
NORTHERN IRELAND ASSEMBLY

Monday 5 October 2009

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

Members observed two minutes' silence.

MINISTERIAL STATEMENT

Independent Review of Economic Development Policy in Northern Ireland (DETI/Invest NI)

Mr Deputy Speaker: I have received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement regarding the independent review of economic development policy in Northern Ireland.

The Minister of Enterprise, Trade and Investment (Mrs Foster): I wish to make a statement on my intention to launch a short period of consultation on the report of the independent review of economic development policy, which was published last week.

Members will be aware that I invited Professor Barnett, the vice chancellor of the University of Ulster, to chair the review into whether the existing Department of Enterprise, Trade and Investment (DETI) and Invest NI policies, programmes and resources are contributing optimally to the delivery of the productivity goal in the Programme for Government. I thank Professor Barnett and his review panel for the time and effort that they put into producing their detailed and wide-ranging report.

The panel made a total of 58 recommendations. In summary, it recommends that there is a need to promote a much greater emphasis on supporting innovation as well as research and development; a need to provide greater autonomy for Invest Northern Ireland in order for that organisation to be more responsive and flexible in supporting companies; a need to improve the way that economic policy is developed and co-ordinated in the public sector; and a need to re-examine the way that we assess performance, in particular the tendency to examine each individual decision rather than adopting a broader portfolio-based approach.

The report outlines a number of recommendations in other areas of government that help to deliver on the Programme for Government productivity goal. Those

include important areas such as skills, infrastructure and planning.

It is clear that the panel put a huge effort into addressing those highly significant and complex issues. Its conclusions and recommendations will require the most careful consideration, which is why I will not be jumping to a conclusion on the report's analysis and recommendations. I was exceptionally disappointed, but perhaps not surprised, by some of the sensationalist coverage that followed the immediate aftermath of the launch of the report last week. Much of that was at odds with the balanced tone of the report, and, I believe, misrepresented the findings and conclusions of the report.

That coverage was in marked contrast to the mature and balanced discussion that took place during Question Time in the Chamber last week. Following that lead, I urge everyone to give the report the mature reflection that it needs and deserves.

The panel's analysis and recommendations will prove a valuable stimulus for a thoughtful and wide-ranging consideration of what needs to be done to grow the economy. However, there is also an urgent need for action, which is why I am announcing today that there will be a short, six-week period of public consultation on the report, ending on Monday 16 November. Responses should be sent to the strategic planning division in my Department, and further details can be found in the covering letter that accompanies the commencement of the public consultation exercise.

My objective is to balance the need to draw in views with the need to reach timely conclusions and to initiate purposeful actions on the report and its recommendations. I commend the statement to the Assembly.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): I thank the Minister for her statement and echo some of the comments that she made on the sensationalist approach to the report by some members of the press, though not all.

The report is a substantial and complex piece of work, and the implementation of its recommendations will require all of government to work together. As the Minister rightly said, the report will require most careful consideration and mature reflection. However, she also referred to the urgent need for action. With that in mind, what consideration have the Minister and her Department given to the involvement of other Departments and agencies in the development of proposals for action on the findings of the report and to the estimated timescale for bringing those proposals to the House for implementation?

The Minister of Enterprise, Trade and Investment: I thank the Chairman of the Committee for his comments and his question.

The report has been shared with my ministerial colleagues — it was sent to them on the same day that I received it. It is important to take the views of colleagues at high level, initially and later on, on how the report could impact on their Departments. Although the review's terms of reference only covered the policies of DETI and Invest Northern Ireland on the economy, the point is well made in the report that there are many other Departments that contribute to the success or otherwise of the Northern Ireland economy. The main thrust of the report is about raising the productivity of the Northern Ireland economy, and Barnett points to a wide range of areas that do not fall under the remit of DETI. Therefore, there will need to be engagement between me and my Executive colleagues.

I wanted the consultation to last six weeks, and no longer, because there is a need to gather the views of representatives from the business community and other stakeholders before I hold my discussions with ministerial colleagues. This piece of work will engage all my colleagues, which is why I intend to take it to the Executive shortly after the consultation finishes.

Mr Hamilton: I welcome the proposal in the report to merge the Minister's Department with the Department for Employment and Learning (DEL), or at least elements of that Department that are economically focused and facing. That proposal will be widely welcomed by the business sector and the community at large. If the proposal finds favour in the Executive, how can it be taken forward so that we receive the benefits of it that are underscored in the report?

The Minister of Enterprise, Trade and Investment: It will come as no surprise that I welcome the proposal to merge DETI and DEL so that there is a single Department of the economy. That proposal was welcomed by the business community, which is reflected in the evidence that its representatives gave to the review. However, that is not just a matter for my Department; as the Member knows, it will have to go to the Executive. Although I can take a view on the matter, the Executive will have to come to a view on it and take it forward. The Assembly and Executive Review Committee, which the Member sits on, will probably also have a role.

However, it is something that I welcome and that I am sure will come up for discussion after the consultation.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I, too, thank the Minister for her statement. Given some of the criticisms in the review of the performance of Invest NI — to which the Minister referred in her statement — does Invest NI not need to be made more accountable rather than given more autonomy?

The Minister of Enterprise, Trade and Investment: I do not accept that at all, and that is certainly not the finding of the Barnett review, which clearly says that

Invest Northern Ireland should be given more autonomy to allow it to be more flexible and responsive to the needs of the business community and those seeking to invest in Northern Ireland. The Member's assertion is not borne out by the evidence and is not in the review.

The review is balanced in many ways, not least in its assessment of the work of Invest Northern Ireland. It highlights areas of good performance, and, yes, it does contain criticism. However, there is not much point in me asking such a panel to carry out a review if it gives me only good news. I wanted constructive criticism, which is very much in the review, and I welcome that. I hope that we can have a mature debate on how we deal with that criticism and move the discussion forward.

Mr Cree: I thank the Minister for her statement. It is good to have that review; there is a lot in it. At this early stage, a lot more thought is needed before we come up with broad questions on the way forward. However, one thing did catch my eye: 55% of total programme costs for selective financial assistance was spent on expanding businesses rather than growing new ones. Is the Minister happy with that emphasis?

The Minister of Enterprise, Trade and Investment: There is a good deal about selective financial assistance in the review, particularly in relation to "dead weight", which involves giving money to a company that later says that it was going to expand anyway. However, that is not known when dealing with a company up front, and therein lies the difficulty. When you are dealing with someone across the table who says that unless you give me assistance, I will take these jobs elsewhere or not expand, do you take the risk and decide not to help the company with those jobs, or do you step back and give it the money?

That is an issue that will come up again and again, and the Member is right to point it out. However, selective financial assistance is on a timeline, and that also gives us difficulties from a European perspective. I am pleased to see that the review provides suggestions about how we can argue with Europe to keep some of that selective financial assistance, because we still need that help in Northern Ireland.

Productivity versus jobs, and lower-paid jobs, is an issue with which the Assembly will have to come to grips. I said it last week, and I will say it again: should we continue to bring low-value jobs to a constituency, even though I know that Members very much welcome those jobs in their constituencies? The review clearly says that we should emphasise innovation and research and development and that low-paid jobs should be able to find their own way. That is a big decision for the Assembly and for Invest Northern Ireland and is for Members to look to in respect of their constituencies.

Mr Neeson: I thank the Minister for her statement. I welcome the publication of the review, particularly in relation to small and medium-sized enterprises (SMEs). One recommendation is that SMEs should be integrated into the supply chains of large companies. How does the Minister react to that? Secondly, Professor Barnett and his team will appear before the Committee for Enterprise, Trade and Investment this week. Is six weeks long enough for the consultation?

The Minister of Enterprise, Trade and Investment: I will answer the second question first. Yes, a six-week period is long enough I do not want to be accused of paralysis, apart from anything else. Government are always accused of taking in reports and allowing them to sit and not acting on them.

I was determined that that would not happen with this report, because it contains many good points. Some recommendations will take longer to implement, but we can act on others now. In fact, Invest Northern Ireland is already carrying out actions that have much synergy with the report's recommendations.

12.15pm

I was pleased to see a section on small businesses in the panel's report, because part of the criticism that I continually hear about Invest Northern Ireland is that it has a client base that it does not go beyond. The report talks about doing away with the emphasis on client companies, and I welcome that as it will allow Invest Northern Ireland to engage with companies that it otherwise would not have dealt with, particularly small businesses.

I am pleased with how Invest Northern Ireland has been working on some bigger contracts to bring in smaller companies and allow them access, which goes back to the public procurement issue. For instance, Invest Northern Ireland is working with the team in the south west hospital to bring in small contractors and allow them access to the work. Moreover, it allowed small contractors to bid for work in Bombardier recently. We can do a lot for small businesses that has not been done to date. I welcome that.

Mr Storey: I welcome the fact that the Minister has launched the consultation. She mentioned small and medium-sized enterprises, which are the core of constituencies such as mine, especially in places such as Ballymoney and Ballycastle. What will be the implications of the report beyond the confines of Belfast and Londonderry? There is much concentration on issues around those two cities, but spreading the benefits of the economy is surely an essential component in all parts of Northern Ireland, especially rural areas such as those in the Minister's constituency.

The Minister of Enterprise, Trade and Investment: It will not surprise the Member to learn that I want Invest Northern Ireland to operate in places other than

Belfast and Londonderry. It is important that coverage spans Northern Ireland. When I took up my ministerial post last year, I visited each Invest Northern Ireland office in Northern Ireland to encourage them to, as the Member says, engage locally with councils, Chambers of Commerce and small businesses. The report has validated that notion and encourages us to look beyond the client company base.

As the Member knows, more than 80% of companies in Northern Ireland are SMEs, and, therefore, a huge number of people are employed in such businesses. As the Member said, they are the backbone of the economy in Northern Ireland. I welcome that part of the report and look forward to taking it on.

Dr McDonnell: I thank the Minister for her statement. Does she share my view that Invest Northern Ireland has been strangled in many ways since its birth by petty bureaucratic accountability rather than enjoying the meaningful accountability that it needs? Is the Minister aware that, at the outset, Invest Northern Ireland was intended to be fairly autonomous but that somewhere along the way, it became strangled by the Department? How does she intend to reverse that position and give Invest Northern Ireland the space, freedom and autonomy to do the job that is required of it?

The Minister of Enterprise, Trade and Investment: The Member is right: a large section of the report mentions governance. Governance issues between DETI and Invest Northern Ireland are very good in so far as there are a lot of them. There needs to be greater clarity about their respective roles and responsibilities on economic policy. In other words, DETI sets the economic policy, and Invest Northern Ireland has a role that is flexible and responsive, but realising that it spends public money and must be accountable for that expenditure. That is absolutely right and should continue to be the case.

The Member might recall that in my first meeting with the Committee for Enterprise, Trade and Investment, I raised the issue of risk and the fact that Invest Northern Ireland should be allowed flexibility. Instead of focusing on one investment announcement, we should consider investments in a portfolio manner and consider several investments together. Then, if one investment fails and nine are successful, it would be a good story.

I must emphasise that that approach is not, as some commentators have suggested, a way of allowing Invest Northern Ireland to waste government money — not at all. It allows it to be more flexible, as a regional development agency, and to get those high-productivity jobs that we so desperately need in Northern Ireland. I welcome that; I hope that it encourages Members to debate the issue in the Committee for Enterprise, Trade and Investment and in the House to try to strike a balance between good governance and the need to be flexible.

Dr Farry: I welcome the Minister's statement. Will the Minister confirm that, in determining a way forward, governance structural issues are secondary and that the primary challenge is to increase productivity in Northern Ireland? Will she expand on that and talk about the challenge of moving from an economy that competes on the basis of low costs to one that is based on skills and quality? Selective financial assistance, which is based on attracting people in with grants, is not sustainable in the longer term.

The Minister of Enterprise, Trade and Investment: It is interesting that the Member should make that point. It is the same point that I made to a potential Indian investor when I was in India. That investor asked about tax breaks and corporate tax rules in Northern Ireland. I answered by saying that investors need to look at Northern Ireland in a holistic sense, taking account of our skills and our standard of living. We must acknowledge that real estate here is a lot better value for money than that in competing areas, such as London, Edinburgh, Dublin or Cardiff. From that perspective, investment in Northern Ireland is attractive, but we must encourage investors to look at it as a whole.

The Member is right when he says that governance issues are longer-term considerations than programme and policy issues, which we can deal with quickly. That is why I wanted a short consultation that would allow us to get on with things. Invest Northern Ireland is already dealing with some of those issues, particularly in the area of innovation and research and development. The Member may know about a new research and development programme that was launched last December. That has been welcomed by the business community in Northern Ireland. We need to intensify those programmes, after which we can make progress on the discussion about governance.

Mr O'Loan: I congratulate the Minister for commissioning the report, and I welcome its contents. I agree with her comments about the media response, some of which was hysterical and did not do justice to the good work that Invest Northern Ireland has done, as well as noting the improvements that need to be made.

The report made a recommendation on improving the way in which economic policy is developed and co-ordinated in the public sector. Does the Minister agree that, instead of the three economic policy units that we have — one in her Department, one in the Office of the First Minister and deputy First Minister (OFMDFM) and one in the Department of Finance and Personnel (DFP) — it would be desirable to have a single unit, which would be concentrated in her Department? We could readily achieve that; it would be much easier than uniting two whole Departments.

Mr Deputy Speaker: Before I ask the Minister to respond, I remind Members to check that their mobile

phones are off. Not only do they disturb every other Member, they affect the recording equipment in the Chamber.

The Minister of Enterprise, Trade and Investment: The Member has made that point in the Chamber on a number of occasions. It will come as no surprise to him that the section of the report that deals with core economic functions is in line with his thinking on this issue. That is why it makes a point about a single Department of the economy and a single, permanent subcommittee, which I, as the Minister, would chair. It also mentions the running-down of the Economic Development Forum (EDF), and that has not been discussed much. That, in itself, is a significant suggestion, but it has remained largely under the radar; I am not sure why that has been the case.

There is a need to consider having a focused policy for the economy. The economy is the centre of our Programme for Government and is our number one priority. Therefore, all policies that flow from the Programme for Government should be focused on that goal. We must streamline our approach in that regard; that is one of the governance issues that Mr Farry mentioned that will take a little longer to put into practice. However, I am keen to follow up on it.

Mr Attwood: I welcome the report and the accelerated consultation period of six weeks, which I feel to be appropriate. I look forward to the day when Invest NI is much more than a Belfast-based agency. In fact, I look forward to the day when it is not just a south- and east-Belfast-based agency, and extends not just across the North but into north and west Belfast.

I return to the point made by my colleague Mr O'Loan. Is it not the case that, on the Government side of economic policy, too many cooks spoil the broth? The head of the Civil Service told the SDLP earlier this year that the responsibilities of the economic policy unit in OFMDFM are recession, economic response and co-ordination of economic policy under the Programme for Government. Does the Minister agree that that is duplication of effort, and that those economic policy responsibilities and economic policy units should only be part of her office?

The Minister of Enterprise, Trade and Investment: That was a good try by the Member to get me to confirm that. The economy is a priority across government, as I said in response to his colleague the Chairperson of the Committee for Enterprise, Trade and Investment. It does not only affect my Department. I accept that there is a lot in the report that highlights the need to have a focus.

I will bring the results of the consultation to the Executive for a full discussion on that focus, as well as other issues. The Member can look forward to what I will have to say after I have had that discussion. He is

right in saying that there is a need for a focus in economic policy, and we will see how that comes out after the consultation.

Mr McFarland: I thank the Minister for her statement, and welcome the report. Invest NI was set up as an amalgamation of IDB and LEDU, with a view to getting away from the idea of LEDU being a poor relation. In October 2002, IDB and LEDU were dissolved, and Invest NI unfortunately ended up going towards the old IDB system.

Does the Minister recognise that this is an opportunity to refocus Invest NI into an organisation seen by small businesses as being fair to them? Will the Minister examine the way in which the Belfast Harbour Commissioners were dealt with? In a previous mandate, there was a similar argument about whether they should be given economic independence and allowed to float. As she will see, they have done extremely well out of that freedom.

The Minister of Enterprise, Trade and Investment: I am happy to consider other examples of how organisations have been dealt with by the Government, and I will take on board the Member's comments about the Belfast Harbour Commissioners.

In the early days of Invest NI, there was more of an emphasis in getting foreign direct investment (FDI). That was done to try to raise productivity, but it cannot be done in isolation from the indigenous firms in Northern Ireland. I realise that, and judging from my conversations with its representatives, so does Invest NI. I hope that smaller companies will feel a lot more comfortable dealing with Invest NI. Invest NI has been doing more in that space over the past two to three years, particularly in some of its programmes. Earlier this year, I launched the 'Go for It' programme, a growth accelerator programme. Work in that field is ongoing. I accept that there probably should be more work in that field, and I will talk to the chief executive of Invest NI about that in the very near future.

Ms Anderson: Go raibh míle maith agat. I apologise to the Minister for not being here at the beginning of her statement. I was signing a petition outside.

I thank the Minister for her statement, and acknowledge that she set up the review into Invest NI. My opinion is that the Minister got more than just constructive criticism from its findings. As the report shows, almost £1 billion of public money was wasted. Almost one third of assistance went to only 10 companies.

The Minister is exceptionally disappointed at the media coverage, and that is something that Declan O'Loan and the SDLP seem to share with her. Does the Minister not realise that, if ever there was an issue of public confidence for the business community, this is it?

12.30 pm

The review was a damning indictment of Invest NI. Invest NI rents out empty buildings in my constituency of Foyle, which makes a contribution to the north-west. Will the Minister take a more robust view of the findings of the report rather than simply leaving it to the consultation? That consultation is appreciated, but people want to hear that the Minister will deal with the recommendations in a robust way. They want Invest NI to have a better working relationship with small and medium-sized enterprises and the entire business community, rather than for it to deal with only a small number of companies.

The Minister of Enterprise, Trade and Investment: I will deal with the recommendations, but I will certainly not deal with the nonsense that the Member has just talked about £1 billion being wasted. Some £4.5 billion of investment came on the back of that £1 billion, so it was not wasted. Is the Member going to turn that investment away? Is she going to turn away the 28,000 jobs that came from Invest Northern Ireland? Is she going to turn away the 15,000 jobs that were sustained, particularly in manufacturing companies? I am disappointed with the Member's comments, because I thought that we would have a mature debate about the report. It is a balanced report, and I urge the Member to read it if she has not already had the opportunity to do so. The report highlights areas of good performance and calls for improvements in other areas. The panel recognises many areas in which Invest NI has performed well and pointed out areas in which there is a need for change. I do not know what sort of message —

Ms Anderson: Scandalous.

Mr Deputy Speaker: Order. The Member has rightly asked the question, but the Member must allow the Minister to answer that question.

The Minister of Enterprise, Trade and Investment: The Member spoke about Invest NI's concentration on the 10 largest companies, but those companies employ 14,500 people. Is the Member saying that we should ignore those companies, or is she saying that we should help them to increase Northern Ireland's productivity? That is what I want to do with those companies and, indeed, with all companies. I already said that there is a need to deal more proactively with smaller companies in the communities in Northern Ireland. I will do that, but I will not take what I have had from the Member today, which is simply not true.

The Member knows how hard Invest Northern Ireland works on issues in her constituency, particularly the jobs at Stream. I am disappointed with the Member's comments about Invest Northern Ireland, given that it is doing everything that it can to bring work to that company in Londonderry. I will deal with the recommendations

based on what is in the report and not on what others would like me to think is in the report.

Mr Spratt: I apologise for not being here for the start of the Minister's statement. The report contains some radical recommendations. Did the panel fully consider the views of the business community during its deliberations?

The Minister of Enterprise, Trade and Investment: The board had a good ongoing consultation relationship with the business community. The panel comprised some experienced businessmen, something which the press seems to have overlooked. The panel also frequently bounced ideas about the recommendations off a practitioners' panel. I am pleased to say that the panel has spoken to and engaged with the business community and that it will continue to do that during the consultation period.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement, and I welcome the approach to the consultation. Consultation and, indeed, consultation within a short time span is important. We must send the message that Executive Ministers can address such issues.

I wish to express my disappointment about one matter. The report is supported by extensive research and consultation, so would this consultation not have benefited from the Minister's commentary on the report's recommendations? That would have shortened the consultation process. The report will have to be brought back to the Executive and the Assembly, and it seems that, at this stage, we are over-consulting on a printed document. The Minister's comments would have added substantially to the value of the public consultation. The Minister may wish to comment on that.

The Minister of Enterprise, Trade and Investment: I imagine that anyone listening to the debate will hear my comments and know my feelings on a wide range of issues. However, I am not going to be prescriptive; I want to hear what others have to say about the report. As I said, the report contains a lot of information, and, if Members wish to speak to me about any aspect of it before the close of the consultation period, I will make myself available. However, it is important to have a short consultation period to take on board views from the business community and other stakeholders.

Mr Deputy Speaker: That concludes questions to the Minister of Enterprise, Trade and Investment on her statement.

