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Northern Ireland Assembly

Monday 15 November 2010

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

Members observed two minutes' silence.

Matters of the Day

Afghanistan: Military Fatality

Mr Speaker: Mr Gregory Campbell has sought leave to make a statement on the death of a soldier who was killed in Afghanistan, which fulfils the criteria set out in Standing Order 24. I will call Mr Campbell to speak for up to three minutes on the subject. I will then call representatives from each of the other political parties, as agreed with the Whips. Those Members will also each have up to three minutes in which to speak on the subject. As Members know, there will be no opportunity for interventions or a vote on the matter. I will not take any points of order. If that is clear, we will proceed.

Mr Campbell: Yesterday, as many thousands of us in Northern Ireland and many tens of thousands across the nation as a whole gathered at cenotaphs to remember the fallen and pay tribute to those who paid the supreme sacrifice, a family near Coleraine was visited by the Ministry of Defence and informed that another young man had paid that supreme sacrifice in Helmand province in Afghanistan.

When 1 Royal Irish was first deployed to Afghanistan, there were very obvious fears among the rest of the community in Northern Ireland and among families and friends that casualties would occur. Indeed, soldiers from Lisburn and Craigavon also paid that sacrifice in recent months. Now is not the time for deliberation or debate on the merits or demerits of the campaign. Now is the time to stand shoulder to shoulder to show solidarity with the family as they endure what, for them, must be the unendurable: the pain and suffering of the loss of a loved one as they await the return of the body before they can properly grieve. We stand with them. Our thoughts and our prayers are with them and with all those who serve. We

trust that sufficient resources will be deployed to ensure the safety and protection of all those who serve as they carry out their duties and the battle for freedom in Afghanistan. Our thoughts and prayers are with the family at this time.

Mr Leonard: Obviously, at such a very difficult time, we all have sympathy with a family preparing to bury a 20-year-old son, in whatever circumstances. All parents of young men around that age will identify with that sympathy. In the context of this death, everyone will know that Sinn Féin opposes the wars in Iraq and Afghanistan. We feel that the British Government are sending more and more young people to their death in such military escapades in various parts of the world. However, today, we sincerely record that this young man's death is, first and foremost, a tragedy for his family and his friends.

Mr McClarty: Now is not the time for political statements about the rights and wrongs of the war in Afghanistan; now is the time for our thoughts and prayers to be very much with the family of the young soldier who lost his life in such a tragic and untimely manner in Afghanistan, particularly given the fact that it happened yesterday, Remembrance Sunday, when the majority of us were thinking about all the young men and women who gave their life for the sake of freedom, not only in this country but throughout the world.

The death is also tragic because this young soldier's mother was actively involved in filling boxes to be sent to our soldiers in Afghanistan. It is difficult for me to find the words to express the deep sense of loss that the Coleraine community will feel on the death of that young soldier, but the thoughts and prayers of all of us have to be with him. I ask the community to support his family, even though I do not feel that I need to, because the community will get

behind and support them in the coming days, weeks and months.

Mr Dallat: As a Member for the area and a parent, I convey my personal sympathy and that of the SDLP to the parents and family of the young man who tragically lost his life so many miles from home. I will certainly not be making a political statement, but it is fair and reasonable to wish that the day soon comes when no young person anywhere in the world will lose their life in such tragic circumstances. We cannot begin to understand the loss to that family and their neighbours. We sincerely sympathise with them.

Dr Farry: I thank Mr Campbell for raising the matter of the day in the Assembly. I, too, reflect on the poignancy of the fact that the death occurred on Remembrance Sunday. It is important that we not only recognise the sacrifice made by the individual from Macosquin but pay tribute to all who have made the ultimate sacrifice of laying down their life for others.

We should also reflect on all those who are serving. Whether from Northern Ireland, the rest of the UK or in armies from other countries, they are all working to bring peace, development, democracy and human rights to troubled lands. It is important as well that we reflect on the fact that our security at home now depends on our action and that taken on our behalf by young men and women from these shores to provide security in lands very far from ours. This death is a sobering reminder of what is happening there and what people are doing to ensure that we are safe here in Northern Ireland and on these islands.

As other Members said, this is not a discussion of the rights and wrongs of our intervention in Afghanistan or of the nature of that intervention and how it should change. This is an opportunity to acknowledge, as is our duty, the strong acts of courage that individual citizens are taking on behalf of us all.

Assembly Business

Mr Gallagher: On a point of order, Mr Speaker. Have you checked the Hansard report of last Tuesday's Question Time, when I asked that the Hansard report be reflected on, further to the Health Minister's response to my fair question, when he made unfair comments implying that I had cast aspersions on and, indeed, sneered at health workers? Furthermore, Mr Speaker, do you intend to caution the Minister?

Mr Speaker: I have listened to the Member and, although I know that he has already raised the matter in the House, I have to say that I see it very much as the cut and thrust of debate in the Chamber. As I have told the House continually, I am not so hooked-up on the words that Members use in the House; I am more interested in the debates, the delivery of debates, what Members might say in a particular debate and in the bigger debate. I know that the Member feels strongly about the issue, but I have cautioned Members on good temperament in the Chamber on a number of occasions. I also recognise that the cut and thrust of debate, even during Question Time, can raise some issues. However, I see it very much as the cut and thrust of debate in the Chamber.

New Assembly Member: Mr Pól Callaghan

Mr Speaker: I advise Members that I have been informed by the Chief Electoral Officer that Mr Pól Callaghan has been returned as a Member of the Assembly for the Foyle constituency to fill the vacancy resulting from the resignation of Mr Mark Durkan. This morning, Monday 15 November, Mr Callaghan signed the Roll of Membership and entered his designation in my presence and that of the Clerk to the Assembly/Director General. Mr Callaghan has now taken his seat.

Ministerial Statements

North/South Ministerial Council: Language Sectoral Format

Mr Speaker: I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement to the Assembly.

The Minister of Culture, Arts and Leisure

(Mr McCausland): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following report on the eleventh North/South Ministerial Council meeting in language sectoral format, the seventh since the restoration of the Northern Ireland Executive and the Assembly and the second to be held in 2010. The report has been endorsed by the Minister of Education, who was the accompanying Minister.

The meeting was held in the NSMC joint secretariat offices in Armagh on 3 November 2010. I represented the Northern Ireland Executive as Minister of Culture, Arts and Leisure, along with Caitríona Ruane MLA, Minister of Education. The Irish Government were represented by Pat Carey TD, Minister for Community, Equality and Gaeltacht Affairs. I also chaired the meeting. The meeting dealt with issues relating to the language body and its two constituent agencies: Tha Boord o Ulster-Scotch, the Ulster-Scots Agency, and Foras na Gaeilge, the Irish language agency.

I will now present a summary of the issues discussed by the Council on 3 November 2010. The Council received progress reports from Foras na Gaeilge and the Ulster-Scots Agency on developments to date in 2010. Ministers noted the ongoing collaboration between the agencies, including a recruitment policy for the language body; a joint disability action plan and policy on child protection and code of practice; a contract with HR consultants to draw up staff contracts and to review individual job descriptions; an information leaflet on the language body; and the continuation of the lecture series “Aspects of our Shared Heritage”, including a new lecture on the history of the languages.

Ministers noted progress by the agencies in several areas. On 18 August 2010, the Ulster-Scots Agency marked the occasion of its 100th board meeting. In 2010, the Ulster-Scots Agency provided funding for 27 summer schools and 10 after-school clubs, which continue to be successful

in engaging young people in Ulster-Scots activities. The Ulster-Scots Agency completed a preliminary evaluation of the new community workers scheme, which was introduced on a pilot basis in 2010. The agency's partnership funding scheme has been successful in bringing Ulster-Scots culture to wider audiences through a range of mediums including film, tourism and theatrical productions.

12.15 pm

Foras na Gaeilge established a new office in Gweedore on 1 September 2010. It provided funding for 65 summer camps in 2010. Foras na Gaeilge is finalising the accreditation system for Irish language editors, which will be introduced by the end of 2010, with the first examination taking place early in 2011. Foras na Gaeilge completed an internal review of the GLEO scheme —spoken Irish in the education sector — in advance of the 2010-11 school year.

Ministers thanked John Hunter, the outgoing chairperson of the Ulster-Scots Agency, for his contribution to the work of the North/South Language Body. The Council approved the 2010 North/South Language Body business plans and budgets. Ministers noted progress on the development of the Ulster-Scots Agency and Foras na Gaeilge corporate plans for 2011-13, including the emerging strategic objectives, priorities and efficiency proposals. Both Ministers recognise the challenges presented by the current economic climate and have agreed to work together to implement the measures agreed between both Finance Ministers in the context of their respective budgetary processes. The Council noted that the North/South Language Body's 2006 accounts were laid in the Northern Ireland Assembly and in the Oireachtas on 24 September 2010; audit fieldwork has been completed on the annual reports and accounts for 2007, 2008 and 2009; and consolidation will follow on as soon as possible.

The Council received a presentation by Foras na Gaeilge on the major new English-Irish dictionary and a presentation by the Ulster-Scots Agency on the operation of the community workers scheme, which was introduced on a pilot basis in 2010. Ministers noted progress on the review of the Ulster-Scots Agency's staffing structure and agreed that the designation of Ms Hazel Campbell as interim chief executive would be extended until the end of March 2011. The

Council noted the recommendations of the review of the core-funded organisations that was undertaken by the Ulster-Scots Agency and asked the agency to consider how best to implement the recommendations to ensure value for money and quality. The Council noted the current position of the review of the core-funded organisations that was undertaken by Foras na Gaeilge. Ministers noted proposals for enhanced implementation arrangements, including the appointment of a project manager and the establishment of a steering committee and an advisory committee. They agreed that, in the context of satisfactory progress on implementation being achieved, interim funding may continue to be provided by Foras na Gaeilge to existing funded organisations to the end of May 2011 and that progress will be reported at the next NSMC meeting in language sectoral format.

Ministers noted recent developments in recruitment to Foras na Gaeilge, including nine appointments, comprising five in Gweedore and four in Dublin, and five offers of posts, comprising four in Gweedore and one in Dublin. The Council noted the current position on the new English-Irish dictionary project, following approval of additional contract staff for Foras na Gaeilge, with the cost to be met by reallocation of funding within approved budgets. The Council agreed to hold its next meeting in language sectoral format in spring 2011.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leis an Aire as a ráiteas. Tá trí nó ceithre de cheisteanna agam air.

In the light of the review of core-funded organisations that Foras na Gaeilge has undertaken, what guarantee is there that interim funding will continue until May 2011? When will groups know whether interim funding will be made available? In the light of the review of the core-funded organisations that the Ulster-Scots Agency has undertaken, what are the key recommendations on groups' future funding?

Given the delays in the publication of the North/South Language Body's consolidated accounts for 2001 until 2006 and the subsequent delays in the publication of the accounts for 2007 until 2009, can the Minister pinpoint where the problem lies in producing those accounts, and can he give any indication of when the 2010 accounts will be available?

Finally, Foras na Gaeilge provides funding for 65 Gaeltacht summer camps. Is that body undertaking any work to increase affordability and accessibility for low-income families who may want their children to go to those summer camps?

The Minister of Culture, Arts and Leisure: One can always rely on the Chairman to seek value for money by getting four questions in when one is normally allowed. I will answer his questions in some sort of order.

The Member spoke about the recommendations from Foras na Gaeilge's review of core-funded bodies. It was simply noted that interim funding will be provided to the existing funded organisations until the end of May 2011. I can only assume that Foras na Gaeilge will abide by that recommendation, because it has stated that to the two Ministers in the two sponsoring Departments. I anticipate that, because it said it, it will indeed do that.

The Member asked about the Ulster-Scots Agency's review of core-funded organisations. The recommendations arose from the report and are broken down into three categories: agency-level recommendations; cross-cutting group-level recommendations; and specific group-level recommendations. Some of the key recommendations in the three categories are that the agency should provide strategic guidance to groups through the development of a strategy for the sector that sets out the vision and impacts required for it; that the agency should ensure that each group delivers an appropriate action plan to address governance matters; and that the agency will need to continue to provide core funding to the groups in the short to medium term to ensure their sustainability but that there should be a move away from core funding to project-related funding. Those are the recommendations in that report, and the agency is now considering them.

The next question was about delays in presenting annual reports and accounts. That goes back some years, and a delay in one year results in a delay in subsequent years. There is a knock-on effect. To go back to the start of the story, the 2000 and 2001 accounts were qualified by the Northern Ireland Audit Office, and there was a delay in signing off the body's consolidated accounts. That eventually happened in 2004, but, as a result of the delay, the reports and accounts for 2000 were

not published until 2005. Subsequent annual reports and accounts were delayed, as the Northern Ireland Audit Office audits accounts chronologically.

The final question was about the affordability of summer schools for the learning of the Irish language. That matter was not raised at the discussions, but I am happy to respond to the question in due course. We will refer the matter to Foras na Gaeilge to get some information for the Member.

Mr Speaker: Order. Before I call Mr David Hilditch, I remind Members — I am sure that they know anyway — that the convention on ministerial statements is absolutely clear: the Chairpersons of Committees have some latitude, and we saw that today. However, I expect Members to ask one question only from here on in. I do not expect further statements from Members. Members should know the convention, and I should not have to continue to remind them of it. From here on in, let us have one question to the Minister.

Mr Hilditch: I note the Minister's statement. My one question is: did the Minister take the opportunity to discuss additional efficiency savings for the North/South Language Body in light of the current situation in Northern Ireland?

The Minister of Culture, Arts and Leisure: As part of my ministerial remit, I, along with Minister Carey from the Department of Community, Equality and Gaeltacht Affairs in Éire, am responsible, through the North/South Ministerial Council, for the two North/South implementation bodies. As my statement to the Assembly relates to the meeting in language sectoral format, I will comment on the North/South Language Body and its two agencies. We have discussed our concerns about the effectiveness of North/South bodies with Mr Carey. That has to be a priority for us, especially at this time of economic constraint in Northern Ireland and in the Irish Republic. I have asked officials to work up short-term and long-term options to address my concerns as a matter of urgency to provide public confidence about value for money.

Mr K Robinson: I also want to ask the Minister about the economic situation here. Given the serious economic situation that we all face and, in particular, the economic situation that is being reported in the Republic of Ireland, I look at the reference to nine posts and nine

potential posts. Was there no discussion about the economic viability of those posts in Foras na Gaeilge?

The Minister of Culture, Arts and Leisure: That is a long-standing development with Foras na Gaeilge. The posts have been in the pipeline for quite a long time, and there were certain delays in filling them. In fact, as I indicated in the statement, they have still not all been filled. I am sure that the economic situation in the Republic will be very much in the mind of the Minister in the Republic, and I am sure that we will return to that issue.

Mr McCarthy: I thank the Minister for his statement. His progress reports talk about a joint disability action plan. Has provision been made for people who have speech and language difficulties, particularly those who use sign language, of whom there are many throughout the country?

The Minister of Culture, Arts and Leisure: Work by both agencies on the disability plan action has been ongoing. We are keen that the two bodies work together on a range of issues, and that is one of them. Whatever is produced will be common across both agencies. I will endeavour to ensure that a copy of that is made available to the Member.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. An féidir leis an Aire a chur in iúl dúinn an raibh aon chomh-chainteanna ann nó a ndearnadh aon dul chun cinn le Ranna stáit maidir le hAcht na Gaeilge. I thank the Minister for his statement. Can he apprise us of any joint discussions or progress made with other Departments in regard to the movement on an Acht na Gaeilge, an Irish language Act?

The Minister of Culture, Arts and Leisure: It is not entirely clear to which Irish language Act the Member is referring. If it is the suggestion by some people that there should be an Irish language Act in Northern Ireland, that has been totally ruled out. It is not a matter that would have been discussed at a North/South Ministerial Council meeting because the discussions that I am having on the language strategy relate only to Northern Ireland.

