramsey: No, I certainly am not. Undoubtedly, the process must be clean and clinical; however, it has taken too damn long. The money from the equal pay claims could improve the quality of life of the civil servants who have been off work over the past few years due to ill health or disabilities. That is what they have been saying too.

It is understood that this is an historical problem that dates back to the late 1990s when the union first raised the issue with management. Given that previous Administrations failed to deal with the problem effectively, the cost of settling is getting higher by the year.

Mr Weir: Will the Member give way?

Mr P Ramsey: I have already given way once.

The Minister needs to settle the case by taking control and by insisting that it be resolved. Given that any back pay may cover periods of direct rule, can the Minister make the case that the British Exchequer is responsible for at least some of that cost? Perhaps the Minister will address that point when responding to the debate.

The SDLP welcomes the previous commitments made by the former Minister of Finance and Personnel, Mr Robinson, and his successor, Mr Dodds, that the pay claim will be resolved. A number of Members made the point that meetings were called and then abandoned at short notice. The Department has not honoured its commitments or acted in good faith. NIPSA members have been carrying out such a detailed and intensive campaign, because they are fed up and are sick, sore and tired of the promises to resolve the matter that DFP has made.

Will the Minister confirm whether, as I have been told, the management side did not have the authority of direction to deal with the back pay issue during the discussions, and, therefore, it was unable to deliver the commitments that the then Minister made, leaving us without a solution 12 months on?

1.00 pm

I understand that negotiations will begin again on 4 June 2009, which is ironic, and a happy coincidence for the Minister, as it is also the date of the elections to the European Parliament. I hope that he will confirm that management side will have the authority to negotiate on all the issues that must be resolved.

I agree with Simon Hamilton that there must be a very clear process, but, for heaven’s sake, let us get down to brass tacks. Let the Minister take control of the matter and instruct his officials to resolve it. That is why the proposers of the motion have asked for the issue to be resolved in the next three months. Let Simon Hamilton and the DUP explain to the voters that although many of them are civil servants, equal pay can be placed on as long a finger as he and the party want.

I hope that there is no division on the issue today. The Assembly must send out a message of solidarity and support to the thousands of people affected by the issue — many of whom are our constituents — that it wants the matter resolved this side of Christmas.

I appeal to the Minister to do everything in his power to guarantee that commitments will be honoured and that negotiations will be approached with resolve to bring the pay issue to a conclusion. Will he also confirm that a deadline exists by which the matter must be resolved to everyone’s satisfaction?

The Minister of Finance and Personnel (Mr Dodds): I share the concerns expressed by Members that the Department should bring matters to a conclusion as quickly as possible. However, the scale

and complexity of the issues involved mean that the Department must resolve them in a manner that is compatible with its legal obligation, fully informed by the facts, and that ensures a fair and robust pay and grading structure for the future.

The motion refers to a single claim for equal pay, but Members should be aware that there are thousands of individual claims and that many of those involved are not represented by the union. The matter is now the subject of legal process in an industrial tribunal and is the subject of intense negotiations between my officials and NIPSA. Therefore, I am somewhat restricted in what I can say. However, I make it absolutely clear that there has been no backtracking on, or withdrawing of, any commitments given in relation to the equal pay issue in the Northern Ireland Civil Service. I stand by statements that I have made on the matter, and rather than any question of the process being stalled, I have instructed my officials to work intensively to resolve the matter as early as possible. However, Members must recognise that the issues involved are complex and that more work must be done before we are in a position to bring matters to a conclusion.

The Civil Service carries out diverse work, and the jobs of the staff who carry out that work are also diverse: they include administrators, lawyers, accountants, statisticians, engineers, vehicle inspectors, driving examiners, and many others. That range of jobs provides such a sizeable employer with a significant, if not unique, challenge in ensuring compliance with the Equal Pay Act, or, put simply, equal pay for work of an equal value. We all stand by and support that principle, but given the diversity in the Civil Service, it is immensely complicated to uphold.

As several Members said today, the issue facing the Northern Ireland Civil Service is not new. That there is disparity in pay between technical staff, most of whom are male, and administrative staff, the greater proportion of whom are female, did not emerge suddenly in the past two or three years; rather, it has been evident for a number of decades, and it was an issue when members of other parties held the position of Minister of Finance and Personnel.

Pay and grading was delegated to the Northern Ireland Civil Service in 1996, and it inherited a system that included disparity in pay between the administrative and technical grades. There has never been a comprehensive job evaluation exercise conducted in the Northern Ireland Civil Service, and the Department simply does not have the reliable, up-to-date data that it requires to bring that process forward. For that reason, and only that reason, an urgent job evaluation of technical grade posts is being undertaken. The Department cannot rely on information that is less than comprehensive and is out of date.

The issues that the Department is working hard to resolve were inherited from direct rule Ministers. However, the Executive and all the Ministers in the Executive must contribute to dealing with the issues, and we are determined that all the issues will be dealt with once and for all. We are also determined to establish pay and grading arrangements for civil servants that will ensure that we are not in this position again.

Contrary to what was alleged, DFP has dealt with the issue openly and transparently. It will be a matter for the Executive, and they will have to deal with all the ramifications.

For all those reasons, I have instructed officials to work with the trade union to establish whether a negotiated settlement to the issue is possible. When I met NIPSA representatives, they confirmed that they are also committed to that approach and that they will work with my officials to try to achieve that objective.

Neither the Department nor the trade union can ignore the fact that, as I said, several thousand claims have been made by staff to the Office of the Industrial Tribunals and the Fair Employment Tribunal. Those claims will now proceed through the tribunal process until such times as a determination is reached or they are withdrawn by the claimants. That reality is something that we will also need to consider in our continuing discussions with NIPSA. That is why it is difficult, if not impossible, to lay down a timescale within which a resolution can be achieved. Some aspects that are relevant to the tribunal are outside the Executive's control.

Mr F McCann: What would happen were a civil servant to pass away while waiting for his or her claim to come through? Does the claim die with the claimant, or can the claimant's immediate family take it up?

The Minister of Finance and Personnel: People will need to take legal advice on such matters. For the reason that the Speaker gave, I do not wish to discuss individual cases. The Member's question highlights the fact that the issue does not concern one simple, single claim but the claims of thousands of people in different circumstances, some of whom are members of the union and some of whom are not.

One reason why it is difficult, if not impossible, to resolve the issue in three months is that there are matters over which we have no control. People cannot be forced to withdraw a claim from an industrial tribunal. If someone not belonging to the trade union were to decide to pursue a claim, their case would not be settled within three months. Therefore, we must be careful, especially during a process of negotiation, about setting absolute deadlines by which time issues must be resolved. Such matters are not only outside the control of the Executive but of NIPSA.

Work is under way. I am determined that there will be no undue or unreasonable delay on DFP's part, and I believe that the union is determined that there will be no delays on its side. Complex issues of law and of fact must be examined and considered in detail. That work has been going on, and it will continue. It must be recognised that even if a resolution to the issue were agreed today, a major logistical exercise would still need to be undertaken. The trade union would have to ballot its members, and, after that, every member of staff concerned, whether a trade union member or not, would have to confirm that they were content to comply with the terms of any offer.

My Department stands by the commitments that have been given, but the issue is complicated. My reference to the three-month deadline is not intended to signal a desire not to resolve the issue as quickly and as sensibly as possible, but it is simply not feasible, logical or sensible to set that kind of deadline. It is simply not the case that there has been a delay in the efforts to seek a resolution to the matter, and work has now started on reviewing technical grades.

I am determined to see the matter resolved. When I met NIPSA representatives on 7 May 2009, I took the opportunity to reaffirm directly to them my commitment and that of the Executive to addressing the issue. The issue will come to the Executive through a negotiated settlement if that is possible, and NIPSA representatives confirmed that they wished to have a negotiated settlement. I assure the House of my commitment to that.

As has been said, in these difficult and challenging days, we must be certain that all expenditure decisions have a firm foundation. The review of technical grades is designed precisely to provide such assurance. If we go to Treasury, and we have not done that work, the first thing that it is likely to tell us is to go away and do it. The Treasury will ask us where on earth is our basis for asking for more finance when we have not conducted that robust test of what we are actually liable for. It is common sense. To put ourselves in any other position would be to denude us of any argument that we have with Treasury, accepting that the matter is a legacy that has been left to the Executive from many decades of direct rule. Matters have not been delayed, therefore. On the contrary, a dedicated team has been established and is progressing that urgent work as I speak. I confirm to trade union representatives that discussions with officials can and must proceed in parallel with the review.

Dealing with that particular matter will not be the end of the work that is planned by the Department of Finance and Personnel. It has put in place plans for a much more comprehensive review of pay and grading throughout the Northern Ireland Civil Service. That is a major long-term exercise. It will ensure that in future, everyone can be confident that the Civil Service's pay

and grading arrangements meet its business needs; that it attracts and retains the staff that it needs; and that, overall, whatever an employee's grade or discipline might be, the Civil Service, as an employer, demonstrates truly that equal pay is paid for work of equal value. I stand by that commitment. I believe that the House stands by that commitment. It is right that it does so.

Mr Weir: Although I welcome the debate, one has a degree of suspicion about its timing, which may be motivated by events at the end of the week, rather than by the ongoing issue itself.

