

# Official Report (Hansard)

Monday 29 November 2010  
Volume 58, No 3



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Wilson, Sammy (East Antrim)

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# Northern Ireland Assembly

Monday 29 November 2010

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

*Members observed two minutes' silence.*

## Assembly Business

### Resignation of Mr Gerry Adams

**Mr Speaker:** I advise the House that I have received a letter from Mr Gerry Adams to state that he will resign as a Member of the Assembly with effect from 6 December 2010. I have notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

## Ministerial Statement

### Intergovernmental Agreement on Criminal Justice Co-operation

**Mr Speaker:** I have received notice from the Minister of Justice that he wishes to make a statement to the House.

**The Minister of Justice (Mr Ford):** With your permission, Mr Speaker, I will make a statement on a meeting that I had with Dermot Ahern TD, Minister for Justice and Law Reform, under the auspices of the intergovernmental agreement (IGA) on co-operation on criminal justice matters, in Dublin on Friday 12 November. It was the second formal ministerial meeting under the intergovernmental agreement since the devolution of policing and justice matters on 12 April, although I have met Mr Ahern on a number of occasions since then.

Members will recall my statement to the House in September, following my first meeting under the intergovernmental agreement in July. As I said then, as the agreement is analogous to the North/South Ministerial Council (NSMC), I am committed to keeping the Assembly informed of meetings held under the auspices of the agreement. The meeting with Dermot Ahern on 12 November was constructive and provided a good opportunity to discuss a number of criminal justice issues of mutual interest. We were updated on a range of cross-border issues, including supporting public protection; management of sex offenders; support for victims of crime; youth justice; forensic science; and promoting social diversity. I also took the opportunity to ask about progress in facilitating lateral entry of police officers between the PSNI and an Garda Síochána.

We discussed the progress of project advisory groups covering the main areas of mutual benefit and noted in particular the good channels

of communication between criminal justice organisations on both sides of the border to ensure that the border is not exploited by criminals to escape justice.

The meeting also provided an opportunity to review the work programme that Dermot Ahern and I agreed in July. I am pleased to report to the House that all the agreed actions remain on course for delivery by next summer.

I am particularly pleased to report that a memorandum of understanding between the forensic science services is at an advanced stage of completion. It has been developed to provide mutual support in the event of sudden loss or damage to facilities and is an excellent example of practical co-operation that will be of benefit to both jurisdictions. Another extremely positive development is a plan to extend the memorandum of understanding to a tripartite agreement to include the Scottish Forensic Science Service. It is pleasing to note that work is also well advanced in that regard.

One of the planned actions to promote co-operation that emanated from the work programme took place immediately prior to my meeting with Dermot Ahern. That was the first annual public protection advisory group seminar, which was held in the Probation Service's offices in Haymarket, Dublin. The theme of the seminar was partnership working for public protection. It brought together representatives from both police services, both prison services and both probation services. Showcasing examples of innovative interventions with offenders, the event provided an excellent opportunity to reflect on current practice in challenging environments, to share information on what works, and to establish positive networks for ongoing collaboration. I was pleased to be present, along with Dermot Ahern, to address the seminar. Building on the success of the event, the second annual public protection advisory group seminar is scheduled to take place next year in Northern Ireland.

Progress against all the actions in the work programme will continue to be monitored by a working group of officials who will report to Dermot Ahern and me at our next ministerial meeting. I will host that meeting, which is planned for March 2011. It is my intention, Mr Speaker, with your continuing agreement, to update the Assembly following that meeting.

Finally, the devolution of policing and justice powers provides a real opportunity to further enhance working relationships between and across the criminal justice agencies. The intergovernmental agreement is an important framework for supporting co-operation between criminal justice organisations on both sides of the border.

I am concerned to make the most of opportunities, be they North/South, east-west or international, to work in partnership where that makes sense. Therefore, Members may be interested to note that Dermot Ahern and I met Kenny MacAskill MSP, the Scottish Cabinet Secretary for Justice, on 27 September, to discuss matters of common interest, including human trafficking, across the three jurisdictions. The three jurisdictions share many common issues. Therefore, it is important that we maintain ongoing contact to collectively make our community safer.

**The Chairperson of the Committee for Justice (Lord Morrow):**

I note from the Minister's statement that he discussed the issue of human trafficking with Dermot Ahern and Kenny MacAskill on 27 September. Can he provide more details on the scale of the problem across the three jurisdictions? What actions and initiatives have been agreed to ensure that the perpetrators are brought to justice speedily and successfully? Also, have any further discussions on that issue taken place with his relevant counterparts in England and Wales to ensure the same level of co-operation?

Turning to the range of cross-border issues that were discussed at the meeting on 12 November, I ask the Minister to provide further information on the discussions that took place on two issues that the Committee for Justice has paid particular attention to, namely support for victims of crime and the management of sex offenders. Are any new initiatives planned in those areas?

I will now speak as a representative of a border constituency, rather than as Chairperson of the Committee for Justice. I am disappointed that the statement makes no mention whatsoever of any new initiative to tackle the dissident threat that seems to be escalating virtually on a daily basis. Will the Minister assure us that he is concerned about the escalation of that threat and that his Department will take all and any new initiatives that need to be taken to curtail it?

**The Minister of Justice:** I thank the Committee Chairperson for his early comments around some of the issues that were covered. I will try to deal with his final point later. He asked about successes and initiatives regarding trafficking. During the past year, Members will recall that 25 victims of human trafficking were recovered in Northern Ireland, and a number of prosecutions are pending.

There was also the much-publicised trial recently of a family from Wales who had been involved in trafficking in different jurisdictions in the UK. There is absolutely no doubt that our agencies are co-operating fully with other agencies in Scotland, Wales, England and the South. In particular, UK Border Agency officials, who, of course, do not report directly to the Department of Justice, are working with the Garda National Immigration Bureau (GNIB) to look at illegal immigration that exploits the common travel area. Recently, there have been significant successes.

In the immediate future, we hope to relaunch the Blue Blindfold campaign, which aims to raise awareness of trafficking issues in order to ensure that the public and relevant agencies respond. I hope that we will relaunch that campaign in early 2011 in conjunction with the similar campaign run by the Irish Department of Justice and Law Reform.

The Chairperson asked for details of meetings with officials in England and Wales in the time that is covered by the statement. I have not had any direct, face-to-face meetings with Home Office or Ministry of Justice Ministers. However, my officials have been engaged with them in a series of ongoing meetings on co-ordination.

Lord Morrow also raised the issue of victims of crime. As Chairperson of the Committee for Justice, he will know that the Justice Bill contains detailed references to promote victims' interests. Indeed, the public protection seminar that took place in Dublin touched on that issue, as well as the management of sex offenders. Therefore, initiatives are coming forward. We are learning from our neighbouring jurisdictions, wherever they are in these islands, about how to work together better.

Finally, Lord Morrow referred to what he described as the "growing dissident threat". Of course, we are all aware of it. However, the intergovernmental agreement has a specific focus, which is not related to terrorism. I can assure him that I receive regular briefings from

the Chief Constable. I have also had recent meetings with the Garda Commissioner. I am assured that co-operation is at the highest level. There have been significant successes, from the PSNI's perspective and that of the Garda Síochána, in dealing with people who reject the peace process and the settlement that the vast majority of people on the island has accepted.

**Mr O'Dowd:** Go raibh maith agat, a Cheann Comhairle. The Chairperson's comments on so-called dissidents bring to mind those that Mr Robinson made at the weekend, when he said that although their agenda will not win, we must not let them set our agenda. At all times, we must attempt to move on.

I welcome the Minister's statement. He mentioned the recent cross-border public protection advisory group seminar, which he said showcased examples of innovative interventions with offenders. He went on to talk about sharing information on what works. Can he enlighten the House as to what the group believes does work and what examples will be further investigated and, indeed, promoted?

**The Minister of Justice:** I believe that Mr O'Dowd is trying to catch me out on what inevitably happens on such occasions: Ministers turn up for a small part of a detailed seminar. I expect to receive a report soon from the two probation services, which led the seminar, on the details of work that was done. If the Member wishes, I will happily supply it to him.

**Mr A Maginness:** I thank the Minister for his helpful statement. I want to follow up on the point that Lord Morrow made on the dissident threat. The Minister indicated that terrorism and the terrorist threat effectively are not covered by the intergovernmental agreement on co-operation. As an Irish Minister in the Northern Ireland Assembly, does the Minister not think it ridiculous that he cannot speak to another Irish Minister about the greatest threat that affects both jurisdictions in Ireland, which is the threat from the dissident republican movement? Will he try to amend the intergovernmental agreement so that such a sensitive and important area is covered?

**The Minister of Justice:** I thank Mr Maginness for his question. Clearly, he makes a valid point. All that I can say is that the agreement, as I inherited it, set up advisory groups to cover issues such as public protection, management of offenders, victims' support, youth justice,



forensic science, and criminal justice and social diversity. We are looking at how to co-ordinate long-term strategic planning between both jurisdictions on all those issues.

### 12.15 pm

The operational response to the small number of people who continue to carry out acts of terrorism requires a slightly different approach, and I assure the Member that that approach is being taken. I require no permission from anybody to discuss the joint activities of the PSNI and the Garda Síochána with Dermot Ahern, and I happily and frequently do so, whether face to face or by telephone. The House can remain assured that those issues are not being ignored merely because they are not covered by the particular working mechanisms of the IGA.

**Dr Farry:** Does the Minister see the potential for extending the approach of the forensic science memorandum of understanding to other areas of the criminal justice system? Also, in relation to partnership working for public protection, and noting that he is very active in discussions with his Scottish counterpart, does the Minister see scope for extending those discussions to consider the models being used in Scotland, which are actually innovative and progressive?

**Mr McDevitt:** *[Interruption.]*

**The Minister of Justice:** I am astounded that someone near me seems to be suggesting that we should not be discussing issues on a wider basis. When finalised, the forensic science memorandum of understanding will, we hope, cover the full range of potential co-operation to ensure that, in the face of any particular difficulties for forensic science services on either side of the border, full support and assistance can be given in carrying out necessary and urgent functions in the other jurisdiction. Indeed, if that is extended to include the Scottish system, it could work there as well. At the moment, the service in England and Wales seems to be going down a different route, which will make co-operation more difficult than with either Scotland or Ireland in that respect.

There is no doubt that, as we seek to promote partnerships for public protection, we need to learn from good work that is being done in any other neighbouring jurisdiction. For example, as I have had the pleasure of highlighting in

the Assembly before, we are probably to some extent seen as being in the forefront of good work on youth justice. However, there is no doubt that we also have lessons to learn from the youth conferencing work done in Scotland. I am interested in learning lessons from any jurisdiction to be applied for the best purposes for the people of Northern Ireland, and I do not care what particular jurisdiction that may come from.

**Lord Browne:** I have some concern about the way that decisions on cross-border criminal justice co-operation are taking place. At present, the Minister is meeting Ministers from the Republic and Scotland, Ministers from the UK Government are meeting independently with Ministers from the Republic and, indeed, the European Union is making its own regulations on cross-border co-operation on criminal matters. Will the Minister tell us what he is doing to make sure that all those meetings and negotiations are not simply a large duplication of work? How does he intend to integrate the findings from that large series of meetings?

**The Minister of Justice:** Lord Browne has a point about the dangers of the multiplicity of meetings. In the IGA, specific roles and responsibilities are being carried through. I have already told the House how we have sought to increase co-ordination with our Scottish colleagues, and I assure the House that initiatives from the Home Office and the Ministry of Justice, as they apply to England and Wales, are also kept under review. Although there may be a variety of meetings happening, there is full co-ordination of approach, learning lessons, applying them as best may be within the individual jurisdictions and seeing that, collectively, we make all the communities of these islands safer places.

**Ms Ní Chuilín:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Will he give us some more insight into human trafficking? He mentioned that 25 families have been affected by the human trafficking industry, as it relates to drugs and the sex trade. What happens to people who have been rescued and who are too afraid to become witnesses? Are they automatically deported? Are there lessons that we can learn across the island on that issue?

**The Minister of Justice:** Ms Ní Chuilín makes a valid point about the way in which we handle victims of trafficking. It is clearly an issue



when people are found by police or other public agencies in an area that they are not familiar with, and they may well be extremely fearful of telling their story honestly and openly.

Those responsible for the care of victims recovered from trafficking do their best to encourage them to give evidence and to ensure that traffickers are dealt with and victims are not doubly victimised. Ultimately, if illegal immigrants are involved, the UK Border Agency has roles and responsibilities, as opposed to Department of Justice agencies. I am concerned that our agencies respond as sensitively and constructively as possible to those who are victims of this dreadful crime.

**Mr Buchanan:** I thank our British Justice Minister for his statement. Some people would try to divert that fact. I agree that we should have co-operation with our neighbours in the Irish Republic when it is in our mutual interest. However, it is also important to develop close links with other UK jurisdictions. I welcome the meetings that the Minister had with the Scottish Cabinet Secretary for Justice. I am disappointed that he has not yet met his counterparts in England and Wales.

**Mr Speaker:** I ask the Member to ask his question.

**Mr Buchanan:** Will the Minister inform the House when he intends to meet them? Will he also inform us why he felt that the dissident republican threat was not of significant enough importance to discuss at the meeting?

**The Minister of Justice:** I thank Mr Buchanan for the question. I am happy to stand here as the Minister of Justice for Northern Ireland elected by the Members of this Assembly. If that means that I have responsibilities on an all-Ireland basis in partnership, I am happy with those. If it means that I have responsibilities in the United Kingdom in partnership, I am happy with those. If Members wish to start twisting those points, they can. It will not put me off doing the job that I am elected to do.

Mr Buchanan talked about links with other UK jurisdictions. I expect, within the next couple of weeks, to attend a meeting of the British-Irish Council (BIC) to show the importance of east-west as well as North/South links. I made the statement today because the operation of the IGA is analogous to that of the NSMC. Previously in the House, I mentioned meetings

that I had with the Home Secretary and Lord Chancellor on a visit to London. This morning, I referred to ongoing contact with officials, and those will continue. Today's formal statement was made because of the architecture of the co-operation. Such co-operation continues with all other jurisdictions.

**Mr McDevitt:** I assure the Minister that we are very happy to see a Northern Ireland Minister speaking with a Republic of Ireland Minister on issues of concern to the island of Ireland.

Why was there no mention in the statement of cross-border organised crime, such as diesel smuggling, car theft, and other stuff that we see reported often in the newspapers? Such activities are of significant concern to many of us in this House and in Dáil Éireann. Why has the Minister come to the House unable to provide us with details of conversations that he may have had on those topics with the Minister in the Republic?

**The Minister of Justice:** I should explain to Mr McDevitt that not every topic that is the subject of every working group is mentioned at every meeting between two Ministers. I assure him that work by, for example, the cross-border fuel fraud enforcement group continues, but such work was not discussed at any great length at this particular meeting and, therefore, was not reported.

I could also have reported on the annual cross-border crime seminar, which we hosted on 4 October, the aim of which is to strengthen the partnerships with different agencies, North and South, and to look at organised crime in general. Not every meeting discusses everything, but that does not mean that the work is not ongoing. If any Member has particular concerns about the level of co-operation with any adjacent jurisdiction, I will be happy to provide them with private answers.

**Mr Spratt:** I thank the Minister for his statement. The Minister mentioned facilitating lateral entry of police officers between PSNI and an Garda. What answers did he get on that issue? Will the Minister bear in mind that pay and conditions and the pension regulations of the two police services are totally different and there are major anomalies? Will the Minister also bear in mind that those pay and conditions and pension regulations are replicated for the entire British police service?

**The Minister of Justice:** I thank Mr Spratt for making the point, but we have had the option of lateral entry between the PSNI and the Garda Síochána for a number of years. As he correctly highlighted, one of the principle deterrents is the portability of pensions. It is not a blockage, but it is clearly a deterrent. The way that pensions are structured goes beyond police services across the UK. It is almost an issue for the entire public sector across the UK.

Shortly after the Good Friday Agreement, efforts were made to resolve some of these issues, but those efforts came to nothing. The issue has also been raised at EU level and has come to nothing, so I am not sure that I could have been expected to resolve it in seven months in the Department of Justice. I am keen to see short-term movements between the PSNI and the Garda Síochána. There have been some success stories, which is to be welcomed. Those movements inform officers of the work of the other authority and improve relationships. However, we have to look on a wider scale, and it is a bit beyond my capabilities to resolve the pensions issue in particular.

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

**Mr Callaghan:** Will the Minister expand on the discussions at the meeting around promoting social diversity?

**The Minister of Justice:** I suspect that I would be expanding on something that was a relatively short part of the meeting, but it is clear that there are significant issues regarding the work of criminal justice agencies, North and South, as they cope with an increasingly diverse society. It is important to ensure that all agencies that work with us are aware of differences and changes happening in society, North and South, and that they recognise that methods that worked some years ago do not always work in handling the needs of our communities these days. It is vital that every agency recognises that, and I am pleased to see that it is being addressed at a serious level. Again, if the Member wants a fully detailed report of that particular work stream, I will see that he gets it.

**Ms Lo:** I am pleased to hear the Minister say that there will be a relaunch of the Blue Blindfold campaign. The Minister may be aware that I helped Minister Paul Goggins to launch the first campaign, but I must say that it was not very effective. It was not very visible, and, if you ask the public —

**Mr Deputy Speaker:** Please ask a question, Ms Lo.

**Ms Lo:** Will the Minister assure the Assembly that the campaign will be much more effective this time around, and that it will have a much higher profile, perhaps involving the other jurisdictions that he has mentioned?

**The Minister of Justice:** I thank my colleague for her question, and for highlighting that she helped to launch the campaign with a seminar in February 2010, when approximately 120 front line staff from a range of agencies listened to a variety of speakers on the issue to ensure that we got across the seriousness of the crime of human trafficking. I believe that the campaign ran only for a few weeks. It ran for five or six weeks in Northern Ireland and similar lengths of time in other jurisdictions. Perhaps it is difficult to establish in its early stages. That is why I am determined to see that we continue to run the campaign on a reasonably regular basis. If we do that in conjunction with neighbouring jurisdictions, it will help to maximise the impact of the work that Ms Lo kicked off earlier in the year.

**Mr McNarry:** Minister, bearing in mind the current financial crisis facing the Republic of Ireland, did the matter of continuing the financing of cross-border activity by the guards arise in your discussions over a cup of coffee or wherever? Do you have any concerns about the ability of the South to continue to fund its responsibilities, particularly in, around and on the border?

**The Minister of Justice:** I assure the Member that we were not specifically discussing the financial crisis affecting the Republic, although it was the subject of questions to Dermot Ahern from the local media prior to our meeting. I was assured at that meeting and on other occasions that the Garda Síochána remains fully committed to providing a proper policing service up to the border and to working in the closest possible co-operation across the border with the PSNI.

There is, in fact, some suggestion that the current Garda Commissioner has provided more resources to deal with the cross-border terrorist threat than would be appreciated by some people in particular towns in the South that are experiencing spates of criminal violence. I have no doubt that there is the best possible North/

South co-operation, and there is every sign that that will be maintained.

### 12.30 pm

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. There are those who have difficulty with our Ministers co-operating or collaborating with one another on issues that affect the whole island. To them, I say that such co-operation is very much a part of the essential progress of the Good Friday Agreement and, indeed, of the future stability of that agreement.

The Minister said that communication between the criminal justice organisations was important in impacting on criminals on both sides of the border. It was mentioned earlier, in relation to drugs, alcohol, illegal oil and fuel smuggling and so on, that those illegal organisations depend largely on those activities for their survival. That applies to all the organisations mentioned here this morning.

**The Minister of Justice:** I thank the Member for his comments. As I said, I am happy to co-operate with people in any other jurisdiction on these islands or anywhere else to provide stability for this society and to help to provide a safer shared community for all of us. There is no doubt that there are those who are engaged in criminal activity that is directly linked to the funding of terrorist activity. In that sense, the work to deal with, for example, tobacco smuggling, fuel laundering and even illegal dumping may be related to the fight against terrorism. That is why it is so important, without talking specifically about terrorism in every sentence, for that kind of co-operation to continue.