12.30 pm

Mr Humphrey: I thank the Minister for his statement and his answers so far. Has he or his

Department given any guidance to the Ulster-Scots Agency on its strategic direction?

The Minister of Culture, Arts and Leisure: As part of the 2010 business planning process, I asked the agency's board to prioritise four main areas for development. Those areas are: a focus on the high-level promotion of Ulster-Scots culture, heritage and language to local and international audiences; a target to be included in the business plan for the development of high-level strategies to ensure that the work of the agency is better aligned and co-ordinated and that funding decisions are made in a clear, transparent and efficient manner; a high-level, explicit target for the development of infrastructure and capacity in the Ulster-Scots community; and the adoption of a key role in the cultural marketing of all things Ulster Scots by proactively building practical working relationships with other public sector organisations such as the Arts Council of Northern Ireland, NI Screen and Craft NI.

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

I am determined to ensure that the Ulster-Scots Agency is fit for purpose, that it demonstrates value for money and that it reflects the needs of the community that it serves. The 2011 draft business plan and the 2011-13 draft corporate plan are being considered by officials.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. Tá ceist amháin agam ar an Aire.

I note that the Minister was at two meetings that day with the Minister of Education. Will he inform us of whether he had any discussion with her about helping him to advance the Irish language strategy?

The Minister of Culture, Arts and Leisure: I have had a number of discussions about that with the Minister of Education over some months, and contact continues to take place. However, that North/South Ministerial Council meeting was not the place to discuss it, because it is really part of the internal business of Northern Ireland only.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Cheann Comhairle as an fháilte a chuir sé romham. Cuirim fáilte roimh an fhorbairt ar an fhoclóir nua, go háirithe go bhuitear le cur le

cumas a fhoirne. Leis an acmhainn bhreise sin, cad é an dearcadh ama atá ann leis an obair sin a bheith críochnaithe agus an foclóir a bheith foilsithe?

Mr Deputy Speaker, I thank you and the Speaker for the welcome today. As an Irish language speaker, I welcome news of the developments on the new dictionary and the additions to the team of staff working on that. Given that additional resource, what is the time frame for the completion of that project and the publication of the dictionary?

The Minister of Culture, Arts and Leisure: Approval was given to Foras na Gaeilge to fill key posts on a contract basis in order to complete the major English-Irish dictionary project by December 2012. The associated costs will be met by reallocation of funding within approved budgets and will not require further allocations from the sponsoring Departments. The project is reflected in the 2008-2010 corporate plan and the draft 2011-13 corporate plan. Completion of the project was noted as a key ministerial priority at the NSMC meeting, in the context of the 2010 business plan for Foras na Gaeilge, along with the draft business plan for 2011.

The posts comprise eight new positions — three translators, three editors and two clerical officers — in addition to extending the existing contract for the project manager to the end of project. The current position on those posts is that applications have been received. Shortlisting for the editorial and translation posts has been completed, and the written examinations took place on 16 October. Shortlisting for the clerical officer posts has also taken place, and the interviews for those posts will be progressed as quickly as possible, with a view to completion by the end of November. Monthly progress reports are submitted to the sponsor Departments outlining the progress of the project and highlighting any delays that may affect its completion.

I assure the Member that that is being done within existing budgets by a reallocation of funding, as I said earlier in my statement, and will definitely not require any further allocations from either sponsoring Department.

Mr Deputy Speaker: That concludes questions to the Minister of Culture, Arts and Leisure on his statement.

North/South Ministerial Council: Inland Waterways Sectoral Format

Mr Deputy Speaker: I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a further statement.

The Minister of Culture, Arts and Leisure (Mr McCausland): With your permission, Mr Deputy Speaker, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding a meeting of the North/South Ministerial Council in inland waterways sectoral format.

The meeting was held in Armagh on 3 November 2010. The Northern Ireland Executive were represented by me as Minister of Culture, Arts and Leisure, and by Caitríona Ruane, Minister of Education. The Irish Government were represented by Pat Carey TD, Minister for Community, Equality and Gaeltacht Affairs. This statement has been agreed with Caitríona Ruane, and I am making it on behalf of us both.

The chief executive of Waterways Ireland, Mr John Martin, presented a report on progress, which included the provision of 490 metres of additional moorings up until the end of September 2010 and the provision of new publications to promote and support the use of waterways and the sponsoring of key events on the waterways in 2010. The lakelands and inland waterways initiative in the marketing campaign for the Erne/Shannon system continued in that period. The chief executive reported on the restoration of the Royal canal to reconnect it to the Shannon and on the maintenance programme in 2010, with particular reference to the difficulties in tackling extreme weed growth in the Erne and in the canals.

The Council approved the Waterways Ireland business plan and budget for 2010 and discussed the main priorities for Waterways Ireland in 2011. The Council also reviewed the progress that has been made in finalising the corporate plan for 2011-13 and the business plan and budget for 2011.

Both Ministers acknowledged the challenges presented by the economic climate and agreed to work together to implement the measures agreed between both Finance Ministers in the context of their respective budgetary processes.

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

Erne section of the Ulster canal. The Council noted that work on the strategic environmental assessment has been completed, with work on the environmental impact assessment due for completion in late 2010. The Council learned that a preferred route has been identified.

The Council received a presentation from Waterways Ireland on the future potential of waterways. The presentation focused on the economic benefits of waterways to the local community, recreation industry and tourism industry and to the local and national economy.

The Council consented to four property disposals, none of which were in Northern Ireland.

The Council agreed to meet again in inland waterways sectoral format in the spring of 2011.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte arís roimh an dara ráiteas seo ón Aire.

I want to ask the Minister about water quality, an issue that was raised recently at our Committee by the Irish Trout Fly Fishing Association. Given that extreme weed growth in the Erne and in the canals has been attributed to the presence of zebra mussels and, according to NIEA (Northern Ireland Environment Agency), has impacted on competitions and angling in the loughs, what priority is being given to tackling that? How will the maintenance programme reported by the chief executive tackle that issue and work with other agencies in that regard?

The Minister of Culture, Arts and Leisure: Since the establishment of Waterways Ireland in 1999, there have been two years in which there was a heavy growth of aquatic weeds in the Erne system, namely 2004 and 2010. In 2010, weeds were a problem in shallow parts of Upper Lough Erne, which has been designated a Natura 2000 site. Waterways Ireland has developed an aquatic weed management strategy in consultation with the Northern Ireland Environment Agency, and an approved method of harvesting weeds is in place. Over four weeks, Waterways Ireland harvested approximately 80 tons of weeds from Upper Lough Erne.

Waterways Ireland has concerns that the aquatic weed problem has the potential to overwhelm the lakes and the navigation. If there was an optimum convergence of weather conditions and

water levels, leading to potentially significant weed growth in both lakes, it could present real difficulties for the maintenance of the navigation. Waterways Ireland will continue to work with the Northern Ireland Environment Agency to establish the best way to address the problem of aquatic weeds, having regard to resources and costs and the constraints that the environmental designation place on maintenance activities.

There was no mention of why the problem is particularly severe in certain years, other than reference to an optimum convergence of weather conditions and water levels. It seems that those are the two issues that contribute to the problem.

Mr Deputy Speaker: Mr David Hilditch.

Mr Hilditch: I am not down to ask a question.

Mr K Robinson: I thank the Minister for his statement. I also thank the Chairman of the Culture, Arts and Leisure Committee for asking my question on zebra mussels. Will the Minister confirm where the 490 metres of additional moorings were placed? On the issue of new publications and the sponsorship of key events, is the Minister certain that there is a balance in the location of events and the literature to give Northern Ireland commercial interests the same basis as those in the South?

The Minister of Culture, Arts and Leisure: Of the 10,590 metres of additional public moorings installed throughout the navigational network between 2000 and the end of October 2010, approximately 2,575 metres were located in Northern Ireland. Therefore, 24% of the new moorings installed by Waterways Ireland are located in Northern Ireland. I think that we get our fair share.

Regarding the precise location of the moorings, in 2010, the total capital expenditure for the Lower Bann, until the end of October, was £452,000. That included signage works at Movanager and jetty retention projects at Camus and Portglenone. Work is ongoing at Movanager and Hutchinsons Quay. On the Erne waterways, work was undertaken at the Round "O" Quay, Naan Island, Crevinishaughy Island East and the Muckcross slipway. Not being a native of Fermanagh, I can only assume that I have given the right pronunciation of the island.

Mr Burns: I welcome the Minister's statement. Waterways Ireland is a tremendous example of cross-border activity and the benefits that work on both sides of the border can achieve. It is a great all-island project. How much money are we putting in to Waterways Ireland?

The Minister of Culture, Arts and Leisure:

Waterways Ireland's budget for the calendar year 2010 was £34.7 million. The Department of Community, Equality and Gaeltacht Affairs in Éire put in £29.56 million to that budget and the Department of Culture, Arts and Leisure in Northern Ireland put in £5.14 million. Waterways Ireland applied a 3% efficiency saving to its 2009 budget, and a further minimum 3% was achieved in 2010 in accordance with the guidance issued by the Department of Finance and Personnel in Northern Ireland and the Department of Finance in the Republic. I trust that that satisfies the member.

Mr McCarthy: I thank the Minister for his statement. He referred to the Ulster canal and said:

"The Council learned that a preferred route has been identified."

Has the Council taken into consideration any possible detrimental effects that that new route may have on interests that are already there? I am thinking particularly of the concerns raised by anglers somewhere in the Lisburn area about actions on the Lagan canal. Something similar may take place further on if those issues are not looked at now.

The Minister of Culture, Arts and Leisure: It is always important in these situations to reach a balance between preserving the heritage features of former canals, protecting the natural environment and providing for modern cruising needs.

The requirement for a formal environmental impact assessment for major works should ensure that environmental and, indeed, heritage interests are taken fully into account. However, to provide an economic return, waterways need to be developed as living assets that cater for modern usage and have appropriate environmental safeguards. I assure the Member that maximum consideration is given to ensuring that nothing is done that is detrimental to the environment in any way.

12.45 pm

Mr Dallat: I also welcome the Minister's statement. As my colleague Thomas Burns said, it is a clear indication of the importance of the waterways of Ireland, North and South. I will be a teeny-weeny little bit parochial: have the long-term prospects for tourism development in the Lower Bann been discussed? Will the Lower Bann be part of the corporate plan?

The Minister of Culture, Arts and Leisure: As the Member will be aware, work is ongoing to see what can be done to develop the Upper Bann.

Mr Dallat: The Lower Bann.

The Minister of Culture, Arts and Leisure: I am sorry; the Lower Bann. It is an important part of our physical heritage. Waterways Ireland published a Lower Bann chart that details key facilities along the navigation. Information on what is there is available to tourists and visitors. We are also looking at how the waterway can be developed. The provision of additional moorings and private hire facilities for water sports, and so on, contribute to making it as attractive a waterway as possible. If additional proposals about how to enhance it come forward, we will be happy to look at those and bring them to the attention of Waterways Ireland.

In the current climate, we need to do all that we can to make Northern Ireland as attractive as possible to visitors. Obviously, the Lower Bann has a part to play in that. As I said previously, not only is the Lower Bann a very beautiful area but it has a great history and heritage. I am keen for that to be built on.

Mr O'Loan: I thank the Minister for his statement. He referred to the contribution of waterways to the economy and, in particular, the tourism benefits. Eight of our Departments contribute to tourism. How does the Minister ensure that Waterways Ireland's tourism work is connected to that of other Departments?

The Minister of Culture, Arts and Leisure: Marketing our waterways is partly the responsibility of Waterways Ireland, and, clearly, the Northern Ireland Tourist Board and Tourism Ireland have a role to play. As yet, I have heard no criticism about the collaboration between those organisations. Therefore, I am satisfied that there is appropriate co-operation between those bodies in marketing our waterways. We need to ensure maximum value for our

investment in promotion. I am sure that we can be satisfied that they co-operate in a satisfactory manner.

Committee Business

Assembly Members (Independent Financial Review and Standards) Bill: First Stage

Mr Weir: I beg to introduce the Assembly Members (Independent Financial Review and Standards) Bill [NIA 3/10], which is a Bill to make provision for a panel to determine the salaries, allowances, pensions and gratuities payable to Members and former Members of the Northern Ireland Assembly; to make provision for a Northern Ireland Assembly Commissioner for Standards; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Statutory Committee Membership: Committee for Regional Development

Mr Deputy Speaker: As with similar motions, the motion on Statutory Committee Membership will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That Ms Anna Lo replace Mr Trevor Lunn as a member of the Committee for Regional Development. — [Mr McCarthy.]

Standing Committee Membership: Audit Committee

Mr Deputy Speaker: The motion on Standing Committee Membership will be treated as a business motion, so there will be no debate.

Resolved:

That Dr Stephen Farry replace Ms Anna Lo as a member of the Audit Committee. — [Mr McCarthy.]

Payment of Pensions, Gratuities or Allowances

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

Rev Dr Robert Coulter: I beg to move

That this Assembly resolves that, in accordance with section 48 of the Northern Ireland Act 1998, the Assembly Commission may make provision for the payment of pensions, gratuities or allowances to, or in respect of, any person who (a) has ceased to be a Member of the Assembly; (b) has ceased to be Attorney General for Northern Ireland; or (c) has ceased to hold an office within section 48 (1A) of the Northern Ireland Act 1998 but continues to be a Member of the Assembly.

I move the motion on behalf of the Assembly Commission. From its wording, Members will be aware that the motion is a legally technical one. The Assembly is empowered to make provision for the payment of pensions to its Members under section 48 of the Northern Ireland Act 1998. It can make such provision by passing resolutions that confer functions on the Assembly Commission.

The Assembly passed a resolution on 30 June 2008 that empowered the Assembly Commission to amend the Assembly Members' pension scheme. That resolution followed closely the wording of section 48 of the Northern Ireland Act 1998. However, since that resolution, there have been two important changes that affect section 48 and require changes to the authority conferred on the Assembly Commission by resolution of the Assembly.

First, an Attorney General for Northern Ireland has been appointed, and section 23(5) of the Justice (Northern Ireland) Act 2002 states that section 48 of the Northern Ireland Act 1998 applies to a person who has ceased to be the Attorney General for Northern Ireland. That means that the Assembly may now make pension provision in respect of a person who has ceased to be the Attorney General for Northern Ireland.

Secondly, the wording of section 48 of the Northern Ireland Act 1998 has been

substantially altered by the Northern Ireland Assembly Members Act 2010. It is, therefore, proposed that the above resolution, which follows the wording of the amended section 48 of the Northern Ireland Act 1998 and makes clear reference to the Attorney General for Northern Ireland, be made.

By passing the motion today, Members will be providing the Assembly Commission with clear powers to make pension provision for the Attorney General for Northern Ireland and will be ensuring that the Assembly Commission has the necessary authority to make any further changes to the Assembly Members' pension scheme that may be required in future.

The Office of the First Minister and deputy First Minister (OFMDFM) will pay all employer pension contributions that are due as a result of admitting the Attorney General to the pension scheme. The Assembly will make no contribution in respect of the Attorney General.

I assure Members that the Assembly Commission would not make material changes to the pension scheme without consulting Members in advance. I commend the motion.

Mr Weir: You will be pleased to hear that, although the clock is ticking, I will not be subjecting the House to even the full four minutes that I have been allocated.

I suspect that there was a certain amount of interest among Members, at least initially, when they saw on the Order Paper a resolution that made reference to pension gratuities and allowances. The meat of the motion is quite clearly not as sexy or interesting a subject as some Members may have believed. Hence, the Chamber is not packed out.