COMMITTEE BUSINESS

Employment Bill

Extension of Committee Stage

The Chairperson of the Committee for Employment and Learning (Ms S Ramsey): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 9 November 2009, in relation to the Committee Stage of the Employment Bill [NIA Bill 9/08].

Go raibh maith agat, a LeasCheann Comhairle. The motion is self-explanatory. The Employment Bill had its Second Stage on 30 June 2009 and was referred to the Committee on 1 July. The Bill has eight clauses and two schedules, which Members discussed at Second Stage. Some of the Bill's provisions will amend the Employment (Miscellaneous Provisions) Order 1981, which enhances the Department's powers to investigate and prosecute serious offences by unscrupulous employment agencies. It also provides for amendments to the National Minimum Wage Act 1998 and the Industrial Relations Order 1992.

At its meeting on 16 September, the Committee agreed to ask for an extension to Committee Stage purely because the Assembly and society are looking at the possibility of a swine flu pandemic, and Committee members are concerned that we will not be able to reach a quorum. We know that the Bill is important. The Committee has been working closely with the Department on the Bill, and we want to ensure that an extension of Committee Stage is available if needed. We are determined that the extension will be used only if other issues emerge that are beyond our control. I ask the Assembly to support the Committee's request for an extension of Committee Stage, which we will use wisely.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 9 November 2009, in relation to the Committee Stage of the Employment Bill [NIA Bill 9/08].

Housing (Amendment) Bill

Extension of Committee Stage

The Chairperson of the Committee for Social Development (Mr Hamilton): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 1 December 2009, in relation to the Committee Stage of the Housing (Amendment) Bill [NIA Bill 7/08].

The Housing (Amendment) Bill had its Second Stage on 23 June 2009. As part of Committee Stage, the Committee for Social Development received more than 40 written responses and heard oral evidence from 10 key stakeholder organisations. Committee members have indicated that they very much approve of a number of the Bill's provisions; for example, they have welcomed a statutory requirement on the Housing Executive to produce a homelessness strategy and provide related advice. Despite Members wishing to see that part of the legislation move forward, the Committee asks for a little extra time to consider related issues such as eligibility for homelessness assistance and contentious issues such as the proposed changes to the definition of a house in multiple occupation.

To allow sufficient time for the Committee to consider the views that were expressed and to compile its report on the Bill, I ask the House to support the brief extension of the Committee Stage of the Housing (Amendment) Bill to 1 December 2009.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 1 December 2009, in relation to the Committee Stage of the Housing (Amendment) Bill [NIA Bill 7/08].

Forestry Bill

Extension of Committee Stage

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

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 2 March 2010, in relation to the Committee Stage of the Forestry Bill [NIA Bill 11/08].

On behalf of the Committee, I seek the approval of the House for an extension to the Bill's Committee Stage. To many Members, the deadline may seem generous, but I assure the House that the Committee gave the matter considerable thought before deciding on 2 March 2010 as a realistic target. If the Committee can complete its formal scrutiny of the proposed Bill sooner, it will, of course, do so.

Committee staff and officials from the Department have met already to discuss the logistics of progressing the Bill, and that contact will continue throughout the process. The chief executive of the Forest Service has discussed the length of the extension with the Committee Clerk and has agreed to it. As the Committee is not permitted to return to the House to ask for a second extension, it is essential to get deliberations right in the first instance.

Given that the current legislation is more than 50 years old, the Committee welcomes the opportunity to scrutinise it. Members will recall, however, that great concern was expressed that the Bill does not go far enough in respect of the social, economic and environmental benefits that could be accrued. Stakeholders have been continuing to contact the Committee almost daily. It is, therefore, right for the Committee to give stakeholders' views appropriate consideration.

The consideration of a Bill at Committee Stage involves several logistical issues. The Committee must consult on the Bill, as must the Department, and a public notice to that effect will be placed this week. In contrast to the Department, however, the Committee must also consider any written responses, decide which witnesses to call and hear their evidence. In addition, it must examine the Bill clause by clause before producing a draft report. The Committee intends to issue that report to the Department for consideration, after which it must be printed before being laid in the Business Office and, ultimately, considered by the House.

Given the importance of the Bill, the Committee feels strongly that all those stages cannot be completed within the period defined in Standing Order 33(2), particularly as the Assembly will be in recess for part of that period. Given the amount of consideration that is required, the length of the extension is realistic.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 2 March 2010, in relation to the Committee Stage of the Forestry Bill [NIA Bill 11/08].

PRIVATE MEMBERS' BUSINESS

Grammar School Entrance Tests

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

Mr B McCrea: I beg to move

That this Assembly requests that the Minister of Education establishes a statutory framework for the grammar school entrance tests, effective from the beginning of the academic year 2010-11; and recommends that this statutory framework should remain in place until the Council for the Curriculum, Examinations and Assessment devises, pilots and introduces literacy and numeracy tests compatible with the curriculum, alongside a robust pupil profile, allowing academic criteria to have a role in the post-primary transfer process.

Undoubtedly, some Members will be reflecting on the fact that today's debate is the fifth on the subject. Given all the excitement outside at the Prime Minister's arrival for discussions on policing and justice and the speculation on how the deputy First Minister and First Minister are getting on and on how the issues can be resolved and whether there will be an election, Members may wonder whether the debate is relevant. However, in my opinion, this is the issue that the people of Northern Ireland are talking about. When we go out and meet people in our constituencies, they say that this is the issue that they are concerned about.

12.45 pm

It is no surprise that the 'Belfast Telegraph' has launched a petition that urges all of us to come together and find a solution because, put simply, the situation at which we have arrived is the worst of all possible worlds. It satisfies no one, it puts huge stress on children and it takes an awful lot of time away from teachers and headmasters, who, others will argue, could be doing something else. In addressing this issue, one could consider having a rant and a rave. I have been known to do such things in the past. However, we are now at the stage at which we need considered reflection about what we can do to find a way forward for our children and the people of Northern Ireland.

I want to highlight the fact that we agree on many issues. Although I am happy for people to take issue with what I say, we share the common objectives of trying to tackle educational underachievement. We want to increase social mobility, and we want people who are from not-so-favourable backgrounds to be

better educated, get better jobs and be better paid. Let us lift everybody up. We want to eradicate poverty, which is one of the key issues facing this Administration. Education is the only enduring competitive advantage. We want to prepare our young people for their futures and for an economy that is, of course, uncertain. The only certainty that we can give them is the basis on which to compete.

We also have a common understanding of how we could address those issues and of what it takes to make that a reality. There is consensus on the basis of early intervention, even in the pre-primary sector. There is consensus in the House on the importance of primary school education and the critical role of good teaching. We have some of the best teachers in the world; we certainly have excellent teacher training colleges. We agree about the huge impact of head teachers as the overarching people who are responsible for improving standards and giving our young people the future that they deserve. I do not think that anybody here will disagree about the importance of parental support. What a difference that makes to children in making their way through life.

In addition, we agree on the need for change. If there is one certainty in this world, it is that change will happen. We also agree on academic excellence. We want our young people to do as well as possible. We support extended schools. All of us agree on the importance of the STEM subjects. We recognise the importance of language skills and the benefits of learning communities.

Members will highlight different issues. On the diversity of provision, there are people in this House who will argue for the Irish-medium sector. There are those who will argue for the integrated sector. Others will argue for faith-based schools, and there are also people who will argue for some form of academies. That shows that one size does not fit all. It is most important that we find a way of giving our young people the best start in life. Of course, that will require some form of area-based planning, whereby we try to accommodate all of those issues.

We recognise all of that. We are together, and we agree that we should try to find a way forward. At the risk of agreeing all day, we even agree on where the challenges lie. We agree that there is a challenge in respect of empty desks. We agree that falling rolls will put severe pressure on the financing of some of our schools. We understand the difficulties of maintaining and funding small rural schools, which make up a significant proportion of our school estate.

We acknowledge the strain on our head teachers, which is due to excessive bureaucracy, red tape and overheads and which detracts from their ability to do the job that they want to do. We agree about the iniquity

of funding delays that lead to schools not being built on time, and we know about the financing challenges. I guess that we even agree about maximising autonomy where possible at school level, if that is a school's wish.

So where does the problem lie? If we agree on all those issues, why is it not possible to get together and resolve them? The Ulster Unionist Party has identified four issues, which it puts on the table in the hope that the House will consider them and resolve to address them. There is a difference of opinion about cause and effect. In the past, the Minister has argued that the 11-plus, transfer test or whatever terminology one wishes to use causes social inequalities and that it is iniquitous and unfair. There are other arguments, not least of which is that the tests do not create inequalities, rather, they reflect inequalities.

Mr D Bradley: Will the Member give way?

Mr B McCrea: If the Member is brief.

Mr D Bradley: I notice the growing warmth in the relationship between the Member's party and the Tory Party. Consequently, does the Member agree with the Tory skills spokesperson, David Willetts, who said:

“academic selection entrenches advantage, it does not spread it”?

Mr B McCrea: I am grateful to Mr Bradley for bringing that matter up. In fact, I rather hoped to engender some warmth between the UUP and the SDLP, because these are devolved matters that we must discuss and find a solution to.

Mr D Bradley: So you do not agree with him.

Mr B McCrea: Mr Deputy Speaker, I only have a certain amount of time — 10 minutes — so I cannot deal with barracking. If Members want a solution, instead of making cheap party-political points, they should consider the reality of the situation that faces our children and their role in tackling it.

Some people are not being represented. Parents who want to send their children to particular schools are not finding support in this House. The Minister says that my party is resisting change, but nothing could be further from the truth. We know that change is essential; we embrace and welcome it, and we want to see it. I want to tell the Minister that we are all free to change our minds and choose a different future; some of us may even want to choose a different past. I look to the Minister to see whether she is prepared to engage in finding a solution to this problem, because, if she is, she will find that the people of Northern Ireland will welcome it with open arms.

I hear people speak about an equality issue. Everybody wants equality, which is a word like “justice”. Everybody wants justice. Equality is a meaningless term unless it is further defined. Equality for whom? Equality in what? What is it that those people want to achieve? We are seeking equity. At the end of the day,

the UUP's fundamental position is that parental choice is the bedrock of all democracy. We do not like the iniquity of our children having to do five separate tests. Those who wanted to get rid of the 11-plus seem to have ended up with two tests. That cannot be the way forward. Those who want to keep the existing system need to ensure that it is regulated —

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

Mr B McCrea: The UUP motion helps to do that, so I urge Members to support it.

Mr Lunn: I beg to move the following amendment: Leave out all after "Education" and insert

"instructs the Council for Curriculum Examinations and Assessment to complete, pilot and introduce a literacy and numeracy test based on the revised curriculum to be available to all schools in time for the 2010-2011 academic year, to be used alongside pupil profiles as one of the criteria for post-primary transfer, for one year only pending an agreed solution following inter-party talks."

I listened with interest to the proposer of the motion speak to the motion for about the last 60 seconds of his speech; the rest seemed to be a wide-ranging review of the education system in Northern Ireland. Unusually, I find that I agree with much of what he said. I agree that it is the fifth time that we have discussed this matter, and that this remains the main issue that we face on the doorstep, if we perhaps leave aside the economy. The most important issue is not policing and justice. This is much more important to parents.

The Member spoke about social mobility, and I agree with the various points that he raised. However, the motion is not about that: it is about trying to legitimise the breakaway actions of the AQE and the grammar schools. If I were involved in that movement, I would be glad to see legal cover created by the Department of Education to protect me and my actions. However, I am not involved in that, and as the AQE has sown so shall it reap. I can well imagine the Minister's response to that request.

The motion also seeks to extend indefinitely the system of academic selection. People can dress it up whatever way they like, but the motion calls for the present grammar school tests to be legitimised and extended for another year, while the Council for the Curriculum, Examinations and Assessment comes up with an ongoing test. The Alliance Party proposed that on the fourth occasion on which this matter was debated, in March. We proposed that such a situation should be allowed to exist for two years, to give a chance for the various parties and interests involved to hold further concentrated talks to try to do something about the mess that we find ourselves in. That suggestion was not taken up by the Minister or her party. For various reasons, it was taken up by other parties represented in the Chamber but not because they supported the Alliance Party's thinking on the issue.

The Assembly has been down this road so many times that the outcome of today's debate is entirely predictable. The Ulster Unionist Party's motion will probably be agreed to because it has the support of the two main unionist parties. The Alliance Party's amendment, which merely seeks to reinforce what it put forward in March, will certainly fail. Neither of those decisions will be in any way binding on the Department or the Minister. I am sure that the Minister will not change her position, and I do not see why she should in the present circumstances. By way of response, we will probably hear from the Minister of Education a speech very similar to that which she gave during the last couple of debates on this subject. The Minister shares the characteristic of Mrs Thatcher in that she is "not for turning". I do not expect her to turn now.

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

The way forward on this subject is not through private Members' motions. I hesitate to call them irrelevant, but that is really what they are. They will change nothing. Last week and the week before, the 'Belfast Telegraph' has drummed up support for its "Sort it Out" campaign. The Alliance Party has called for all-party talks, and Mr McCrea also supported that idea. Every party represented in the Chamber has expressed an interest in all-party talks. I do not mean that the Education Committee should set aside time to talk about this. The Committee does not have time to spend on this. However, individual spokespersons, in a different forum, with support from senior party figures, could make time and try to do something about this. It is the only way forward.

Sinn Féin is not keen on participating in such talks. However, I plead with that party, if not the Minister or Department, to participate. I do not see what harm it would do to its cause by coming to the table and putting its case along with the other parties. I encourage Sinn Féin to think again about that.

We often hear about the needs of the children. Mr McCrea referred to that eloquently today, and this is all about the needs of the children. As usual, the children are being left aside in this debate. This year's P7s are going through a process that is disgraceful. The impasse should never have got to this point.

One point of view is to blame the Minister's intransigence; another is to blame the actions of the AQE and the grammar schools. We can blame whomever we want, but we have a situation in which kids of a tender age are being put through the process, and that is simply not right.

1.00 pm

Children in P7 are being asked to sit variable tests in varying venues that are strange to them, probably on Saturdays. There is a question of whether their families can afford for them to be coached or prepared for those tests. Clearly, families with money will be able to

afford such coaching; those without money will not. I fail to see where the equality is in that. The situation is putting enormous pressure on primary-school teachers and, in particular, head teachers, who are under pressure from the Department not to permit coaching and from parents to do exactly the opposite. I expect that most of them will serve the needs of the pupils, and, from their point of view, I cannot blame them. When Members say that it is "all about the children", it has a hollow ring, because this is the fifth time in a couple of years that we are debating the issue, and we are no further forward.

Various bodies speak against academic selection; certainly, the Alliance Party is in that section of society, as are most of the teaching unions, the Churches, and academic professionals. I cannot identify many bodies or, numerically, many people who still want to cling to an outdated system.

I want to read from a resolution passed by the Belfast Synod of the Methodist Church in Ireland, which I expect that the spokesperson has received in the past few days. It states:

"It is the opinion of the Synod that the current impasse regarding the method of transfer from primary to secondary schools is a national disgrace. The Synod also is of a clear mind that the division and labelling of children as academic and non-academic at the age of 11 is erroneous, outmoded and self-defeating. It is the view of the Synod that much excellent research carried out through the years, not least in Craigavon."

The Dickson plan that operates there is the example to work on. When the Committee for Education visited Craigavon and the Dickson plan was explained to it, it found favour with, I think, every party, not necessarily to simply accept it as is, but as a terrific model to work forward. However, it has been ignored.

The resolution continues that the:

"Synod remains deeply concerned that the present system of transfer has resulted in an appalling poverty of aspiration among many sections of our community, with the consequential waste of latent skills and talents, these remaining untapped."

The word "synod" could be replaced with unions, teaching professionals, various political parties, and, I believe, no matter what the polls say, the majority of parents.

Here we are again on the merry-go-round. I am glad that Mr Basil McCrea gave us a reasoned explanation of his party's thinking, rather than a rant. However, nothing has changed. The Ulster Unionist Party wants to reinstate and extend academic selection; society and the world have moved on. For that reason, I propose the amendment, with no expectation that it will be accepted. We will be opposing the motion.

The Chairperson of the Committee for Education (Mr Storey): Following on from the comments of Mr Lunn, who is a member of the Committee, I assure him and the House that the Committee for Education took time to consider this particular issue. I want to place on

the record, as the Committee's Chairperson, the consideration that the Committee gave to what it saw as a very important issue and, of course, to the concerns that were raised with it about an unregulated system.

On 20 February this year, the Committee for Education agreed that I, as Chairperson of the Committee, should write to the Minister to request that she reconsider the use of the CCEA-commissioned test as an interim compromise arrangement, with no conditions attached. The Committee's letter, which is on the Assembly website, highlighted that there were concerns across the board that an unregulated system of transfer was not the preferred option. At that time, the Schools Transfer Option for Pupils (STOP) group of primary 6 parents petitioned the Committee and the Minister to the effect that an unregulated system of transfer was the least desirable outcome for children, parents and schools, and that the only immediate solution was for the Minister of Education to reinstate an interim CCEA exam to be adopted by all schools that proposed to introduce their own exam.

At the time, the Committee also highlighted to the Minister that the Northern Ireland Commission for Catholic Education, the Catholic Heads Association and the Governing Bodies Association had recently made it clear that they were concerned by an unregulated system of transfer, and stated that some interim solution using the test commissioned from CCEA was necessary to allow time to develop a properly regulated transfer system. The Minister came to a Committee meeting on 10 March 2009, however, and, shortly after her arrival, said:

"There will not be a CCEA test."

I recall the Minister using similar words on 24 March 2009, when responding to an Alliance motion, which has been referred to. She said:

"The train has left the station. Transfer 2010 is departmental policy". [*Official Report, Vol 39, No 5, p253, col 2*].

To end my comments as Chairperson of the Committee for Education, it is right to inform the House that the Education Committee received a delegation from all five teachers' unions at a meeting on 17 June at which they expressed their grave concerns in relation to transfer 2010 arrangements and called for agreement on the transfer process.

I will use the time that I have remaining to speak as a private Member, and I will be as brief as I can, given the time that has been allotted to me.

We require a lot longer to deal with this issue. I agree with what Basil McCrea said: the most important issue facing Northern Ireland is not the devolution of policing and justice; it is the need to maintain and protect an educational system for the future of which all of us can be proud.

We have a Minister who has consistently refused to change. I could almost write her speech. She will talk about how many times the DUP has refused to discuss the issue at Executive meetings, and she will go over the same rhetoric as she always does. I remind Members that almost 13,000 parents in this country have decided that, for the best interests of their child, he or she will go to a school that sets an entrance test. They have made that choice because there are parents, professionals and educationalists in society who believe in the merit of having academic assessment.

I will be fair and honest and admit that there are also people — even those whom I have met over time — who say that there is no justification for having academic criteria for selection purposes. However, the reality is that Sinn Féin's Martin McGuinness, the Assembly's first Education Minister, and Caitríona Ruane, the second, have refused to listen to what people are saying.

Mr Deputy Speaker: I ask the Member to bring his remarks to a close.

The Chairperson of the Committee for Education: That is the reality. It is unfortunate that Members have only five minutes in which to speak on an issue that is of such importance.

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

The Chairperson of the Committee for Education: I assure the Minister that if she thinks that this issue is over and done with, she has another thing coming.

Mr Deputy Speaker: The Member had five minutes and 14 seconds in which to speak.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. As the proposer of the motion said, this is the fifth time that the House has debated academic selection. I am not sure how many of those five debates have been proposed by the Ulster Unionist Party in an attempt to hold on to a system that has failed so many children in the past. That system protects a select number of children, and to hell with the rest.

Mr Storey: Will the Member give way?

Mrs O'Neill: Is it a point of order?

Mr Storey: No. Will the Member give way?

Mrs O'Neill: Yes.

Mr Storey: Members from the opposition have repeatedly referred to the issue of failure and the fact that that failure is proven. Indeed, the Minister has made the same point in her official statements. However, there is no empirical evidence that clearly demonstrates a link between transfer and underachievement. Where is the evidence?

Mr Deputy Speaker: Will the Member please moderate her language?

Mrs O'Neill: I thank the Member for his intervention, but I remind him that Sinn Féin is not the opposition; it is part of a coalition Government.

Sinn Féin is committed to ensuring that no child will be disadvantaged and that no child will be left behind while others are nurtured to achieve. It wants to ensure that every child in the education system receives all the support that he or she needs to achieve his or her best. It appears from the UUP's contribution that that party is totally ignoring society's position on academic selection. The mentality and sentiment behind its motion appears to be one of burying its head in the sand.

I recently met with a number of primary-school principals, and the mood among primary-school principals and teachers is one of wanting to get on with the new system. They support the direction of travel that the Minister has presented in transfer 2010. Furthermore, they want to get on with teaching the curriculum, so that all children will be prepared to enter the next level of education, having been taught right to the end of primary 7, without the interference of having to teach according to the requirements of a test. Primary schools are happy to be divorced from the selection process, and it is time for the Ulster Unionist Party to wake up and realise that.