**Mr Givan:** The Minister referred to the memorandum of understanding between the forensic science services. Is the momentum for achieving that memorandum based on a concern that our forensic science service unit is a specific target of republican paramilitaries? Given the concern that the organisation has insufficient technical capability because of a reduction of resources over the past number of years, will he assure the House that he is making every effort to ensure the necessary capability to tackle the existing threat?

**The Minister of Justice:** I assure the Member that the memorandum of understanding is not linked to any specific threat; it is a simple

matter of practicality. Sometimes, problems in laboratories mean that work there cannot be continued for a period. Therefore, a memorandum that shares work with one or two neighbouring jurisdictions appears to make practical common sense.

The Member also referred to the technical capability of Forensic Science Northern Ireland. On the visit that I paid it some weeks ago, I was assured that it had the necessary technical capability. Indeed, it kept up that capability at a time when it may have been suggested that it was not required. It is dealing resolutely with all kinds of criminal and terrorist activity.

## Executive Committee Business

### **Commissioner for Older People Bill: Further Consideration Stage**

**Mr Deputy Speaker:** I call on junior Minister Mr Gerry Kelly to move the Further Consideration Stage of the Commissioner for Older People Bill.

*Moved. — [The junior Minister (Office of the First and deputy First Minister) (Mr G Kelly).]*

**Mr Deputy Speaker:** As no amendments have been selected, there is no opportunity to discuss the Commissioner for Older People Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

### **General Register Office (Fees) Order (Northern Ireland) 2010**

**The Minister of Finance and Personnel  
(Mr S Wilson):** I beg to move

*That the draft General Register Office (Fees) Order (Northern Ireland) 2010 be approved.*

The Order that comes under Members' consideration today is intended to provide revised fees for the certificates, change of name services and the marriage and civil partnership preliminaries and formalities that are charged by the General Register Office. The Order also includes a proposed date for the commencement of the new fees. The last fees Order was made in 2008. The new Order proposes fees that reflect the increased costs of providing those public services.

Members will wish to know that, under the current law, fees are not charged for the statutory requirement of registering births and deaths or for providing one copy of a birth entry at the time of registration. However, fees are chargeable for the provision of other certificates and for further certified copies of registration events, including, when necessary, the searching of indexes and the retrieval of the record involved. Fees are also chargeable for carrying out procedures such as recording a name change and for marriage and civil partnership services, including the giving of notice, the solemnisation of marriages and the registration of civil partnerships. Under government accounting rules, the cost of such chargeable services is recovered by means of a fees Order, as provided for in the relevant legislation. It is in that context that the Order comes before the Assembly.

The General Register Office (GRO) and district registration offices produce more than 16,000 certified copies of vital events for which fees are chargeable each year. The production of certificates requires significant administrative input, involving receiving moneys, searching indexes, producing copies on security paper, certification and dispatch. In the past year, GRO efficiency in those processes has improved because of the ongoing digitisation project, which is in the process of digitising all paper records from 1845 to date. The availability of digitised records has improved the speed of service, the accuracy of data provided and the quality of documents. The introduction of enhanced indexes provides not only more

information than previously for members of staff and the public but a more efficient service.

Over the years, by introducing new services, the General Register Office has significantly improved options for the delivery of registration services. The public can order certificates from any location in the world, either over the Internet or by telephone, and pay for services using credit cards. Improvements have also been made in the General Register Office public search room by providing a more spacious environment, upgrading IT equipment and trebling the number of terminals. In recognition of that and other developments, the General Register Office recently achieved reaccreditation of its customer service excellence status, the successor to the Charter Mark, which the office held for many years.

To develop the service still further, I will bring forward legislative measures through the Civil Registration Bill to provide greater choice and more flexibility in registering vital events; to determine where they may be registered; to provide additional types of certificates to meet public demand; to enable the sharing of registration information with other Departments; and to provide greater access to the historic civil registration records to facilitate genealogical enquiry.

As I said, the General Register Office is required to recover the costs of chargeable services, including the services provided by local registration offices based in each district council. The previous Order was issued in 2008, and increases are now necessary. Fees have been calculated individually, using work study analysis to reflect the work involved in each area, and they include the full range of costs involved, including staffing, rent, rates and computer maintenance in GRO and district registration offices. A similar cost recovery system operates in Scotland, England and Wales.

Passing the Order will ensure, as has been the case here and in GB, that the cost of providing services and producing chargeable certificates will be borne by parties requiring such services and not by the public purse, which would otherwise be the case. Members will wish to note that, at the new levels, fees for certificates issued from the General Register Office in Northern Ireland are comparable to corresponding fees for certificates issued in Scotland.

Although fees for certificates in England and Wales are lower than those in Northern Ireland, there is no reduction in England and Wales for additional copies of the same certificate that are often required. In addition, certificate processing takes less time in Northern Ireland than in other parts of the United Kingdom, which results in the public receiving a speedier service but, of course, involves higher costs.

The Committee for Finance and Personnel considered the Order, and no objections were raised. Therefore, I commend the Order to the Assembly.

**The Chairperson of the Committee for Finance and Personnel (Ms J McCann):** Go raibh maith agat, a LeasCheann Comhairle. As the Minister has explained, the draft General Register Office (Fees) Order 2010 sets the fees to recover the costs of various services connected with the registration of births, deaths, marriages and civil partnerships.

The Committee for Finance and Personnel considered the policy proposals contained in the statutory rule on 29 September 2010 and sought further clarification on two issues. The Committee wrote to the Department of Finance and Personnel seeking clarification on why there was no uplift in fees in 2009 and on how the costs of providing those services are calculated. DFP advised the Committee that, in accordance with financial guidelines, the General Register Office is required to review fees annually to ensure that the cost of providing chargeable public services is recovered. DFP further informed the Committee that, on the basis of the outcome of the fees review in 2009, it was not considered necessary to raise the fees, as full cost recovery for those services had been achieved. On the issue of the assessment of costs, the Committee was advised that fees are set to recoup identifiable costs with no element of profit and that costs are calculated separately for each chargeable service to reflect the work involved in each area. Those include staff costs, rent, rates, maintenance and computer support.

Having received that clarification and on the basis that no further issues were raised by the Examiner of Statutory Rules by way of technical scrutiny, the Committee agreed on 17 November 2010 to support the Department in seeking the Assembly's endorsement of the Order. Therefore, I support the motion.



**The Minister of Finance and Personnel:** I am glad that I got an easy ride this morning, Mr Deputy Speaker. I thought that there might have been some issues. However, I thank Members for giving me an easy time on this measure and the Committee for the work that has been done. The fact that officials were able to reassure the Committee that the increase in fees was totally justified and only reflected increased costs to the General Register Office and were able to explain where those costs arose was undoubtedly the reason why no issues have been raised today. I am pleased to commend the motion, and I ask Members to approve the draft General Register Office (Fees) Order (Northern Ireland) 2010 and that it should come into operation on 1 January 2011.

*Question put and agreed to.*

*Resolved:*

*That the draft General Register Office (Fees) Order (Northern Ireland) 2010 be approved.*

## Committee Business

### Standing Orders

**Mr Deputy Speaker:** As the next three motions relate to amendments to Standing Orders, I propose to conduct the debate as follows. I propose to group motions (a), (b) and (c) as detailed on the Order Paper and conduct only one debate. I shall ask the Clerk to read motion (a), after which I will call the Chairperson of the Committee on Procedures to move that motion. Debate will then take place on all three motions. When all who wish to speak have done so, I shall put the Question on motion (a). I shall then ask the Chairperson to move formally motion (b) and motion (c) in turn, and I will put the Question on each of those motions without further debate. If that is clear, I shall proceed.

**The Chairperson of the Committee on Procedures (Lord Browne):** I beg to move

*In Standing Order 20(1)(b) line 1, leave out "2.30 pm and 3.30 pm" and insert "2.00 pm and 3.00 pm".*

*The following motions stood in the Order Paper:*

*In Standing Order 20(8), at the end insert*

*"A supplementary question may contain no more than one enquiry." — [The Chairperson of the Committee on Procedures (Lord Browne).]*

*In Standing Order 20, after paragraph (8) insert*

*"(8A) Answers (including those to supplementary questions) may be no longer than two minutes. This period may be extended at the discretion of the Speaker." — [The Chairperson of the Committee on Procedures (Lord Browne).]*

### 12.45 pm

**The Chairperson of the Committee on Procedures:** Members may remember that, in the previous session, an extra slot was added to Question Time on Tuesdays so that it would run from 2.30 pm to 3.30 pm. At that stage, that time was chosen primarily because 'Stormont Live', which covered Question Time, was going out live at that time. As Members know, the programme now goes out at night.

Members of the Committee on Procedures were always aware that 2.30 pm to 3.30 pm was not ideal because of the disruption it would cause to business, and so it has turned out. Items of business have had to be interrupted at 12.30 pm for the lunchtime suspension

to allow the Business Committee to meet. After that, business resumes for only half an hour before it has to be interrupted again for Question Time. Obviously, that is not an efficient way to run business and not a good way to use Members' and Ministers' time. The Committee on Procedures looked at various options for the scheduling of Question Time on Tuesdays and decided that 2.00 pm to 3.00 pm is the best option, as business would be disrupted only once. That timing would have the added benefit of encouraging Members to come to the Chamber after the lunchtime suspension.

The other two motions on the Order Paper relate to how business will be conducted during Question Time. Members have often commented on the length of some Ministers' responses. Long answers and, indeed, long supplementary questions contribute to a lack of spontaneity during Question Time. The Committee on Procedures considered various time limits, and it was agreed that up to two minutes for all answers from Ministers during Question Time seemed reasonable.

The Committee recognised that there could occasionally be times when a longer answer would be necessary if, for example, a matter is of public importance or concerns a sensitive or complex issue. The Speaker has, therefore, been given discretion to allow extra time if he agrees to a request from the relevant Minister. The Speaker will rule on the practicalities of that, but it is not expected that such requests will be frequent, as, in most cases, two minutes should be adequate to allow Ministers to make their key points. Any details, such as statistics, that a Member has requested can either be sent to the Member directly or placed in the Library. I should point out that the two-minute limit applies only to responses at Question Time and does not apply to answers to questions for urgent oral answer or to responses to questions on ministerial statements.

When considering the time limit on Ministers, the Committee thought it only fair that some limits should be placed on supplementary questions. The Speaker and Deputy Speakers frequently tell Members to come to their questions and often say to Ministers that they may answer one, none or all of a Member's questions. The Committee agreed that Members should be restricted to only one supplementary question. Therefore, it will be necessary for all of us to be much more focused and to cut down

on preambles, so that the Speaker and Deputy Speakers can be clear that only one question has been asked.

I hope that we will now have a more focused and challenging Question Time that is of greater value to the House. I commend the motions.

**Mr Leonard:** Go raibh maith agat, a LeasCheann Comhairle. The motions have a common-sense element and will tidy up business by cutting out interruptions to the flow of debate. That is entirely commonsensical and should be done. The Member who spoke previously referred to other matters, and the issue of one enquiry is constant in the House. We are all guilty of trying to make a second or third enquiry. That should be tightened up from the point of view of Members and Ministers. We support the motions and feel that they are common-sense measures to tidy up business in the House.

**Mr K Robinson:** I support the motions, and the Ulster Unionist Party's support will follow. As Lord Browne said, the proposal was made following several complaints from Members about the way in which Question Time has been falling away as a central focus for the Assembly.

As was stated, we made the original changes following discussions with the media to enable them better to follow the processes in the House. However, as was mentioned previously, the media's approach to covering the work at Stormont has changed, and we now have the flexibility better to address the internal workings of the House, particularly on a Tuesday.

The proposal strikes a balance between the need for Ministers to give fairly comprehensive responses and the need not to allow them to head off on a variety of tangents, as some Ministers, unfortunately, are wont to do. Often, those tangents are not connected with the original question, so the insertion of Standing Order 8A will help that process.

As a poacher turned gamekeeper, I think that Members also have a role to play in the supplementary question process. I support the amendment that will ensure that Members put one clearly identified question, either as the original supplementary to the main question or as the follow-up supplementary that is open to other Members. The overall aim is to improve the relevance of Question Time for Ministers, Members and the public, who watch the House's processes with great interest.



Respectfully, Mr Deputy Speaker, I remind you, the other Deputy Speakers and the Speaker that, sometimes, it is perhaps incumbent on the Chair to encourage brevity. We have given flexibility to the Speaker and Deputy Speakers, should they think it in the interests of the House to have a more full and comprehensive answer, to allow Ministers to expand their responses beyond the two minutes. Also, if the Speaker or Deputy Speaker feels that a Member is straying or being more verbose than necessary, he can indicate his displeasure.

Finally, I thank the Committee Clerk for her patience and guidance, which have allowed us to table the three amendments. I support the amendments.

**Mr Deputy Speaker:** Mr Robinson, I wish that you had raised that point earlier, because I would have stopped you earlier.

**Lord Morrow:** I am in general agreement with Ken Robinson, although that is, perhaps, a dangerous thing to say. The motion is a progressive step. Question Time should be the highlight of the day in the House. We all know that, often, it is not, and I suspect that Members are often to blame. However, the MLAs are not always entirely to blame; sometimes, Ministers go on for three, four or five foolscap pages when much less would do.

That said, we were under the illusion that the Speaker and Deputy Speakers could not do anything about that. Often, we have heard Members being called to order and told that they should get on with putting their question or that they have used their time. We never hear that being said to Ministers, but they also go on a bit. If the proposals are played out to the letter, they will bring about considerable change, and the House will be better for it. Debate will be enhanced, as, I suspect, Mr Deputy Speaker, will your ability to bring to heel Members and Ministers who abuse Question Time. If I am abusing it now, I should sit down.

**The Chairperson of the Committee on**

**Procedures:** I thank all Members who contributed to this short and succinct debate, and I am sure that we all look forward to our new, lively and somewhat challenging Question Time, from which we will all benefit.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*In Standing Order 20(1)(b) line 1, leave out '2.30 pm and 3.30 pm' and insert '2.00 pm and 3.00 pm'.*

*Resolved (with cross-community support):*

*In Standing Order 20(8), at the end insert*

*"A supplementary question may contain no more than one enquiry." — [The Chairperson of the Committee on Procedures (Lord Browne).]*

*Resolved (with cross-community support):*

*In Standing Order 20, after paragraph (8) insert*

*"(8A) Answers (including those to supplementary questions) may be no longer than two minutes. This period may be extended at the discretion of the Speaker." — [The Chairperson of the Committee on Procedures (Lord Browne).]*

## **Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2010: Prayer of Annulment**

*The following motion stood in the Order Paper:*

*That the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2010 (S.R. 2010/361) be annulled. — [The Chairperson of the Committee for Employment and Learning (Mrs D Kelly).]*

*Motion not moved.*

## **Private Members' Business**

### **Driving: Drink and Drugs**

**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 in which to make a winding-up speech. All other Members who speak will have five minutes.

**Mr Kinahan:** I beg to move

*That this Assembly recognises that December is a month which traditionally sees the highest number of road deaths; acknowledges the efforts of the PSNI in detecting drivers who drink and drive, or take drugs and drive; endorses the message that driving under the influence of alcohol or drugs is unacceptable; and urges all drivers to have due regard for the law and to drive responsibly.*

I am sure that every Member here supports this incredibly important and timely motion, and I thank them for that. If Members look at the motion, they will see that it places emphasis on the month of December when, sadly, the highest number of road deaths occurs in Northern Ireland. My party, therefore, felt that it was right to table the motion before December, so that all of us can help to raise awareness. The motion states that driving under the influence of drugs or alcohol is totally unacceptable. I know that every Member supports that. The motion also praises the PSNI for all its hard work and campaigns. Indeed, the Minister and many others have also helped give to more weight to the campaign.

I thank the Research and Library Service for its paper. The statistics show that, despite the campaign, accidents have actually increased in the past few years, although deaths and fatalities are down this year. So far this year, there have been 51 road deaths. In comparison, there were 100 deaths up to the same period last year. The campaign has seen a 24% reduction in detections in 2008-09 and a 13% reduction in 2009-2010. However, as all Members know, we can make statistics say what we want them to say. What matters is that we do not want one road death, one family bereaved or one friend lost. We do not want people to suffer severe injuries or, in fact, any injuries at all, and we do not want the life of a family to change in order to adapt to the injury of a loved one.

**1.00 pm**

The same statistics state in more detail that in 2009-2010 alcohol or drugs accounted for 369 injury collisions, 23 deaths, 120 serious injuries and 439 people being slightly injured. We tabled today's motion to raise awareness and to try to put the issue in the public domain.

Some of my friends may be startled that I tabled such a motion. I grew up in the world of "one for the road", in which people felt that they could drink and drive. That changed to one, two or three drinks for the road if one had eaten, then to one drink, and then, quite rightly, to today's situation in which nothing should be drunk before driving.

Others will have heard my comments on the ghastly adverts on television. Members may remember an advert with a little child in his yellow shirt playing in the garden and a car that comes spinning over a hedge; or an advert with the ghastly comment that the person in the back seat killed his sister by being catapulted forward. Many other people also loathe those ads. However, they work extremely well, even if people turn to another channel as soon as they start. We are here today to support that campaign.

**Mr I McCrea:** The Member rightly said that those advertisements are effective but, at times, gruesome. Does he agree that it is important that there are advertisements that deal with the emotive issue of deaths on the road due to drink and other issues and that also deal with the effect that drinking or taking drugs and driving has on families?

**Mr Kinahan:** I agree entirely. As I said, my friends will be startled that I am speaking about this topic because they know that I loathe those ads. However, the ads are effective. Subject to expense, we need more advertisements that do exactly as the Member said, which is to bring forward the awful human effects of drinking or taking drugs and driving. Sometimes, when such ads are aired, people simply think, here we go again. However, I congratulate all the people behind those ads.

As I said, I am not trying to be holier-than-thou. I am asking not only everyone in the House but every parent, youth, friend and neighbour to take the issue on board. Throughout December and the coming months, should any of us see someone who has had a drink getting into his or

her car, it is the responsibility of all of us to help to prevent him or her driving.

The statistics show that convictions are highest for those who are between the ages of 17 and 24. However, I see many young people who behave much better than my generation, are safe drivers and do not drink and drive. I praise those young people just as much as I plead with those who drink and drive not to do so.

I will move on to the second aspect of the motion: driving under the influence of drugs. I am not going to give Members a Clinton moment and say whether or not I took any drugs in the past.

**Mr McCallister:** Did you inhale?

**Mr Kinahan:** Or whether I inhaled. However, I will say that I have never heard of half the drugs that were mentioned in the paper.

We are currently missing the point, and it is good that the PSNI is now moving on the issue. People are taking drugs and driving, but the PSNI is now more ready to catch such people, and the punishments are much higher. We need to get that message across.

Again, I ask that friends, parents, colleagues and neighbours get involved and stop those who are taking drugs or who should not be driving. I also ask those who take prescription drugs to seek the advice of their doctor and to read what is written on the box before driving. I am sure that many of us have taken something when we have felt ill and did not know whether we should be driving as a result. We all need to be aware.

I am a father with a daughter who is just about to start to learn to drive, and, like many others, I am concerned about what happens on the roads. I add that people who are too tired, wired or angry should also not be driving, even though that is not in the motion. There are many other times when we should not drive, and I ask everyone to take care this December. I congratulate Superintendent Muir Clarke and the rest of the PSNI yet again for all their hard work. Let us have a December preferably with no road deaths, but certainly with less.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. I will speak as the Chairperson of the Committee for the Environment and as road safety spokesperson for my party.