As a Commission member, and on behalf of the DUP, I support the proposal put forward by my colleague Dr Coulter. The two purposes of the motion are sound. First, to update provisions in light of technical changes to section 48 of the Northern Ireland Act 1998. That ensures that we are doing things on a firm legislative footing. Secondly, making direct provision for the Attorney General is the right thing to do. After the devolution of policing and justice, the creation of that post opens up a relatively new situation. However, it brings us into line with similar jurisdictions throughout the UK. Consequently, these are common-sense measures, and I am happy to support the motion.

Rev Dr Robert Coulter: I thank the honourable Member for his valuable contribution to the debate. Without further ado, I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly resolves that, in accordance with section 48 of the Northern Ireland Act 1998, the Assembly Commission may make provision for the payment of pensions, gratuities or allowances to, or in respect of, any person who (a) has ceased to be a Member of the Assembly; (b) has ceased to be Attorney General for Northern Ireland; or (c) has ceased to hold an office within section 48 (1A) of the Northern Ireland Act 1998 but continues to be a Member of the Assembly.

Private Members' Business

Apartment Developments' Management Reform Bill: First Stage

Mr McCarthy: I beg to introduce the Apartment Developments' Management Reform Bill [NIA 4/10], which is a Bill to introduce laws relating to the ownership and management of the common areas of certain privately owned residential multi-unit developments and to facilitate the fair, efficient and effective management of bodies responsible for the management of such common areas, and to provide for related matters.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Protection of Quarry and Construction Industries

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

Mr Gallagher: I beg to move

That this Assembly, while noting the Treasury's commitment to introduce a replacement for the current aggregates levy credit scheme from April 2011, expresses its concern over the decision to end Northern Ireland's 80 per cent derogation on 1 December 2010; and calls on the First Minister and deputy First Minister to take all possible steps, including working at Treasury and EU level, to protect the quarry industry, the construction industry and Northern Ireland's wider economy against the implications of this decision and the decision of the EU General Court.

The quarry industry affects almost every one of our constituencies. The industry was rocked recently by the news that the present aggregates levy credit scheme will end the week after next on 1 December. Even though the Treasury intended it to run until March 2011, it has now taken this step following a decision of the General Court of the European Commission.

After that date, all quarry products will again become liable for the full levy. That being the

case, the quarry industry and the thousands employed in or associated with it face serious difficulties. Even the cost of building a single dwelling will increase quite dramatically by at least £5,000. At a time when mortgages are hard to come by and mortgage limits are fairly tightly controlled by lenders, that will present difficulties.

As Members are aware, the present scheme allows 80% derogation from quarry tax. I will point out again that it is an environment tax, and the derogation was introduced here around 2004. At that time, the decision recognised the unique problems that the quarry industry had to contend with, especially the threat to its competitiveness due to the land border with the Republic.

1.00 pm

The scheme brought important benefits, not least in the protection of jobs and the environment. Under the scheme, quarry owners agreed that they would work together with the Department of the Environment to tackle problems such as noise, dust and water pollution at quarry sites. Since then, the use of dust covers, for example, has become commonplace, so too has the use of wheel-washing facilities before loaded vehicles leave quarry premises. New drilling systems have been installed, and new technologies have been introduced to prevent solid and oil substances from escaping and polluting adjoining waterways.

There are further examples of environmental benefits here, including examples of projects where eyesores such as spoil heaps and dangers such as quarry holes have been landscaped and made safe. Today, there are numerous examples where disused quarries have been transformed into wildlife habitats and breeding grounds for a variety of wildlife species. All that work to improve the environment in and around quarries has been done with the co-operation of the Department of the Environment, and quarries have been subject to annual environment audits.

I return to the jobs issue that I referred to briefly. The quarry industry has always been associated with the rural heartlands of Northern Ireland, and it has been especially important in counties Fermanagh and Tyrone. Even in previous times of economic difficulty, the industry has contributed to the sustainability of rural communities. Unless a solution is found to the difficulty with the suspension of

the derogation scheme, serious job losses will be inevitable, because users of our quarry products, such as aggregates, will opt for cheaper materials from the Republic of Ireland.

I will illustrate that point. A cubic metre of concrete costs around €55 across the border. It depends on the day, but that equates to around £48. That is the same price that producers in Northern Ireland charge. However, from 1 December, the levy will add a further £4 per cubic metre, bringing the cost up to £52. The impact will be similar in the case of products such as sand, stones and concrete blocks, and there is no question that purchasers will opt for the cheaper, imported products. We are now in such circumstances that we may well face the closure of many quarrying operations. That is a compelling reason for the Assembly and the Executive to act now on behalf of those who are at risk. Not only will the quarry industry suffer; the construction industry will suffer. Many building schemes and road construction projects are in the balance anyway because funding has not been secured. Some of that work will not go ahead in the face of the price rises, and that will lead to more construction workers joining the many thousands of their colleagues who are already in the dole queue.

I want to turn to the Westminster Government. As well as the Treasury, there is an EU aspect, which is referred to in the motion. There is the potential for a substantial loss of revenue to the Treasury. A fall in the aggregates trade would result in a noticeable drop in the tax and VAT collected on those materials. In County Fermanagh, for example, aggregates products account for around £70 million annually. I understand that the entire industry in Northern Ireland accounts for around £400 million. Obviously, that amount generates a large tax take for the Government, which will drop significantly.

I understand and the motion points out that the Treasury had identified money for a new aggregates credit scheme from 2011. However, in the intervening period, from 1 December 2010 to the beginning of the next financial year, the quarry industry will be left without support, which in itself poses a large threat. There is also the additional worry about the possibility that the Commission might seek to recover derogation money from the quarry industry for the period since 2004, which would be a complete disaster and would result in the closure of many quarries. That is difficult to understand because

members of the Commission were the very people who agreed to and approved the scheme. Their backtracking on the issue appears illogical. I am sure that many Members will agree that it also appears very unjust. Indeed, it might well affect the shape of the new scheme that had been proposed for 2011. For that reason, in proposing the motion, I once again call on the Executive to do everything that they can to protect the quarry industry.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. I hope that all Members will support the motion. Although I believe that it should have been an all-party motion, I commend the Members who brought it to the Chamber. During the past few months, the Committee for the Environment has taken great interest in the issue. I met representatives of the Quarry Products Association several times during the past year. I wrote to the Department of the Environment and, indeed, to the Minister to ask them to do as much as possible for the quarry industry.

The EU General Court's recent ruling on the aggregates levy scheme will have a significant impact on construction budgets. Jobs will undoubtedly be put at risk. The impact will be particularly hard on those quarries that operate in border areas because it will mean that purchasers will opt for the more competitively priced aggregates from the South. The Quarry Products Association (QPANI) told the Committee that current levy payments to Revenue and Customs are around £8.4 million and that, if derogation ends, the industry will have to pay the full levy. That payment will rise to £42 million. The impact that such a hike will have is clear. The North is already at a disadvantage, given that, although it has only 3% of the UK population, it produces 12% of the UK's total virgin aggregate supply. The additional cost of £1.60 per ton that the end of the levy will bring represents an increase of some 34%. In the current economic climate, particularly in the construction industry, that price increase will spell the end for many quarry businesses and will bring about job losses, particularly in rural areas where many quarries are located. The Assembly must do all that it can to support the quarry industry as it takes the fight on that ruling to national and European levels.

It would be remiss of me not to mention the Committee's concerns that the Department is

unable to identify how much money is coming back to the North through the block grant on the basis of that scheme and how it is spent. Recently, we were told that the North receives a Barnett formula consequential of any allocations from the aggregates levy sustainability fund, which is included in the overall Barnett allocation. However, the Department stated that any money received through the Barnett formula consequential is not hypothecated and is, therefore, allocated at the Executive's discretion. I find it worrying, as does the Committee, that the Department is not able to identify how much revenue from the scheme is coming back and where it is going. It beggars belief that no one is keeping track of the money that the scheme is generating. That must be addressed. On behalf of the Committee, I call on the Minister and the First Minister and deputy First Minister to do everything in their power to protect the North's quarry industry.

I will say a few words in my capacity as a Sinn Féin MLA for Newry and Armagh. I support the motion on behalf of Sinn Féin and commend the proposer of the motion for bringing it before the House. I pay tribute to QPANI and, in particular, to Gordon Best for his undiminished determination to ensure proper representation of the quarry industry. The quarry industry in the North has been an exemplary model for its counterparts on this island and in England, Scotland and Wales. It has met a high standard of best practice, and it continually meets its environmental obligations.

It is about time that the Assembly adopted a can-do approach and started to support our small and medium-sized enterprises. It is their contribution to our local economy that will pave the way out of the recession and lead us on the path of recovery. The quarry industry provides employment for 3,750 people. QPANI represents 105 quarry companies, affiliated members and associated members and consists of large, medium and small businesses. The industry contributes some £600 million to the economy and helps to provide the infrastructure that drives it. It will play a major role in turning our economic situation around in the coming years. The removal of the derogation will have serious consequences for the industry.

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

The Chairperson of the Committee for the

Environment: Yes, Mr Deputy Speaker. The industry is not looking for a handout; all that it is asking for is an equal and level playing field. I hope that the Assembly will support the motion and start to show some leadership in trying to address this matter and ensuring that this decision is reversed.

Mr Hamilton: I support the motion. I do so as my party's spokesman on construction issues, which is novel for me, because, rather than building things up, I have spent most of my political career trying to knock things down. This is a different experience for me.

In all seriousness, I take an interest in the overall construction industry through what I do in the House, as a member of the Finance Committee and as Chairperson of the Social Development Committee, because the sector has an impact on the work of that Committee and has to have a good relationship with house building. I also have an interest at constituency level, because my constituency, like a great many of those represented in the House, is largely dependent on quarrying and construction for employment and growth.

It would be an understatement to say that the loss of the aggregates levy credit scheme is a deep disappointment to the sector. It will have an undoubted devastating impact on a sector that, as we all know, is already struggling. As others have said, we are mindful that the construction sector has borne the brunt of the downturn, not least in the number of jobs that have been lost. Some people estimate that 30,000 jobs have been lost in the broad construction sector alone. I am always reminded that the three areas in the United Kingdom that had the highest rise in unemployment early in the recession were in mid-Ulster. The highest rises were in Dungannon, Cookstown and Magherafelt. Those three areas have very high levels of employment in the construction sector and are very dependent on that industry, but they are suffering high unemployment — the highest in the UK.

We know why the scheme was introduced in the first place. It was a recognition of the fact that Northern Ireland shares a land border with another state, the Irish Republic, and that its quarrying industry would have a competitive advantage if we did not have the scheme. Those circumstances still exist today. There was also

the issue of the environmental cost of extraction, but, as the Minister of the Environment will probably confirm, compliance in that sector is now at a very high level, and the issue has been addressed. What we are not so sure about is the effect of the loss of the aggregates levy credit scheme. We can surmise what the effect might be on different levels, but, whatever way we look at it, it could be devastating.

1.15 pm

We have an industry that exports high-quality product around the world. I recently had the privilege of visiting the Whitemountain Quarries operation in Ballystockart outside Comber, where I saw the high-quality stone that is being produced and exported from Northern Ireland to the south-east of England to help reconstruct the M25. That is happening all over Northern Ireland, and we should be very proud of the product that is exported. An increase in the price of aggregates coming from Northern Ireland will make that export less attractive.

Limestone is the most exported stone from the constituency represented by the proposer of the motion, and it is estimated by the Quarry Products Association that it will go up in cost by 31%. In anybody's language, that is less attractive. On the contrary, the quarrying operations on the other side of the Irish border become more attractive to people importing into Northern Ireland. That is where the competitive disadvantage rather than advantage or even the level playing field that the Member who spoke previously mentioned comes into play, and it is something about which we should be extremely worried.

We should also be concerned that an increase under the scheme of up to £2 for every ton of sand, gravel or stone will have an impact on the public sector's ability to procure. That rise will increase the price of what we have to purchase from local producers. The public sector is already going to be hit by a 40% reduction in construction spend in Northern Ireland, and now there will be an additional cost to the public purse. The Minister for Regional Development has estimated that it will put a 2.5% increase on the cost of what he is procuring for road building. In another way of speaking, that amounts to a 2.5% reduction in what he can spend on roadworks across Northern Ireland.

I know that considerable efforts have been made by the sector, our Executive Ministers and our Members of the European Parliament,

and there is much talk from the Treasury about finding an alternative.

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

Mr Hamilton: The sector needs to see the detail of that alternative, and we need to see the action behind it as quickly as possible so that we can help to underpin that already ailing sector.

Mr Elliott: I thank the Members who secured the debate. It is very timely. I represent the same constituency as Mr Gallagher, and we are well aware of the impact that the Treasury's decision will have. I want to put on record my thoughts on the industry and the professional manner in which it has carried out its work in the past number of years. It has invested heavily in new technologies and in ways to improve the environment. Anyone who has visited a quarry in recent years will see how quarrying has changed dramatically from 20 or 25 years ago.

As someone who has used quarrying industry products regularly over the past 25 years, I know the difficulties that the Treasury's decision will create for private industries and the public sector. The result of the initial introduction of the aggregates levy — tax, I call it — was illegal quarrying and quite a lot of undeclared imports of quarry material. The levy had the opposite effect to that which the Government assumed it would have.

We need to look at the hard facts of the result of the proposal. First, it will decimate the quarrying industry in the Province. In fact, it will go some way to destroying it. It will also destroy some of the private sector that relies on the quarrying industry — those who rely on the construction industry, which has hit extremely hard times already.

I am well aware that national statistics show a 400% rise in redundancies for construction professionals between November 2007 and November 2009. Had any other sector succumbed to that kind of redundancy level, we would have heard about it from the rooftops and treetops. That has had a huge impact on the overall economy and not just in the quarrying and construction industry. It affects every other industry. If those people are being made redundant and are unable to find other work, they will not spend money in the wider economy. The result is a huge knock-on effect.

We also need to look at the effect on road construction and maintenance. The costs of road maintenance and of other construction sectors will be hugely increased. I can tell Members, as I am sure they are all well aware, that roads in this Province are in need of more maintenance, not less.

Mr McCarthy: Hear, hear.

Mr Elliott: I hear Mr McCarthy agree with me. However, the problems are not only in the Strangford constituency but in Fermanagh and South Tyrone and every other constituency. As I often say, they have stopped putting traffic-calming measures on the roads in Fermanagh and South Tyrone. With holes and potholes in the roads, there is no need to slow down the traffic, for traffic-calming measures are already in place.

A huge amount of investment will be lost because of this proposal. We must look at the outworking of it. We need to lobby central government — the UK Government — to have this proposal overturned. If we do not, it will have a huge impact on the overall economy of Northern Ireland at a time when the position is difficult enough. At this time, we should be helping the quarry and construction industry instead of trying to inhibit it. I call today for help for the industry, not the inhibition of it.

Mr Lunn: I support the motion, and I congratulate Mr Gallagher and his colleagues on bringing it before the House. The points in favour of at least maintaining the present derogation have been well made by other Members, and I agree with them completely.

The importance of the quarries and aggregates industry is starkly illustrated by the bare figures. The average annual aggregate production is 25 million tons, and that has a value of £600 million, although I think my figure differs from that quoted by Mr Gallagher. That perhaps indicates the extent to which the industry has suffered since those figures were produced. The industry also maintains 3,750 jobs and produces around 3% of Northern Ireland's GDP.

Various areas of the country have been mentioned already, and this issue applies very much to County Antrim, Lagan Valley and the Antrim plateau in particular. The quarry industry is fundamental to the construction industry in Northern Ireland. Like industry as a whole, it suffers terribly as a result of the current

recession. Indeed, figures quoted for turnover and employment are probably already out of date.