The motion refers to the establishment of a statutory framework, and its proposer discussed the various areas on which we have agreement. I remind him that the Minister agreed to commission a test for three years, on a phasing-out basis, as a compromise way forward. However, despite numerous engagements throughout the education sector and the tabling of those proposals at the Executive, the parties refused to discuss them. That left a need for decisive action, and decisive action was taken.

Mr A Maginness: The fact that the Minister envisaged, quite rightly, a temporary testing period and then withdrew that suggestion gave rise to a non-regulated system, which has caused great anxiety to many parents. Does the Member agree that the Minister made a mistake in doing that and that she should have persevered with that approach to get through the transition period?

Mrs O'Neill: I thank the Member for his intervention, but I do not agree with him. When the Minister put that compromise proposal — it was a clear compromise — on the table, she gave it a definitive end date. It was a three-year period in which to phase out testing. That proposal would have allowed people time to adjust, but there was no agreement on it.

Everyone would prefer a regulated system, but, as there was no agreement on the compromise proposals, we had to move forward, and the Minister had to publish her transfer 2010 guidance, which, if followed

by all schools, will create a more effective and fair system of post-primary transfer. When that guidance is coupled with the other changes in education, such as area-based planning and the entitlement framework, the future looks bright for all children in the education system. In its tenure in the Department of Education, Sinn Féin will ensure that no child is disadvantaged.

The Alliance Party's amendment calls for the introduction of a test for one year. I listened very carefully to the proposer of that amendment, and it is a genuine attempt at a constructive way forward. However, it ignores the political reality that, to date, there has been no agreement between the parties and that they are entrenched in their positions.

Mervyn Storey said that he could predict what the Minister would say at the conclusion of today's debate and that what she would say would be all rhetoric. However, there is rhetoric across the board, because all Members will say the same things that we have heard so many times before.

Mr Storey: Will the Member give way?

Mrs O'Neill: No. I am just about to finish.

1.15 pm

The Alliance Party's amendment says that a CCEA test will allow for a solution following inter-party talks. However, that has been tried and tested and has failed. Numerous attempts have been made to move forward and seek agreement with Executive colleagues, but they are unwilling to look at that. We need an education system that is fit for purpose and fit for the twenty-first century, based on meeting the needs of all children in a fair, open and transparent manner. The vast majority of schools support the Minister's position. Sinn Féin will not be deterred in what it has to do and it will be opposing the motion and the amendment.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. It is well known that the SDLP sees academic selection as educationally unsound and socially unacceptable. However, we realise that movement from one system to another cannot be done overnight and requires a planned and structured transition so that parents, teachers, pupils and schools know the various steps involved.

Mr Storey: Will the Member clarify something that has been confusing me for a long time? I am not hard to confuse, but how does the Member marry what he has already said with the grammar schools in his constituency in the city of Newry, which he knows well? Has he now bought into the vision of the bishops, which is to bring those schools under their control if they get their way with the ESA Bill? We will come to that debate very soon. Where does the Member stand in relation to those schools that have a very defined

grammar ethos? Has he dumped them because it is politically convenient to do so?

Mr Deputy Speaker: I remind Members that interventions should be short and to the point. Members have only five minutes in which to speak.

Mr D Bradley: Of course I value the contribution to education made by all the schools in my constituency, both selective and non-selective. However, many selective schools now realise that their position is untenable in the future and are beginning to make arrangements to admit a wider range of ability. That will happen not overnight but gradually, and I welcome that very much.

As I was saying before Mr Storey intervened, the non-binding guidelines from the Minister have created difficulties for both primary and post-primary schools. Already, I see evidence that accommodation addresses are being used to help pupils to get into some non-selective schools rather than others. That situation will only get worse, and it will add to the pressure on schools that have to police that situation.

The Minister and her colleagues abolished the 11-plus, but they did so without any clear and planned process of transition. Our duty as politicians is to protect children from an unregulated system and to ensure that their needs are met through a planned process of transition. A firm and acceptable solution will be found only when all parties agree on a long-term vision for the future of education in the North.

As Basil McCrea pointed out, there is already agreement on major issues, and we must take the further step. The SDLP wants an education system, based on fairness and equality, that guarantees parental choice. It wants to see high academic standards maintained in schools. Patterns of investment in education need to be reassessed, and massive investment must be made to raise standards in all schools. Reform of our education system takes time. The argument should not only be about deciding how our children transfer from primary school, it should involve long-term investment and significant restructuring of our whole education system to meet the demands of the twenty-first century.

We need to ensure that pupils leaving school do so with qualifications in the subjects that our economy needs, and which will be the basis for the skills needed to create the wealth that will improve the lives of all our citizens. The context for change is education reform, yet area-based planning has not been developed to the extent needed, and, although local learning communities have done good work, there is much that needs to be done.

In March, the SDLP put forward sensible proposals to avoid imminent chaos and to provide certainty for primary-7 pupils. Had our proposals been supported,

the current confusion and stresses for pupils and parents could have been avoided. The educator-led group that we proposed would not be tasked with finding a short-term solution; it would be asked to assess all available solutions for achieving compromise in the context of long-term development of our education system, taking into account the future needs and demands that will be placed on our schools. Such a solution would give us a framework for the future delivery of an education system that is based on non-selective transfer and achieving excellence for all.

The four main Churches backed a proposal similar to ours. We still believe that it is the only sensible solution to have been proposed, and we urge parties to back our proposals. We also encourage them to outline their proposals for a way forward —

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

Mr D Bradley: — on the basis of all-party talks to break the deadlock.

We ask the Alliance Party to clarify its amendment.

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

Mr D Bradley: Will it mean that all schools use a transfer test? Will any school be allowed to select its full intake by testing?

Mr Deputy Speaker: Sorry: the Member's time is up.

Mr D Bradley: If we receive answers to those questions —

Mr Deputy Speaker: I call Miss Michelle McIlveen.

Mr D Bradley: — we will consider supporting the amendment.

Miss McIlveen: One would think that we would have learned by now that the Minister is operating on the "Caitríona knows best" principle, despite the will of Members, schools, both controlled and Catholic maintained, and the people. I am not in the business of defending the Ulster Unionist Party, which is fit to defend itself, but perhaps it is not the Members who tabled the motion who have their heads in the sand, but the Minister.

Despite this being the fifth occasion on which we have debated transfer, any debate on this vital subject should always be welcomed and should not be dismissed, as it keeps the issue firmly on the agenda. It has not gone away, and it is imperative that the Minister is constantly reminded of that.

We have told the Minister of our wish for parental choice, and that we want a three-year interim CCEA-run transfer test. We have even reminded her of the position of the Catholic maintained schools that have opted for the unregulated test. Now, we are in a position where children have signed up to it and are ready to sit

those unregulated tests. As I, and others, have said before, it is not the chaos that some had predicted, but it is far from ideal. I have always been of the view that a permanent solution needs to be reached regarding post-primary transfer, but that solution requires the wishes of those who want to retain academic selection to be respected.

Mr Lunn was unable to quantify the people who wish to retain academic selection in Northern Ireland, but today there are approximately 13,000 children signed up and ready to sit the transfer test this autumn.

Mr Storey: Does the Member also accept that the Minister repeatedly talks about a minority — I am sure that we will hear it today — and states that she will not be held to ransom by that minority? She makes derogatory comments about the grammar sector. Does the Member agree with me that that sector educates 42% of children in post-primary schools? That is certainly a lot more pupils than are educated in the Irish-medium sector, which is on the decline, despite what the Minister tells us.

Miss McIlveen: I agree with the comments made by Mr Storey. That statistic should set the alarm bells ringing with the Minister that her vision is not shared by a sizeable proportion of this year's cohort. It tells me that parents want equality of opportunity, not equality of outcome. Equality of opportunity brings out the best, whereas equality of outcome suppresses it.

As Basil McCrea said, we found ourselves in the middle of a campaign by a regional newspaper asking us to find a solution. It is unfortunate that the 'Belfast Telegraph' has used such emotive headlines urging us to "sort out transfer chaos", but it is good that it has decided to keep the matter in the public domain. Sadly, the newspaper has not been brave enough to express a viewpoint or to point the finger of blame where it truly belongs: it decided to tar all Members with the same brush.

Mr A Maginness: Will the Member give way?

Miss McIlveen: No, I do not have much time.

The majority of Members are willing to discuss the subject in a logical and measured manner. However, one party is not willing to sort out the issue. That party is burdened by ideological dogma, and it is the one party that did not sign the 'Belfast Telegraph' petition. That tells us everything that we need to know about the political will that is needed to obtain a resolution.

The DUP has sought to be constructive in its contributions to the debate on academic selection. We believe that a solution can be obtained if political dogma is left at the door. If the criticisms that were made about the old 11-plus test were dealt with, a way could surely be found to resolve matters.

I have sympathy with the Alliance Party amendment, because inter-party talks and, ultimately, agreement, are the only way forward. However, it is up to the Minister to set aside her prejudices, and, for the good of parents, pupils and the education system in general, to provide a greater degree of stability and certainty by allowing a CCEA-regulated test in the interim. On previous occasions, the Minister has made it clear that such a test is possible. It would be a sign of goodwill and of a willingness to seek consensus on her part if she were to take the next logical step and announce the introduction of a CCEA-regulated test for 2010-2011.

The absence of any movement on the Minister's part will signal that she does not care what anyone thinks, believes or wants and that she is happy for the current situation to continue. She has talked about seeking consensus. Now is the time for her to walk the walk, not just talk the talk.

I have concerns about the motion and the amendment regarding the role of pupil profiling. However, I support the motion as it stands.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I wonder whether I will get my name in the 'Belfast Telegraph' if I mention it. Some people have no self-respect.

I am surprised that the SDLP criticised the Ulster Unionist Party motion, because the SDLP tabled a similar motion on the no-day-named list, calling for the reintroduction of a test. That is a mistake —

Mr D Bradley: Will the Member give way?

Mr O'Dowd: I will not. I will let the Member in later.

The Alliance Party amendment is well meaning. The difficulty with the entire debate is that people who are well meaning and who wish to be constructive are being used. They are being used by a very effective lobby that comes from certain grammar schools. The top-level, elitist grammar schools are using all their influence, whether through the media or through the Chamber, to lobby for the return of the 11-plus.

The issue is not about introducing a CCEA test for one, two or three years; it is about bringing back the 11-plus. The debate has been going on not only for the past 18 months or since the time when Martin McGuinness was the Minister of Education but for 50 years. For 50 years, there has been a strong lobby and an educational argument in favour of removing selection at age 11. However, on every occasion that selection was about to be removed, the grammar schools got an eleventh-hour reprieve and the 11-plus was saved. I have lost count of the number of people over the years who told me that they would be the last to sit the 11-plus. There was always another year after that, another year after that, and so on. Listen to this: there will not be another one. The 11-plus is gone, and it will not return.

Mr Storey: If what the Member is saying is the case, then we are to assume that the Minister will not budge or bend to lobbies. What budging and bending did the Minister do to the Catholic bishops during the summer in relation to control of their schools, which they felt that they would lose? Will the Member provide detail of that lobbying and how successful it was?

Mr O'Dowd: When the Member comes to discuss the Education Bill, to which that matter refers, I will be more than happy to discuss the issue. He will realise that issues around control of schools affect all sectors not only the Catholic Church.

1.30 pm

I will return to the subject of the debate. The other part of the motion that disturbs me is pupil profiling. Mr McCrea and the Ulster Unionist Party tell us that they have been out talking to sectors, parents and teachers. Obviously, they have not talked to primary school teachers. Again and again, the primary school sector has said that it will not be involved in pupil profiling. Therefore, from where will pupil profiling come? That matter has been ruled out already; not just by the Minister and Sinn Féin, but by the teachers who would be involved in that process.

Mr B McCrea: Will the Member give way?

Mr O'Dowd: A number of people have asked me to give way.

There is a chance for a new beginning for education. Those well-meaning groups and parties in the Assembly need to focus on that. Although it comes naturally in the cut and thrust of political debate, they must remove their political bias and look at the end goal. There is an opportunity to move education forward. Such well-meaning motions and amendments only give succour to the grammar school sector. Attention must be focused on the small number of grammar schools that have insisted that they will continue with academic selection.

It has been claimed that 12,000 to 13,000 pupils are prepared to sit the test. There has been some double-counting. However, regardless of how many sit the test, it has not been mentioned that, of those, say, 12,000 pupils, 5,000 will be told that they are not wanted by those schools. They will be told that they have failed. For those children, a wee letter will drop onto the mat that will tell them that they are failures at 10 years of age. Does the Assembly want that situation to continue?

Will education be an event or a process? Sinn Féin believes that it is a process. Therefore, let us focus on where attention is needed: on that small group of grammar schools which, in the past, used its influence in the corridors of powers to ensure that change did not come. It is now time to stand up to them and say that

change has come, the 11-plus is gone and will not return. Those schools need to realise that.

The rest of society has moved on. The Catholic maintained sector has said that it will remove academic selection within two years. That is progress, and it shows that the process is moving. I have no doubt that there will be resistance to that. However, as regards the entitlement framework, area planning and all that goes with it, schools that sit out on their own will no longer be able to survive. They will not be able to provide the wide range of courses that is required to produce the talent and skills that are needed in the twenty-first century economy.

Therefore, the ball is rolling down the hill. Change is here. Let us stop throwing lifelines to the grammar school sector. Let us not be dissuaded by the latest editorial in one of the Belfast morning newspapers, which has been pro-selection all along. Let us stand up to them and say that, after 50 years, the game is up. It is over. There will be no more selection; no more testing children at 10 and 11 years of age. Let us move forward to an education system that brings the best outcomes for all children.

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

Mr O'Dowd: I will leave it there. Go raibh maith agat.

Mr D Bradley: Will the Member give way?

Mr O'Dowd: I am finished.

Mr McCallister: As other Members said, the debate is the fifth that the Assembly has had on post-primary transfer. The Ulster Unionist Party has tabled three of those motions, which reflects its desire to find a solution to the current impasse. That solution must be found in order to bring relief to teachers, parents and children throughout the entire education system.

My party is realistic about what is needed to achieve a sustainable solution that is in children's genuine interests. For that reason, although I recognise the logic behind the Alliance Party's amendment, I cannot support it. The amendment will create another sunset clause, which will block long-term agreement. I understand that, at present, the Alliance Party supports sunset clauses. Such clauses do not make for good government or for good long-term solutions.

It is strange that the Alliance Party tabled the amendment when, in proposing it, Mr Lunn said what a big waste of time the whole thing is anyway. Despite that, he was able to speak about it for 10 minutes.

Dr Farry: Will the Member give way?

Mr McCallister: I will, briefly.

Dr Farry: I am grateful to the Member for giving way.

I ask Mr McCallister to reflect that the motivation behind our amendment is a call for all-party talks, that those talks must be without prejudice, and that the Ulster Unionist Party's motion directs the outcome of any talks towards a preordained outcome. If we are to engage genuinely with Sinn Féin in particular, we must bring that party to the table, and we must be able to discuss all the issues and be open to the direction in which such talks may go.

Mr McCallister: Mr Lunn did not make any of that clear; I did not catch that from his opening remarks.

The motion is to give us a breathing space to get a solution from all the parties.

Mr B McCrea: I thank the Member for giving way; he is probably the only Member who gives way to me.

Does the Member agree that people are not listening to the fact that the Ulster Unionist Party is saying that it is prepared for change; that it agrees with many of the points that Members have made about the transitional nature of the way forward; and that it wants to find common ground for a common solution?

Mr McCallister: I am grateful to my honourable friend for his intervention. Members across the House made those points. There is broad agreement on some of the issues and on building a future for the education system. People want an education system that meets the needs of all children and reflects what parents want. Nobody objects to that.

The difficulty is that the Minister is going ahead with her view regardless of whether there is agreement. Her view does not recognise the fact that Northern Ireland has a coalition Government with a power-sharing Executive, because the Minister's view excludes completely any form of power sharing and the idea of building a shared future. The Minister is not listening to any other parties in the Assembly. She has chosen to ignore the majority of parties in the Assembly — the SDLP, the Alliance Party, the DUP and my party — and a significant proportion of the population of Northern Ireland. Her view does not take into account power sharing or a shared future. We must find a common way through our difficulties.

The Minister's course of action does not interfere merely with the sensibilities of politicians; it is having a real effect. Several Members, including Mr Lunn, Mr Storey and Basil McCrea, said that education is the top issue that parents want sorted out. Parents regard that issue as much higher up the political agenda than policing and justice, yet it is not being addressed.

Across Northern Ireland, parents, children and teachers are preparing themselves for a very uncertain, chaotic and potentially damaging year. Children aged 10 and 11 now face multiple transfer tests to determine their future, and no one is quite sure how an unregulated

system will pan out. The current situation is in no one's interest.

There is a definite pattern in the Minister's policies. Most educationalists are moving towards a demand-led education system that takes into consideration the different needs of children, parents and teachers and which will reflect abilities, beliefs and ethos. However, the Minister seems to be moving in the opposite direction to a one-size-fits-all centrally controlled and overly bureaucratic educational system that does not reflect the world that we live in, either economically or socially.

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

Mr McCallister: I support the motion.

Mrs M Bradley: As my colleague Dominic Bradley is the party spokesperson for education, I have no intention of reiterating the valid points that he made. However, I feel that it is incumbent on all of us to work together to solve this problem. We should not be put off by the souring of a political romance that was kept buoyant by the political pundits and an insatiable media thirst.

Over the past week, I was saddened to read some of the comments from local people and, not least, those of journalists who are tarring us all with the one brush. Headlines and media reports tell of mass confusion; parties dithering over talks to end the logjam; politicians playing party politics with the education system of Northern Ireland; and, worst of all, the issue having gone right to the Assembly Floor and the message still having not got through.

I assure the House that the SDLP is not dithering. We want to see an end to this fiasco. However, it is unhelpful for the Minister and her party to simply reiterate that a decision has been made and that is that. If the stance of the DUP and Sinn Féin in education is anything to go by, we can only assume that political agendas are their priority, not the 13,700 children who are being forced to sit not one but as many as five tests to gain a grammar school place.

No matter what the Minister thinks, the decision should at least have been properly discussed with the parents and teachers of those children. As we have heard from the Minister, one size does not fit all. Where the education of a child is concerned, decisions that are made are very private and pressured and are not taken lightly. Ramming through transfer 2010, with nothing to replace it, has disadvantaged many children. I refer to children who have academic ability but, because their parents cannot afford to pay the fees for some of the selection tests, are being left behind.

We have heard all about the 'Every School a Good School' policy, but the Minister is obviously not listening to the people of Northern Ireland. Parents are

totally disillusioned; they cannot even tell their children how this is going to work out for them. It is a parent's duty to be able to console their child and explain the road ahead. However, this process has left everyone frustrated and confused. Parents and teachers alike are feeling let down and very resentful.

Huge pressure is being placed on teachers and principals to coach the children who want to sit the entrance tests, yet the Department states that they cannot do that. Thus, we have another strained relationship between teachers and parents.

Educational reform is all very well when there is an equitable and beneficial proposal for change. I am sorry to say that I see neither in the midst of this fiasco. Let this year be the only year that children, parents and principals are confused and generally distrusting of this place and its proposals for a better system. I ask the Minister, "Better for whom?"

I urge the Minister to show the compassion that she tells us she has for the children of Northern Ireland and sit down with all the parties represented in the House, as well as the appropriate educationalists, and settle the situation once and for all. The Minister can do that, and I urge her to please take that step.

The Minister of Education (Ms Ruane): Go raibh maith agat, a LeasCheann Comhairle. I have always stated my preferences for a new, regulated system of transfer from primary to post-primary education that will ensure that all children can access the high-quality education to which they are entitled as a right. The motion, however, offers no prospects of such a system. Although it is predictably vague, the motion demands a statutory framework for academic entrance tests to be put in place while the CCEA devises a slightly different testing regime to facilitate the use of academic admissions criteria by grammar schools.

Tá sé i gceist ag an rún seo roghnú acadúil státurraithe agus teist aistrithe a thabhairt isteach arís go buan. Tá an rún seo ag éileamh orainn fillleadh ar chóras teipthe na teiste aistrithe. Deirim go soiléir arís: tá an teist aistrithe imithe, agus ní bheidh sí ag teacht ar ais ar bhealach ar bith.

The motion seeks the permanent reinstatement of state-sponsored academic selection and a permanent 11-plus. The motion demands a return to the failed 11-plus system. Let me be absolutely clear and unambiguous: the 11-plus is gone. The 11-plus is not coming back in any shape or form. The motion demonstrates extreme naivety and a total failure to recognise the changing realities in our education system.

The proposers of the motion believe that, somehow, we can develop an acceptable and less traumatic version of the 11-plus. I want to be absolutely clear: there is no acceptable way of designating the majority

of our children as failures. There is no acceptable form of academic rejection.