I commend the Members who brought the motion to the House, because the issue is timely as we approach the festive season. The issue is also one that the Committee for the Environment has taken a great interest in over the past few months, having undertaken in-depth scrutiny of the consultation on the road safety strategy 2010-2020. In its response to that consultation, the Committee welcomed the proposal to lower the blood:alcohol limit from 80 mg to 50 mg. The Committee wants to see the introduction of legislation to that effect as soon as possible. However, there were concerns about the accuracy of the equipment that the PSNI uses to detect the lower limit, and some Committee members felt that there may be merit in retaining samples from blood and urine tests until the equipment's accuracy is confirmed.

The Committee also recommended incentive schemes to be run by pubs in rural areas, such as the provision of a minibus to take customers home. It also recommended the development of a rural transport strategy and the introduction of random breath-testing in the North. However, some Committee members felt that any lack of community confidence must be recognised and addressed before random breath-testing be introduced.

On the issue of drug-driving, Committee members were keen to see research continue into the development of devices that detect impairing drugs, and they felt that that should be a top priority. Committee members also thought that the introduction of an offence of driving with illegal drugs in the body may be a useful interim measure until technology that is aimed at detecting impairing drugs is proven. There is no doubt that taking drugs impairs driving skills. Drivers under the influence of drugs can suffer from slower reaction times, erratic and aggressive behaviour, and an inability to concentrate properly. Hallucinations, panic attacks, paranoia, dizziness and fatigue are all associated with taking drugs, and those are not the types of condition that we would want someone behind the wheel of a car to be in.

Research from 2008 undertaken by the Campaign Against Drinking and Driving (CADD) into road deaths and injuries suggests that one in six road deaths are caused by drivers who are over the legal alcohol limit, and that a similar number of deaths are caused by drug-drivers. Research has also shown that any

amount of alcohol affects a person's ability to drive. There is no foolproof way in which to drink and stay under the limit or to know how much an individual can drink and then drive safely. Therefore, we must get the message across that even one drink is one too many. We must aim to stamp out those abhorrent practices.

Recent initiatives, such as the one run by the licensed retail trade that offered free soft drinks to a nominated driver, are to be welcomed and encouraged. Throughout its consideration of the road safety strategy, the Committee urged the use of incentives to encourage better behaviour, as well as punishment for bad driving.

As the road safety spokesperson for Sinn Féin, I know that we are all very aware of the devastating impact that the loss of a loved one has on the family and the community, but that impact is much greater when the loss of life could have been avoided. Although there is no good time to experience loss owing to a road traffic collision, Christmas can be a particularly difficult time, as the festive period each year serves as a constant reminder to those left behind. Speed, drink and drugs, and inattention — the three key areas in the research papers — are the main causes of fatalities and major injuries, and we all know that the consequences do not stop there.

Families are left devastated and endure many years of grief. People who are seriously injured can endure a lifetime of care and a complete change in their family circumstances. Therefore, the message from the Assembly should be that people should slow down, pay attention and not drive under the influence of drink and drugs.

I pay a special tribute to all the emergency services, which are on the front line in the immediate aftermath of such collisions and have to deal with what can only be described in many cases as carnage. I hope that when the Assembly sits down to agree a Budget, it remembers those workers and the importance of that work and that it provides sufficient resources to enable them to carry it out.

I also want to mention the good work that is carried out by volunteers in road safety committees throughout the North.

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

**The Chairperson of the Committee for the**

**Environment:** With respect, however, we would rather that those people had little such work to do. I hope that people will leave their cars at home and enjoy the festivities safely. I support the motion.

**Mr Bell:** It is a disappointing time for me to speak to the motion. I congratulate my colleague the Member for South Antrim for bringing this timely motion to the Assembly. Unfortunately, however, in my own area of Ards, another three arrests for drink-driving were made over the weekend. The message that needs to go out has not gone out. I fear that we will have to increase the penalties for the offence.

If we are absolutely honest, although this may not be the time to deal with what we want to, we have to deal with the situation in Northern Ireland as it is. In my constituency, 2,092 breath tests were carried out, and, of those, 209 led to arrests. I congratulate the Police Service in general, as well as the local police. However, the reality is that the police are being forced to put specialised operations in place to tackle driving under the influence of alcohol or drugs. We all want a Christmas card that says "Season's Greetings", but I hope that we can take the PSNI's Operation Season's Greetings without any negative consequences. However, I fear that the reality will be somewhat different. When talking to police officers in Ards recently, I heard that they had stopped three consecutive cars and that all three drivers had a blood:alcohol count that was above the acceptable legal limit.

When I was appointed by the Assembly to the Committee of the Regions, I did some research, and there is firm evidence that two or three out of every 100 drivers in Europe drive under the influence of alcohol or drugs. There seem to be particularly dangerous times for doing so. For example, the summertime is bad, the hours of 8.00 pm and 4.00 am are particularly bad, and some 30% of all arrests are made between midnight and 3.00 am.

In Finland, 40% of drivers have taken a random breath test. The statistics for Northern Ireland do not even come close. According to a Northern Ireland Statistics Research Agency (NISRA) survey, some 39% of Northern Ireland's drivers who have consumed alcohol feel that they will never be stopped and checked and that drink-driving is, therefore, a risk worth taking.

It has been confirmed that more than 10,000 deaths in the European Union are caused by driving under the influence of alcohol or drugs. It leads to anaesthesia, changes in behaviour and changes in cognitive processes. We have had hard-hitting television adverts, and we have got the message across to drivers. It is not a matter of ignorance. They are fully aware of the dangers of driving while under the influence of alcohol or drugs, yet 70% are prepared to take the chance because they believe that they will never have a random breath test.

**1.15 pm**

Therefore, I think that we need a two-pronged approach. First, we need to look at the sentencing policy. Certain states of the United States have what they call truth in sentencing. That means that if someone is convicted of causing death by grievous bodily injury or by careless driving while under the influence of alcohol or drugs, their 14-year sentence will mean a 14-year sentence, because there is truth in the sentencing policy. We need to look again at our sentencing policy and put the truth back into it, as they have done in some states of the United States of America. If people are convicted, they should serve the full sentence.

Secondly, and in conclusion, we need to increase the number of random breath tests. I congratulate the Police Service for its Operation Seasons Greetings —

**Mr Deputy Speaker:** Draw your remarks to a close.

**Mr Bell:** I also congratulate our police for working with an Garda Síochána, particularly in the border areas, to ensure unilateral enforcement of road safety.

**Mr P Ramsey:** I support the motion, the subject of which is hugely important at this time of year. This is the busiest time of year and unfortunately, with the weather that we are having, the most dangerous as well.

I know from personal experience the turmoil brought about by deaths on the road caused by a drunk driver. In 1995, a younger brother of mine and his wife were killed by a drunk driver just outside Derry, in Donegal. They were coming home from a caravan site near Culdaff when, near Derry, they were taken out by someone in a Volvo car who was well over the alcohol limit. I think that he was two or three times



over the alcohol limit and was driving in excess of 90 mph. They had two children in the car, Laura and Joanne, who were both hospitalised; Joanne was in intensive care for months after the crash. They are still coming round. One can imagine the turmoil and trauma that comes to someone's door when they get a knock from the police. I can tell you, Mr Deputy Speaker, that both the Ramsey family and the McCann family were devastated. Not only that, but we were at the caravan site and had to visit the scene after getting home and being told of the awfulness of the tragedy.

That is a lesson. I welcome the motion from the Member for South Antrim; it is a very timely one. We still have people who believe that it is acceptable to continue to go out, have a drink and, as Danny pointed out earlier, quite arrogantly say, "I am going to take one for the road". The evidence is very clear that people are still doing that.

The driver, who was found guilty in a court in Letterkenny for that offence, had all the best references in the world for his good character, and he literally served several weeks in prison. However, soon after the case, I was stopped by a friend of mine who has now passed on, a sergeant in the police in Derry, who was fit to tell me that that same person had had a number of previous convictions in Derry for similar offences. Therefore, I say to the Minister that this highlights the importance of cross-border co-operation to ensure that people do the time for the crime that they commit. In this case, the person did not do the time; he literally got away with murder.

When accidents happen because a driver is selfish enough to drink or, as Members have said, take drugs; that pain is very difficult to bear. At a personal level, the trauma, stress and heartache are very difficult to come to terms with. We all know the terrible impact that serious injuries and lives lost on the road have on the families involved, and we recognise and accept that it is totally not socially acceptable any more to drive after drinking. If people plan to take a drink, they should make the appropriate arrangements to get home safely. However, unfortunately, there are circumstances in which people believe that they can get away with it.

According to PSNI figures for last year, there were 369 collisions in which either alcohol or

drugs was the principal factor. As a result of those accidents, 23 lives in Northern Ireland were lost, which is 23 too many; some 429 people were injured, 120 of whom were seriously injured. I understand that, during the most recent drink-driving campaign, the PSNI performed preliminary roadside breath tests on almost 6,000 drivers. Sadly, as other Members said, 400 drivers failed the test, went to court and lost their licence. They should count themselves lucky that they did not take their own life or someone else's.

Even in the context of social and peer pressure and the penalty points system, people continue the inexcusable practice of driving after consuming alcohol and taking drugs, including, as the Member who moved the motion said, prescribed drugs. Given that, we need to consider more stringent penalties and greater effort in detection. The PSNI is doing good work, and other Members talked about the link with an Garda Síochána, which is so important for cross-border roads.

I thank the Minister for attending today's debate.

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

**Mr P Ramsey:** I ask the Minister to outline what further measures he intends to take to educate and convince people that they should not drink and drive or take drugs and drive.

**Mr Lunn:** I am pleased to associate the Alliance Party with the motion, which is particularly timely as we move into December.

Our accident statistics for 2010 are, according to how we read them, either exceptionally good or still disappointing, especially the headline figure for fatalities. I will not quote exact statistics, but I understand that, up to the beginning of this month, the number of fatalities was about half of last year's total. I know that things have deteriorated slightly, but it is probable that, at the year's end, there will be a significant improvement on the figures for 2009. It is also, sadly, inevitable that, in the remaining weeks of 2010, there will be a seasonal increase in serious accidents caused by excessive speed, weather conditions and, as mentioned in the motion, driving under the influence of drink or drugs.

The motion encourages all road users to behave responsibly and acknowledges the detection

efforts of the PSNI, but it also begs the question: what more can we do? As Mr Kinahan said, we should look to the historical context. In the 1960s, when I first held a licence, the public attitude was, let me put it this way, considerably more relaxed than it is now. Drink-driving was tolerated. I cannot remember if there was such a thing as a breathalyser in the 1960s; if there was, it was in its infancy. A figure of 300 fatalities a year was reached in one or two years of the 1960s. It is a measure of the success of the many campaigns, enforcement of the law and, in particular, the perseverance of the RUC, the PSNI and the Department in bringing about the change in public attitude that our statistics have improved and that convicted drink drivers, whether they have been involved in an accident or not, are now regarded quite differently in public opinion: they are now convicted offenders, not just unlucky, as was the case years ago.

Our present limit of 80 mg is slightly higher than that of most European countries, but the offence carries an automatic 12-month ban — at least, it is supposed to — which is not the case in most of Europe. All drivers here who are involved in an accident to which the police are called can expect to be asked to take a breath test, whether or not they are at fault. A second offence would, nominally, carry an automatic five-year ban in Northern Ireland. Those penalties are probably the most severe in western Europe. The only positive measures that we can perhaps consider, apart from the voluntary ones involving the licensed trade that one or two Members mentioned, are a further reduction in the limit to the European standard of 50 mg and random tests, to which I would have no objection.

More important would be an absolute enforcement of the automatic disqualification rules. Far too many people, even yet, manage to get away on a technicality; whether it is the quality of equipment or police procedures, people still get away with it, and that should not happen.

In this country, the driving licence is widely perceived to be a right. It is not a right but a privilege. It is almost unheard of for a judge to impose a life ban on someone who caused a particularly serious accident or committed a drink offence. Judges should have discretion to impose life bans on drivers who commit a second offence and custodial sentences for

particularly bad ones. A prison sentence should be mandatory for third offences.

I wish the PSNI success with its campaign to apprehend the remaining slow learners. I hope that we will have as close to an accident-free December as humanly possible. I commend the Member for moving the motion.

**Mr Spratt:** Unfortunately, in the run-up to Christmas, many people will make the potentially fatal mistake of driving under the influence of alcohol or drugs. Combined with wintry road conditions, that mistake can result in many accidents and tragedies. I welcome this motion being brought to the House today.

I take the opportunity to commend the police for their efforts to reduce the number of accidents, deaths and serious injuries that result from people driving under the influence. According to police statistics, that is the second most common cause of injury on our roads. Indeed, in the 2009-2010 statistical year, 112 collisions were caused by drivers who were under the influence of drink or drugs. There were 17 fatal collisions in 2008 and 18 in 2009. Despite that increase, the number of serious and slight collisions has decreased, which has to be welcomed.

According to a statement that the police released at the start of the year, they have carried out 5,780 roadside preliminary breath tests, which found 414 drivers to be over the legal limit. The good news is that that is 13% fewer than last year. As my colleague Jonathan Bell mentioned, the figures for Europe as a whole are shocking. At least 10,000 deaths are caused by drink-driving in Europe every year, which is a frightening statistic.

My colleague Edwin Poots has worked hard to highlight the dangers of drink-driving. If the Department of the Environment's advertising campaign saves only one life this winter, it will have been worthwhile. Last year's road safety advert showed people that the senses and skills that a driver requires are impaired by only a small amount of alcohol. It is vital that drivers are made aware of that. There are simple and obvious ways to avoid drink-driving, such as the use of public transport, taxis and designated drivers. There is no excuse for drink-driving whatsoever.

I will go off my script, which contains more statistics. I listened to what Pat Ramsey said



earlier. I heard many such stories and saw many such cases during my time in the Police Service. Every fatal incident caused by drink-driving means that our police officers and Ambulance Service and Fire and Rescue Service personnel will visit a horrible scene. I will give one personal experience that will haunt me until the day that I die. It happened not far from where we are today. A driver, who had one passenger in her car, was turning right in the early hours of the morning. She had already turned her steering wheel as she allowed oncoming traffic to pass. Along came a driver who was still drinking; he had a tin of beer between his knees as he drove the car.

He smashed into the back of the car, causing a serious collision. The car was pushed across into the path of traffic, and the impact of the crash caused the doors of the car to lock. Two people were trapped, and the car immediately went on fire. Within minutes, all the emergency services were there, including the Police Service. I was there as a member of the Police Service. We got one person, who had received horrendous burns, out of the car, but the young woman burned to death. We all had to stand and watch that happening. That incident will haunt me for the rest of my life. That is one reason why no one should ever drink and drive.

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

**Mr Spratt:** I urge everyone to support the motion.

**1.30 pm**

**Mr Leonard:** Go raibh maith agat, a LeasCheann Comhairle. I, too, support the motion, which is timely, as it is close to Christmas. It is interesting to note that the European road safety week finished yesterday. Perhaps those European-wide safety promotional weeks do not register with us as much as they should. Therefore, something as local as the motion before us is required.

When we think of road fatalities, injuries and road safety, tragically, many of our thoughts turn to young males. I am glad that Mr Kinahan referred to the good, responsible drivers, because I do not want to send out a message from the House that one group causes the problem. I know from Mr Kinahan's remarks that he was making sure that such a message did not go out. That was a diplomatic and

sincere way of remembering that some of that generation have different attitudes. Tragically, however, not everybody does. Therefore, we are hit with tragic news that seems all the more poignant around Christmas.

Many Members raised issues such as licensing, sentences, reaction times, levels and limits. I will leave those points aside, as there is no need for me to make them again.

The debate has ranged from personal anecdotes to references to border areas. As I travelled here this morning, I was listening to Pat Kenny's radio show. With Christmas in mind, there was an item on how the emergency services from Donegal and Tyrone mounted an operation over the weekend purely and simply to raise awareness of the issue in the run-up to Christmas. We heard from a garda who had to deliver a sad message to a family. There was also an interview with a husband and wife, who, five years ago, received one of those dreadful visits by from a garda to tell them of the loss of their son. I do not know whether drink or drugs were involved in that instance, but the bottom line was that it highlighted the dreadful part of what unfolds after a serious incident on the roads. The motion puts drink and drugs under the microscope, but delivering bad news is always poignant. That husband and wife were able to recall down to the last word the conversation that evening, and they described how their lives have changed since losing their son.

I identify with what Mr Spratt and Mr Ramsey said. We all know of similar stories. We know enough people to have knowledge, some more directly than others, of what happens in the aftermath of an accident and how, when the headlines fade, the parents, siblings, family circle and friends must try to lead their lives. It is a difficult issue.

None of us wants to be a killjoy. We want people to enjoy Christmas. However, the intent of the motion is sincere, and it highlights the fact that the chances of death or injury on the roads increase during the festive season. Therefore, let us hope that the Assembly's contribution, through the proposers of the motion and Members who spoke in the debate, helps to raise awareness so that there will be fewer injuries and less loss of life. I support the motion. Go raibh maith agat.

**Mr I McCrea:** I support the motion, and, like other Members, commend its proposers.

As a councillor, and since being elected an MLA, I have often raised the issue of dangerous driving and road safety. I am pleased that during the past year, the number of road deaths has reduced compared with previous years. That has to be welcomed. However, as other Members said, one death on the roads is one too many.

Christmas is normally the time when we hear of a significant increase in the number of fatalities on the roads. Therefore, the motion is timely. In the weeks leading up to Christmas 2009, a number of fatalities occurred on the roads. As other Members said, it is sad to think that, at Christmas, there will be an empty place at the dinner table in many homes in Northern Ireland.

Statistics show that there was a 13% drop in drink-driving figures last Christmas. However, as my colleague Jimmy Spratt pointed out, 414 motorists were caught drink-driving. Although it is good news that those people were caught by the police, one wonders why the message is still not sinking in. In recent years, the police have stepped up roadside patrols and random breathalyser tests, as my colleague mentioned.

Although many media campaigns focus on the worst-case scenario of death by dangerous driving, many other road accidents are caused by alcohol or drugs. In 2009-2010, 369 collisions that caused injury were due to alcohol; the total number of casualties stood at 582. That is a significant figure in a population as small as Northern Ireland's.

Formerly, as a member of the Committee for the Environment, I attended a RoadSafe roadshow in Dungannon with the Minister. It allowed local schools to hear from the emergency services, police officers, paramedics, the Fire and Rescue Service, and accident and emergency doctors. For me, the most important report was that of a young woman who was in a wheelchair. An issue that I have mentioned previously and will continue to raise is that the number of people who are injured is an almost forgotten statistic. We deal with statistics for the number of people who have lost their lives. However, many people throughout the country and, indeed, the world receive serious injuries and are almost forgotten. Although they are considered lucky to be alive, often their injuries are such that they may not be considered quite so lucky.

**Mr Bell:** Does the Member agree that he has raised just one of the high-profile events in which the Minister has been involved? Public

awareness of the issue has never been higher than under the current Minister. As a result, last year's figure of 104 deaths in Northern Ireland has been reduced to 51. A significant contributor to that has been the public-awareness campaign, which includes the roadshow in Dungannon that the Member mentioned. Does he also acknowledge the cost to the Health Service in dealing with the effects of drink-driving, which was some £286 million over a four-year period?

**Mr I McCrea:** I thank my colleague for his intervention. I, too, record my delight that the Minister has taken on that issue and continues to do so. I know that he has been a champion, and I praise him for his work.

The issue that Mr Bell raises about our Health Service was raised at the event that I attended. Dangerous driving or driving under the influence of alcohol or drugs has a major impact on the Health Service. No doubt that will be heard more and more as we deal with the CSR.

Catching offenders is down to the vigilance of the Police Service, and I commend it for that. However, we also need to adopt a test kit that is more reliable than police vigilance; saliva-testing devices are used in Victoria, Australia, for example.

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

**Mr I McCrea:** Much has been done to reduce the number of deaths on our roads caused by drink or drugs. I support the motion.