There is no doubt that Northern Ireland producers have had an advantage over those in the UK since the introduction of this scheme in 2004, but there was a valid and obvious reason why that should be the case, namely the land boundary between Northern Ireland and the Irish Republic, where no levy exists. I doubt that Northern Ireland's advantageous position has seriously affected the industry in the UK, given the sea crossings involved and the higher costs of fuel, transport and extraction in Northern Ireland. It is, therefore, disappointing that, in the opinion of the Quarry Products Association Northern Ireland at least, the driving force behind the decision of the European General Court to review the derogation was, in fact, the British Aggregates Association. It appears likely that Europe would not otherwise have got involved and would have perhaps been content not to oppose renewal.

The matter has extreme consequences for Northern Ireland plc. On present figures, which Mr Boylan has already quoted, current levy payments to the revenue commissioners amount to £8 million. If we lose derogation, those payments will be well over £40 million. Given that the Government of Northern Ireland currently procure around 60% of construction work in Northern Ireland, using around 11.5 million tons of aggregate, the cost to the public purse will be in the region of £23 million a year.

Our aggregates and construction industries are having a difficult enough time without this further imposition. The motion calls on the First Minister and deputy First Minister to engage with the Treasury and EU authorities to protect our quarry industry and to avoid the inevitable knock-on effects of any changes to the present regime. For all those reasons, we are happy to support the motion, and we encourage those in authority to do what they can to protect our precarious position.

Mr Bell: Any objective analysis of what the quarry industry has done as regards environmental compliance will have shown its success. Therefore, if it is not broken, why should we try to fix it? The cynic in me asks whether this was not one of Gordon Brown's taxes that was dressed up in some environmental clothes but was, in reality, just another stealth tax. The environmental

arguments for it are incredibly weak. Our quarry and construction industries in Northern Ireland are very much ahead of the game. To hinder those industries at this time of economic uncertainty, austerity and crisis, to take the derogation away from a sector that is already experiencing job losses in the region of 25% and to increase that pressure on them will drive them out of business and result in a domino effect throughout the construction industry. Strangford, as many Members will say, is absolutely dependent on the construction industry. I can tell you about people from Moneyreagh to Killyleagh and from Newtownards to Portaferry who are absolutely dependent and whose families are absolutely dependent on jobs in the quarry and construction industries.

It is often said that one of the successes of the House is the fact that the construction industry has been kept afloat and fuelled, by 50%, through public sector contracts. I understand that the situation has become even more serious since that statistic was released. Currently, 60% of construction jobs in Northern Ireland have come about as a result of public sector contracts. Why do I say that? What will be the impact of the levy and everything else on the public sector? The impact will be a £25 million tax on the public purse. Somewhere in this region we will have to find £25 million to meet this tax on the public purse, the same public purse that is already providing 60% of construction jobs.

We are looking at how we can remain competitive. There is a lot of talk, as has been alluded to, about what the Treasury can do, might do and thinks that it can do. However, we only have to look at events south of the border today — potentially, the Irish Republic is going to go to the European Financial Stability Facility to request a bailout — and ask ourselves how we can deal with a 400% rise in redundancies in a sector on which so much of our population is dependent.

It is not for the Treasury to talk the talk about what might be done; it will have to walk the walk. I do not need to tell people that £25 million is a lot to tax the public purse. How many new primary schools would that buy? If Members had been with me last Thursday and had seen the shape of the road from Newtownards through Greyabbey and down into Killyleagh and if they had seen the need for road maintenance and for sea walls to be

strengthened and upgraded, there would be no argument that we would be saying today that we want to put a penalty on road development.

That work is necessary. If we do not get this right today, the reality is that that £25 million will come from existing projects that will not be done because tax has to be paid. If that comes out of existing projects, what will be the domino effect on social development and unemployment jobseeker's benefit? What will be the domino effect on households that are entirely dependent on a job in construction? What will be the domino effect on the Department for Employment and Learning as we seek to look at proper apprenticeships to give people a real career? My time has gone. For all those reasons, I support the motion.

1.30 pm

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. I support the motion. I speak as my party's representative on the all-party group on the construction industry. Today is an opportunity to stress that there is such a group. Despite the fact that I am a recent appointee, I know, from my local constituency level, many quarry producers and members of the Construction Employers Federation, and I took that work in to the committee. All parties are working together on that group to the best of their abilities. Today's motion, from the industry's point of view, would have been slightly better had it been an all-party motion. That said, however, it is not the end of the world.

We stress that we identify with the genuine interest of the group. Everyone who has spoken, those who are still to speak and those with constituency interests who may not speak in the debate all know of the great difficulties that the industry generally and the quarry producers have suffered. I want that industry to recognise the genuine effort of all parties on that all-party group. It is not about hot air from the hill; it is about the genuine efforts on the hill. Those genuine efforts will continue. They include an all-party group meeting with Minister Sammy Wilson, which will be arranged in the near future.

The motion presents issues for the Department of Finance and Personnel and the Department of the Environment. Despite the fact that they are not mentioned in the motion, I know that the intent is to work with all. It is good that the Environment Minister is here to speak to the motion. The European dimension is covered.

The MEPs have already been lobbied and are working in a similar vein. That is good, and it points quite rightly to the good work that the association does in lobbying.

What we have here, again, is the North — excuse the way that I put this in the context of quarry producers — being caught between a rock and a hard place. GB works for GB. The local quarry producers have not owed anything to the British Aggregates Association (BAA) down through the years. Our excellent research paper outlines the blow-by-blow accounts of the entire issue and shows that the BAA will not exactly be recruiting too many people around the North.

We have this move now, but what happens? I do not move to this point just out of opportunism on the Floor. If there was an all-Ireland aggregates system, maybe we would not be falling between a rock and a hard place. That is what many people in the industry say quietly and privately but perhaps will not or cannot say publicly, which I totally understand. It does not take us too long to say what really matters. Everybody will support the short-term fight with the Treasury to try to get the best possible deal. Everybody is stating their support, and everybody on the all-party group and other Committees is working to support that.

However, there is then the longer-term issue to consider of how we work on an Ireland-wide basis. I am not trying to score party political points by saying that. In our present economic context, the public service purse is being cut in the North and the Dublin Administration will be left to look after themselves financially over the years. We may talk about a European level and a Treasury level, but, given that and the present economic context, where will construction in Ireland go, if, for the next two, five or 10 years, Northern companies talk continuously about the difference between North and South? It is on this island that the construction industry can and will grow, because there will be life after the recession.

Therefore, I would say —

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

Mr Leonard: We are in total support of the motion, but there is a longer-term issue to consider.

Finally, I thank Research Services for its detailed, helpful and enlightening briefing paper on the many issues that are involved. Obviously, we will continue to support the association and the broader construction industry.

Mr T Clarke: At the outset, let me say that I look forward to Billy Leonard's retirement so that he can go and write his book rather than bring his words of wisdom to the House, because much of the time they fall on deaf ears.

Mr Leonard: On a point of order, Mr Deputy Speaker. Is it in order for the first part of a Member's contribution to a very serious debate to be a personal and shallow attack? Can the Member rise to the occasion and reflect the needs of the people who are in the Gallery to hear a debate on a very serious issue?

Mr Deputy Speaker: The Member has made his point. We will get back to issue that is being debated.

Mr T Clarke: Thank you very much, Mr Deputy Speaker. I am quite happy to return to the issue after listening to the rant of the Member who spoke previously. He suggested that we become more joined to the Irish Republic and get ourselves into further debt by sharing the burden that it is imposing on the European Union, to which it recently went in search of a bail out.

I support the motion. At the beginning of the debate, one Member said that there should be cross-party support for the motion, and it is obvious from the contributions so far that all Members support it.

Before I came to the Chamber for this debate, I wondered what I would say. However, in a conversation with Gordon Best of the Quarry Products Association before the debate started, I found out some interesting facts. The information pack provided by the Assembly Research and Library Service has been useful, and many Members focused on the industry itself. Although we should primarily focus on the quarry industry, we also have to think of the wider public and the pressures that are being put on them.

I will not repeat the statistics that other Members put on the record. However, I will use one statistic that Gordon shared. If the status quo were that the quarry industry could continue its business and pass on that tax, more of a

financial burden would obviously be put on those who want to build new houses or whatever. There would be 10% on the cost of concrete. Although we hear that small amounts of money are involved, such as £2 in additional tax, the most startling figure was that there would be a 40% rise in the cost of a load of stones. It is deeply worrying that someone planning to build a house would have to pay almost half as much again for a load of stones.

I encourage that everything be done to resist that. We have read the research paper, and we know that there is support from Westminster and from all our Members of the European Parliament, and it is obvious that there is support in the Chamber. I urge the House to do whatever else it can to deliver a solution as fast as possible. I welcome the motion.

Mr Kinahan: As I am both the construction spokesman and the environment spokesman for my party, I am keen to speak on the motion. I welcome that all parties here have supported it. I was pleased to hear Mr Hamilton say that the DUP will be constructive from now on. That is probably a little unfair, but I could not miss the opportunity to make that remark.

The quarrying and the construction industries play a crucial part in Northern Ireland's economy, producing, on average, £2.84 in economic activity for every £1. Subsequently, they are among Northern Ireland's largest and most important employers. When the aggregates levy was introduced in the UK in 2002, it was clear that, if enforced in Northern Ireland, it would present the quarrying and construction industries with significant difficulties. Allowing for exemptions, the 21 million tons that Northern Ireland produces annually have subsequently been levied at a much reduced rate.

Indeed, if the quarrying industry were to pay the full original levy, rather than the current cost of £8.5 million a year, it would be paying more than £42 million a year. Furthermore, any increase in the levy will almost certainly be reflected in higher aggregates prices.

Given that government currently accounts for more than 60% of construction work in Northern Ireland, the removal of the credit levy scheme has the potential, as we heard, to cost £25 million. We cannot afford to underestimate the impact that a rise in the aggregates levy might have on government bodies, such as the Roads Service. We all know that we have to spend £106 million

annually to maintain our roads and that, at the moment, we plan to spend only a portion of that amount. This will make that even harder.

Some quarrying companies in the Republic of Ireland and Great Britain may think that our firms are getting the levy credit scheme for nothing, but that could not be further from the truth. To even be considered for the relief, Northern Ireland firms need to formally enter into, and comply with, negotiated agreements with the UK Government committing them to a series of environmentally friendly schemes for the duration of that relief. I suggest that the motion should also state that the Executive, the UK and Europe need to put pressure on Ireland to adopt a similar levy scheme in order to protect its environment. It should be done in that way, rather than as was suggested earlier.

Since the current scheme was introduced in 2004, there has been a significant transformation in the mentality and practices of the industry. The extraction, processing and transportation of aggregates can have significant environmental and social impacts. However, rather than being solely profit driven, with little or no regard for the consequences, the Northern Ireland quarrying industry is frequently noted for its environmental performance. Indeed, the Northern Ireland Environment Agency, the Planning Service and the water management unit have all welcomed the ongoing success of the aggregates levy scheme. In quarries in south Antrim, I have seen bird life being protected and the public being given access, and flora and fauna are encouraged in ponds, new pastures and, indeed, wilderness areas.

The EU court's ruling that the aggregates levy credit scheme is somehow an illegal form of state aid was, to put it mildly, most unfortunate. Rather than simply prioritising one region over another, the aggregates levy credit scheme was an indemnity against the financial devastation of a Northern Ireland industry, which, as we heard, is unique in the UK because it shares a land border with another state. Indeed, it is particularly revealing that the legal bid to overturn the exemption in Northern Ireland was supported by two separate quarrying companies in the Republic of Ireland, as well as the British Aggregates Association. Those quarrying companies, close to the border, have a very obvious and long-standing self-interest in seeing the scheme removed, because it would enable them to export their products easily to Northern Ireland.

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

Mr Kinahan: The Ulster Unionist Party wishes to see the Executive and everyone in the Chamber work together to ensure that the new scheme is brought in as quickly as possible.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. First, I pay tribute to the Quarry Products Association for drawing our attention to the issue and for making sure that our focus remains firmly on it. Of course, it could be argued that it is their livelihood, but it is our responsibility and duty to ensure that that livelihood is protected and looked after.

The overwhelming majority of the 183 quarries and sandpits across the North are family-owned, independent operators, producing an estimated £400 million of products a year. Over the past 14 years, the industry's average annual production has been 25 million tons. However, the industry has suffered during the economic crisis, along with many other sectors connected to the construction industry. The Department of Enterprise, Trade and Investment's NI minerals statement showed that in 2009, production had dropped to 19.5 million tons, which is 30% below the 2007 level of 29 million tons.

1.45 pm

There have also been job losses in the industry. Employment in the industry now stands at approximately 3,750, compared with almost 5,000 at the start of 2008. That represents a 25% drop in employment. Mr Hamilton mentioned that earlier, and it has had an impact on my constituency in particular. We have seen in the social security offices in Dungannon, Cookstown and Magherafelt the effect of high levels of unemployment and the loss of construction jobs.

The withdrawal of the aggregates levy credit scheme could prove to be highly damaging to the aggregates industry. It also has huge potential to have a knock-on effect on our construction industry. It has been estimated that the suspension of the levy credit scheme will cost the public sector construction budget an additional £25 million. Indeed, during a conversation the other night I heard a contractor estimating that an additional £70,000 would be added to the cost of one particular scheme. We can see that knock-on effect being replicated across the North. The withdrawal from the

UK Government's autumn Finance Bill of the planned extension of the levy credit scheme for a further 10 years could be absolutely devastating. That is being planned at a time when the Executive's capital building programme is under intense pressure following the Budget cuts, the construction industry generally continues to struggle and our local economy needs all the help that it can get.

The aggregates levy credit scheme has been successful in raising environmental standards in the industry. When it was introduced in 2002, its aim being to address the environmental costs associated with aggregates extraction not already covered by regulation, it was also an attempt to encourage the use of alternative sources such as recycled materials and certain waste products. In addition, the expected environmental benefits were not materialising as intended because of the problems that existed. During the gradual introduction of the aggregates levy, there was an increase in undeclared imports of aggregates into the North from the rest of Ireland on which, obviously, the levy was not being paid. Those benefits were not materialising as intended, and the situation was attributed to the limited availability of levy-free, recycled and alternative materials and the virtual absence of infrastructure for collecting and processing such materials.

The UK found that the gradual introduction of the levy had not given the processed products industry here sufficient time to adapt to that change by switching to the recycled or alternative materials. The new relief scheme was introduced for those reasons. Under that scheme, operators who were established in the North and who had concluded an environmental agreement with the UK authorities were to pay only 20% of the levy up to 31 March 2011. Claimants undertook formally to enter into and comply with negotiated agreements with the UK Government, committing them to a programme of environmental performance improvements over the duration of the relief.

However, because of the recent ruling by the EU General Court on a case brought by commercial competitors to the aggregates industry in the North, the European Commission's support for that relief scheme has been annulled. In essence, the judgement of the court was that the Commission had not carried out a full enough assessment of the related state aid issues. In response to that judgement, the UK

Treasury has suspended the aggregates levy credit scheme in the North from 1 December 2010. Significantly, in a statement announcing the suspension of the scheme, the Economic Secretary to the Treasury confirmed:

"The Government remains a strong supporter of the scheme".

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

Mr McGlone: The Treasury made its position clear. Therefore, I support the motion and trust that Members will endorse that support.

Mr Buchanan: The construction industry in Northern Ireland is under severe pressure, and it seems inevitable that it will suffer further as a result of the enforced cuts in capital expenditure. That pressure is felt by many different sectors of industry, and it is hitting the quarry industry in particular very hard, not least in my constituency of West Tyrone, where there are quite a number of quarries and where people depend a lot on the construction industry. Indeed, over recent months there has been quite a number of job losses in the construction industry and the quarry sector. I know that that is a worrying factor in the west of the Province, where a lot of jobs are being lost.