1.45 pm

The motion implicitly demands that the past should continue unchanged into the future and demonstrates a totally closed mindset by denying that there should even be a debate about the future of post-primary transfer. It denies the presence of any demand for change. It denies the fact that there was consultation on transfer 2010 guidance. We received 3,195 responses, of which 95% supported change. It denies the fact that the number of children entered for entrance tests may show, for the first time, that the majority of parents have rejected academic selection.

Through the motion, those in favour of the old system demand that everybody else falls into line with them. The proposers of the motion appear to have their hands over their eyes and ears, which is no basis for making decisions on the future of our education system and on how we meet the needs of our children. In contrast to that approach, I spent two years developing compromise proposals and repeatedly sought engagement on them. However, as with the content of the motion, the response to those proposals was a refusal to consider anything but the status quo and a refusal to discuss any change.

Tá géarghá le díospóireacht dhearfach agus fócas ar an todhchaí, ach caithfidh muid níos mó ná mian aineolach filleadh ar an am atá thart a bheith againn má tá an díospóireacht sin le bheith againn.

A constructive debate and focus on the future is urgently needed, but that needs to be more than an ill-informed desire to return to the past. Our future system of post-primary transfer must be seen as an integral and important part of a wider reform agenda. A focus on the future must consider the need to ensure that half our children do not leave school without five good GCSEs, including English and maths or Irish and maths, depending on the language through which children are learning.

There has been much inequality and injustice in 2008-09 and in previous years. The most recent figures profiling our grammar school population show that the rate at which a low-income or free-school-meal-entitled child gets a grammar school place is one in 18. The rate for other children is one in two. It is important that we deliver an undistorted and revised curriculum to nine- and 10-year-old children that is welcomed and valued by our primary schools. I applaud many of our primary schools for standing up for the rights of children.

The process of post-primary transfer cannot be viewed in isolation. We must also help to deliver on curriculum reform not only in respect of the revised curriculum but the entitlement framework. I seriously doubt that the proposers of the motion understand or

even consider the social and economic needs of our young people. We cannot slavishly continue with an outdated and discredited model of post-primary education that envisages two crudely separated routes: the academic and the sub-academic.

Our education system needs to serve our children and produce young people with diverse and flexible skills. We cannot accept a system that suppresses opportunity for those who are less well off and demoralises up to two thirds of our children every year. We cannot continue to waste up to two years of each child's primary education because of a crude and educationally unsound child-sorting process.

The 11-plus system is a failed system. Academic selection is a failed system. Any education system that judges even one child to be a failure at the age of 11 is wrong, unjust and indefensible. Every stage in a child's education is important. The way in which we move children from one stage in their education to another is equally important, but it is only one part of the jigsaw that will result in the total reform of our education system. My vision is to elevate our education system from one that is admired for the successes of only its highest achievers to one in which all children have the opportunity and support to be high achievers based on their unique talents and abilities, academic and otherwise.

Níl aon áit don roghnú acadúil ná don diúltú sa chóras sin.

There is no place in that system for academic selection and rejection. The proposers of the motion and those who support them seem unable to grasp that change is taking place and will leave them behind. We already know that denominational grammar schools intend to abandon academic selection in the next few years. The number of children entering this year's entrance test shows that parental opinion is moving in exactly the same direction. In a short time, academic selection will be a fringe activity, sustained only if entrance tests survive the many dangers that accompany them. Within view is a critical point when the significant majority of parents will feel that they do not need to put their child through the agonies of entrance testing in order to secure the high-quality post-primary provision to which they are entitled.

D'fhoilsigh mé an leagan deiridh den treoir ar aistriú 2010 ar 5 Meitheamh 2009. Is é aistriú 2010 an beartas atá ag mo Roinn d'aistriú páistí ón mbunscoil go dtí an iarbhunscoil.

I published the final version of the transfer 2010 guidance on 25 June. Transfer 2010 is my Department's policy for the transfer of children from primary to post-primary schools. I consulted widely on that policy earlier this year, and, by the closing date, I had received 3,195 responses, the majority of which supported the position set out in the guidance. The guidance, if

followed, will deliver an effective and fair system of post-primary transfer. It will also deliver a system of post-primary transfer that helps to answer the wider and desperately urgent reform agenda, embracing demographic decline and school sustainability, the delivery of the entitlement framework and under-achievement.

The guidance strongly recommends that schools should not use academic admissions criteria. I have urged grammar schools to follow that recommendation, both on equality grounds and because of the risks of dysfunction. I have warned that any entrance test operating outside the guidance is, I believe, a legal minefield.

The amendment tabled by members of the Alliance Party would put in place a test for one year pending a solution arrived at through inter-party talks. Although I welcome that attempt to be constructive, it is, nonetheless, a naive attempt. I have already brought forward compromise proposals that would have resulted in a transition test for three years, supported by a legislative framework. Other parties would not even discuss those proposals. I will not introduce an official test for even one year without a legislative framework first being in place.

That brings us back to where we are today, with a lack of willingness on the part of others to even discuss a compromise. There will, therefore, be no return to the failed system of academic selection. The 11-plus is gone; it is not coming back. The new arrangements are now in place; they will not be reversed.

Bhí deis ag an gCoiste Feidhmiúcháin ar thrí ócáid le dhá bhliain anuas plé a dhéanamh ar na socrúithe don aistriú agus le teacht ar chomhsheasamh ar an gceist. D'iarr mé an díospóireacht sin trí huair, agus chuir an DUP bac ar an díospóireacht sin trí huair.

The Executive had three opportunities over the past two years to discuss and come to an agreed position on transfer arrangements. Three times I asked for that discussion; three times the discussion was blocked by the DUP. As Education Minister, I could not accept ongoing uncertainty and deadlock. The debate is now closed. The policy of the Department of Education is that transfer should not involve academic testing.

The small number of schools which have broken away from the education system need to rethink their position, and they need to put the interests of children before their perceived institutional self-interest. Academic selection is educationally unsound; it does not meet the needs of a modern society; it generates and sustains inequality; and it has no place in our education system.

Dr Farry: The Alliance Party has been accused by most parties of being well-meaning. People have the

greatest sympathy for our amendment. Obviously, we accept the charge of being well-meaning.

The flipside of that coin is that we have been accused of being naive in our approach to trying to reach agreement. Our approach is extremely hard-nosed and realistic. Given the status quo, no one can be proud of our current post-primary transfer system. It is not a sustainable long-term way forward. Society needs leadership, and we are showing leadership, not naivety.

In the Chamber, there is a clear difference of opinion about the way forward on post-primary transfer. There is a range of views among parties and, indeed, within parties about which model offers the best way forward. In a sense, that is not what today's debate is about. Our amendment is based on two points. First, an interim measure is needed to see us through the anarchy of an unregulated system that is the worst possible outcome for our society. Secondly, parties need to come together and discuss the way forward without prejudice.

The difference between our amendment and the Ulster Unionist Party motion is that the motion will, in a sense, legitimise the grammar school lobby's breakaway on testing. That is wrong and should not have happened. It is counterproductive.

Mr Storey: The Member refers to a "breakaway" and uses the term "legitimise". We are talking about legal reality. I know that the party opposite has a problem with law and order and complying with the law, but schools are entitled, under the law, to set tests. That must be the basis on which we move forward. It is dismissive to label lobbies as breakaways and subsequently ignore them.

Dr Farry: They are making a solo run. We support a single framework for post-primary transfer throughout Northern Ireland into which all schools fit. It is not productive for schools or sectors to do their own thing.

The Ulster Unionist motion prejudices the outcome of any talks. Although that party claims to support talks, it is counterproductive to have a preordained solution. By contrast, our amendment is open-ended, and we accept the need for discussions. In particular, if Sinn Féin comes to the table, it should know that those discussions will be without prejudice and that all views will be taken into account. To date, Sinn Féin is the only party that has failed to support the 'Belfast Telegraph' campaign and the notion of interim tests.

Mr O'Dowd: All-party talks are one thing, but our party will not allow the editorial staff of any news organisation to dictate our policy and timetable.

Dr Farry: I remember the days when Sinn Féin used to campaign at elections by demanding all-party talks. We have moved on. *[Interruption.]*

Mr Deputy Speaker: Order. I am sure that all Members will agree that, in school, children are not allowed to shout across the classroom. The same rule applies in here.

Dr Farry: I recognise that no party will allow editorial policy to determine its stance. However, I believe that it is in Sinn Féin's interests to come to the table to discuss the matter with other parties. The fact that Sinn Féin picked the education portfolio has put it in a powerful position. However, its view is out of line with the vast majority in our society. Moreover, for Sinn Féin to claim that it has got rid of the 11-plus is not a sustainable argument. It is also washing its hands of a situation in which academic selection is continuing in an unregulated manner and causing the risk of even greater inequality entering the system. Students and parents will experience more stress, and students will sit even more exams. That cannot be right.

I will respond to some of the comments that have been made during the debate. Dominic Bradley sought clarification of our amendment. I assure him that it is about making an interim test available to schools as part of a range of different selection criteria.

Such a test would not be compulsory, nor would it be the only way open to schools to proceed. However, it should be part of a menu, as an interim measure, that would get us over the hurdle as an alternative to an unregulated system, which is the worst possible outcome.

2.00 pm

I will follow up on a point that was made by Michelle McIlveen about the numbers of people who are signing up for the entrance tests as proof of the interest from parents. I have to urge caution about reading too much into what parents are doing. Some parents may well support academic selection, while others may have got the message that they will not get their child into a particular school if he or she does not sit those tests. It is not out of choice that they are doing so; it is out of fear. It is important that we recognise the range of motivations that parents have.

Our amendment is geared towards trying to find consensus in the House on the way forward. I urge parties to unite behind it and to send out, for once, a united message on this issue to parents and children.

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

Mr B McCrea: It is interesting to hear the views of others. I attempted to get involved in some of the discussions, but, sadly, that was not possible. Frankly, that shows what is wrong with the entire process.

We brought forward our proposals with good intent, but some Members simply did not listen to what we had to say. Had they listened, they could have taken a view as to whether they agreed or disagreed. Instead, in pursuit of their own petty, party political process,

they chose to have a rant on their own terms. The proposals that we brought forward are not against change; we want change. We are prepared to see change happen and we are prepared to work with anybody and everybody to achieve it. However, as SDLP colleagues said, we simply cannot achieve such a magnitude of change in one year. Such a degree of change requires planning, consensus and genuine consultation, not just papers that are put out to encourage Sinn Féin Members to write in. Such change must genuinely address the concerns of the people of Northern Ireland, and there are different views on all the issues.

I was disappointed in the language that was used by the Alliance Party's contributors to the debate. Dr Farry said that they were bringing forward their proposals with good intent. However, Mr Lunn, who proposed the amendment, seemed to be saying that no one will back it, but here it is anyway. The use of words such as "breakaway" does not appear to be egalitarian. The use of phrases such as "needing protection from the law" sends out a certain message, as does talking about the wrongs of the process. That does not suggest that the Alliance Party is entering the discussions without preconditions or without taking a particular position.

I have not engaged previously with the Alliance Party on this issue, but it seems to be riding two horses. On the one hand, it says that it is strong and wants to achieve things, but on the other hand, its Members have a go at the Minister and say that she cannot do away with entrance tests without having an alternative. That is a confused, incoherent and incomplete message. The Alliance Party seems to be saying that its position on the tests is pretty close to what others want to do, but that they should go on for only one year. That position serves only to transfer the pain to the children in P6, P5 and P4. Sunset clauses, whether on policing and justice or on education, do not work. We need something to keep us going until we can all agree to come up with something different. That was a deeply disappointing contribution from a party that seems to have a paucity of ideas about how to move forward.

Mrs Long: Will the Member give way?

Mr B McCrea: The answer is no.

We share the concerns expressed by SDLP colleagues, and Mr O'Dowd, on certain issues. Our position is not prescriptive.

I was struck by Mary Bradley's contribution in particular; I hope that she does not mind me singling her out. She said that education is a "private and pressured decision" and that the Minister's attempt to ram transfer 2010 through is at the bottom of all that is

wrong in this debate. Quite simply, the Minister of Education is not listening.

Some Members mentioned the 'Belfast Telegraph'. Indeed, Michelle McIlveen said that it is a pity about some of the headlines that have appeared. I could agree; however, the reason for having the debate is to show the people of Northern Ireland why we cannot reach a consensus, why we cannot get round a table and sort this out, and why we are failing to reach agreement.

Mr Storey: The Minister referred repeatedly to responses to transfer 2010. However, her party organised those responses. Mr O'Dowd referred earlier to double counting, but they double counted the responses to the Department. Therefore, it was a fix. That is the only reason why the Minister could stand up and say that she had responses in favour of transfer 2010.

Mr B McCrea: I thank the Member for his intervention. The point is well made and well reiterated.

I have attempted, on behalf of my colleagues and my party, to table a motion that would encourage genuine debate. Instead, I have been met with people who heckle from a sedentary position, who will not take interventions, who will not engage with the issue —

Mrs Long: Will the Member give way?

Mr B McCrea: The answer is no. *[Laughter.]*

Mr Deputy Speaker: Order.

Mr B McCrea: If we are serious about resolving the situation, it will take change, and it will require the Minister to change. Change is not something that comes easily to the Minister. I have seen no change in her demeanour, speeches, or in the way that she comes forward. She will not engage with anybody; she gets Mr O'Dowd to do that.

At the risk of proving that the Minister is entirely predictable, I prepared some notes. Sadly, I do not think that I have to change any of them, because I knew what was going to be said. I want to make it absolutely clear that her strategy to try to paint parties on this side of the House as parties that will not change is absolutely wrong. She is wrong in that, she is wrong in her educational strategy, and she is wrong in the way that she misjudges the people of Northern Ireland. The failure of this Department of Education is down to her and to her alone.

On this issue, we will change. We recognise the need for change. Changes are necessary because demographics are shifting. In finding an acceptable way forward, we have not argued for the retention of the 11-plus. We have not said that we want to go back to that system. Instead, we have said that some form of academic credentials must be used. We are open to those professionals who wish to give us advice. I have been accused of being naive, although I have been

accused of worse. However, I am not sure on what basis a tennis professional makes that accusation.

I have been through the Northern Ireland education system. I have studied the STEM subjects. I have the qualifications, and I come from a family that valued the opportunities that were available for me to get them. In looking around this House, I see nothing but disappointment. The people of Northern Ireland have said repeatedly that we must find a solution. Issues were agreed at St Andrews, and although I was not party to the discussions that took place, it is clear that academic selection was one such issue and that an agreement was reached on it.

You have torn up that agreement for your own selfish political ideals. There is room for compromise, and there is a way forward. Even now, it is not too late.

My SDLP colleagues asked for clarification on the Alliance Party amendment because they may be minded to support it. I say to those Members that the issue is about finding some time and about giving us some space. I will put on the record, and I will say on behalf of the party, that I promise that we will engage seriously to try to find an acceptable solution. It is not the way forward to stick with a totally unregulated system that, according to the Minister, is full of legal minefields and puts stress and strain on children and parents.

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

Mr B McCrea: If the amendment falls, which I expect that it will, I ask the SDLP to support the motion.

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

Mr B McCrea: The only difference between the motion and the amendment is that the motion does not contain a one-year sunset clause.

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

Mr B McCrea: I support the motion.

Mr Deputy Speaker: The school bell has gone.

Question put, That the amendment be made.

The Assembly divided: Ayes 20; Noes 64.

AYES

Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Durkan, Dr Farry, Mr Ford, Mr Gallagher, Mrs Hanna, Ms Lo, Mrs Long, Mr Lunn, Mr A Maginness, Mr McCarthy, Mr McGlone, Mr Neeson, Mr O'Loan, Mr P Ramsey, Mr B Wilson.

Tellers for the Ayes: Dr Farry and Mr McCarthy.

NOES

Mr Adams, Ms Anderson, Mr Armstrong, Mr Boylan, Mr Bresland, Mr Brolly, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Dodds, Mr Doherty, Mr Donaldson, Mr Easton, Mr Elliott, Sir Reg Empey, Mrs Foster, Mr Gardiner, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Mrs McGill, Miss McIlveen, Mr McLaughlin, Mr McNarry, Mr McQuillan, Mr Molloy, Lord Morrow, Mr Moutray, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Rev Dr Ian Paisley, Mr Poots, Ms Purvis, Ms S Ramsey, Mr G Robinson, Mrs I Robinson, Mr K Robinson, Mr P Robinson, Ms Ruane, Mr Savage, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Wells.

Tellers for the Noes: Mr McCallister and Mr B McCrea.

Question accordingly negatived.

Main Question put.

Mr Deputy Speaker: The result is unclear. The Question will be put again after Question Time. In the meantime, Members may take their ease.

2.30 pm

(Mr Speaker in the Chair)

SPEAKER'S BUSINESS

Mr Speaker: Order. As we move to questions to the Office of the First Minister and deputy First Minister, Members may be aware of today's visit to Parliament Buildings by the Speaker of the House of Commons, the Rt Hon John Bercow MP, and guests. They have taken their seats in the Gallery, and they are very welcome to the Northern Ireland Assembly this afternoon. On behalf the Assembly, I extend my warmest welcome to our distinguished guests.

Oral Answers to Questions

**OFFICE OF THE FIRST MINISTER
AND DEPUTY FIRST MINISTER**

**Fair Employment and Treatment
Order 1998: Teachers' Exemption**

1. **Mr Storey** asked the First Minister and deputy First Minister if the Equality Commission has made a recommendation to their Department to bring forward a legislative amendment to remove the teachers' exemption from the fair employment and treatment legislation. (AQO 135/10)

The deputy First Minister (Mr M McGuinness): The Equality Commission's recommendation to narrow the scope of the teachers' exception in the Fair Employment and Treatment Order 1998 is one of six recommendations for equality legislation reform that the commission made to the Department.

For Members' benefit, I will briefly outline the scope of the other five recommendations. It should be noted that the commission's recommendations are not ranked in any order of priority. First, age discrimination legislation should be extended to protect people from unjustified age discrimination outside the workplace. Secondly, race relations legislation should be amended to ensure that protection from discrimination on the grounds of colour and nationality is afforded the same level of protection as on other racial grounds. Thirdly, sex discrimination legislation should be amended to prohibit unlawful discrimination by public authorities when exercising their public functions. Fourthly, disability discrimination legislation should be amended to secure greater protection for disabled people. Fifthly and finally, the monitoring requirements under fair employment legislation should be extended to include the collection of information on nationality and ethnic origin.

I shall now return to the Equality Commission's recommendation for the teachers' exception in the Fair Employment and Treatment Order 1998. As Members may be aware, in effect, the exception allows schools to lawfully discriminate on grounds of religious belief in the appointment of teachers in schools. It also means that teachers' employers are not required to monitor the religious composition of their employees or those who apply for such positions.

The Equality Commission recommends a two-stage approach to the removal of the teachers' exception. First, it recommends that the exception is removed with respect to the recruitment of teachers in secondary-level schools. The second part of the commission's

recommendation is that early consideration be given to whether the exception should also be removed with respect to primary-level schools.

The teachers' exception is a sensitive issue, and I wish to make it clear that no decision has been taken on the recommendation to remove it with respect to the recruitment of teachers in secondary-level schools. Indeed, any decision by a Minister to amend or completely remove that exception will require Executive approval, because the Minister of Education is responsible for teacher recruitment policy.

Mr Storey: I am disappointed that the deputy First Minister, unlike his colleague the Minister of Education, cannot come to the House and tell Members about his commitment to equality. It seems that he is only committed to partial equality. Given the repeated claims about equality made by the deputy First Minister's party, what assurances can he give Members that, if the education and skills authority (ESA) were to be established, Protestant teachers in Northern Ireland will be treated fairly and with equity and that the discrimination that already exists as a result of the exemption will be abolished once and for all?

The deputy First Minister: As the Member will no doubt be aware, on 23 July, the junior Ministers met a delegation from the Equality Commission to discuss its proposals to reform equality legislation. The delegation included the Equality Commission's chief commissioner, Bob Collins, and its chief executive, Evelyn Collins. I understand that that meeting was very positive. However, it was pointed out to the Equality Commission that we would need to carefully consider how its raft of proposals for legislative reform could be taken forward.

As I have said, the teachers' exception is a sensitive issue. *[Interruption.]*

Mr Speaker: Order.

The deputy First Minister: Any proposal to amend or remove the exception will draw strong responses — both from those opposed to it and those who support it. In view of this, we must move cautiously on this matter. Members should note that the Department of Education will shortly commence a review of recruitment opportunities in the teaching sector. Officials will work closely with the relevant stakeholders, including the Equality Commission, and it would be prudent for us to await the outcome of that review before taking any decisions about the future of the teachers' exception. Clearly, the Office of the First Minister and deputy First Minister (OFMDFM) and the Department of Education must liaise closely on this matter.

The Member should not be concerned about my commitment to equality, or that of my party. Our commitment is absolute, but some situations of a historical nature have to be dealt with. Many of them were in place prior to devolution and our taking office.