After all — as, I believe, Pat Ramsey pointed out — not only does the issue go back several decades, it was brought to the attention of Government and, indeed, management in 1996. The proposers of the motion want to see a settlement during a three-month window. If I were to indulge in the cheap political point-scoring that was attempted by the Member who moved the motion, I could point out that, during the time since the problem was brought to management's attention, not only was nothing done to correct it during the two or three years when it was under the SDLP's watch in the Department of Finance and Personnel, it was allowed to fester. Indeed, the problem partly originates from that period and not purely from direct rule. However, that is the type of cheap political point-scoring in which I do not intend to indulge today.

As has been pointed out, the issue is, obviously, complex and has been ongoing for some time. If the equal pay issue were unique to the Northern Ireland Civil Service, perhaps it could be argued that the Executive are dragging their heels. However, that is not the case: the matter affects a number of Departments throughout the United Kingdom. It is not unique to Northern Ireland. Indeed, some Members have seen it at local level. Therefore, it is not even unique to central Government.

A vast number of equal pay claims have dragged on for many years. They have caused difficulties between employers and trade unions. One reason why there has been a degree of slowness on the issue is because, on certain occasions when there have been equal pay settlements in local government, trade unions have been sued by members who felt that their settlements were not right. Therefore, there is natural caution.

Of course, none of that will be of any great comfort to those who seek equal pay. However, a negotiation process is under way. Indeed, it has been intense. During the past year, 17 meetings have taken place. It is not appropriate that we discuss the details of that negotiation today, save to say that the picture that has been presented by several Members is not wholly accurate. The confidentiality of negotiations between the trade union and the Department should be respected.

We must remember that both sides agreed to the individual assessment and to the comprehensive job evaluation. Indeed, the process to reach a negotiated settlement was suggested by both sides.

1.15 pm

We should not present the situation as the Minister or the Department trying to impose something on people; it is part of an overall process. It is important to ensure that we reach a solution that is fair and equitable to everyone. Consequently, the process may take a certain amount of time. Although the issue must be resolved as quickly as possible, we must get it right so that people who, in the past, have not been treated as well as they should have been receive their just rewards. Moreover, that will ensure a robust system that we can stand over in future, so that the Assembly will not have to consider its mistakes in five or 10 years and try to correct equal pay issues.

We need to make a commitment. The Executive have faced up to their responsibilities. The £100 million to which we now have access did not appear under direct rule or any previous Executive, and that is an indication of our intent. The key point, as Stephen Farry said, is that we need to send a strong message of intent that the process must be concluded as quickly and as fairly as possible. The Minister said that there is acceptance that the issue will be settled on the basis of equal pay, and that the money will be paid.

As I said, one must question the motivations behind the timing of the motion. However, the DUP will not make a political football of this issue. We have listened to Members' comments, we will not seek to divide the House and will not move our amendment. Although some people might try to project unrealistic expectations of the timescale for conclusions on the issue, we will accept the motion.

Mrs D Kelly: I welcome the change of heart from the DUP, which used most of its contributions to the debate to make accusations of political point-scoring. However, the reality is that, a year ago, its own Minister said in a fanfare of publicity that equal pay claims must be settled, without any clear guidance on when or how to do so. Therefore, today's debate is a direct consequence of the political statements and political point-scoring of a Minister from Mr Weir's party.

Mr Weir: Can the Member provide me with any quotations from the period when Mark Durkan and Seán Farren held the post of Minister of Finance and Personnel to demonstrate what they did about the matter? The matter had already been brought to their attention, because Pat Ramsey said that it was raised with management in 1996. What action did those members of her party take to end the problem of unequal pay in the Civil Service? Did they allow the system to

continue or did they take action? They clearly did not resolve the issue.

Mrs D Kelly: I am unsure whether that was an intervention or a speech, but I am happy to address the point.

On 1 December 2008, in response to a question for oral answer asked by Mr Durkan, the Minister of Finance of Personnel said:

“during previous periods of devolution, the Executive took measures to try to address the issue. That stopped when direct rule returned”. — [*Official Report, Bound Volume 35, p349, col 2*].

The Executive in question were led by the SDLP and the Ulster Unionists. Therefore, the matter — [*Interruption.*]

Mr Speaker: Order.

Mrs D Kelly: The previous Executive addressed the matter. However, we all know about the stop-go nature of the previous Executive when the DUP used a revolving door. People did not get much time to address the issues, and we did not accept the three-month deadline. That matter arose in response to NIPSA, when the management side of the Civil Service said that the review would be completed in three months. That commitment has already been made to NIPSA. Therefore, why can it not be done in three months?

As have other Members, I will try to place the debate in context. Mr O'Dowd said that he met a person who had worked in the jobs and benefits office in Lurgan for almost 30 years. I met someone who has worked in such a post for 29 years. Her take-home pay is £933 a month. Her top line is less than £12,000 a year.

The six years' back pay will date from six years before a settlement is reached; therefore, a year's delay makes a huge difference. If Mr Robinson had settled the issue last year, civil servants could have expected back pay from 2002; if it is settled this year, it will date from 2003. Every year that the settlement is delayed means that the back pay will be paid from a later date.

Other Members referred to bonus payments, and the Minister said that he would look at pay and grading across the Civil Service. Not only do senior civil servants award themselves bonuses, but many of them leave the Civil Service — some in their early to mid fifties — and come back as consultants. In fact, over the past three or four years, such consultants have earned hundreds of thousands of pounds, although, interestingly enough, only one woman returned to the Civil Service as a consultant. As Ms McCann said, women are under-represented at senior levels of the pay scale in the Civil Service.

Many Members rightly called Civil Service back pay a legacy issue. However, although British direct rule Ministers flew in and out of the North, civil servants ran the North for many years. In fact, many may blame the senior Civil Service for not dealing

with the issue and for not guiding British Ministers to resolve the equal pay claim earlier.

There have been discrepancies over many years. As Ms McCann and other Members said, 60% of the disadvantaged section of the workforce consists of women, many of whom are Catholic. However, others are right to point out, as Dr Farry did, that not all of them are from the Catholic community; people of all age groups have been adversely affected by the inequalities.

Mr Ramsey pointed out that there is a duty of care to thousands of people who have a basic right to equality. The SDLP supports those people's fight for equal treatment. I welcome the Minister's restatement of his commitment to equal pay for work of equal value.

Although the Minister responded for approximately 11 minutes, we learned nothing new. We heard much about the legal process that faces us and about the robust nature of the settlement process. No one denies that it should be robust, but it has taken more than a few months for this debate to arise. There are established practices, here and elsewhere. The motion called for a time line and a date for settlement. Given that the DUP and Sinn Féin will not allow a discussion of the Budget and the current status of the Programme for Government, it is difficult to see how the matter will be dealt with.

At the meeting of the Committee for Finance and Personnel on the Northern Ireland Civil Service equal pay claim on 13 May, Ms Purvis asked Mr Baker, a departmental official:

"Do you see the equal pay issue being resolved within the current Assembly's lifetime?"

To which Mr Baker answered:

"we hope to resolve the matter as quickly as possible. I will not set a firm target. However, given that the current mandate of the Assembly lasts until 2011, I hope that the issue will be resolved before then."

That is simply not good enough for the many men and women who take home less in pay than some take home in benefits.

I do not know whether Members have spoken to staff in income support and benefits offices, but I have. A civil servant told me that under the changes that the British Prime Minister tried to introduce to help the economy, staff are making decisions on mortgage relief for second homes in Spain for some people who unfortunately find themselves out of work. The civil servant told me that civil servants had to decide whether to pay £1,000 a week in benefits while staff in the benefits office take home less than £1,000 a month for a full working week.

Something is wrong with the system. Parity is not within the Assembly's gift, but we can help those who are most in need. Civil servants who receive the lowest rates of pay need our support.

Pat Ramsey rightly pointed out that staff morale must be improved. Cheques are being issued to people who appear to be well-heeled but who are going through a difficult time and are in receipt of benefits. What incentive do those people have to get up and go to work in the mornings?

Mr O'Loan said that fairness is the central issue. That is the bottom line. The trade unions and many staff feel that the grading issue represents a shifting of the goalposts. The terms of reference for the equal pay negotiations should have been clearly set out and understood at the beginning of that process.

The Minister of Finance and Personnel was careful not to tie this issue to potential cuts to public services. Unfortunately — or, perhaps, fortunately — Mr Hamilton let the cat out of the bag in that respect. However, Mr O'Loan dealt with that issue quite well when he said that the principle of fairness should not be tied to its financial implications. The issue is one of correcting a wrong and of affording equality to civil servants who work long, hard hours, interface directly with the public and often work in stressful and anxious circumstances. We all know that many jobs and benefits offices have had to install security measures because staff have, at times, been threatened by members of the public. Surely, one thing that we can do is to give those civil servants some level of financial security.

I am disappointed that the Minister did not provide a time frame for the completion of the equal pay negotiations. I wonder whether Peter Robinson and Martin McGuinness, when they meet the Prime Minister to put the case for the members of the Presbyterian Mutual Society, will also press for equal pay for civil servants.

Mr Weir: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question put and agreed to.

Resolved:

That this Assembly expresses its concern at the ongoing delay in settling the Civil Service equal pay claim; recognises that the staff affected were deprived of their proper remuneration over a period of years; and calls on the Minister of Finance and Personnel to ensure that all current and former Civil Service staff affected receive their back-pay within three months.

Mr Speaker: Question Time is due to begin at 2.30 pm. The sitting is suspended until that time.

The sitting was suspended at 1.28 pm.