In light of all that, the decision to suspend the aggregates levy credit scheme, with effect from 1 December, is a devastating hammer blow to a struggling industry, and it could not have come at a worse time. It will do serious damage to an important local industry and lead to further job losses in the sector. It will also lead to a very unwelcome increase in construction costs, and the price of aggregates could rise by up to one third. Members around the House have spoken today about the percentage and the increases and the effect that that will have on the industry across Northern Ireland. At this time, that is the last thing that our Province needs. As Gordon Best of the Quarry Products Association said, it is another kick in the teeth for the construction sector when it is already on its knees. Gordon is to be commended for the sterling work that he does on behalf of the entire industry.

When the aggregates levy was introduced in 2002, it was, quite rightly, argued that our local industry should be given some relief. There were environmental and geographical reasons for that, but the vital issue was that we share a land border with another EU state.

The 80% derogation arrangement, which came into operation in 2004, provided that relief. It acted as an incentive to the industry to make environmental improvements and protected it from stiff competition from undeclared imports from the Irish Republic. The quarrying industry has always been quite heavily concentrated in border areas and, as a representative from west Tyrone, which has a large border area, I know all too well the pressures that that industry faces.

The credit scheme was bitterly opposed by the industry in the Irish Republic and in Britain, and the scrapping of the relief is the result of a case brought to Europe by quarry operators in the Republic and supported by the British Aggregates Association (BAA). They argued that it gives Northern Ireland an unfair advantage and contravenes the rules of state aid. As a result of the court ruling, the relief scheme, which was about to be extended until 2021, will be scrapped in a couple of weeks. It is ironic that the BAA in Great Britain has opposed the tax credit to its colleagues in Northern Ireland simply because it wants to bring a levy scheme to a complete end. That seems a strange way to try to bring about the result.

I welcome the support for our quarry industry from the Ulster Farmers' Union. Given the reduction in their farming income, many farmers obtain much work from the quarry industry. I am encouraged that the Government remain supportive of the credit scheme, and I urge the Executive to keep the pressure on Her Majesty's Treasury and the EU to ensure that a new scheme is put in place as quickly as possible to help to alleviate the serious problem that we face. I support the motion.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. I support the motion. To this point, the Members who have spoken have covered a lot, and the arguments have been made. I also pay tribute to Gordon Best and the Quarry Products Association for driving all the lobbying on the issues since 2001. Mr Buchanan mentioned that. The only weakness is that MLAs here do not necessarily look to or go to Brussels to lobby in the way that they maybe should. We maybe should do that more. That is a weakness not only on this front but on others.

Fermanagh, Tyrone and Armagh are the three counties west of the Bann that depend very much on quarrying and such industries, including manufacturing, which is a big factor

in creating jobs. There are jobs outside of the quarrying. Indeed, some farmers are very dependent on pricing and being able to price. Some quarries that maintain roads or road surfaces will have priced work in the South, maybe months ago. They will be unable to recover the price difference, which can be very considerable, that will arise because of the change. About £500,000 would be lost from the 400 tons of materials.

There is pressure from the environmental lobby in England and less so in Scotland and Wales for us to give way entirely to it by going along European lines. Those places have been able to recycle quarry products in a much greater way than we have ever been able. Historically, we have been in the backwoods in development, and anyone who entered this Assembly in recent years will know that we have been underdeveloped for the past 50 years. Part of the M1 is being done only now when it should have been done 30 years ago. That is only one area. Housing and everything else has been underdeveloped, and, because of that historical underdevelopment, we have to catch up with what some people call the rest of the UK.

We need to concentrate on the island of Ireland. The three counties that I mentioned closely border Monaghan and other counties, which are strongly into quarrying. We will not be able to compete on a level playing field with them. That is important, and, leaving all the politics aside, people should take into account the fact that this is a small island. When making roads North and South, farmers will easily procure aggregates from across the border and perhaps ignore the levies.

The most important consideration is jobs and livelihoods. We can consider the environment, and perhaps the quarries have looked at the environmental issue, but if there were a war, all those considerations would be pushed to one side. The recession is akin to our being at war in that we are trying to keep people's jobs and livelihoods intact. That is my prime motivation as a member of the Committee for Enterprise, Trade and Investment. Few enough jobs are moving towards the west. Although places such as County Antrim will be defended here, in this instance, they are less affected than the counties of Armagh, Tyrone and Fermanagh, and that is because of our nature and closeness to the border.

I support the motion. When I spoke to him last week, Jim Nicholson seemed confident that the decision can be changed for the better of our area. It is important that our MEPs go the extra mile for us if we were to make contact with them either in Brussels or before that.

The Minister of the Environment (Mr Poots):

I thank Mr Gallagher and Mr McGlone, who tabled the motion. I note that it refers to the Office of the First Minister and deputy First Minister, and that reflects the serious and wide-ranging effects of the decision to suspend the aggregates levy scheme. Although I am happy to lead the debate, given the scheme's strong environmental emphasis, I am also aware that it is equally important to other Executive colleagues. For example, in recent weeks, Sammy Wilson, the Minister of Finance and Personnel, and his team have played a critical role in discussing the issue with HM Treasury and HM Revenue and Customs (HMRC). The Minister of Enterprise, Trade and Investment, Arlene Foster, has a clear interest in the potential effects of the decision on Northern Ireland business. Similarly, the decision is likely to affect jobs, which will be of great interest to Alex Attwood in his role as Social Development Minister and to Danny Kennedy in his role as Minister for Employment and Learning.

It will also have a huge impact on our infrastructure programme. Northern Ireland has had an infrastructure deficit for many years, and that is why we had identified an infrastructure programme of some £18 billion, with spending identified of about £1.6 billion per annum. Unfortunately, that has been cut dramatically by the new Conservative/Liberal Democrat Government, which, of course, has a sister party, the Alliance Party, and a party wedded to it, the Ulster Unionist Party, in this House. The quarrying industry and the construction sector are being badly damaged as a consequence of capital cuts of some 40% that are coming from the Treasury, aided and abetted by those two parties that sit with us.

2.00 pm

I was absolutely astonished when Mr Kinahan proposed his party's policy that the £2 a ton levy, instead of being taken away here, should be introduced in the Republic of Ireland. That would create even more pain and make the whole situation even worse. I say to Mr Kinahan that that £25 million would provide

for 12 additional primary schools or a new road somewhere, and it would be very useful in dealing with the infrastructure deficit in Northern Ireland. However, I do not want people in the Republic of Ireland to share more pain in order to simply level up the position for the quarry and construction industry. I want the people of the UK to benefit from less pain overall. I therefore think that it would be far better if that tax were done away with across the UK because it is not a European tax but a UK stealth tax that Gordon Brown introduced. I hear from the Conservatives that they do not particularly like a lot of Gordon Brown's policies. They could, therefore, get rid of this one very quickly and thereby help the people of Northern Ireland.

Mr Kinahan: Does the Minister not realise that I am trying to make things equal on both sides of the border, that the environment needs to be properly looked after in the Republic of Ireland, and that that is not being done at the moment because there is no aggregates levy?

The Minister of the Environment: Just as I resist the Republic of Ireland's interference in Northern Ireland's affairs, I will resist interfering in the Republic of Ireland's affairs. I am responsible for looking after environmental issues in Northern Ireland.

The quarry industry has been a credit to Northern Ireland in how it has responded to environmental needs over the past number of years. The reality is that the recent suspension of the aggregates levy scheme will have a potentially huge impact on the industry, on the people working in it and their families, and, indeed, on the environment. It is understandable that the Assembly should be interested in knowing why we find ourselves in this position and what we can do about it.

The aggregates levy scheme was introduced in 2004. A key driver for its implementation was that it would deliver environmental improvements and incentivise the quarry industry to operate legitimately. The scheme entitles operators in Northern Ireland to claim 80% relief on the aggregates levy, which is currently £2 a ton. However, it is certainly not a scheme that gives something for nothing. Indeed, I regard it as a fine example of an incentive-based measure. Although the levy is collected by HM Revenue and Customs, my Department is responsible for approving entry to the scheme. On entry, operators must sign up

to a regime of environmental audits. They must undertake to carry out improvements that are outlined in a code of practice, and any issues that are identified are monitored through to resolution.

Quarry operators may be refused entry to the scheme if they have failed to obtain the required planning or environmental permissions. They may also be suspended from the scheme if there is evidence of failure to undertake any environmental improvements that are identified or if they breach the conditions of any regulatory permissions.

I confirm that the scheme has really delivered results on the environmental front. The environmental audit that is used on each site has a ranking system of one to five for each issue, with one and two being non-compliant, and three to five showing compliance at or above defined standards. My Department's records show that, since the scheme was introduced, ongoing work with the operators has reduced non-compliance scores by 98% and that there has been a corresponding 66.5% increase in the top scores of four and five.

The aggregates levy scheme was due to finish on 31 March 2011. However, in order to maintain that high level of environmental compliance in the industry, work on a new scheme post 2011 had already started in conjunction with HMRC and the Quarry Products Association for Northern Ireland.

As you can imagine, Mr Deputy Speaker, I was extremely disappointed by the Economic Secretary's decision to suspend the scheme with effect from 1 December. That follows the intervention of the European Union General Court's judgement on 9 September that annulled the European Commission's state aid approval for the scheme. I should say that that does not necessarily mean that the original approval for the relief scheme was wrong, but that it was not based on a demonstrably robust assessment.

Therefore, any scheme that is produced post-31 March 2011 must be based on that robust assessment and be able to withstand challenges that may arise from the quarries in the Republic of Ireland and from the British Aggregates Association. My colleague the Minister of Finance and Personnel has lead responsibility in liaising with the Treasury. His officials and my officials have been working

closely with their counterparts in HMRC and the Treasury on the issue.

We have known for a number of weeks that this was a possibility. The Finance Minister and I had hoped to dovetail the suspension of the scheme with the approval of a replacement scheme. As I said, the original scheme was, in any event, due to expire on 31 March 2011, and an application for a replacement has been made. After discussions with the European Commission, the Treasury no longer believes that that dovetailing is possible.

I fully recognise that the scheme's suspension is likely to have serious consequences for the quarrying and construction industries at a time when they are already facing severe financial pressures. It also has significant implications for the Executive's capital budget, as it would be difficult to establish at present the additional costs to the Executive of the change to the aggregates levy for existing contracts that were tendered before the announced suspension. The contractual obligation to compensate contractors for changes in law, such as tax variations, varies from contract to contract. However, many contracts, in particular longer-term contracts, include a contractual provision that allows contractors to claim a compensation event if such changes arise.

The Economic Secretary to the Treasury has confirmed that the UK Government still support the scheme and will be pressing the Commission to put the alternative scheme in place as soon as possible. We fully expect that the Commission's consideration of that will still have to include a fresh examination of state aid notification. Officials in DFP and my Department are working closely with the Treasury and representatives of the quarrying industry to provide the Commission with the additional information that it requires to make that new examination. At this stage, we cannot say how long that examination will take, as that will depend on the approach that the Commission takes. However, we are pressing for that work to be completed as quickly as possible, and we are asking the Commission, through the Treasury and the UK Permanent Representation to the EU (UKRep), for greater clarity in that regard.

DFP will also work with Treasury, quarrying industry representatives and the Commission, as appropriate, to find a solution that provides

a level playing field for the legitimate quarry operators in Northern Ireland.

Mr Leonard, in the first instance, suggested that we should have an all-party motion on the issue. He then supported the motion, before seeking to put a fly in the ointment by suggesting that we make the motion, with which he had wanted all parties to join him on, an all-Ireland issue.

In response to Mr Leonard, I say that, thankfully, we are not in a united Ireland, and Northern Ireland does not have the complications that the Republic of Ireland has. By June 2011, the Republic of Ireland will have run out of money, have to be bailed out by the European Commission and have to hand over the running of its economy to European bodies operating outside its jurisdiction. Thankfully, we are not in that position.

Some Members: Hear, hear.

The Minister of the Environment: That is not a solution that the quarrying industry, the general public or anybody else would like to see in Northern Ireland. The solution is for us to work with our colleagues to press for a qualitative case and to ensure that the environmental aspects of how quarries have gone about their business, and from which we have benefited, are sustained, bolstered and moved forward. We must have an aggregates levy scheme that does not impinge on the construction sector in Northern Ireland, whether that be in the public sector or the hard-pressed private sector.

I totally resist the comments made, on the one hand, by Mr Kinahan, who wants to introduce more tax, and, on the other hand, by Mr Leonard, who wants to introduce an all-Ireland policy that would be hugely damaging to the people of Northern Ireland.

Mr O'Dowd: Regardless of what happens to the economy in the Twenty-six Counties between now and June 2011, a quarry industry will exist in Monaghan, Donegal and Cavan, and the way in which that industry is taxed will have a direct impact on the quarry industry here. In ignoring that reality, the Minister of the Environment is doing no one any favours. Regardless of their economic circumstances, surely it is better to work with the Dublin Government on a common tax policy rather than ignore the reality of the situation.

The Minister of the Environment: The solution lies in developing the scheme beyond 31 March 2011 in a strong and robust way. That will mean that it can be defended against people who seek to attack it, whether they are from the Republic of Ireland or the British Aggregates Association. It is critical and essential that we do that.

It is clear that introducing all-Ireland policies into the debate is not helpful. Members may want to reflect on the fact that a Budget is to be produced in the Republic of Ireland that will hit every household to the tune of €6,000. I am thankful that I do not have to go out and sell that to my electorate. The Members opposite may try to say that it would be a brilliant idea to have a united Ireland and glorify it, but that that will cost people an extra €6,000 for the privilege. They may try to do that, but I suspect that their selling of it will result in abject failure.

Mr McGlone: I thank the Minister for that. I listened with some patience to the party political point scoring around the Chamber. However, the livelihoods of the people in my constituency are a bit more important than political point scoring from the Sinn Féin or DUP Benches.

The Minister of the Environment: I thank the Member for his intervention, and I understand that that is his party's number one priority. I was merely responding to an issue that was interjected —

Mr Deputy Speaker: Order. An important debate on the quarry industry in Northern Ireland had been going on. I ask the Minister to return to the subject matter of the debate.

The Minister of the Environment: I was merely responding to an unnecessary intervention and was pointing out that it was unnecessary. I reaffirm my regret that the decision was taken to suspend the aggregates levy scheme. We are happy to work with any party in the House or beyond to seek to minimise the potential damage to Northern Ireland as a result of that decision. I am not without hope that we can reach a positive conclusion in due course, but we are in for some months of pain in the intervening period. We must all apply ourselves in a clear and logical way, wipe out any notions of things that may be introduced and get to the nub of the issue to deliver for the quarry industry.

Mr Dallat: At the outset, I am pleased that we focused on the motion for 95% of the time

and that the political stones began to fly only towards the end of the debate. It brought me back to the old days of the blue skies of Ulster and the grey skies of the Republic. I thought that we had left those behind, but obviously we have not.

In proposing the motion, Tommy Gallagher emphasised the advantages of the aggregates levy scheme and how it transformed the environment. I am sorry that the Minister does not seem to want to listen to me, but I will have to live with that. Tommy also spoke about jobs. Perhaps the wider public do not fully appreciate just how many jobs are at stake, which is all the more reason for listening carefully to the other contributors to the debate. Tommy focused on the border counties of Fermanagh and Tyrone, but you will know, Mr Deputy Speaker, that there are several quarry operators in County Derry. Those companies employ hundreds of people in an area that was devastated by job losses during the past few years, and I want to include them.

As Tommy pointed out, it is not simply the quarry industry that is affected but the construction industry and a plethora of capital works that the Assembly promotes: the very type of work that has helped to cushion us from the worst effects of the depression. That depression is affecting not just the Republic of Ireland but here and many parts of the world.