It is now our responsibility to deal with them. I have outlined the methodology by which we will approach it and I hope that we can see it resolved.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Is it not the case that those exemptions were made largely at the behest of the Protestant Churches, which sought to ensure that the ethos of Protestant schools that transferred, and succeeding schools, would be protected?

The deputy First Minister: We all know that the teachers' exemption was allowed so that Catholic maintained schools could insist that any teachers whom they recruited held a certificate in religious education.

The vast majority of primary schools and some post-primary schools insist on a certificate in religious studies. The Department of Education's proposed review of recruitment opportunities in the teaching sector will specifically consider issues in relation to the certificate. The review will seek to estimate the proportion of those vacancies for which a certificate in religious studies is likely to be an eligibility criterion. It will identify the routes by which teachers may obtain a certificate, either as part of initial teacher education or subsequently, and it will also seek to identify any barriers to obtaining a certificate that could give rise to inequality. That is a pointer in the direction of the contributions made by both Members who spoke in the last few minutes.

The new education and skills authority will be the single body responsible for employing teachers. However, responsibility for drawing up the requirements for particular posts will rest with boards of governors in schools. Even if the teachers' exemption were to be removed, a board of governors could legitimately view possession of a certificate in religious education to be a requirement for certain posts.

It is a mistake for Members to sectarianise discussion of these highly sensitive issues. We must deal with the legacy that we have been handed. Given the opportunity, many people would change things done in the past. However, we have to deal with the outcome of the past. Members must recognise that this is an issue on which strong views are held on either side of the argument. As always in such matters, the secret is to find a solution. I hope that we can do that.

Mr K Robinson: I notice how closely the deputy First Minister sticks to the script.

With schools increasingly sharing facilities, buildings and teaching staff in local partnerships, has not the ability of certain schools to use religious criteria in the appointment of teachers become an anachronism?

The deputy First Minister: I certainly represent my own views on how we move forward. When I was Minister of Education, I was a strong supporter of

integrated education and of all education sectors. I recognised that our education system was going to change and that it faced huge challenges, not simply in response to economic forces, but in recognition of the practical sense that it makes to increase sharing among schools. Inevitably, that brings about a situation where consideration has to be given to the removal of obstacles to ensuring that all teachers have a level playing field. That is important, and the Member's point is well made.

We have to move forward with the agreed processes to resolve that. The Department of Education will conduct its review in the next while, on the other side of which I hope that we will see a solution that is acceptable to all.

Mr Speaker: Question 2 has been withdrawn.

Cohesion, Sharing and Integration Strategy

3. **Dr Farry** asked the First Minister and deputy First Minister what steps are being taken to resolve political differences relating to the strategy for cohesion, sharing and integration to enable an agreed consultation document to be released as soon as possible.

(AQO 137/10)

5. **Ms Anderson** asked the First Minister and deputy First Minister to detail the public service agreement and the objectives which provide the context for the cohesion, sharing and integration strategy.

(AQO 139/10)

The deputy First Minister: With your permission, Mr Speaker, I will answer questions 3 and 5 together.

The draft programme for cohesion, sharing and integration was originally to be brought forward before the end of last year. That and subsequent commitments on timing were made in good faith; it was our expectation that they would be met. However, it was not possible to meet that date. Reaching agreement on the cohesion, sharing and integration (CSI) strategy remains one of the top policy priorities of OFMDFM.

Our commitment in the Programme for Government under PSA 7 is:

“Making peoples’ lives better: Drive a programme across Government to reduce poverty and address inequality and disadvantage”.

It includes a number of actions under objective 5, which is to:

“Promote equality and the enforcement of rights”.

We are determined to honour those, including the implementation of a programme of cohesion and integration for a shared and better future for all.

The CSI strategy is important, and we will continue to work at it until we have honoured that pledge. While

we continue to work intensively towards an agreed strategy that will benefit all our people now and over the longer term, work to promote community relations and good race relations has continued over the past two years, led and supported by the First Minister, me and the whole ministerial team.

Let me repeat: there are many examples of that commitment. We have invested £29 million in good relations work in the current comprehensive spending review (CSR) period to build a shared and better future; that is not insubstantial. Additionally, we provide match funding to EU funding under the Peace III programme. As the Department accountable for three of the programme's priorities, we are strategically placed to ensure co-ordination of activities at the local level. Junior Ministers continue to chair the north Belfast working group, focusing on interface issues in Belfast and across the North. We have spent £500,000 this summer on resourcing work on the summer interventions programme. Overall, since devolution in 2007, we have spent £1.5 million on that intervention work.

In our district councils' community relations programme, we have spent £4,372,000 since May 2007 and have committed a further £2,759,000 this financial year. In Coleraine, we have been working proactively with our key partners, both statutory and non-statutory, following the killing of Mr Kevin McDaid in May, and we have provided an additional £23,000 to Coleraine Borough Council for diversionary work on top of the £86,000 awarded to it for good relations activities. Junior Ministers have met our key partners twice as part of our ongoing commitment to the area. Similarly, in Craigavon, the junior Ministers have been chairing meetings with all our key partners on the issues and tensions there that we have seen recently on our TV screens. We are supporting and facilitating diversionary work on a multi-agency basis.

Flags monitoring has been undertaken on our behalf by the Institute of Irish Studies at Queen's University since 2006. The last survey will be conducted at the end of this month, and we expect to receive the report by the end of this year.

Dr Farry: I thank the deputy First Minister for his detailed answer. What specific actions are the First Minister and he taking to address the outstanding gaps, in order that we can have a draft strategy? In particular, given that I am led to understand that it is one of the areas of dispute, can the deputy First Minister give the House an assurance that there is no contradiction whatsoever between the concepts of equality and good relations and a shared future, and that, indeed, developing both in tandem is to the benefit of the entire community?

The deputy First Minister: I agree with the Member's last statement. From our perspective, in recent weeks, we have had people stating their position

in the public domain on how that should be taken forward. That is old news. What we must do now is recognise the importance of the work of getting our officials together and facing up to the challenges that clearly exist as a result of the inability to agree a way forward thus far. I will not stand here and recite all the difficulties, because that in itself could exacerbate the situation, and I have no intention of doing that.

As we move forward, it is important to ensure that our officials are working on the issue, and I can confirm that we have officials working on a draft of the strategy paper, to address my and the First Minister's concerns. We are both committed to resolving the issue as soon as possible. It will not be easy, but the effort has to be made. With goodwill on all sides of the House — not only from the First Minister and me — we can get to where, I think, all of us want to be.

2.45 pm

Ms Anderson: Go raibh mile maith agat. In the context of cohesion, sharing and integration, does the joint First Minister believe that recent comments by Members, including a Minister from the party of the First Minister, Peter Trimble — or Peter Robinson, I should say — stating that they would not attend a service in a Catholic church —

Mr Speaker: Order. I ask the Member to quickly come to her question, please.

Ms Anderson: Some Members have said that they would not attend a service in a Catholic church and that they oppose a visit by the Pope. Does the Minister agree that such comments have no place in a modern society in which we are trying to establish a shared and better future that was signed up to by Executive Ministers in the Programme for Government?

The deputy First Minister: Although I stand by the rights of Members to hold personal religious views, those views must be consistent with our role as public representatives, and we can give no cover to sectarian beliefs or actions. It is a serious mistake for Members to, on their websites, describe the Pope as the Antichrist and to say that the Pope is not welcome here. Many across society were shocked at those comments and hold no truck with them whatsoever.

Mr Shannon: In his response to an earlier question, the deputy First Minister mentioned community relations at council level. How can community relations at council level be developed? Can they be developed on the budget that the deputy First Minister mentioned, which I think was £4.5 million? Should that budget be enhanced to allow the central community relations unit the opportunity to do more at council level?

The deputy First Minister: People have a huge responsibility at council level to contribute to the lessening of tensions in our society. All of us, regardless of what party we come from, what position we hold or what authority we have on district councils, have a huge responsibility to work with each other in a joined-up way to ensure that the messages that go out from councils and elected representatives make it clear that hate crime of any description — sectarian or racist — is totally and absolutely unacceptable.

We have given substantial funding to the councils, and our ongoing reviews of those situations make it incumbent upon us to recognise the importance of dealing with the issue in such a fashion that will see a return for the money that is spent, because it is citizens' money. The announcement of funds for projects in different parts of the North, whether it be Coleraine, Craigavon, the Derry area or the north-west, is money well spent. However, it is well spent only if political leaders are prepared to lead. The fact that we have uninterruptedly come together in the House over the past two years sends a message to people that it is only by working together in a spirit of co-operation that we can hope to resolve the problems that exist.

There are problems in many different council areas, but none of them will be resolved without the goodwill and commitment of locally elected representatives. I am not pointing the finger at any particular party. All of us, as elected representatives, have a responsibility to work together, and that is happening in many parts of the North.

Mr Attwood: On the radio this morning, the deputy First Minister's party leader called for the canonisation of the deputy First Minister. Does the deputy First Minister care to respond to those comments, given the fact that canonisation normally follows one's death and does not occur during one's lifetime?

With respect to cohesion, sharing and integration, does the deputy First Minister agree that his personal exchanges with the First Minister in recent weeks and the various insults and putdowns that have passed between them are anything but evidence of a shared society and a shared approach —

Mr Speaker: Is the Member coming to the end of his question?

Mr Attwood: I am. Furthermore, does he agree that those exchanges are very bad examples to set for the people of Northern Ireland?

The deputy First Minister: I must say that I was a little concerned when I heard the call for my canonisation — *[Laughter.]* Not only did Gerry say it once, he said it twice, and I told him when I met him at 9.00 am today that he was totally out of order, as one can only be canonised by the Catholic Church after one has died.

Mr McLaughlin: He did not have to work with the DUP. *[Laughter.]*

The deputy First Minister: Obviously, people will have watched with interest what has happened over the past couple of weeks. I will not disguise the difficulties that exist, but I will not labour those difficulties either. Instead, we must recognise the enormous achievements of putting together the Assembly and the Executive given the different allegiances.

The First Minister and I are well able to stand up for ourselves, but I do not want to be in a confrontational situation with anyone regarding how we take the process forward. Our duty to ensure that policing and justice powers are transferred is a responsibility to deliver for our citizens; not for Catholics, republicans or nationalists, but for everyone. Establishing a policing service that commands the greatest allegiance in our society is one of the most important things that we can do over the coming weeks and months, and that will be good for everyone. A policing service that has the overwhelming support of the community will be more efficient and effective as we face down the criminals, gangsters and drug pushers who try to take advantage of the fact that in some parts of the North, they believe that they can survive.

I have watched the activities of the protest groups, even though they are only micro-groups, that have grown up recently. Indeed, I was walking along my street just a few weeks ago and witnessed two adults and a child handing out anti-Sinn Féin leaflets, and my driver pointed out that one of the adults had been convicted of drug dealing eight years before. Furthermore, when one looks closely at those who burst into district policing partnership meetings, in Derry or in other parts of the North, it is evident that some elements in those groups are gangsters and criminals who wish to use the issue of policing to destroy everything that has been built up in the past number of years.

Therefore, there are huge challenges ahead, and the First Minister and I have a responsibility to lead in a positive and constructive fashion. I am determined to do that.

Policing and Justice Powers: Budget

4. **Mr McNarry** asked the First Minister and deputy First Minister to detail the budget transfer required from Whitehall to operate devolved policing and justice powers. (AQO 138/10)

6. **Mr Hamilton** asked the First Minister and deputy First Minister to provide an update on the negotiations with HM Government in relation to the financing of any future devolved policing and justice powers. (AQO 140/10)

The deputy First Minister: With your permission, Mr Speaker, I will take questions 4 and 6 together.

Preparations for the devolution of policing and justice powers have progressed in line with the process paper, which the First Minister and I made public following our attendance at the Assembly and Executive Review Committee meeting of 18 November 2008. One of the essential steps identified in that paper was the need for a satisfactory conclusion to financial discussions involving the First Minister and me, the NIO, the Treasury and the Prime Minister.

Over the course of the past 10 months, the First Minister and I have met with senior Whitehall Ministers on a number of occasions to discuss financing issues in relation to the devolution of policing and justice powers. Those talks intensified recently when the First Minister and I met the Prime Minister on 16 September 2009 and 21 September 2009 in London and on 23 September 2009 in New York. Members will be aware that each of the parties met with Gordon Brown earlier today, and I believe that others will be meeting him later. The First Minister and I will meet him together in Stormont Castle immediately after Question Time.

In addition, officials from OFMDFM and the Department of Finance and Personnel have engaged in detailed and lengthy discussions with Whitehall Departments, including the Treasury, the NIO and the Court Service, to establish the financial implications of devolution.

A series of meetings has also been held with front line policing and justice agencies to examine the pressures that they will face in delivering services in the coming years.

Substantial progress has been made in identifying the pressures that a Department of justice would face in this comprehensive spending review and beyond. However, those issues have not yet been fully resolved, and further ministerial discussions are planned. Consequently, it would be premature and inappropriate to comment on the funding details at this time.

The First Minister and I remain firmly of the view that devolution should be accompanied by adequate resources to meet the challenge of those new responsibilities and to deal with financial pressures. We also believe that a locally accountable Minister would be better placed to set priorities and manage the policing and justice budget than a Minister based in London.

Mr McNarry: I accept that the Minister cannot divulge figures, and I appreciate that negotiations are ongoing, even as we speak. Nevertheless, will he say whether the agreed final settlement will be based on a final sum for an agreed period and how long that period will be likely to last? What contingency elements will be built in or guaranteed to be made

available to counter an upsurge of violence from dissidents, or whatever one wants to call them? Will all the negotiated sums be fully proofed against efficiency savings imposed by the Treasury?

The deputy First Minister: Members will be aware that we are at a very sensitive stage regarding the way forward. The First Minister and I will go back to talk to Gordon Brown, and he indicated at our meeting this morning that he might need to see us during the coming days. We are talking about huge sums of money: hundreds of millions of pounds.

Mr McNarry: Will you not tell us what they are?

Mr Speaker: Order.

The deputy First Minister: I will tell you what they are: they are for hearing loss, legal aid, equal pay and a range of other issues. We want to ensure that we have a policing service that is supported by a Department of justice that has the essential funding required to make it fit for purpose. The issue that we have been discussing recently has brought us to a point where Gordon Brown has made it clear, at the meeting that I have just left, that he wants to ensure that the issue of finance does not block the process from moving forward. He is saying that he will not fail, and we are going to keep him to his commitments.

We are concerned about some issues. It is vital that the centre of excellence for the emergency services — the Fire and Rescue Service and the Police Service — is commenced as quickly as possible, and not just because it is in my constituency. That, in itself, sends a powerful message to people about how we will move forward. We have raised that issue and a whole range of others during our discussions.

I am taking the British Prime Minister at his word. He is saying that this process — this negotiation — will not fail on account of the funding issues. After meeting with him today, I believe what he says: the process will not fall down because the British Government do not recognise the importance of funding the requirements that we have identified to enable us to move forward.

Obviously, we are in the mouth of the next British general election, and I do not know what Government will be returned: it will be either a Labour Government or a Conservative Government. I noted with interest this morning that David Cameron made it clear that he is prepared to honour whatever agreement Gordon Brown makes. However, I remind Members that when Peter Robinson and I, along with Ian Paisley, Gerry Adams, Mark Durkan and Reg Empey, went to Downing Street prior to the establishment of these institutions, the British Government walked out to the microphones and told the world's media that the Budget for the next 10 years in the North would amount to almost £60 billion and that that was ring-

fenced and guaranteed. Have we learnt a bitter lesson since then?

Mr McNarry: Have you?

The deputy First Minister: We all have. We all recognise that, no matter what agreements we make as a result of our negotiations with this British Prime Minister, we are dealing with a British Government that could, at any time, cut any aspect of our Budget through the Barnett formula. That is an occupational hazard that we have to live with. Our job as politicians is to fight that battle. Obviously, the negotiation that we are involved in is not one that will just tide us over for the next number of months; it will take us right through the next comprehensive spending review.

3.00 pm

Mr Hamilton: Can the deputy confirm that he is not yet in a position to recommend the acceptance of any financial package that is currently on offer and that further negotiation is required to secure the adequate resources that he spoke of?

The deputy First Minister: First of all, I am not “the deputy”. I am the deputy First Minister in a Department where there is equality between the First Minister and myself, and don't you ever forget it. *[Interruption.]* Secondly, as we move forward, we do so on the basis that everybody in the House wants the process to work. I was very interested to hear Lord Trimble during the last couple of hours, telling the Ulster Unionist Party to get on with it, as he sauntered down — I do not think it was on a yacht, but it was on a punt of some description — towards the Conservative Party conference. The Ulster Unionist Party would be well advised to heed his advice.

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

ENVIRONMENT

PPS 5

1. **Mr Savage** asked the Minister of the Environment to provide an update on draft PPS 5. (AQO 150/10)

The Minister of the Environment (Mr Poots): My Department is still awaiting the outcome of the judicial challenge to draft PPS 5, which was heard in the High Court in January 2009.

Mr Deputy Speaker: Order. Members who are leaving should do so quietly.

The Minister of the Environment: I have finished my response, but in case it was not heard I will give it again. My Department is still awaiting the outcome of

the judicial challenge to draft PPS 5, which was heard in the High Court in January 2009.

Mr Savage: The absence of a robust planning policy statement governing retail and town centres is putting our town centres at risk. Minister Campbell announced a review of PPS 5 in 2000, and the draft PPS was published in 2006. Can the Minister explain why, some 29 months later, the review and the new PPS 5 have not yet been adopted?

The Minister of the Environment: I thank the Member for his question. I could almost be as tetchy as the deputy First Minister in my response on this issue, because it irritates me greatly that the judicial challenge has been sitting with the High Court since January this year and that developers would take this House to court on the issue for their own pecuniary interests against the interests of the wider public in Northern Ireland. The PPS 5 document is ready to go. It will help to secure our town centres, and it is repulsive that developers would challenge that document purely for their own personal gain against the public interest.

Mr I McCrea: I welcome the Minister's answer so far. I also find it unacceptable that developers would take such action on such an important issue. Does the Minister agree with me that the delay due to the legal proceedings has put town centres, especially local businesses, in danger?

The Minister of the Environment: I absolutely agree. Town centres are being put at risk, and jobs are being lost. Although it may suit some individuals to carry out such actions, and I have no control over how courts do things, I wish that a decision could be made as quickly as possible so that we can move on, whatever decision the court makes.

Mr O'Loan: Does the Minister agree with me that multinational companies have enormous economic power and that policy must therefore aim at ensuring a level playing field? Will he therefore ensure that draft PPS 5, when it emerges, will protect local independent business and, in particular, will minimise the obstacles to new local businesses starting up?

The Minister of the Environment: That is the idea behind PPS 5. However, it must always be recognised that, in a democratic state, we cannot control who chooses to invest or where that investment is made. We must make our region as attractive to investors as possible, and I want to do that through how I deal with planning. I will encourage a process that is quick, efficient and fair.

Waste Repatriation

2. **Mr Moutray** asked the Minister of the Environment when the repatriation of waste to the Republic of Ireland is due to commence. (AQO 151/10)

The Minister of the Environment: The first meeting in the process to let a contract under compulsory EU procurement rules took place in Dublin on 8 September 2009. Dublin City Council has the lead responsibility for procurement under the framework agreement. The next meeting will take place on 7 October. The procurement process will take at least three to four months, and work will commence as soon as possible after a contractor has been selected.

Mr Moutray: I thank the Minister for his answer thus far. Why has it taken so long to reach this point, and what has the Environment Agency done to stop the illegal activity that is involved?

The Minister of the Environment: During direct rule, the response was too slow, and the issue was ignored for many years. As an MLA with a particular interest in the matter, I wrote to the then Minister with responsibility for the environment, Angela Smith, and received an unsatisfactory response. Eventually, I had to take the case to the European Commission, which demanded that the Republic of Ireland Government respond to it. As a result of the actions of the European Commission, the Republic of Ireland authorities have to take back the waste and deal with it under due process. I will seek to move the matter forward as quickly as possible. I trust that the sites can be restored to the way that they should have been; they should not have been allowed to have been damaged in the way that they have been.

Mr Gallagher: Is the Minister aware that, on 29 June 2009, his predecessor as Minister of the Environment told me in a written answer that the tender process would take between three and four months? Given that the current Minister is using the same form of words that was used at the end of June, will a specific date for the commencement of work be issued after the contract is put in place?

The Minister of the Environment: I trust that a date will be given. When one is working with another body, one can work only at its speed. Ultimately, we need an agreement with Dublin City Council on the issue. Meetings have taken place, and, as I said, another meeting will take place later this week. If full agreement is reached at that meeting, the procurement process will take three to four months from then. In the event of procrastination, the entire process will take longer. I implore everyone to get the business done this week and to resolve the situation in a way that is satisfactory to all.

Mr Elliott: I thank the Minister for those answers. Does he have up-to-date figures on the estimated cost of repatriating the waste? Have any criminal prosecutions been made as a result of the matter?