On resuming —

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

2.30 pm

Oral Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Child Protection

1. **Ms S Ramsey** asked the Office of the First Minister and deputy First Minister for an update on any work ongoing on a North/South basis in relation to child protection, and for an update on work with the NIO in relation to harmonising arrangements for the supervision of registered sex offenders. (AQO 2831/09)

The deputy First Minister (Mr M McGuinness): In February 2008, the North/South Ministerial Council (NSMC) meeting in plenary format requested that the Department of Health, Social Services and Public Safety and the Office of the Minister for Children and Youth Affairs establish and co-chair a cross-border group of officials from relevant Departments to intensify co-operation on child protection. That was discussed subsequently at the NSMC meeting in health and food safety sectoral format in May 2008, when it was noted that a co-ordinated group led by senior officials had been established to take the matter forward. That group meets twice yearly to discuss child protection issues, and the next meeting is scheduled to take place on 5 June 2009.

Five subgroups have been established to take forward specific initiatives jointly in areas such as vetting and barring, research, Internet safety, media awareness and the movement of children. The subgroups meet regularly to keep one another updated on ongoing developments in the respective jurisdictions.

Joint work is ongoing to develop a number of leaflets to provide child protection advice and guidance to parents, carers, employers and anyone who is concerned about a child. Consideration is being given also to the development of a joint protocol for the exchange of information about the movement of vulnerable families and children between the two jurisdictions. Discussions are under way to explore existing research links and networks, North and South, and models of good practice. Discussions on evolving vetting and barring arrangements in both jurisdictions are also continuing.

The junior Ministers wrote to Minister Paul Goggins on 23 May 2008, asking him to encourage his officials to work collaboratively with their counterparts in the Irish Government on progressing cross-border arrangements for sex offenders. The junior Ministers asked to be kept informed of progress. They met Minister Goggins again on 4 September 2008 and were briefed on developments on improving communication and consistency of arrangements on both sides of the border. The junior Ministers also asked that NIO officials should liaise with the chief social services officer to keep him involved of any developments in North/South alignment on the management of sex offenders.

Junior Minister Kelly had a follow-up meeting with Minister Goggins on 20 April 2009 at which he was updated on the improved public protection arrangements here and on the Irish Government's consultation document on the management of convicted sex offenders, which proposes innovations that will improve alignment of assessment and management arrangements, North and South.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I commend the First Minister and deputy First Minister on their personal commitment to child protection. The deputy First Minister's answer has given a comprehensive overview of what is happening.

Child protection cuts across various Departments and is an issue across the island. It is multi-faceted. The deputy First Minister has given us a brief update, but I am conscious that the next meeting about child protection is on 5 June, which is only a couple of days away. Will Members be updated following the meeting?

The deputy First Minister: The group meets to discuss child protection issues twice yearly. Five subgroups have been established, all of which comprise officials from the Department of Health, Social Services and Public Safety, the Health Service Executive and other areas in the Irish Government. Non-governmental organisations, North and South, such as the National Society for the Prevention of Cruelty to Children (NSPCC), Irish Society for the Prevention of Cruelty to Children (ISPCC), Barnardo's and Action for Children are represented on the media awareness subgroup.

Membership of the vetting and barring subgroup includes officials from the Department of Education, AccessNI, the Garda central vetting unit, PSNI, the Department of Justice, Equality and Law Reform and the Department of Education and Science. The research subgroup has identified researchers, North and South, and will seek input from universities, the Commissioner for Children and Young People, the Ombudsman for Children's office in the South, Office of the First Minister and deputy First Minister (OFMDFM), and key voluntary organisations.

The movement of children subgroup has established a small working group comprising social work practitioners, North and South. The media awareness subgroup is jointly developing a series of child protection advice and guidance leaflets aimed at parents, carers, employers and the general public.

In recognition of the different legislative and legal systems, North and South, there will probably be an overarching A5 leaflet that will contain high-level dos and don'ts that are designed to signpost the reader towards the various services and organisations that have respective jurisdictions.

Work is also under way on a draft communiqué and communications strategy. The movement of children subgroup is considering what advice and guidance exist to deal with vulnerable children and families who move between jurisdictions. The vetting and barring subgroup has discussed vetting and barring arrangements in each jurisdiction. Northern participants discussed in detail vetting and barring arrangements under the Protection of Children and Vulnerable Adults Order 2003 and the Education (Prohibition from Teaching or Working with Children) Regulations 2007.

Discussions then moved to the new vetting and barring scheme that is being implemented under the Safeguarding Vulnerable Groups Order 2007, and there was a strong focus on shared learning. Particular emphasis was placed on the elements of the new scheme that are intended to prevent the exploitation of jurisdictional borders by individuals who are considered unsuitable to work with children and vulnerable adults. Also included in that is the recognition of foreign offences, foreign orders and equivalent barred lists. Southern participants outlined proposals for a new legislative vetting and barring regime in line with the recommendations of the relevant Oireachtas Committee.

Mr Shannon: I thank the Minister for his comprehensive response. However, concern has been expressed to me about the allocation of Housing Executive and housing association properties. Have there been any North/South discussions on that issue, particularly on the allocation of houses that are close to schools to people who are on the sex offenders list? That issue has come to my attention in the past two months with regard to the area that I represent. What measures are in place to prevent people on the sex offenders list being allocated houses that are close to schools?

The deputy First Minister: As the Assembly knows, the management of sex offenders is not a devolved matter; the NIO has been working with its counterparts in the Irish Government to streamline arrangements on the issue. As I said, the junior Ministers have been monitoring developments both through correspondence and regular meetings with the Minister of State, Paul Goggins.

I have no doubt that the Member's legitimate concerns are being dealt with on an ongoing basis. We all understand absolutely the importance of getting right our approach to the protection of young people and vulnerable adults. If we needed any reminders of how important that work is, we have had enough in the past few weeks, given the incredible revelations about what happened in the past on this island, and not just in the South. We must all understand that, as time progresses and people feel more liberated to talk about their experiences, we too may have to deal with a situation that is similar to that in the South.

Therefore, matters relating to the protection of young people and vulnerable adults are important, and I do not doubt that those with jurisdiction over such issues are dealing with them. The time will come when we will have responsibility for such matters, and I doubt that there is a Member in the House who would not take seriously the safety of children and vulnerable adults.

Mr B McCrea: Does the deputy First Minister agree that his Department must pursue all avenues to bring all sex offenders to account? Following the deputy First Minister's answer to my honourable friend Jim Shannon, is he not surprised that many of the perpetrators of some of the worst cases of child abuse on this island have not been prosecuted? Will he explain why there have been no prosecutions in, to use his terminology, the North of Ireland? Has a deal been struck in Northern Ireland similar to that in the South of Ireland?

The deputy First Minister: I do not have any information to suggest that the authorities in the North have struck a deal that is similar to that in the South and that many people are talking about. My view on the issue is very clear, and others have expressed it recently: those who are responsible for the abuse of children or vulnerable adults should be prosecuted and brought before the courts, no matter how far back cases go. If those people are found guilty, they should be sent to prison for a very long time.

All of us are now absorbing the detail of some of the stories that we are hearing. We have heard first-hand accounts from many people. I watched 'Questions and Answers' and saw Michael O'Brien, a former Fianna Fáil mayor, speak movingly about his experiences. The short answer, therefore, is that yes, people should be pursued, prosecuted and, if found guilty, face the penalty.

With regard to doing deals, from our experience, we cannot say that we will have to deal with the fallout from all that. The debate has been contained to what has happened in the South over the past five or six decades. However, I know women in the area from which I come who were in some of those schools, who were abused and who have made claims. Some have had their claims settled and others have not. However,

some of the stories that one hears are absolutely appalling. Those people now live in the North.

We all have to be conscious that we could be dealing with further revelations about different situations. There was, for example, a debate in the 'Derry Journal' about a number of children who were sent to Australia and how their lives were fundamentally changed after being moved several thousand miles from their families.

There is, therefore, a lot of pain around this issue, and it is the responsibility of us all to approach it sensitively. However, we, too, may have our responsibilities to face with regard to that matter.

Legislation

2. **Mr Burns** asked the Office of the First Minister and deputy First Minister to detail how many pieces of draft legislation from its Department are currently awaiting Executive approval. (AQO 2832/09)

The deputy First Minister: No legislative proposals are awaiting Executive approval at present. The Office of the First Minister and deputy First Minister is, however, developing proposals for a commissioner for older people and a new victims and survivors' service. Legislation will be required to establish both, but we intend, as the first stage, to issue policy proposals for consultation later this year. After consultation, we will seek the agreement of the Executive to introduce the relevant Bills in the Assembly. Other legislative requirements may arise, and the Executive's agreement to the policy and the legislation will be sought in accordance with established procedures.

Mr Burns: What is the timetable for bringing forward new equality legislation as requested by the Equality Commission?

The deputy First Minister: As the Member well knows, we will continue to legislate to provide legal protection against discrimination and to promote equality of opportunity. Thus far, no policy decisions have been made about a single equality Bill.

Mrs Long: How does the deputy First Minister, as leader of the Executive, rate their performance given that three Ministers have complained about issues that they want addressed being held up in the Executive? Sammy Wilson, Cairtriona Ruane and Michael McGimpsey have raised that issue in the Chamber in the past couple of weeks.