**Mr McCallister:** We are grateful to colleagues for supporting the motion. Indeed, everyone spoke exceptionally well on it, and some did so passionately from personal experience. Mr Ramsey and Mr Spratt reminded us of the human cost of such tragedies and that, behind a news headline, there is a real human cost. I pay tribute to the Fire and Rescue Service, police and Health Service workers who deal with the aftermath. The structure of our Fire and Rescue Service often means that they know the victims that they have to free from car wreckages, which adds a personal dimension to the work that they do.

It is worth reminding ourselves that there are huge problems facing the Police Service in detecting drugs in the body: the speed at which drugs leave the body and the method of

identifying someone who is driving under the influence of drugs. Mixing drugs, even legal ones, with alcohol can impair people's driving. The message must go out from here that people should carefully read warnings on medication that they are taking and be very wary of mixing it with any alcohol at all.

One of the points not raised so far about drinking and driving is the time that it can take for alcohol to get out of the body. Some people who do all the right things have to bear in mind that it is not all right to drink until the early hours of the morning and then to get up to drive to work. People can drink responsibly the night before — have a designated driver or take a taxi home — and then get up and drive to work.

There has also been an increase in the amount of cheap alcohol and the amount of alcohol being consumed at home. That creates a problem, in that people have no way of knowing the amount consumed. It is not measured out, as in a pub, where it is a pint, a measure of spirits or a glass of wine. When drinking at home, people tend greatly to underestimate the amount that they have consumed.

**Mr I McCrea:** Does the Member agree with me that people who choose to take large quantities of alcohol at weekends should consider using — before going to work on Monday morning — a breathalysing test kit that can be bought for a small amount of money to ensure that they do not break the limit and their road awareness is up to speed?

**1.45 pm**

**Mr McCallister:** The Member raises an interesting point, and one that is well worth exploring. I have listened to debates on this before, and it has been suggested that such equipment should be installed in pubs. A danger is that if drinkers used such equipment to check and found that they were all right, the result might encourage them to drink more. However, the point is well worth exploring, and we should find out whether it has something to contribute to our overall safety aim.

As Members from all sides said, we have been working at this problem for an incredibly long time. Thankfully, this year, we have been more successful on our roads than previously. However, we cannot be complacent. We must constantly get out the message about drink,

drugs and speeding. The police must constantly enforce the law and try to educate the public.

Along with the Minister and other Members, I attended a road safety event that was organised by the Young Farmers' Clubs of Ulster at several sites around Northern Ireland. It was an excellent event that was designed to show the difficulties and trouble that drink-driving can cause. It particularly targeted younger male drivers, which, as Mr Leonard mentioned, is one of the key groups that we have to get our message through to.

This has been a very useful debate.

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

**Mr McCallister:** The debate keeps a focus on this issue and acknowledges the good work of the police and the Department. I hope that they keep up that good work and ensure that this is a happy Christmas for everyone.

**Lord Morrow:** It has been said that this motion is very timely, and I agree with that comment. It is proper that we place on record our appreciation of the PSNI, which has succeeded in prosecuting individuals who, it appears, care as little about the safety of others as about their own safety.

The motion might have gone a bit further. It is intended to draw attention to the fact that, in the month of December, the risk on our roads increases because of excessive use of alcohol. Too many people are prepared to take the risk, which is totally unacceptable. To drive a vehicle requires full concentration. A vehicle is not a toy and, in the wrong hands, it is a lethal weapon — as lethal as a machine gun in the hands of a dedicated terrorist. Cloud a driver's concentration with alcohol, or any other mind-altering drug, and it is a recipe for disaster. Too many lives have been ruined by drunk drivers and too many innocent people killed or maimed in accidents caused by them.

Mr Pat Ramsey graphically illustrated how his family was affected as a result of being victims of a driver who was unfit to drive. Unfortunately, Mr Ramsey lost members of his family through that horrific incident. Jimmy Spratt graphically drew to our attention a case in which he was involved as a police officer when he was called to the scene of a crash. It is a pity that the

whole public cannot have a greater view of these things. It might just make an impact.

The advertisements on our television screens get more horrific and more graphic as they attempt to alert us all to the awful consequences of drink-driving. The most horrific advertisements are being used. Indeed, some of them are so bad that they are difficult to watch. Unfortunately, they still do not get the message across. It is right that they should be shown and that that campaign continues, because we are in a situation in which drink-driving is not being taken seriously by road users. For my part, I find it very difficult to watch those advertisements and I would not want young children to watch them.

I took a short time to look at the court list in my constituency. In the next week alone, 42 cases of driving while unfit through drink or drugs will be before the courts. One court, which has an overall case list of 49, has 11 cases connected to drink-driving or drug-driving. Although that is a horrifying number, the PSNI must be praised for bringing those people to court. It has certainly had its work cut out, and it is a very difficult task.

However, those cases of unfit driving often have an alarming amount of accompanying charges. In fact, five of the cases involved accidents in which injury and damage occurred. Four others involved assaults on police officers, three relate to driving while disqualified, and eight are charges of dangerous driving. It must also be noted that 13 are charges of driving without insurance, so if damage had been caused by drink-driving or drug-driving, Joe Taxpayer would have picked up the cost.

Other additional offences include resisting police, disorderly behaviour, making threats to kill and possession of offensive weapons. Those are all nasty offences without being combined with an intoxicated driver and a vehicle. We have to ask ourselves whether we need further tightening of the legislation or whether we are getting the message across. Sometimes, I fear that we are not.

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

**Lord Morrow:** At present, a person's first conviction for driving when unfit results in a 12-month driving ban and a fine. If the person is convicted again in the next 10 years, he is fined again and handed a three-year ban; the most

lax jail term possible. Perhaps that will have a sobering effect, but I still have my doubts.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion. I want to commend the emergency services — the police, the fire brigade and the Ambulance Service — on their very difficult task. Quite often, it is the police or the fire brigade who arrive at the scene of an accident first. They have to deal with a situation that they are not always qualified to deal with. They then have to cope with the after-effects that the incident has on them.

One point running through the debate is that the message is not getting out to those who continue to drive under the influence of drink or drugs or who drive irresponsibly. The motion urges all drivers to drive responsibly. I think that people may be more irresponsible when driving compared to in other areas of their lives, because when they get into a car, they feel quite safe or cocooned.

The other thing with respect to young people is that there is no way that they can find out what it is like to lose control of a vehicle unless they have experienced it, which I have, a few times. Quite often, it can be fatal. Young people drive very fast cars now, and they often drive only at weekends and do not have experience. There are a lot more vehicles on the road than there were when I first started driving as a young person, which increases the likelihood of a head-on collision if someone loses control of their car. The main roads and back roads are full of traffic at the moment.

The other issue is driving instruction and training for young people. I see many young people make dire mistakes while driving in front of me on the roads. They will have passed their driving tests only a few months ago. There is something wrong with that situation. I believe that they do not spend enough time under instruction and I think that that is a problem.

Further learning is needed. A simulation of a smash in which people are involved might be needed because most people's knowledge of what happens when brakes are applied or control is lost is limited. It takes at least 10 years' driving experience for people to have a chance of being a safe driver. Those who have driven for a long time will know that.

There are other questions about being fit to drive. How many people are alcoholics or drug



addicts? Some of those people use drugs and drink every single day of their lives and are permanently under the influence. Are those people fit to drive while other people who have sight problems, and so on, are told that they can no longer drive? That situation has not been dealt with.

Someone said that “none for the road” should be the way to go. The adverts are all there, but I do not think that they impact on young people. I have attended demonstrations given by the police and other groups about what happens in emergency situations, but I am not sure whether the young people who attended were, at the end of the night, any more affected than normal. They seemed to be able to shut out all that, so there is a question about getting that message across to the young people who go out at the weekend and quite often drive for the fun of it and, whether or not they have drink taken, do not give any thought to what could happen. There are two sets of drivers: those who depend on driving for their work and those who, by comparison, will not be affected if they lose their licence. There is a difference.

Lord Morrow spoke about the penalties: they are not high enough. For example, few people realise that their no claims bonus would be gone for three years, and the impact of that amounts to thousands of pounds. They cannot find insurance elsewhere and have to stay with their original company, and the cost can be £1,000 or more each year. That type of information is not available to inform young people. In fact, young people losing their licences immediately might not be a bad thing. I want such issues to be looked at.

When a vehicle loses control, the impacts on individuals and families are enormous. We need to get that message through to more people. It is not always young people who are responsible. Quite a number of people who have no intention of changing their way of life —

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

**Mr McHugh:** — around alcohol are much older.

**The Minister of the Environment (Mr Poots):** I thank the Member for South Antrim and the Member for South Down for raising this timely debate on drink- and drug-driving. I recognise the fact that many Members and constituents

are concerned about the issue, particularly as we approach the festive season.

On a general note: road safety is my top priority because it is about saving lives and preventing serious injuries. Although the number of deaths on the roads is half what it was this time last year, the recent upsurge in deaths, and the anguish and grief that comes with them, reminds us that we can never, ever drop our guard. With the darker evenings, wet roads and more traffic on those roads, I appeal to all people to take extreme care, pay attention, slow down, wear their seat belt and avoid driving while overtired or after having taken drink or drugs. Pedestrians should always use footpaths when possible and wear bright or fluorescent clothing at night. We cannot be complacent. If people make mistakes, that could cost them or another road user their lives.

Earlier this year, for the first time, no one was killed on our roads for some seven weeks, which is unprecedented. I am not sure whether I will get it exactly right, but I thought of a Van Morrison lyric:

*“Wouldn't it be great if it was like this all the time?”*

Wouldn't it be great if the Fire and Rescue Service did not have to cut people out of cars after a road accident? Wouldn't it be great if the Ambulance Service did not have to provide emergency support to try to keep people alive? Wouldn't it be great if police officers did not have to call at people's homes to break the bad news that a loved one has just been killed or seriously injured on the roads and that they need to get to hospital straight away? Wouldn't it be great if medical staff in our accident and emergency units did not have to deal with the aftermath of those accidents, and wouldn't it be great if families gathering for Christmas did not have an empty place at the table as a result of a death or injury on the road?

## 2.00 pm

Drink- and drug-driving play a key part in adding to the list of people who are killed or seriously injured on our roads. In fact, in the past five years, 115 people lost their life as a result of people driving under the influence of drink or drugs, and a further 559 people were seriously injured as a result of people driving under the influence of drink or drugs. I regard that as a record of shame. Shame on the people who went out under the influence of drink or drugs;

as a result, 115 lives were lost, and 559 people were seriously injured over the past five years. We would not tolerate that in any other area, so I do not see why we should tolerate it when it comes to drink- and drug-driving.

December is a killer month on our roads, and Members will be reminded of that fact again and again as they listen to road safety advertising on their radios in the coming weeks. If the trend of the past five years continues throughout 2010, a further 14 people will potentially lose their life during December. What is to blame for that consistent spike each year? The main factors are carelessness and inattention, excessive speed and driving under the influence of alcohol or drugs. Collectively and in that order, those three factors are largely responsible for December road deaths.

That poses another crucial question: who is to blame? It will come as no surprise to Members that 17- to 24-year-olds are the single biggest problem area. However, I hasten to add that they are not the only problem area. Therefore, our focus should not be concentrated solely on young people, because they are not exclusively the problem on our roads. Research shows that the average age of those detected drink-driving in Northern Ireland is 33, and 21% of people caught drink-driving are between 35 and 49 years of age. Shame on those people. When people get to that age, you would think that they would have a bit of sense, but there we have it. Many people in that age group go out under the influence of drink or drugs, and it is not good enough.

Night-time driving is a particular problem when it comes to drink-driving. Between midnight and 6.00 am, 48% of all collisions that lead to death are associated with drink- or drug-driving.

**Mr I McCrea:** Does the Minister accept that many accidents that occur in the early hours of the morning take place on rural roads and that poor lighting conditions and the state of those roads are part of the problem? Furthermore, does he agree that people who live and drive in rural areas must take extra care in December?

**The Minister of the Environment:** Those are certainly issues. However, I stress the point that the night-time problem is exacerbated greatly when people go out to bars and clubs and drive home thereafter. It really is not good enough. Those people need to get the message, and I believe that they are getting it, because it is

reflected in this year's figures, which I will give Members later so that they understand where I am coming from.

The motion specifically highlights driving under the influence of alcohol or drugs, with good reason. During the month of December, one in five fatalities is due to incidents involving alcohol or drugs. Sadly, December is not the only month in which drink- and drug-driving are a killer on our roads. In fact, the number of people killed as a result of drink- and drug-driving tends to peak between April and July, proving that the message, "Never ever drink and drive" is right not just for Christmas but for everyone every day of the year. Those messages, combined with active enforcement by the PSNI, have led to a welcome drop in the number of drink-drivers being detected over the festive period. There is a strong indication that the "Never ever drink and drive" message, combined with the likelihood of detection, is changing attitudes in Northern Ireland.

Last week, I discussed the statistics with the Assistant Chief Constable. Our roads are being used slightly less than in previous years — 1.8% less — as a result of the recession; however, the number of people killed on our roads is down by almost 50%. We need to look behind the statistics to see how they stack up. Is it just a matter of luck, are drivers behaving more safely, or are other factors at work? There has been a 24% reduction in serious collision accidents, so it is clear that people are getting the message and are driving more carefully, giving more respect and courtesy on the roads and paying more attention. I have no doubt that there are fewer people on the roads under the influence of drink and drugs.

The likelihood of detection is very real. During the past five years, the PSNI has conducted more than 21,000 drink-drive evidential breath tests. More than 19,000 of those tests involved male drivers, and almost 2,000 tests were carried out in December. A description given by a driver who got behind the wheel of his car while under the influence of drink provides a shocking insight:

*"The more I drank, the less I cared."*

That is why my Department has, for many years, been working hard to convince road users not to take any alcohol at all before driving. The message is clear: do not drink any alcohol if you plan to drive the same evening, and, if you have

been drinking, do not drive the next morning. There is every chance that you may still be affected and every chance that you may be caught. There are no quick fixes for getting rid of alcohol; it just takes time.

Although the problems caused by drink-drivers are well known, the battle against those who drive while unfit through drugs is in its early stages. We know that drug-driving is a growing threat to road safety, particularly as one in five dead drivers tested had impairing drugs in their blood. Last year, my Department launched a new campaign entitled "Steps", which highlights the many ways that drugs, including prescribed medications and other over-the-counter products, can affect a driver, such as slower reaction times, distorted perception and increased risk-taking, to name but a few.

To date, screening and evidential issues surrounding drug-driving have not been straightforward. At present, the police have to rely on being able not only to prove that a driver is unfit to drive because of drugs but to produce evidence of the resulting impaired driving. Much of the difficulty is down to the fact that, although drink-driving includes one drug — alcohol — drug-driving includes a wide range of drugs. I am encouraged that, in GB, trials of new equipment to test for drug-driving could commence within a year. My Department, along with the PSNI, has registered a keen interest that Northern Ireland be included in any such equipment trials.

Members will be aware of my intention to introduce a new lower blood-alcohol limit: an alcohol limit of 50 micrograms of alcohol in 100 millilitres of blood for all drivers and, possibly, a limit of 20 micrograms of alcohol in 100 millilitres of blood for professional and newly qualified drivers, as well as other measures, including police powers to carry out random breath tests.

Northern Ireland is not alone when it comes to proposed changes in drink-drive legislation. We will continue to put pressure on our counterparts in the UK to ensure that they come along with us on the issue. I reassure Members of my commitment to reducing the drink-driving limit in Northern Ireland, regardless of any decision that is made in GB. In the meantime, my Department will continue to work with the PSNI and the Home Office to make sure that the new breath-testing devices are tested and type-approved, that they will be suitable to test at any new

lower limits and that they will be robust enough to stand any evidential test in a court of law.

We started with the fact that December is a killer month on Northern Ireland's roads. That is a fact that we are working hard to change. The PSNI has already launched its Christmas anti-drink-driving operation for 2010, and my Department will continue to support that increased enforcement activity with the use of extensive television, radio and digital advertising. The road safety messages will be clear this Christmas: "Never, ever drink and drive."; "What steps will you take to stop a drug-driver wrecking your life?"; and "Go safe; it is the best gift that you can give any family this Christmas".

**Mr B McCrea:** I thank my colleagues Danny Kinahan and John McCallister for tabling the motion, which most Members agreed is timely. I apologise to the Members who spoke earlier, because I did not hear exactly what they said. However, they will be pleased to know that Danny Kinahan has given me copious notes. It is sometimes quite useful, given that there is much agreement on what we are talking about, to mention the various points that Members made. I will refer to those during my winding-up speech.

I know that people will have noticed my black eye. Given that I was recently on the receiving end of a collision with a tree, a lot of Members' points have an all too real sense. The theme has come across during the debate that people do not get the message until something happens to them and affects their life. My initial reaction on that windy, dark night when I hit the tree was that I was very unlucky that the car was a write-off. Later, however, I thought with a little bit more reflection that I was actually not unlucky but extremely fortunate. Had I been going 10 mph slower, I probably would not have hit the tree; had I been going 10 mph faster, I probably would not be here.

One interesting aspect of the event is that a lot of people phoned me to discuss similar problems that they have had and to talk about the split second that it takes to change someone's life. People have phoned me to say that they were less fortunate than me and have broken legs, severed arteries and so on as a result of accidents that happened when they were travelling at a relatively slow speed. When he moved the motion, Mr Kinahan was keen to



stress to me that it in no sense aims to be a killjoy or to say that people should not go out and enjoy themselves at this festive time of the year. However, the stark reality is that any drink at all impairs judgement and reaction time. Those seconds are critical.

I was struck by what Mr McCallister said about the difficulty of the morning after. People go out, have a good night and go home for a bit of sleep. The morning after, they drive, and, quite often, if they are not over the limit, their driving is certainly impaired. That causes danger not only to themselves but to others. Cathal Boylan started the debate and said that even one drink was one too many. I agree with that. The Minister said that he is looking at what the legal limit should be, and I have to say that there is a strong case for having no legal limit and having a zero tolerance towards alcohol and, it goes without saying, drugs in the bloodstream.

**Mr Bell:** The Member will find universal agreement for his suggestion that we have a lowest minimum level. However, does he accept that people who use mouthwashes and so forth will be over such a limit and that a complete zero limit will, therefore, be unenforceable?

### 2.15 pm

**Mr B McCrea:** I take the point, and I was coming on to the points that Mr Kinahan made on that. I am aware that certain medicines contain alcohol. Mr Bell will probably agree that there is a huge danger in people saying that they will have one drink because they can do so within the legal limit.

Mr Bell and Mr Spratt will be aware from their positions on the Policing Board, of which I am also a member, that one of the more controversial issues that we have had to deal with is that police officers who have been convicted of drink-driving are now automatically dismissed from the service. People have said that it is particularly harsh that those officers lose their job, but it is the right stance to take. We have to get the message across that we are trying to protect people and that drink-drivers risk their own life and other people's lives, which is even more serious.

Lord Morrow and others mentioned education. I almost have to switch off some of the TV adverts, which are unwatchable and horrific. The viewer knows what is coming and just says "Whatever". Perhaps there is something in

dealing with the psychology of young people in a particular age group. There has to be some way of getting the message across, and I know that the Minister will join me in agreeing with the recent road safety shows organised by the Young Farmers' Clubs. We took a particularly vulnerable group — young men between 17 and 24 — and showed them what it is like to be cut out of a car, the pain and all the other issues that they might come across. An issue that came out of that had a particular impact on me, although it was, perhaps, less gruesome than other examples. It was a presentation that originated in America about a beautiful young lady who was the victim of a road traffic accident caused by a man who was under the influence of drink. The presentation included a build-up of what her life was and what her opportunities were before the accident. She had been burnt in the car, and the images were absolutely awful. Of course, the young man responsible will never forgive himself. The family should be involved in education, and the real change that is needed is of attitude. It is about having influence over people to say that that sort of behaviour is totally unacceptable, and it has taken many years to get that through.