The Minister of the Environment: There is a site at Slattinagh and one at Trillick. The cost to the Department of the remediation work is around £600,000. That is 20% of the overall cost of the remediation and excavation work. Dublin City Council and the Republic of Ireland authorities will be responsible for the entire cost of dealing with that waste and for 80% of the cost of excavation and remediation. The cost is a serious issue.

Since January 2009, the Environment Agency has overseen 27 successful prosecutions, which have included one suspended prison sentence and almost £120,000 in fines against illegal waste offenders. Trained and accredited financial investigators make use of greater powers that are available to them through the Proceeds of Crime Act 2002 and have obtained confiscation orders that total more than £1 million.

Mr Deputy Speaker: Question 3 has been withdrawn.

High Hedges Legislation

4. **Mr Irwin** asked the Minister of the Environment to outline the timescale for the introduction of the high hedges legislation. (AQO 153/10)

11. **Mr P Maskey** asked the Minister of the Environment when he plans to introduce legislation on high hedges and clean neighbourhoods. (AQO 160/10)

The Minister of the Environment: With your permission, Mr Deputy Speaker, I will answer questions 4 and 11 together.

I have already announced that I intend to bring forward separate Bills on high hedges and clean neighbourhoods within the current legislative programme. The precise timetable will depend on political co-operation in the Executive and the Assembly. I am hopeful that the legislation can be in place by the time that the new councils are formed in 2011.

Mr Irwin: Will such legislation cover all types of trees and hedges?

The Minister of the Environment: The legislation will cover mainly the fast growing, evergreen types of hedges, although it will not be exclusive. It will also cover other types of trees and hedges that can cause nuisance. Its main focus will be evergreen trees; for example, leylandii such as the Castlewellan Gold.

Mrs Long: What preparatory work will the Minister do with local government, so that when that much-welcomed legislation is passed, councils are ready to act on it? Many people have waited for a long time for

that legislation. They are grateful that it will be introduced.

The Minister of the Environment: Now is an appropriate time to legislate. New councils are being formed that will have greater responsibilities as a result of legislation that will be put through the House. The Department will put the matter out for public consultation. Obviously, local government will give its response.

Should the legislation be enacted, councils would not act as negotiators in disputes; rather, they would be required to investigate complaints and to reach decisions on whether a hedge adversely affects a complainant's reasonable enjoyment of his or her property. If a complaint is upheld, the council would serve a notice on the hedge's owner, which would require him or her to reduce the size of a hedge within a specified deadline. Failure to do so would be an offence.

That is what happens in England. I suspect that the Department will replicate that closely. However, if there are any means to do it better, the Department is happy to look at them and to listen to any suggestions that might come from local government, in particular.

Mr K Robinson: Did I hear the word "consultation" in the middle of that response? The Minister's illustrious predecessors went to consultation on at least two occasions. That is one reason why the problem has dragged on for so long. I am delighted to hear that the matter of disputes between neighbours could be resolved through the legislation. Will the matter be put out to consultation again?

The Minister of the Environment: Yes; my intention is to consult on the matter. I will take it to the Executive and then to consultation. Hopefully, with the will and support of the Assembly and the Executive, consultation will move forward as quickly as possible, and legislation will be brought to the House. Some people have suggested that that should be done quickly. If the House co-operates with me and it wants the legislative process to be the fastest possible, the House will find that the Minister will also co-operate. Therefore, I look forward to help from the members of the Environment Committee who have spoken about the issue to ensure that the measures are delivered quickly.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister develop that legislation alongside clean neighbourhoods legislation? Is there any thinking on that issue? The SDLP has lobbied the Department on that issue for some time. It would be interesting to hear what cognisance or recognition there is of that suggestion, which would give local councils stronger powers to deal with environmental issues.

The Minister of the Environment: I will take the clean neighbourhoods legislation forward separately. I do not want to blur the issues. There will be two

separate pieces of legislation. Departmental officials are already working on both aspects of legislation. The Member is quite correct: the SDLP has lobbied on the issue. I am glad that, at last, that party has been useful for something.

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

3.15 pm

Plastic Bag Levy

7. **Mr McCartney** asked the Minister of the Environment if he plans to introduce a levy on plastic bags. (AQO 156/10)

The Minister of the Environment: I do not have any immediate plans to introduce a levy on plastic bags.

Mr McCartney: Gabhaim buíochas leis an Aire as an fhreagra sin. I note that the Minister said that he does not have any plans to introduce a levy. However, will he outline how he intends to address the issue in the future? Does he wish to introduce a levy, or is he categorically refusing to address the issue in the future?

The Minister of the Environment: I used the word “immediate” deliberately, because we first need to identify how successful we have been in reducing the number of plastic bags. Since the voluntary approach was announced in July, there has been a 38% reduction in plastic bags in Northern Ireland. That does not compare favourably with the rest of the UK, in which there has been a 48% reduction. However, supermarket sales in Northern Ireland have gone up. That is good news and is largely to do with the fact that people from the South are coming to Northern Ireland to buy goods. It is, therefore, harder to reduce the amount of bags in a rising market.

The option of doing away with plastic bags altogether raises other issues. First, in the Republic, there has been a larger take-up of plastic bin bags. Therefore, people are not using plastic shopping bags, but they are replacing them with a different type of plastic bag. Secondly, the potential use of paper bags is a problem because they are heavier and their production has more of an environmental impact. Therefore, the issue is not just as straightforward as doing away with all plastic bags.

Nonetheless, we have been successful thus far in reducing the number of plastic bags by 38%. I want to keep the pressure on supermarkets and, indeed, smaller shops, because they have work to do to reduce the percentage further. I will make a decision later, once the voluntary approach has been carried out fully.

Mr T Clarke: I ask that the Minister does not make a rash decision about the price of plastic bags, because last week the media were very interested in the fact

that I spent £2 on plastic bags for my office last year, and I do not want to increase that cost to the taxpayer.

The Minister of the Environment: If you lived in the Republic of Ireland — you do not, and I suspect that, like me, you never will — you would have had to pay 44 cents a bag. That is not a lot of money to many people; however, to those living on the breadline it is. Therefore, I do not want to impose a levy that will hurt people in a struggling sector when we can introduce a successful voluntary approach instead. The 38% reduction is a success story, but we need to go further. We wish to push that figure up, but if we cannot do that, we will look at introducing a tax on plastic bags.

Mr P J Bradley: Does the Minister agree that a levy on plastic bags would discourage their use, lead to the use of more environmentally friendly options and reduce the total amount of domestic waste?

The Minister of the Environment: In my response to Mr McCartney’s question, I tried to explain that there are no easy solutions and that no solution is purely environmentally positive. All of the solutions have negative connotations. Although we want to discourage the use and the multiplicity of plastic bags, there is a good success story to be sold and told. Lots of people now buy the reusable bags for life. I encourage more people to use them, and I encourage shops to be more reluctant to give plastic bags to customers. I will indicate to shopkeepers that I expect that to be the case. The levy is the stick, but let us continue to use the carrot to see whether we can get the outcome that we are looking for. *[Interruption.]*

Mr Deputy Speaker: I remind Members to switch off mobile phones.

Rev Dr Robert Coulter: As it is now about four months since the Minister raised the issue of a plastic bag levy, will he detail the expected amount of money such a levy would raise? Does he agree that any money thus raised should be spent on green issues in local areas?

The Minister of the Environment: I have not investigated the amount of money that a plastic bag levy would raise. I would be looking to use such a levy as a deterrent, not as a tax-raising measure. Our party is a party of low taxation, and it is one that allows people to spend their money as they wish. It is also in favour of the Government providing services that are fit for purpose. Therefore, I am not looking for a tax-raising measure; I am looking for and we are working towards the best environmental outcome.

Planning Decisions

8. **Mrs M Bradley** asked the Minister of the Environment what assurance he can give that the reformed planning policy will contain a strong

governance framework to ensure that, where one political party dominates a given council, this party will not have undue influence over planning decisions. (AQO 157/10)

The Minister of the Environment: The draft local government reorganisation Bill, which my Department is in the process of taking forward, will facilitate the majority of local government reform proposals. The Bill will make provision for the governance arrangements that will apply to the new councils. Those will include the introduction of a system of checks and balances in each council to allow the call-in of a decision. The criteria for call-in will cover procedural matters and any issue that relates to the protection of political minorities. Legislation will state the triggers that are required for the implementation of call-in and how matters will be decided.

The Bill will provide for a new ethical standards system for local government. That will include a mandatory code of conduct for elected representatives of district councils, with associated processes for investigating and adjudicating on alleged breaches of the code. Appropriate governance arrangements and codes of conduct will be essential in the post-RPA planning system, not only to provide assurances to the public that the system is open, fair and transparent and that decisions are made in accordance with all relevant considerations but to protect councillors and planning officers. Planning officials will continue to work with NILGA and DOE local government colleagues through the RPA implementation of structures on those issues.

Mrs M Bradley: I thank the Minister for his answer. Will he be working with the transition committees to develop those governance standards and safeguards? Does he agree that, by failing to introduce a governance framework, he is leaving the planning system open to abuse?

The Minister of the Environment: I am very happy to work with the transition committees, and I intend to visit each of them. Two weeks ago, I started in the north-west, visiting the transition committee of Coleraine Borough Council, Limavady Borough Council, Moyle District Council and Ballymoney Borough Council. That committee is working well and is doing good work in the circumstances in which it finds itself.

We are setting up a regional transition committee that will have representatives from all the main political parties. We are working very closely with the strategic leadership board, another meeting of which will take place next week. That all demonstrates that a very strong train of thought exists between the Department and local government on identifying the best solutions for going forward.

I do not think that public representatives are any more likely or, indeed, any less likely than people in the public service to accept bungs or bribes. It does not reflect well if we are suggesting that public representatives are of that ilk. Across the parties, I have found that public representatives are, by and large, there to serve the public. Although there is always potential for a rotten apple to be in the barrel, that is the exception as opposed to the rule.

Mr McCarthy: Does the Minister agree that regardless of which party runs which council, planning policies will have been laid down and agreed and that the Minister and his Department will expect councils to abide solely by those policies?

The Minister of the Environment: Absolutely. However, planning policy is not a perfect science. Building control is an engineering process that demands that, for example, a flight of stairs run at a certain gradient with so many centimetres between each step. Planning is more judgemental. There will be very clear cases in which planning applications are refused. In such cases, a councillor saying that they have known the applicant's family for 30 years and that they are great people in the neighbourhood will not be a good enough reason to challenge the decision. That is not a planning reason. If a councillor does not have a planning reason with which to challenge the planning officer's recommendation, that officer's decision or recommendation will stand. Councillors are the decision-makers, but they will have to make their decisions on the basis of prevailing planning policy.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. The Environment Committee, of which I am a member, has no problem working with the Minister if he wants to legislate in a hurry, especially legislation that deals with clean neighbourhoods and high hedges.

Does the Minister have sufficient resources to fully implement the recommendations in the review of public administration, such as those on planning reform?

The Minister of the Environment: All of this is a continual process. For example, last week the Executive were considering the allocation of additional resources to deal with swine flu. There are always challenges and difficulties. We are moving forward and have the ability to continue to move forward apace; there is no reason to stop.

I intend to ensure that the funding follows the function and that there is no separation of the funding from the function; that is, I will ensure that the Department does not keep a portion of the money for a different purpose, leaving local councils to carry the burden. If the Department gives local councils work to do, it should give them the money that it is getting to carry out that work.

Irish Hare

9. **Mr Burns** asked the Minister of the Environment what protection will be given to the Irish hare in the review of the Wildlife Order. (AQO 158/10)

The Minister of the Environment: The review of the Wildlife (Northern Ireland) Order 1985 considered statutory protection for the Irish hare in the longer term. The consultation exercise demonstrated that the existing protection in the Wildlife (Northern Ireland) Order 1985 was satisfactory because, as a game species, the Irish hare is protected each year during the close season for hunting. There was also agreement from respondents that efforts to maintain and restore a suitable habitat offers the best means of achieving long-term sustainability of the Irish hare population. That is the approach that I propose to pursue.

Mr Burns: Does the Minister intend to keep funding the Irish hare population study at Queen's University after 2010?

The Minister of the Environment: I cannot make a decision until I see the outcome of the study and see how the figures are faring. The Irish hare is an animal that is worthy of our concern. It is worth continually looking at the population of the Irish hare to ensure that it is not just maintained but actually grows. Many of the actions that are being carried out through the countryside management scheme will increase the habitat of the Irish hare and could have a much more positive impact than anything else that we do.

Permitted Development

10. **Dr W McCrea** asked the Minister of the Environment what steps he is taking to allow minor works to be categorised as 'permitted development' to reduce costs and speed up the backlog in the planning system. (AQO 159/10)

The Minister of the Environment: My Department will shortly bring forward three public consultation exercises that will seek views on proposals to extend permitted development rights for development within the curtilage of a dwelling house; introduce new permitted development rights for small-scale renewable energy development; and extend rights for a number of other development types, including agriculture, industry, commerce and retail, community and leisure and utilities and minerals. It is anticipated that the proposed changes will significantly reduce the number of planning applications required for a minor development. The consultation period will run until January 2010.

Dr W McCrea: What specific proposals does the Minister have for introducing changes to non-householder permitted development?

The Minister of the Environment: We are looking at policies on microgeneration for situations in which people are engaged in developing small-scale renewable-energy technologies, including micro wind turbines, heat pumps, biomass plants and solar panels for both householder and non-householder use. We are looking at opportunities in agriculture, such as products made from produce grown on farms, farm shops that sell local produce and storage and distribution uses. We are also looking at industrial warehouse development for extensions of premises by up to 1000 sq m and of free-standing buildings by up to 100 sq m; quarry development for plant or machinery associated with an existing quarry; new buildings up to 1000 sq m; and the development required for health, safety and welfare, such as the provision of chemical toilets and hygiene facilities for staff, safety structures and temporary structures for shelter. In commercial development, shop extensions of up to 50 sq m are being considered, as is the construction of stores for trolleys and bins. In offices, extensions of up to 50 sq m are being considered. That covers a wide range.

I have put together a file of papers that will be going to the Committee for the Environment. It is five inches thick and will involve a lot of reading by the Committee staff before they can advise members. I look forward to the consultation and the results of it.

3.30 pm

Mr Deputy Speaker: Question 11 has been grouped, and Question 12 has been withdrawn.

PPS 21

13. **Mr Brolly** asked the Minister of the Environment when the final version of PPS 21 will be presented. (AQO 162/10)

The Minister of the Environment: I will discuss the finalisation of PPS 21 with the Executive subcommittee on the review of rural planning policy. The final version will be in place after it has been agreed by the Executive.

Mr Brolly: Is the Minister aware of the concern among not only rural dwellers but developers about the delay in bringing the final version of PPS 21 to the House?

The Minister of the Environment: I am sure that the Member will be delighted to learn that last week the subcommittee agreed to the proposals going forward to the Executive, and I will put a paper to the Executive in the very near future. I trust that all the parties on the Executive will come to a swift conclusion on this matter, and that we have agreement to move forward for all those whom we represent in rural communities.

PRIVATE MEMBERS' BUSINESS

Grammar School Entrance Tests

Debate resumed on motion:

That this Assembly requests that the Minister of Education establishes a statutory framework for the grammar school entrance tests, effective from the beginning of the academic year 2010-11; and recommends that this statutory framework should remain in place until the Council for the Curriculum, Examinations and Assessment devises, pilots and introduces literacy and numeracy tests compatible with the curriculum, alongside a robust pupil profile, allowing academic criteria to have a role in the post-primary transfer process. — [Mr B McCrea.]

Mr Deputy Speaker: The House will return to the business before Question Time. I ask Members to take their ease for a few moments.

Main Question put.

The Assembly divided: Ayes 43; Noes 41.

AYES

Mr Armstrong, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Dodds, Mr Donaldson, Mr Easton, Mr Elliott, Sir Reg Empey, Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mrs I Robinson, Mr K Robinson, Mr Savage, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Wells, Mr S Wilson.

Tellers for the Ayes: Mr McCallister and Mr B McCrea.

NOES

Mr Adams, Ms Anderson, Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brolly, Mr Burns, Mr W Clarke, Dr Deeny, Mr Doherty, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mrs Hanna, Mr G Kelly, Ms Lo, Mrs Long, Mr Lunn, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Dr McDonnell, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McLaughlin, Mr Neeson, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ruane.

Tellers for the Noes: Mr Boylan and Mrs McGill.

Main Question accordingly agreed to.

Resolved:

That this Assembly requests that the Minister of Education establishes a statutory framework for the grammar school entrance tests, effective from the beginning of the academic year 2010-11; and recommends that this statutory framework should remain in

place until the Council for the Curriculum, Examinations and Assessment devises, pilots and introduces literacy and numeracy tests compatible with the curriculum, alongside a robust pupil profile, allowing academic criteria to have a role in the post-primary transfer process.

PRIVATE MEMBERS' BUSINESS

Migrant Workers

Mr Deputy Speaker: The next item of business is the motion on migrant workers. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. *[Interruption.]*

If Members are leaving, they should do so quietly.

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

Ms Lo: I beg to move

That this Assembly notes the economic, social and cultural contributions from migrant workers; and calls on the Executive to review the migrant workers strategy and to re-establish the Racial Equality Forum to consider further support for immigrants.

The UK was one of the three original states that opened their labour markets to the eight accession countries from eastern Europe in the wake of the EU expansion in 2004. As a result, after decades of negative migration — more people leaving than coming in — Northern Ireland suddenly faced an influx of thousands of migrant workers to fill vacancies arising from our skills and labour shortages. However, statistics have shown that numbers of migrants are decreasing, due, in part, to the economic downturn but also to a natural decline in the supply of workers, which is not inexhaustible, the opening up of labour markets in other parts of the UK and unfavourable exchange rates.

The Northern Ireland Statistics and Research Agency (NISRA) estimated that, at the end of 2008, there were 30,000 migrants from the A8 countries in Northern Ireland, comprising around 5% of its workforce. The majority of the migrant workers live in Belfast, Dungannon, Craigavon and the Newry and Mourne areas and have jobs in administration, manufacturing, food processing, hospitality and construction. Research from the European Commission and the UK shows that migrant workers have had a generally positive impact on the economy.

3.45 pm

I was a member of the promoting social inclusion working group on race, which became the Racial Equality Forum, whose aim was to formulate, implement and monitor the racial equality strategy that was eventually published in 2005. Since 2006, the forum has not met once, and the strategy has been dead in the water, awaiting publication of the cohesion, sharing and integration strategy.

The most productive outcome of the forum has been the migrant workers strategy, which was produced by

its thematic subgroup and has now reached the end of its stipulated lifespan of three years. That strategy requires a review, but there is no forum to determine its future.

The Department for Employment and Learning has lead responsibility for implementing the strategy's action plans, together with other subgroup members from statutory and voluntary agencies, all of whom should be complimented on achieving many of the set targets. There is now a range of information packs and materials on websites to provide migrant workers with a better understanding of their employment rights and available services. The Equality Commission has also produced guidance for employers who hire migrants. There is better employment inspection and enforcement to protect migrant workers and prevent exploitation, particularly with the imminent passing of the Employment Bill to strengthen employment agency law and the investigatory powers of the Department for Employment and Learning.

However, the strategy has so far been focused totally on economic issues. It is essential that it considers the wider integration and social needs of migrant workers from EU and non-EU countries. The voluntary sector has reported a high percentage of destitution among the migrant community because of the economic downturn and the problem of their having no recourse to public funds.

The rights and entitlements available to migrant workers vary a great deal under the Home Office points scheme depending on whether the person is from a long-standing EU country, the A8 accession states, the more recent A2 countries or elsewhere. A8 nationals must register with the Home Office workers' registration scheme when they arrive and find work in the UK to get the right to reside and to access in-work social security benefits, such as tax credits and housing benefit. However, if they lose that job within the first year — for example, because of the seasonal nature of the work — and cannot find alternative employment within 30 days, the right-to-reside status is lost. Generally, they are not asked to leave the UK, but they cannot access unemployment benefit and are no longer entitled to access public housing.

Many migrant workers do not have a lot of savings and, when they lose employment, the consequences can be dire. At a time when they most need help, the safety net is not there. Those from outside the European Economic Area who hold work permits are also in a tenuous position, at risk of being exploited or made unexpectedly redundant or becoming undocumented for reasons beyond their control.

It can be extremely difficult to transfer a permit to a new employer, and that has created a rights vacuum. The Republic of Ireland recently addressed that issue

by introducing a bridging visa scheme that provided a four-month buffer for people who find themselves in that situation. I dealt with such a case in my constituency, and it would have been hugely positive and helpful to know that a temporary safety net existed for someone who may have already been subjected to mistreatment or exploitation.

The voluntary housing sector and church groups often try to provide some assistance. The Council for the Homeless Northern Ireland reported that 955 foreign nationals sought shelter between June 2008 and June 2009 and that 619 of those people were accommodated.