The deputy First Minister: People will know that, on an ongoing basis, there are matters to be agreed, processes to go through and agreements to be forged before we can move to deal with those matters. From our perspective, quite clearly, we need to see a situation develop whereby the issues that people want to bring to the Assembly will be dealt with. However,

that can happen only in the context of us being in a position to do that by reaching the agreements that are required to ensure that those processes are expedited.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle agus a Aire. Will the Minister, as joint Chairperson of the Executive, outline the legislative record of the Executive?

The deputy First Minister: Since restoration, 27 Executive Bills have been introduced to the Assembly. Members will know that the First Minister and I were responsible for three of those: namely, the Public Authorities (Reform) Bill, the Commission for Victims and Survivors Bill and the Financial Assistance Bill.

A substantial body of work has been undertaken over the past couple of years.

2.45 pm

Economic Advice Unit

3. **Mr P J Bradley** asked the Office of the First Minister and deputy First Minister for an update of the work of the economic advice unit. (AQO 2833/09)

The deputy First Minister: As set out in the ministerial code, OFMDFM has responsibility for cross-cutting economic policy matters. The economic policy and regeneration directorate provides lead support in that area. From within that directorate's economic policy unit, the economic advice unit provides professional economic advice to Ministers and officials in the Department. It has a key role in supporting Ministers on issues arising from the economic downturn.

In the latter half of 2008, the unit arranged and co-ordinated ministerial meetings with key stakeholder groups to assess the local impact of the economic downturn and to identify options for remedial action. That work allowed the Executive to consolidate the package of credit-crunch measures that were announced on 15 December 2008. The economic downturn is a standing item of Executive business. For each Executive meeting, the economic advice unit provides a paper on the implementation of the December package, a report on key developments and an assessment of the ongoing impact of the downturn.

The unit provides economic briefing and advice to Ministers on correspondence and invitation cases, and administrative support to the cross-sector advisory forum. The unit also works closely with other departmental officials to quality assure business cases for adherence to DFP green book and other best-practice standards.

Mr P J Bradley: Given that OFMDFM, the Minister of Finance and Personnel and the Minister of Enterprise, Trade and Investment have so far failed to

tackle the economic crisis in a unified manner, does the deputy First Minister recognise the advantage of merging the three Departments' economic units?

The deputy First Minister: The Member needs to be conscious of the steps that the Executive have taken. We have consulted widely and had meetings with banks, the Institute of Directors, the construction sector, the energy regulator, energy companies, trade unions, the business sector, and the community and voluntary sector. Indeed, the Ministers who were identified in the Member's question participated in some of the meetings.

We have taken action to support local business and local people. We have frozen domestic rates at a cost of £40 million, which makes the average local household £1,000 better off. We have waived domestic water charges for 2009-2010, which puts an average of £160 back into people's pockets. We are reducing the cost of prescriptions. We have implemented the fuel credit scheme for the most disadvantaged households. The Department of Enterprise, Trade and Investment has increased support for the debt advisory services that are provided for local people.

We have a fast-track support service for business. We have provided improved support services for the unemployed through jobs and benefits offices. We have used capital spending of our investment strategy to support construction. We used December monitoring to bring forward spending on roads, schools and farms to support the construction sector.

We have continued to meet banks, local people and businesses, and we have planned further meetings involving banking interests beyond the four local clearing banks. We intend to meet building societies to discuss mortgage lending, and we have established the cross-sector advisory forum to enhance our ability to stay in touch with local interests across the community. The economic downturn is a standing item of Executive business, and we will maintain our close attention to the matter.

Mr K Robinson: Will the First Minister explain the difference between the work of the economic advice unit and that of the economic policy unit within OFMDFM? Will he illustrate that difference through reference to the work that is being undertaken by the units?

The deputy First Minister: The Member will know that the units provide different functions in the Department's pursuance of its economic strategy. Against the backdrop of the economic downturn, it is vital that people with a range of experience and specialities are available to us. We are conscious of the need to maintain the workings of the units.

If, through time, we decide that a different system may represent an improvement, we will consider that

option. However, we believe that the different units' responsibilities provide important advice for Ministers.

The Department's economic policy and regeneration directorate is headed by a grade 3. The directorate has two divisions: the regeneration division, which deals with the investment strategy, the Strategic Investment Board and the former military sites at Maze/Long Kesh; and the economic policy unit. The economic policy unit has five branches: the policy innovation unit; the sustainable development unit; the financial issues unit; the Programme for Government unit; and the economic advice unit. The economic advice unit provides professional economic advice to Ministers and officials in OFMDFM, and it is staffed by three professionally qualified economists who have been outposted from DFP.

Commission for Older People

4. **Mr Brady** asked the Office of the First Minister and deputy First Minister for an update on the progress with legislation to create an older person's commissioner. (AQO 2834/09)

The deputy First Minister: We intend to introduce legislation that will enable us to appoint a commissioner for older people. Officials in OFMDFM are developing detailed policy proposals together with a draft Bill, which we intend to issue for public consultation in the autumn of 2009. In developing those proposals, officials are considering the evidence base. They engage with relevant stakeholders, including age-sector representatives, the interim older people's advocate, Dame Joan Harbison, and others, to ensure that there is the broadest possible involvement in the preparatory stages of the policy development and legislative processes prior to further public consultation. As part of the process, in February 2009, junior Minister Donaldson met Ruth Marks, who is the Older People's Commissioner for Wales.

Mr Brady: I thank the Minister for his answer. Has OFMDFM examined the powers that an older person's commissioner will have, as outlined in the Age Concern and Help the Aged report?

The deputy First Minister: In May 2008, Help the Aged and Age Concern published a report on the possible remit and powers of an independent commissioner for older people. The report examined various models, including the Commissioner for Children and Young People, the ombudsman's inspectorate model and the advocacy model and concluded that the enhanced commissioner model reflects a wider approach to the protection of the rights and interests of older people. The enhanced commissioner model is an extension of the powers and duties of the Commissioner for

Children and Young People's model, and there are various powers envisaged in that.

The age sector submitted a further report in March 2009 building on the previous report, and it suggests some additional powers, most notably those of mediation and arbitration. We have not yet made any decisions on the range and scope of the proposed powers and duties, and we will await the outcome of the public consultation before coming to any final decisions.

Rev Dr Robert Coulter: Will the deputy First Minister confirm that it was announced on 18 December 2007 that an older people's commissioner was to be appointed in 2008? An interim appointment of an older people's advocate was announced on 4 April 2008 and was made on 4 November 2008. On 12 January 2009, the First Minister told us that it needed primary legislation. Will the Minister tell us what on earth has been going on in the interim period and how long does primary legislation take?

The deputy First Minister: To be fair to the First Minister, he also made it clear that it was a complex piece of work, that many discussions were taking place on the matter, and that, because of the need to get it right, there would be no speedy legislation in that regard. We are trying to get it right, and we are doing that in consultation with the various interests who advocate for older people.

Mrs M Bradley: What budget has been recommended for the older people's commissioner?

The deputy First Minister: We will write to the Member with that information; I do not have the figure to hand.

Mr Deputy Speaker: Questions 5 and 6 have been withdrawn.

Public Services

7. **Ms Ní Chuilín** asked the Office of the First Minister and deputy First Minister, in light of the pressures on public spending, if it recognises the need to develop more effective and efficient services on an all-island basis. (AQO 2837/09)

12. **Ms J McCann** asked the Office of the First Minister and deputy First Minister what assessment it has made of the saving and efficiencies to be made by developing greater co-ordination and service delivery across the island of Ireland. (AQO 2842/09)

The deputy First Minister: With your permission, Mr Deputy Speaker, I will answer questions 7 and 12 together.

The First Minister and I are aware of the need for greater efficiency and effectiveness in the delivery of public services. On 9 April, we announced our intention

to bring to the Assembly proposals for the creation of an efficiency review panel for approval. That was a consequence of the provision in the St Andrews Agreement that envisaged the appointment of an efficiency review panel.

The Programme for Government also contains a commitment to review the number of Departments by 2011. The first task of the efficiency review panel will be to examine the number and organisation of Departments in light of the present financial pressures and the implications of the review of public administration, and to ensure the best departmental structure for the efficient delivery of public services.

The review panel will report later this year. The review will be based on fairness and efficiency, and it will take account of the requirement to protect the safeguards that ensure that the Executive are representative of the community and can work together successfully in the operation of the institutions.

In addition, a review group consisting of senior officials and an advisory panel of four experts, two appointed by the Executive and two appointed by the Irish Government, has been established under the auspices of the North/South Ministerial Council, as provided for in the St Andrews Agreement. The advisory panel has completed its report on the efficiency and value for money of the existing North/South implementation bodies and Tourism Ireland, and it has submitted it to the review group. After considering the panel's recommendations in consultation with the relevant sponsoring Departments and Ministers, the review group will submit the report to the next plenary meeting of the NSMC.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I thank the deputy First Minister for his response. He spoke about the efficiency review panel. Given the substantial savings to be made, particularly by reducing the duplication of administration, North and South, will the deputy First Minister and his office also consider the potential savings from the work of the efficiency review panel? Go raibh maith agat.

The deputy First Minister: I am on record as having stated that there is unnecessary duplication across the North and South. Such duplication leads to confused services and additional cost. The people who pay for, and avail themselves of, the services bear the brunt of that cost. Through greater co-operation, we can deliver better, more co-ordinated services across the island at a reduced cost. Such co-operation should not be restricted to the border region but should happen across the island.