2.15 pm

Cathal Boylan spoke as the Chairperson of the Committee for the Environment and as a Sinn Féin Member. He gave some very interesting statistics, which should concentrate the mind on the importance of the debate. QPANI has been given credit for the wonderful work that it has done. Despite our little political differences, I think that we would agree that that organisation is a tremendous credit to the industry and to the many people who look to it for inspiration without party political broadcasts.

Simon Hamilton emphasised the job losses and pointed, in particular, to the unemployment crisis in Dungannon in mid-Ulster. It is fair to point out that there is a land border, whether we agree with it or not, and that it has created serious problems. Tom Elliott, who comes from a border region, spoke in support of the motion. He pointed out the possibility and, indeed, the likelihood that illegal quarrying, where there is no management of the quarry environment and all

the negative things associated with smuggling, will become a feature of life again. Jonathan Bell also argued that the environmental issue is important. He asked: if the system is not broken, why try to fix it?

Billy Leonard spoke about people working together. He was a little bit critical of the motion. However, the proposer of the motion told me quietly that Sinn Féin is the party that did not come back with suggestions of how the motion could be improved. We all know that there is an opportunity to amend the motion if so desired.

Mr Leonard: The Member speaks about not playing the party game but then plays the party game. He is factually incorrect.

Mr Dallat: That was a most interesting intervention. I was pointing out a process and a feature of life in the Assembly whereby there is an opportunity to amend a motion if it is not up to one's standard. That is not party political; it is part of a process.

Trevor Clarke supported the motion and rightly gave credit to Gordon Best for the constructive way in which he and his organisation work. I felt a little bit sorry for Danny Kinahan who got himself into a bit of a mess by advocating an increase in taxes on the southern side of the border. However, I would have much preferred the Minister to have focused on the motion rather than on that little slip of the tongue or whatever it was. I am sure that QPANI would have appreciated that as well. Patsy McGlone made a very valuable contribution and talked about the number of jobs that are likely to be lost if the problem is not addressed.

Thomas Buchanan spoke passionately about the issues in West Tyrone, and we all appreciate such issues. Gerry McHugh also made a contribution. We ended with the Minister's blue skies/grey skies syndrome, which is regrettable. However, the vast majority of the contributions from the Assembly today were extremely positive. I hope that the people whose jobs depend on the quarry industry can take some comfort from the debate.

On a positive note, I hope that the Minister delivers on his undertaking to work with his colleagues to ensure that the issue is addressed in the interest of those who depend not just on the quarry industry but on the construction industry to protect their jobs during

one of the worst jobs crises anywhere in the western world.

I thank everybody who contributed to the debate, particularly those who kept to the script and gave comfort to those who depend on the jobs.

Question put and agreed to.

Resolved:

That this Assembly, while noting the Treasury's commitment to introduce a replacement for the current aggregates levy credit scheme from April 2011, expresses its concern over the decision to end Northern Ireland's 80 per cent derogation on 1 December 2010; and calls on the First Minister and deputy First Minister to take all possible steps, including working at Treasury and EU level, to protect the quarry industry, the construction industry and Northern Ireland's wider economy against the implications of this decision and the decision of the EU General Court.

Mr Deputy Speaker: The next item of business on the Order Paper is Question Time. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.30 pm.

The sitting was suspended at 2.21 pm.

2.30 pm

On resuming (Mr Speaker in the Chair) —

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Speaker: I wish to inform Members that questions 7, 8 and 11 have been withdrawn.

Investment Strategy

1. **Dr McDonnell** asked the First Minister and deputy First Minister for an update on the delivery of the investment strategy, including the total spend to date on capital projects. (AQO 487/11)

The deputy First Minister (Mr M McGuinness): One of the urgent tasks that the Executive face is tackling the many years of underinvestment that we suffered in previous decades. When we assumed power in 2007, we found major challenges in every area of investment. Transport networks, schools, healthcare and ageing water and sewerage systems called for major programmes of infrastructural renewal. The investment strategy 2008-2018 sets out our plans to deal with those challenges, with a strategy designed to support the framework of priorities in our Programme for Government. That investment strategy envisaged up to £20 billion being invested up to 2018.

As all Members will be aware, there have been ongoing discussions about whether the British Government have honoured the commitments given under a different Administration. Despite protestations to the contrary, I can tell the Member that, in our view, the proposed CSR settlement does not meet the £18 billion investment strategy, and we are still in discussions with the British Prime Minister and the Treasury to ensure that the North gets the funding that it needs to develop our infrastructure. We are also very concerned about the impact of the Budget cuts on our economy. There will clearly be employment and output consequences for the construction industry in particular. Those consequences can only worsen the impact of the recession in an industry that accounts for around 8% of our economy.

Turning to the period that the Member asked about, I can tell him that the Executive have delivered record levels of new capital investment. Some £3.4 billion was invested in the first two years of the strategy, and the latest projections are that we are on course to deliver the full £5 billion available to us over the three years. Those levels are substantially above that which was delivered under direct rule. It is important to understand that we are succeeding in fully spending all the money available for capital expenditure, unlike the situation under direct rule, with its record of unacceptable shortfall.

Our investment strategy identified 40 major milestone projects for schools, hospitals, roads, public transport, water, waste and regeneration, and 33 of those projects are now either delivered, on site or on schedule. Our projects in education are improving schools and colleges and are modernising facilities for thousands of our young people. In health, we have been delivering new hospitals and substantially upgrading existing hospitals, as well as providing a wide range of other care facilities, such as local health centres and a mental health unit.

We are strengthening our economy through supporting new jobs and investment, direct financial assistance and major investment to upgrade our roads network right across the region. We have also been improving our environment through substantial investment in dealing with waste and improving the lives of thousands of disadvantaged people through regeneration and new social housing.

Although much has been achieved in the past few years, we fully recognise that it is only a start, and a great deal more needs to be done to tackle the decades of underinvestment that we inherited. That is why we continue to fight vigorously for the honouring of the pledge given to us on new investment.

Dr McDonnell: I thank the deputy First Minister for his very eloquent answer. I know the difficulties around getting a Budget together, but can he advise us when we might expect to have some sort of a Budget for the investment strategy going forward? When might that be finalised?

The deputy First Minister: The Member will understand that all the parties in the Executive are represented on the Budget review group, which has met on a number of occasions. It

will meet again this week, and the effort is to ensure that we agree a Budget. There is a lot of nonsense on the airwaves, and a lot of people are pontificating about our ability to do that. Some of those same people were pontificating about whether or not the DUP and Sinn Féin would go into government together, but we did. When we went into government together, they said that it would last only a couple of weeks. Three and a half years later, we are still together. Therefore, the prospects of agreeing a Budget are good. All of us in the Budget review group must bend our efforts to that during the next short while.

Mr McNarry: I thank the Minister for his responses and congratulate him on his optimism. Can he explain the difference between the figures of the Department of Finance and those of the Treasury on the investment strategy and the comprehensive spending review? Does he agree with Minister Wilson's accounting?

The deputy First Minister: I agree with Minister Wilson's accounting and with that of the Department of Finance and Personnel. However, we are in dispute with the British coalition Government because they have dishonoured the commitments of the previous Administration, led by Gordon Brown.

On Monday 8 November 2010, I travelled to London to meet former Prime Minister Gordon Brown at the House of Commons. During our conversation, he made it absolutely clear that, had his Administration been re-elected, he would have honoured commitments that were made to all parties to the talks in Downing Street — not just Sinn Féin and the DUP — at which he made it absolutely clear that the £18 billion was ring-fenced and guaranteed. Furthermore, on the very day when Ian Paisley and I stood up as First Minister and deputy First Minister for the first time, in May 2007, he lodged the agreement in the House of Commons and specified in it that it was guaranteed.

That agreement is being dishonoured by the coalition Government of David Cameron and Nick Clegg. It is hugely significant to point out, particularly when we get questions from the Ulster Unionist Party, that, in the most recent election, that party and the Conservative Party had the same cuts agenda. Now the Ulster Unionist Party is silent on the cuts that are being imposed on our Administration. Neither

that party nor its members can lecture us on how we take that process forward.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. Given that the Minister said that the CSR settlement does not meet capital needs here, can he assure the House that the Executive will ensure that they get value for money and that any contract that is signed will help the long-term unemployed and those who seek apprenticeships by including social clauses?

The deputy First Minister: I accept completely the Member's point. It is imperative on us all to ensure that we maximise the spend available to us. As we all know, the construction industry is, rightly, lobbying us to address its needs. At the same time, the onus is on the industry to work with the Executive to assist us to attain our priorities. Our Department has led on the use of social clauses in contracts. I am aware that the Minister for Regional Development has ensured that they have been included in many road-building programmes in which his Department is involved. Recently, I read that the Minister for Social Development has also insisted on their use in contracts. Therefore the Executive are adopting social clauses as a way of delivering on our priorities. I call on all Ministers and Departments to ensure that they maximise the spend that is available to them.

Comprehensive Spending Review 2010

2. **Mr McCartney** asked the First Minister and deputy First Minister whether they are taking any steps to oppose the Budget cuts following the comprehensive spending review. (AQO 488/11)

4. **Mr A Maskey** asked the First Minister and deputy First Minister to detail any discussions they have had with David Cameron or Treasury Ministers since the comprehensive spending review announcement. (AQO 490/11)

The deputy First Minister: With your permission, a Cheann Comhairle, I will answer questions 2 and 4 together.

The First Minister and I are continuing to press the coalition Government on the details of the Budget 2010 settlement and its repercussions. Officials are also continuing to examine the implications and bring forward options that the ministerial Budget review group and the Executive will consider. On the basis of our analysis to date, this is not a good or fair

settlement, given the need for us to grow the economy, tackle disadvantage and deliver high-quality public services. The First Minister and I have written to the Prime Minister to ask for an urgent meeting to discuss the details of the spending review. We received a reply from the Prime Minister, and we will respond to him outlining our concerns both about the spending review and the need for him to bring forward a paper on the proposed enterprise zone to include tax-varying powers. We are hopeful that a meeting will take place shortly.

In addition, as part of that engagement process, the Assembly will be aware that we met the Chancellor of the Exchequer, George Osborne, on 20 September and the Deputy Prime Minister on 10 October. On every occasion, we have expressed our deep concerns about the potential impact of public spending cuts here, and, in particular, we have challenged any suggestion that the commitments that the previous Government made are being honoured.

We agree that there is a need to tackle the fiscal situation, but the proposed Budget settlement will endanger economic growth and recovery. It is not only the First Minister and I who think so; PricewaterhouseCoopers's analysis of the cuts suggested that they would have a disproportionately negative impact on the people here. The proposals are not consistent with the £18 billion capital package that the previous Government promised to us and that formed part of the St Andrews Agreement. If we are to achieve our aims of growing the economy, tackling disadvantage and delivering high-quality public services, we require additional resources.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Will the Minister outline why he feels that the North needs a special package to assist and aid economic recovery?

The deputy First Minister: The First Minister and I believe that the North should continue to be treated as a special case. The Labour Administration recognised that when, through negotiations at St Andrews, we secured an £18 billion additional funding package. That package was to be used specifically to redress the years of neglect and underfunding by successive British Governments, who failed to invest in our roads, rail network, schools, hospitals and water and waste infrastructure etc. It was a

recognition by the then British Government that the North needed special treatment to create a level playing field to enable us to embed the political process and to help us to tackle inequality and disadvantage.

We are only four years into putting our investment strategy in place, and, as I said in my earlier answer, the Executive have delivered record spend in capital investment. However, more investment is needed. In fact, it is more vital than ever in the current economic climate. We know that the economy here relies very heavily on the public sector. Any proposed cuts will impede any attempts at recovery and will make our attempts to grow the private sector and stimulate the economy much more difficult. The combination of the current environment and the legacy of the past means that there are no quick fixes. We must continue to defend the block grant robustly, and we are determined to do so. We take our commitments to deliver on behalf of all our people very seriously, and the Tory-led coalition Government need to honour commitments that were made to us.

Mr A Maskey: Go raibh maith agat, a Cheann Comhairle. I thank the deputy First Minister for his emphasis on the importance of getting such a special package. Will the deputy First Minister remind the House what the parties here need to do to ensure that we get such a package?

2.45 pm

The deputy First Minister: We need to press on, and we need to do what we are doing. We are putting up a good fight. I believe that we have made a compelling case, but we are dealing with an Administration who have been ruthless in dealing with the promises made by a previous Administration. Those people, some of whom are in the media, who argued that we could not make the case that we were special need to understand that this is not England, Wales or Scotland. We are dealing with a society that is emerging from conflict and with a situation in which the commitments that a previous Administration made are clearly being dishonoured. We want to see the coalition Government led by David Cameron facing up to the reality that our expectations and those of the people whom we represent must be fulfilled.

Dr Farry: Will the deputy first Minister give the House a commitment — notwithstanding the concern that we all have about cuts — that his party will support the agreement of a draft

Budget by the Executive before the end of this month to allow for proper public consultation? Will he also recognise that a failure by the Executive will be worse for the economy, jobs and public services?

The deputy First Minister: There appears to be a notion in the media — it is inherent in the Member's remarks — that Sinn Féin is not interested in agreeing a Budget. Nothing could be further from the truth. We have a duty and responsibility to agree a Budget; that is what we are here for and what we are charged with on behalf of the people whom we represent. However, we have not been charged by those people just to impose a cuts Budget. We have a duty and responsibility to look at what we can do within our own ambit of authority to agree revenue-raising powers, for example, or other initiatives that can be taken to ensure that we can continue to grow the economy, help the most disadvantaged and protect front line services.

Sinn Féin is as determined as any other party to agree a Budget, and we will bend to that effort over the next while; however, we will not dole out cuts handed to us from London. The First Minister and I have made it clear to Owen Paterson and David Cameron that we believe that they have dishonoured an agreement that was made with us. That is our duty and responsibility, but it is also our duty and responsibility to ensure that the public services on which people depend are utilised and serviced in the next while. We have a responsibility to agree a Budget, but it has to be the right Budget.

Mr Campbell: Does the deputy First Minister agree that, in preparing for the end of the comprehensive spending review era and for the Budget, the Minister of Finance and Personnel plays a central role? Does he also agree that it is incumbent on every Minister to co-operate fully with the Minister of Finance and to respond to all questions and letters that he may send to them?

The deputy First Minister: All Ministers are behaving responsibly in facing up to the challenges before them and their Departments. The Minister of Finance and Personnel has a key responsibility. However, the Budget is not the Minister of Finance and Personnel's Budget; it is the Executive's Budget. We have a five-party coalition Government, and that means that we have a responsibility to examine every

possible avenue for ensuring that, when the Budget is agreed, it delivers on our Programme for Government and on the stated aims of both the DUP and Sinn Féin. Our responsibility is to continue to grow the economy, protect front line services and help the most disadvantaged.

Public Assemblies, Parades and Protests Bill

3. **Mr Elliott** asked the First Minister and deputy First Minister to outline the process their Department is following to progress the draft Public Assemblies, Parades and Protests Bill. (AQO 489/11)

The deputy First Minister: We carried out a consultation on a draft Public Assemblies, Parades and Protests Bill earlier this year, an amended version of which was prepared to reflect the concerns expressed in the responses. Our intention was to have laid a final Bill before the Assembly about this time; however, the Bill is not proceeding, pending the resolution of subsequent issues that have arisen.

Mr Elliott: Will the deputy First Minister make the amended version of the Bill available, and will he accept that its previous provisions were overbureaucratic and unacceptable to a wide range of individuals, groups and organisations?

The deputy First Minister: The DUP and Sinn Féin made a genuine effort to put in place processes that would put dialogue and negotiation at the heart of any move forward. It was particularly disappointing that we did not receive what would have been much-appreciated support from some elements in the Assembly.