A2 nationals from Bulgaria and Romania face even more restrictions. They are either self-employed or recruited under a work permit scheme, and the jobs that they fill must be proven not to have attracted any local applicants. They have no recourse to public funds and, therefore, are not entitled to emergency housing. That was the case with the Roma families who were intimidated out of their homes in south Belfast last June. In Craigavon, Roma families and children have had difficulties in registering with GPs. Both the Law Centre and the Human Rights Commission have advocated a government support fund that could be accessed by voluntary organisations on a grant-aid basis to provide accommodation, support and other assistance for migrant workers who face destitution.

The Executive must consider the scope of the gaps in welfare provision and fill them through greater flexibility in statutory and voluntary services in crisis situations. In Scotland, nationals from A8 member states have the same rights to housing and homelessness assistance as nationals from long-standing EEA states. The Home Office is proposing to extend the workers' registration scheme for another two years. The Executive should oppose that proposal, because it discriminates against A2 and A8 nationals.

There is also a great need to help new migrant communities to build their capacity to provide self-help and advocacy for their community and to network with the wider community. I call on OFMDFM to re-establish the Racial Equality Forum; to review the strategy; and to allow the thematic subgroup to extend its actions to meet the wider social and integration needs of migrant communities.

Mr Buchanan: The motion calls on the Assembly to note the economic, social and cultural contributions made by migrant workers in Northern Ireland. That is something that we can all associate ourselves with. We all witness the valuable contributions that have been and continue to be made by migrant workers in various employment sectors. It must be recognised that some of those jobs would have fallen off the ladder had it not been for the migrant workforce that took those jobs

and ensured the economic viability of small and medium-sized enterprises by keeping industrial costs to a minimum.

During the economic boom, migrant workers were vital in filling Northern Ireland's skills gap, especially in the construction industry, which was one of the largest growing sectors. The industrious base of migrant workers helped to facilitate the expansion of the services sector by taking on posts that would otherwise have been difficult to fill. We can see the contribution that migrant workers make right across our Departments, whether Health, Agriculture or any other Department.

It is important to note that, between May 2004 and June 2007, there was an influx of some 25,600 applications to work in Northern Ireland from foreign nationals from eight different countries. That equates to 24 applications per thousand of Northern Ireland's working-age population. That is much higher than the UK average, which was 18 applications for each 1,000 people of working age.

The increase in the number of migrant workers has created various difficulties with employment rights, the minimum wage, maternity leave, holidays and so on. I know that the Committee for Employment and Learning fought extremely hard for migrant workers' employment rights to be respected. The Committee also engaged with other organisations, including Citizens Advice, to publicise those rights more widely in migrant workers' languages. Those workers were being exploited badly and abused by unscrupulous employers.

As part of the migrant workers strategy and in the light of the difficulties that such workers were facing because of the activities of gangmasters, in October 2007, the Department for Employment and Learning appointed an inspector to ensure compliance with the regulations governing employment agencies, with a second inspector being appointed in June 2008. The most recent figures up to November 2008 show that 80 inspections have been carried out. Further loopholes will be closed when the Employment Bill, which has been agreed, as drafted, by the Committee, goes through the House. The Bill will allow for DEL inspectors and Revenue and Customs minimum wage compliance officers to share data. Migrant workers have also been exploited in that regard.

The motion calls for the re-establishment of the Racial Equality Forum. That body has been lying dormant for some time, and I am not so sure that its re-establishment could be justified or be shown to the best use of financial resources. I wonder whether any work that the body might carry out would be a duplication of the work that has been done already by the Equality Commission and all the individual migrant

workers' welfare groups, which engage continually with the various Departments. I ask the Minister to first give serious consideration to the work that the commission and the other groups have done, otherwise we could end up with a plethora of bureaucratic duplication. That is not what we want; rather, we want to ensure that we have in place something that works.

We must face reality. As a result of the recession, a number of migrant workers have returned to their own countries. A practical and sensitive approach must be taken to calls for jobs to be retained for our own local workers. Although we are aware of the immense contribution that migrant workers make, nevertheless, in the middle of a recession and in the face of increased unemployment, we must get our priorities right in securing employment for our local people.

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

Mr Buchanan: We must encourage more of our economically inactive people into the workplace and equip industry with the necessary skills and incentives.

Ms Anderson: Go raibh míle maith agat. Ba mhaith liom tacaíocht a thabhairt don rún.

I support the motion. Unfortunately, the exploitation of migrant workers is very much a reality in our society. That exploitation manifests itself in a wide variety of situations in which workers are taken advantage of and denied their rights under domestic and EU law. Exploitation can range from discriminatory practice in pay and conditions to forced labour. Such exploitation is particularly prominent in sectors that are poorly regulated. Many of the staff affected are domestic workers, cleaners and restaurant and hotel staff.

Migrant workers here are exploited and abused routinely. They are paid poor wages and denied basic rights and entitlements such as sick pay, holiday pay, overtime and rates of pay equivalent to those for other staff. That is why there was support among migrant workers for the Minister of Agriculture and Rural Development's decision to retain the Agricultural Wages Board. The issue does not affect only migrant workers; the exploitation of agency workers, migrant or not, is also on the increase. More and more employers are using agency workers to avoid the responsibility to comply with established terms and conditions.

I highlight that because it is a pressing issue in my constituency, where employees of Stream International, most of whom work for agencies, face redundancy and have virtually no compensation to which they can look forward.

4.00 pm

Four years ago, the shocking story of Oksana Sukhanova from Ukraine illustrated the full horror that migrant workers experience here. She was 23 years old

when she was found freezing on the streets of Coleraine during the Christmas period in 2004. She lost both legs to frostbite. Oksana had been employed by a factory in Rasharkin but became homeless when it laid her off. The company did nothing wrong and met its few legal obligations, but Oksana was thrown out into the cold. We must ask ourselves what that says about us as a society. What does it say about the lack of legal protection for migrant workers?

Sinn Féin has always stood shoulder to shoulder with the workers and will continue to do so. That is why we support the motion. It is also why Sinn Féin's 'Rights and Respect' document, which was launched a couple of weeks ago, proposes the establishment of a multi-agency partnership between indigenous, multi-ethnic, and migrant workers' communities to embed further in society a culture of rights and respect and the celebration of diversity.

It would be remiss of me not to address two related issues. Whatever political ideology one supports, it becomes irrelevant when minority ethnic and migrant workers need legislative protection, such as could be provided within the framework of a robust bill of rights. We are also under the obligation, through a single equality Bill, to put in place an equality framework that looks to the future of a developing and increasingly complex society, and we have the power to do so.

At present, the North has a fragmented array of legislative instruments that apply different standards of protection to the various strands of society that face discrimination. That fragmentation has proved difficult and confusing. It is often costly for individuals, particularly migrant workers who seek to assert their rights, but also employers and service providers who seek to understand and observe their legal obligations.

Sinn Féin endorses the motion's call for the re-establishment of the Racial Equality Forum and a review of the migrant workers strategy. Sinn Féin also recognises the contribution that migrant workers have made to communities. They are not, as some suggest, spongers. I find some of the comments that have been made about migrant workers disturbing. They did not come here to live on benefits or to steal other people's jobs. In fact, the figures from DSD show that the vast majority of migrant workers register for National Insurance numbers — when they are permitted to do so by their employers. They are intent on making an honest living and contributing to society. Their contribution should be recognised, respected and cherished, not abused or exploited.

For all the reasons that I outlined, and for many more besides, Sinn Féin supports the motion.

Mr Elliott: I thank Anna Lo for tabling the motion. As Dungannon is part of my constituency, I am aware that migrant workers are important to that area and to

its industrial base. For many years, the large influx of migrant workers has been important to industry there. Migrant workers also help to fill the skills gap in the Province's Health Service, and I am pleased that many of them have a high skills base.

I know about many of the frustrations being experienced because many migrant workers visit my constituency office in Dungannon. I am only too willing to try to help in any way that I can, but sometimes that is difficult. As it can be tricky to get to the bottom of many issues, it is not easy to overcome them. Therefore, there needs to be a one-stop shop to try to give those migrant workers the assistance that is clearly needed, whether that be in revenue services, basic translation services or, indeed, in other services, such as education and health.

There are rights and responsibilities for everyone concerned. Economists, businesspeople and employers recognise the importance of those workers' skills. They recognise that those people have something huge to offer society in Northern Ireland, which is evidenced by a number of those individuals who move up the promotional ranks very quickly in businesses in our community.

Local people in the areas in which migrant workers live have a responsibility to accept those workers and to allow them to live, with respect and dignity, in a peaceful society. Migrant workers also have responsibilities: they need to recognise and accept local cultures and traditions in the areas in which they live. To be blunt: all the issues that I have highlighted often garner diverse opinions among the locals and the migrant workers. That sometimes brings conflict, which is a huge difficulty. Often, the workplace is the best place for migrant workers to be.

There is an educational process that must be taken up by the communities and by the migrant workers. Otherwise, if we are not careful, we will have constant conflict, which could become the new sectarianism of Northern Ireland, in which the traditions of locals and migrants will be pitched against each other instead of the old Protestant and Roman Catholic traditions. It is important that, in areas that have large numbers of migrant workers, there is an educational process. In Dungannon, good work is being undertaken in areas such as Cunninghams Lane, where locals and migrant workers integrate well. That is helped by the positive attitude of local communities.

Until we have that co-operation and support from one another, we will have conflict, which there has been in certain areas. Migrant workers should be respected, but, equally, migrant workers should respect local people and local traditions.

Mrs Hanna: I thank Anna Lo for tabling the motion because it is important that we recognise the contribution

that migrant workers make to life in Northern Ireland in relation to our economy, society and culture.

The SDLP believes that all migrant workers, like all citizens, are entitled to civil rights and the protection of interests. The Human Rights Commission has defined those rights in advice guides for migrant workers. I find those documents useful in my constituency office in South Belfast, a constituency in which a considerable number of migrant workers live. Many come to my office for advice on a range of issues, including housing, employment, education and social protection.

However, the rights of migrant workers are complicated within the law. At times, the law is unclear, especially when EU law meets domestic law. Migrant workers pay tax and National Insurance and should, therefore, expect to receive their entitlements to services and support. Most, but not all, migrant workers do. It is essential that migrant workers are made fully aware of the administration that is required to ensure their entitlements should they become redundant.

Many migrant workers end up jobless, particularly A8 nationals, such as those who are from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. Further clarification is needed for those whose status is often unclear. It is unclear what support is available to those who are unable to work but who have been deemed economically inactive; for example, pregnant women. Further clarity is required.

There is a particular problem with foreign women who get pregnant while they are employed in Northern Ireland. Many of them end up jobless, homeless and in a women's refuge, so there needs to be far more clarity and transparency to enable them to access services, as, indeed, there must be for professionals who work with migrant workers, particularly those in social services.

The summer was a bleak time in South Belfast, when, as we all remember, the Roma families in Belgravia Avenue and Wellesley Avenue were attacked. That situation generated such negative publicity that it is essential that it does not happen again. Again, it was about the clarity of those people's status and entitlement.

Communities such as ours definitely and desperately need diversity. We need new thinking and ideas to enable us to open up to the rest of the world. The Poles, with around 40,000 people in Northern Ireland, make up the largest number of migrant workers. There are about 15,000 Lithuanians and 10,000 Slovaks. It is important that those migrant workers' needs are met. Therefore, in light of recent events, the migrant workers strategy must be looked at again, and the Racial Equality Forum must be re-established. I hope that the Executive will agree.

The Department for Employment and Learning published 'Attitudes to Migrant Workers: Results from the Northern Ireland Omnibus Survey', and it would be an understatement to say that the results were mixed. Members who have read the report will know that 49% of respondents agreed or strongly agreed that migrant workers are generally good for the local economy. However, 45% of respondents felt that migrant workers take jobs from people who were born in Northern Ireland. In addition, 59% of respondents agreed or strongly agreed that migrant workers are harder-working than local workers, but 63% of respondents felt that the number of migrant workers coming to Northern Ireland puts a strain on services. The public's attitude to migrant workers is at best ambivalent, so we need to work on providing good civic education.

The SDLP is keen for the UK Government to sign up to the UN Migrant Workers' Convention, the main aim of which is to foster respect for migrant workers' human rights. Migrant workers are not just workers, they are human beings, and the convention does not create new rights for them. It aims to guarantee equality of treatment and the same working conditions for migrants as nationals.

All visitors to our country, long- and short-term, must be treated with respect and signposted to the help, support and advice that they require. The SDLP has broad humanitarian intentions towards migrant workers, who have chosen to come to our country to work hard in order to make a life for themselves and their families. They contribute to the economy and to the community in general, and they have become as much a part of the country as any national citizen.

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

Mrs Hanna: Therefore, they are entitled to the same rights and dignity.

Mr Hilditch: I also support the motion, as most right-thinking and decent people would. I think that everybody in society recognises the economic, social and cultural contributions that migrant workers have made.

I thank Ms Lo for tabling the motion, which does not give me any great cause for concern. However, I need to be a little more convinced that re-establishing the Racial Equality Forum to provide further support for migrants would help to eradicate the problems that surround the issue. We do not wish to create a vacuum that can be filled by the unscrupulous.

I know from first-hand experience that migrant workers have had a positive impact on our economy and make a valuable contribution. They fill vital jobs in healthcare services, the hotel and catering industry and many more hard-to-fill vacancies. My personal circumstances meant that, in the past year, I had to

visit a local hospital to complete a procedure. The theatre was completely filled with Filipino doctors and nurses, and there is no doubt in my mind that I would still be on a lengthy waiting list if the hospital had not employed those people. Furthermore, in my constituency, a large car electronic components factory is a major employer, and it would not be there if it were not for migrant workers. That company also provides support and jobs for local people.

Many recruitment agencies rely on foreign immigrants to fill urgent daily work placements. That is because people have arrived in Northern Ireland solely to look for work. They register as temporary workers with agencies and are available for short-term positions, and they can turn up at very short notice.

For many of our local unemployed, it is not financially viable to accept temporary placements, involving a day here and a day there. That would mean that they would have to arrange childcare, and their benefits would be interrupted. Sometimes, because of family commitments, they are unable to travel to work at only a few hours' notice. A void has been filled by migrant workers, who are very welcome.

We are extremely concerned at the rise of unemployment figures in Northern Ireland. Since the economic downturn, the annual increases in unemployment have been extreme. The latest figures reveal that there are around 49,000 people in Northern Ireland without employment. That is totally unacceptable. Those people, too, should be given every opportunity to avail themselves of jobs, and they are worthy of further support from the Executive.

Internal and global migration have been economic realities for a long time and we have no issue with today's global economy, the flow of labour around the world market, or the fact that people want to improve their living standards. That is why the rights of these folks must be seriously considered. Nevertheless, we have an unemployment crisis that also needs to be addressed urgently. For that reason alone, I urge the Executive to provide further support for migrant workers, who are present throughout our communities. I have no hesitation in supporting the motion.

Mr A Maskey: I also support the motion. I thank the Members who tabled it and who have enabled us to express our support for its sentiments.

There are three parts to the motion. First, it acknowledges the contribution of people from many different communities who have come here as migrant workers. Secondly, it requests a review of the migrant workers strategy, and we support that. The third element is a request for the re-establishment of the Racial Equality Forum.

I represent South Belfast, which is one of the most demographically diverse constituencies. A manifestation

of the richness of that diversity, and a recent addition to our physical landscape, is the Chinese Welfare Association's centre on the Ormeau Road. That is a great addition to the local community. However, that facility was not easily won by the local Chinese community, and I commend the members of that community who have come here, generation after generation, in various waves of immigration. Many of them are now members of the indigenous population. They have brought an additional richness to the local community. By dint of their hard work, their contribution and the respect that they have gained, we now have that centre: a physical manifestation of their presence. That is to be warmly commended.

4.15 pm

All Members who have spoken so far have testified that they have come into contact, through local constituency offices, the Health Service or many of the other sectors in which they are engaged, with people from different backgrounds, nationalities and countries, all of whom have made massive, important and positive contributions not only to our local economy, but to local cultural and community life. That has enriched us all.

As Carmel Hanna has said, in the past few months we have had some difficulties in South Belfast that have brought shame on the constituency and on society as a whole. I do not wish to detract from what she has said. Unfortunately, not for nothing was South Belfast called by some a capital of the world for race problems. However, that is not to minimise the tremendous work that is ongoing in that area by many individuals.

I look forward to hearing the Minister speak on the migrant workers strategy shortly. A number of commitments were made, and there have been improvements in monitoring and regulation. However, some of the statistics are quite scary. A lot of migrant workers are employed by agencies. Across the island of Ireland, there are about 600 employment agencies for a population of three million people. In Poland, at the other end of the scale, there are fewer than 800 agencies for a working population of 40 million. The potential for difficulties arises when such a large scale is involved.

I support the motion, from the point of view of our local experience and against a backdrop in which the UN Committee on Economic, Social and Cultural Rights recorded, in May, its continuing concern at what it described as the de facto discrimination experienced by many people, particularly those from disadvantaged and marginalised groups and communities. The UN Committee's report went on to cite people who are disadvantaged workers, and, unfortunately, many migrant workers fall into that category.

The third element of the motion concerns the re-establishment of the Racial Equality Forum. Having

been a member of the all-party working group on black and ethnic minority communities, I know that there were always arguments about whether the forum was a good or bad thing. I consider it to be a good thing, because it is one more way of bringing in people who have direct experience and who are key stakeholders. It is important that their voices are heard and that government institutions work for all the communities contained in the sentiment of the motion. Therefore, on that basis, and given what Members have said during the debate, I support the motion in its entirety.

Mr Irwin: I welcome the opportunity to contribute to the debate. I state at the outset my support for the right of migrant workers to come to Northern Ireland for employment and to do so without fear of racial attack.

A number of unsavoury incidents and attacks on migrant workers have been reported in the press recently. There have also been inter-racial attacks, including some very serious incidents. One such incident occurred in my constituency recently, in which an employer who tried to stop a disturbance between two groups was driven over by a car belonging to one of the groups. His legs were broken and he was very seriously injured. I can think of instances in recent months in which migrant workers have been subjected to abuse by a small, narrow-minded minority in the community. Everyone in their right mind condemns such activity.

As the motion suggests, migrant workers have, indeed, contributed to the economic, social and cultural growth of our Province. They have filled employment gaps and provided a boost to our skills base, for instance, in the manufacturing sector and the construction industry. No one can deny the contribution that has been made. That has also been the case across the United Kingdom. Since the terrible tragedy in which cockle pickers died in Morecambe Bay in 2004, the Government have done much to improve the rights and prospects of migrant workers and to safeguard them through the Gangmasters Licensing Authority and the stringent requirements that it brings with it.

Ms Lo argues that in the print media today words come easy in condemning attacks, and that she wishes to see delivery and implementation. I agree that it is easy to say the right thing. However, one must not forget that Northern Ireland is emerging from its own long period of inter-community strife. I argue that with respect to today's attitudes towards migrant workers and people of different races, Northern Ireland is by no means a horror story. There have been some unsavoury incidents. However, on the whole, our people, our employers, and our local and regional authorities have welcomed migrant workers. As a local councillor, I know that my local authority has been particularly proactive in accommodating and improving prospects for migrant workers through a number of schemes

spread across the full spectrum of nationalities and that the feedback has been positive.

I ask whether we need the return of another forum when many facets of administration are already delivering their own initiatives for improving the prospects of migrant workers.

Mr Gallagher: I commend Anna Lo and Naomi Long for proposing the motion. It focuses our attention on the increase in the number of migrant workers who have come to this part of the country, particularly over the past decade. That has presented us all with many challenges to our approach to accepting difference. Most migrant workers make a positive contribution to our economy, but I will return to that issue later.

It is a great pity that more work has not been done on 'A Shared Future' and the triennial action plan in particular, which would have put in place a strategy on racial integration. We all understand how important it is to have a strategy for such important work.

Without a strategy, there is a vacuum, and that can work in a couple of ways. First, the statutory services and voluntary organisations, which work to promote racial integration and to help migrant workers to settle into the local community, are at a loss as to what direction they should be taking.

Secondly, the problem with a vacuum, as Members know, is that it is sometimes filled by people who like to stir up hatred, and we have seen that manifest itself in racial attacks that have been carried out in most, if not all, the constituencies of Northern Ireland. I am sure that Members will agree that the actions of the small number of people who engage in such activities are reprehensible and bring disgrace on us all.

There are significant numbers of migrant workers in Fermanagh and South Tyrone, particularly in Dungannon and Enniskillen, and they engage in various activities; in Dungannon, they are involved in food processing in particular, and, in Fermanagh, construction and engineering. Many of our significant Indian community are involved in health work. However, in the absence of a strategy from OFMDFM, the councils in that constituency, as is the case with councils everywhere else, are doing tremendous work in focusing attention on tolerance and in promoting cultural activities in which many of the new workers in those parts of the constituency actively engage. I commend all those who promote that work, because it is often left to the councils and non-statutory organisations to look after such matters as benefit entitlement and employment rights.