The Assembly is in general agreement that, in cases of mutual benefit to institutions, North and South, it should consistently challenge itself to determine how to make best use of the limited resources available

because of the economic downturn. I have heard many people question the existence of two arts councils, two sports councils and three tourist boards. No one should oppose better services or a reduction in public expenditure. Although OFMDFM has not finalised the terms of reference for the efficiency review panel, the review should address how to make such savings.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. The deputy First Minister outlined how greater partnership between North and South can achieve savings and the better targeting and delivery of services. Will he update Members on the innovative work being developed for the north-west gateway?

The deputy First Minister: The north-west gateway initiative is a good example of cross-border co-operation. Since the initiative was formally announced in May 2006, officials have sought to find ways in which the Executive and the Irish Government, working in co-operation, can attract new employers and economic benefits to rejuvenate the region. Although the initiative has no associated funding, it aims to derive greater synergy in the north-west through the effective co-ordination of existing public expenditure.

Progress has been made on several key projects, including those that improve the area's infrastructure. Investment has been made in roads, railways, the City of Derry Airport and Project Kelvin, the connectivity initiative in the north-west that will provide a direct link to international cable networks in North America.

There is cross-border co-operation on health in the form of a pilot project that provides an out-of-hours GP service to patients from Inishowen and the delivery of a radiotherapy service to patients from Donegal and Belfast.

3.00 pm

ENVIRONMENT

Planning Service

1. **Mr McFarland** asked the Minister of the Environment what changes are being made to the Planning Service's management review board.

(AQO 2851/09)

The Minister of the Environment (Mr S Wilson): During March and April of this year, my Department ran a competition to appoint an independent board member to the Planning Service's management board. The successful candidate is expected to take up the post in early summer. The independent board member will not take executive decisions, including those on planning applications, but he will be expected to

provide external advice and expertise that will inform the board's decision-making process.

Mr McFarland: I thank the Minister for his answer. In a recent response to a question for written answer, figures from his Department for 2007-08 showed that 82% of cases referred to the management review board were not even considered. Of those that were considered, none was successful. Will the Minister provide figures for 2008-09? With planning to be devolved to councils in 2011, does he agree that it is strange that the management board completely ignores councils' views on planning?

The Minister of the Environment: I do not have the figures for 2008-09 to hand, but I will supply them to the Member.

There are two ways of looking at the issue of referrals to the management board. First, we could consider the situation that pertained before we introduced the new criteria. At that time, some councils referred to the management board almost any decision with which they disagreed. Of course, that caused all kinds of problems: the process was slowed down; more referrals were made; and cases were with the management board for longer. The situation was not very satisfactory. Consequently, after consultation, referrals to the management board became subject to certain criteria.

Applications that were referred to it must meet one or more of three criteria: no lack of specific detail in a newly formed policy; no proposals that departed from the regional development strategy, a development plan or a draft development plan; and no strong neighbourhood objections to a planning application.

I must say to the Member that the management board subsequently overturned almost 40% of the applications that it had accepted for consideration. The management board's opposition to and support for applications that it considered was split about half and half. I accept that the number is very small; however, when applications meet the criteria, it would be wrong to conclude that the management board ignores councils' views. The evidence is that, in 40% of cases, the management board has accepted those views and changed the decision.

Mr Gallagher: Will the Minister explain why Planning Service is asking for more money to deal with planning applications? Does he support that request?

The Minister of the Environment: I am happy to answer the question. I am glad that the Member asked it and that it was accepted, despite its being fairly wide of the mark of the original question.

It is important to consider the whole issue of what type of Planning Service we want. There had been no increase in planning fees for four years. Even during the boom years in the development industry, the Planning Service did not ask developers for additional

money. As a result, the cost of planning fees had fallen substantially in real terms. It is proposed to increase planning fees by 20%. Most of that rise is to meet inflation over the four years in which fees did not go up. I emphasise that the decision was taken only after I had ensured that efficiencies were squeezed from Planning Service and that additional money had been sought from the Minister of Finance and Personnel.

We then had to decide whether we wished to have fewer planners in the system, which would have resulted in slower responses, longer waiting times and a loss of expertise, or to keep the expertise that we had. Developers tell me all the time that they would rather have quick decisions than applications lying in the system for a long time. There cannot be quick decisions if there are not bodies to process those decisions.

I am pleased to say that the processing times for planning applications have come down substantially. We are meeting the target that was set in the Programme for Government. The choice is very simple: after looking for efficiencies in the planning system, do we finish up with a situation in which there are fewer officers and, as a result, slower processing? It is easy for the Member to complain about planning fees increasing. However, when one considers the background to the issue and the alternative — applications taking longer to process — it is quite clear why we made the decision that we did.

Ms Lo: There is a perception that the definition of “significant application” is too rigid because it excludes local significant applications. What is the Minister’s view?

The Minister of the Environment: A “significant application” can be defined in a number of ways. They include applications that have significant economic importance to an area or a particular industry. They may be significant in relation to the impact that they have on localities or in relation to how they impact on policies and perhaps deviate from existing policies.

I look at a range of applications that are regarded as significant, from factories to shopping centres and so on. It is right to have a definition that is not too rigid because that enables us to look at a wide range of applications when we decide whether to send them to SPG or deal with them at a divisional office.

Mr Deputy Speaker: Question 2 has been withdrawn.

National Parks

3. **Mr Easton** asked the Minister of the Environment if his Department has identified any areas which could be potential National Parks. (AQO 2853/09)

The Minister of the Environment: I have yet to discuss with Executive colleagues whether to establish national parks in Northern Ireland. If it is decided to

proceed, the first step will be new enabling legislation to set out the framework for national parks. To draw up the legislation, there would need to be full public consultation on proposed arrangements for national parks, including the aims, structures and powers. After the new enabling legislation was in place, the second stage of the process would be to identify candidate sites for designation. I have no plans for any specific area at this stage.

Mr Easton: Does the Minister agree that national parks could lead to great tourism potential right across Northern Ireland? The Mourne Mountains and, perhaps, the Antrim coast could be designated. In my constituency of North Down, the Dufferin estate, through which the Ulster Way runs, has herds of wild deer and huge woodland areas. Does the Minister agree that those areas have enormous potential?

The Minister of the Environment: Certainly. There are a number of reasons for designating national parks. One is to conserve important environmental assets. Another is to enable us, by conserving and enhancing those particular assets, to exploit them economically. The Tourist Board is very supportive of the idea of national parks because it believes that using the national park brand would be one way of drawing people into areas of natural beauty in Northern Ireland. Those areas could be used as a base, which would be of benefit to the Northern Ireland economy. My visit to the Cairngorms National Park showed me that the national park brand benefits farmers, businesses, hotels, bed and breakfasts, and so on. Consequently, tourism in that area has been strongly enhanced.

Mr Deputy Speaker: I am feeling very lonely, so I remind the Minister that all remarks should be directed through the Chair.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. How would rural communities be sustained and allowed to thrive in such parks? We must ensure that people born and raised there are able to continue living there.

The Minister of the Environment: First, 60% of the membership of the Cairngorms National Parks Authority, which I visited, is drawn from the local area. Five members are directly elected, and 10 are local councillors, so they have a strong interest in sustaining the area. That is the type of model that I would like to see in Northern Ireland.

Secondly, although the authority there has planning powers, I do not envisage a national park authority in Northern Ireland having such powers, because, in 2011, I hope that planning powers will be given to councils. The Cairngorms National Park Authority has used its planning powers to ensure a supply of housing. I looked at some developments there, including a brand new village comprising 1,500 houses that is to

be built on a heathland area. The rationale of that proposal is to ensure that people who work in the national park have a home there. In turn, that will help to sustain many local businesses.

The whole idea of making those areas economically attractive by preserving their assets is to do exactly as the Member said, namely to draw in tourists to generate economic activity, so that communities can be sustained and families are able to stay, work and live where they want.

Mr P J Bradley: The Mournes and Slieve Croob in south Down is one area that might be designated as a national park, or, to use a phrase that I have never heard before, it might be a “candidate site”. What consideration has the Minister given to the views that have already been expressed by residents of that area?

The Minister of the Environment: I am not sure whether that question was prompted by the presence of some of those residents, some of whom I met about five minutes before coming into the Chamber. I have made it clear that I want to hear people’s views on this issue. I had a productive meeting with residents from the area who expressed their reservations. However, Members should bear in mind that a long process must be gone through before we reach the point of designating areas as national parks. I have not said that the Mournes area will be a national park. As I said in an earlier answer, there is first a need for policy development, then enabling legislation, and then legislation that designates specific areas in Northern Ireland. As that legislation goes through the Assembly, whether at Committee or House level, there will be plenty of time for consultation, during which people will be able to make their views known.

Mr Deputy Speaker: Mr Maskey is not in his place to ask question 4, and question 5 has been withdrawn.

Road Safety: Finance

6. **Mrs Long** asked the Minister of the Environment what impact the change to direct financing has had on road safety committees. (AQO 2856/09)

12. **Mr P Ramsey** asked the Minister of the Environment if he has met with representatives of the Road Safety Council since announcing the decision to remove core funding. (AQO 2862/09)

The Minister of the Environment: With your permission, Mr Deputy Speaker, I will answer questions 6 and 12 together. In December 2008, following a highly critical independent review of the Road Safety Council’s performance, I wrote to it to confirm that, from 1 April 2009, funding would be directed away from central administration into the front line road safety activities of local communities.