The fact of the matter is that, in the course of the deliberations, we managed to put in place an approach that many people thought was beyond us. When that approach was put into the public domain for consultation, various opinions were offered. It is critically important, during any consultation period, that we, as a Government, listen carefully to what is suggested, even if some of those suggestions represent what people would consider to be a negative approach. Reparations were made during the course of that, and amended processes were agreed.

In the time ahead, we must try to get everybody who is interested in a resolution — the Orange Order has a key role to play, as the Member well knows — to recognise the importance

of stepping up to the plate in putting this legislation in place in a way that sees us move forward decisively and puts in place processes that will see — very importantly from my perspective — resolutions to what is now a tiny number of contentious situations.

Mr Moutray: Can the deputy First Minister inform the House whether the Ulster Unionist Party made a written submission to the parades working group when it was given the opportunity to do so?

The deputy First Minister: The answer is that the Ulster Unionist Party made no submission whatsoever. For a party that professes to be interested in the whole issue of marches and how they are conducted, that was a fairly irresponsible thing to do.

Mr A Maginness: Will the deputy First Minister not simply admit that this piece of antidemocratic, dangerous and ill-drafted legislation is now dead and should remain so and that the Office of the First Minister and deputy First Minister should enhance the role of the Parades Commission — *[Interruption.]*

Mr Speaker: Order.

Mr A Maginness: — to allow it to get on with the job of mediation and conciliation to bring about local solutions to local problems?

The deputy First Minister: I answered that point in the first answer that I gave.

Ms M Anderson: Go raibh míle maith agat. Given the role of the First and deputy First Minister in developing this legislation, would the Minister welcome a meeting with the Orange Order to discuss its concerns on the way forward on parading?

The deputy First Minister: I would very much welcome a meeting with the Orange Order, but that is a matter for the Orange Order. The Orange Order must decide for itself whether it wishes to play a part in trying to find resolutions to problems that have created huge difficulties for our communities, whether it be the people whom the Order represents or those affected by marches in any given year.

When we see the cost of what has happened in a number of situations, it must be unacceptable to us all that much-needed funds that could be put to much better use are being wasted year in, year out. I hope that there is recognition by

the Orange Order that those of us who wish to engage with it want to do so in a positive and constructive way and in a way that recognises the Order's rights and entitlements.

Mr Speaker: Question 4 has already been answered.

Executive Expenditure

5. **Mr F McCann** asked the First Minister and deputy First Minister what consideration has been given by the Executive to capping the level of contributions made to final salary pension schemes within the Civil Service. (AQO 491/11)

14. **Mr Brady** asked the First Minister and deputy First Minister what consideration they have given to raising additional revenue to assist in growing the economy and to help address disadvantage and inequality. (AQO 500/11)

15. **Mr O'Dowd** asked the First Minister and deputy First Minister for an update on the work of the Executive's Budget review group. (AQO 501/11)

The deputy First Minister: With your permission, Mr Speaker, I will answer Questions 5, 14 and 15 together.

As the Member will be aware, at the Executive meeting convened in Greenmount College in July 2010, it was agreed that a ministerial subgroup would be established to consider strategic issues relevant to the formulation of Budget 2010. The review group has met four times to date and continues to meet. It has had preliminary discussions on important cross-cutting issues, including measures for reducing bureaucracy, capital investment plans, public sector pay constraints and revenue-raising options. Those discussions are continuing.

As part of that work, we have also been in discussion with key stakeholders about potential options to manage the impact of the spending review, including proposals to raise additional revenue. Our priorities when moving forward are growing the economy, tackling disadvantage and delivering more efficient and effective public services. In particular, a major focus in the discussions on the Budget, Programme for Government and investment strategy is how the Executive can address issues that affect the most vulnerable in our society, especially those most at risk from poverty and social exclusion.

In fulfilling our commitment to build a better, brighter shared future, we must ensure that no individual, family or community is left behind. Consequently, we propose that our Department examines, as a matter of urgency, a potential new scheme that would enable hard-to-reach communities to enjoy the benefits of a proposed new community renewal programme. The purpose of the new programme is not to duplicate what other Departments are doing but to identify the problems and find solutions that will make a real and tangible difference to areas. The programme is intended to directly tackle barriers to employment, replace dereliction with development and build sustainable communities. Work is ongoing, and there will be consultation with all relevant Departments as the work progresses.

Although the Budget review group continues to consider issues around public sector pay, superannuation for public sector pension schemes here falls within the remit of the Department of Finance and Personnel to make and maintain pension provision for civil servants in secondary legislation, which does not require consideration by the Executive.

Mr F McCann: I thank the deputy First Minister for his answer. Bearing in mind what he has said about the responsibility for pensions resting with the Department of Finance and Personnel, will he draw to that Minister's attention the indignation and, indeed, resentment felt by many of the people that I represent — *[Interruption.]*

Mr Speaker: Order.

Mr F McCann: I will finish now. Will he point out their resentment on reading about the gold-plated pensions that senior civil servants get, while they struggle to survive on the basic pension?

The deputy First Minister: I fully understand the Member's sentiments when referring to the indignation felt by many at the high level not only of pension awards but of pay awards that civil servants receive. It is important to point out that such awards are not restricted to the Civil Service but are replicated across the public sector. Only recently, we have seen, from answers given in the Assembly, the number of people who earn in excess of £100,000, and of course there will be commensurate pension schemes for those people when they retire. As I said, the responsibility for pensions rests with

the Minister of Finance and Personnel, but I will draw his attention to the issue raised.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. Will the Minister assure the Assembly that the community renewal programme that he mentioned will be targeted on the basis of objective need?

The deputy First Minister: At our last Question Time, the First Minister made the point that we had bid for specific funding to target some of our most disadvantaged areas. It was again made clear, in another answer, that a major element of discussion on the Programme for Government and Budget would be how we, as an Executive, can address issues that affect the most vulnerable. We have asked officials to undertake work with colleagues from other Departments to progress priority actions that will benefit the individuals and groups in greatest objective need. I hope that all Members will clearly understand that we are about targeting on the basis of objective need, and I trust that we will receive the support of our Executive colleagues in seeking to ensure that the necessary resources are made available.

Let us be clear what this fund is for: it is to tackle poverty, to get people into employment and to build safe and sustainable communities. Let me be equally clear what this fund is not for: it is most certainly not a fund for former paramilitaries. Nothing could be further from the truth. It must be additional to existing interventions, and it is telling that, instead of supporting this initiative to address poverty and disadvantage, some individuals — even in the Assembly — wish to undermine it through misinformation. That does a grave disservice to the communities most in need.

3.00 pm

Justice

Prisoner Releases

1. **Mr B McCrea** asked the Minister of Justice for an update on the internal review into the recent erroneous release of two prisoners. (AQO 502/11)

The Minister of Justice (Mr Ford): In my statement to the House on 4 October, I advised that I had initiated an urgent inquiry to report to me and the director general of the Northern Ireland Prison Service by the end of October. In addition, I asked Dr Michael Maguire, the Chief Inspector of Criminal Justice, to review the findings of the inquiry. As Members will be aware, last Friday, 12 November, the report of the Prison Service's investigation into the release of Devidas Paliutis and Connolly James Cummins and the report of the Criminal Justice Inspection were published. I am grateful to all those who were involved.

As I assured the House on 4 October, I took the two erroneous releases extremely seriously. I recognise that Members will wish to have clear assurances. The report of the inquiry contained a number of clear recommendations that built on the work that was already in hand following the interim report that was submitted to me in mid-October. There were 24 recommendations in total. In addition, a disciplinary investigation into the release of Mr Cummins was initiated on 8 November.

Mr Paliutis was released from Maghaberry prison. Immediate steps were taken to strengthen the systems at Maghaberry and in general offices in the other prisons. Staff training has been stepped up, procedures have been tightened and duties have been realigned to ensure that the focus is on custody, release and sentence calculation. As regards the release of Mr Cummins from Downpatrick court, immediate steps have been taken, including improved communication flows for prisoner escort and court custody service (PECCS) staff, additional written guidance for all PECCS staff on the processes for checking, and further arrangements to ensure that staff at courts are aware of those prisoners who are not for release. In addition, there are a range of more general recommendations, including

improvements to the Prison Service's prisoner record and information system.

The report from the Chief Inspector of Criminal Justice records satisfaction with the approach that was adopted by the Prison Service inquiry and endorses the recommendations. I agree with the proposal that there should be a follow-up inspection in six to 12 months. As I have already said, arrangements for a disciplinary investigation into the erroneous release of prisoner Cummins were set in place as soon as the final report of the Prison Service inquiry was received.

Mr B McCrea: The Minister will be aware that 97% of all people asked about this took it very seriously. The problem is that, in the past, recommendations have been brought forward and, although accepted, not actually adopted. Will the Minister reassure us that there will be proper training for all concerned, that people will buy in to the recommendations and that this sorry state of affairs will not occur again?

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

The Minister of Justice: The flippant reference in that supplementary question causes me considerable concern.

Some Members: Hear, hear.

The Minister of Justice: Recent comments on security matters from that Member and other parts of the House have added to our concerns. The comments were based on partial information, inaccuracies and little more than rumour. Repeating that as if it were somehow a joke in the context of this question is extremely unhelpful.

Some Members: Hear, hear.

The Minister of Justice: I assure the House that the recommendations will be taken extremely seriously. The House is well aware that a fundamental review of the prison system, chaired by Dame Anne Owers, is under operation. Members are also aware of the strategic efficiency and effectiveness programme that is under way in the Prison Service. I assure those Members who wish to take security matters seriously that those matters are being taken entirely seriously in the Prison Service and the Department.

Mr Givan: I am sure that the Minister agrees that the focus should be on where systems and

procedures need to be addressed. Members of staff should not be made scapegoats. They have done an excellent job over many years and ensured that things like this are very rare.

The Member mentioned the figure of 97%. Does the Minister concur with the Member's assessment of the capability of dissident republicans as compared to the Provisional IRA?

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

The Minister of Justice: I have already made my position absolutely clear. The statement that that Member made last week was not only utterly erroneous but deeply damaging to the situation that faces the House and the institutions in which we work.

In the context of the question — because I think that there was a brief question related to this issue — there is, and it is recommended that there be, no scapegoating. That is why the references to failures in Maghaberry prison are to systemic failures. I remind the Member that a disciplinary inquiry is under way into the release from Downpatrick courthouse.

Mr Speaker: I encourage Members very much to attach their supplementary questions to the original question.

Mr A Maginness: I thank the Minister for his reply. However, may we get back to the central issue of the release of prisoners and, in effect, their escape from justice? Does the Minister regard those two releases as being very serious indeed, particularly when they happened within such a short time of each other? Is it not right that there should be a much further, more fundamental reform within —

Mr Speaker: I encourage the Member to finish.

Mr A Maginness: — a much further, more fundamental reform of the Prison Service to get those systems right?

The Minister of Justice: I thank Mr Maginness for that question. He can be assured that this issue is taken extremely seriously. As I have made clear in public comments, there are tens of thousands of appearances by prisoners every year, and it is deeply unfortunate that two escapes occurred within a few days of each other. The Member is well aware that a fundamental review is under way that will take a serious look at the entire process. However,

there is no doubt that the fact that the Prison Service conducted a speedy review in response to those incidents, and that that review was validated by the Criminal Justice Inspection shows, first, that they were taken seriously, and, secondly, that the remedial measures should be satisfactory and have been seen as such.

County Courts

2. **Mr Molloy** asked the Minister of Justice when the review on the jurisdictional limit of the County Courts will be completed and the recommendations implemented. (AQO 503/11)

12. **Mr Gallagher** asked the Minister of Justice, in light of the proposed increase in the County Court jurisdictional limit from £15,000 to £30,000, what plans he has to provide additional resources to address the increased case load for County Courts. (AQO 513/11)

The Minister of Justice: With your permission, Mr Speaker, I intend to answer questions 2 and 12 together.

I intend to publish the summary of responses to the consultation on County Court jurisdiction in early December. I have not yet reached a final view on the appropriate level of the increases, but, having been informed by the responses — the majority of which were opposed to an increase beyond £30,000 — I tend towards an increase in the County Court ordinary jurisdiction from £15,000 to £30,000; an increase in the district judges' jurisdiction from £5,000 to £10,000; and an increase in the small claims jurisdiction from £2,000 to £3,000. I will, however, want to reflect on the views of Justice Committee members and the observations of any other Members.

On the issue of resources, I believe that there are suitable County Court venues throughout Northern Ireland that are equipped to accommodate any additional business that arises on foot of such increases. The number of County Court judges is a matter for the Judicial Appointments Commission to determine, in agreement with my Department, and we will obviously discuss that matter with the commission. That and other matters will be settled before any jurisdictional changes are brought into operation.

Subject to ensuring that the practical issues are resolved, I intend to give effect to any increases during the course of 2011. It is unlikely that all

the increases will come into operation at the same time. An increase to the County Court jurisdiction will not be in operation before September 2011. The other increases — to the district judges and small claims jurisdiction — may be effected before then.

Mr Molloy: I thank the Minister for his response. Will he indicate how many of the responses came from the legal profession and how many from the general public? Will the Minister ensure that the limit set is based on justice and the community rather than on the demand from some legal teams for higher fees in the High Court compared with the County Courts?

The Minister of Justice: I thank Mr Molloy for his supplementary question. I cannot give him a detailed answer. However, fairly shortly, when the full summary is published, he will see details of exactly where the responses came from. There is no doubt that the issue of legal fees has preoccupied the Assembly and the Department for some time. Mr Molloy can rest assured that we will continue to bear down on unnecessary legal costs, while ensuring proper access to justice.

Mr Gallagher: Does the Minister accept that additional resources will be required when caseloads increase at County Courts? Will he clarify the number of judges who will sit at County Courts following the adoption of the proposals?

The Minister of Justice: I do not necessarily accept Mr Gallagher's contention. Some district judges already sit in County Courts on different issues. The jurisdiction of district judges is also being increased. Therefore, the suggestion that there will be a significant increase in the work of the County Courts will not necessarily be carried through. Of course, when decisions are taken, we will properly assess whether and where additional resources are required.

Legal Aid

3. **Mr Leonard** asked the Minister of Justice what action he is taking to ensure that legal aid is available for those who need it. (AQO 504/11)

The Minister of Justice: I am committed to the principle of providing access to justice for people who cannot afford their own legal services. The legal aid system in Northern

Ireland has served people well, and it assists with more than 100,000 legal problems every year. My officials in the Courts and Tribunals Service are taking forward a comprehensive programme of legal aid reform, which will be implemented in a manner that will ensure that access to justice is maintained for those in need of help and for those who cannot afford to pay for legal aid themselves.

The devolution of justice powers provided an opportunity to consider how we can improve access to justice, which is why, earlier this year, I initiated a fundamental review of access to justice in Northern Ireland. That provides a real opportunity to reinvent the way in which legal services are provided to the public and to put access to justice on a sustainable basis for the future. Jim Daniell, who is leading the review, has begun initial scoping work, and he has had meetings with representatives of the legal profession, the voluntary sector, the Departments, the public agencies and other interested organisations and individuals.

Access to justice for those who need it is one of the review's guiding principles, although it is recognised that that needs to be tempered with the realities of working with finite resources. The recommendations arising from the review will be published next summer, and I am confident that they will provide future Administrations with a blueprint for further reform of public legal services in Northern Ireland.

Mr Leonard: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. I note that he used words such as "tempered" and that he referred to fiscal limitations. Will he assure Members that, after the review, we will not end up with justice on the cheap, which would not render justice for the most vulnerable in society?

The Minister of Justice: I assure Mr Leonard that it is not a matter of getting justice on the cheap. Neither is it a matter of ensuring that funding streams to certain well-placed lawyers will continue ad infinitum.

Mr Bell: Why does the Minister continue to hide the identity of the barrister who earned £1.4 million in legal aid work? Furthermore, is it acceptable that somebody can earn £1.4 million in legal aid, which is public money, and that his or her identity not be revealed to the House?