At the risk of baring my soul completely, I recall an argument with a party colleague, which is very unusual for me. It took place in a small place called Kinallen. Like all good things in Northern Ireland, after a bit of argy-bargy, we sorted things out and decided to put the past behind us. He offered me —

**Mr Boylan:** A black eye?

**Mr B McCrea:** No, that does not happen all the time. He offered me a drink before I went. Given the amount of angst, the tumbler of Scotch was a peace offering from him. I said no — as it happens, I do not drink much — but the temptation was there because of the emotional argument beforehand. When I hit the A1 at Banbridge, mine was the only car on the road that was stopped by a police car. The policeman saw that I was a bit worried. I was worried not because I had anything to worry about — I had not had a drink — but because of what might have been. I was breathalysed. Even when you know that you have not had a single drink — mouthwash or anything else — you think about the consequences and ask how stupid you can be. That is the message that we have to put forward as we enter the festive season. We do no one any favours by insisting that they have

“one for the road” or that it will be OK because the person will be under the limit.

I note that Trevor Lunn takes a fairly severe stance on these issues, perhaps because of his years of experience in the insurance trade. However, I agree with Mr Lunn, although that usually annoys him. There is an issue emerging about the severity of these matters — [Interruption]. We will get that bit taken out of Hansard; we will be OK.

All of us have personal stories to tell, and, as Pat Ramsey said, that is the way to put the message across to the community. Billy Leonard, among others, mentioned that we should congratulate the PSNI, Roads Service, and the Fire and Rescue Service. It is, of course, good news that the number of deaths has fallen, but that may be only temporary.

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

**Mr B McCrea:** I hope that we have started the debate. We need to change the whole attitude of our society to alcohol, and today’s debate is only one part of that. I, therefore, ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

*That this Assembly recognises that December is a month which traditionally sees the highest number of road deaths; acknowledges the efforts of the PSNI in detecting drivers who drink and drive, or take drugs and drive; endorses the message that driving under the influence of alcohol or drugs is unacceptable; and urges all drivers to have due regard for the law and to drive responsibly.*

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

*The sitting was suspended at 2.21 pm.*

*On resuming (Mr Speaker in the Chair) —*

**2.30 pm**

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Speaker:** Before we proceed with questions to the Office of the First Minister and deputy First Minister (OFMDFM), I remind Members that motions to amend Standing Orders, in respect of Question Time, were approved by Members earlier today. The changes mean that Question Time tomorrow will start at 2.00pm, that supplementary questions must only contain one enquiry and that Ministers’ answers to questions may be no longer than two minutes. I intend to issue a Speaker’s ruling to inform Members of how I intend to manage the changes to Standing Orders from next week.

As Ministers have already prepared their responses for today and tomorrow, I will use the discretion given to me in Standing Orders and allow additional time if needed. I may also allow Members a little latitude today and tomorrow during Question Time, although I must make it clear that that does not mean that Members should rise in their places in an attempt to ask multiple supplementary questions. I will not allow that to happen. When I say some latitude, I mean that some Members may want to take more time as they lead into their questions. If a Member persists in trying to ask multiple supplementary questions, I will ask that Member to take his or her seat, and I will move on to the next Member who wants to ask a supplementary question. If all Members on all sides of the House are clear, we shall proceed.

Mr Willie Clarke is not in his place for question 1; that is another issue that I intend to deal with. Departments and Ministers spend a great deal of time and resources on Question Time and on getting answers to Members, yet Members from all parties put their names down to ask questions and then do not come to the House to ask them. That is totally wrong, and I am considering what sanctions I can apply to the Members who do that. They are treating the House with contempt, and that practice must be condemned. Furthermore, those

Members give no reason for their absence. The problem is becoming more frequent, as is the practice of Members coming to the Table during Question Time to withdraw questions, again with no reason. I am looking at all of that and considering what sanctions I can bring to bear on Members who deliberately treat the House with utter contempt.

## Victims: Funding

2. **Mr Buchanan** asked the First Minister and deputy First Minister to outline the funding provision available for individual victims since May 2007. (AQO 603/11)

**The First Minister (Mr P Robinson):** With your permission, Mr Speaker, I will ask junior Minister Newton to answer that question.

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton):** The Member raises a vital matter that concerns how our society moves forward. In many ways, we will be judged on how we treat the victims of the terrorist campaign.

I am pleased to say that funding to meet the needs of victims and survivors has more than doubled over the three-year comprehensive spending review (CSR) period since devolution. All areas of provision have increased, including funding for groups that provide key localised service and those professional organisations that meet the needs of victims and survivors. However, the most significant increase has been in direct payments to individual victims and their families. Through the Northern Ireland Memorial Fund, OFMDFM delivers funding to individuals and their families. OFMDFM has been the sole sponsor of the fund since September 2006.

Upon devolution, addressing the pre-devolution legacy of neglect of victims' needs was of critical importance. In the first year of devolution, we more than doubled provision to the memorial fund from approximately £700,000 to just over £2 million; in 2009-2010, we increased that to £3.5 million per annum, and we anticipate a similar level of funding in this financial year. That will more than triple the provision that goes directly to individuals and their families and will mean that individual victims and survivors will have received approximately £10 million since the first full term of this devolved Assembly.

The funding provides for a number of schemes that provide financial help, respite care and address the physical needs of the injured. The schemes also provide hardship grants, school uniform grants and help with education and retraining needs.

**Mr Buchanan:** I thank the junior Minister for his response. How can the Department guarantee that the funding is going directly to victims and their families and is not being swallowed up by a group of administrators?

**The junior Minister (Mr Newton):** I can understand how, these days, bureaucracy and administrative costs can take a very large slice of any funding that goes out. It is necessary to minimise that cost, to cut out the bureaucracy that can surround it and to give value for money to the taxpayer to ensure that the maximum amount of money reaches the victims of the terrorist campaign.

As I said, the provision is distributed through the memorial fund in the form of a cheque, which ensures that the funding goes directly to the victims and their families. In relation to schemes such as the short break or respite scheme that I mentioned, the provision may take the form of a voucher, but the aim is to make registration with the fund as simple as possible and any subsequent application for funding as quick and as hassle free as possible for the user, while taking into account the need to ensure the protection of public money. I believe that the process has improved significantly over the lifespan of the memorial fund, particularly over the past few years. I have every confidence, and I hope that OFMDFM in general has every confidence, in the memorial fund, which we believe does an excellent and efficient job in that area.

**Ms J McCann:** Go raibh maith agat, a Cheann Comhairle. Given the role that OFMDFM has played already to meet the needs of all victims and survivors, does the junior Minister agree that the needs of all victims and survivors of the conflict need to be recognised in any forthcoming Budget and Programme for Government?

**The junior Minister (Mr Newton):** Implicit in that, there are perhaps two questions. I have already answered the first question by detailing the amount of money that had been budgeted for the service over this year, and I hope that we will maintain that over subsequent

years. However, there was also an implicit question about the definition of a victim. I am absolutely certain that the Member is aware that a private Member's Bill is going through its legislative stages in the Assembly. If that Bill is successful it will amend the Victims and Survivors (Northern Ireland) Order 2006 that is currently used in relation to the distribution of funds through the Community Relations Council (CRC). If the Bill is passed, any amended 2006 Order definition would then be used in the distribution of funds through the CRC and any future delivery service for victims and survivors. Access to services that are provided by the National Health Service or other agencies would be unaffected by that change in definition.

**Mr A Maginness:** The junior Minister referred to the amounts expended. However, I note that £300,000 is being returned in the December monitoring round, and £127,000 is being returned from the Victims' Commission in particular.

**Mr Speaker:** I ask the Member to come to his question.

**Mr A Maginness:** Would the Minister like to comment on that and give reasons why that happened?

**The junior Minister (Mr Newton):** That is an important question. The Member will be aware that we established that service with four victims' commissioners and we now have only three. I suggest to him that that may be, at least, a partial reason for the return of those moneys. He will also be aware that we are establishing a new service for victims, and we will take up the slack.

### Titanic Quarter: Paint Hall

3. **Mr McQuillan** asked the First Minister and deputy First Minister to provide an update on their recent visit to the Paint Hall in Belfast's Titanic Quarter. (AQO 604/11)

**The First Minister:** Building a strong working relationship with global media organisations has been one of the key objectives of both the deputy First Minister and I on our visits to the United States. Those visits have produced real results. The film 'Your Highness' returned a direct spend to the Northern Ireland economy of approximately £12 million for an investment of some £1.15 million. Series 1 of 'Game of Thrones' is anticipated to return a direct

spend to the local economy of approximately £17 million for an investment of £1.6 million. If series 1 proves successful, the potential exists for production to continue on up to seven series at the Paint Hall, which could equate to a total direct spend in the local economy of an estimated £140 million for an investment of some £11 million. It is necessary to understand that the decision by HBO to commission the second series of 'Game of Thrones' could be made as early as April next year.

We have had local success as well, which should be pointed out to the Assembly. The second series of 'Sesame Tree' arrived on our screens last week. It was made for and by people from Northern Ireland and has been taken by CBeebies for broadcast to the whole of the United Kingdom. That is an excellent achievement by the local production company, Sixteen South.

Clearly, global entertainment organisations that we met, such as HBO, Universal and others, feel that Northern Ireland has something to offer. A significant attraction is undoubtedly the magnificent facility of the Paint Hall in Belfast's Titanic Quarter. The deputy First Minister and I recently visited the set of HBO's 'Game of Thrones', which further highlighted to us the opportunities that the Paint Hall presents to film and TV producers. It is one of the largest studio spaces in Europe. The recent investments by HBO and Universal are helping to grow not only the creative industries here but our local economy.

**Mr McQuillan:** Will the First Minister outline how many jobs that investment has created?

**The First Minister:** Very often, people look at the creative industries, see a film or a TV series being made and think that it has employed, perhaps, 20, 30 or 40 actors, or whatever it turns out to be. In actual fact, probably about 800 individuals have been employed at some stage or another in the present production by HBO. It goes well beyond actors. There are make-up artists, costume designers, location experts, drivers, caterers, visual effects specialists, carpenters, plasterers, prop hands, hairstylists, electricians, editors and fabricators. Indeed, when the deputy First Minister and I were down, the producer told us how local companies were developing their product to be attractive. He mentioned in particular someone who was involved in landscape gardening and



how he was getting a better service from that company in Northern Ireland. It was no longer just taking the script and doing what it was told, but coming up with ideas that advanced the production. Again, that is an example of a Northern Ireland company that is as good as, if not better than, those elsewhere in the world. We are providing the opportunities, and I hope that local companies will benefit from them.

**Mr Speaker:** Before I call Dr Alasdair McDonnell, I remind Members that they must rise in their place to get called for a supplementary question. Nodding to the Chair or winking will not get you called, so you really need to rise in your place.

**Dr McDonnell:** I agree with the First Minister fully on how important it is to preserve and recycle the great icons of our maritime heritage, such as the Paint Hall. When he was down there, did the First Minister have any chance to look at another great icon of our maritime heritage, HMS Caroline? Are there any plans to preserve that ship, as part of Belfast's maritime heritage?

**The First Minister:** Mr Speaker, that does stretch the substantive question a little. I understand that some work is being done. Certainly, if the Member wants me to, I will write to him with some detail of that, although it is not yet at any final stages.

2.45 pm

### Programme for Cohesion, Sharing and Integration

4. **Dr Farry** asked the First Minister and deputy First Minister to summarise their analysis of the responses to the consultation on the draft Programme for Cohesion, Sharing and Integration. (AQO 605/11)

**The First Minister:** Mr Speaker, with your permission, I will ask junior Minister Robin Newton to answer this question.

**The junior Minister (Mr Newton):** I thank the Member for North Down for his question. He is aware that it was a draft programme for cohesion, sharing and integration (CSI) that went out for public consultation. The consultation was launched on 27 July and formally closed on 29 October. Indeed, following requests from a number of groups for additional time to complete their responses, officials granted one

additional week to allow for the inclusion of late returns.

The consultation attracted 290 written responses, which are being analysed, and a thematic report will be produced. The report will include the wealth of views and material gathered from the 11 public meetings and 15 targeted sectoral meetings that were held at a range of different locations throughout September and October.

As the consultation closed only recently, it is too early to offer an assessment of the responses to the draft CSI programme. We expect the initial report on the findings of the consultation to be with us in December 2010. We welcome the fact that that work has put a focus on the development of good relations and created debate on the issue.

**Dr Farry:** I thank the junior Minister for his answer. He and I share an understanding of the importance of a local good relations strategy. Anecdotally, a large number of responses have been highly critical of the CSI document, particularly, at one end, of its vision and, at the other, of its delivery. Bearing that in mind, if the analysis confirms the impression that we have anecdotally, can the junior Minister give the community an assurance that the Executive will rigorously and robustly change the policy to make it fit the needs and demands of the community rather than simply signing off on what is recognised, at this stage, as being a flawed draft?

**The junior Minister (Mr Newton):** I think that, in my answer, I covered the fact that a process is being undertaken to complete the analysis, and I indicated when I believe that that analysis will be completed. I do not believe that the Executive are in the mood even to consider signing off on something just because it was put out in the draft consultation document.

The Member's question kind of implies that the word "consultation" does not actually mean consultation. I assure the Member that the mood of the Executive is for consultation and that consultation has been extensive, and the 11 public meetings and 15 sectoral meetings that I referred to confirm that.

**Mr Campbell:** Will the junior Minister assure the House that, when he and OFMDFM analyse the 290 written responses to the draft document, the issue will be more about a genuine

understanding across the range of communities in Northern Ireland than about what sometimes appear to be the shallow presentational matters of a shared future?

**The junior Minister (Mr Newton):** We are in no mood to have a shallow consultation exercise. When we went out to consultation, the Department had done extensive work to organise the geographical location of meetings and to ensure that those from all sections of the community who had an interest in such matters were invited. When I attended some of those consultation meetings, I was absolutely amazed by the numbers that turned up and the question-and-answer sessions that were held. I believe that officials have done a good job and that we will see the benefits of that mode of consultation.

In many ways, we in the Assembly are learning as we go along about how to consult the public effectively and how to ensure that a wide range of interests is taken into account through inviting their representatives to sit around the table and enter into discussions.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. Given that some parties have tried to present the CSI document as being separate but equal, can the junior Minister confirm that that concept is not being promoted and will not be promoted in any way?

**The junior Minister (Mr Newton):** I am not quite clear about what is meant by promoted in any way.

**The First Minister:** Separate but equal.

**The junior Minister (Mr Newton):** Oh, separate but equal. I have already covered the issue of how we went out to consultation. The Member is quite right about the number of expressions that are used.

I do not believe that the expression “separate but equal” was prominent in the consultation exercise. It may be being used as part of a political agenda by others in the House. I refute the allegations absolutely, from whatever source they come. The draft document is focused on building and sharing a better, brighter future for all the people in Northern Ireland. That is its key aim. The allegation is motivated by party political policies and is not based on anything in the consultation document.

The Joseph Rowntree Foundation carried out independent research to compare the draft

cohesion, sharing and integration document with ‘A Shared Future’. Its findings made it absolutely clear that, although the word “equality” is used more frequently in the draft document, its formulation is no stronger than that of ‘A Shared Future’. I challenge anyone who makes those allegations to substantiate them with evidence from the draft document.

Some people have commented on the infrequency of the use of the word “reconciliation” in the draft document. However, I firmly believe that the key concepts are embedded throughout. If we need to make it clearer that the purpose of the consultation is to listen and to address weaknesses and concerns, we will do that. Given that the subject is so important to the future of Northern Ireland, I am deeply saddened that many people, some of whom are in the Chamber today, have made a negative and destructive contribution to debate on, and discussion of, the draft CSI document and ‘A Shared Future’. They do that rather than take the opportunity to build on the start that has been made and make constructive suggestions, either in the consultation process, by written response or in the Chamber.

**Mr Kinahan:** I thank the junior Minister for his reply. He said that the draft document is out to consultation. However, given the almost unanimous denunciation that it does not contain anything solid, does the junior Minister acknowledge that the draft document is now unfit for purpose?

**The junior Minister (Mr Newton):** Come on. Of the population of Northern Ireland, 290 people responded. I have already indicated from where I believe much of the political criticism comes. We will respond to those 290 people and take on board the points that they made. As the draft document is further developed, we will address those points as a theme.

## Budget 2010

5. **Mr Frew** asked the First Minister and deputy First Minister for an update on progress made by the Executive on the draft Budget.

(AQO 606/11)

**The First Minister:** As Members will be aware, the Executive have established a subgroup, which is known as the Budget review group, to examine the strategic issues that need to inform proposals for a draft Budget 2010.

The Budget review group continues to meet. It has discussed issues and, where necessary, commissioned further work on a wide range of relevant issues. Executive Ministers are also engaging bilaterally with the Minister of Finance and Personnel in discussions about the implications for their Departments of the budgetary constraints that we face.

It remains our objective to agree a draft Budget for presentation to the Assembly as soon as we are able to do so. It is essential that we maximise the resources available to us by every means possible. The group has, therefore, given particular attention to identifying options for raising additional revenue. Those are being examined at present. In that context, the Member will also be aware from our statement following the Joint Ministerial Committee meeting in domestic format on 22 November that we continue to press the UK Government on the integrity of their spending review settlement for Northern Ireland. We do not believe that that honours the commitments given to us by the previous Administration on capital expenditure, and we have obtained an undertaking that the figures underpinning the settlement will be re-examined. If an appropriately amended settlement is not forthcoming, we have made clear our intention to pursue that ultimately through the dispute mechanism available to us under the Joint Ministerial Committee memorandum of understanding.

**Mr Frew:** I welcome the First Minister's answer. When does he hope that the Budget can be agreed, given that the present uncertainty can have a negative impact on industry and on the retail sector in particular?

**The First Minister:** The Budgets for Scotland and Wales have been agreed within a structure that is much less complex than ours. There are five parties on our Executive, and we want to get the widest possible agreement on a Budget from them before bringing it to the Assembly. Therefore, our processes seek a high level of consensus before we bring the Budget to the Assembly.

I would like to see that done this week. Whether it is will depend on the amount of work that each of our Ministers does with the Minister of Finance and Personnel and the extent of engagement between the various parties to deal

with the outstanding issues. However, there is no question of our not having a Budget.

The Northern Ireland Act 1998 requires us to have the Permanent Secretary of the Department of Finance prepare a Budget under the authority of the Minister of that Department, if, within three days of the end of the financial year, a Budget has not been set. However, because of the consultation period and the time that it would need to go through the processes in this House, we would know early in January whether it was going to be possible to meet that level. Therefore, there will be a Budget.

It is not in the interests of the people of Northern Ireland that that route be taken, and not simply because it gives too much of a role and authority to the Finance Minister; but because it means that they will only be able to operate on the basis of 75% of the previous year's spend. People will be hurting enough without having to reduce to 75% of the previous year's spend.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. Will the First Minister outline any new revenue streams that are being discussed by the Budget review group?

**The First Minister:** I am reluctant to do that because we have discussed a whole range of revenue streams, some of which I am pretty sure we will dismiss. I do not want to start chaos in the streets because of some of the possibilities that were put forward. We are looking at the viability of other revenue streams open to us; however, we have to recognise that the vast bulk of our Budget comes directly by way of a block grant. We can top it up through funds from Europe, through our regional rate, through income streams that each Department has or through any new revenue stream that we decide to use. We can have taxes, with the permission of Treasury, as long as they do not replicate taxes elsewhere in the United Kingdom.

**Mr Armstrong:** Can the First Minister share his views with the House regarding the potential implications if the Executive fail to agree a Budget before Christmas?

**The First Minister:** Failing to agree a Budget before Christmas is not as dire as failing to agree one by the second week of January. By the second week of January, the Department of Finance and Personnel will have to prepare its



own Budget, which it will set at the lower level of 75% until the end of July, at which point it can move to 95% of the previous year's Budget. There is a clear downside if it is not done by mid-January.