I also met representatives of the Road Safety Council on 27 February. At that meeting, the Road Safety Council pressed me to reverse my decision to withdraw the core funding, and I made it clear that my decision would stand.

3.15 pm

It is too early to say what impact the change to direct funding has had on local road safety committees, apart from the fact that they report directly to the Department instead of to the Road Safety Council. However, I have made it clear that the action is not directed towards the local committees; indeed, they should benefit from it. In the face of critical reports, I had to make a decision about whether we wanted to keep pumping tens of thousands of pounds into a body that was administering as much money as it was costing to run.

Mrs Long: I thank the Minister for his answer. Is there a danger that road safety committees — I declare an interest, as I am a member of one — which are largely made up of enthusiastic volunteers, will simply be mowed down by the juggernaut that is central government bureaucracy when what they actually need is an arm’s length funding body to deal with their queries?

The Minister of the Environment: I could take that criticism if there was any indication that that was the case. Let us be clear that £160,000 was available every year in the Department for road safety. That money was channelled through the Road Safety Council. In the last four years, that money was never fully drawn down. In some years, a quarter of it was never used. The requests for that funding came and were to come through the Road Safety Council. If the local committees depended on the Road Safety Council to ensure that funding was available to them, it did not do a very good job, even though about half of the money was spent on administrative costs.

One of the points that I made very clear to officials before I made the decision was that I did not want to see one expensive bureaucracy replaced with another or gobbledegook forms that people could not understand. The form that is sent to the committees has two pages, one of which has four columns of questions about what the applicants want to do, how many people will attend, what objectives they hope to achieve, and how it fits in with the strategy. In case even that is too much for the groups, there are pointers as to what might be put in each of the columns. Therefore, to describe it as being run over by the juggernaut of central government bureaucracy is to put it a bit strongly. We have sought to make the system as good as it can be.

It disappoints me that, despite the money being available, some of the committees were encouraged not to apply for it. Thankfully, 10 committees have now applied, and I have extended the normal application

period so that those that have not applied still have the opportunity to do so.

Mr P Ramsey: There is anger and frustration in the voluntary and community sector, which is at the coalface in dealing with and advocating on road safety measures, such as cycling proficiency programmes in schools. The Minister was cherry-picking his criticism. One independent review stated very clearly that the Road Safety Council's secretariat was pivotal to the organisation and the capacity-building of the volunteers.

Mr Deputy Speaker: Mr Ramsey, please ask a question.

Mr P Ramsey: In the light of concern that eight of the committees to which the Minister referred are facing closure as a result of the decision that he made, will he reconsider that decision?

The Minister of the Environment: I have made the position clear on a number of occasions. It is significant that the issue has come to me from the Committee for the Environment and through letters and representations from individual committees.

Reports were produced in 1987, 2002 and 2008 that were damning of some aspects of the Road Safety Council. It is significant that the only positive view of the Road Safety Council in the most recent report was that it had good political connections. The accuracy of that has been borne out by the fact that I am inundated with letters from all parties about the Road Safety Council.

In the most recent report, 36 points were made, of which only one was supportive of the Road Safety Council. I could not have ignored that, and I do not understand what Pat Ramsey is saying about the voluntary sector being up in arms. The local road safety committees will have access to funding, which previously was shared between them and the Road Safety Council and half of which went towards administration costs.

The local road safety committees will have direct access to funding through completion of the simple form that I described to the Member for East Belfast Naomi Long. I hope that, rather than walk away from the good work that many of the committees have done in local areas, they will take the opportunity to apply for funding and strengthen the work that has been done. In fact, they could receive substantially more than they received previously, but that will depend on the programmes that they put forward. It is important that the committees apply for funds and do not refuse to play simply because the Road Safety Council is no longer there to hold their hands — albeit hand-holding that was seemingly not done effectively.

Mr McQuillan: Who will do the work of the Road Safety Council now, and how much will that cost?

The Minister of the Environment: The Road Safety Council was a conduit through which a lot of the Department of the Environment's money went to the road safety committees at local level. It was also supposed to be a strategic body that helped to develop road safety activities at local level. All of the reports stated that it was not fulfilling that function. That was not a one-off observation that came out of the blue; it was built on the 1997 and 2002 reports, which showed no change, and the most recent report in 2008. I could not ignore that.

The work of the road safety committees is done at local level. They will continue to receive financial support and any other support that they need from my Department, and that financial support will be easily accessed.

High Hedges

7. **Mr Lunn** asked the Minister of the Environment for his assessment of his Department's policy on high/nuisance hedges. (AQO 2857/09)

The Minister of the Environment: Any scheme that is provided for in new legislation to deal with nuisance or high hedge problems in Northern Ireland will be operated by local government. I would not underestimate the amount of additional work that such a scheme would mean for district councils, particularly during the early stage of the scheme's operation, when existing problems affecting many householders will need to be dealt with. With that in mind, together with the competing priorities and resource constraints that I am facing, I have decided not to progress the development of policy and legislation on the matter until after the 11 new councils have been elected in May 2011. That allows me to focus departmental staff resources on higher-priority environmental issues over the coming years.

Mr Lunn: I hear what the Minister says, but the new councils will not come into being for another two years. During direct rule, legislation was enforced in the UK that was intended to apply here. Does the Minister share my disappointment that he is not able to do anything about that issue, despite the fact that he has two years in which to do something? Nuisance hedges represent a minor problem that causes maximum irritation, as the Minister will know.

The Minister of the Environment: I recognise that there is disappointment among Members. I probably receive as many letters about high hedges as I do about the Road Safety Council.

Members will be aware of the issues concerning Assembly legislation. First, the fact that legislation exists in England does not mean that it can be easily transposed to Northern Ireland. Secondly, councils and those who serve on them know the amount of work

that councils have to undertake in preparation for amalgamation and the establishment of new councils and transition committees, and they know that it is imposing a substantial burden on them. Thirdly, if legislation were to be introduced, it would probably place a heavy burden on councils because they would have to deal with a backlog of complaints about high hedges. Fourthly, account must be taken of the amount of legislation that has already piled up in the Assembly — the RPA legislation for councils alone will involve four pieces of legislation, never mind the promised legislation on planning reform, etc. Thus, the Assembly and the Environment Committee are already committed to dealing with a heavy legislative workload from my Department.

Therefore it would be much better to look at legislation to deal with high hedges once councils have amalgamated. Rather than individual councils, which might have different emphases, dealing with the matter separately now and then having to join together after 2011, the new councils could deal with the matter. Even if it were possible to get the legislation through before then, it would still be much better to legislate when the new councils are established.

Mr O'Loan: I imagine that, after the new councils are formed in 2011, the next thing that we will hear will be that they have so many new tasks to get on with that the legislation had better be postponed for another couple of years. I am inundated with queries on nuisance hedges, as, I am sure, is every Member. People are very annoyed that hedges are growing into their gardens and restricting light, and they cannot understand why the Assembly is not dealing with the matter. Does the Minister not accept that that is a testimony to the failure of his Department and his lack of political will to address a very important issue?

The Minister of the Environment: The Member always knows where the populist button is and how to press it, even when he should know and probably does know that, if what he says were to be examined in the cold light of day, it would be very embarrassing. The Member knows that, even if we were to start the legislative process today, councils could do nothing until the 26 councils were amalgamated to form 11 new ones.

The Member also knows the legislative demands on the Assembly. I have outlined some of the legislative demands that my Department is making on the Assembly, and, given those of all the other Departments, it would not be possible to pass the legislation in the time required. I am already hearing complaints from councils about how they are expected to do all that they have to do to be ready for 2011 — getting departments joined together, councils co-ordinated, new officers appointed and so on. Imposing a new legislative requirement on them would be very demanding; the Member said as much

himself. The SDLP is using this issue to score cheap points rather than to deliver a considered policy.

FINANCE AND PERSONNEL

Barnett Formula

1. **Dr Farry** asked the Minister of Finance and Personnel to report on the Barnett consequentials arising from the UK Budget announcement on 22 April 2009. (AQO 2871/09)

The Minister of Finance and Personnel (Mr Dodds): The Chancellor of the Exchequer delivered the 2009 Budget statement to Parliament on 22 April. That included further measures to support the economy as well as details of the fiscal consolidation required from 2010-11.

In relation to the Barnett consequentials, the Northern Ireland Executive received £116.4 million in additional funding over the years 2009-2010 and 2010-11 as a result of the announcements made in the Budget. That is composed of £26.5 million of current expenditure for 2009-2010 and £60.7 million for 2010-11, as well as £23.8 million in capital investment in 2009-2010 and £5.4 million for 2010-11.

3.30 pm

The 2008 pre-Budget report issued last November indicated that £5 billion of additional efficiency savings would be required of UK Departments in 2010-11, and the 2009 Budget confirmed that the Executive's departmental expenditure limit would be reduced by £122.8 million as a result. The 2009 Budget also provided some early indications on overall growth in UK public expenditure over the medium term; that is, to 2013-14. The latest Treasury projections imply that there will be a marked slowdown in the growth of current expenditure and that capital investment will decline. However, we will only know the precise level of Barnett consequentials for the years 2011-12 to 2013-14 as part of the next UK-wide spending review, which is expected sometime next year.

Dr Farry: I thank the Minister for his comprehensive answer. As the Minister explained, the consequentials arose from increased spending on economic activities at a UK-wide level. Therefore, will the Minister assure the House that the Executive will invest the consequentials in our own measures to improve our economic situation and avoid the temptation of using the £116 million to offset the increased efficiency savings?