The Minister of Justice: I assure Mr Bell that I am not hiding the identity of the individual concerned. Matters are under discussion between the Courts and Tribunals Service and the Bar Council, and, only this morning, I discussed the issue with officials. Mr Bell and others can rest assured that the issue will be resolved in the fairly near future.

Mr McNarry: Will the Minister explain the differences between financially accessing a non-molestation order via legal aid in Northern Ireland and the situation that pertains in England, Scotland and Wales?

The Minister of Justice: No, I cannot, because I am not concerned with what happens in England, Wales and Scotland. However, I assure the Member that, as I said previously, we are examining the means with which to make it possible for someone to access a non-molestation order without having to go through the full means-testing process before such an order can be maintained. I hope to bring definite proposals to the House in the near future.

Mr McDevitt: Does the Minister agree that the civil legal aid system is not serving the interests of family law particularly well and that the adversarial nature of many family break-ups and the consequential costs in civil legal aid are, in fact, standing in the way of a positive outcome for parents and, in particular, children?

The Minister of Justice: Normally, it is Mr Bell who reminds me that I used to be a social worker. On this occasion, I am happy to agree with Mr McDevitt that there are major problems with the way in which family law operates on an adversarial basis. That is why we are having a fundamental review to seek to find alternative and better dispute resolution methods.

3.15 pm

Public Prosecution Service

4. **Mr P J Bradley** asked the Minister of Justice what plans he has to address the lack of accountability of the Public Prosecution Service to the Assembly. (AQO 505/11)

The Minister of Justice: Although the current arrangements for the Public Prosecution Service (PPS) have been in place only since 12 April 2010, concerns have been expressed by a number of Members about arrangements for questions on the system of prosecutions

to be answered in the Assembly. Following discussions, the First Minister, the deputy First Minister and I have agreed that we will consult on options for accountability arrangements in the future. Although the Department of Justice has no formal responsibility for the PPS, we agreed that it would be most appropriate for it to lead on the consultation, given its wider focus on the justice system. My officials aim to be in a position to discuss a draft consultation paper with the Justice Committee in the new year.

Mr P J Bradley: I thank the Minister for his answer. Bearing your words in mind, Mr Speaker, my supplementary is attached to my original question. Will the Minister initiate a formal and informed public discussion to address the unacceptable lack of accountability to the Assembly?

The Minister of Justice: I appreciate the Member's point. This matter is under discussion between the Department of Justice and the Office of the First Minister and deputy First Minister (OFMDFM). I cannot make a promise to the Member about the direction of travel of those discussions. However, I can promise that we will have a consultation paper out early in the new year. I hope that that will lead to a full, wide public consultation on the best method forward.

We need to recognise that we are working a system that was set up by the criminal justice review some years ago and which flowed from the Good Friday Agreement, yet has been in operation only since 12 April 2010. We need to ensure that we create a system that works for us for the future.

Mr K Robinson: Will the Minister confirm that the first aim of the PPS is to be independent of political influence, and, in doing so, provide the people of Northern Ireland with a fair and effective prosecution service? Will he further indicate those matters for which the Attorney General is accountable to the Assembly?

The Minister of Justice: I thank Ken Robinson for that extremely loaded question. The PPS must, of course, be independent. We need to ensure that there is total independence of decision-making in individual prosecutions, but we also need to recognise the wider policy implications and areas where the PPS has, in fact, become significantly more responsive in recent years in explaining its thinking. We need to work through the new arrangements, which, as I said to P J Bradley, came into place on 12

April 2010. Those include the precise role of the Attorney General and how he will report to the Assembly. I know that those matters are under discussion in a number of different quarters.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. That answers a large part of what I wanted to ask the Minister.

We have to ensure that certain elements of the justice and prosecution service remain independent. However, does the Minister agree that we have to assure the public that bodies such as the PPS are aware of the realities of people's everyday lives, that they recognise the effects of crime on communities and that there is a correct balance between public concern and justice?

The Minister of Justice: The acting director of the PPS is fully aware of the need to ensure public confidence in justice being seen to be done. Clearly, however, there are specific issues around the accountability mechanisms for the PPS and its policy areas that have yet to be fully worked through.

Dr Farry: Will the Minister confirm that any review will also look at financial management issues, which are particularly important in the current climate, and the issue of the speed of justice? The PPS has an important role in ensuring that we have swift and effective justice, which is in the interests of victims, witnesses and perpetrators.

The Minister of Justice: My colleague can be assured that financial management is nearly top of every Minister's agenda at present. The speed of justice is a key problem as we move forward in this society. I have made it a priority, and I know that some extremely good work has been done between the Police Service and the PPS to ensure that they work more closely together, that they improve paperwork procedures, perhaps using short files with accelerated processes in relatively minor cases, and that they ensure that the proper amount of detailed work is done on more major cases. There are key issues surrounding the speed of justice, but they are, of course, not solely the concern of the PPS, but of the police and the Courts and Tribunals Service.

Criminal Justice: Learning Disabilities

5. **Ms Purvis** asked the Minister of Justice what specialist services are in place to support

victims and witnesses of crime who have learning disabilities, and alleged offenders who have learning disabilities from arrest to prosecution. (AQO 506/11)

The Minister of Justice: I thank the Member for her question. The criminal justice system is absolutely committed to ensuring that every victim and witness has the opportunity to give their best possible evidence. As part of that, a range of measures are available, where needed, to support vulnerable victims and witnesses, including those with a learning disability. The measures available are screening from the accused in court; providing evidence by video recording; removing wigs and gowns in court; giving evidence by means of a live video feed, which may also include the presence of a supporter; using intermediaries to aid with the understanding of any questions; and providing specialist equipment to aid communication in court.

In the case of the accused, the Northern Ireland appropriate adult scheme gives support and advice to mentally vulnerable persons in police custody. Under the scheme, an appropriate adult provides support throughout interviews and other aspects of detention. The appropriate adult will assist the detainee in understanding what is happening and why it is happening. During any remand, vulnerable prisoners of that kind may be brought into the supporting prisoners at risk scheme, which provides support to keep people safe and to help them to adjust to life in prison. At trial, courts have powers to grant the use of an intermediary, where appropriate, and to grant leave to provide evidence by live video feed.

However, we can and should go further to support the vulnerable and to safeguard the interests of justice. That is why I will bring forward a range of measures in that area in the Justice Bill, including expanding the scope of eligibility for special measures, placing the use of supporters and intermediaries on a statutory footing and giving young witnesses a greater say in how they give evidence.

Ms Purvis: I thank the Justice Minister for his answer. He will, of course, agree that that area needs some more attention, and I welcome the fact that he will bring forward some measures. Does he have any plans to extend the appropriate adult scheme? I know that it is there for alleged offenders when they are in custody, but there is also an onus to support

offenders with mental illnesses or learning disabilities through the criminal justice process, whether in court proceedings or elsewhere, and an onus to ensure that they understand the processes in a meaningful way.

The Minister of Justice: I thank the Member for her supplementary question. The appropriate adult scheme was established only on 1 June 2009. It is a contracted service that is funded by the Department and is available 24 hours a day, every day of the year. Therefore, when a mentally disordered or mentally vulnerable person is detained in custody, the police will arrange for a trained and experienced appropriate adult to come to the station to support that person through interviews and other aspects of the detention process. That should not be introduced at a later stage in the scheme but should be available all at points from the time when somebody is brought into custody. If there are any concerns that that is not being operated, I would be grateful if the Member could inform me of the detail.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire.

I thank the Minister for his answer. As he is aware, the Justice Committee visited Hydebanks Wood last Thursday. The governor informed us that 70% of people in custody at Hydebanks Wood would not obtain level 1 literacy skills and that 90% of them have alcohol-, drug- or mental illness-related difficulties. Does the Minister agree with the observation that many of us made that day, which was confirmed by the people who made presentations, that many people in Hydebanks Wood should not be in prison but should be in institutions elsewhere?

The Minister of Justice: I entirely take Mr McCartney's point although I need to be slightly careful about agreeing with the point as he finely expressed it. There is absolutely no doubt that mental illness and learning disability are key features among a very large section of those in custody. That means that we need to ensure that we find services that meet the needs of people in custody and that assist them in remaining out of custody. However, it is a sad reflection that many have come through formal years of schooling — although perhaps, in many cases, they did not attend those formal years of schooling — in a way that leaves them vulnerable and leads them, in many cases, into crime that results in them being inside a young

offenders' centre. We need to work hard in society to ensure that we start to keep people out of the justice system.

Sir Reg Empey: Will the Minister confirm whether he believes that he and the system have sufficient resources to deliver the proposals that he has outlined? I, like Mr McCartney, visited Hydebanks Wood last week and was very concerned to see how the staff struggle there. The people in those facilities have extensive language issues and a vast number have learning difficulties. That is their background. Given that, do the facilities have the resources to deliver that policy?

The Minister of Justice: Sir Reg makes an extremely valid point about the need for resources, but the issue is, perhaps, the particular use of resources in the Prison Service. We are all aware that the Prison Service here is somewhat more expensive than that in our neighbouring jurisdictions. That issue needs to be addressed, but we also need to look at how resources are used. For inevitable reasons, historically, the bulk of the resources were spent simply on maintaining people in custody rather than looking at rehabilitation work in custody. I trust that Dame Anne Owers's review will direct us to a much greater use of resources going towards rehabilitation rather than to simply maintaining security.

Mrs M Bradley: Will the Minister provide Victim Support with more finances and other resources to assist the victims of crime?

The Minister of Justice: That supplementary question stretches the subject a little bit, but the simple answer is that, among the various NGOs that work most closely with the Department, I have met Victim Support. With the budget not fixed, I am not in the business of promising any organisation an increase in funding. I have promised Victim Support and other NGOs that the Department of Justice will direct its funding to where it achieves the best results, regardless of who provides those services.

Crime: Economic Cost

6. **Mr Armstrong** asked the Minister of Justice how he intends to reduce the cost of crime to the economy. (AQO 507/11)

8. **Ms Lo** asked the Minister of Justice what steps he is taking in response to the report published by his Department 'The Cost of Crime in Northern Ireland'. (AQO 509/11)

The Minister of Justice: With your permission, Mr Speaker, I will answer questions 6 and 8 together.

Last week, I published a research report, which concluded that crime is costing the Northern Ireland economy £2.9 billion a year. That striking figure demonstrates that it is imperative for us to work in partnership across government to tackle crime and to reduce offending. I am committed to looking at all aspects of the justice system and to driving down costs where that can be achieved, whether that is through legal aid reform or reviewing the cost of keeping prisoners.

I have commissioned important work to develop a new comprehensive reducing offending strategy, aiming to reshape fundamentally our approach to tackling the factors that lead people into the criminal justice system and the obstacles that hinder them from getting back out of it. That will require a joined-up and co-ordinated approach across Departments, the justice system and the community and voluntary sector. I have carried out a programme of meetings with Executive colleagues to discuss the way forward on a government-wide approach to reducing offending.

Mr Armstrong: Minister, you did say that you had met Executive colleagues to lead to a joined-up approach on the need to reduce the cost of crime to Northern Ireland's economy. Did you?

The Minister of Justice: If that was a question, yes, I have.

Ms Lo: The Minister mentioned the importance of partnership across government in tackling offending. Apart from the reducing offending strategy, which he mentioned, what can be done to encourage such partnership?

The Minister of Justice: Much can be done by a number of Departments in recognising that we share a responsibility for reducing offending. In introducing the Justice Bill, I highlighted the fact that clause 34, which is part of community safety restructuring, places a duty on public bodies to consider crime and community safety implications in exercising their duties. As I said to the House, I am aware that not all members of the Executive fully saw the benefit of that,

but, at a practical level, that would build on the current voluntary basis of the operation of local community safety partnerships, and it would have a strategic and visible importance through ensuring that a body of devolved Departments is seen to work together on shared concerns. I look forward with interest to hearing the views of the Committee and, indeed, Members of the House on the precise operation of clause 34 when the Bill progresses.

Mr Spratt: In relation to the cost of crime in Northern Ireland, the Minister will be aware that the legal aid system is two or three times more expensive than in other parts of the United Kingdom. Will he ensure that that is reviewed in any exercise to reduce costs in the justice system?

The Minister of Justice: I assure Mr Spratt that the cost of legal aid will be kept under review. He was probably exaggerating slightly when he said that the cost of legal aid here is two or three times that in other parts of the United Kingdom. My understanding is that there is a significant percentage uplift but not as much as twice the cost in England and Wales.

I am fully aware of the concerns that some people have about ensuring proper access to quality justice and about the fact that measures are being taken in England and Wales to reduce the cost of legal aid from approximately the level that we are currently trying to reach. Therefore, there will clearly be issues for the future.

3.30 pm

Assembly Business

Mr O'Loan: On a point of order, Mr Speaker. During questions to the First Minister and deputy First Minister today, to which the deputy First Minister responded, three questions were grouped: 5, 14 and 15. Although there is no specific Standing Order on the matter, there is a clear expectation that, if questions are grouped, they are grouped for a reason and are closely connected in theme. However, that does not appear to have been the case in this instance. That obviously affects Members' opportunities to ask questions. Mr Speaker, it is important that you protect the rights of Members. I, therefore, ask you to take notice of and give consideration to that matter.

Mr Speaker: I certainly hear what the Member is saying. However, it is really up to Ministers to decide which questions they should group. I, therefore, suggest that the Member take that issue up with the First Minister and deputy First Minister's office. I will write to the office, too. The convention in the House has been for Ministers to decide which questions they want to group.

Mr A Maginness: Further to that point of order, I hear what you are saying about Ministers' having the capacity to group questions. However, I ask that you still look at the situation, Mr Speaker, because it seems that, if you give that power and capacity to Ministers, you are actually withdrawing power from the Assembly and the capacity of Members and Back Benchers to ask searching questions. That matter really should be reviewed.

Mr Speaker: As I said, I am extremely happy to write to the First Minister and deputy First Minister to raise the issue. That is on the record now, which is important. I agree with Members that questions that have been grouped must be related. I will, therefore, take that up with the First Minister and deputy First Minister's office, and I encourage Members to do the same.

Mr K Robinson: Further to that point of order, any Minister who groups questions usually opens his or her statement by saying, "With your permission, Mr Speaker".

Mr Speaker: I have already stated my position on this. At the end of the day, it is really up to

Ministers to decide which questions they want to group. That has been the convention in the House for some time. However, as I said, I am very happy to take that issue up with the First Minister and deputy First Minister to see where it goes, and I encourage Members to do the same.

Mr McDevitt: Further to that point of order, Mr Speaker. I appreciate your taking this point of order. It is on a separate issue. The deputy First Minister took three and a half minutes to reply to the first question today. Mr Speaker, I know that that matter has been considered before, but perhaps it is one that you may wish to return to at some point.

Mr Speaker: I and other Members have raised the issue in the House from time to time. The Committee on Procedures has been looking at how long it takes Ministers to answer questions for some time, and I encourage it to get on with that work. I know that it is deliberating on whether to bring in a set time for how long Ministers have to answer a question. However, that work very much sits with the Procedures Committee at the minute. I do not know where it is with that, but I am sure that there are members of the Committee on Procedures here who could probably indicate where exactly that work is.

I have some sympathy for Members when Ministers take some time over answering a question. However, I would like to think that the Committee on Procedures will, sooner rather than later, have that piece of work finished. Hopefully, we will come to a point where there is agreement on the best way forward for putting a time limit on Ministers.

I always encourage Ministers to try to be brief. I have raised the issue on a number of occasions with the First Minister and the deputy First Minister themselves and with other Departments. However, I think that the real work on the matter has to be done by the Committee on Procedures, and I encourage its members to get on and finish that piece of work.

Adjourned at 3.35 pm.



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