If it is not done by Christmas, there will be a real difficulty for Departments. Taking the Member's party's interest, particularly in the Department of Health, trusts and the various arm's-length organisations need to know how much money they have in order to take their decisions.

Therefore everything falls behind. What is true of the Department of Health is true of every Department: all must work out their spending plans on the basis of their allocation. It is detrimental if that is not done by Christmas. If it is not done by mid-January, it will be to the detriment of the people of Northern Ireland with regard to the amount of money that is available to spend.

### 3.00 pm

**Mr O'Loan:** Is the First Minister aware that certain bodies that receive public funding already feel the need to discuss the possibility of putting their staff under protective notice? That is causing great apprehension among those staff. Can he reassure those organisations and their staff?

**The First Minister:** We are aware of that. Perhaps it is another aspect of the answer that I should have given to the Member for Mid Ulster. The protective notices would have to go out towards the end of December. Those organisations must guard themselves; they cannot go into a new financial year with a lower budget while continuing to pay at the same level. Therefore, it is extremely important that agreement be reached before Christmas.

I should point out that I have seen nothing in negotiations on the Budget that I did not see three and a half years ago when I was Minister of Finance. People want to agree a Budget, and there is serious engagement to that end. However, one never knows whether the Budget has been agreed until hands go up in an Executive meeting or in the Chamber. Agreement is essential, and we all carry responsibility for reaching it. We are elected to reach decisions, not to avoid them.

## Justice

**Mr Speaker:** Questions 4, 8 and 14 have been withdrawn. Mr Cree is not in his place to ask question 1.

### Police: Pensions

2. **Mr McKay** asked the Minister of Justice what action needs to be taken to address the problem of transferring police officers' pensions between the PSNI and an Garda Síochána.  
(AQO 617/11)

**The Minister of Justice (Mr Ford):** As I remarked during the debate on the intergovernmental agreement, problems associated with the transfer of pensions between jurisdictions are not unique to the police. Questions that relate to the design of public sector pension schemes and matters that relate to the portability of pensions across national borders do not lie with the Department of Justice to resolve. For full transferability of pensions, both pension schemes would have to be broadly comparable. That would involve harmonising wider public sector pension policy and require renegotiation of police pay and conditions.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. We have looked at the issue on the Policing Board. It would be a complicated process. However, we have seen an absolute lack of urgency and political will to resolve the issue, which was a key Patten recommendation. I understand that major aspects of the matter are outside the Minister's remit; nevertheless, will he make its resolution a priority and ensure that greater political focus is brought to it?

**The Minister of Justice:** I thank the Member for his supplementary question. I can make the matter a priority. Indeed, as I said earlier, I discussed the issue with Dermot Ahern at the meeting on the intergovernmental agreement, on which I reported this morning. As we appear to be in the business of rationalising all public sector pensions between the UK and Ireland and, indeed, possibly on an EU-wide basis, I am not sure whether we could necessarily solve that problem on our own, no matter how high a priority it might be for the Department of Justice.

**Mr Spratt:** I want to raise the issue of the transfer of pension funds with the Minister. No actual pension pot is held by either by the

PSNI or the Department. Will he bear in mind comments that were made in the earlier debate on the entire British police service and the role of pensions regulations in those matters?

**The Minister of Justice:** As I pointed out to the Member, pension arrangements are negotiated at UK level. That is why it is particularly difficult to look at any issue that relates solely to lateral transfers between the PSNI and the Garda Síochána.

**Sir Reg Empey:** Has the Minister reviewed arrangements for secondments between the PSNI and an Garda Síochána, given the recent lack of interest by officers on both sides of the border in participating in such secondments?

**The Minister of Justice:** No, I have not reviewed the specific arrangements for secondments, and it is certainly not my understanding that there is a lack of interest. There has been significant interest. Around 50 officers have moved on short-term secondments in each direction recently, and, as Members will know, a Garda superintendent is seven or eight months into a year's secondment to the PSNI. We are seeing significant interest in the short-term secondments, which, of course, is different from the subject of the original question, which was about full-scale lateral movement.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Does the Minister agree that it is beneficial to have regular exchange of policing personnel between the PSNI and an Garda Síochána? Is he taking any action to encourage that?

**The Minister of Justice:** I certainly believe that it is beneficial for police officers to experience life with the force on the other side of the border. As for encouragement, when I had the opportunity to speak at a Garda graduation ceremony at Templemore a few weeks ago, I said that, although I accepted that those new graduates would obviously be spending their first few years with the Garda Síochána, I hoped that many of them would apply for secondments to the PSNI in the near future. I make those points generally in the opportunities that I have.

### **Criminal Justice: Time Limits**

3. **Mr P Ramsey** asked the Minister of Justice, given the endemic problem of delays in the

criminal justice system, if he will consider the introduction of statutory time limits for processing cases. (AQO 618/11)

**The Minister of Justice:** I am absolutely determined to reduce the time that it takes the criminal justice system to process criminal cases, and I am driving forward a comprehensive programme of work to speed up justice. That includes measures designed to improve how filed cases are prepared and how cases are processed through the courts. As well as reducing avoidable delays, I want to ensure that we provide a better service, especially to victims of crime.

I have no plans at present to introduce statutory time limits, but I have already said publicly that that is an option that I could return to if the current reforms fail to deliver the step change that we all agree is required. The success of the initiatives now under way will be measured against new, locally founded performance standards. Those are being developed and will, for the first time, allow for an end-to-end measurement of the performance of the whole system. Those new standards will be underpinned by specific targets for each of the criminal justice organisations to reduce the time that it takes for cases to get to court.

Speeding up justice was one of the main topics that I brought to the inaugural meeting of the new criminal justice delivery group, which I chaired last week, and it will be discussed when the Criminal Justice Board meets later this week. The Member can therefore be assured that tackling avoidable delays remains at the top of our agenda.

**Mr P Ramsey:** I thank the Minister for his response. Is it not the case that victims in particular are under serious stress and trauma as a result of crime and it is much more worrying when the time frame is extended? Will the Minister consider the immediate introduction of legislation to allow time-framed execution in preparing those cases, as was envisaged under direct rule?

**The Minister of Justice:** The Member makes an entirely valid point about the needs of victims and witnesses in assuring that justice is delivered in a speedy way. However, there would be serious difficulties in moving to statutory time limits before the system is ready, given that we have acknowledged in the Chamber on a number of occasions the problems with

establishing joined-up arrangements between the different agencies. We need to ensure that the system works as efficiently as possible. At that stage, it may be necessary to re-examine the question of statutory limits, but I do not believe that the needs of victims would be served by a premature introduction of statutory limits, resulting in people being released who should not be released.

**Lord Morrow:** The Minister is not taking this very seriously, is he? He tells us that he has no statutory time limit, but surely the one thing that is coming across is that that is the very thing that is needed. Can he not assure the House today that he will change his mind on that, apply his mind to it and come to the House at a later date with a time limit? That is essential if we are to get things moving.

**The Minister of Justice:** I can only repeat what I have just said to Mr Ramsey: I am prepared to accept that there may be an appropriate role for statutory time limits when we have reached the situation where the system is seen to be functioning well. I can imagine what would be said by Lord Morrow and perhaps by other Members if we introduced statutory time limits prematurely and saw serious offenders released who should not be released because of the implementation of statutory time limits at this stage.

**Ms Ní Chuilín:** Go raibh maith agat, a Cheann Comhairle. Given the whole issue of avoidable delays, we are working under the presumption that people are innocent until proven otherwise. Setting that aside, will the Minister tell the House what actions his Department has taken on the basis of Dr Michael Maguire's report on avoidable delays? What lessons have we learnt from that report?

**The Minister of Justice:** I can assure the Member that actions have been taken. First of all, there are proposals in the Justice Bill on things like fixed penalties and prosecutorial summonses that will speed the system up significantly and allow for more concentration on serious cases. Secondly, one of the first actions that I took as Minister was to meet the Criminal Justice Board to look at the overall operation of the system and emphasise the need to speed up arrangements. Thirdly, as I have just said, there is the delivery group that I have set up to ensure that at the highest level — the Chief Constable and the Director of Public

Prosecutions — we address the issues and the responsible agencies are seen to work together. We had an extremely profitable meeting last week and set arrangements for future meetings that will ensure that the Criminal Justice Board keeps focusing on the issue of delay. It causes considerable concern and needs to be addressed. I have been emphasising that during the time that I have been in post. We are seeing some improvements, but we need to see a lot more.

**Mr McNarry:** If the Minister were to, in his own words, re-examine the option to introduce these time limits, how would he ensure that they were enforced?

**The Minister of Justice:** It would be for the House to frame the legislation for statutory limits in a way that made it clear that they were to be enforced. That is why, while I am certainly not ruling out the option, I am looking at how we get the system speeded up first of all. There would be serious problems if we had statutory time limits in advance of seeing the system work. CJINI has recognised that there are issues with the current operation of the system. It has not been calling for an early and instant introduction of limits, but the matter will be kept under review.

**Ms Lo:** There has been a lot of publicity lately around delays caused by difficulties in the interface between the PSNI and the PPS. Can the Minister assure the Assembly that steps are being taken to address these difficulties?

**The Minister of Justice:** I can certainly assure my colleague that steps are being taken. There is no doubt that what we saw a year or two ago was significant difficulty in the way that papers were passed from the police to the PPS and the PPS responded. Last week, the Director of Public Prosecutions and the Chief Constable were part of the delivery group that I convened, working together to see how the agencies could respond to each other's needs and improve the system between them, rather than developing what would otherwise have been the potential blame culture between different agencies. That is a significant example of joined-up working that is now happening. I will certainly do my best as Minister to ensure that that continues to be the case and that we do not end up with agencies fighting each other. The only target that really matters to the victim of a crime is the total time taken from when the crime is

committed to its being disposed of in court. That is the target that we should all be working towards.

## Violent Crime

5. **Lord Browne** asked the Minister of Justice what plans he has to reduce the number of violent crimes. (AQO 620/11)

**The Minister of Justice:** One of my Department's key objectives in the Programme for Government is, by March 2011, to reduce the number of non-domestic violence-with-injury crimes by 5%, from a baseline of 11,432 in 2009-2010. The latest monthly figures, from April to September, show an average reduction of 8% against the same month the year before, and we are therefore on track to meet this target.

Reducing violent crime has been identified as a priority by the Policing Board and by the Chief Constable in the 2011-13 policing plan. It is also consistent with the Chief Constable's strategic priority of addressing issues of serious harm. The Chief Constable has initiated measures to address violent crime, including the assignment of violent crime lead officers in each district. The PSNI decides on priorities locally and addresses them accordingly.

In addition, the Department supports the delivery of the You, Your Child and Alcohol campaign. It addresses youth alcohol misuse, which can have an impact on violent behaviour. In partnership with CSPs and DPPs, the Department also supports the Get Home Safe campaign.

### 3.15 pm

**Lord Browne:** I thank the Minister for his answer, but does he agree that the most important part of any strategy against violent crime should be trying to ensure that such crimes are prevented from occurring in the first place? Incarceration has been consistently shown to be ineffectual in preventing offending, so will the Minister give some specific examples of what his Department is doing to investigate alternative deterrents to violent crime?

**The Minister of Justice:** I thank the Member for his supplementary question, which was not the one that I was expecting. I was perhaps expecting it from another side of the House, but not from that side.

Let me repeat the statistics: so far this year, we have witnessed a reduction of 8% against a target of 5%, so the improvement is significant. I entirely agree that the strategy needs to look at stopping crimes from happening in the first place, rather than on merely dealing with them. That is why the key figure is the reduction in the number of crimes. I am always happy to agree with members of the DUP when they talk about the ineffectiveness of incarceration. The probation service and the Youth Justice Agency are doing positive work in this community to find alternative means of ensuring that wrongdoers are punished and led away from a further cycle of wrongdoing. I am delighted to see that those methods tend to be more effective at reducing further recidivism on the part of those who committed offences in the first place, and I am delighted to hear such support from the House this afternoon.

**Mr K Robinson:** Will the Minister comment on any plans he may have to change the way in which non-molestation orders and similar orders are processed between the Northern Ireland courts, the tribunals service and the PSNI?

**The Minister of Justice:** I am always amazed at the breadth of the supplementary questions that Members manage to ask. I have already highlighted the work that is being done to look at the opportunities to ensure that people can proceed immediately to obtaining legal aid for non-molestation orders with assessments being done subsequently, rather than their having to go through the full assessment to ascertain whether they can obtain legal aid. Such a process would mean that those who end up having to pay their own charges would pay them at a lower level because they are in the legal aid scheme. I believe that that should be key to improving opportunities for those who are the victims of such activities, and I know that the House would expect non-molestation orders to be obtained as easily as possible and to be made as effective as possible.

**Mr Callaghan:** Go raibh maith agat, a Cheann Comhairle. Does the Minister agree that the prospect of detection is an important deterrent where violent crime is concerned? Will he tell us what steps are being taken to improve detection rates across the region?

**The Minister of Justice:** Although I thank the Member and agree that detection is the ultimate deterrent, I think that the issue of how detection



rates are being improved is a matter that is rather more an operational responsibility of the Chief Constable than one for the Minister reporting to the Assembly to discuss.

### Youth Justice Review

6. **Mr Dallat** asked the Minister of Justice to outline the timescale for delivering the youth justice review and if he can confirm that the review team will be fully independent.

(AQO 621/11)

**The Minister of Justice:** Members will be aware that I announced the composition, terms of reference and timescale for the review of youth justice on 1 November. Following further representations made to and by the Justice Committee, I sought advice from the review team about these matters. In response to the team's advice, I wrote last week to the Chairperson of the Justice Committee to inform him of changes I have since made to both the composition of and timescale for that review.

Kathleen Marshall, a children's rights lawyer and former Children's Commissioner in Scotland, has joined the review team. The expertise that she brings to the review will contribute to addressing the international obligations context set by the Hillsborough Castle Agreement. In addition, the timescale for the review has been extended, and the team has now been asked to report in June 2011. I have taken those steps to copper-fasten the independence of the review and to respond to the team's considered request for additional time to undertake the work.

Kathleen Marshall will replace Paula Jack on the review team, but Paula will still be available to assist it in an advisory capacity. The actions that I have taken further underline my commitment to ensuring the clear and unambiguous independence of this important review and the delivery of an effective outcome.

**Mr Dallat:** I welcome the Minister's response. I am certain that it was not a pre-emptive strike against my question. Is he now satisfied that the review team and its terms of reference are sufficiently independent to ensure that an entirely satisfactory report will be produced?

**The Minister of Justice:** I believed that the review as announced would have been independent and entirely satisfactory and that, as the Committee has a responsibility to advise and assist the Minister, it was incumbent on

the Minister to listen to what it said. That was why I consulted the review team on how it saw the operation of the review. On the basis of its advice, I made the changes that I have just announced. I did not do so as a pre-emptive strike against Mr Dallat; it was something that was already under way. However, his question coincided neatly and gave me the opportunity to announce it to the Assembly.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for his answer. We welcome the fact that he listened to the Committee's view on some of the personnel changes and on the time in which the review will take place. Now that the review will be longer, will he use the opportunity to look at the terms of reference to ensure that they are as comprehensive as they should be?

**The Minister of Justice:** I was almost going to say that I thank the Member for his supplementary. Having been invited by the review team to change the timescale and precise composition, I am now being asked to change its terms of reference. When I made the announcement on 1 November, I stated that I believed that the terms of reference were wide enough to encompass anything that needed to be encompassed within a full and comprehensive review. I also stated that I was open to requests from the review team to change those. Although I have made some changes at its request, it has made no request, at this stage, for changes to the terms of reference.

**Mr Campbell:** The Minister announced some changes to the line-up of the review panel and mentioned that a former member will be retained in an advisory capacity. Will those changes result in any significant addition to the cost of the review?

**The Minister of Justice:** I thank Mr Campbell for highlighting what is probably the one slightly gloomy point. Given that there are now three, rather than two, members of the review team who are not employees of the Department or its agencies, there will, inevitably, be some modest increase in the cost of the review. I am not sure how much the complete increase to the cost is, but I advise the House that the current budget that has been set for the review, including all administrative costs as well as the cost of the members, is £75,000.



**Dr Farry:** I commend the Minister for showing a degree of flexibility in the matter that would not have been shown under direct rule. Will he confirm that the terms of reference for the review are not merely consistent with the Hillsborough agreement but, in fact, go beyond it? Will he also confirm that the important issues that we have already discussed, such as the speed of justice, are critical to the future of youth justice?

**The Minister of Justice:** I thank my colleague for his praise, although I am reminded of the occasion on which the First Minister said that I could not be any worse as a Justice Minister than Paul Goggins. That was not much of a compliment, but I am sure that today's reference was meant as such. I confirm that the terms of reference that I set for the review were wider than those that were specified in the Hillsborough Castle Agreement. As I said earlier, I am willing to widen them further if that is regarded as appropriate and necessary.

**Mr Savage:** Are there any aspects of the youth justice systems in England and Wales or even in Scotland that the Minister would like to see in our youth justice system here in Northern Ireland?

**The Minister of Justice:** I have already reported to the House that, as far as England and Wales are concerned, it has been more a matter of officials and, most recently, a Minister from the Ministry of Justice coming to observe the operation of our Youth Justice Agency to learn lessons from Northern Ireland for the benefit of England and Wales. I suspect that some lessons could be learned from the operation of the Scottish children's panel system, but the key point about having an independent review is not that I stand up in the House and suggest what might be best but that we get a thorough and professional examination of what is best for Northern Ireland for the future.

## Young Offenders

7. **Mr Beggs** asked the Minister of Justice for his assessment of whether working with families of young people at risk of offending can prevent young people from coming to the attention of the Youth Justice Agency.

(AQO 622/11)

**The Minister of Justice:** There is good evidence that working with the families of young people

who are at risk of offending is beneficial and can divert them from offending behaviour. It is clearly better that such support is provided well before children who are at risk of future offending come into contact with the criminal justice system.

I recognise the fact that work undertaken by agencies across government with children and their families is successful in directing young people away from pathways that lead to offending. However, I believe that more can be done to ensure a joined-up approach across government in that area. To that end, I held bilateral discussions with ministerial colleagues on how we can develop a coherent, government-wide approach to reducing offending. When young people become known to the criminal justice system, the Youth Justice Agency plays a crucial role in helping them to address their offending behaviour and to avoid further offending. When seeking to divert those young people from offending, the agency works directly with them and their families in the community.

**Mr Beggs:** I understand that some funding of children's issues is at risk and that support for parenting programmes and so on could result in greater numbers of children and young people entering the criminal justice system. Will the Minister ensure that all Departments work together more closely and are aware of the ramifications if inappropriate decisions are made?

**The Minister of Justice:** I certainly take the Member's point seriously. However, I am not sure whether I have the power to ensure that other Departments co-operate with my Department. Nevertheless, I am seeking to co-operate, because I recognise fully that much of the useful preventative work is done by, in particular, health and social care agencies and the Youth Service. Consequently, there is a clear need for joined-up government in that area. However, we cannot do it entirely on our own.

**Mr Bell:** Does the Minister agree that, to prevent young people from coming into the youth justice services, there is a need properly to resource family and childcare social work, which has historically experienced difficulties as a result of being understaffed and under-resourced? Later offending will be stopped only by resourcing family and childcare social workers who are on the front line dealing with

children on the child protection register and other matters in preventative services.

**The Minister of Justice:** Mr Speaker, of course you would expect one social worker to agree with another about the necessity of that.

However, speaking as the Minister of Justice, I am not sure that I should do too much to inflate the budget claims of the Minister of Health, Social Services and Public Safety.

**Mr A Maginness:** Given the good work carried out by the Probation Board, is the Minister certain that it is receiving sufficient resources to maintain the high level of success that it has achieved in dealing with young offenders? Compared with other institutions, it has achieved a very low rate of reoffending.