The Minister of Finance and Personnel: I hear the honourable Member's point and, of course, that will be a matter for the Executive to consider as part of the

next monitoring round and subsequent monitoring rounds. However, if the Member is saying that we need to invest the £116 million as extra expenditure in programmes, that would mean, in effect, having to cut £122 million from somewhere else, because one offsets the other. I see the Member nodding in agreement. Therefore, although it could be decided to allocate the £116 million and make cuts worth £122 million, the most sensible approach would be to use the incoming £166 million to offset the £122 million worth of cuts.

One of the things that came out of the Budget was that, compared with predictions of what would be taken out of the Northern Ireland Budget — between £400 million to £600 million was suggested — the figures for the so-called efficiencies turned out to be much less than that; moreover, we got the Barnett consequentials. Therefore, although it was not a tremendous outcome for Northern Ireland, it was much better than some had predicted; and, when compared with other devolved regions, it was not as bad as could have been feared.

Mr Shannon: I thank the Minister for his response. At this time it is important that the most careful consideration be given to the economy, and knee-jerk reactions rarely help. Will the Minister tell the Assembly what representations he has had directly from Alistair Darling about the consequentials?

The Minister of Finance and Personnel: There is always contact between the Treasury and the Department of Finance and Personnel, especially in the run-up to, and directly following, a Budget. As the Member will be aware, only last week we approved a scheme announced by the Minister of Enterprise, Trade and Investment, Arlene Foster, for extra help for businesses in Northern Ireland at this difficult time. That shows the importance of helping the economy and putting it at the centre of the Programme for Government.

It is also worth pointing out that, as well as the Barnett consequentials, there were measures in the Budget that apply right across the United Kingdom and, therefore, directly apply in Northern Ireland as well. Those measures include the one-year increase in first-year capital allowances to 48%, an increase in statutory redundancy pay, making the weekly rate £380, as well as issues concerning the winter fuel allowance and the child element of the child tax credit. As a result of the Budget, those elements apply directly to Northern Ireland as part of the United Kingdom.

Mr O’Loan: The basis of the Barnett consequentials was support for housing and energy efficiency measures. Will the Minister give his personal support to reserving the Barnett consequentials that we have received in Northern Ireland for those purposes?

The Minister of Finance and Personnel: The Member knows that when his colleague and party leader

Mark Durkan was Finance Minister, he was always at pains to point out that when Barnett consequentials came to Northern Ireland, or any devolved regions, they did not come earmarked for any particular purpose. That has always been the accepted position, even by the Member’s own party. Of course, the corollary of that would be to say that if Barnett consequentials were claimed for health or agriculture they could not be used for any other reason, regardless of the particular needs in Northern Ireland. That should always be a matter for the Executive, and they will decide the overall strategy and priorities for Northern Ireland. As the Member knows, the Department for Social Development has fared considerably better than a lot of Departments in the distribution of in-year monitoring when it comes to capital investment.

Energy Performance Certificates

2. **Mr Craig** asked the Minister of Finance and Personnel to provide an update on energy performance certificates. (AQO 2872/09)

The Minister of Finance and Personnel: The final phase of the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 came into effect on 30 December 2008. Since then, the owner or landlord of a domestic or commercial property that is constructed or is to be sold or rented must have an energy performance certificate available to provide to any prospective buyer or tenant at the earliest possible opportunity. My officials have been engaged in an enforcement programme since the regulations were made in April 2008, which has included a series of information seminars attended by over 1,500 members of the public, property professionals and solicitors. Officials have established a dedicated website, press advertisements have been taken out and editorials have been placed in local newspapers and trade magazines. Officials have also issued mailshots, including to MLAs, and made over 500 visits to estate and letting agents.

Mr Craig: Will the Minister explain why the onus to provide an energy performance certificate lies with the homeowner, rather than with estate agents?

The Minister of Finance and Personnel: That issue has been raised by other Members. We are bound by the European directive on the energy performance of buildings. Article 7 of that directive states that a certificate is made available:

“by the owner to the prospective buyer or tenant”.

That requirement, which was set down in EU law, had to be reflected in the regulations that were introduced by the Department of Finance and Personnel (DFP) to implement that part of the directive.

Although estate agents have no statutory obligations under the regulations, they have been largely supportive of the energy performance certificate requirements and have assisted the Department by encouraging clients to comply.

Mr Gallagher: Does the Minister agree that energy performance certificates alone will not make a significant contribution to the reduction of our carbon footprint? We need several initiatives. Has his Department any other initiatives that it might be prepared to fund, such as the initiative introduced in the Republic of Ireland to improve the energy efficiency of homes? The Republic of Ireland is in an economic downturn, and that initiative has created 200 jobs. Does the Minister have anything more in mind?

The Minister of Finance and Personnel: If the Member waits for my answer to question 4 he will hear the answer to his question. In my answer to that question I will provide an update of the plans for green rates rebates. Therefore, we not only have the matter in mind, we have concrete proposals on it.

Energy performance certificates are beneficial tools. They allow prospective buyers and tenants to access information on whether a building complies with up-to-date building regulations. The certificates are important but they are only part of the jigsaw. When we come to talk about green rates rebates, the Member will see that the Department is taking specific measures to deal with the matters that he has raised.

Mr Deputy Speaker: Mr Alastair Ross is not in his place for question 3.

Rates: Green Rebates

4. **Mr Hilditch** asked the Minister of Finance and Personnel for an update on his plans for green rates rebates. (AQO 2874/09)

The Minister of Finance and Personnel: We did not have to wait long for question 4.

Last December, I announced my intention to introduce two new green rate-relief schemes next year. One scheme encourages homeowners to bring their homes up to modern insulation standards by offering them one-off rebates. The other scheme offers an initial five- or two-year rates exemption to the first occupiers of new zero- and low-carbon homes respectively. The decision to introduce the schemes was taken in response to views expressed during a 12-week consultation last year and was supported by the Committee for Finance and Personnel.

For both schemes to be operational by next April, primary and subordinate legislation must be made before then. The primary legislation has been drafted and I am engaged in the process of securing Executive

approval for its introduction to the Assembly. Officials have also commenced work on the necessary subordinate legislation and are liaising with key internal and external stakeholders on the detailed outworking of the scheme.

It is imperative that the draft legislation is approved by the Executive and that the matter comes before the Assembly as soon as possible. There should be no further delay in bringing it to the Assembly.

Mr Hilditch: I am concerned to learn that if progress is not made on the necessary legislation soon, the scheme may not be in place by April 2010 as originally planned. Will the Minister indicate whether delay in the legislation will have a potentially adverse impact on other rating reforms such as relief for small businesses?

The Minister of Finance and Personnel: To mitigate the risk of any delay, powers have been taken in the draft primary legislation to allow reliefs under both schemes to be applied retrospectively. However, it would be far better for the legislation to be in place by next April. It is absolutely essential that that happens as quickly as possible. I know that the proposals in the comprehensive rates legislation have been welcomed by all parties, and therefore there should be no further delay in agreeing the matter in the Executive and bringing it to the Assembly. We are taking steps to mitigate the risk of delay.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle.

Will the Minister tell us whether his plans for green rates will benefit only private householders and private landlords?

The Minister of Finance and Personnel: The Member is aware of the consultation that took place on that matter and the intense engagement with the Committee for Finance and Personnel. He is also aware of the serious representations that were made by the Energy Saving Trust, the Housing Executive and others as to how the schemes should be implemented. They had a very clear view as to how that should happen.

A decision was taken to allow, in the draft Bill, the social and private-rented sectors to be included in the future on the basis that they already have funding in place to do a lot of what should be done in the private sector now, through the money that is given to the Department for Social Development and the Housing Executive. The Housing Executive took the view that that was the best approach to take. We will keep the matter under review.

3.45 pm

Mr K Robinson: It is difficult to see what the potential fallout from the green rates rebates will be, given that the scheme is a new departure for the Department. However, will the Minister indicate how much revenue he estimates might be lost through green

rates rebates and how he plans to recover any potential losses?

The Minister of Finance and Personnel: It is always important to bear mind the cost of any measures that are introduced. Members in this House in particular have a tendency to talk about what needs to be done; however, they never actually add up how much their proposals will cost. If one were to add up the cost of everything that was sought here over the past couple of weeks, the total would be hundreds of millions of pounds. With one or two notable exceptions, no Member is ever prepared to say where in the block grant the money should come from. Therefore, the Member is right to make his point.

It was agreed that the amount of rebate for insulation measures should be higher than that of the Northern Ireland Electricity (NIE) cashback scheme, which is about £150. A figure of around £200 per measure is being considered, however, the overall cost will not be unduly onerous. I will send the Member that information in writing.

Dr McDonnell: I thank the Minister for his answers. Given the good public and cross-party response to the work on green rates rebates, will he explain why some of the grants for energy improvements have been withdrawn, because that is a travesty?

The Minister of Finance and Personnel: I am not clear exactly what the Member is talking about. Perhaps the issue is a matter for the Department of Enterprise, Trade and Investment, the Department for Social Development or the Department of the Environment to address; however, it is not a matter for me to address. I can only suggest that the Member tables a question to the appropriate Department in order to elicit further information.

Mr Deputy Speaker: Questions 5 and 6 have been withdrawn.