Much good work is being done in delivering those programmes, which further good relations and which are beneficial to migrant workers. However, much of the help is on a stop-go basis, because, in the absence of a strategy, funding often comes from peace programmes. At this time, when we are waiting for Peace III

applications to be dealt with, the organisations involved in the delivery of such programmes feel that their future is uncertain. That is why the triennial action plan needs to be looked at again by OFMDFM. The strategy needs to be put in place, and it must be supported by sufficient resources to ensure that the programmes work effectively.

Mr Shannon: I support the motion. There is no doubt that migrant workers can and do integrate well and that the service that they provide in many areas of the Province is beneficial.

4.30 pm

I declare an interest as a member of Ards Borough Council, which recently agreed to hold English language classes for Polish workers in the Ards borough through the South Eastern Regional College. No doubt the Minister will also mention that. Research carried out in the Ards borough has shown that the number of Polish workers has increased significantly, with many working in industries there, and the problem of speaking English has been identified as the main training need for those migrant workers. That need was identified and, through those language classes, it was responded to.

As there was no direct contact between Ards Borough Council and the large Polish community in that area — although there was contact with the Lithuanian community — it was agreed to put on a 12-week class of two hours each week through the South Eastern Regional College. The council's good relations budget was used to help to fund the classes, and it had the full backing of the Ards Intercultural Forum. There are also plans to replicate the courses in Comber and Portavogie, where there are also large numbers of Polish workers.

Tha raisin fer this wus that fer tha real cumin tha tither o' migrant woarkers intae oor cummunitees, ther haes tae be tiem aside fer takkin things iver tae heft tae git aa' troo unnerstaunin. Aa' wus at tha lanch o' tha Oardinary Leevs exhibitshun at Stormoont fer migrant woarkers, whuch showed tha impoartin an vital roul they play in oor modrin society.

Aa' hae aften visited Poalish groups an ither migrant woarkers leevin in tha Airdes area, whau left Englan an whau noo wroucht in Huddleston Engineerin' an in tha fish factories an they aw play an impoartin pert in oor woarkforce.

The reason for the classes is that for the real integration of migrant workers into our communities, good communication is required to enable true understanding to develop. I attended the launch of the Ordinary Lives exhibition at Stormont for migrant workers, which underlined the fact that those workers play a vital role in our modern society.

I have often visited groups of Polish and other migrant workers living in Ballywalter, who left England and who work locally in Huddleston Engineering and in the fish factories and who are an important part of our workforce. They have integrated into society, they pay their taxes like everyone else and they add their culture and language to the brogues of the Ards Peninsula. There, Ulster Scots is mingled with Polish, Latvian and Lithuanian, and the message has gone out that we must reach out to all our European neighbours now living in the Province. I am not sure whether there is anywhere else in the Province where one will find those languages mixing with Ulster Scots, but it is found in my neck of the woods because all the migrant workers there are learning to speak it. That adds to the multicultural society here and to the smiles and the humour, which are infectious.

There was an initiative by the citizens advice bureau called the imagine project for migrant workers. Following the receipt of a £83,000 grant, the citizens advice bureau brought together all the government bodies that support migrant workers in the Londonderry room in Newtownards Town Hall, and a large number of migrant workers living in the Ards borough, from places such as Lithuania, Latvia and Poland attended. They were young men and women who were eager for work, and some of those whom I spoke to lived in Portaferry, Killinchy and Ards and worked as tilers, bricklayers, in the local restaurants and for Willowbrook Foods. They were just ordinary folk from foreign lands doing hard work in local factories and on the fishing boats. The need for English-language classes was top of the agenda, and I am sure that the Minister will want to raise the fact that the local South Eastern Regional College responded to that need.

Society has recognised that there are a great many ethnic minorities in the Ards borough that contribute to society, create employment and interrelate with everyone. There are a large number of migrant workers across the Ards area working in farms and factories. The work is hard, but they work hard and do well, and their hard work is recognised.

There is no doubt that some of the old division lines still exist in the Province, and some new division lines have appeared with the increase in migrant workers and new prejudices rising to the fore. However, much work has been done in the community to combat that, and I extend my congratulations to the community workers who have worked so hard to ensure that all are included in their schemes and who, in some cases, go as far as arranging cooking lessons to help the migrant workers to get used to our food.

I believe in all the projects that are taking place in my constituency, which are essential. I support those projects, as they enable men and women from all countries to come here and make their contribution,

pay their taxes and enhance our country. It appears that a great system is already in operation, certainly in my constituency, and I congratulate all those who are involved in that work.

I support the motion, I support the spirit of the motion, and I appreciate the role that those who work in our country play.

The Minister for Employment and Learning (Sir Reg Empey): I welcome the opportunity to speak on this important motion, and I thank Members who spoke on these increasingly important matters.

The motion covers a broad range of issues concerning not only migrant workers but migrants generally. New communities in our society are very welcome for the economic benefits, skills, new ideas and fresh perspectives that they bring. Evidence suggests that migrants fill skills shortages and do jobs that indigenous people are reluctant to do in times of economic growth. It has been pointed out in the past that, as Members have said, our Health Service would probably come to a stop overnight without the many internationally recruited nurses and doctors. Without them, it would not be possible to deliver vital front line services.

In their Programme for Government, the Executive committed to deliver:

“a peaceful, fair and prosperous society ... with respect for the rule of law”.

Furthermore, the Executive agreed to drive a programme across Government to reduce poverty and address inequality and disadvantage in order to make people's lives better — PSA target 7. The commitment of objective 5 under PSA target 7 is to promote equality and the enforcement of rights, including the commitment to implement a racial equality strategy. In delivering that for all the people here, we need to take into account the enormous changes that have occurred over the past few years. Growing diversity is a sign of our modernity and the progress that we have made. It also offers us a unique, exciting and never-to-be-repeated opportunity to change the way in which people living here have viewed one another for too long.

Because of migration, it is no longer possible to talk, as so many have, of the two communities in Northern Ireland; there are many communities now, each with different faiths, beliefs, cultures and interests. That growing diversity has transformed our cultural paradigm, and we must approach the future with a new perspective.

That growing diversity can have a genuinely leavening effect on a society that has long been frozen into a two-traditions divide, and it has the potential to act as a powerful lever on the old attitudes to difference that have maintained that divide. Put simply, the growing richness of our diverse society in Northern

Ireland has the power to help healing. Government and the public sector have a central role to play in facilitating and encouraging integration between minority ethnic people and indigenous communities.

However, we cannot address the challenges alone. Local action will be the cornerstone of that work; real change will take place at local level, and we are all partners in building a better future. Migrant workers are boosting our economy and making great contributions to our social and cultural lives. Just as they are learning about our cultures and traditions, there is much that we can learn from theirs.

The motion calls for a review of the three-year-old migrant workers strategy. It was recognised in 2005, after the number of migrant workers arriving in Northern Ireland had increased dramatically following the accession of the eight countries into the European Union, that migrant worker issues were significant and that a co-ordinated approach needed to be adopted. In June 2006, the Racial Equality Forum established the migrant workers thematic subgroup. That subgroup of about 40 members, including most Northern Ireland Departments, relevant UK Departments and other key organisations, and which is chaired by my Department, developed a draft strategy and action plan that were endorsed by the Executive in June 2008. Both documents are reviewed annually. The last annual review was completed in March this year, and the revised documents were published on my Department's website.

The action plan identifies four key strands of required action, on which significant progress has been made. One of the main purposes of the employment, inspection and enforcement strand is to enhance cohesion and the sharing of information among enforcement bodies, something that is often overlooked.

Some of the recent successes with regard to violations of the national minimum wage and recovery of money for individuals have happened as a result of joint working between Her Majesty's Revenue and Customs, the Gangmasters Licensing Authority and my Department's employment agency inspectorate. I anticipate that there will be an even greater degree of lawful information exchange facilitated through provisions contained in the new Employment Bill, which is at Committee Stage. The Bill will seek to enhance the Department's powers of investigation into private recruitment companies to ensure that the most vulnerable workers, including migrants, are not exploited by unscrupulous agencies. In taking forward the information strand in the strategy, member organisations have produced guides and leaflets that are available in various languages.

The information working subgroup, led by the racial equality unit in OFMDFM, is considering proposals for the effective collation of core data to enhance consistency and to allow the development of an

effective signposting tool for all relevant organisations and individuals. The 'Northern Ireland Direct' website could act as a portal for that information.

A pivotal need existed for the developing best practice strand, as organisations had produced, or were in the process of producing, high-quality material and models through on-the-ground initiatives. Thirteen key best practice principles have been developed, against which potential new best-practice information, services and systems should be designed and existing samples assessed. A welcome pack template has been created, which aims at achieving consistency in the range of topics covered at central and local level. Separate guidelines on the use of interpreters and translation have been produced.

At present, a framework for migrant worker awareness training for staff is in the final stages of completion, and guidelines on organising events for, or to include, migrant workers are almost complete. Work has started on the final topic: foreign qualifications equivalents.

The fourth and final strand relates to research and data gathering. As inward migration for employment purposes on any substantial scale was a recent phenomenon, little research had been carried out, and data systems had not been designed to fully capture information on the topic. Questions on public attitudes to, and perceptions of, migrant workers, which were raised by Mrs Hanna and others, were included in the 'Northern Ireland Omnibus Survey' in 2007 and 2008. The results were published in my Department's 'Labour Market Bulletin'. That was repeated in 2009, and the results will be published on my Department's website.

Two pieces of research on the experiences of migrant workers in Northern Ireland and the economic labour market and skills impact of migrant workers here were commissioned. Detailed reports of the findings of both are expected to be published shortly and should inform future policy.

I will now turn to the review of the migrant workers strategy. The strategy contains terms of reference for the thematic subgroup, which include a requirement for its work to be reviewed after three full years of operation, and an assessment of the need to continue its operation to be made by the Racial Equality Forum, taking account of the views of the subgroup itself. I want to consider the way forward very carefully, bearing in mind the achievements of the subgroup and the nature of the tasks that continue to need to be addressed.

The First Minister and the deputy First Minister have instructed OFMDFM officials to reconvene the Racial Equality Forum as soon as possible. I expect that to take place in November. OFMDFM officials will now consult the sector to agree appropriate

membership and structures for the forum and to develop a suitable work programme. When those deliberations have been completed and a work programme agreed, OFMDFM officials will reconvene the forum.

I will now turn to provision for more support for immigrants. The crucial role played by minority ethnic groups is recognised and valued. OFMDFM has awarded more than £1 million under the minority ethnic development fund to 27 organisations here for the financial year 2009-2010. The funding package represents a further increase of 10% to minority ethnic groups on top of the increase announced last year, which will mean more organisations spread across society here will be funded to do the hard work that needs to be done. We recognise, of course, that that work cannot be left to the voluntary sector alone. Immigration is not a transferred matter, and responsibility for policy issues remains with the Westminster Government. Although sometimes we are constrained by UK-wide legislation, OFMDFM is determined to examine what support can be given to people facing a genuine crisis.

I will now turn to some of the issues raised during the debate. Alex Maskey said that the Chinese community centre was a hard-won achievement. I point out that £250,000 of funding was provided by OFMDFM toward that centre, which illustrates a level of commitment. With regard to the rights of vulnerable workers, I remind the House of the vulnerable workers' helpline, which was a key recommendation of the recent GB vulnerable workers forum report. That helpline went live in May 2009; it is based in GB but answers calls from Northern Ireland on the national minimum wage and on gangmasters licensing. Queries from Northern Ireland regarding other enforceable rights such as health and safety, working time, employment agency standards and the agricultural minimum wage are signposted by the helpline to appropriate agencies here.

4.45 pm

Martina Anderson asked about the unfortunate issue of the Ukrainian woman Oksana Sukhanova. The Ulster Unionist Party lobbied Downing Street to prevent her deportation back to Ukraine, but, unfortunately, events overtook us.

Carmel Hanna referred to signing the International Convention on Migrant Workers. That is a matter for the UK Government, but it is worth noting that no migrant-importing countries have, so far, signed up to the convention. That is a significant piece of information.

Anna Lo said that there is no safety net for migrant workers. That is a matter of UK Government policy, which is set down in legislation by the Home Office. However, following experience from Scotland, the Office of the First Minister and deputy First Minister has sponsored the Law Centre to arrange a seminar for

January 2010 that will explore whether, inside the Home Office's legislative framework, some of the gaps in the safety net can be blocked.

The Northern Ireland Racial Equality Forum is being reconvened, and the thematic subgroup of that forum is still functioning. The question of the review remains. As I said, the Office of the First Minister and deputy First Minister is very active on a range of issues.

Some people have been unhappy — and no one could feel otherwise — about the image that Northern Ireland displayed to the world during the summer. Tom Elliott, William Irwin and other Members referred to those incidents, which cannot be swept under the carpet. The issue requires a co-ordinated approach, not only across Departments, but across society in general. Everyone has to play a role, including local authorities and the voluntary and community sector. Employers have a role, and the Government have a role. Although we cannot be responsible for the actions of every person in the community, we have a duty to establish the right tone and the right framework in which action can be taken.

Recent events have shown the need for Departments and relevant statutory bodies to provide co-ordinated and effective leadership and responses on those issues. Therefore, officials from OFMDFM have recently taken part in a multi-agency review on the response to the attacks on, for example, the Roma families. The review, which is being led by Belfast City Council, will produce a series of recommendations that will help to inform the response to similar scenarios, should they arise in future.

Therefore, significant progress has been made. We cannot enter in to any complacency, because we know that certain groups of people have their own agendas. Everyone must behave responsibly, and I believe that the Government are doing so. The actions that OFMDFM has proposed will have a positive effect. However, the failure to deal with the issues around a shared future casts a certain pall over the matter. I believe that the problems that arise from that will not inhibit the actions that OFMDFM has promised.

My Department will continue to be active on the issue. The enactment of the Employment Bill, which is before the House, will be another contribution. We will continue to lead the thematic subgroup of the Racial Equality Forum and ensure that, as far as possible, we are in a position to implement policies, subject to the availability of resources.

Mrs Long: I thank all Members who participated in the debate. Traditionally, Ireland has been a country of emigration rather than of immigration. For that reason, people here have found it difficult to come to terms with the notion of inward migration. We are much more used to waving people off from these shores than

to welcoming them to our part of the world. From that perspective, how we deal with those important issues presents a challenge for us all.

During the past few weeks, I attended a conference at which the former Scottish First Minister Jack McConnell talked about how Scotland's Government aimed to grow its economy. He said that because they had made economic growth a priority, they accepted that they had to reverse the decline in population. The population had to grow. He said that there are two ways of doing that: first, attract emigrants back; secondly, attract new people to come to live in Scotland. He focused on how that had successfully reversed Scotland's population decline.

That is also the case in the South. About one quarter of the working-age population is made up of people who, at some stage, lived outside the state because they were either born elsewhere or went abroad to work. Most people would reflect that that one quarter or one fifth of the population in the South represents some of the people who have been the drivers of its economic regeneration.

It is important to recognise that the matter is not just about having hands to do work: it is about having minds to think new thoughts and people to challenge how we do business. All those factors contribute to change and economic growth.

Although people may be migrant workers, their contribution is way beyond what they do in the workplace and their economic contribution. They bring cultural, artistic and social wealth and generate new ideas and challenges for change. That is healthy if society is to transform and move forward. On all those fronts, migration is positive. It is not, however, always sold as positive because, like all change, it brings challenges. People focus more on the challenge and less on the end product.

People are not simply economic units; they are individuals who have hopes and aspirations, with families and futures. Therefore, when migrant workers choose Northern Ireland, often, they are also deciding that they want to make a long-term contribution to our society. Therefore, it is not simply the case, as it was in the past, that people move from one country to another simply to go where there is work. In many cases, people make the choice that they want to make Northern Ireland their home for the long term.

That is hugely welcome. However, Northern Ireland needs to prepare for that change; it needs to be ready to support communities and local people as migrants move to Northern Ireland so that that can be a success.

The economic downturn has brought a change in the flow of workers to Northern Ireland. Indeed, some Members said that there has been a flow out of Northern Ireland by certain communities. In many countries,

that is not entirely the case. Much depends on the economic circumstances in people's home countries and where they believe their future is best placed.

That leads to certain challenges when people lose their jobs. Some Members, such as Martina Anderson and Anna Lo, talked about people who lose their jobs and are left without a temporary safety net, nowhere to go until they can find another job, and, often, no time to make big, life-changing decisions. When their visas and employment have run out, their choice is either to leave or to become illegal immigrants. Something needs to be done that will, at least, give people breathing space, in the same way that each of us wants, to make decisions about their lives.

Anna Lo mentioned the bridging visa scheme in the Republic of Ireland, which provides a temporary safety net. Of course, the Minister pointed out that immigration issues are dealt with at Westminster. I am heartened to hear that the Executive are engaged on those issues and are looking at how the Assembly can use its legislative powers to fill those gaps locally without breaching Westminster legislation.

During recent months, economic changes have resulted in people's vulnerability becoming more acute. One day, someone will have a job; the following day, he or she will not. Often, people live a hand-to-mouth existence.

We have also seen the differences in status among different classes of EU immigration being exposed in a way in which we had not previously. Members mentioned the differences between A8 nationals and A2 nationals from different accession states. Those two groups comprise a hugely complex mix of different people with different rights and responsibilities. Welfare gaps exist, and that issue needs to be looked at. We need a coherent, compassionate and financially sustainable solution to those challenges. That requires a review of how we do business, and that is what the motion calls for.

We also have to recognise the fact that the Racial Equality Forum has a role to play in addressing many of those issues. Alex Maskey said that people who have direct experience must be given a voice at the table. It is hugely important that we do that, because the picture is changing constantly. If we measure the level of immigration at a given point in time, we would see a very different picture of how communities are constituted and how people flow in and out, compared to that which we would see if we measured it again in a few months' time. Therefore, it is important that there are people at the table who can bring their experience to bear.

Thomas Buchanan said that he recognised the fact that there are employment rights issues and minimum wage abuses, and that migrant workers need to be

protected from those. He also said that many of the people who come to Northern Ireland in very vulnerable circumstances are not only exploited by local employers and landlords, but gatekeepers and gangmasters who bring them here and who seek to profiteer from their misery.

In responding to the debate, the Minister said that he wants additional powers to investigate employment agencies, and that is a welcome development. It is important that there is transparency in how people are dealt with to ensure that the minimum-age requirements that apply to everyone else in society also apply to those who come here.

A number of Members made reference to the situation of the Roma families. That situation raised issues about how the host community copes with immigration, as well as huge issues about the moral responsibility that we have for the people who live in overcrowded conditions, who are clearly not on the minimum wage, and who are really struggling on the margins of society. That presents a challenge not just to those who throw a rock through a window, but to the rest of us, particularly elected representatives who have a responsibility to try to direct how society works.

Like the Minister, David Hilditch questioned the need for the Racial Equality Forum and said that he was concerned about the risk of duplication. I do not think that there is a risk of duplication. We need a forum to drive forward a lot of the work and to co-ordinate actions. Many Members mentioned the fact that good work is happening in the areas concerned. However, the problem is a lack of co-ordination.

I will come to the issue of the CSI strategy later, because many Members would be surprised and disappointed if I did not. I will get there eventually.

We need to be aware of the impact of the recession. Some people may leave of their own volition and chose to return home. That is fine, and that is their choice. However, I was slightly concerned by the fact that some Members talked about local jobs for local people. When times get difficult and when the competition for resources becomes more acute, there is a tendency for people to blame all their woes on those who are from outside Northern Ireland. We must be conscious of that. During a recession, we need to be clear about our legal obligations, so that people are dealt with fairly, and about our moral obligations, so that people are treated with respect and dignity.

The Minister for Employment and Learning:
Will the Member give way?

Mrs Long: Normally I would, but I cannot because my time is almost up.

I wish to tie up those last few points in relation to the CSI strategy. A number of Members talked about the good work that is going on. Jim Shannon talked about the issue of language integration and about how important it is that people can speak the language so that they are able to access services and protect their rights. A number of other Members, including Tommy Gallagher, spoke about how we deal generally with the fear of difference. We need a more coherent strategy to deal with all those issues. We must find a way of dealing with differences in Northern Ireland that is more constructive than the way in which we have dealt with our traditional differences.

Many people from this part of the world have family members who emigrated overseas to make a new life for themselves. We should be very proud that the tide has now turned and that people see this as a place where they wish to make a life for themselves. However, we must take responsibility for the fact that we need to support those people in doing that.

5.00 pm

I thank the Minister for his comments, and I wish to highlight the work that he is doing on foreign qualification equivalents. There are often skills shortages, and many of the people who come to work here have the skills that we need but struggle to get placed because of problems with their qualifications. Those people are working well below their capacity. I would like to see that addressed, and I welcome the Minister's indications that he will do so.

Question put and agreed to.

Resolved:

That this Assembly notes the economic, social and cultural contributions from migrant workers; and calls on the Executive to review the migrant workers strategy and to re-establish the Racial Equality Forum to consider further support for immigrants.

Adjourned at 5.02 pm.