**The Minister of Justice:** The Member makes an extremely serious point. There is absolutely no doubt that the Probation Board is extremely effective in its work, and I have no doubt that it will continue to claim that it receives less funding than comparable services across these islands. That said, we are all aware of the precise financial circumstances we are in at the moment. Therefore, I am determined to ensure that we get the best value for money from the Department of Justice budget when it is allocated. Unfortunately, that cannot mean protection for any particular agency, but it does mean that we must ensure that we use money where it is most effective.

**Mr Speaker:** Question 8 has been withdrawn, and Mr Kinahan is not in his place.

## Victims of Crime

10. **Mr McCarthy** asked the Minister of Justice for an update on the consultation on the code of practice for victims of crime. (AQO 625/11)

**The Minister of Justice:** I launched the consultation on a code of practice for victims of crime on 21 October, during a keynote speech at the Victim Support Northern Ireland annual conference, fulfilling the commitment given in the Hillsborough Castle Agreement that a new code of practice for victims should be developed. The new code is part of our extensive programme of work to improve the way in which the criminal justice system engages with victims. It builds on what we have achieved since devolution, including the production of two new guides to the justice system, which are now being used widely. The new code will set

out clearly how the legitimate expectations of victims will be met by statutory and voluntary agencies working in partnership. I want to produce a document that supports victims and makes their entitlements clear.

The consultation is important, and I encourage all those who work with victims, those who have been victims and those with an interest in victims' issues, including Members, to examine the proposals and give us their views. The closing date for responses to the consultation is 14 January 2011. I have instructed my officials to engage proactively with groups that work with victims and to ensure that their views are taken on board.

**Mr McCarthy:** I thank the Minister for his detailed response. Will he outline how that initiative will fit alongside the measures that he has already taken to improve the services offered to victims of crime?

## 3.30 pm

**The Minister of Justice:** A number of different measures run together in that respect. The code of practice will codify a standard of service that victims and witnesses can expect, but that is only one of 23 actions in the strategic action plan for victims and witnesses for this year. There are also proposals in the Justice Bill, which is before the Committee for Justice, that would improve services for victims, such as raising the age limit for special measures for witnesses in court from 17 to 18; giving young witnesses a greater say in how they give their evidence; giving victims of sexual offences the right to give evidence by video link; putting on a statutory footing the use of supporters through video links; and improving the role of interpreters. All those are issues that, taken with the Bill, the code of practice and the guides that have been published, can make matters significantly better for victims of crime.

## Civil Law Reform

11. **Mr Gardiner** asked the Minister of Justice whether he has had any discussions with the Minister of Finance and Personnel about civil law reform. (AQO 626/11)

**The Minister of Justice:** Civil law reform was one of the matters that I discussed with the Minister of Finance and Personnel when I met him last week. Work is ongoing at official level on the transfer of responsibility for civil law

from the Department of Finance and Personnel (DFP) to the Department of Justice. That will include work on policy for the regulation of the legal professions; private family law; trusts; and tort and contract law. It will not include land law, which will stay with DFP, given its wider responsibilities for Land and Property Services. Discussions have been focusing on the necessary issues of resources and staff transfer. Good progress is being made, but the transfer will need to have Executive agreement in order to be implemented.

**Mr Speaker:** That ends Question Time. I ask the House to take its ease until we move to the next item of business.

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

## Private Members' Business

### Specialist Neurology Beds

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

**Mr G Robinson:** I beg to move

*That this Assembly notes with concern the cut in specialist neurology beds at the Royal Victoria Hospital; acknowledges that the Belfast neurology unit is a facility for all of Northern Ireland; and calls on the Minister of Health, Social Services and Public Safety to ensure that the beds are reinstated so that patients with neurological conditions have equal access to specialist treatment.*

First, I pay tribute to and welcome to the Public Gallery the representatives of various charities that work with people affected by neurological conditions and their families. Their work is invaluable and it must be acknowledged and praised. In proposing the motion, I am in no way minimising the excellent work done by other agencies in our Health Service. I salute them all.

Without any consultation with other trusts, the Belfast Health and Social Care Trust has reduced the number of specialist neurology beds from 23 to 15, which represents a cut of around 35%. That cut has had a devastating impact on a specialist service that was already struggling to cope with inadequate facilities. There are some 35,000 patients with a significant neurological disability in Northern Ireland, but there are only 17 neurologists in post to look after them. I would like Members to listen carefully to the approximate figures that I am about to quote. There are 4,000 patients with multiple sclerosis (MS), 4,000 patients with Parkinson's disease, 100-plus patients with motor neurone disease, and 600 patients at risk of having Huntington's disease. In Northern Ireland each year, there are 8,500 stroke victims, who may suffer neurological damage, and 17,000 patients with epilepsy. That is not an exhaustive list of the neurological conditions that Northern Ireland neurologists deal with, but it gives an idea of the numbers of patients who

are affected by the loss of specialist beds from the neurology unit. Members must remember that that specialist unit is for the whole of Northern Ireland and is not just a facility for the Belfast area. The Minister has not recognised this in some of his answers to my written questions.

**Mr Buchanan:** Does the Member agree that the Minister's written response to my concerns about the cut in the number of neurology beds, which he said is a matter for the Belfast Trust and not for his Department, represents the Minister passing the buck? He is taking no interest in that huge issue, which will affect patients across Northern Ireland. That is totally irresponsible of the Health Minister, and, with the Member, I call on him to reinstate those beds as soon as possible.

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

**Mr G Robinson:** I agree entirely with my colleague. The loss of beds affects the whole of Northern Ireland, not just Belfast.

Many conditions that neurologists deal with are obscure. I have a personal interest in epilepsy and, when possible, have helped Epilepsy Action closely over the past few years. As I stated earlier, 17,000 people in Northern Ireland have epilepsy, and there are three epilepsy specialist neurologists for Northern Ireland. That equates to roughly 5,600 patients for each specialist neurologist. Those numbers relate to epilepsy only. All the other neurological conditions suffer the same minimal service provision. Given that the beds that are dedicated to neurology have been cut by one third, the service will not be adequate and will leave neurology patients without proper diagnosis and treatment.

A facility that provides Province-wide specialist services with so few beds does not meet the expectations of patients and will leave some of them with a quality of life that is lower than should be expected. It also hinders the valued staff in doing their specialised and dedicated job. I pay special tribute to the excellent work that those people do. The unit may be in the Belfast Trust area, but it serves all of Northern Ireland. As the facility at the Royal Victoria Hospital (RVH) is Northern Ireland-wide, I sincerely hope that the Minister can intervene to provide such a specialised service. More than 40% of people with disabilities have a neurological symptom, and 10% of all

attendances with a GP are for a neurological symptom. Those figures show the importance of neurology provision. That is the reality, and the loss of beds will impact adversely on patient outcomes. That is not acceptable.

I hope that all Members appreciate the need to support neurology services in Northern Ireland and their huge benefit to individuals and families and will, therefore, support this very worthwhile motion on a cross-party basis.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion. In 2009, the Minister of Health, Social Services and Public Safety said that his Department was developing a strategy for physical and sensory disability services. He also said that there may be an opportunity to co-ordinate services regionally to provide the basis upon which to develop patient-centred services. In April 2010, he announced a £50,000 funding boost for neuro-physiotherapy services to set up a regional network to improve services for those who suffer from conditions such as multiple sclerosis. The Minister said that those were welcoming and meaningful statistics in the development of a network that will result in better services for people with neurological disease.

Almost 45,000 people in the North live with a neurological condition, and the Neurological Alliance has outlined its concern that a 30% reduction in the number of acute regional neurology beds should have been taken in consultation with stakeholders. It also stated that a greater proportion of patients will be exposed to overcrowded six-bedded wards on ward 4E at the RVH. The essential numbers of critical care beds are not in place, and people who require emergency admission will be unable to access specialist neurological care when needed. The reduction in the number of beds will increase waiting times for planned admissions.

As was alluded, in answer to a number of Assembly questions, the Minister has stated repeatedly that the delivery of services at the RVH is a matter for the Belfast Health and Social Care Trust, as the service provider. He has also said that the trust is engaged in a programme of modernisation in the neurology service. The programme includes a review of current neurology services, patient pathway models and bed utilisation. If the RVH is a regional centre, perhaps the Minister can tell us



whether it is getting additional money to provide that service. If the decision has been taken that the RVH will provide a regional service, other areas should have been included in that decision.

When the Minister was asked by the Chairperson of the Health Committee whether hospitals and service users outside the Belfast Health and Social Care Trust were consulted about the decision to reduce the number of beds that are available in the acute neurological unit at the RVH, he did not give a direct answer. The RVH is the centre for neurological services for the whole of the North, so it does not seem unreasonable that other stakeholders should have been consulted, but there is no real evidence that that happened. Here in the North, we have some of the highest levels of neurological conditions, such as multiple sclerosis, in the world. For instance, up to 25 years ago, it was documented by the Mayo Clinic in America that my constituency of Newry and Armagh has some of the highest statistics for people suffering from multiple sclerosis and other neurological conditions.

It is essential that we have a neurological service that is effective and has the capacity to deal with the number of patients who require its services. Reducing the number of specialist neurology beds does not seem to be the answer, and the Minister needs to address that issue urgently.

I am sure that all Members have received lobbying letters from people who suffer from conditions such as brain tumours and who are worried that the cutbacks will affect the treatment that they receive. Those people suffer from serious conditions, and they really do not need the stress and trauma that the cutbacks will impose upon them. I support the motion.

**Mr Gardiner:** Neurology is an important aspect of medicine, and it is responsible for one in five hospital admissions. It is also why between 10% and 15% of people consult their GP in the first place. In addition, around 16,000 people attend neurology outpatient clinics. I understand that new outpatients experience a waiting time of 13 weeks and that inpatients experience a similar waiting time. Waiting times are, of course, a direct result of the number of staff who are available, and that is a direct consequence of the amount of finance that is available. I pay

tribute to the staff who deal with patients with such complaints.

The financial reality underpinning all this is that the Belfast Trust's budget has been reduced by £112 million over the three-year comprehensive spending review period. In short, the trust has had to find 11% efficiencies in a staged process over three years under the comprehensive spending review, yet a nursing bed in hospitals costs between £25,000 and £40,000, according to how dependent the patient is. I understand that, to meet the need in the facility for the whole of Northern Ireland, there are 8.5 full-time-equivalent neurologists in Belfast, supported by others. In addition, there are two consultant neurologists at Altnagelvin Area Hospital, one at Antrim Area Hospital, two at Craigavon Area Hospital and two at the Ulster Hospital. They work in close co-operation across the region.

We are back in familiar territory with this latest debate. There is a demand for service improvements at a time of budget cuts. To be fair, that is a difficult problem, because there is a limit to the staff numbers and operational efficiencies that can realistically be achieved.

### 3.45 pm

At a certain point, the amount of funding available will impact directly on waiting times. Other factors that govern the operation of a hospital unit are the sheer geography of where beds are located and the infection control regulations in that hospital. I understand that significant advances have been made in handling outpatients through far faster turnaround times. Efficiencies have also been made through flexible bed management for inpatients. There will, therefore, be limits on future efficiency gains.

In conclusion, enormous pressure has been put on the Health Minister to cut his budget. Therefore, perhaps the movers of the motion, who are members of the same party as the Finance Minister, should consider their motion the next time they hear about health cuts.

**Mr Gallagher:** I support the motion. I reiterate my party's position on this matter, which is to call on the Minister to reverse the decision to cut the number of beds, because that is the only sensible decision to be taken. Before the decision was made to cut the number of beds from 23 to 16, which is a 30% reduction, many



patients were already facing difficulties and delays in assessment, treatment or diagnosis. Strangely, despite that, and despite the fact that the service is a regional one for all the people of Northern Ireland, the decision was taken without consulting any other trusts, clinicians or the public. The Belfast Trust is guilty of a serious failure in that regard. It failed to consult on a key service. It also tried to tell the Committee that its decision was for the best and that it would improve the service and make it slicker. Clearly, the trust has acted in a high-handed manner, which is worrying for patients, carers and families.

**Mr Easton:** Will the Member give way?

**Mr Gallagher:** I am afraid of losing time, so I will just keep going.

It is also worrying for us as elected representatives, because we are answerable and accountable to people.

Given the decision to cut the number of beds by 30%, let us consider the situation as regards neurology patients at the Royal Victoria Hospital just over a week ago. Not only were the 16 neurology beds full, nine neurosurgical beds were occupied by neurology patients, and two further neurology patients were in ward 7. Twenty-seven beds were, therefore, being used for neurology patients. I also understand that at least half a dozen other patients were waiting urgently for treatment but could not be accommodated. Therefore, quite clearly, the decision has to be reversed.

Some Members will be aware that the trust tried to advise the Health Committee that everything to do with the service was all right and that Committee members had nothing to worry about. The trust said that this was modernisation. We were also told by one of the witnesses that it would improve the flow of patients by reducing the length of bed stays. Perhaps the Minister will comment on the logic behind the claim that the flow of patients will improve if the number of beds are reduced. That does not stand up, and it raises questions.

There are also questions about how the decision was reached. I have already said that there was no consultation. In addition, the Belfast Trust told the Committee that one reason for the decision was that it was doing some work with the NHS Institute for Innovation and Improvement. At the next

Committee meeting, there was a letter from the chief executive of the trust saying that it was working with this institute but that the work was ongoing. Will the Minister explain how the trust took the decision when the work with the institute was incomplete?

Ulster Unionist Party Member Sam Gardiner referred to financial difficulties, but the clinicians in the Belfast Trust were told that it was based on finance. Those of us who are members of the Health Committee will recall that we were told that it was due to modernisation. It cannot be both, so there is a simple question to be answered: which is it? Which version do we believe?

There is only one thing to do —

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

**Mr Gallagher:** — and that is to reverse the decision. I call on the Minister, further to this debate today, to do just that.

**Mr Lyttle:** I support the motion, and I pay tribute to the staff who are working in the unit and to the people with this condition. In Northern Ireland, 48,000 people, all of whom use this excellent facility at the Royal Hospital, suffer from a neurological condition, including those with brain injuries; stroke victims; people with dementia; MS and ME sufferers; those with Parkinson's disease, Huntington's disease, motor neurone disease and epilepsy; and those with the rare condition trigeminal neuralgia.

It stands to reason that a reduction in beds will bring concern for patients and for the capacity of the service. That concern is shared by consultants who work at the unit also. Consultants have raised concerns with the Belfast Health and Social Care Trust about the potential impact of the cut on an already-stretched facility. As other Members have said, the fact that these reductions were carried out without any consultation with the experts working in the department is of deep concern.

We are all interested in our Health Service delivering efficiency, but concern must be expressed when services are cut in this way. It appears to me that we are placing excessive emphasis on what trusts do in GB rather than focusing on the best outcomes for our patients locally. There is real concern among patients and families about the lack of privacy, dignity,

safety and infection control that may arise as a result of this cut and that emergency admissions will be unable to access specialist neurological care when urgently needed.

I welcome the fact that £50,000, which was used to set up a regional network that includes neuro-psychotherapists and nurse specialists who are experts in dealing with these long-term conditions, was invested in the services during the early part of this year. However, if patients cannot get a bed on admission, how can they access this improved level of care?

I have noted the submission of Ms Donnelly to the Health Committee, as stated, in which she promoted that the beds that were closed were not in the main neurology ward and that some had been re-designated as stroke beds. She also promoted the financial savings as a result of this so-called modernisation. However, we must never allow this to put primary patient care at risk.

**Mr Easton:** I am in favour of the motion, and I thank my party colleagues for tabling it. The mind boggles as to why these specialist beds have been withdrawn. In April, the Minister gave a token gesture of £50,000 towards developing neurological services and the set up of a regional network to improve services for patients suffering from conditions such as multiple sclerosis.

In March 2009, the Minister committed himself to improving services for people with neurological conditions. He told the House that his Department was developing a strategy for physical and sensory disability services. He said that this strategy would consider neurological disabilities, including neuromuscular disabilities.

In reply to a question from the Member for North Belfast Alban Maginness on any possible reduction in the number of beds in the RVH, the Minister said:

*"The Trust is currently engaged in a programme of modernisation within the neurology service and this includes a review of bed utilisation. As a result, the Trust has reduced the number of neurology beds from 23 to 16 in October 2010, thereby bringing the neurology service into line with comparable peers in other parts of the UK."*

The Minister admitted not having intervened in that issue and stated that he had:

*"not personally had any discussions with the Belfast Trust about the reduction in the number of neurological beds."*

Will the Minister inform the House whether there have been any discussions with the trust on that issue since 21 October? I ask the House to tell me, through the Deputy Speaker and the Minister, what price we can put on a person's care and well-being when deciding whether to make cuts in bed numbers.

**Mr Craig:** Cuts in neurological beds amount to approximately £200,000 a year in savings, yet the Belfast Health and Social Care Trust employs 798 people on salaries of between £50,000 and £100,000, with a total wage bill of between £40 million and £80 million a year. Surely the trust could have found savings of £200,000 in such a colossal wage bill, which is, after all, for middle management. It is also disgraceful that the trust did not consult other the boards, because it has plenty of middle managers to do so.

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

**Mr Easton:** I thank the Member for his intervention. The Committee for Health, Social Services and Public Safety is debating management structures and pay bands at the moment. It has discovered that there are huge numbers of managers, and it needs to undertake further investigation.

One who is in need of neurological surgery needs specialist care and treatment. I am concerned about the effect that removing beds will have on patients, and I am not confident that the trust can justify the cuts. The trust admitted to the Committee that it has no other choice but to reduce bed numbers, yet it also told the Committee that it puts patients first.

I was not convinced by the reasons put forward by the representatives of the trust at the Committee's meeting on 14 October 2010. They continually played on the word "modernisation," yet admitted that the decision to remove seven of the 23 beds was down to money. Therefore, there seems to be confusion about what it was down to. I understand that we are living in difficult times, but I am worried about unjustified cuts.

Staff are employed in the management of the Health Service who are not healthcare workers but who, as my colleague Mr Craig mentioned,

earn between £50,000 and £100,000 a year. The savings produced by cutting the number of beds was put at approximately £210,000 a year, and I must ask whether patients and their need for constant care, treatment and support or the salary of a member of the management team is more important. The management is responsible for cutting the number of beds, and the mind boggles at the level and cost of management in the Health Service in Northern Ireland. I support the motion.

**Mr Girvan:** I, too, support the motion. There is no point in going over all the facts and figures. Everyone seems to be aware of the issue and the impact that the reduction from 23 to 16 beds will have. That is probably most true of the consultants who wrote to the trust outlining their fears that the closure of beds will stretch further an already stretched service.

The lack of consultation has been highlighted. The decision was made that, on 1 October, there would be a dramatic one third reduction in the number of beds, and there was little or no consultation with anyone outside the Belfast Trust.

**Mr Easton:** Does the Member agree that when the Committee for Health, Social Services and Public Safety took evidence from the trust, there seemed to be a serious disagreement between the neurological consultant and the management of the trust and that it was clear that the specialist was upset at the cuts?

#### 4.00 pm

**Mr Girvan:** I thank the Member for his intervention. At that meeting of 14 October, it was evident that there was a definite disagreement about the way in which the cuts had been brought forward.

We have to support bringing back the beds, because, according to the calculations of the Royal College of Physicians and the Association of British Neurologists, neurology beds are drastically under-resourced. Jonathan Craig mentioned that savings could be made, and there are areas in which savings must be made. However, neurology is not an area in which to seek cuts or try to tinker around the edges. At the end of the day, the issue is one of closing beds that are already being provided in a hospital.

We invest money in treating people in a specialist unit where they will receive first-rate

care. However, we understand from what other Members said that some neurology patients are now being treated in general wards. Tommy Gallagher said that a number of patients are in ward 7, which, I understand, is a general ward. I am not suggesting that they do not receive proper treatment there, but the specialist treatment that they would receive in a neurology unit would be of the appropriate standard to deal with their conditions.