Strategic Policy Division

7. **Mrs Hanna** asked the Minister of Finance and Personnel for an update on the work of the Strategic Policy Division. (AQO 2877/09)

The Minister of Finance and Personnel: DFP's strategic policy division fulfils a wide range of functions. In addition to managing the professional economist cadre across the Northern Ireland Civil Service, the division provides a range of professional services to the Minister. Those include advice on policy issues, such as control of public sector pay, delivery of value for money, affordability in all major projects submitted to DFP and a wide range of policy analysis and support functions.

The division's policy-analysis remit includes the local impact of UK tax and spending decisions, as well as input into the development of the Executive's Budget. The division is now also leading on a range of concerns, such as the conacre legal challenge, the difficulties associated with the Presbyterian Mutual Society and the banking industry problems.

Mrs Hanna: First, what contribution has the strategic policy division made specifically to address the economic crisis? Secondly, is it leading on any joint initiatives with other Departments that have direct economic links?

The Minister of Finance and Personnel: DFP's strategic policy division takes the lead on developing an overarching economic strategy for Northern Ireland. That is partly because an overarching economic strategy involves policy areas that impact on many Northern Ireland Departments. For example, responsibility for skills and employment policy rests mainly with the Department for Employment and Learning; responsibility for innovation and enterprise rests with the Department of Enterprise, Trade and Investment; and responsibility for developing infrastructure rests with the Department for Regional Development. It is also because DFP has responsibility for monitoring and controlling the use of financial resources. Only with DFP leading on that important cross-cutting area can control be exercised adequately and objectively. I hope that my answer has given a flavour of the cross-cutting nature of the work of the strategic policy division.

Economy

8. **Mr McCarthy** asked the Minister of Finance and Personnel to report on his Department's response to the economic downturn. (AQO 2878/09)

The Minister of Finance and Personnel: The main role of the Department of Finance and Personnel in respect of the Executive's response to the economic downturn is to facilitate and assist other Departments as they provide support to local households and businesses in the economic downturn.

I announced the formation of a construction industry forum procurement task group for Northern Ireland in the Assembly on 15 December 2008, and the Executive's reviews of rating, regional rate freeze and the deferral of water charges have all helped many households. Furthermore, non-domestic rating policy has benefited small businesses and manufacturing companies, and a 10-day prompt-payment initiative was announced in November 2008 to assist suppliers' cash flow. Moreover, significant additional support was provided to local firms and businesses as part of last year's in-year monitoring process.

Mr McCarthy: I thank the Minister for his answer. Returning to the issue of the Barnett consequentials, although I respect fully the right of the Executive to make their own decisions, surely the fact that we are getting £116 million as a result of increased investment in Britain gives a strong indication that we should do more for the economy in Northern Ireland.

The Minister of Finance and Personnel: It seems that I must keep reminding Members of the increase in capital investment and expenditure here last year. Capital investment, which assists the construction industry and which will provide a modern infrastructure for Northern Ireland, was increased by 30% last year compared with the year before. That is a very significant increase by anyone's standards, and the Executive have also introduced specific measures to assist businesses and those in jobs in very difficult times. Those measures include capping manufacturing rates, freezing business rates and introducing a small business rate.

If we deal with the wider issue of expenditure coming into Northern Ireland through the block grant, the £118-odd million as a result of the Barnett consequentials, it must be remembered that a significant increase has been built into departmental spending plans in 2009-2010 compared with 2008-09. For example, the Department of Education has seen its resource allocation increased this year by 5.8% and its capital allocation by 18%. The Department of Enterprise, Trade and Investment has increased its resource allocation by 4.5%, and the Department for Regional Development, which deals with much of the infrastructural investment, increased its resource allocation by 7.5%. Therefore, significant increases in the spending of various Departments in Northern Ireland have been created through the Budget process, regardless of any money that is gained through the Barnett consequentials.

Mr McCarthy: Until we have those increases —

Mr Deputy Speaker: Order. Mr Ian McCrea is not in his place to ask question 9.

Post Offices

10. **Rev Dr Robert Coulter** asked the Minister of Finance and Personnel, apart from the announced rate relief under the small business rates relief scheme, to outline what other plans he has to help the 540 small Post Offices. (AQO 2880/09)

The Minister of Finance and Personnel: The honourable Member's question refers to the rate relief that is available under the small business rates relief scheme. He will be aware that as far as I, as Finance Minister, am concerned, there are limitations in the provision of direct assistance to businesses. The only significant way that I can provide financial assistance is through the rating system, and I will be providing

enhanced relief for our smaller post offices through the forthcoming small business rates relief scheme. Indeed, as I mentioned earlier, I am engaged in securing Executive approval for the introduction of the draft enabling legislation for that scheme in the Assembly, and that must be introduced without further delay.

The post office element of that scheme was worked out following detailed discussions between officials from my Department and local and national representatives of the National Federation of SubPostmasters. Indeed, evidence that that organisation provided influenced final policy.

Rev Dr Robert Coulter: In other parts of the United Kingdom, county councils are mindful of the important community functions of local post offices and have turned them into information and access points for public-service delivery. Would the Minister consider such a scheme for Northern Ireland to secure the future of our remaining post offices, particularly those in rural areas?

The Minister of Finance and Personnel: I will certainly take on board the Member's point. However, our plans mean that many small post offices will not have to pay any rates at all.

That will result in an average saving of £1,620 a year. Others will have to pay only 50% of their rates liability, which will result in an average saving of £2,580 a year. The Member will also be aware that, in recognition of the economic downturn to which Members referred today, I announced a freeze on the non-domestic regional rate. That will help all post offices and all other businesses at this time of recession.

We all know the value of post offices, and we all support the post office network. If other measures can be taken for post offices, other Departments need to be pressed and challenged about what they can do. My Department is limited in what it can do, but, through the measures on rates, it is making a considerable contribution to helping post offices. I am sure that the Member will wish to pursue some areas with other Departments.

Mr Deputy Speaker: Mr Barry McElduff is not in his place for question 11; Mr Jimmy Spratt is not in his place for question 12; and Mr Patsy McGlone is not in his place for question 13.

Northern Ireland Block Grant

14. **Mr K Robinson** asked the Minister of Finance and Personnel, following the Chancellor's Budget announcement of £14 billion in efficiency savings, when he will bring proposals before the Executive to address the cuts to the block grant from 2011-12. (AQO 2884/09)

I am really surprised to have been called. I hope that the Minister has an answer to question 14.

The Minister of Finance and Personnel: I do not know who is more surprised by the fact that we got as far as question 14. I am glad to say that I have an answer.

The most recent UK comprehensive spending review of 2007 determined the funding that was available to the Northern Ireland Executive from the Treasury for 2008-09 to 2010-11. No block grant allocation is in place for 2011-12 and beyond, because the next UK-wide spending review has not happened yet. That is expected to happen at some point next year. Therefore, it is impossible to speculate with any degree of certainty about overall levels of funding from the Treasury.

Mr K Robinson: I am desperately surprised and disappointed that the Minister will not speculate at some length. The cuts that may be imposed on our Budget as a result of efficiency savings would result in difficulties. Will the Minister, in discussions with his colleagues, take into account the dire straits in my constituency of East Antrim, where public-sector jobs have already been decimated to a leave a very low base? When efficiency cuts are mooted, they tend to result in job losses in the public sector in particular.

The Minister of Finance and Personnel: I take on board the Member's comments about his constituency, and I understand where he is coming from on that issue. I gently suggest to the Member that, given the likely composition of the next Government, he and his party colleagues will have considerably greater influence over the level of the potential efficiency savings beyond the current Budget cycle, which ends in the next financial year, than anyone in the Executive outside of the Ulster Unionist Party. I have no doubt that we can all look forward to no cuts at all. The Member will be able to say that his party delivered no cuts and that there will be no problems for East Antrim.

Mr Deputy Speaker: None of the Members who have their names down to ask questions 15, 16, 17, 18, 19 or 20 are in their places, so that concludes Question Time.

Adjourned at 3.59 pm.

Written Ministerial Statement

The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.

SOCIAL DEVELOPMENT

Appointment of the Charity Commission for Northern Ireland

Published at 10.30am on Monday 1 June 2009

Minister for Social Development (Ms Ritchie): I am pleased to inform Assembly Members of the appointment of members to the Charity Commission for Northern Ireland (“the Commission”).

The Charities Act (Northern Ireland) 2008 which was granted Royal Assent in September 2008 provides for a new regulatory framework for all charities operating in Northern Ireland. The Commission, a non-departmental public body, will be Northern Ireland’s first regulator and registrar of charities.

The first of a series of Commencement Orders which will bring the new legislation into operation was made on 26 March 2009. The Order commenced those provisions relating to the establishment of the Commission, thus paving the way for the appointment of members.

Competitions to recruit members of the Commission were carried out under the public appointments process which is regulated by the Office of the Commissioner for Public Appointments. Today, I will announce the names of those candidates whom I have appointed, as follows:

Chief Commissioner:	Mr Tom McGrath
Deputy Chief Commissioner:	Ms Patricia Sloan
Charity Commissioners:	Ms Angela Chada
	Mr Paul Cavanagh
	Mr Philip McDonagh
	Mr Walter Rader

The Commission will be tasked with a major programme of charity law reform which will promote good governance of, and increase public confidence in, the charitable sector. In addition to its significant powers to regulate, monitor and investigate, the Commission will achieve this through close liaison with the PSNI, Revenue & Customs and other charity regulators in the UK and Ireland.