Given that the Belfast Trust was providing neurology services not only within its own area but to the whole Province, we have no alternative but to ask the Minister to revisit the decision. The Belfast Trust should have engaged with every other trust on the matter, and the Health Department should have taken the lead on how it moved forward. The Minister cannot wash his hands of the fact that he and the Department should have been giving direction. At the end of the day, he will be the one to suffer for not doing that. I support the motion.

**Mr McCallister:** I thought that Mr Girvan was going to widen the debate and say that the entire health budget was “drastically under-resourced” — I think that he used that phrase. Had he done so, I would have concurred with him. I am sure that the Minister will give us the figures to show that our Health Service is more than £600 million behind the equivalent services in the rest of the country.

Neurological conditions have a huge impact on those who suffer from them, their families and their carers. I pay tribute to all the groups that represent such individuals and families and provide the support that many of them need. They have a tremendous impact on the lives of sufferers and their families.

Members and colleagues from the Health Committee spoke about the delivery of services and the Belfast Trust's decision to cut beds. I agree with the observation that Mr Easton made during his intervention. Neither the Belfast Trust's handling of the decision nor its performance in front of the Health Committee provided any comfort or confidence that alternative service arrangements were in hand. The people within the team who presented evidence sent out different messages. That was worrying, and it is probably the main reason why the debate is taking place today. We want to find out the facts behind that presentation to the Health Committee.

There were concerns about the reduction in beds from 23 to 18, and then a further two beds were moved to stroke services. The trust made the case that the reduction would not limit care. I urge the Minister to stay in close contact with the trust to make sure that the reduction does not have any detrimental impact on care, on those who depend on the service, or on their families.

I am quite confident that the Minister will do that as this new system goes forward, to make sure that the necessary support and services are put in place and kept there. After all, we have to focus on the outcomes. What provides the best outcomes for the patients for whom we seek to provide care? The outcomes should be the best. We want to see no reduction in the quality of outcome for each patient.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I welcome the opportunity to talk about regional services for those suffering from neurological conditions. I will begin by explaining what is meant by the term “neurological conditions”. They are the most common causes of serious disabilities and have a major but often unrecognised impact on health and social services. Neurological conditions can include Parkinson’s disease, Huntington’s disease, multiple sclerosis, muscular dystrophy, motor neurone disease, spina bifida, stroke, brain injury, epilepsy, cerebral palsy, and so on. It is a long list that covers some very challenging conditions.

The specialist neurology unit at the Royal Victoria Hospital is a key part of a network of the neurology services for Northern Ireland. The unit sits at the centre of a service that extends out to other hospitals across the Province. It is a service providing diagnosis, care and support for a wide range of conditions. Last year, over 31,000 people were seen at neurology outpatient services and 1,303 patients were admitted for specialist neurology work as day-case patients or inpatients. People with a neurological condition may also be treated by general physicians or care-of-the-elderly physicians, either on an outpatient or an inpatient basis. In addition, there is an important role for the patient’s GP and others, including allied health professionals such as physiotherapists.

The reason why we are here today is to discuss the recent reduction in beds in the

specialist neurology service in the Royal Victoria Hospital. The delivery of services at the Royal is, of course, a matter for the Belfast Health and Social Care Trust, since it is the service provider. It is responsible for providing the regional service, and that is why it is the trust’s responsibility. Had it decided to reduce the service, that would have been a different matter, and I will elaborate on that now, but the trust is confident that it will continue to provide the service that it is responsible for.

**Mr Wells:** If the Belfast Trust was providing a regional service and carrying out a reconfiguration — let us not call it a reduction, but a major change to how that service is delivered — why did it not consult the other four trusts that depend on that? I have met the chief executive of three of those trusts and they were not consulted in any shape or form about the major change to that service.

**The Minister of Health, Social Services and Public Safety:** The trust is responsible for providing a regional service. It will continue to provide the regional service at the same level as it had been providing it. Had it decided that it was going to reduce that service, it would have been required to go to the other trust, but the other trust will receive exactly the same service. That is its assurance.

The trust has advised me that the reduction came about following a programme of modernisation within the neurology service. The key aim of that work is to provide safe, high-quality, effective care in a more efficient, responsive and flexible way. The trust assessed the provision of services at the Royal. A key element was looking at comparable neurological units in other parts of the UK so as to benchmark the services here with practice elsewhere.

Members will be aware that they have pressed me constantly over three and a half years to be more efficient. Although the unit in the Royal offers high quality clinical care, it appears that patients stay longer than in other areas of the UK. Also, patients who elsewhere may be managed on an outpatient or day-case basis may be more likely to be admitted in Belfast. The aim must be to improve the local services with a view to reducing the length of time that patients spend in hospital. That has meant looking at pathways of care for patients to ensure that there is quick and appropriate diagnosis and effective treatment so that



patients stay in hospital only for as long as necessary.

An important element in that is the use of a ward sister to clinically co-ordinate the admission and discharge of patients. She will accurately schedule inpatient activity with the neurological service to ensure that there are no delays either pre- or post-assessment. That will improve the movement of patients within the hospital and provide the most timely interventions and treatment. The trust will also ensure the provision of services on a day-case basis and outpatient basis in preference to inpatient stays, where appropriate.

I have been absolutely assured by the trust that the reduction in beds will not impact on patient care. In fact, I have been advised that, since the change, not all beds are full, because services are provided to patients on an outpatient basis. That is despite Mr Gallagher's understanding, and I would be interested to know what that understanding is. If he will communicate it to me, or even write to me, I will be happy to investigate his allegations about waiting times, and so on.

It is essential that we stop focusing on beds and rather start focusing on ensuring that patients have the right care at the right time in the right place. People must not stay in hospital unless they absolutely have to. What is more, on the one hand, I am being asked to make efficiencies, yet, on the other hand, when I start to make those efficiencies, the work is criticised. I assure the House that if patients need to be admitted to hospital, I will ensure that trusts have the right number of beds in the unit to allow that to happen. However, our focus should, rightly, be on helping people to manage and cope with their conditions without the need to go to hospital.

The decision to reduce beds was not, as some have suggested, an arbitrary cut. The decision was, in fact, carefully planned and managed to provide an improved service to the patient. Nobody wants to be in hospital a minute longer than is necessary, and some of the improvements will help to ensure shorter stays.

**Mr Gallagher:** Will the Minister give way?

**The Minister of Health, Social Services and Public Safety:** I repeat that people can be admitted on the morning of a procedure rather than the night before. People can be discharged

more quickly, thereby ensuring a shorter stay. Some people may be able to have tests and procedures done as an outpatient rather than have to stay in hospital for them.

I have been specifically asked to take measures to reinstate a number of neurology beds. With the steps to improve current services, there should be no need to reinstate beds at this time. However, if there is pressure on beds and more are needed, I will ensure that additional capacity is provided. I believe that the service is well placed to meet the pressures that it faces in providing its vital role for the whole of the Province.

I accept that some medical staff and clinicians were unhappy with the decision. The trust assures me that it is continuing to consult staff on the matter and will take on board their concerns. There has also been speculation about the effect of the changes in the specialist input unit for stroke services.

Mr Gallagher wanted to intervene.

**Mr Gallagher:** I have almost forgotten why. The Minister has moved on a bit from the point on which I wished to intervene. He said that, essentially, the Belfast Trust improved the service and that it is now a better service. However, can he explain why, at the Committee, senior clinicians from the trust disagreed with those who tried to tell us that it is a better service? The senior clinicians are the people who work on the ground.

We need to get the full picture of the work that the Belfast Trust did to arrive at this point. There is great doubt over the agreement, given the differences of opinion between the administrative side and senior consultants.

**The Minister of Health, Social Services and Public Safety:** I know that Jim Morrow had something to say in Committee and that he expressed his concerns. Discussions have been ongoing in the unit.

The Member wants to know how the decision was arrived at. I have just explained it to him. I said that it was arrived at by running through things such as benchmarking against comparable units in the rest of the UK to determine what services could be provided on an outpatient basis so that there could be shorter stays and fewer inpatient procedures. However, the Member talked about a concern



that he has and his understanding of the issue, and I am keen to hear from him. If he writes to me, I will investigate the matter for him.

I assure the House that the reduction in beds should have no impact on stroke care. Indeed, four hyper-acute stroke beds are being opened in the Royal Victoria Hospital.

We need to remember that stroke services are, and will continue to be, provided in stroke units at 12 hospitals across Northern Ireland. Jim Morrow's concern related to stroke services in Belfast at weekends, but the City, the Ulster and the Mater hospitals each have a stroke unit. I believe that Dr Morrow was on duty in the Royal that weekend. He is a serious clinician, and he has concerns. I have asked the Belfast Trust to ensure that those concerns are addressed.

#### 4.15 pm

It is important to note that the majority of people who suffer a stroke are likely to be cared for by a care-of-the-elderly physician. A small proportion may benefit from thrombolytic or clot-busting therapy and receive specialist input from a neurologist. The current hyper-acute service is offered across the Belfast Trust on an age-related basis to patients who meet the relevant criteria. I want to be clear that the trust has confirmed that there has been, and there will be, no change in that service.

I remind Members that, in recent times, I pushed through other significant developments that will assist people with neurological conditions. One example is the acquired brain injury action plan, which was published in July and outlines a care pathway for people with mild brain injury and those with moderate-to-severe brain injury.

As Members are aware, I announced an investment of £50,000 in a neurological practitioners' network earlier this year. Alex Easton referred to that as a "token gesture". Mr Easton should reflect on that every time he gets up to vote for cuts to the Health Service, which he has done on a number of occasions. I invested £50,000 to develop, encompass and co-ordinate different elements of neurology such as education, support and therapy. Those are all essential to ensuring the best possible outcomes. The aim is that a network will involve healthcare professionals from all neurological services working together to improve communication, support and access.

The network will be well placed to explore the different models of service delivery.

I have also commissioned the Health and Social Care Board to carry out a full evaluation of the effectiveness of the implementation of the 30 recommendations of the 2002 'Review of Adult Neurology Services in Northern Ireland'. In parallel with that evaluation, departmental officials are reviewing the continued appropriateness of the recommendations in light of guidance from the rest of the UK.

I understand Members' concerns in this area. I took a hard look at the question of when is a cut a cut and when is it an efficiency or a modernisation. We are looking at a service that is modernising. We have made great strides in the treatment of strokes, for example, and this is part and parcel of that. As I said to the House, if it appears that we have a shortage of beds, I will make sure that the unit has the bed capacity.

Mr Brady said that we do not need the stress of cutbacks. I do not understand why he keeps voting for them. He votes for cutbacks to the Health Service. He votes for £700 million of efficiencies to be taken out of the Health Service. Where does he believe the efficiencies will come from when he talks about not needing the stress of cutbacks?

Mr Craig spoke about the cost of management in Northern Ireland. The cost of management in Northern Ireland is extremely low. From memory, I think that it is around 3.5% of the budget. For the benefit of Mr Craig, I remind him that I am the only Minister to introduce the review of public administration. We reduced the number of trusts from 19 to six, which means that the number of chief executives and boards have also reduced from 19 to six. I reduced the number of health boards from four to one. I took step after step to reduce numbers, and I believe that we made huge progress.

The progress that I would like to be made now is for people such as Mr Craig, Mr Easton and Mr Brady to be prepared to stand up for the health and social care service and to vote for the funds that are required to keep it going. Believe me: it fills me with dread when I think about where we will be in three or four years' time a result of cheese-paring and proposals to slash the Health Service budget once again.

I remind Members that they voted through a Budget here six months ago that took well over £100 million out of the Health Service. That was in addition to other cuts, and it was done in-year. Where do you think that money comes from? The pain goes into the Health Service, to patients, and to the delivery of services. There are no easy answers to this issue, other than to be prepared to stand up for your Health Service.

**Mr Wells:** In these debates, it is normal for the Member doing the summation to go through the various arguments made by honourable Members on the issue. That is what I had intended to do until I opened my post this morning and read a copy of a letter dated 29 September 2010, which was addressed to Dr Tony Stephens, who is the medical director of the Belfast Trust. The letter is signed by nine neurological consultants based in Belfast, including the leading neurological consultants in Northern Ireland.

The only people who seem to be in favour of the decisions are the Belfast Trust, ably assisted by the Minister. Patients are totally opposed to it, as are groups that represent people with conditions such as epilepsy, motor neurone disease and multiple sclerosis. However, most significantly, those who are at the coalface and who are leading consultants with several hundred years combined experience of this particular issue are totally opposed to it.

We got a glimpse of that at the Committee's public hearing on the issue. It was a unique experience to see leading officials from the Belfast Trust being contradicted by someone who knows exactly what he is talking about. I wish to put on the record a few of the comments made in the letter, which, I think, are explosive. The consultants said:

*"Despite our opposition and advice that this will lead to delayed diagnoses and treatment, translating into worse patient outcomes, the Belfast Trust decided to downgrade the number of available beds within the unit from 23 to 15, a cut of 35%. Regrettably, the Trust only decided to enter into consultation with us after already deciding to cut these beds."*

Therefore, we have a situation in which the four health trusts that feed into the Belfast Trust, because it is a regional service, were not consulted. The charity groups that represent sufferers of neurological conditions were not consulted, the patients were not consulted, but,

fundamentally, the consultants in the Belfast ward who were expected to implement the decision were not consulted. The letter goes on to say:

*"The Trust has indicated that the bed closures are to bring us into line with other parts of the United Kingdom. It seems to believe that reducing the number of beds will reduce the average length of stay, while maintaining the same number of patients being treated. No means of achieving this has been suggested. It is already the case that patients awaiting urgent transfer from other hospitals can wait for days to weeks, and patients awaiting urgent admission for diagnosis, treatment and assessment can wait for 3 months or more."*

That was the situation before that decision was taken. What will happen with a 35% reduction in the number of available beds?

The letter becomes more difficult for the Department and the trust to explain. It goes on to say:

*"The 35% reduction in neurology beds actually underestimates the problem. In 2009-2010, the most recent complete year, patients actually occupied an average of 24.8 beds within the Regional Centre. We therefore already overspill our stated number of beds, representing actual bed occupancy of 107.8% ... yet an overstretched service is now earmarked for a 40% cut in resources."*

That is difficult to explain. The letter adds:

*"It is estimated that to provide 24hr acute care for neurology in the UK, 15 beds/100,000 of the population are required. The proposed change would take us to <1/100,000 of the population."*

I have worked out that that is close to being correct, with 1.7 million people and 15 beds. It works out at over one bed per 100,000 people in Northern Ireland. The letter adds:

*"This is particularly serious since 18-20% of medical inpatients have neurological problems, there is declining confidence among non-neurologists about dealing with neurological disease and symptoms, and there are seven hospitals in Northern Ireland with A&E departments that do not have a resident neurology service – Causeway; Daisy Hill, Erne; Lagan Valley; Downe; Belfast City and the Mater. Even in hospitals outside Belfast that have a neurology service on-site, there is no out-of-hours provision. The unit at the RVH provides the only 24hr on-call service for Neurology in Northern Ireland accessed by GPs, hospital physicians and A&E units."*

The consultants go on to outline the consequences of that decision. Again, I emphasise that they are the experts. I have a degree in town planning, and I must say that I was a complete novice on this issue before I became the Chairperson of the Committee for Health, Social Services and Public Safety. I respect the views of people who know best; those who are at the coalface and who deal with those patients. Let us hear what they say; not the Department, the Minister or the Belfast Trust. What do they say will happen?

They say that:

*"Fewer patients with neurological disorders will be managed within the Regional Centre. Patients will have to be transferred to centres in GB or the Republic of Ireland for acute neurological care."*

How does that square with trying to use resources efficiently? How does it lead to improved service when thousands of pounds are to be spent on transferring patients and their carers to GB and the Irish Republic in order to maintain the current level of service?

The consultants also state that:

*"Diagnosis and appropriate treatment will be delayed. More patients with neurological disorders will have suboptimal care. Patients with acute neurological disorders and are admitted to hospitals outside Belfast will find it almost impossible to be transferred to the Regional Centres — currently about 80% of patients in the unit reside outside the Belfast Trust area."*

I must return to the issue that the Minister has neatly sidestepped. He keeps saying that responsibility for the service lies with the Belfast Trust, which is technically correct. However, it delivers that service to all of the people of Northern Ireland, including on behalf of the other four trusts. As it happens, for various reasons, during the past two weeks, I met three chief executives of those other trusts. There had been no discussion with them, nor had there been any with consultants. They were not consulted. No matter whether it is neurology or any other service, if the Belfast Trust provides a regional service for all of Northern Ireland, there must, at least, be a six-month consultation period to seek views from other trusts. I can tell the House that some neurologists outside the Belfast Trust do not agree with the Minister that it is an entirely new and more efficient service.

The consultants go on to state that:

*"Patients with neurological disorders will be even less likely to have nursing care from those experienced in managing such conditions. Patients will be even less likely to be managed by therapists — physios, OTs, speech and language therapists etc — who have neurological experience."*

The letter goes on and on. The final paragraph of the letter, which will be in the public domain after the debate, is particularly telling. Remember that it was written on 19 September. It states that:

*"If the change proposed to the Regional Neurology service goes ahead as planned on October 1st, it will cause irreparable damage to acute and diagnostic neurology services in Northern Ireland. Those patients who still manage to access the Centre will also be housed in accommodation that is unsatisfactory in almost every respect, falling well short of what anyone would reasonably expect in the 21st century for patients with neurological disease. The plan is ill-judged, ignores clinical opinion and patient need, and appears driven by expediency. We would urge you to review and reverse this decision."*

The letter is signed by nine consultants who operate that unit.

Need I say more about how ridiculous that decision is? I accept that there are times when we receive information on efficiencies and cuts in the Assembly and, when we listen carefully to the Department, we eventually see its side of the story and accept that it has made a balanced decision. However, I can find absolutely no logic whatsoever in this decision.

I pay tribute to all those who spoke in the debate, particularly George Robinson, who has carried the torch on this issue for many people, not only in East Londonderry, but throughout Northern Ireland. He is to be congratulated for raising the issue. He emphasised the fact that 35,000 patients in Northern Ireland — indeed, there was some dispute about that figure, with some Members suggesting that there are even more — suffer from wide-ranging conditions that include epilepsy.

Mickey Brady raised an issue that perhaps should have been debated further: in addition to the reduction in the number of beds, the number of single-bed wards that are available for those who have neurological conditions has been cut. Those who represent people with epilepsy emphasise how difficult it can be for someone who suffers from that condition if

he or she has an epileptic fit in an open ward, how embarrassing it can be, and why it is so important to have single-bed wards available for them and for people who suffer from other complex conditions. Few have mentioned that as an issue of great concern.

Mickey Brady also mentioned the lack of consultation with other trusts. Samuel Gardiner, quite rightly, paid tribute to staff. No one is criticising the staff, who provide a first-rate service. That does not stop us from making critical comments about those who cut that service.

#### **4.30 pm**

Tommy Gallagher, who has done an excellent job on behalf of people west of the Bann on this issue, outlined the issues of delays and the lack of consultation. Chris Lyttle mentioned the £50,000 grant towards improving the service. There is not much sense in paying £50,000 and then implementing such a drastic cut.

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

**Mr Wells:** I ask the Minister to go back to the drawing board and totally review that decision.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes with concern the cut in specialist neurology beds at the Royal Victoria Hospital; acknowledges that the Belfast neurology unit is a facility for all of Northern Ireland; and calls on the Minister of Health, Social Services and Public Safety to ensure that the beds are reinstated so that patients with neurological conditions have equal access to specialist treatment.*

*Adjourned at 4.30 pm.*









Published by Authority of the Northern Ireland Assembly,  
Belfast: The Stationery Office

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ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325

Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited

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ISBN 978-0-339-50445-5



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